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COMMENTARIES

Extreme Risk Protection Orders (red flag laws) in Minnesota – a year of evidence-based prevention

The data can show us whether the law that took effect at the start of 2024 is working as intended.

By James Densley and Jillian Peterson

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Extreme Risk Protection Orders save lives. (STEVEN M. FALK/Tribune News Service)

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On Jan. 1, 2024, Minnesota enacted its Extreme Risk Protection Order (ERPO) law, empowering law enforcement and family members to petition courts to temporarily remove firearms from individuals at risk of harming themselves or others. Commonly referred to as “red flag” laws, ERPOs are a proactive tool designed to prevent firearm-related tragedies, including suicides, mass shootings and domestic-violence-related homicides.

Now, with a full year of data available, we can assess whether the law is working as intended.

What the data tell us

Over the past year, 135 ERPO cases were filed in Minnesota, according to Minnesota Court Records Online. The data show that law enforcement officers initiated the majority (71%) of petitions, followed by family members (16%). Courts granted 95% of temporary petitions lasting 14 days and 78% of long-term ERPOs lasting between six and 12 months, suggesting that judges found substantial evidence of immediate risk in most cases. Notably, dismissed cases were more often filed by family members rather than law enforcement, which may indicate challenges in navigating the legal process for some families.

The effectiveness of ERPOs is evident in the range of crises they helped prevent. The overwhelming majority of respondents were male (93%) and white (83%), with an average age of 40 – older than the typical crime perpetrator. Notably, nearly a quarter (22%) had children living in their homes, highlighting the role ERPOs play in protecting vulnerable family members. Many respondents had prior involvement with the legal system or mental health crises: 58% had a history of suicidality, 41% had documented mental health issues and 40% had substance use concerns. Additionally, 15% had prior arrests, and 50% had civil court histories, often related to divorce or child support disputes.

Addressing imminent threats

ERPOs were issued in response to a range of high-risk scenarios, with 36% of cases stemming from domestic violence-related incidents and 25% involving individuals experiencing psychosis. During a psychotic episode, one respondent feared his upstairs neighbor was controlling his mind and attacking him, so he pointed a gun at the ceiling. Law enforcement intervention ensured he received mental health care and had his firearm temporarily removed.

In 29% of cases, authorities intervened to prevent a potential murder-suicide. For example, one suicidal individual, who had sent a picture of himself holding a gun to his head and also threatened to kill his father, was prevented from accessing additional firearms through an ERPO.

Threats directed at law enforcement accounted for 17% of cases, reflecting the urgent need for intervention in volatile situations. For example, one man threatened to “go to war” with police, implying he would engage in a shootout. Officers intervened before he could act on these threats.

The data also reveal the scale of firearm removals. The number of guns seized per case ranged from one to 47, with an average of three firearms per respondent.

Beyond the numbers, however, individual case examples illustrate the tangible impact of ERPOs in preventing tragedies. In one domestic violence case, a respondent with a history of burning his wife with cigarettes, making death threats, and committing sexual assault had firearms removed from his possession. In another case, a student posted photos of an assault rifle and ammunition on social media, leading to concerns about potential school violence. A subsequent investigation found the student had previously injured himself while handling a firearm and had exhibited disturbing behavior.

Situations such as these demonstrate the versatility of ERPOs in addressing different types of crises – whether preventing mass violence, protecting domestic violence survivors or intervening in mental health emergencies. At the same time, the high rate of judicial approval suggests that these orders are being used responsibly and effectively, not just as a theoretical policy tool but as a practical, lifesaving intervention.

As usage of ERPOs increased over the year, particularly in the fall of 2024, it is clear that awareness and accessibility are key factors in the law’s impact. More research is needed to examine disparities in ERPO petitions across different communities, barriers faced by family members seeking protection and long-term outcomes for those subject to ERPOs.

In our years of [studying mass shootings](#), law enforcement and families often asked what they could have done – they recognized the perpetrator was in crisis but had no way to intervene before tragedy struck. Now they have a tool. By continuing to invest in firearm research (especially now that federal funding is uncertain and under threat) and expanding public awareness, Minnesota can ensure that tool is functioning as intended. The early evidence is clear: When used effectively, ERPOs save lives.

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