

INSTRUCTIONS FOR MANAGING EXTREME RISK PROTECTION ORDERS (ERPOs)

13 V.S.A. § 4054

Individual law enforcement agencies must manage ERPO records consistently across the state.

ERPOs are to be entered into NCIC as either Temp or Final Protection Orders, depending on the court paperwork itself. Do not delay entering these orders into NCIC.

The PLAINTIFF is the State of Vermont, therefore, ERPOs are managed by the agency covering the town where the **DEFENDANT** resides. (Opposite of regular protection orders.)

There is no specific PPN, because the protected person is considered to be the State of Vermont, so leave the Protected Person (PPN) field blank.

Required Verbiage

In the MIS field, include the following text:

TEMPORARY (OR FINAL) EXTREME RISK PROTECTION ORDER ISSUED (OR SERVED), NAME OF COUNTY, SUBJECT MAY NOT POSSESS, PURCHASE, OR RECEIVE FIREARMS OR DEFINED EXPLOSIVES. CONTACT ORI FOR CONDITIONS.

Make sure the MIS field reads as above (include the county, indicate whether issued or served and whether temporary or final (temp extended, final extended)).

Until further notice, email a copy of the NCIC Confirmation to jennifer.mucha@vermont.gov anytime an NCIC ERPO record is entered or modified. This is a required step, and compulsory for statistical & data collection, and for FBI reporting purposes.

HOW TO HANDLE BRADY STATUS

If the order is Temporary, Brady is N. Once the order becomes Final, Brady is Y.

The Vermont law states a person under an Extreme Protection Order may not possess or purchase a firearm or explosive. Federal Brady law does not include this state-based criterion. Therefore, until the FBI grants inclusion to this Vermont-based criterion, the Brady designator remains N on Temporary Extreme Protection Orders.

Required Condition Code

To accommodate this state-based disqualifier, use Protection Order Condition (PCO) Code 07.

PCO 07 is the state prohibitor to use when at the time of issuance, the court indicates that the subject is prohibited from possessing firearms. PCO 07 is to be used for both temporary and final Extreme Protection Orders.

For clarification, the use of PCO 07 is not tied to the use of the BRD Field (Brady Record Indicator as defined in Federal Law 18, USC 922).

*Until notified otherwise, **Temporary** Extreme Protection Orders remain BRD/N. Only when Extreme Protection Orders become **Final** should the BRD Field be modified to BRD/Y. And, PCO 07 is used all of the time, regardless of Brady status.*