

Use of Extreme Risk Protection Orders to Reduce Gun Violence in Oregon

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Extreme risk protection orders (ERPOs), also known as gun violence restraining orders, are civil court orders that grant temporary firearm purchase and possession restrictions (including removal of firearms) for individuals determined by a civil court judge to be at extreme risk of committing violence against themselves or others. As of 2020, 19 states and the District of Columbia have passed laws establishing ERPOs, with the majority of these states having passed them since 2016. Due to the newness of these laws, there is a

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dearth of systematic research on the circumstances under which ERPO petitions are filed and the individuals for whom they are filed. This kind of descriptive epidemiological research is needed to better understand how these laws are being used and to hypothesize the mechanisms and impacts by which these laws could potentially work to prevent gun violence. In this research, we examine the use of ERPO petitions in the first 15 months of adoption in Oregon, which enacted its ERPO law (O.R.S. § 166.525 through O.R.S. § 166.543) on January 1, 2018, to investigate the mechanisms by which ERPO laws may function.

The Oregon ERPO Law

Oregon joins the majority of states with ERPO laws in allowing a law enforcement officer or a family or household member (defined as a spouse, intimate partner, mother, father, child, or sibling, or any person living in the same household) of the person the ERPO is against (heretofore referred to as the respondent) to file a petition for an ERPO. A hearing for an ex parte ERPO will be held within one judicial business day of filing, at which time the petitioner has the burden of proving to the civil court judge, by the standard of “clear and convincing evidence,” that the respondent is currently at high risk for injury to themselves via suicide attempt or to others. If the petitioner does not appear at the ex parte hearing, the ERPO cannot be issued. Per statute, factors the court must consider in deciding whether to issue the order include a history of use or threats of violence against others; a history of suicide threats or attempts; unlawful use, display, or brandishing of a deadly weapon; previous violation of a domestic violence restraining order; recent acquisition or attempted acquisition of deadly weapon; recent illegal substance use; and conviction for misdemeanor violence, stalking, domestic violence, driving under the influence, or cruelty to animals.

After a judge issues an ex parte ERPO, the respondent is served with the order, which directs them to relinquish all deadly weapons in their possession to local law enforcement, a licensed firearms dealer, or a qualified third party (defined as someone who is not legally prohibited from possessing guns and who does not live with the respondent) within 24 hours of being served. If the respondent possesses a concealed handgun license, that license must also be relinquished to local law enforcement. The respondent then has 30 days from the date the order is served to request a full hearing to dispute the order. If the order is not disputed or the dispute is unsuccessful, the ERPO will be in effect for one year. In this way, Oregon differs from other states in which an ex parte order can only be short-term and a full hearing is required to grant an ERPO with a year-long duration. The respondent may request termination of the order before the full year has passed.

When serving a full ERPO, a law enforcement officer may take possession of any weapons in plain sight or discovered during a lawful search in addition to requesting relinquishment of guns from the respondent. After an ERPO expires or is terminated, the respondent may reclaim their firearms if they are not disqualified from firearm possession due to any other convictions or orders, or they may sell them to a licensed firearms dealer if they do not want the firearms returned. If a respondent possesses a firearm while under the ERPO, it is a Class A Misdemeanor offense which, if convicted, will result in a firearm restriction that will be in effect for 5 years after the expiration or termination of the ERPO.

There is a concern among some that ERPO petitions will be filed for the purpose of nuisance, harassment, or out of spite or vengeance, particularly by family or household member petitioners (see, for example, Vasilogambros, 2019). For example, this concern was

raised during hearings on Oregon's ERPO bill, with one citizen entering the following as part of his testimony:

“We know for a fact divorces are bitter so what will stop a spouse from filing an extreme risk complaints [sic] in order to use it during an upcoming divorce processing? No one should lose their rights because of the accusations of a vindictive family member. Don't be naive it will become the common place.” (Testimony on SB 719, 2017)

However, there are safeguards to prevent this from occurring: Due process is afforded to ERPO respondents and it is the court that determines whether the petitioner has met the burden of proof required to grant the petition. Additionally, the Oregon legislation is specifically written to discourage potential nuisance petitions: A petitioner who files an ERPO with the intent to harass the respondent or who knows that the petition information is false is guilty of a Class A misdemeanor.

The Current Project

The purpose of this research is to characterize the use of Oregon's ERPO law in its first 15 months, testing whether reported respondent characteristics differ by type of petitioner (law enforcement or family/household member) or by petition approval. Previous research on ERPOs has briefly described cases under Indiana's and Connecticut's risk-based gun removal laws (Swanson et al., 2019; Swanson et al., 2017), and shown that respondents are mainly male, with a mean age over 40 years old (Swanson et al., 2019; Swanson et al., 2017). In these studies, the most common reason for gun removal was suicidality; violence against others, including domestic violence, is reported in less than half of cases. A case series of gun violence restraining order (another name for ERPO) petitions in California that described mass shooting risks has been reported (Wintemute et al., 2019). Additionally,

Pallin and colleagues (2020) described basic petitioner and respondent demographic statistics from the respondent's most recent gun violence restraining order from 2016-2019 in the California Restraining and Protective Order System. Finally, two recent studies describe ERPO petitions and respondents from King County, Washington (Frattaroli et al., 2020) and Washington state (Rowhani-Rahbar et al., 2020) in a depth similar to this study, providing a good comparison of ERPO use in two different state contexts.

