

Oregon's Extreme Risk Protection Order Law: Utilization and Implementation Gaps, 2018-2022

Informational Legislative Hearing on Extreme Risk Protection Orders
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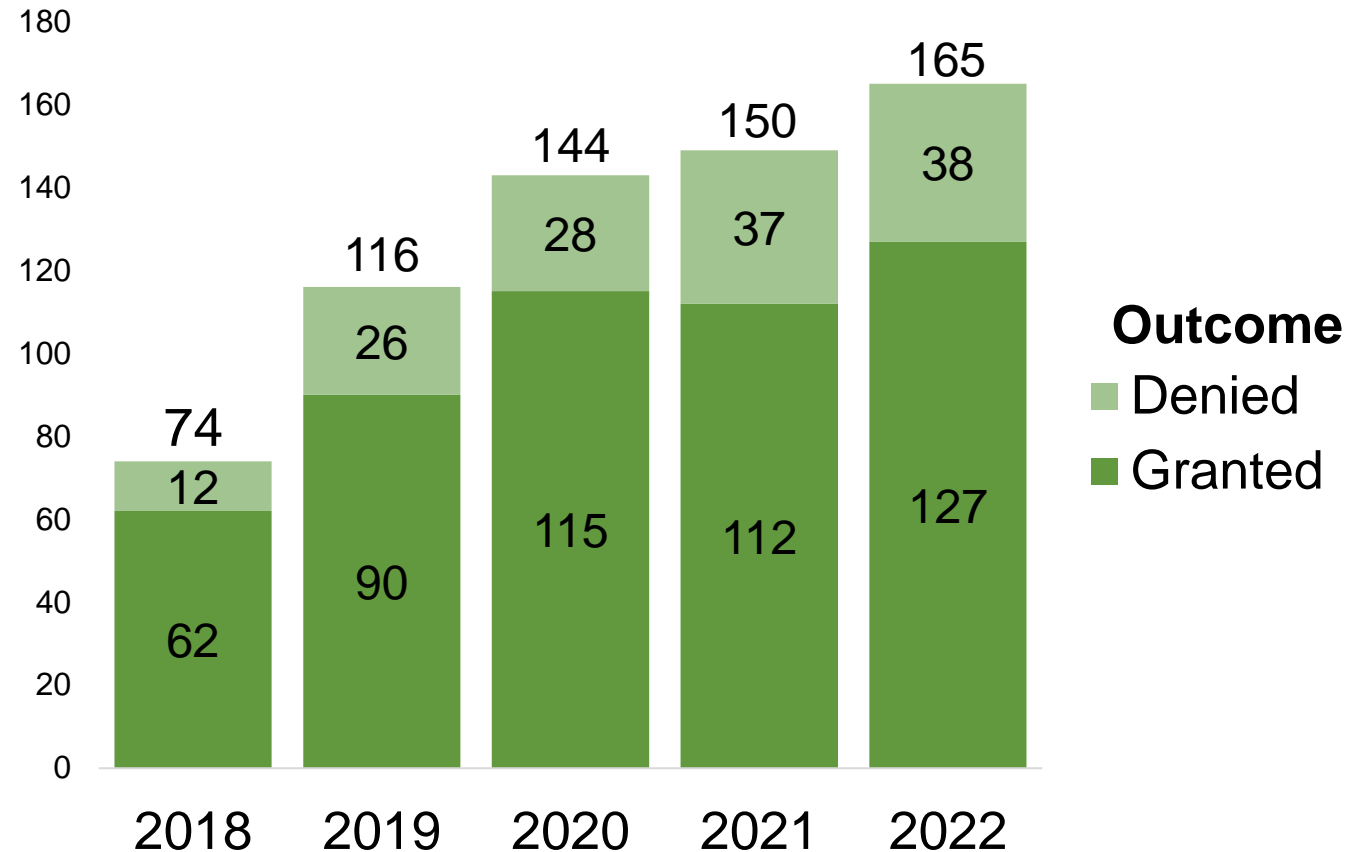
Our Project

