



## Michigan local government and law enforcement leaders' initial opinions of Michigan's new "red flag" law

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This report presents the views of Michigan's local government leaders, county sheriffs, local chiefs of police, and county prosecutors regarding Michigan's Extreme Risk Protection Order (ERPO) law, including confidence in training on proper ERPO implementation, in officer safety, and in ERPOs' ability to reduce gun violence, as well as reports on which agencies are developing formal ERPO protocols. These findings are based on statewide surveys of local government leaders in the Spring 2024 wave of the Michigan Public Policy Survey (MPPS).

The Michigan Public Policy Survey (MPPS) is an ongoing census survey of all 1,856 general purpose local governments in Michigan conducted since 2009 by the Center for Local, State, and Urban Policy (CLOSUP). Respondents for the Spring 2024 wave of the MPPS include county administrators, board chairs, and clerks; city mayors, managers, and clerks; village presidents, managers, and clerks; and township supervisors, managers, and clerks from 1,304 local jurisdictions across the state, as well as responses from 54 county sheriffs, 234 local chiefs of police, and 55 county prosecutors.



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## Key Findings

- As of spring 2024, local government leaders' familiarity with Michigan's new Extreme Risk Protection Order (ERPO) legislation was relatively low, with a bare majority of 53% saying they are somewhat (41%) or very (12%) familiar with it. Meanwhile, 25% are mostly unfamiliar, and 18% are completely unfamiliar with the state's new "red flag" law.
- Among those local government leaders with at least some familiarity, as well as among Michigan law enforcement leaders—sheriffs, local police chiefs, and county prosecutors—confidence in a range of issues related to the new law was also relatively low immediately following the enactment of the law in February of this year.
  - » Few local government leaders (29%), sheriffs and police chiefs (26%), or county prosecutors (21%) were confident that local non-law enforcement petitioners (e.g., mental health professionals or regular citizens) will use the ERPO process correctly.
  - » When it comes to confidence in local police officers' training in ERPO implementation, all three groups express concerns about whether local officers have sufficient training to know when an ERPO is appropriate or training on how to petition the court to issue one.
  - » And although 49% of local officials are confident that local law enforcement officers will be safe when serving an ERPO, only 32% of prosecutors and 25% of sheriffs and police chiefs are confident in officers' and deputies' safety under the new law.
  - » When asked in spring 2024 whether the new ERPO law will reduce gun violence, 24% of Michigan local government officials, 23% of county prosecutors, 16% of police chiefs, and 12% of county sheriffs were either somewhat or very confident it will; majorities in each group were not confident that ERPOs will reduce gun violence, although these views were surveyed before most Michigan officials had experience with the process.
- Fewer than half of Michigan local law enforcement agencies have developed a formal protocol that officers use to determine when an ERPO is appropriate, with 39% saying they have developed one they are satisfied with and another 10% with one they feel needs revision. However, larger law enforcement agencies—those with over 41 full-time personnel—are much more likely to say they have an ERPO protocol they are satisfied with (70%).
- When asked to describe what additional resources or support would be helpful for implementing the ERPO Act, the most common responses among sheriffs and police chiefs were the need for more training and education and for more clarity on the law.

## Background

In February of 2024, Michigan enacted the “Extreme Risk Protection Order Act” — sometimes referred to as a “red flag law.” This new law authorizes the application of Extreme Risk Protection Orders, or ERPOs, which temporarily prohibit individuals judged to be at high risk of harming themselves or others from purchasing or possessing firearms.

As specified in the new law, a petition for an ERPO can be filed with the court by several different categories of people, including family members, mental health professionals, and law enforcement officers.<sup>1</sup> For the order to be issued, the petitioner must “show that issuance of an extreme risk protection order is necessary because the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation.” Once a judge reviews the evidence to determine whether the petition meets the statutory standard and grants the order, law enforcement officers may remove an individual’s firearms for up to a year. The firearm owner has the right to contest the ERPO in court.

Supporters of the Michigan law hope that ERPOs can be used to decrease firearm-related casualties in the state of Michigan, such as the deadly shootings at Oxford High School and Michigan State University.<sup>2</sup> Because these kinds of red flag laws are relatively new nationwide, there have been few studies from other states exploring whether ERPOs are effective in removing firearms from the hands of potential mass shooters.<sup>3</sup> However, early evidence does suggest that ERPOs can be effective at reducing firearm-related suicides.<sup>4</sup>

Many Michigan local officials and law enforcement leaders have gone on the record to express concerns over restrictions on gun ownership. At least 53 counties, mostly in rural areas, have adopted resolutions to declare themselves “second amendment sanctuaries,”<sup>5</sup> and a few county sheriffs have joined the nationwide “constitutional sheriffs” movement that maintains county authorities, not the state, have the ultimate authority over local law enforcement decisions.<sup>6</sup> However, even conservative county officials in states with Republican-dominated legislatures, for example in Florida,<sup>7</sup> are making widespread use of ERPOs. And as of this spring, there have been no instances of Michigan law enforcement agencies refusing to execute an ERPO order.<sup>8</sup>

Earlier this year, Governor Whitmer signed an executive order establishing a Gun Violence Prevention Task Force.<sup>9</sup> In its initial meeting in October 2024, the Task Force began with the goals of “identifying root causes of gun violence, compiling and reporting relevant data, maximizing existing resources, soliciting perspectives from diverse community partners and recommending policies to save lives across the state”<sup>10</sup> including review of the state’s policies on risk protection orders.