In this study, we investigate, in detail, the population of petitions and orders from the first 15 months of ERPO use in Oregon, a state whose ERPO use has not been previously documented in the literature. We expand on the existing literature in the following ways: 1) We specifically collected detailed data on the respondents' reported gun uses related to interpersonal violence and suicide risk. 2) We investigated whether there were statistically significant differences in reported respondent characteristics and whether petitions were granted between law enforcement and non-law enforcement petitioners (a petitioner group some are concerned will misuse ERPOs). 3) We tested for statistically significant differences in reported respondent characteristics between granted and denied petitions to determine whether some certain reported characteristics were more likely to result in a granted petition. 4) We tracked the reported timing of death threats and suicide threats and attempts relative to the filing of the ERPO petition as an indicator of whether the petitions were filed in a time of increased risk for the respondent. 5) We include narrative examples from the petitions to provide a greater sense of the range of risks factors reported. This type of work is important to understanding how the law is being used, who it affects, and what outcomes may be seen from widespread ERPO implementation on a population level.

Methods

Oregon's ERPO law went into effect on January 1, 2018. We requested public records for ERPO petitions filed, as well as subsequent orders resulting from the ERPO request from January 1, 2018 through March 31, 2019. To our knowledge, we received all ERPO petitions filed and associated orders made during that time. We received 119 petitions and their corresponding orders, however 26 were excluded from the analysis for the following reasons: 7 petitions were duplicates; 14 were filed after March 31, 2019; 4 petitions appeared to be cases of people filling out the wrong form,¹ and one petition file was corrupted (unable to be opened and therefore considered missing). We, therefore, had a total of 93 petitions for analysis.

There is one form used throughout the state to petition for an ERPO, termed the "Extreme risk protection order petition and affidavit in support" (Appendix A). Data were abstracted from these petitions, which include the name of the county in which the petition was filed and a space for the petitioner to indicate their relationship to the respondent or whether they are law enforcement. The form then has a list of reasons the law specifies as grounds an ERPO may be issued (enumerated above), with a line for a checkmark to be placed next to the reasons the petitioner endorses. Each item in the list also has a field for the petitioner to submit narrative information as supporting evidence. It should be noted that petitioners generally do not have perfect knowledge of respondents' histories, and that these petitions are completed to the best of their abilities (to which they attest when signing the form).

¹ The Oregon judicial website that houses public access court forms (including custody, divorce, guardianship, and domestic violence related forms) states, "Court staff cannot give you legal advice, which includes telling you which form to choose."
(<https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/Extreme-Risk-Protection.aspx>)

Petition characteristics. We captured the type of petitioner using the following categories: law enforcement, family members (meaning parents, children, or siblings of the respondent), intimate partners (including current and former spouses or dating partners), and other. We also gathered data on whether ex parte petitions were denied or granted, whether the respondent requested a full hearing to dispute the order, and the outcome of the full hearing. Finally, we coded reasons for the denial of a petition, when given.

Respondent's reported characteristics. Respondent's reported characteristics were provided by the checkmarks and narrative information contained on each petition with one exception: we inferred the respondent's gender from their listed name. When included in narrative information, we recorded the respondent's age. While we coded for the respondent's race, this information was missing for 38% of respondents, and is therefore not reported here. Using the prompts and associated narrative information, we coded the following categories and subcategories:

- **Suicide risk:** Whether the respondent was reported to have made suicide threats or attempts, and whether those attempts or threats involved a gun. We also coded for suicidal ideation in cases in which the respondent was reported to have spoken about wanting to die but had not made any specific threats or attempts.
- **Interpersonal violence risk:** Whether the respondent was reported to have used or threatened to use violence or force against another person. We further specified whether the respondent was reported to have threatened the use of violence against others and, for those that had, whether they made death threats, and whether those death threats specified a gun as the mechanism of death. It should be noted that, due to the lethality of guns, we coded all threats of shooting another person as a death

threat. We also tracked reported uses of violence, and whether those uses involved a gun.

- Substance use: We broadly categorized which substances the respondents were stated to have used. Illicit drugs were defined as illegal substances such as cocaine, heroin, crystal meth, and LSD. Due to the legalization of recreational marijuana use in Oregon, marijuana use was coded as a distinct category. Statements regarding use of prescription drugs posed a unique challenge as they may be used legitimately; we therefore present a category for use or non-medical use of prescription drugs. Multiple petitioners wrote a general statement about drug use but did not specify which type of drug the respondent used (for example, a petitioner wrote that the respondent was “drinking a lot and using other substances as well”). We categorized these as “non-specific drug use.” Finally, we include the number of respondents whose alcohol use was reported, and who were reported to have been convicted of driving under the influence of intoxicants (a specific item on the Oregon ERPO form).