- Oregon's Extreme Risk Protection Order (ERPO) law allows family/household members or law enforcement officers (LEOs) to petition a civil court for an order to temporarily restrict a person's access to firearms when at imminent risk of harming themselves or others.
- We reviewed 649 ERPO petitions filed in Oregon from 2018-2022
- Court records, obtained from the Oregon Judicial Department, were coded and analyzed for petitioner characteristics, factors contributing to risk of harm, and features of the ERPO process

ERPO Utilization Has Increased Each Year

Petitions Filed, by Year and Outcome after Initial Hearing

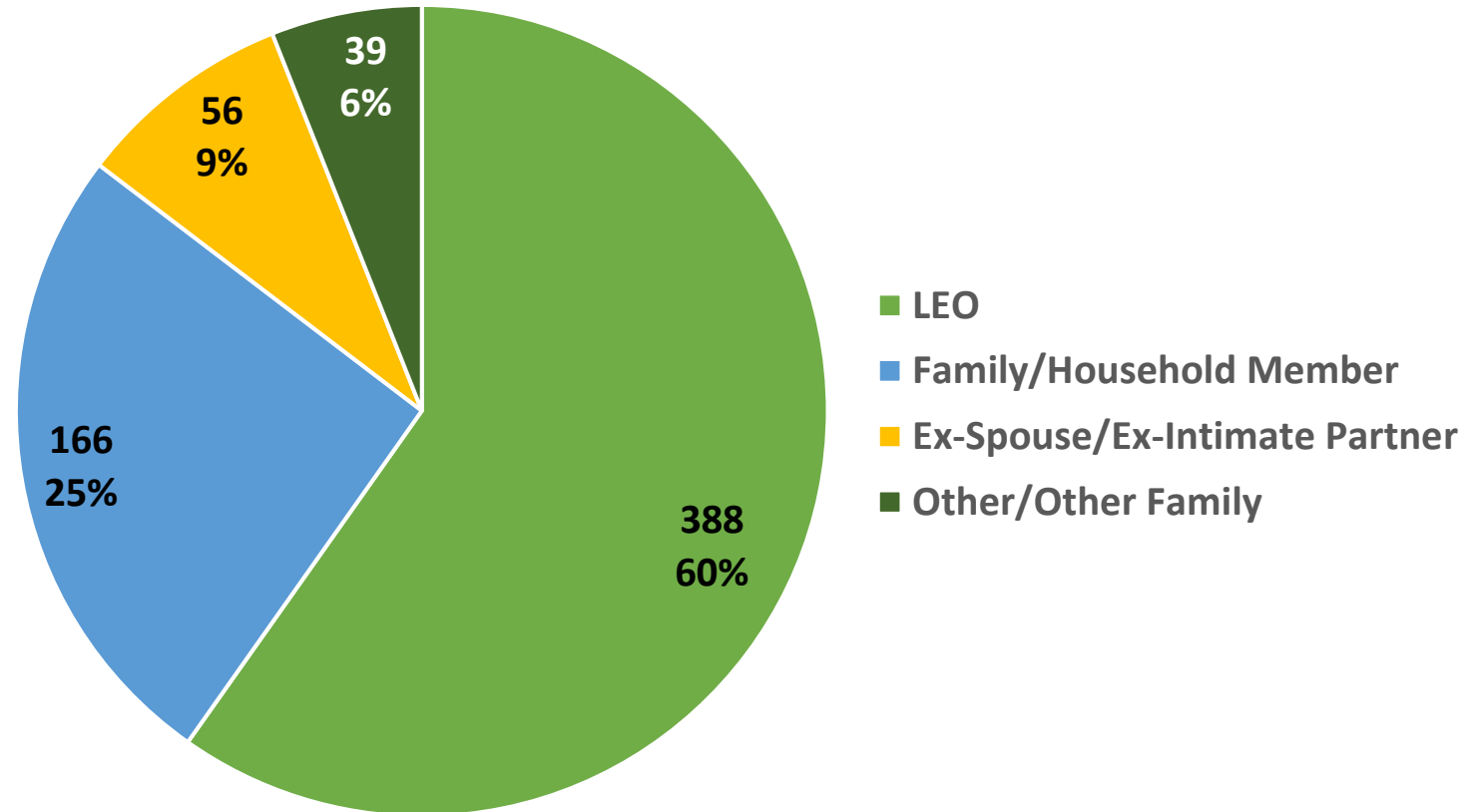
- 649 ERPO petitions were filed in 2018-2022; n=506 (78%) were approved
- Numbers of petitions increased each year, while the proportions approved were similar (84%; 78%; 80%; 75%; and 77%, respectively)