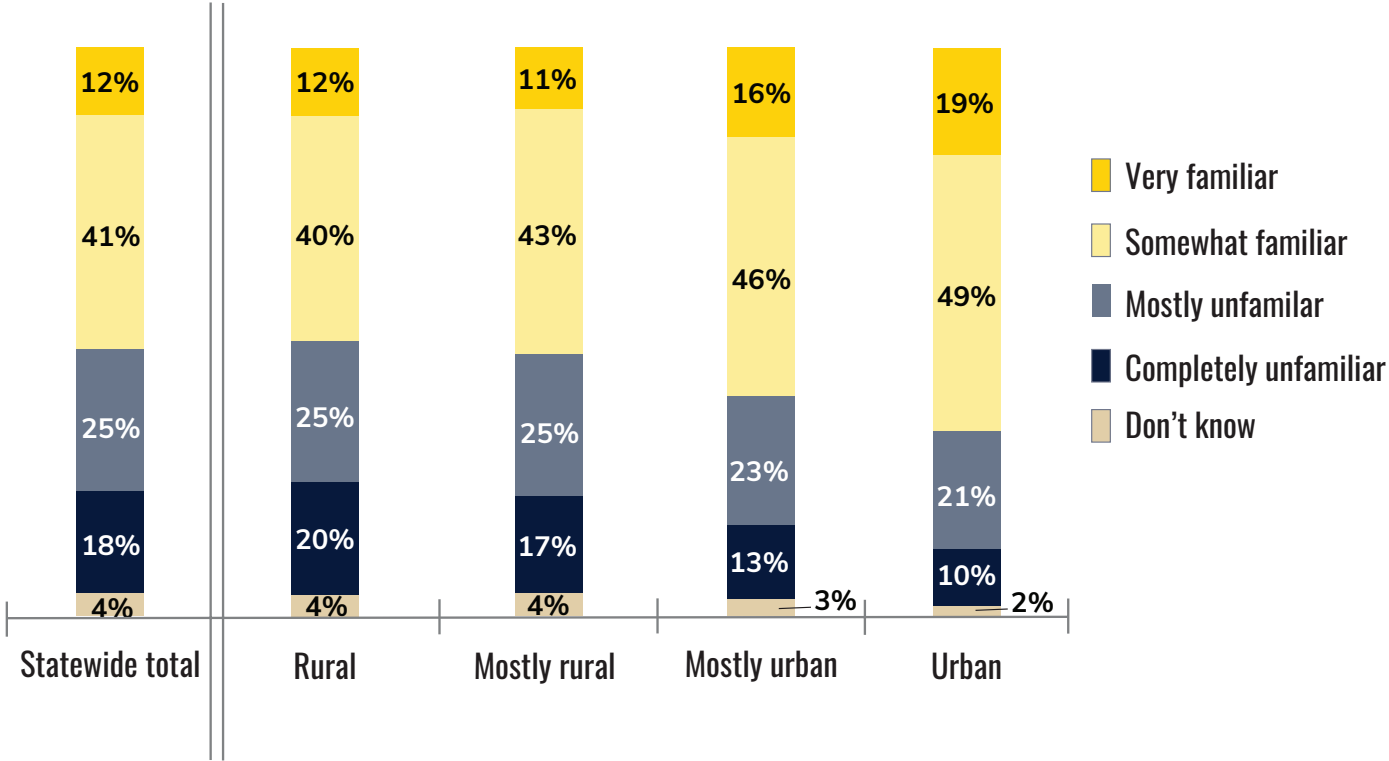
To learn more about the perspectives of local leaders with a stake in the implementation of this new ERPO law—including local government officials, elected county prosecutors, county sheriffs, and chiefs of police—the Spring 2024 MPPS survey asked local leaders a series of questions about their familiarity with, usage of, and confidence in various aspects of the legislation immediately after its introduction.

# A slim majority of local government leaders are familiar with the new ERPO law

Among Michigan’s county, city, village, and township leaders, 53% are very (12%) or somewhat (41%) familiar with Michigan’s Extreme Risk Protection Order (ERPO) legislation (see *Figure 1*). Meanwhile, 18% say they are completely unfamiliar, and an additional 4% are uncertain. Familiarity is higher in jurisdictions that consider themselves mostly or fully urban, with 68% of urban local leaders saying they are somewhat or very familiar with the law, compared to 52% of rural local leaders.

Township officials, as well as those representing the smallest jurisdictions (with populations under 1,500 residents), have the lowest levels of familiarity, with 20% among both groups saying they are completely unfamiliar with the ERPO law.