When a petition included information on death threats, suicide threats, or suicide attempts, we logged how many days, weeks, or months before the petition filing that the threat or attempt occurred. Using the prompts on the ERPO form, we also coded for reported unlawful or reckless use, display, or brandishing of a deadly weapon and whether the petitioner reported the respondent had recently acquired or attempted to acquire a deadly weapon.

Additionally, we coded for several conditions for which there were no direct prompts on the Oregon ERPO petition. For example, the petition does not contain a prompt for petitioners to provide information on the mental health of the respondent, nor does Oregon

law specify that mental health information should be considered when ruling on an ERPO petition. However, many petitioners provided information on mental health issues, and we coded when such information was present. We coded any mention of a specific psychiatric diagnosis (e.g., posttraumatic stress disorder); prescribed use of psychiatric medications; petitioners' hypotheses about respondents' mental health (e.g., "the respondent has been depressed lately"); and whether the respondent was reported to have been put on a mental health hold, psychiatric hold, or mental health hospitalization for suicide risk. Mentions of suicidality alone or substance use or abuse alone, while often co-occurring with mental health problems, were not coded as a report of mental health issues. Similarly, reported prescribed use of psychiatric medications was not included under substance use.

Finally, we also created variables to measure whether the respondent was reported to possess a gun; whether the petition mentioned safety risks to children and teens (defined as any mention of a specific minor being at risk of injury, including being present when the respondent brandished a firearm, or being endangered by use of any other weapon); and whether the petition mentioned safety risks to schools or universities (including threats to or altercations at schools). Additionally, we provide narrative examples from the petitions for many of the reported characteristics. Examples were chosen to exemplify or provide a range of examples from petitions. We also ensured that each example used came from a different petition so that many petitions were represented.

Coding and analysis. Each petition was double-coded by trained research assistants and the study coordinator checked for discrepancies between coders. The research assistants, study coordinator, and the lead author met weekly to discuss the cases, any issues that arose, and to resolve coding discrepancies. Basic descriptive statistics, including frequencies and

means, were used to explore the data. We also conducted Fisher's exact tests and two tailed t-tests to determine differences between petitions submitted by law enforcement and those submitted by non-law enforcement and between petitions that were granted and denied for the main categories of characteristics. Petitions that were denied because either the petitioner did not attend the hearing, the petitioner's relationship to the respondent did not qualify under the statute, or because the respondent was already prohibited from possessing and purchasing firearms were not included in the significance tests. We took this step to ensure that we were testing only whether a judge denied a petitioner on merit rather than for technical reasons.

Results

At least 1 ERPO petition was filed in 22 of Oregon's 36 counties from January 1, 2018 through March 31, 2019. The counties reporting ERPO petitions were, with exception, clustered in the western, more populous, region of the state. The range of number of petitions filed in each county was 0 to 23, with an average of 2.30 petitions per county per 100,000, normalized by county population. An average of 6.20 petitions were filed in Oregon per month, with a range of 2 to 9 petitions filed per month.

Table 1 about here.

Table 1 includes a breakdown of the petitioners by type. The majority (65%) of ERPO petitions were filed by law enforcement officers, followed by intimate partners (18%) and family members (14%). There were three petitioners who did not fall into those categories. One of these petitioners was verified by the court to be a roommate of the respondent (and therefore was able to legally petition as a household member), one stated that they were a roommate of the respondent, but the court was unable to verify this, and one of these other

petitioners was the respondent's employer. These latter two petitioners were outside the statutory rules on who may petition for an ERPO. Table 2 contains detailed reported characteristics of the 93 ERPO respondents. Eighty-two percent of respondents with a known gender (n=92) were male, 90% of respondents with a known race (n=58) were white, and the average age of respondents with a known age (n=68) was 40.15 years (SD: 15.01).

Table 2 about here.

Seventy-three percent of respondents were reported to have a history of suicide attempts, threats, or ideation. Overall, suicide attempts were made using many methods, including one respondent's attempt to make law enforcement end his life: when sheriff's deputies responded to a vehicle crash that a violent and suicidal ERPO respondent had caused, he asked them to shoot him then threatened that he would "blow their head off" to give them a reason to shoot him (which they did not do). Table 3 presents a breakdown of the reported timing of when the most recent threat of suicide or suicide attempt from each petition was made relative to the filing of the ERPO petition. Of those with a known timing, 50% of reported suicide attempts and 56% of reported suicide threats occurred within 7 days of the filing.

Table 3 about here.

Seventy percent of those who were reported to be at risk of suicide were also reported to pose a risk of violence against others. In some cases, suicidality and violence against others were part of the same event. For example, on the day before a petition was filed, one man threatened to kill his ex-girlfriend and himself.