The Majority of Petitioners Were Law Enforcement Officers

Relationship of Petitioner to Respondent*

- Most petitioners were law enforcement officers (LEOs) (n=388; 60%), followed by family/ household members (n=166; 25%)
- Petitions filed by LEOs were the most likely to be approved (96% approval rate)

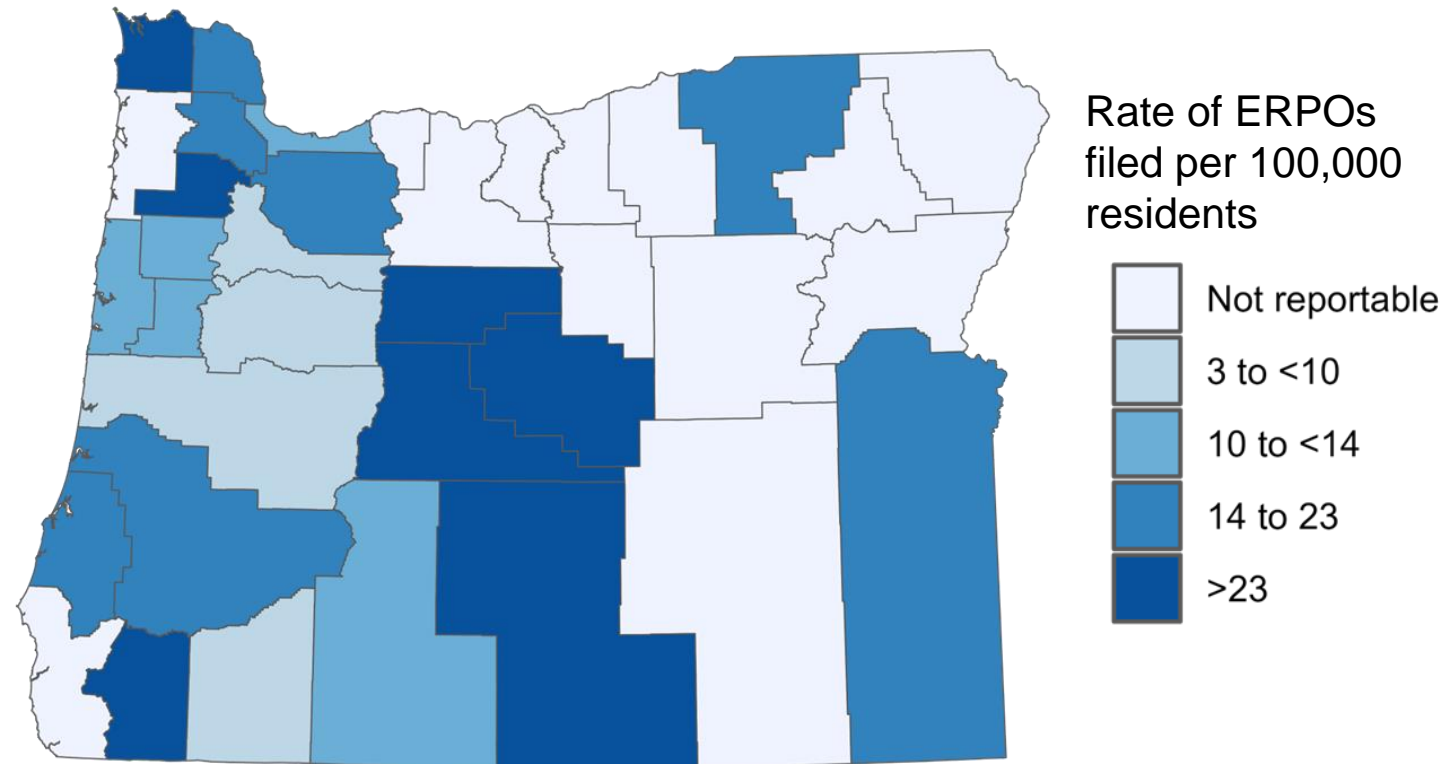


*Respondent is the person the ERPO petition is brought against

Utilization Varied Across the State

- Of Oregon's 36 counties, 29 (81%) had at least 1 ERPO petition filed
- The number of petitions filed per county ranged from 0 to 105 (median among counties with at least 1 ERPO filed = 11; median rate = 13.9/100,000 residents)

