

# Learning from the Experiences of Civilian Petitioners to Strengthen Implementation and Use of Oregon's Extreme Risk Protection Order Law

**October 2025**



Portland  
State  
UNIVERSITY

SCHOOL OF  
**PUBLIC HEALTH**

The following report summarizes the findings from 23 qualitative interviews with individuals who have petitioned for an Extreme Risk Protection Order (ERPO) in Oregon. These interviews involved only “civilian” (i.e., non-law enforcement) petitioners. Interviews were completed between August and October 2025. Civilian petitioners described their decision-making process when deciding to petition, the emotional and logistical challenges they faced as petitioners, resources that helped them petition, and the outcomes or impacts of the ERPO on the crisis situation and on their relationship with the individual for whom they filed. Interviewees also identified ways to support future civilian petitioners and to strengthen implementation of ERPOs. While some interviewees highlighted continued concerns related to risks of retaliatory harm or limitations in the ability of an ERPO to truly prevent access to firearms, the majority of interviewees described feeling a sense of relief after the ERPO took effect.

This research builds on a previous study involving interviews with law enforcement and other professionals involved in ERPO implementation. For more information on the first phase of this study, please see: [Valek, R., Teichman, R., Stahla, G., Rakshe, S., DeFrancesco, S., & Carlson, K. F. \(2024\). Understanding the Implementation and Use of Oregon’s Extreme Risk Protection Order Law Through Interviews with Professionals Involved in Implementation. Oregon Health & Science University Gun Violence Prevention Research Center. Oregon Health and Science University – Portland State University School of Public Health.](#)

This work was completed by researchers at the Oregon Health and Science University Gun Violence Prevention Research Center and the Oregon Health and Science University-Portland State University School of Public Health. This work was funded by the Oregon Health Authority through a grant provided by the U.S. Centers for Disease Control and Prevention Comprehensive Suicide Prevention Program. For questions, please email the research team at gunviolenceprevention at ohsu.edu.

### **Report Authors**

Rebecca Valek, MSPH

Rebecca Teichman, BA

Gina Stahla, MPH

Kathleen Carlson, MS, PhD

### **Recommended Citation**

Valek, R., Teichman, R., Stahla, G., & Carlson, K. F. (2024). Learning from the Experiences of Civilian Petitioners to Strengthen Implementation and Use of Oregon’s Extreme Risk Protection Order Law. Oregon Health & Science University Gun Violence Prevention Research Center. Oregon Health and Science University – Portland State University School of Public Health.



## Table of Contents

Oregon's Extreme Risk Protection Order Law .....	4
Interviews with Civilian Petitioners.....	6
Key Takeaways from the Interviews.....	7
Interviewees' Broader Opinions on Firearms and Firearm Policy.....	7
Decision to Petition.....	8
Petitioning Process.....	10
ERPO Service and Firearm Surrender .....	15
Post-Service Period.....	18
Outcomes and Impacts of the ERPO .....	20
Interviewees' Opinions on ERPO Laws and Perceptions of ERPO Effectiveness .....	24
Conclusions.....	28
Appendix A. Interview Guide .....	29



# Oregon's Extreme Risk Protection Order Law

Oregon's Extreme Risk Protection Order (ERPO) law (ORS §§ 166.525–166.543) allows family members (defined as current spouses/intimate partners, parents, children, and siblings of the respondent), household members, and law enforcement officers to petition a civil court for an order to temporarily restrict one's access to firearms or other deadly weapons if the court determines that the person is at imminent risk of harming themselves or others. For a more in-depth description of Oregon's ERPO law, please see the Oregon Secretary of State's Advisory Report: [Increased Awareness and Training Could Enhance the Effectiveness of Oregon's Extreme Risk Protection Order Law](#). For a description and flow chart of the steps of the ERPO process, please see our Center's previous report on our interviews with professionals involved in ERPO implementation: [Understanding the Implementation and Use of Oregon's Extreme Risk Protection Order Law Through Interviews with Professionals Involved in Implementation](#).

## Key ERPO Terms

**Petitioner:** The individual requesting the court to order an ERPO. Eligible petitioners in Oregon include law enforcement officers, family (current spouses and intimate partners, parents, children, and siblings), and household members. Family/household members are referred to as “civilian petitioners” in this report.

**Respondent:** The individual subject to the ERPO.

**Ex parte hearing:** The hearing that occurs on the same day or next judicial business day following the filing of an ERPO petition. The term “ex parte” is a legal term that indicates that only one party (in this case, the petitioner) presents evidence at the hearing.

**Service:** The process by which a respondent is notified of an ERPO after it is granted at the ex parte hearing. The Sheriff's Office is typically responsible for service of ERPOs.

**Contested hearing:** The hearing that is held with both parties (petitioner and respondent) present if the respondent requests this hearing to challenge the ERPO within 30 days of service.

Our team has analyzed Oregon's ERPO court records for all petitions filed from January 1, 2018, through June 30, 2024.<sup>1</sup> In that time, 936 ERPO petitions were filed in Oregon, 78% of which were granted. The majority of these ERPOs were filed by law enforcement officers (62%), followed by family/household members (27%). The remaining petitions were filed by individuals without standing to file under the ERPO statute (e.g., ex-spouses/ex-intimate partners, relatives, coworkers). Family/household member-initiated

<sup>1</sup> ERPO court records were accessed using the Oregon Judicial Case Information Network, provided by the Oregon Judicial Department.



petitions were less likely to be granted at the initial ex parte hearing (59%) compared to law enforcement-initiated petitions (96%), and, when a hearing to contest the order was requested, were more likely to be dismissed at the contested hearing (63% dismissed compared to 36% of law enforcement-initiated petitions). Oregon's ERPO petitions cited a variety of threats, including assault/homicide (86%), self-harm/suicide (62%), domestic violence (38%), and mass violence (11%), and many petitions cited multiple threats. Results from 2018-2022 have been previously published,<sup>2</sup> as have results from 2018-2023 focused on the use of ERPOs to address risks related to firearm suicide risk.<sup>3</sup> Additional fact sheets describing results are available [here](#).

While our review of the court records provides valuable information regarding the use of Oregon's ERPO law and the motivation behind petitions, gaps remained in our understanding of the law's implementation. To begin to bridge these gaps, our team conducted 33 qualitative interviews with professionals involved in ERPO implementation (e.g., law enforcement officers, circuit court judges, representatives from district and city attorneys' offices, and prevention professionals) from July to October 2024. Interviewees described their professional experiences with the ERPO law, expressed different attitudes and perceptions about the law's use and effectiveness, highlighted factors that may support or hinder ERPO utilization, and suggested policy and practice improvements that may improve ERPO utilization and effectiveness. Overall, most interviewees saw ERPOs as a beneficial tool to prevent harm in extreme situations, but these professionals also recognized the limitations of this tool and offered suggestions for bridging current gaps and more effectively implementing Oregon's ERPO law. Results from these interviews have been published as journal articles<sup>4</sup> and an online report, available [here](#).