Three of every four respondents (75%) were reported to be at risk of committing interpersonal violence. Petitioners reported a variety of violent events, occurring from the day of filing the ERPO petition to years before. For example, one male was physically violent toward a woman two days before the, leaving her with multiple contusions, a contused lip, bleeding, and a black eye. Another had picked up and slammed his grandmother onto the concrete, causing her to lose consciousness, and threatened to put her in the hospital or morgue. One respondent was concerned that his father, who often threatened violence but did not act on those threats, was becoming more likely to commit violent acts as he experienced an age-related decline in mental functioning and early-stage dementia.

Twenty-two percent of petitions (n=20) indicated that the respondent posed a safety risk to children or teens. In nine cases, it was reported that the respondent had recklessly or unlawfully used a gun in the presence of children or teens, leading to fears for their safety. For example, in three cases a suicidal individual placed a gun to their head in front of their or their partner's children. In seven cases, the respondent had threatened to use physical force or violence against a minor, including threats to kill their children. In two cases the respondent had used physical force or violence against or attempted to harm a minor. These include a father trying to crash a car with his children in the backseat and a respondent pushing a 15-year-old to the ground and striking a six-year-old in the face with a ball.

Additionally, six percent of petitions detailed risks to schools and other educational institutions. In three of those cases, the respondent threatened to commit a school shooting. For example, one respondent is reported to have called a high school and made threats, causing the school to go on lockdown. In another case, the respondent reportedly had a physical altercation with another person, and law enforcement wrote on the petition that a

school had been “disturbed” by this event. The final two cases involved accounts of students who had guns on university campuses, one of whom was found heavily intoxicated with a gun in his room, making statements about his desire to kill people.

In 53% of cases, the petitioner stated that the respondent made death threats, the majority of which threatened use of a gun, including threats to shoot intimate partners, coworkers, and law enforcement officers. Based on the most recent death threat in each petition, 52% of the death threats with a known timing were made within seven days of the ERPO petition being filed.

Respondents were reported to use a variety of substances and 10% were reported to have been convicted of driving under the influence of intoxicants. In 56% of petitions, the petitioner specifically referred to the respondent as having a mental illness or mental health concern. Many of these statements were included in the context of reporting threats or use of violence against others or suicide attempts, threats, or ideation. For a small number of respondents, the mental health concern was reported to have precipitated behaviors that were the primary reason for the ERPO. For example, one respondent, who was reported to have difficulty distinguishing between reality and delusions, feared that a Mexican drug cartel was trying to kill him, and that his physicians and family members were part of the plot. He threatened to set his house on fire, and loaded and hid multiple guns around the house to defend himself.

Seventy-four percent of petitioners reported that respondents possessed a gun at the time of the filing and 49% reported that respondents had recently acquired or attempted to acquire a deadly weapon, 96% of which were firearms. Five petitioners specifically explained that the respondent did not currently possess guns but was planning to acquire guns so that

they could kill themselves or others. One of these was a 17-year-old respondent who had threatened to shoot and kill his father and his stepfamily. The petition was filed 5 days before the respondent's 18th birthday specifically to prevent him from being legally able to purchase a gun and possibly go through with the threatened killings. Another respondent planned to purchase a gun to kill his coworker, and had even picked out the gun at a gun store, but could not purchase the gun until he received a state ID card, which he was in the process of obtaining.

Over half of respondents (57%) were also reported to have unlawfully or recklessly used, displayed or brandished a deadly weapon which, in 84.9% of cases, was a firearm. For example, on the day the ERPO petition was filed, the respondent physically assaulted her adult daughter and fired a shotgun at the ground near the feet of her adult daughter and four others, one of whom was a minor.

Differences by Type of Petitioner and Petition Outcome

Table 4 includes the respondents' reported main characteristics, disaggregated by type of petitioner (law enforcement or non-law enforcement) and by petition outcome (granted or denied). Only one reported respondent behavior differed significantly by petitioner type: law enforcement were more likely to report a mental illness or mental health concern ($p = 0.008$). Petition outcome differed by petitioner type, as well, with petition filed by law enforcement more likely to be granted at the ex parte stage ($p < 0.001$). There were no significant differences in respondents' reported characteristics based on whether the petition was granted.

Table 4 about here.

Court Decisions

Eighty-three percent (n=77) of ex parte ERPO petitions were granted. Table 5 lists reasons for denial. The ERPO Order form has a box for judges to check when they find insufficient evidence for an ERPO. In addition to checking the box, judges noted several other reasons for denial. In two cases, the court indicated that the respondent was already prohibited from possessing firearms, for example by having a felony conviction, and therefore did not need the ERPO to legally restrict firearm purchase or possession. In two cases, the ERPO was denied because the court deemed that the petitioner's relationship with the respondent did not qualify them to petition under the statute (this includes the case in which the court was unable to verify a petitioner's status as a household member).