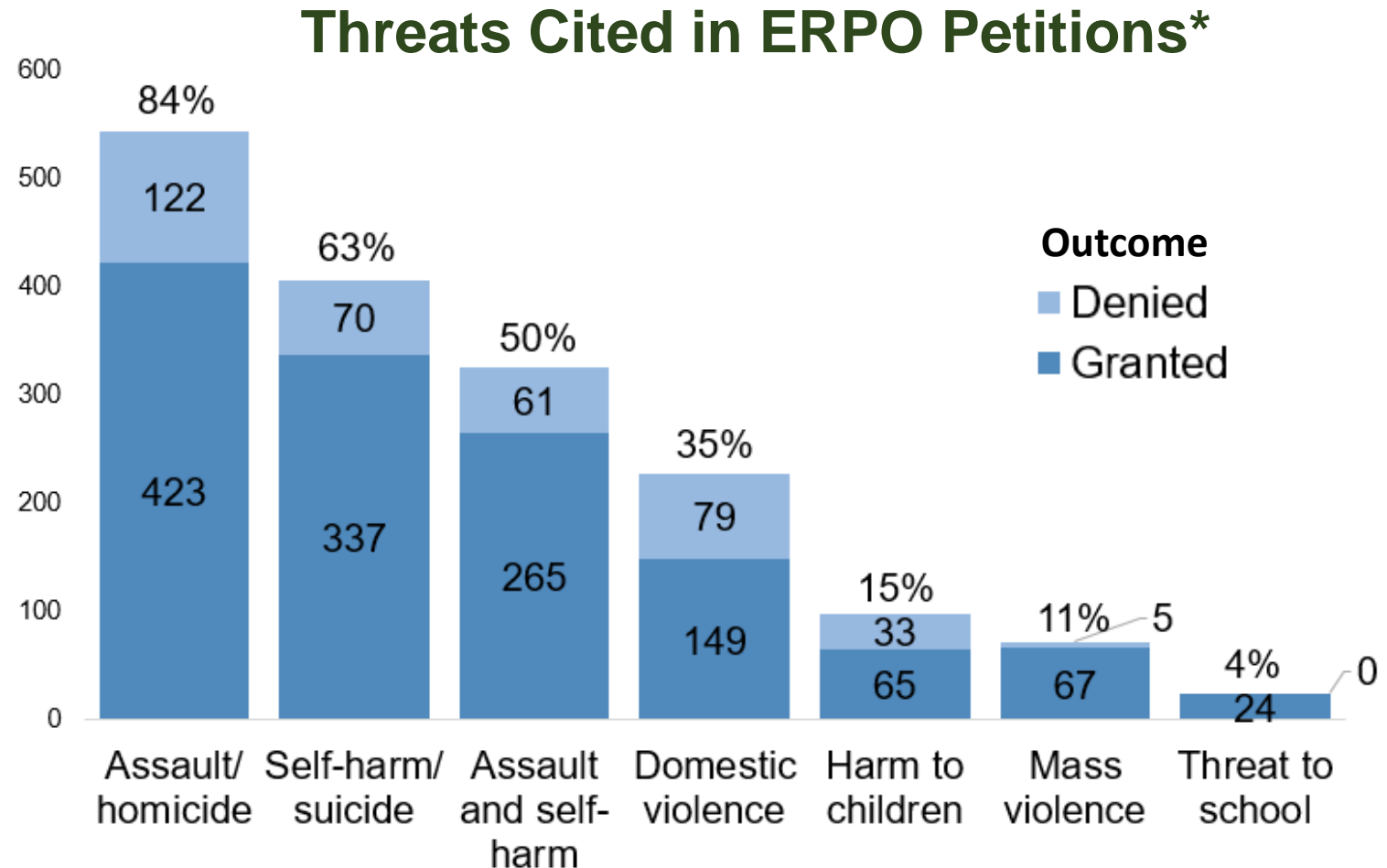
Rates of Petitions Filed by County*



* Some county rates are labeled “not reportable” because the counts of ERPOs filed in those counties were too small (<5 ERPOs) to be used in meaningful county-level rate calculations.

Petitions Cited a Variety of Threats

- The most frequent type of threat cited in the petitions was assault/homicide (84%), followed by the threat of self-harm/suicide (63%)
- 50% of petitions cited threats of *both* assault/homicide and self-harm/suicide
- 72 (11%) petitions cited threats of mass violence and 24 (4%) petitions cited threats to schools, including college campuses



*A petition may fall into more than one threat category.

Our findings suggest that there are opportunities to address implementation gaps and increase the effectiveness of the ERPO law.

Documentation of Race and Ethnicity

- Race data were unavailable for 29% of respondents and ethnicity data were rarely documented.
 - Among petitions with documentation of respondent race, 94% were white, 2% were Black/African American, 2% were Asian, and 1% were Native American, Native Hawaiian, or Pacific Islander.
- The lack of documented data on race and ethnicity creates **challenges in evaluating and prioritizing equity** in the implementation of the ERPO law.

Petitioner Eligibility

- Under Oregon law, ex-spouses/ex-intimate partners must also be household members to have standing to file.
- Ex-spouses/ex-intimate partners frequently filed petitions citing threats of domestic violence against themselves and/or against children shared with the respondent in their petitions.
- Other state ERPO laws include persons with children shared with the respondent and former spouses and/or dating partners among qualified petitioners.
- Expanding **eligibility to file** ERPO petitions may **increase opportunities for violence prevention.**

ERPOs as a Bridge to Services

- Many petitions mention domestic violence (35%), threats of self-harm or suicide (63%), or alcohol use or abuse (25%).
- In most cases, we found **no evidence that respondents were connected to services** (e.g., mental health or substance use treatment, domestic violence intervention services) during the ERPO process and no information was available on whether service of the ERPOs was trauma-informed.
