

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



LEESA MANION (she/her)
PROSECUTING ATTORNEY

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February 1, 2023

Dear Public Safety Committee of the Minnesota House of Representatives,

My name is Kimberly Wyatt, and I am a Senior Deputy Prosecuting Attorney from King County, Washington. I am grateful for the opportunity to share the importance of having an Extreme Risk Protection Order law and wish to share specific examples of how it has worked to save lives in our state over the past six years.

As our nation faces the most recent tragedies and senseless losses of life in Monterey Park and Half Moon Bay California, and here locally in Yakima, Washington (to name just a few recent mass shootings) our nation grieves, as it all too frequently does in the aftermath of mass shootings. I am writing today, speaking from on the ground experience, to say that we have an accessible and viable opportunity to get ahead of these tragedies and create a workable path forward. It is time for us to systematically act and lean into the tools that can make a difference in curbing firearm violence, including suicide. One of those tools is the Extreme Risk Protection Order.

Extreme Risk Protection Orders are a critical tool to intervene to prevent a firearm-related tragedy from occurring. Countless reports published by the US Secret Service and others have found that the majority of people who intend to do harm (to themselves or others) share that information with others, in one form or another. Being alert to that information, being primed to competently intervene and having the legal tools to do so during those brief windows of opportunity are key to saving lives. Extreme Risk Protections Orders and engaging in efforts to effectively implement them, are how our Unit, the Regional Domestic Violence Firearms Enforcement Unit (RDVFEU), has helped intervene and disrupt potential suicides, school threats, mass shootings, and other threats to community safety since our Unit was formed in January 2018.

Using a harm-reduction model and triaging risk, our Unit assists law enforcement and family or household members to file ERPOs in cases where there is a credible threat of self-harm or harm to others. Extreme Risk Protection Orders allow family members and law enforcement (who have seen warning signs), to immediately (at the time of crisis) come before a court and petition for a temporary order that prevents the at-risk individual from purchasing and possessing firearms. Intervening at the time of warning signs and threats can make the difference between

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life and death. Contrary to some of the unfortunate rhetoric around ERPOs, due process is built into every step, as judicial officers oversee each phase.

Case Examples of ERPO in King County, Washington

For context, King County Washington has a population of approximately 2.2 million people and is comprised of more than 30 different law enforcement agencies. The county has densely populated urban areas like Seattle but also contains many suburban and rural areas. In 2022, our Unit assisted with 92 ERPO petitions. The number of petitions filed each year has been at, or around, that rate since we began in 2018. ERPOs are a specialized intervention, not a blanket response, as some try to argue. What you will see from the case examples below is that these targeted interventions were successful in putting critical space and distance between someone threatening harm to self or others and their access to firearms.

ERPOs are singularly focused on temporarily restricting access to firearms **for those who pose a danger of harm to self or others**. Firearm owners in general need not fear and should support the use of ERPOs in these narrow and high-risk situations. As a distraught father below mentioned, this is “just common sense.”

Suicide Prevention:

A father reached out to our ERPO email, expressing concern that his son was actively suicidal, had access to firearms, was emotionally unstable and had a significant substance abuse issue. An ERPO was filed to temporarily remove the firearms from the home. The father testified at the hearing and told the court that he “believes in the law of common sense” and that the ERPO was needed to protect his son and family. As many experts in suicide prevention share, suicidal thoughts are often temporary and attempts impulsive, but having access to a firearm during that period of crisis, however fleeting, is often fatal (compared to other means).

Crisis Behaviors:

Law enforcement responded to a crisis call of an individual who had displayed over 20 firearms with loaded magazine clips on his front lawn. Most troubling to law enforcement was the fact that the firearms were within reach of a well populated residential street where children were playing. The individual was experiencing delusions and believed that he was “700 billion years old”. A temporary ERPO was obtained, and the firearms were secured by law enforcement while the individual was evaluated for a mental health hold.

Threats to Others- Preventing Workplace Violence:

A federal employee made threats of mass violence towards his employer after he was placed on leave. The employee made threats that included a reference to a “massive massacre in the federal workplace” and stated that he had nothing to live for and that it was going to be “a blood bath.” He also explicitly named his former managers in several of the threats. Our Unit was contacted to assist with the filing of an ERPO. While federal law enforcement was investigating

the threats, the employee traveled out of state. A temporary ERPO was obtained. With the cooperation of law enforcement in a multi-state and multi-jurisdictional investigation, the respondent was served with the temporary ERPO and the firearm parts that the respondent had purchased were intercepted by law enforcement before he could carry out his plot. The ERPO also prevented the future purchase of other firearms while the order was in place.

Every example above illustrates the importance of acting when there are words, actions or behaviors that form a reasonable belief that someone may be a danger to themselves or others. In so many situations, we do not get a second chance to intervene. Extreme Risk Protection Orders are that critical intervention tool that can save lives. I know firsthand. Every state in the nation deserves to have this lifesaving legislation.

Thank you for your time.

Best regards,

/s/ Kimberly Wyatt

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