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The Pennington Police Department would like to make you aware of a recently enacted provision to help address the concern for citizens in a mental health crisis who may have access to firearms. On August 15, 2019 New Jersey enacted the Extreme Risk Protection Order Act, established through NJ Attorney General Directive 2019-02. https://www.nj.gov/oag/newsreleases19/Extreme-Risk_Directive.pdf

Extreme Risk Protection Orders (ERPOs)—often known as “red flag laws”—empower families and law enforcement to prevent gun tragedies by temporarily restricting access to guns for individuals at an elevated risk of harming themselves or others.

If you (the “petitioner”) are asking for a temporary ERPO you will have to provide evidence the person poses a significant danger in the near future of hurting themselves, or another person, by having access to a firearm.

The court will need specific information on why the petitioner feels the person is a danger by owning, possessing, or having access to firearms. Some examples could be:

- Whether the respondent owns, has tried to purchase, or may have access to, firearms.
- Why you believe the person is dangerous to themselves or others.
- Have there been any recent acts or threats of violence in the last 12 months?
- Has the person violated any kind of protection order?

Providing Personalized Police Service

- Have the police been called to the home for acts of violence or mental health crisis?
- Has the person been arrested or convicted of a crime?
- Is there a history of violence on the part of the person that the petitioner is concerned about?
- Does the person the petitioner is concerned about have a history of stalking?
- Does the person the petitioner is concerned about have a history of substance abuse/addiction?
- Has the person been identified by a mental health provider as a danger?

HOW DO THEY WORK?

Extreme Risk Protection Orders are modeled on established systems of Domestic Violence and Sexual Assault Protection Orders with careful considerations for due process and standards for evidence. After a family member or law enforcement officer files a petition, the court holds a hearing and determines whether the person poses a serious threat of violence to themselves or others. If the evidence of a threat is upheld by a judge, the order is put in place for one year and can be renewed annually if necessary. The subject may request one hearing a year to rescind the order. Violation of the order carries a criminal penalty.

YouTube video about ERPO's:

https://youtu.be/x_mcusySwM