**Figure 1**  
Local officials’ familiarity with ERPO law, by rural-urban self-identification



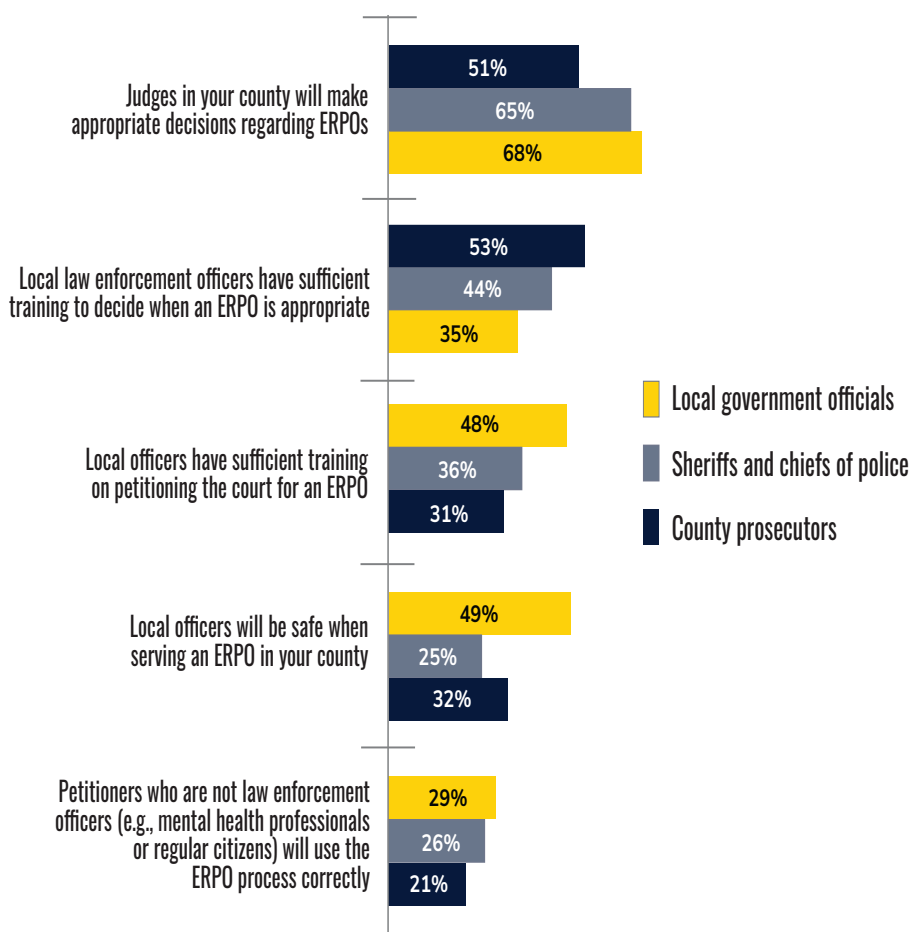
## Initial low confidence in effective implementation of ERPOs among all groups

Among Michigan local government officials, law enforcement agency leaders, and elected county prosecutors, confidence in various aspects of the implementation process for ERPOs is relatively low. As seen in *Figure 2*, a majority of local leaders (51%) and around two-thirds of sheriffs and police chiefs (65%) and prosecutors (68%) have confidence that their local judges will make appropriate decisions about ERPO petitions. Meanwhile, significantly fewer local leaders (29%), sheriffs and police chiefs (26%), or prosecutors (21%) believe that petitioners who are not law enforcement officers (e.g., mental health professionals or regular citizens) will use the ERPO process correctly.

As of this past spring, confidence that law enforcement officers have sufficient training to determine when to ask for an ERPO or how to petition the court to issue one generally ranges from 30–50% in all three surveyed groups. Confidence is particularly low among law enforcement leaders, suggesting a need for additional officer training on the implementation of the new law.

Although 49% of local officials are confident that local law enforcement officers will be safe when serving an ERPO, only 32% of prosecutors and 25% of sheriffs and police chiefs are confident in officers’ and deputies’ safety under the new law.

**Figure 2**  
Percentage of officials who are somewhat or very confident in various elements of implementing ERPO law, by public office



\*Note: Percentages for local government officials exclude those who are completely unfamiliar with the ERPO law.

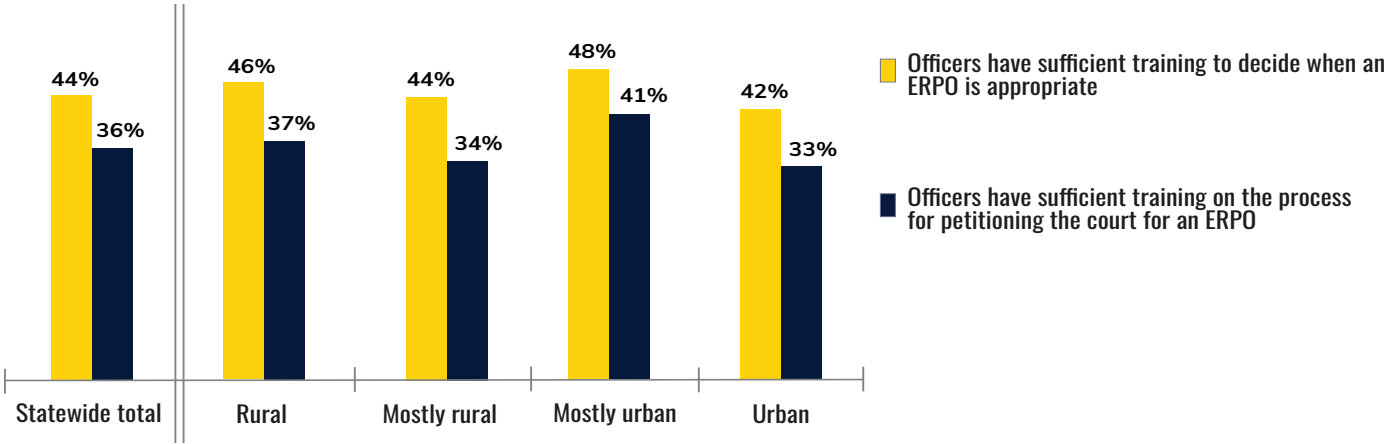
# Many sheriffs and police chiefs lack confidence in their officers' ERPO implementation training, but those from larger departments feel somewhat more prepared

Statewide, less than half of sheriffs and chiefs of police express confidence in their officers' training in either identifying a need for (44%) or petitioning the court for (36%) an ERPO. As shown in *Figure 3a*, there is little variation among rural and urban agencies in law enforcement leaders' confidence in the training of their officers on the ERPO process.