Table 5 about here.

Discussion

This research details the contents and court outcomes of the 93 ERPO petitions that were filed in Oregon in the first 15 months of their availability. ERPOs are designed to be petitioned for and issued in times of high risk of violence against self or others. The petitions analyzed here detail cases that, as determined by civil court judges, largely met these criteria. Judges determined that the majority of ERPO respondents were a danger to themselves or others; indeed, over half of respondents were reported to have both histories of suicide threats or attempts and threats or uses of violence against others, many of which involved a gun. The petitions often included information stating that they were filed within days of a threat or use of violence, suggesting that ERPOs are, indeed, being used in times of imminent crisis.

Roughly 73% of ERPO petitions cited a risk of suicide, a proportion similar to those found in other studies (Frattaroli et al., 2020; Rowhani-Rahbar et al., 2020; Swanson et al., 2019; Swanson et al., 2017). More than half of those who were reported to have threatened suicide threatened to use a gun. While all suicide threats are serious and require action, there is cause for specific concern when an individual who is suicidal has access to a gun: a meta-analysis suggests gun access significantly increases an individual's risk of suicide (Anglemyer, Horvath, & Rutherford, 2014). This may be, in part, because many suicide attempts are impulsive acts (Nock & Kessler, 2006; Simon et al., 2001) that immediate access to effective lethal means (i.e., a gun) may facilitate. Additionally, suicide attempts involving firearms are far more likely to result in death than suicide attempts by any other method (Miller, Azrael, & Barber, 2012).

In cases of suicide risk, ERPOs may be lifesaving tools. Research on Connecticut's and Indiana's experiences with risk-based gun removal laws, which are similar to ERPO laws, suggest that legal gun removal through risk-warrants is associated with a decreased risk of suicide (Kivisto & Phalen, 2018; Swanson et al., 2019; Swanson et al., 2017). However, studies based on data on individuals who had firearms access restricted by these laws (Swanson et al., 2019; Swanson et al., 2017) lack appropriate non-intervention controls and Kivisto & Phalen's (2018) study using population-level data produce effects that are much larger than would be possible based on the number of firearm removals promoted by the firearm removal laws (Swanson 2019). Additional research using designs of greater rigor is needed to provide policymakers and other stakeholders with higher quality evidence on the effects of ERPOs on suicide risk.

The high percentage of Oregon ERPO respondents reported to have made both suicide threats or attempts and threats or use of violence against others is striking. Just over half of cases 53% (n=49) included both a history of suicidality and violence against others. The petitions suggested that a good proportion of death threats, suicide threats, and suicide attempts with known timing were made within one week of the ERPO petition filing. This suggests that the petitions are being used in times of immediate crisis. Research on ERPOs in other states did not find such a high co-occurrence of suicide and violence against others risk. Nine percent of cases in a Connecticut study (Swanson et al., 2017) and 6% of cases in an Indiana study (Parker, 2015) listed both risk of suicidality and risk of harm to others. Estimates of the proportion of respondents with overlapping risk in King County, Washington (Frattaroli et al., 2020), and statewide in Washington (Rowhani-Rahbar et al., 2020) was somewhat higher at 33 – 35%.

Some of these differences are explained by the small percentage of cases in Connecticut and Indiana that indicated a risk of violence to others. Risk of harm to others was listed as a concern in only 32% of cases in Connecticut (Swanson et al., 2017) and only 21% of cases in Indiana (Parker, 2015). In Oregon, 75% percent of cases indicated a history of violence against others. It is possible that law enforcement have focused on suicide prevention, as opposed to interpersonal violence, in Connecticut and Indiana, whereas Oregon's ERPO law has been more substantially regarded as a tool to reduce interpersonal violence. The same, however, cannot be said of Washington, in which roughly 70% of petitions included a risk of harm to others (Rowhani-Rahbar et al., 2020). While this does suggest that ERPO petitions are being filed in slightly differing case profiles in neighboring Washington and Oregon, it may be that as ERPO usage becomes more widespread in both states, reasons for use increase in similarity.

Importantly, in 26% of cases, the petitioner did not explicitly indicate that the respondent currently possessed a gun. This is similar to the percentage of ERPO respondents in Washington not reported to own a firearm (Rowhani-Rahbar et al., 2020). In two of those cases the respondent was reported to have recently attempted to acquire a gun. Some petitioners stated that they filed ERPO petitions specifically to prevent a non-gun owning respondent from acquiring a gun due to concerns about the increased risk of harm that would pose. This use of ERPO may be overlooked by policymakers and other stakeholders because ERPOs are more commonly thought of as a tool to remove guns from dangerous individuals than as a tool to prevent gun purchase by dangerous individuals. Indeed, in the two states that have the longest experience with gun removal risk-warrant laws, Connecticut and Indiana, one must already possess a gun to qualify for the warrant. However, in a large cohort study that examined the occurrence of suicide among recent handgun purchasers in California, it was found that first-time handgun owners had a higher rate of suicide by firearm than non-owners, and that this risk of suicide by firearm peaked immediately after their first handgun possession (Studdert et al., 2020), suggesting that handgun purchase may have been for the purpose of attempting suicide. It is possible that more high-risk individuals would be prevented from using a gun against themselves or others by preventing firearm purchase by dangerous individuals who do not already possess guns. Policymakers in Connecticut and Indiana, as well as states that do not have ERPO laws, should consider extending the coverage of ERPOs to individuals who do not currently possess firearms.