While some professionals described their perceptions of the impacts of ERPOs on respondents' and petitioners' lives based on their personal experiences and engagement with these individuals, only respondents and petitioners themselves can provide first-hand accounts of the impacts that ERPOs have had on families in Oregon. Additionally, when asked why family/household member petitioners petition less frequently and are less likely to have their petitions granted compared to law enforcement officers, many of the professionals interviewed noted that non-law enforcement or civilian petitioners may struggle to navigate the court processes and articulate risk and may be afraid or hesitant to file against a family or household member. As the next stage in our research, we wanted to speak with civilian ERPO petitioners to learn more about their experiences utilizing the ERPO process and to better understand the emotional and logistical challenges they face as petitioners.

---

<sup>2</sup> Rakshe S, Valek R, Teichman R, Freeman K, DeFrancesco S, Carlson KF. Five years of extreme risk protection orders in Oregon: a descriptive analysis. *Psychological Reports*. 2024 Apr 26.

<sup>3</sup> Valek, R., Teichman, R., Rakshe, S., DeFrancesco, S., & Carlson, K. F. (2025). Use of Oregon's extreme risk protection order law to address risk of firearm suicide. *Injury Prevention*. <https://injuryprevention.bmjjournals.com/content/early/2025/03/22/ip-2024-045581>.

<sup>4</sup> Valek, R., Teichman, R., Rakshe, S., Stahla, G., DeFrancesco, S., & Carlson, K. F. (2025). Professional Training and Public Education Can Support Extreme Risk Protection Order Utilization: A Qualitative Study of Professionals in Oregon. *INQUIRY: The Journal of Health Care Organization, Provision, and Financing*, 62.

<https://doi.org/10.1177/00469580251371379>; Valek, R., Teichman, R., Stahla, G., Rakshe, S., DeFrancesco, S., & Carlson, K. F. (2025). Barriers and Facilitators to Implementation of Oregon's Extreme Risk Protection Order Law: A Qualitative Study of Professionals Involved in Implementation. *INQUIRY: The Journal of Health Care Organization, Provision, and Financing*, 62. <https://doi.org/10.1177/00469580251382423>.

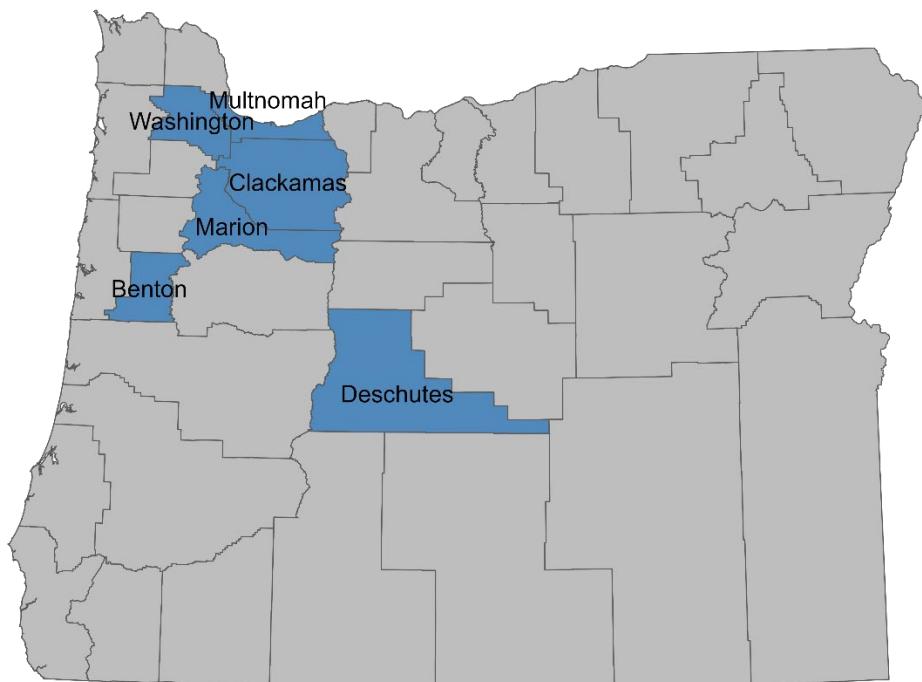
# Interviews with Civilian Petitioners

We conducted semi-structured interviews with civilian ERPO petitioners to learn more about their experiences utilizing the ERPO law and the outcomes and impacts the ERPO had on their lives. An interview guide was created with input from the Oregon Health Authority's Comprehensive Suicide Prevention team and other trauma-informed experts (**Appendix A**). Interviews were primarily conducted virtually and lasted approximately one hour each. Interviewees were offered a \$50 gift card in appreciation for their participation. Recordings and notes from interviews were analyzed using rapid qualitative analysis.

Initial recruitment of civilian petitioners was done via mail using mailing addresses obtained from the ERPO court records. Recruitment letters were sent to 285 of the 352 civilian petitioners who petitioned for an ERPO between 2018 to June 2024. We sampled a variety of petitioners across this time frame, with majorities of civilian petitioners from each year being contacted. Follow up was done via email or phone using contact information provided in the petitioners' responses to the mailing or obtained from the court records.

We completed a total of 23 interviews with civilian petitioners. Eight interviewees were spouses or intimate partners of the respondent at the time they filed, six were parents, four were siblings, two were ex-spouses or ex-intimate partners (non-eligible petitioners), two were children, and one was a household member. Interviewees had filed ERPOs across seven counties, with the majority of interviewees filing in Multnomah (n=8) and Washington (n=7) counties. Interviewees resided in 8 different counties, with 18 of the 23 interviewees residing in urban ZIP codes.

## Counties Where Interviewees Filed ERPOs\*



\*Counties with fewer than 5 total ERPO petitions filed between 2018-June 2024 are not shown on the map to protect interviewees' privacy.



Seven interviewees had petitioned due to the respondent's risk of self-harm or suicide, four due to risks of harm to others, and 12 due to risks of harm to both self and others. The ERPO was granted for the majority of the interviewees (n=20). Three interviewees reported the ERPO being denied at the ex parte hearing and an additional four interviewees noted that the ERPO was ultimately dismissed, either at a contested hearing (n=2) or through a mutual agreement (n=2). Three interviewees reported petitioning for renewal of the ERPO, two of whom had the renewal request granted.

## Key Takeaways from the Interviews

The following sections describe key lessons from the interviewees. Blue boxes within each section describe recommended policy or practice changes suggested by the interviewees to help improve ERPO implementation and support family/household member petitioners.

### Interviewees' Broader Opinions on Firearms and Firearm Policy

While not specifically asked about their personal firearm ownership or views on broader firearm policy, many interviewees spoke of their attitudes on these topics during the interview. Four interviewees reported being firearm owners themselves, and others stated that they did not personally own firearms, but they recognized and respected the right to own firearms. A few interviewees reported past traumas related to firearm violence unconnected to the ERPO circumstances, including two interviewees who had lost family members to firearm violence.