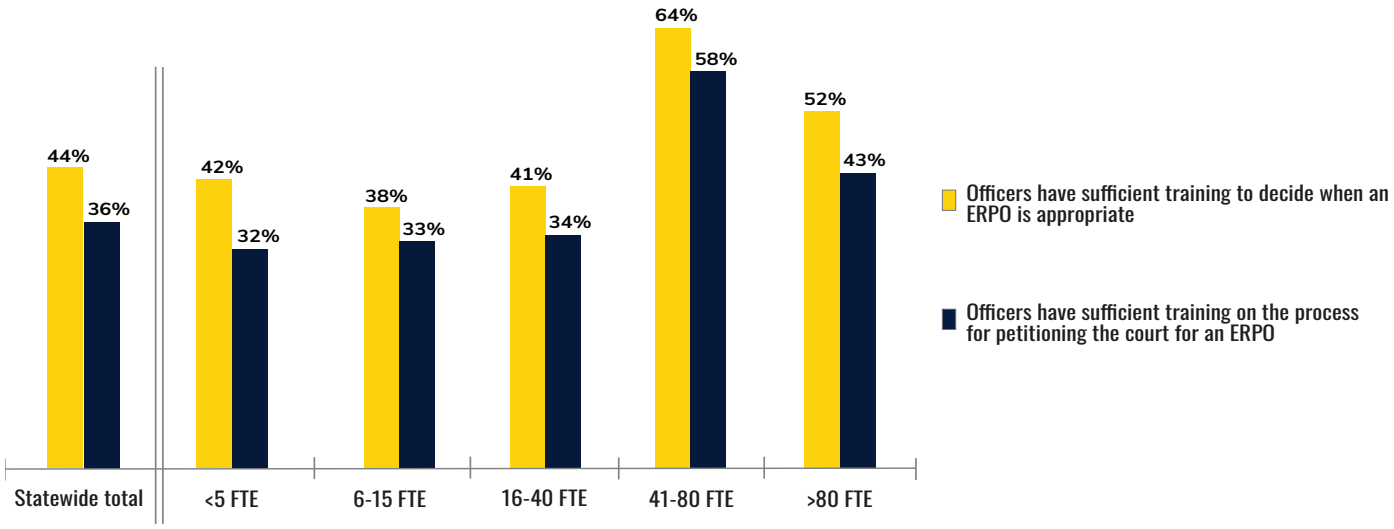
However, larger sheriff's offices and police departments are much more likely to indicate their personnel have sufficient training both to determine when an ERPO is appropriate and to take steps to enforce it (see *Figure 3b*).

Larger departments were also more likely to report that their officers would be safe when serving an ERPO, but more urban departments disagreed with this view, with 82% of respondents reporting that they were not very confident or not confident at all that their officers would be safe.

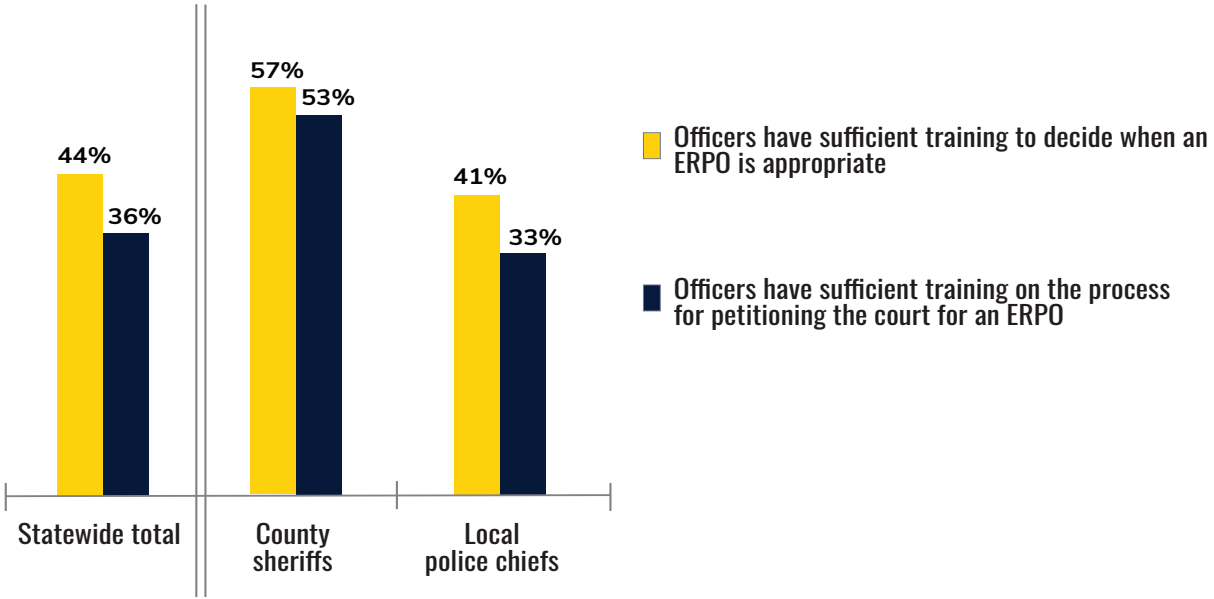
**Figure 3a**  
Percentage of sheriffs and police chiefs who are somewhat or very confident that local law enforcement officers have sufficient training on ERPOs, by rural-urban self-identification