While mass shootings are rare events, their prevention is a priority, and ERPO laws are largely considered to be a viable prevention strategy. Three ERPO petitions described explicit threats the respondents had made to commit a school shooting, and one described an intoxicated individual on a university campus holding a gun while expressing a desire to kill

people. This provides evidence that ERPOs are being used to remove guns from potential mass shooters. Additional evidence comes from Wintemute and colleagues' (2019) recent examination of 159 petitions for California's Gun Violence Restraining Order (which is an ERPO in all but name), 21 of which described respondents who had threatened or behaved in a way suggesting they were planning mass shootings.

Two ERPO petitions were denied because the respondent was already prohibited from gun possession; in each of these cases, respondents were reported to be in (illegal) possession of a gun. Each of the petitioners in these cases was a family member of the respondent. While Oregon's statute does not specifically state that an already-prohibited person is not eligible for an ERPO, judges appeared to deny petitions on these grounds. This practice may differ from the practice in other states (or in other jurisdictions in Oregon). It is unclear from the forms indicating denial of the petition whether any additional steps were taken or recommended to remove illegally possessed guns. For example, was the criminal justice system alerted to the illegal firearm possession? One advantage of the civil justice-based ERPO is the avoidance of criminal court mechanisms such as arrests, charges and convictions. A family member petitioner who does not want to engage the criminal court regarding the illegal possession of firearms (a misdemeanor crime in Oregon), may simply cease to pursue firearm removal through other legal means if denied a civil ERPO. Clearly greater discussion of the use of ERPOs for illegal possessors, and the attending safety risks, is warranted and should inform the addition of explicit direction in the law about how to handle these cases.

In Oregon, 65% of petitioners were law enforcement. This is a relatively low percentage compared to studies in California (Pallin et al., 2020) and Washington (Rowhani-

Rahbar et al., 2020) (states that allow non-law enforcement to petition), which found 96% and 87% of petitioners were law enforcement, respectively. Reasons why Oregon has a higher percentage of family and household member petitioners remain unknown, however may involve differences in communication of the availability of ERPO to citizens or differences in willingness of law enforcement to file petitions.

Few differences were apparent between law enforcement and non-law enforcement petitioners. The one difference in reported characteristics of the respondent that emerged was that law enforcement officers were more likely to report mental illness or mental health concerns than were non-law enforcement petitioners. This may be a function of law enforcement officers' experience with making quick evaluations of mental state and gathering the information needed to initiate involuntary psychiatric hospitalizations. While Oregon's ERPO statute does not list mental health status as a factor to be considered, law enforcement officers may make a connection between mental health and gun violence, particularly for risk of suicide, and file the ERPO petition with that in mind.

Additionally, law enforcement officers' experience with filling out court forms and understanding what evidence is relevant and how to present it may factor into why petitions filed by law enforcement were more likely to be granted than those filed by non-law enforcement; it may also be that judges consider law enforcement more credible than others. Similar to the domestic violence restraining order court process, one does not need legal representation to file an ERPO petition. However, it may be that non-law enforcement petitioners need assistance in filling out these legal forms. There are multiple examples of providing such assistance to family members in similar circumstances so that the evidence is clearly outlined: in hospitals, social workers help family fill out forms for involuntary

hospitalization for suicidal family members, and legal aid is often available to help partner-abused individuals fill out domestic violence restraining order petitions. Such assistance may be advisable for non-law enforcement petitioners as they are often aware of a family or household member's increased risk for violence before law enforcement and are likely an important group of petitioners because of this.

Still, it may be that a larger percentage of petitions by family and household members did not have merit (as opposed to inadequately conveying the merit). It is impossible to assess, based on the petitions and orders, whether any petitions were specifically filed to harass, as some fear may happen. However, if petition denial is evidence of meritless petitions, it is also evidence of the court process working as it should to prevent temporary firearm restrictions based on meritless petitions or petitions with inadequate evidence. Future research should examine the proportion of denials that are followed by charges of providing false information on the petition to measure the extent to which ERPO petitions may be used to harass. Such data may aid in refining future iterations of ERPO laws to more closely address risks, while avoiding meritless claims. REgardless, the high percentage of petitioners in our sample that were family or household members and the finding that over half of those petitions were granted, suggests that this is an important petitioner group to include in the law.