Interviewees' opinions on firearm regulations varied widely, from an interviewee who said they "don't believe in policymakers making policies about firearms when they know nothing about firearms" to an interviewee who expressed that "it would just be easier just to make all guns outlawed." Five interviewees specifically called for prohibitions or limitations on firearm ownership for those with diagnosed mental illnesses.<sup>5</sup> These comments often reflected their own experiences with loved ones struggling with mental illness. Most commonly, interviewees expressed support for firearm regulations to promote community safety. As one interviewee said, "I'm a gun owner and I believe people should be allowed to own guns. But if you have behavior that demonstrates you can't be trusted with one, then I don't think you should be able to have one."

---

<sup>5</sup> Oregon law prohibits firearm ownership among those who have been committed to the Oregon Health Authority or who have been found to be mentally ill and subject to a court order that prohibits purchasing or possession of a firearm as a result of that mental illness (ORS 166.470). It is important to note that research evidence indicates that individuals with mental health conditions are more likely to be victims than perpetrators of violence and that the relationship between mental illness and violence is complex and variable based on an individual's other risk factors, such as previous victimization and substance use. See Desmarais et al. (2014). Community violence perpetration and victimization among adults with mental illnesses. *American Journal of Public Health, 104*(12), 2342-49; Varshney et al. (2016). Violence and mental illness: What is the true story? *J Epidemiol Community Health, 70*(3), 223-25.

## Decision to Petition

### Circumstances leading to the decision to petition

Interviewees petitioned for an ERPO in response to a variety of circumstances, including mental health crises, risk of suicide or self-harm, domestic violence, volatile divorces, and substance abuse. As one interviewee shared, “He’s drunk, he’s high, and now he’s delusional and he has access to weapons.” Most interviewees noted that the respondent had current access to firearms, with others describing risks primarily related to recent or threatened firearm purchasing.

Interviewees also described the fear and stress that they were experiencing leading up to ERPO petitioning and their desire to deescalate the situation. For some, the decision to petition was challenging and emotional, with one interviewee sharing that it took them “a long time and a lot of tears” to decide to petition. This interviewee described that this emotional conflict was due to their recognition of the importance of firearms in the respondent’s life: “My dad is a hunter. He is a, you know, an outdoorsman, and that’s a very hard decision for me to make to take [his firearms] from him.”

### Co-occurring or alternative interventions

In addition to or prior to filing the ERPO, interviewees had often tried using alternative interventions, including psychiatric hospitalizations, restraining orders, calls to law enforcement or crisis lines, and voluntary firearm removal. Some referenced that these interventions complemented the ERPO, such as those that filed the ERPO while an individual was hospitalized on a psychiatric hold to make the home environment safer for the respondent upon their return. Others expressed frustrations with the alternatives, commenting that law enforcement or crisis lines were unable to help address the crisis situation.

Frustrations with law enforcement response often related to the respondents’ firearm access. A few interviewees noted that law enforcement would not respond to the home due to the firearm-related risk: “The police actually refused to show up because there was weapons in the house and accessible, which I understand, but at the same time, they put me in a really bad position.” Others reported being told by law enforcement that they had to give back the firearms if they had removed them or that they could not take the firearms without a court order like an ERPO: “[T]he police kind of basically said, ‘Look, he has a right to this unless you go to court.’” Multiple interviewees expressed disappointment in the assistance law enforcement was able to provide, while also acknowledging and expressing understanding for the limitations on what actions law enforcement officers are allowed to take.

The effectiveness of the use of crisis lines or other connections to services was often hindered by the individual in crisis being unwilling to accept treatment. Multiple interviewees emphasized the lack of options when an individual is resistant to treatment or unwilling to accept help:

You can help them sign up for alcohol treatment, but you can’t help them sign up for mental health treatment. They have to make the phone call and if they refuse to make the phone call, you’re done.



There's really nothing the police will do unless you press charges of assault. And there's nothing the crisis line will do if the individual does not want help...Oregon is a state that is just so far leaning towards the individual's rights to the detriment of being able to help victims...You can't help the person if they don't want help.

Unless someone wants help, things have to get to a state of crisis in the state of Oregon...And sometimes that crisis works out. And I'm convinced that sometimes people get killed.

A few interviewees shared that they had previously tried to voluntarily remove the firearms from the home with limited success. Some had locked the firearms in safes but had remaining concerns around firearm purchasing or because the respondents continued to try to access them. Others shared their experiences removing the firearms, sometimes at the request of the respondent, and then facing threats of legal action if the firearms were not returned.

### **Learning about ERPOs as an option**

When asked how they initially learned about the ERPO law, a few interviewees reported having heard about ERPOs on the radio or in the news and having some knowledge or awareness of the ERPO law prior to the crisis situation for which they filed. More commonly, interviewees reported first learning about ERPOs when recommended by family, friends, law enforcement, healthcare providers, or the crisis line.

Among those with prior knowledge of ERPOs, most reported generally supporting the idea when they learned about it but not giving it much thought because they never thought it would be something they would need. One interviewee shared their initial reaction after hearing about ERPOs on Oregon Public Radio: "I think I thought, 'Oh, that's really good for the people who might need it'—never thinking that I'd be one of the people who would need it." A few interviewees reported more negative initial reactions to the ERPO law: "I heard about [ERPOs] because I am in the gun world, so I am pro-Second Amendment and quite honestly I didn't agree with them at first because of my pro-Second Amendment stance."

A few interviewees expressed disappointment that healthcare providers or law enforcement professionals had not told them about ERPOs sooner despite repeated contacts. As one interviewee said, "I think it's interesting that in all the hospitalizations [for mental health concerns], we pretty much accessed every [emergency room]...I do not remember anyone mentioning the ERPO to me."

Even after going through the ERPO process, multiple interviewees seemed to have limited knowledge or understanding of ERPOs. Some did not know they were called ERPOs, instead referring to them as "red flag" laws or confusing them with other restraining orders.



## **Interviewees' Recommendations**

### **Interviewees Called for Increased Public Education and Awareness of ERPOs**

Given that many interviewees had not known about ERPOs before they faced a crisis when they needed to use them, many called for more public education or awareness about ERPOs. As one interviewee said, “I think the biggest hurdle is knowing about it, that it even exists.”

Some interviewees suggested the use of public service announcements, social media, podcasts, or other public education campaigns to reach the public more broadly. One interviewee suggested there should be a handout or some material that can be given to those experiencing a crisis:

Having somebody come to you with a piece of paper that says, ‘Okay. You are involved in a potential situation in which this law, this Oregon law, might be useful to you. Here is a piece of paper that explains where to find information about this law, how to implement this law, what’s involved in implementing the law. And here’s how you can make your best shot at making this a successful process.’

Some suggested that public education materials should include scenarios for which ERPOs have been used or testimonials from individuals who have petitioned for an ERPO in the past. One interviewee who was initially opposed to ERPOs themselves suggested that these stories and firsthand accounts may help reach those who are currently opposed to ERPOs due to misinformation or lack of understanding: “There had to be something done, and I don’t think people really can grasp that until they hear actual stories.”