**Figure 3b**  
Percentage of sheriffs and police chiefs who are somewhat or very confident that local law enforcement officers have sufficient training on ERPOs, by agency size



**Figure 3c**  
Percentage of sheriffs and police chiefs who are somewhat or very confident that local law enforcement officers have sufficient training on ERPOs, by agency type



And, as shown in *Figure 3c*, there are also notable differences between sheriffs and police chiefs, with sheriffs significantly more confident that their deputies have sufficient training on making decisions regarding ERPOs (57%) and petitioning the court (53%) than local police chiefs are about their officers (41% and 33%, respectively).

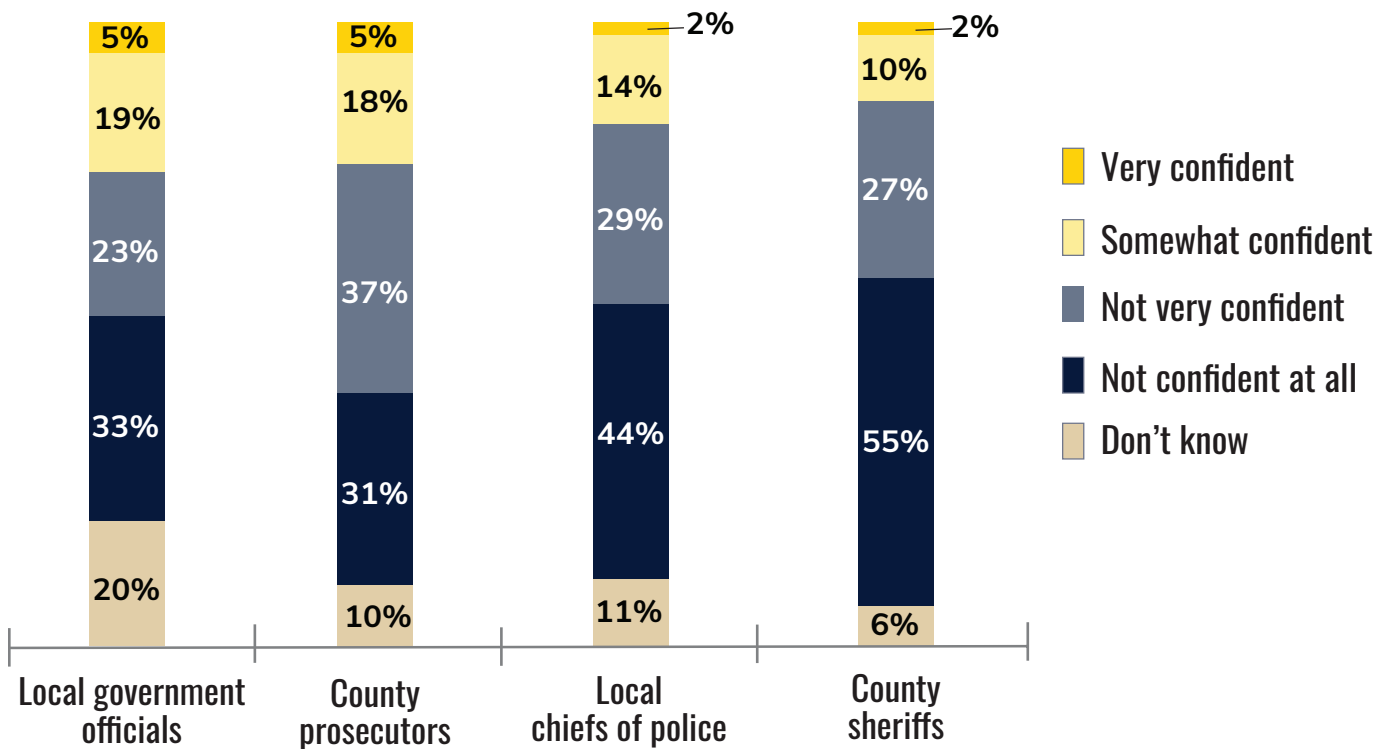
## Leaders in both local government and law enforcement generally lack confidence in ERPOs to reduce gun violence, but confidence is higher in urban jurisdictions

The MPPS also asked about confidence in whether ERPOs can help achieve the policy goal of reducing gun violence. Only 24% of Michigan local government officials (among those with at least some familiarity with the law) and 23% of elected county prosecutors surveyed were confident that ERPOs are likely to reduce gun violence (see *Figure 4a*). The percentage is even lower among county sheriffs (12%) and chiefs of police (16%) saying they are either somewhat or very confident that ERPOs will curb gun violence.