The number of ERPO petitions in Oregon, and the number of counties that did not have a single petition in the first 15 months of the ERPO law, suggests that ERPOs may as yet be an underutilized tool. In 2018, Oregon recorded 427 firearm suicides and 67 firearm homicides (Oregon Health Authority, 2020). Based on national estimates, Oregon would also have as many as 32,000 people who seriously consider suicide in a given year (Betz, Barber,

& Miller, 2011). While there is no known rate of individuals who are eligible for ERPOs, given that only 70 petitions were filed in 2018, it is highly likely that many individuals who were known to family or law enforcement as serious risks for gun violence were not the subjects of ERPO petitions. To have population-level impacts on gun violence in Oregon, the number of ERPOs going to high-risk individuals needs to be dramatically increased. This may require increasing the public's and law enforcement's awareness of ERPOs, their purposes, and how to obtain them.

Limitations

This research characterizes and describes the information contained in ERPO petitions and should not be viewed as a systematic measurement of the characteristics of ERPO respondents. We are limited by our reliance on petitions filled out by individuals who may or may not know respondents' full histories (in fact, some petitioners wrote "I don't know" in response to various queries on the form), but do know enough to persuade them that petitioning for an ERPO is appropriate. One problem that we encountered was that language used by the petitioners sometimes lacked precision, leaving us to make judgments about meanings. For example, it was sometimes unclear whether the respondent attempted or simply threatened suicide. Our process of double-coding each petition and discussing discrepancies helped ensure that the most reasonable judgments about unclear passages were made.

Another limitation is that we relied on the written narratives on the petitions to provide details that are not explicitly requested by the form. For example, the form does not explicitly ask whether the respondent currently possesses a gun. However, the majority of petitioners shared details on the respondents' gun access, use, and acquisition. Similarly, the

form does not explicitly request information on the respondent's mental health (indeed, the statute declares that the court "may not include in the findings any mental health diagnosis or any connection between the risk presented by the respondent and mental illness" (ORS 166.527(6)(a)), however respondents often shared this information, perhaps believing that it strengthened the petition.

Conclusion

This research provides a single state view of how ERPOs are being used. In Oregon, we find that ERPO petitions and orders are overwhelmingly being used as intended, that is, specifically for cases of imminent risk of harm to self or others. Other states may see differing patterns of petitioner relationships and reasons for petitioning. Next steps include individual-level outcomes research to determine whether those under ERPOs commit violence against themselves or others, if they do so with guns, or if they do so with other weapons. In addition, law enforcement officers often fill out ERPO petitions although legal aid assistance for family or household members filling out petitions is advisable. Greater dissemination of public information about ERPOs may increase their appropriate use and truly high-risk individuals and families may ultimately benefit.

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Table 1. Types of ERPO Petitioners in Oregon from January 2018 – March 2019

Type of petitioner	Petitioners (N=93) n (%)
Law enforcement	60 (65)
Intimate partners ^a	17 (18)
Family members ^b	13 (14)
Other	3 (3)

^a Intimate partners includes current or former spouses or dating partners

^b Family members includes parents, children, and siblings of the ERPO respondent

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Table 2. Detailed Reported Characteristics of Oregon ERPO Petitions from January 2018 – March 2019

Reported characteristics and behaviors	All ERPO petitions (n=93) n (%)
Respondent characteristics	
Gender (n=92)	
Male	75 (82)
Female	17 (18)
Race (n=58)	
White	52 (90)
Black, Asian, Native American, Pacific Islander, Latino/a or Hispanic	6 (10)
Age (n=68) Mean (SD)	40.15 (15)
Suicidality	
History of suicide threats, attempts, or ideation	68 (73)
Threats	57 (61)
Threats with a gun	38 (41)
Attempts	18 (19)
Attempts with a gun	3 (3)
Ideation only	2 (2)
Violence against others	
History of using or threatening force, violence, or harm against another person	70 (75)
Threat of violence	60 (65)
Threat of death	49 (53)
Gun threat	33 (35)
Use of violence	39 (42)
Gun use	12 (13)
Convicted of misdemeanor violence against another person	7 (8)
Risk to children and schools	
Safety risk for children or teens	20 (22)
Risk to schools or universities	6 (6)
Substance use	
Used a substance	43 (46)
Illicit drug use	20 (22)
Use or non-medical use of prescription drugs	8 (9)
Marijuana use	8 (9)

Nonspecific drug use	3 (3)
Alcohol use	20 (22)
Convicted of driving under the influence of intoxicants	9 (10)
Mental health	
Has a mental illness or mental health concern	52 (56)
Diagnosis	20 (22)
Psychiatric medication	9 (10)
Mental health concern hypothesized	25 (27)
Mental health hospitalization	20 (22)
Additional weapon questions	
Currently possesses a gun	69 (74)
Acquired or attempted to acquire a deadly weapon recently	46 (49)
History of unlawfully or recklessly using, displaying or brandishing a deadly weapon	53 (57)

¹ Collapsed due to confidentiality concerns

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Table 3. Timing of death threats and suicide threats and attempts relative to the filing of the ERPO petition.