Other interviewees highlighted the importance of ERPO training and education for healthcare providers, crisis line workers, social workers, and other relevant professionals so that they can advise patients and their loved ones.

## **Petitioning Process**

### **Experiences with petitioning and the ex parte hearing process**

The process of petitioning varied between interviewees based on the county in which they petitioned and the timing of their petitioning (e.g., during the COVID-19 pandemic). While some interviewees had private hearings with an available judge, many interviewees reported that the ex parte hearing occurred in open court, requiring them to share intimate details of their situation in front of a room full of strangers. Others, particularly those who petitioned during the COVID-19 pandemic, had the ex parte hearing virtually or by phone.

Some interviewees described the process as clear and found those at the courthouse to be supportive and helpful. One interviewee described a smooth, easy process: “As soon as I got the paperwork filled out, they took us right to the courtroom, guided us into the back of the courtroom, said just, you know, ‘have a seat and the judge will call you.’ And he did within a few minutes.” Others benefitted from the support of lawyers, law enforcement officers, or family or friends familiar with the criminal-legal system to help guide them through the process, instructing them on where to go and what language or evidence to include in the petition. These interviewees described how this support significantly eased their stress during the process.



More commonly, interviewees described the process as challenging and commented on the various emotional and logistical barriers they faced as petitioners. As one interviewee said, “That whole front end of the process was really like, it was not clear. It kind of presumed you understood how to navigate the court system in Oregon, which I didn’t.”

### ***Logistical barriers to petitioning***

Logistical barriers to petitioning included the lack of resources and support, lack of clarity on the process, long wait times, and the need to take time off work. While some described the ERPO process as quick or efficient and felt the existing resources were adequate, others reported significant barriers to utilizing the process. One interviewee suggested that courts should have judges on standby or available to hear ERPO petitions more quickly because “time is of the essence” and a few hours delay may make a big difference in some cases.

Some interviewees also commented on the logistical challenge of petitioning in person at the courthouse, noting that they often had to take a full day or more off of work to petition. Others did not see this as a barrier or said it was a necessary barrier to emphasize the seriousness of these orders. A few interviewees suggested that petitioners should have the ability to file the petition virtually to avoid needing to go to the courthouse twice (first to submit the petition, and later to attend the ex parte hearing).

Many interviewees commented on the limited or inadequate resources available, both online and at the courthouse. The online resources that petitioners tried to use were described as “not particularly user-friendly, not particularly well-documented as to the process.” At the courthouse, interviewees struggled to find further information or support: “People were there to help but I really had to breadcrumb myself through the process.” The petitioning forms themselves were also described as overwhelming: “I’m an educated person, but even me trying to read through it is anxiety-invoking because you’re like, is this the right form? Am I even doing this right?...It shouldn’t be that hard.”

Multiple interviewees commented that these various challenges may have led them to give up on the process:

I think I went from desk to desk and building to building to try and find somebody that would help me, and so I could have pretty easily given up.

If I didn’t have the knowledge or the access to knowledge that I had, I wouldn’t have done it. It would have been too much work.

The time when I was trying to go through the process was probably the most stressful time of my whole entire life...I’m an educated, middle class person with lots of resources and I’m not sure that I would have had the capacity, mental capacity, emotional capacity, to navigate that on my own if I didn’t have [a friend] to shepherd me through it.

### ***Emotional barriers to petitioning***

Most interviewees described that this period in their lives and the process of petitioning for the ERPO were emotionally strenuous. As one interviewee shared, “It’s not easy even for the person



that's filing... These are things you don't believe you'll have to deal with in your life." Another interviewee described the stress of navigating the court process on their own:

I got the form, and I was so stressed, and I'd never been to court for anything before, so I was in this environment that I didn't know anything about and I didn't know how it worked, and I [was] trying to watch what other people were doing to try and figure out what the rules were or what was going on. You're in such an emotionally heightened state anyways because of the reason that you're there."

## Interviewees' Recommendations

### **Interviewees Wanted More Resources for Civilian Petitioners**

Nearly all interviewees expressed that civilian petitioners would benefit from increased resources and support throughout the process, suggesting this may occur through resource guides, an advocate at the courthouse, or support from nonprofits.

- **Online and printed resources** should include step-by-step instructions on how to navigate the ERPO process, including specific details relevant to the local jurisdiction such as the time each step takes, who to contact with questions, what time the hearing would be scheduled (if pre-set hearings are used), where to go to petition at the courthouse, and court hours of operation.
- **An ERPO advocate** should be present at the courthouse or via phone to assist petitioners throughout the process. As one interviewee said, "If someone really needed this, they need an advocate that's not going to cost them any money to walk them through this...I can't imagine somebody doing this on their own." If counties do not have a high enough ERPO caseload to warrant this position, one interviewee suggested court staff should be trained to answer petitioners' questions. Others suggested that court clerks, victim's assistance officers, or local nonprofits could be trained to support civilian petitioners.
- **A peer-to-peer model** of support was recommended by one interviewee, where past petitioners are trained to support others facing similar crises. This interviewee noted that, since going through this process themselves, they have personally helped others file ERPOs or restraining orders. This interviewee emphasized that a peer-to-peer model may be particularly beneficial because those experiencing domestic violence or other crisis situations may be more willing to listen to someone who understands their situation.

Interviewees emphasized that these resources should be freely available and clearly accessible to all petitioners and that written materials should use plain language that those without experience with the courts can understand.

### *Challenges related to providing evidence*

A few interviewees expressed challenges or concerns related to providing sufficient evidence to support their ERPO petition. Some interviewees felt that strong evidence beyond the petitioner's word was essential to protect the respondent's constitutional rights, but others struggled to produce written or third-party evidence or reported not being aware that copies of evidence, such as police reports, may be required by the judge during the hearing. Some felt invalidated by the question for proof beyond their knowledge of the respondent. As one interviewee described:



The judge kind of just said to me, ‘How do you know? Where’s your proof?’... and I just kind of started crying. I said ‘I’m their mom, I don’t know what to tell you—I was there...’ I just remember saying to the judge, ‘I don’t know what you want me to do.’

A few interviewees felt that the ERPO law set the burden of proof too high for ERPOs to be used for prevention. Additionally, one interviewee called for judges to consider potential future risks among the supporting evidence of imminent risk for ERPO petitions:

What I would want to consider to include imminent threat is not just what has happened in the past right up to the time when you’re filing it, but also what you foresee in the future as being a potential cause for someone to leap over the edge. So divorce, for example.

This interviewee expressed that the decision to petition for an ERPO can be challenging because it is hard to know if the threats will meet the burden of proof, leaving potential petitioners in bad situations:

I would encourage people to file a risk protection order if they feel it’s imminent, but it’s hard when it’s right on the line...But who wants to live on the edge? They want you, like, literally falling off the edge before it is imminent.