Approximately a third of local government leaders (33%) and prosecutors (31%) are not confident at all that ERPOs will reduce gun violence, as are nearly half (44%) of local police chiefs and over half (55%) of elected county sheriffs.

Local leaders have more uncertainty about whether ERPOs will reduce gun violence (20%) compared to local police chiefs (11%), county prosecutors (10%), and sheriffs (6%).

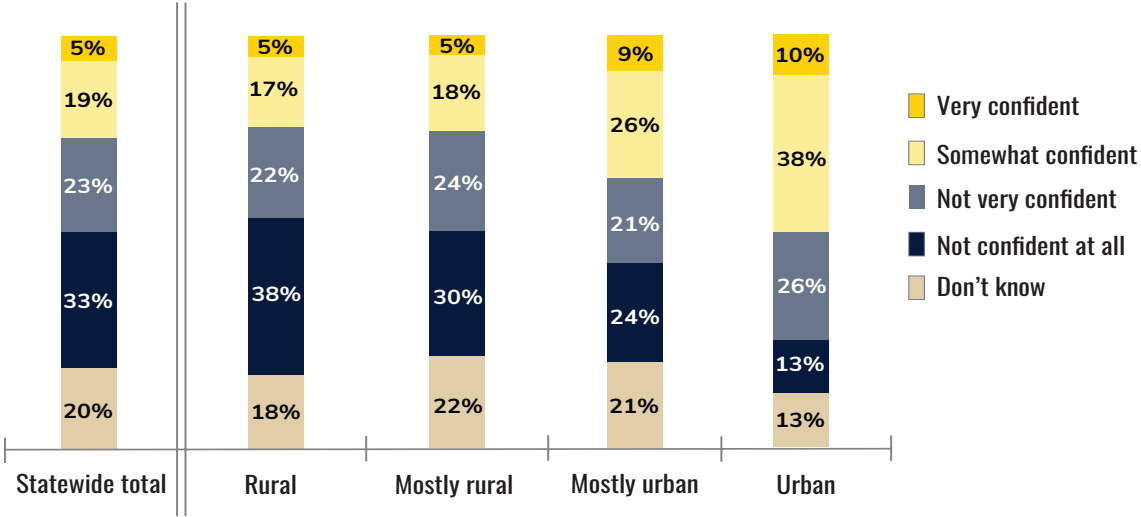
Figure 4a  
Confidence that ERPOs will reduce gun violence, by public office



\*Note: Percentages for local government officials exclude those who are completely unfamiliar with the ERPO law.

Looking along the rural-urban spectrum, local government officials from jurisdictions that are more urban have greater confidence in ERPOs' ability to curb gun violence (see *Figure 4b*). In communities that local leaders characterize as fully urban, nearly half (48%) are somewhat or very confident that ERPOs are likely to reduce gun violence, significantly higher than the percentage in rural (22%) and mostly rural (23%) jurisdictions who say the same.

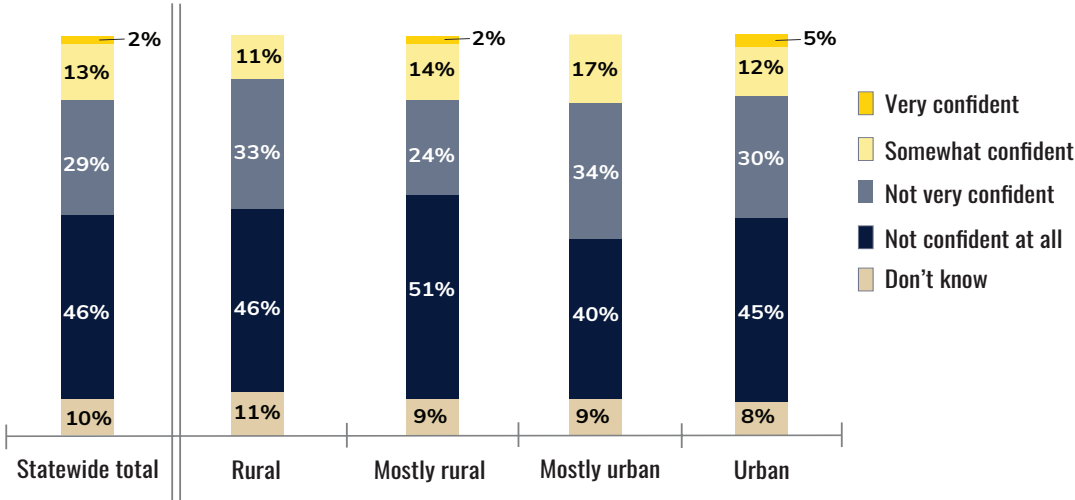
**Figure 4b**  
Local government leaders' confidence that ERPOs will reduce gun violence, by rural-urban self-identification



\*Note: Percentages for local government officials exclude those who are completely unfamiliar with the ERPO law.

By contrast, there are relatively few differences among law enforcement leaders in rural and urban jurisdictions on this issue. Just 11% of sheriffs and chiefs of police in rural jurisdictions have confidence that ERPOs are likely to reduce gun violence, and that rises to only 17% in mostly urban and urban areas (see *Figure 4c*). Meanwhile, urban sheriffs and chiefs of police are more pessimistic than the most skeptical local officials, with 45% of urban law enforcement leaders saying they are not at all confident that ERPOs will reduce gun violence.