Reported behavior	Within 1 day <i>n</i> (%)	2 – 7 days prior <i>n</i> (%)	1 week to 1 month prior <i>n</i> (%)	More than 1 month prior <i>n</i> (%)	Unknown timing <i>n</i> (%)
Threats of death (n=49)	10 (20)	6 (12)	9 (18)	6 (12)	18 (37)
Suicide threats (n=57)	7 (12)	11 (19)	6 (11)	8 (14)	25 (44)
Suicide attempts (n=18)	2 (11)	3 (17)	1 (6)	4 (22)	8 (44)

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Table 4. Reported Main Characteristics of Oregon ERPO Petitions by Type of Petitioner and by Petition Outcome from January 2018 – March 2019

Reported characteristics and behaviors	By type of petitioner (N=93)			By court outcome (N=86) ^a		
	Non-Law enforcement petitioner (n=33)	Law enforcement petitioner (n=60)	Fisher's exact p-value or <i>t</i> test statistic, p-value	Granted Petition (n=68)	Denied petitions (at ex-parte or final stage) (n=18)	Fisher's exact p-value or <i>t</i> test statistic, p-value
	<i>n</i> (%)	<i>n</i> (%)		<i>n</i> (%)	<i>n</i> (%)	
Gender (n=92)						
Male	26 (79)	49 (83)	0.780	52 (78)	16 (89)	0.507
Female	7 (21)	10 (17)		15 (22)	2 (11)	
Age (n=68)	36.88	41.93	<i>t</i> =-1.33, <i>p</i> =0.19	41.16	35.25	<i>t</i> =1.20, <i>p</i> =0.23
Mean (SD)	(12.18)	(16.25)		(16.05)	(11.22)	
History of suicide threats, attempts, or ideation	26 (79)	42 (70)	0.466	52 (76)	12 (67)	0.383
History of using or threatening force, violence, or harm against another person	27 (82)	43 (72)	0.324	50 (74)	13 (72)	1.000
Safety risk for children or teens	8 (24)	12 (20)	0.792	11 (16)	6 (33)	0.179
Risk to schools or universities	0 (0)	6 (10)	0.086	5 (7)	1 (6)	1.000
Used a substance	20 (61)	23 (38)	0.051	29 (43)	10 (56)	0.426
Has a mental illness or mental health concern	12 (36)	40 (67)	0.008	44 (65)	7 (39)	0.061
Currently possesses a	22 (67)	47 (78)	0.228	50 (74)	15 (83)	0.542

gun						
Acquired or attempted to acquire a deadly weapon recently	19 (58)	27 (45)	0.283	29 (43)	12 (67)	0.110
History of unlawfully or recklessly using, displaying or brandishing a deadly weapon	19 (58)	34 (57)	1.000	37 (54)	13 (72)	0.193

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Petition decisions

Ex parte order			0.000
Denied	14 (42)	2 (3)	
Granted	19 (58)	58 (97)	
Final hearing requested (<i>n</i> =20)	6 (18)	14 (23)	0.555
Final hearing			0.688
Denied	2 (33)	7 (50)	
Granted	2 (33)	5 (36)	
Unknown	2 (33)	2 (14)	

^a While there were 93 petitions, we removed the petitions that did not qualify for an ERPO due to the petitioner not appearing at the hearing (*n*=3), the petitioner/respondent relationship not qualifying (*n*=2), or the respondent already being prohibited from firearms (*n*=2). This left us with 86 petitions. There were 11 petitions denied at the ex parte stage based on the evidence, and 7 petitions denied after a full hearing stage (after being granted at the ex parte stage). Four final hearing decisions were unknown; these four cases are considered granted to be consistent with the ex parte petition outcomes.

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Table 5. Judicial decisions on ERPO petitions at ex parte and final hearings

Judicial decision	Ex-parte hearing (n=93) ^a n (%)	Final hearing (n=16) ^b n (%)
Approved	77 (83)	7 (44)
Denied due to lack of evidence The court could not find clear and convincing evidence the respondent presents a risk of suicide and/or causing physical injury to another person in the immediate or near future	11 (13) ^c	7 (50) ^d
Denied for other reasons		
Petitioner did not appear	1 (1)	2 (13)
Petitioner’s relationship with respondent does not qualify	2 (2)	0
Respondent already prohibited from firearms	2 (2)	0

^a At four hearings in which petitions were denied, the court did not find clear and convincing evidence supporting the petition *and* the court indicated that the petition did not qualify for the ERPO for a different reason. These are only counted here under “denied for other reasons.”

^b There was indication that final hearings were requested for 20 petitions, however court records did not include judicial decisions for 4 of these cases.

^c The denominator for this percentage is composed of the 88 petitions that were not denied for technical reasons.

^d The denominator for this percentage is composed of the 14 petitions that were not known to be denied for technical reasons.

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