

An Easier Petition for an Extreme Risk Protection Order

A Project by Paul Knapp

Link to QnA Interview: [https://paulrknapp.github.io/ERPO/QnA_page%20\(4\).html](https://paulrknapp.github.io/ERPO/QnA_page%20(4).html)

Framing the Issue

Though our world continues to progress technologically at exponential rates, it seems that our Nation's court system is immune to such progress. Particularly in Massachusetts, many courthouses lack the fundamental resources to function at levels consistent with the rest of society. As a result, individuals who have already found themselves in an unfortunate situation are sucked into the world of endless paperwork, long timelines, and a court system that has the potential to fail in the administration of justice.

Take, for example, a single mother who has to take time out of her work day to appear at the clerk's office. She has to file a petition, in person, for the removal of weapons from her ex-husband's apartment, because her child has come home from there—three times now—terrified that his dad is going to use his weapons against them. Does it make any sense that we have instituted a process that is so difficult for victims to seek help? I would argue that it does not.

Perhaps worse is the scenario in which an abusive boyfriend won't let his girlfriend leave the house because he does not trust her. She knows he has multiple guns in the house and he has threatened to kill her multiple times. She needs to do something, but is afraid that calling the police will only lead to an escalation of the problem. In both of these scenarios, affording the opportunity to e-file the necessary court documents would save immense amounts of time and are much safer than having to do so in person. This is where my project began.

Massachusetts led the pack in gun control legislation over the past few years. With the recent enactment of the Extreme Risk Protection Order (ERPO) Bill, petitioners may now request the restriction of Firearms Identification/License to Carry Cards, as well as any legally purchased firearms or ammunition which is under the control of the Respondent. The main issue with this Bill is the amount of work that must go into filling out the necessary forms to petition. My goal with this project was to make it easier on the petitioner to understand the process, as well as keeping the filling out of the petition as discrete as possible to promote safety.

Though this project is just the tip of the iceberg, my hope is that the guided interview and document automation system I created will help our courts begin to move in the direction of technological sufficiency. More importantly, I hope my creation will promote the safety of victims and the ability to take power into their own hands to promote justice.

The Research

Luckily for me, I spent a majority of my summer working on the implementation of the ERPO Bill. As a result, I was able to quickly identify what worked about the process, and more importantly, what did not work. Currently, the process is laid out on the mass.gov website, and has been updated numerous times to this day in attempts to clarify the process and the bill's intentions. The link to the Massachusetts courts implementation can be found [here](#). The current solution to the problem is a downloadable PDF, which can be filled out on the computer. However, as mentioned previously, the process is not discrete, nor is it practical for someone who works full time and does not have the luxury of heading to their local courthouse to fill out and submit this petition. Nevertheless, the form looks like this:

PETITION FOR EXTREME RISK PROTECTION ORDER G.L. c. 140, § 131R		Docket No. _____	TRIAL COURT OF MASSACHUSETTS
Court Department: <input type="checkbox"/> Boston Municipal Court <input type="checkbox"/> District Court		Division: _____	
Name of Petitioner (person seeking order): _____		Name and Address of Respondent (person against whom order is sought): _____	
<input type="checkbox"/> this is a renewal petition		_____	
I believe that the Respondent has a firearm identification card and/or license to carry firearms and controls, owns, or possesses the following firearms, rifles, shotguns, machine guns, weapons, or ammunition:			

I believe that these firearms, rifles, shotguns, machine guns, weapons, or ammunition is/are located:			