- Understanding whether and how ERPOs are currently being used as a **bridge to services** can help to create and implement more effective procedures that **prioritize safety and wellbeing**, even beyond the time of the ERPO.

Weapons Surrender Process

- Unlike other protective orders, Oregon's ERPO statute does not include a requirement that respondents provide proof of firearm surrender to the court.
- Documentation of weapons surrender or declarations that the respondent did not possess any weapons were only available for 31% of the granted ERPOs, meaning that we are unable to determine whether the firearms were removed or to whom they were surrendered in 69% of cases.
- Statutory reporting requirements and court processes like compliance hearings may be used to **strengthen implementation and ensure weapons surrender.**

Vignettes from ERPO Petitions

The respondent had a history of making statements about suicide and also recently became more violent towards family members, threatening to shoot a family member. The respondent's firearms were seized for safekeeping by law enforcement, but the respondent acquired a new firearm. The petitioner was a law enforcement officer.

The respondent made homicidal threats in the last year and made more recent comments about purchasing a firearm to shoot people on their college campus. The respondent also notified someone not to go to campus during finals week which was within the next few weeks, implying that they have a specific plan to shoot people on campus. The petitioner was a law enforcement officer.

The respondent had a mental health crisis and planned to kill themselves with a firearm. The respondent was hospitalized with intense suicidal ideation. A few months prior, the respondent had purchased a firearm with the intention of killing themselves, but their plan was interrupted when their spouse came home unexpectedly. Their spouse was the petitioner.

Thank you for your attention!

Please contact us at the OHSU Gun
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