

It is the policy of the Sheriff's Office to respect and protect the constitutional rights of all those we serve. The El Paso County Sheriff's Office will ensure that the rights of people to be free from unreasonable search and seizures, and to receive due process of law, are safeguarded and maintained. These protections are reflected in our mission statement, the law-enforcement code of ethics and codified in our policies.

The El Paso County Sheriff's Office is further committed to safeguarding the community from the potential risk of imminent harm created by significantly mentally ill people who have access to firearms and have exhibited behaviors that create a public safety concern.

Regarding Extreme Risk Protection Orders; in brief, it is the policy of the El Paso County Sheriff's Office that once an extreme risk protection order is granted by the courts, members of the El Paso County Sheriff's Office will evaluate the entirety of the order, conduct a risk analysis to determine what resources and personnel are necessary, and establish operational plans to safely serve the order as required.

A member of the El Paso County Sheriff's Office will not petition for an ERPO or TRPO unless exigent circumstances exist, and probable cause can be established pursuant to 16-3-301 C.R.S. that a crime is being or has been committed. Any ERPO submitted by a deputy shall be submitted in conjunction with a petition to the courts for a Court Ordered Evaluation (M1) pursuant to 27-65-105(1)(b), C.R.S., and 27-65-111(6), C.R.S.

The deputy serving the order shall fully explain the contents and requirements of the order, as well as request that the Respondent surrender any firearms in his/her possession or control, along with any concealed handgun permit issued. Because the extreme risk protection order requires that the respondent surrender all firearms, one of following three ways will be offered to the Respondent:

1. sell the firearms to a licensed firearms dealer,
2. arrange for storage at the Sheriff's Office evidence facility or
3. in the case of an antique, curio, or relic firearm, may transfer the firearm to a relative who does not live with the respondent.

Deputies will be authorized to seize any firearm in "plain view" or pursuant to any consent or other lawful search. Any "plain view" or consent search must be done in accordance with Colorado revised statutes and current policy regarding the plain view doctrine or search warrant waiver.

The deputy will determine, to the best of his or her ability, ownership and title to any firearms located. While the extreme risk protection order authorizes the Office to seize firearms in the respondent's possession and control, a deputy will issue a receipt for any handgun permit or any firearms collected pursuant to that order and provide a receipt to the Respondent. Any permit or firearm seized shall be placed in evidence for safekeeping.

Absent probable cause **and** a signed search warrant, members of the Sheriff's Office will not conduct searches for firearms.