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Good morning, members of the Committee. My name is Lisa Geller and I'm a researcher at the Johns Hopkins Center for Gun Violence Solutions and the co-lead of the National ERPO Resource Center at Johns Hopkins. I'm here today to discuss Extreme Risk Protection Orders in Oregon. Sometimes referred to as Red Flag laws, ERPOs empower law enforcement, family and household members, and intimate partners in Oregon to work with courts to temporarily remove firearms from those who pose a danger to themselves and/or others. ERPOs also prevent the purchase or possession of new firearms while the order is in effect. They are based on domestic violence protection order laws which have been in place in all 50 states and the District of Columbia for decades and are a well-established tool for preventing and mitigating harm.

In many incidents of gun violence, warning signs are present that an individual is at risk of harming themselves and/or others. For example, in research I conducted about mass shootings, my colleague and I found that "leakage" is common among these perpetrators, meaning that mass shooters and would-be mass shooters often leak their intent to do harm. Family members are often the first to know when loved ones are in a suicidal crisis and/or threatening interpersonal violence. These warning signs present an opportunity to proactively intervene rather than wait for a tragedy to occur.

The Extreme Risk Protection Order policy was developed in 2013 by the Consortium for Risk-Based Firearm Policy, which includes the nation's leading researchers, practitioners, and advocates in gun violence prevention, public health, law, and mental health. After the Sandy Hook Elementary School shooting in Newton, Connecticut, the Consortium convened this group of experts to discuss the connection – or lack thereof – between mental illness and gun violence. At the time, and still to this day, mental illness was often viewed as the cause of our gun violence epidemic. However, the best available data show us that individuals living with mental illness are in fact more likely to be victims of violence than perpetrators. Rather than focusing primarily on people with mental illness – the majority of whom will never be violent – Extreme Risk Protection Orders prevent access to firearms by persons exhibiting dangerous **behavior**, regardless of diagnosis.

Just like Domestic Violence Protection Orders, ERPOs balance robust procedural safeguards with the need for timely judgments and do not violate the due process rights of respondents. A short, ex parte firearm prohibition with substantial procedural safeguards places minimal burdens on ERPO respondents that are outweighed by the valid governmental interest of protecting public health and safety from foreseeable gun violence. Extreme risk laws are



comprehensive tools that states across the country are embracing to reduce gun violence while respecting the rights of all parties involved. Over 650 ERPOs have been granted in Oregon since the law went into effect on January 1, 2018.

While research on ERPO laws is still emerging, the evidence is promising that it is a tool to prevent firearm violence. Research has shown how ERPOs have been used in response to many forms of violence. For example:

- **Preventing Suicide:** Researchers at Duke University examined 762 ERPO-style orders issued in Connecticut from 1999–2013. They found that ERPOs were issued in response to suicide risk among a group of individuals who had an annual suicide rate 40 times higher than the general public. In 99% of cases that included a search, police recovered firearms -- removing an average of seven guns per respondent. Researchers calculated that for every 10–20 orders issued, one suicide was prevented.i
- **Preventing Mass Shootings:** Researchers at UC Davis studied California’s extreme risk law by examining the court records of 159 orders issued from 2016 to 2018. They found that extreme risk laws are being used in response to credible mass shooting threats. In 21 orders, the subject showed clear signs that they intended to commit a mass shooting and after the orders were issued, there was no record of those respondents committing a mass shootings, suicides, or homicide during the follow-up period included.ii
- **Preventing Domestic Violence:** Researchers at the University of Michigan analyzed 93 petitions from 2018–2019 in Oregon. Nearly one-third of petitioners were intimate partners or family members. Often, the petitions were filed within days of a threat of violence. This study also found that extreme risk laws are being used to temporarily prevent non-gun owners at risk of harm from acquiring guns.iii

I have also read dozens of ERPO petitions outlining the risk that a respondent posed and how an ERPO was used to temporarily remove their firearms and prevent them from accessing new weapons and ammunition. Through interviews with petitioners and other system-actors, I have also seen the real-world impact of ERPOs. I am confident that ERPOs are a powerful and effective tool to prevent harm.

Successful implementation requires state and local leaders to create infrastructure, institute comprehensive training programs, and develop focused education initiatives to raise awareness about the availability of this crisis intervention tool. A variety of stakeholders, including law enforcement, prosecutors, attorneys, judicial officers, clinicians, educators, veterans’ organizations, victim service providers, community organizations, and behavioral health and social service providers play an important role in the ERPO process, from the initiation of the order to the return of firearms, where appropriate.



Last May, my colleagues and I authored a report entitled, “Promising Approaches for Implementing Extreme Risk Laws: A Guide for Practitioners and Policymakers”. In this report, we proposed a myriad of recommendations that states and localities can adopt to improve the implementation of ERPOs, including robust training for system actors (including law enforcement and judges), specialized courts and law enforcement who solely handle ERPOs, and an ERPO advocate to aide civilian petitioners and respondents through the process. I believe Oregon’s ERPO law can be better implemented by adopting many of these approaches, ultimately saving the lives of countless Oregonians.

ERPOs provide a mechanism to intervene after someone at risk of suicide and/or interpersonal violence has been identified but before an act of gun violence occurs, offering an opportunity to prevent tragedies and save lives. But these laws will not implement themselves and require a focused and sustained effort to ensure that they are used as intended and to maximize the potential to reduce gun violence. Oregon is well-positioned to bolster its implementation efforts to use this powerful tool more effectively and efficiently.

I appreciate your time and look forward to answering any questions.

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i Swanson JW, et al. (2017). Implementation and effectiveness of Connecticut’s risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems*.

ii Wintemute GJ, Pear VA, Schleimer JP, Pallin R, Sohl S, Kravitz-Wirtz N, et al. (2019). Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series. *Annals of Internal Medicine*.

iii Zeoli AM, Paruk J, Branas CC, Carter PM, Cunningham R, Heinze J, & Webster DW. (2021). Use of extreme risk protection orders to reduce gun violence in Oregon. *Criminology & Public Policy*.