My relationship to the Respondent is (check all that apply):			
<input type="checkbox"/> I am the licensing authority of the municipality where the Respondent lives		<input type="checkbox"/> I am, or was, engaged to the Respondent	
<input type="checkbox"/> I am, or was, related to the Respondent by blood or marriage		<input type="checkbox"/> I am, or was married to the Respondent	
<input type="checkbox"/> I have, or am having, a child in common with the Respondent		_____	
<input type="checkbox"/> I am, or was, in a substantive dating relationship with the Respondent		_____	
<input type="checkbox"/> I reside, or was residing, with the Respondent in the same household		_____	
I believe that there is, either in Massachusetts or another jurisdiction (only check if applicable):			
<input type="checkbox"/> an abuse prevention order in effect against the Respondent			
<input type="checkbox"/> a harassment prevention order in effect against the Respondent			
<input type="checkbox"/> a pending legal action, specifically _____ between me and the Respondent			
Based on the following reasons, I believe that the Respondent poses a risk of causing bodily injury to self or others by having in the Respondent's control firearms, rifles, shotguns, machine guns, stun guns or ammunition (provide as much detail as possible):			

<input type="checkbox"/> if more space is needed, check this box and continue on the reverse side of this sheet			
I declare under the pains and penalties of perjury that all statements of fact made in this Petition are true to the best of my knowledge.			
Date: _____		Petitioner's Signature <div style="text-align: center;">X</div>	
This is a request for a civil order directing the Respondent to surrender his or her firearms identification card and license to carry firearms, firearms, rifles, shotguns, machine guns, stun guns and ammunition. If a judge issues an order in response to this petition and the Respondent violates it, the Respondent may be subject to criminal penalties.			
FOR COURT USE ONLY:			
<input type="checkbox"/> Petition denied <input type="checkbox"/> Petition denied because Respondent unlicensed (transmit Petition to Police Department where Respondent resides)			
<input type="checkbox"/> Petition denied because Petitioner ineligible (transmit Petition to Police Department where Respondent resides)			
<input type="checkbox"/> Renewal Petition denied <input type="checkbox"/> No emergency order to issue, two party hearing scheduled for: _____			

Instructions to Petitioner

1. You should file this petition in the courthouse that has jurisdiction over the city or town in which the respondent lives. You can find a list of District and Boston Municipal Courthouses, and the cities and towns over which they have jurisdiction, at <https://www.mass.gov/courthouse-locator>.
2. Provide as much information as you can regarding the specific statements, actions, or facts that show that the respondent poses a risk of causing bodily injury to self or others by having in his or her possession firearms, rifles, shotguns, machine guns, weapons, or ammunition and a license to possess or carry firearms. If necessary, give the judge any paperwork that will help the judge decide whether to issue an order. You should also provide as much information as you can regarding the number of firearms the respondent has, and the location of those firearms.
3. In addition to this petition, you should also fill out the Petitioner Confidential Informational Form and the Respondent Information Form and submit both with your petition. If you want your address not to be disclosed to the Respondent, you must request that the judge not include it on the Order. If you have a good reason why any other information provided should not be available to the public, you must file a Motion for Impoundment.
4. Once you file this petition, you should not leave the courthouse until you have appeared in front of a judge and the judge has ruled on your petition.
5. An Extreme Risk Protection Order only suspends a respondent's license to possess or carry firearms and directs a Respondent to surrender his or her license to possess or carry firearms and all firearms, rifles, shotguns, machine guns, stun guns and ammunition. An Extreme Risk Protection Order does not direct the Respondent to refrain from abusing or contacting a person, to stay away from a person or place, or to receive treatment for mental health purposes or an alcohol or substance use disorder. If you think that such an order may be necessary, ask the clerk for informational resources regarding these types of orders.

Additional information:

I started my research by approaching my supervising attorney from the summer and informing him of my intentions to help bring the Massachusetts courts into the 21st Century. "Good Luck," he replied with a cynical tone. He, too, wants to see the process of e-filing instituted on the Massachusetts court stage, but he also helped me to understand the vastness of the problem and the lack of resources available to address the problem. We came to the conclusion together that this incremental step might just open the eyes of a few judges to how easy things can be when they are done online.