### **Differences in petitioning between family and household members and law enforcement officers**

In Oregon, eligible petitioners are limited to family/household members and law enforcement officers. Although both groups are eligible to petition, law enforcement officers petition more frequently and are more likely to have their petitions granted at the ex parte hearing than family/household member petitioners. Interviewees suggested that law enforcement officers may have higher approval ratings because they have more experience articulating risk and presenting evidence in court or may be involved when the situation is more severe. Additionally, some interviewees suggested that law enforcement officers may be viewed as more credible by judges due to their lack of emotional involvement in the case, with one interviewee saying, “I think that the courts believe an officer over civilians.”

Some also noted that family/household members may not petition as frequently and may have a lower approval rate due to their lack of awareness of the law, the lack of support to help them navigate the petitioning process, and potential fear of retaliation or impacts on their relationship with the respondent. Law enforcement may also petition on behalf of family/household members at times, working with the family to present evidence. Some interviewees were surprised to learn that law enforcement could have filed on their behalf and expressed that they would have preferred this option because “it would have taken the heat off of me and the effect on my relationship with my dad.”



## Interviewees' Recommendations

### **Many Interviewees Supported Expanding Petitioner Eligibility**

When asked whether Oregon should consider expanding its list of eligible petitioners, the majority of interviewees expressed support for expansion of petitioner eligibility, either broadly or to specific groups. Some interviewees expressed broad support for petitioner expansion, noting that all petitioners still have to meet the same evidentiary basis and that anyone who knows someone at imminent risk of harming themselves or others should be able to take action. As one interviewee said, “If we have to come up with the same evidence, the same documentation, regardless of who submits it...why can’t they? The whole goal is to keep that person safe and keep others safe.”

A few interviewees were broadly against petitioner expansion, commenting that the current list seems sufficient. One interviewee noted that “the people closest to the situation should be the ones to [petition].” A few interviewees expressed concerns related to misuse or weaponization of ERPOs and burden on the court system and suggested that non-eligible petitioners could request that law enforcement file the ERPO.

Interviewees also commented on the benefits and risks of expanding to specific groups:

- **Ex-spouses/ex-intimate partners:** Some interviewees expressed concerns that ex-spouses/ex-intimate partners may use ERPOs “as a tool against the other person rather than a protective thing.” Still, others supported their ability to petition and recognized the potential risks they may face.
- **Healthcare providers:** Many interviewees felt that healthcare providers have a role to play in the ERPO process. A few interviewees shared that they work in healthcare, some of whom supported healthcare providers as petitioners because “healthcare workers are often some of the first people to know that something might be wrong.” Others expressed concerns about privacy laws, patient trust, and limited knowledge of the patient’s life. Some interviewees expressed support for expanding only to behavioral health providers or having healthcare providers notify law enforcement but not file themselves. One interviewee commented that the ERPO process may need to be modified to allow healthcare providers to refer cases to hospital social workers or file in the name of the institution instead of having to file as individual providers.
- **Teachers/school administrators:** A few interviewees identified teachers or school administrators as beneficial petitioners. One interviewee with professional experience in the education system suggested that teachers should refer cases to the school administration or a school social worker to reduce the risk of harm to their relationship with the student and the risk of retaliation.
- **Friends/Neighbors/Coworkers:** Some interviewees highlighted that not everyone has immediate family in their support system, so friends, neighbors, coworkers, or others who see warning signs should also be able to petition.

### **Experiences with contested hearings**

Only three interviewees reported that the respondent requested a hearing to contest the ERPO. These interviewees described the contested hearing process as long and challenging, with one interviewee noting that the hearing lasted all day. Ultimately, these hearings ended in the judge



dismissing the ERPO in two cases and the petitioner and respondent agreeing to terminate the ERPO in the third.

In all three cases, the interviewees said that the respondent hired an expensive lawyer, either exclusively for contesting the ERPO or as an extension of their representation in concurrent divorce proceedings. Two of the interviewees also hired lawyers, with one already having a lawyer for their divorce proceedings and another receiving representation from a local legal aid group that was interested in gaining experience defending ERPOs. The third interviewee commented that they thought the ERPO would not have been dismissed if they had hired a lawyer, saying: “It seems like [in our court system]...if you have the money and the time, you will have the outcome.”

The involvement of lawyers seemed to complicate the process, with one interviewee saying that the respondent’s lawyer discouraged friends from testifying as witnesses to the respondent’s concerning statements or behaviors at the contested hearing with the threat of defamation or libel lawsuits. Another respondent noted that their lawyers ultimately agreed to terminate the ERPO because the respondent refused to move forward with their divorce proceedings while the ERPO was in place. Given these experiences, some interviewees suggested that attorney services should be available for petitioners, particularly for contested hearings.

## ERPO Service and Firearm Surrender

### Experiences with ERPO service

Interviewees described varied experiences with ERPO service. Some noted that, after the judge granted the ERPO at the ex parte hearing, they had to personally deliver copies of the order to the sheriff’s office for service. Some interviewees spoke with law enforcement about the respondents’ access to weapons prior to ERPO service, while others just reported this information in the court documents when petitioning.

Many said that the ERPO was served quickly, often the next day, but others experienced longer delays before the ERPO was served, with one interviewee sharing that the ERPO was not served for nearly a month. When service was delayed, interviewees expressed concerns around the respondents’ continued access to firearms or potential to cause harm: “How is he being held liable for that if he doesn’t even have it? ...I mean, then he’s still driving around with guns trying to, like, shoot me.”

Some interviewees described intentionally leaving the home when the ERPO was served to avoid angering the respondents further. A few interviewees described respondents reacting negatively to ERPO service, with one interviewee sharing that the respondent damaged their whole apartment: “I think that if he had a weapon at that time, a gun, he could have done damage, especially when he was angry—he could have done a lot of damage to other people.”

Others were present during the service and described a fairly calm and easy service experience. One interviewee thought that the presence of family members during the service helped the



respondent to be more accepting of the ERPO: “So, this is my feeling, so the family was together and he saw a lot of love and caring in the room.”

Interviewees shared that the law enforcement officers serving the order had been friendly, sitting down with the respondent to clearly explain the order. While some appreciated this friendly demeanor of the officers serving the ERPO, one interviewee said they wished the officers had been more neutral so that the respondent understood how serious the situation was.

I wish it was a little more neutral... There certainly wasn't the seriousness of the event. Like I don't think you have to like chummy up and agree with the perpetrator that this is all a bunch of stupid hogwash and 'don't worry, you're going to get your guns back, buddy'... You can remain very professional and not give away one way or the other and I think that would be a much better approach.

Some interviewees, particularly those who had filed solely for risk of suicide or self-harm, wished that law enforcement did not need to be involved in the service, noting that this could feel aggressive or embarrassing. As one interviewee questioned, “If the family member isn't concerned about safety, how can we ensure the people's dignity and their self-respect is maintained?” One interviewee commented that they received calls from concerned neighbors who saw the sheriff's vehicles at their home during the service.

### **Experiences with firearm surrender**

Some interviewees described the firearm surrender process as going smoothly. For example, some respondents were compliant and surrendered firearms to law enforcement immediately upon service. Other interviewees removed the firearms from the respondent's home, at times while the respondent was hospitalized or on a mental health hold, and either gave the firearms to law enforcement or locked them in a safe.