**Figure 4c**  
Sheriffs' and police chiefs' confidence that ERPOs will reduce gun violence, by rural-urban self-identification





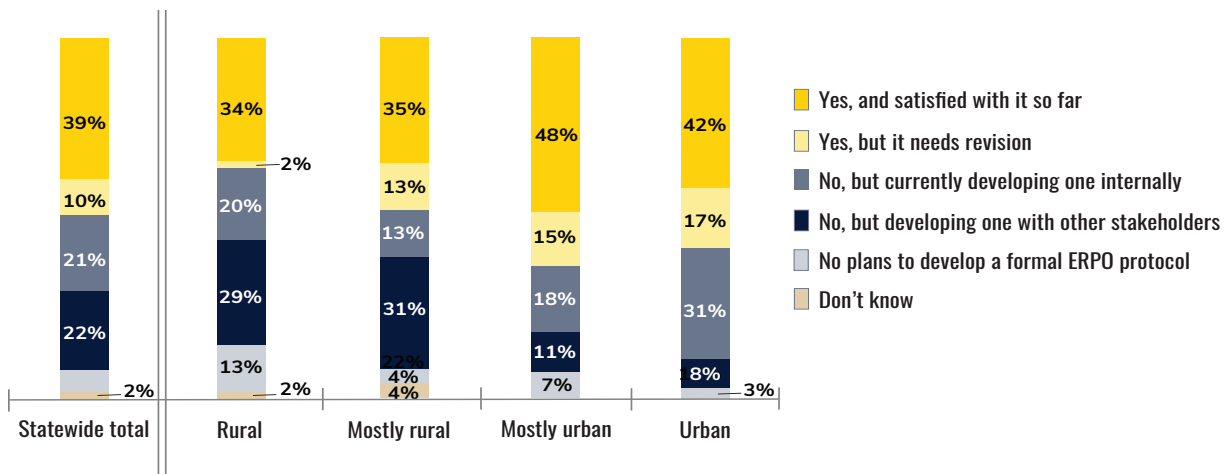
## Larger, urban police departments and sheriff’s offices have a head start on developing formal procedures for ERPOs

Since the ERPO law’s enactment in February of this year, just under half of Michigan local law enforcement agencies have developed a formal protocol that officers use to determine when an ERPO is appropriate, with 39% saying they have developed one they are satisfied with, and another 10% with one they feel needs revision (see *Figure 5a*). Agencies in rural (36%) and mostly rural (48%) communities are less likely to have developed a formal ERPO protocol than mostly urban (63%) or urban (59%) agencies.

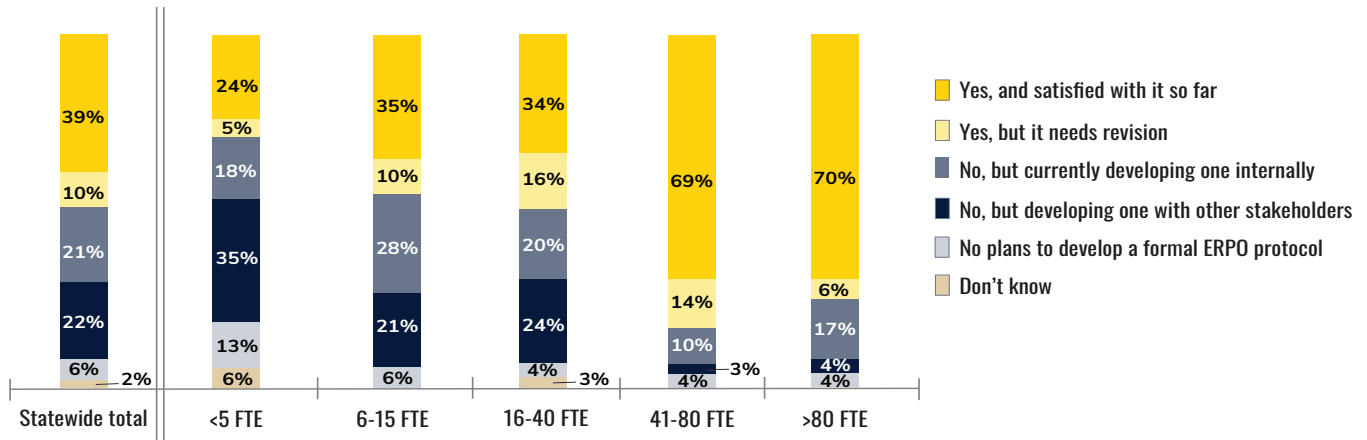
Department size appears related to whether a law enforcement agency has developed a plan. Approximately 70% of law enforcement offices with over 41 full-time employees (FTE) report having an ERPO protocol they are satisfied with, compared to 24% among the smallest agencies (see *Figure 5b*).

The smallest departments and those in rural areas are least likely to report adopting an ERPO protocol. Among these departments, as of spring 2024, 13% had no plans to implement an ERPO protocol.

**Figure 5a**  
Development of formal ERPO protocols among local law enforcement agencies, by rural-urban self-identification



**Figure 5b**  
Development of formal ERPO protocols among local law enforcement agencies, by agency size





The MPPS also asked sheriffs and chiefs of police to describe any additional resources or support that would be helpful for implementing the ERPO Act. Among approximately 120 comments from agencies statewide, the vast majority cited the need for training and education at all levels (not only officers), with others mentioning a need for more clarity on the law and calls for formal, coordinated plans with the county prosecutor's office.