Ideation & Prototyping

When I moved to the drawing board, I had to keep a few key factors in mind. For one, something I came to realize very quickly was that e-filing is not currently an option. In other words, no matter what I created, the form would still have to be printed out and physically taken to the clerk's office. This limited my options. I thought, perhaps it would be best to begin with collection of data, but quickly came to the conclusion that this would be useless as the actual number of ERPO Petitions filed is not yet substantial enough to warrant an investigation into their effectiveness.

I settled on document automation when I realized two things: 1) this process, in most cases, must be a discrete one, so I had to make it available to people with a low risk of discovery; and 2) the surest way to get people to fill out paperwork is to make it as mindless and simple as possible.

Though I initially prospected on using DocAssemble for my endeavor, I quickly learned that my coding skills are not at a level sufficient enough to create a usable document *before* my head explodes. Finally, I decided to stay true to my coding roots and settled on using QnA to create a guided interview that would end with the downloading of a (almost) completely filled out form.

User Testing

My initial prototypes for the document were rudimentary and generally did not end with a completed document. Mainly, I began with guided interviews that had confusing questions, too much information, and a lack of a theme/endgame. "I'm not sure I understand what you're going for," one of my colleagues said via text after successfully reaching the end of the interview. "It just kind of ends out of nowhere..." "I know, but EVENTUALLY, it will create something beautiful," I replied.

I continued to refine the QnA and had friends walk through it at various points, when I felt I had made a significant step forward. Some of the positive responses were:

- I like the way it flows like a conversation. It makes the user feel comfortable, even though you are talking to a robot.
- The questions are straight-forward, I wasn't confused by any of them.
- It reminds me of text messages, which is cool because someone could fill this out without anyone knowing they are doing anything other than texting.

I especially appreciated the last response. One of my main goals was keeping things discrete. Some of the negative responses:

- Some of the responses are extremely long and hard to get through. I don't know if someone will take the time to read everything the messages say.
- I'm not sure if I would prefer this method rather than simply filling out the form.
- The messages are not very appealing visually.

Note taken. Shorten the responses. Make people prefer the QnA method because of its simplicity. Make the messages look more like an iPhone message.

The second of those negative responses proved to be the most difficult. QnA makes it simple to change the format of the messages, and I was able to recreate the most current version of iPhone's iMessage system visually. I found people responded more positively when I split the long messages up into separate messages (they're a lot easier to read that way). I ended up with a product that truly works and looks rather appealing to the eye. But, at the end of the day, without the ability to e-file, and discounting the benefit of secrecy, is it really worth going through this interview instead of filling out the form?

I did perform one test that may show why my method is better than filling out the form itself. I timed my wife, first in how long it would take her to fill out the form online, then in going through my guided interview creation. While filling out the form itself took her 2 minutes and 12 seconds, it took only 1 minute and 54 seconds to answer my interview questions and download the filled-out petition. I want to continue this test, but I was absolutely thrilled with that result.

Moving Forward

I fully recognize that this QnA is merely a drop in the bucket when it comes to the issues of efficiency in the Massachusetts court system. I also recognize that, while my finished product is beautiful in my eyes, the actual document it produces could certainly use some touch-up work. There are two other forms that, in many cases, must accompany the form I created. However, the foundation I laid is a strong one, and a finished product could certainly be up-and-running on the Mass.gov website in a matter of two day's work. Do I expect that? Of course not. There are many steps that need to be taken and guidelines that must be followed before the courts allow AI to do some of the work for them. However, it was heartening to hear this, in part, as a response from my supervisor:

Paul,
Really great work on this. I can tell a lot of effort went into making it, and this system is a really cool tool. I will forward it along to the Chief and will post it (with your permission) to Courtyard so the other judges can try it out, too. Hopefully this will lead to further steps regarding E-Filing of court docs.

Courtyard is the system by which the Massachusetts Courts provide trainings, jury instructions, and developments in rules and procedures prior to their enactment in the real-world. I will continue to work on this project, because I believe it has the potential to ease the burden of others and will lead to much bigger steps for our court system in the State. Who knows, this project could even save a life or, at the very least, promote justice in our judicial system.