Others described a more drawn-out process, largely due to the respondent's noncompliance. While some interviewees felt confident that all firearms were surrendered, others were unsure or even confident that the respondent continued to have access to firearms. One interviewee said that law enforcement officers arrested the respondent multiple times in the months after the ERPO took effect, each time confiscating additional firearms that the respondent had in their car. Another interviewee noted that it took months before the respondent turned in any weapons, and even then, the respondent did not surrender all of their weapons.

Some interviewees described that the respondent did not seek out additional weapons after ERPO service, but others noted that the respondent constantly asked them for their weapons back. One interviewee shared that the respondent had actually been arrested after trying to purchase another firearm while the ERPO was in effect.



## **Interviewees' Recommendations**

### **Interviewees Recommended Firearm Surrender Immediately Upon Service**

Many interviewees suggested that there should be a requirement to surrender all firearms immediately upon ERPO service, noting that this can decrease the risk of escalation or retaliation and improve compliance. Multiple interviewees expressed concerns about the fact that the respondent has 24 hours to surrender their firearms or deadly weapons:

To be blunt, it [having 24 hours to surrender a firearm] doesn't make sense. You're serving someone with an ERPO and you're concerned that they may hurt themselves or someone else. Yet, you're letting them know that this has come to the attention of the public and the court...and yet you're allowing them 24 hours to determine what they're going to do...depending on the person's mental state, I feel this procedurally is so detrimental as to not remove the firearms at the moment...it absolutely made no sense to me.

Not sure what the 24-hour reasoning is. Like I said, when the officer came to the door to serve him, there was no reason why he couldn't have turned his firearm over right then and there. And, why are you giving him 24 hours? To retaliate against the person who reported you?

If someone is really in not a great state of mind to hurt themselves or others, good luck trying to get them to turn over weapons... I think my husband said they gave him like a week to turn over his weapons. So it's a long time to do what you want to do with a weapon.

### **Lack of communication and enforcement**

Many interviewees expressed frustration with the lack of follow up that they received as petitioners. Few interviewees received notification that the ERPO had been served, and even fewer reported being notified when firearms were surrendered. One interviewee described that they tried contacting law enforcement and the courts and struggled to get accurate information on whether the firearms had been surrendered:

The court clerks had given me perhaps the most information in terms of it being served at this time on this day...But they couldn't tell if the firearms had been surrendered yet. They were not made aware of that process either. So they just assumed that the Sheriff's Department had the weapons. I reached out to the Sheriff's Department, and they didn't have the weapons.

Some interviewees felt that the responsibility to enforce the ERPO or ensure the respondent was compliant fell upon them due to the lack of follow-up or enforcement practices from the courts or law enforcement:

There was really no policing of the order once it was issued...As far as follow up and the actual execution of obtaining the firearms, it just doesn't exist.



I think procedurally it was just a mess. It gave too much opportunity. The only person who was going to have to police that was me.

One interviewee even considered filing a contempt of court motion because they felt that no one else would take action to enforce the ERPO.

## **Interviewees' Recommendations**

### **Interviewees Expressed Mixed Opinions on the Utility of Compliance Hearings**

Interviewees were asked to share their thoughts on the practice of compliance hearings, where respondents have to attend a hearing if they have not yet submitted some proof of compliance with the court to attest to a judge that they do not have any weapons or share to whom their weapons were surrendered. Compliance hearings are currently used for ERPO cases in some, but not all, of Oregon's counties. Multiple interviewees noted that compliance hearings would not have been needed in their case, but that they could see the benefit of the practice for other cases as "another layer of double checking that there isn't non-compliance." Others felt that this practice made sense because "anything you can do to make sure that people are complying is better" and "you don't want to just take someone's word for it necessarily that they got rid of their weapon."

Others did not see the benefit in compliance hearings, noting the lack of accountability beyond taking the respondent's word and the potential that the respondent may not be in the right state of mind to attend or care about a hearing. As one interviewee said, "Asking someone to come to court doesn't change anything. If you're willing to lie to the police and lie to the person that you're involved with, I don't know, it doesn't seem to me like it's very effective." Another interviewee noted the challenges to proving that someone does not have access to firearms and to preventing future access:

It's really easy to walk in there and just be like, 'Yeah, I don't have them anymore,' you know? And there's really no proof other than searching. I mean, people go steal firearms all the time. There's a black market for firearms. You can go and buy one off the street.

Despite expressing these concerns, some interviewees still felt that compliance hearings are better than nothing: "I guess the bottom line is you can't really know how many guns they have right? ...It's probably better than not doing it just to show you're serious."

## **Post-Service Period**

### **Follow-up and connections to services**

When asked whether the respondent was connected to mental health or social services through the ERPO process, most interviewees said that neither themselves nor the respondent had been offered services through the ERPO process. Some noted that this was unnecessary because the respondent was already accessing mental health services. Others did not think services would have been helpful because the respondent was unwilling to engage in treatment or because services were not available or accessible in the county. Still, many commented that service



connections would be beneficial to help “get [the respondent] back on track.” As one interviewee said, “I think if someone’s worried about someone enough that they’re going to harm themselves or others, they should probably get some sort of treatment or help or be evaluated in some fashion.”

Some beneficial services that interviewees suggested included counseling and connection with an advocate who understands the ERPO process. Some interviewees suggested that these service connections could be made at the time of ERPO service, while another thought respondents may be more receptive to them after a few weeks so that the respondent has time to cool down and process the situation. A few interviewees thought that mental health treatment should be mandatory for respondents, while others commented that mandatory treatment is often ineffective.

One interviewee suggested that, in addition to these mental health and social services, respondents should be required to take a firearm training or sensitivities course:

Maybe there’s training around, you know, the language we use when we talk about guns, how, you know, we don’t laugh when we’re...talking about gun safety...The person should be mandated to go to classes after [the ERPO] for what’s expected of you as a gun owner.

This interviewee suggested that these classes could teach respondents about secure firearm storage, offsite storage options, what to do with firearms when household members are at risk of harming themselves or others, and other important safety lessons.

### **ERPO expiration and renewal**

A few interviewees reported receiving some notification to remind them of the upcoming expiration of the ERPO and the potential for renewal, while others said they had just marked the date in their personal calendars. Other interviewees said that they did not receive any notification about the upcoming expiration and that they may have considered renewing the ERPO if they had.

Some interviewees had decided not to renew the ERPO due to changes in circumstances or reduced risk, while others shared that they did not renew because they were no longer in contact with the respondent or because petitioning had been emotionally difficult. Three interviewees did decide to petition for renewal of the ERPO, two of whom had the renewal granted.

The third renewal request was denied due to the rules around the timing of renewals. Under Oregon’s ERPO statute, renewal petitions must be filed with sufficient time before the expiration of the ERPO for the respondent to receive notice of a hearing. This interviewee was told by the judge that renewal petitions must be filed nearly a month before ERPO expiration.