## Voices Across Michigan

### *Quotes from county sheriffs and police chiefs about any additional resources or support that would be helpful to their office/department on ERPOs*

"We have had training in our county with other stakeholders, but this law is still a bit confusing and has the possibility of being abused and ending up with officers getting hurt."

"We have had NO training from our local courts or prosecutor regarding ERPOs. I attended one 'informal' discussion of local police and a neighboring judge, but nothing locally."

"Training from the State would have been helpful once the law was enacted. We were forced to 'figure it out' quickly with the circuit court and develop our general order/procedures."

"Have a clear, standardized training that everyone would understand. At this point, I'm not sure if the judges, dispatchers, police, and/or anyone else involved are on the same page."

"In [redacted] County, we've had numerous meetings with the various stakeholders who are mandated to implement the ERPO Act. The meetings with local and state law enforcement, metro dispatch, prosecutor's office, community mental health, etc. has prepared us, to the degree possible, to safely and effectively carryout the mandated actions."

"[We need] more resources to effectively enforce ERPOs. Officer safety is a huge concern when effectively enforcing ERPOs and the storing of the weapons confiscated due to limited space."

"Standardized state level training on ERPOs."

"The storage of firearms seized under ERPO is a problem for law enforcement. This is an unfunded mandate put on police agencies. Also, there is a concern as to who should be seizing these weapons under ERPO, and the Michigan State Police should take the lead, but they are refusing to."

"Formal training by the Prosecutor's Office describing what the Act is and how police should move forward with it. At this time, we are governed only by the Act and not departmental policy regarding it ... Questions involving how the police are to go about removing weapons from the home of a person deemed unfit by this Act without putting themselves in a very dangerous situation have not been addressed, nor the question of who is to remove these weapons. Although I strongly support the idea, there are a lot of unanswered questions and circumstances involving the ERPO Act and how it will be followed in practice."

## Conclusion

Among Michigan local leaders, especially those in law enforcement agencies, confidence that Michigan's new ERPO law will be implemented appropriately and create a meaningful reduction in gun violence was relatively low in spring 2024, soon after the law's enactment. Larger and more urban police departments reported greater confidence in implementing the law, but smaller rural departments had less confidence and were less likely to report developing formal plans. However, most Michigan law enforcement agencies statewide indicate that they have at least initiated the development of a formal plan.

Sheriffs and police chiefs, county prosecutors, and local government officials all express a concerning lack of confidence in officer safety when serving an ERPO, which may be related to issues with insufficient training and with lack of experience with the process. Indeed, many law enforcement leaders specifically mentioned the need for further clarifying ERPO implementation guidelines and for boosting training and education about implementation practices, and they tend to be more concerned with these implementation issues than are local government leaders generally. Increased officer training may be a key to increasing law enforcement officials' confidence in ERPOs, both in successful implementation and effective outcomes. Furthermore, since the enactment of the law, local law enforcement officers (and other non-law enforcement actors) have been gaining more experience with ERPOs. Future surveys may report different assessments when backed by more experience.

## Notes

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## Survey Background and Methodology

The MPPS is an ongoing survey program, interviewing the leaders of Michigan’s 1,856 units of general purpose local government, conducted by the Center for Local, State, and Urban Policy (CLOSUP) at the University of Michigan in partnership with the Michigan Municipal League, Michigan Townships Association, and Michigan Association of Counties. Surveys are conducted each spring (and prior to 2018, were also conducted each fall). The program has covered a wide range of policy topics and includes longitudinal tracking data on “core” fiscal, budgetary and operational policy questions and designed to build-up a multi-year time-series.

In the Spring 2024 iteration, surveys were sent by the Center for Local, State, and Urban Policy (CLOSUP) via the internet and hardcopy to top elected and appointed officials (including county administrators and board chairs; city mayors and managers; village presidents, clerks, and managers; and township supervisors, clerks, and managers) from all 83 counties, 280 cities, 253 villages, and 1,240 townships in the state of Michigan. In addition, surveys were sent to all 83 county sheriffs and county prosecutors, and 430 local police departments and departments of public safety. More information is available at <https://closup.umich.edu/michigan-public-policy-survey/mpps-2024-spring>.

The Spring 2024 wave was conducted from April 1– June 10, 2024. A total of 1,307 local jurisdictions returned valid surveys (67 counties, 216 cities, 171 villages, and 853 townships), resulting in a 70% response rate by unit. A total of 343 law enforcement leaders returned valid surveys (54 sheriffs, 234 police chiefs, and 55 county prosecutors) for a 58% response rate across various agencies. Quantitative data are weighted to account for non-response. Missing responses are not included in the tabulations, unless otherwise specified. Some report figures may not add to 100% due to rounding within response categories. “Voices Across Michigan” verbatim responses, when included, may have been edited for grammar and brevity.

See CLOSUP’s website for the full question text on the survey questionnaires. Detailed tables of the data in this report, including breakdowns by various jurisdiction characteristics such as community population size, region, and jurisdiction type, will be available at <http://mpps.umich.edu>.

## Acknowledgement and Disclaimer

*This material is based upon work supported by a grant from The Joyce Foundation. The survey responses presented here are those of local Michigan officials, while further analysis represents the views of the authors. Neither necessarily reflects the views of The Joyce Foundation, the University of Michigan, or of other partners in the MPPS.*

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