Some interviewees shared that the respondent regained access to firearms quickly after ERPO expiration, either by retrieving their surrendered firearms or purchasing new firearms. Others reported that the respondent did not pick up their firearms, either at all or for some time after the ERPO expired.



## Interviewees' Recommendations

### **A Few Interviewees Highlighted the Need to Notify Petitioners Prior to ERPO Expiration**

Most interviewees did not receive notification from the court that the ERPO was going to expire, resulting in at least one interviewee being unable to renew the ERPO despite continued risk. This interviewee whose renewal was denied because it was not filed with enough time to give the respondent notice of a hearing suggested that the courts should send out notices alerting petitioners of ERPO expiration at two months and at six weeks prior to ERPO expiration so petitioners have ample time to renew if needed.

### **Some Interviewees Recommended Extending the ERPO's Duration**

A few interviewees suggested that the ERPO should last for more than just one year, with some suggesting they should last two-to-three years and others saying ERPOs should be permanent or require an evaluation to be terminated. As one interviewee said, “Most of these people are not in one year going to be in a place where they should have a weapon that could kill.” Some noted that the requirement for the petitioner to renew each year, instead of having the ERPO last indefinitely until the respondent can prove they should regain their firearms, puts the onus of responsibility on the potential victims.

## **Outcomes and Impacts of the ERPO**

### **Sense of relief**

Most interviewees reported feeling a sense of relief after the ERPO took effect. This was especially true for those filing due to the respondents' risk of suicide or self-harm, but relief was also reported by those who petitioned for risks to others as well. As one interviewee shared:

[The ERPO] provided a huge sense of relief...some may view the ERPO as taking something away, but in our situation, it gave a sense of relief...it gave them time to get well and not be hyper-focused on 'how am I going to find that source [of a firearm]?'

Others expressed that the ERPO was beneficial because it gave them “some breathing room,” or time and space to address the crisis. As one interviewee who filed in response to the respondent's risk of suicide said:

For us, I felt it was a good step on the way to creating a safer environment for [my child] to be in, and for them to realize that we were taking this seriously and would go to the lengths of going to court to say, 'We're going to do everything we can do to try and protect you from yourself'... we were using that tool as a way to try and keep them with us.

Some found the process empowering because it enabled them to take action to protect their loved ones or themselves during a chaotic time: “At a time when things were feeling a bit out of



control and unsafe, it was nice to feel that there was something within the courts to provide some level of guardrails.”

### **Remaining concerns of risk of harm**

Although the ERPO provided many with a sense of relief, some interviewees noted that concerns remained related to the respondent’s risk of harming themselves or others. Some expressed that the respondent could still harm themselves or others through other means: “I think if someone wants to kill themselves or their partner... I don’t think it eliminates the risk... People will find other ways.” Still, many expressed relief that the use of firearms would not be an option, emphasizing that firearms pose a particularly high risk due to their immediacy and lethality.

There’s still other problems as far as physical violence, mental, just chaos and then other things that could happen. You know, you have knives in the house, you have other types of weapons...The ERPO helped to de-escalate the situation because guns are significantly more difficult to defend yourself against or control.

The thing about guns is it’s very quick to shoot somebody...If [the respondent] had a knife, better chances for me to get away, right?

Not having a loaded shotgun in the house makes one feel better as far as not being killed.

Others expressed continued risks due to the respondent’s ongoing mental health challenges. Interviewees shared that the ERPO did not fully solve the crisis: “The ERPO didn’t solve the mental health problem. It just took the dangerous weapon out of the house.” Still, they appreciated that the ERPO provided “another layer of safety...another tool to help them.”

While the ERPO itself did not result in service connections for most, some respondents were hospitalized or otherwise connected to needed mental health or social services around the time of ERPO filing. As a result, some interviewees described that, since the time of the crisis that precipitated ERPO filing, the respondent’s mental health had improved or the risk of harm to self or others was no longer present.

Other interviewees shared that the respondents did not access or refused services and their mental health continued to deteriorate. For some, this eventually led to hospitalization or civil commitment. One interviewee shared that the respondent attempted suicide while the ERPO was in place, but they expressed that the inability to access firearms may have led to the respondent surviving this suicide attempt. Three interviewees shared that the respondent has passed away, one due to unintentional drug overdose while the ERPO was still in place, one due to suicide via drug overdose shortly after the ERPO expired, and a third due to unrelated health conditions a few years after the ERPO expired.

### **Fear of retaliation**

Some interviewees expressed increased fear of retaliation after the ERPO was served. This fear was heightened in cases where individuals did not believe that the firearms were truly surrendered or the ERPO was being enforced.



I think it took about four months for [the respondent] to surrender one firearm, so it didn't really ease the situation. If anything, I mean you can understand people who are in abusive relationships, you just think this is going to ignite things further.

I feel like it helped me in certain places for sure, but I also feel like it also made it more dangerous. Like if I hadn't had a safe house to go to, I don't know that I would still be alive.

I guess you have solved one problem, but kind of by the nature of that you also cause another if you're going to upset somebody in that way.

A few of the interviewees who described experiencing more limited benefits of the ERPO still said that the presence of the ERPO may have been beneficial to enable police response if the respondent threatened them in the future: "I felt like I was maybe in more danger honestly, but I also knew that at that point, if we called the police, then hopefully they would do something about like [the respondent] showing up."

### **Impacts on the petitioner's relationship with the respondent**

Interviewees' relationships with the respondents were often complex. Many interviewees reported that the ERPO negatively impacted their relationship with the respondent, although some said that the impact was more the result of the crisis or the respondent's behavior than the ERPO itself: "It did create a huge problem in the relationship, but that has everything to do with mental illness." Others shared that the relationship had already been damaged prior to the ERPO: "That relationship was already so extraordinarily wrong that the ERPO didn't really matter." Some could not comment on the impacts of the ERPO on their relationship with the respondent because they no longer had contact with the respondent or had only minimal contact.

A few interviewees said that the respondent was supportive or understanding of the ERPO or eventually understood the ERPO even if they were initially angry or upset. Those with this experience shared that the respondent happened to be at a point in their life where they recognized the risk and wanted to seek help.

I think [the respondent] appreciated the effort that I put into helping to try to keep him safe. Now, I think I was very lucky...I mean, a couple years prior, he would not have been of that mindset. But I caught him at a point in his life where he was finally wanting to break the cycle.

Some even expressed that the respondent may have found the ERPO comforting.

As somebody who was actually trying to take steps to get through what he was going through, I think he found it somewhat comforting to know that we were trying to look out for him and that there would be some obstacles and it wouldn't be quite so easy.

I think it also gave him peace of mind too. Like it took that decision out of his hands...I think it just took the weight off, like 'I can't do it, so I'm not going to. It's not even an option.'



## Impacts on the petitioner's broader relationships

Some interviewees described broader impacts on their relationships with family and friends, with some describing family and friends as being angry or siding with the respondent. One interviewee described the emotional challenge of dealing with this reaction, saying, “It’s just hard when you’re trying to help prevent someone from hurting themselves and then everyone makes you feel like you’re doing something wrong.”

Others received support from family and friends or gratitude that they took this action. One interviewee described being thanked by the brother of the respondent’s wife: “Once her brother understood everything, he told me, ‘I thank you for stepping up and doing that...I was afraid my sister was going to be taken out in a body bag.’”

## Adverse impacts

Most interviewees were unaware of any adverse impacts faced by the respondent. A few noted that the respondent was upset by the idea that the ERPO was on their record or could be accessed by the public: “The thing my husband didn’t like about it was just the taintedness of it all. It was going to be on his record. It was going to cover 50 states.” One interviewee shared that the respondent had been uncomfortable when they received the letter from our research team to participate in the study because they questioned who could access their personal information and worried about privacy.

Another interviewee expressed concerns that the ERPO would be a mark on the respondent’s record and prevent the respondent from getting things like a life insurance policy, employment, or security clearance in the future, but they were unsure whether this would be the case. This interviewee expressed mixed feelings as to whether an ERPO should remain on a respondent’s record, expressing differing opinions for ERPOs intended to prevent risk of harm to self versus harm to others because a person should not be penalized for seeking help for suicidal ideation.

Another interviewee said that the ERPO had adverse consequences on the respondent because they are a hunter: “He didn’t understand, like guns have been his entire life. Like he’s hunted since he was a little kid, you know? And so he was very upset by his own family taking his guns.”

Some commented that the stress of petitioning and going through the ERPO process was an adverse consequence for themselves as petitioners. In particular, one interviewee whose ERPO was ultimately dismissed shared that, due to the dismissal of the ERPO and other legal actions they tried to use, they felt discouraged from using the court system:

So, for me, this whole system, the more I tried to report, the more I got taken down. I put myself in worse and worse and worse positions...I should have hired a \$600 attorney...It just all came down to how well you can act in court and how to play the games.

A few interviewees described navigating concurrent divorce proceedings and described that the ERPO complicated those proceedings or that they were told by attorneys that the EPRO would “muddy the waters.”

## Impacts of ERPO denial or dismissal

Three interviewees had their ERPO petitions denied at the ex parte hearing and four others had their ERPOs terminated or dismissed. These interviewees expressed frustration with the process and a sense that the judge did not view their situation as serious enough, despite their safety concerns. As one interviewee expressed, “I feel like the law failed me.”

One interviewee whose ERPO petition was denied expressed fear that, if the respondent knew they had petitioned and it was denied, the respondent’s behavior may escalate: “I would be afraid that that would set him off... and I wouldn’t want to give him that edge, that he thinks he’s invincible, that he didn’t get the ERPO so he can do what he wants.” As another interviewee put it, “If the system doesn’t protect you, then you’re actually at more risk.”

Without the protection of an ERPO, some of these interviewees described feeling hopeless. One interviewee said that they changed their locks and got security cameras but otherwise felt that there was nothing they could do to keep themselves safe after the ERPO was denied: “I figured it was in God’s hands. If I was going to get shot by my brother, I was going to get shot.”

A few interviewees whose ERPOs were granted shared that they appreciated that the ERPO signaled to the respondent that their behaviors were inappropriate or unacceptable.

Unfortunately, for those whose ERPOs were denied or dismissed, some noted the opposite effect, with the dismissal or denial of the ERPO seeming to justify the respondent’s behavior or embolden the respondent: “He has justified himself and gotten justification for his actions. He has pressed against the line that says you can’t go over and nothing has happened, so he has been validated.”

## Interviewees’ Opinions on ERPO Laws and Perceptions of ERPO Effectiveness

### Perceived effectiveness of ERPO laws

Most interviewees believed that ERPOs are effective at saving lives, noting potential effectiveness for reducing firearm suicide, interpersonal violence, and mass violence. Some acknowledged that ERPOs are not a perfect solution, but appreciated the option for protection:

I’m sure they are [effective at saving lives]. And I’m sure at times, even despite having one, other people still get hurt. But at least you are trying to work within the law and what tools you have at your disposal to try to protect yourself.

Others acknowledged that it is challenging to determine if ERPOs save lives because you cannot say for sure what the outcome may have been without the ERPO, but that they would not want to take that chance. As one interviewee said, “You never know when you overreact, but you sure know when you underreact.” Another interviewee noted that, even if data do not show massive impacts, ERPOs are worth having if they can save even a few lives.

Interviewees expressed that ERPOs can be effective at reducing firearm violence by removing access to lethal means. One interviewee commented on shootings as impulsive acts, saying,



“People can get the gun and they just shoot. It’s just a quick impulse thing...Sometimes people need to be safe from themselves.” ERPOs can help prevent these impulsive decisions because, as one interviewee said, “[If] someone has that gun taken away, they can’t make that rash decision all of a sudden to hurt themselves or someone else.”

In terms of utilization for specific types of firearm violence, a few interviewees expressed skepticism about the use of ERPOs for preventing mass violence. These interviewees suggested that it may be difficult to identify and stop individuals at risk and, if identified, these matters may be handled by the police. One interviewee expressed that they did not believe ERPOs or any policy would prevent firearm suicide: “I don’t believe that any firearm law or ERPO or anything could prevent suicide. Honestly, if somebody’s going to do it, they’re going to do it. It doesn’t matter if they have a firearm or not.”

### **Implementation barriers that may limit effectiveness**

Some interviewees expressed hesitation regarding the effectiveness of ERPOs due to various implementation barriers: “How effective it is, that I can’t answer...The way it’s done procedurally at this moment, I think it could be more detrimental than just not having it.”

Multiple interviewees commented that the respondent may obtain a firearm illegally: “If someone really wants to do something, there are other ways of getting guns than just going to a gun store, so it’s really hard to prevent someone if they are really set on doing that.” Still, some felt less concerned about illegal purchasing and appreciated that ERPOs made firearm purchasing more difficult:

Could he get ahold of a weapon or a gun on the streets? Sure, but that’s also harder for some people, and not all of us are into the underground. I wouldn’t know where to buy a gun if I needed to if it was illegal, I wouldn’t know...I don’t think he knows either...So I think it just took the weight off, like, ‘I can’t do it, so I’m not going to. It’s not even an option.’

Sure, they might be able to buy it on the black market or whatever. And if they’re going to do that, you know what? They’re going to do that. But why do we have to make it easy for them?

Listen, I don’t think an ERPO is going to stop anyone from getting a gun in this state...if they’re intent on getting one, but it makes it a little harder and creates some visibility and awareness. Those things probably help keep people a little safer.

Others raised concerns about the respondent having continued access to their existing firearms due to the lack of enforcement mechanisms to ensure firearm surrender and the ease of violating the order.

How many times are restraining orders violated and then someone gets killed? Or how many times would an ERPO get violated and somebody gets killed because you’ve poked the beast? ... But what alternative do you have?



A sheriff can deliver a piece of paper, but the risk, the extreme risk is still there for a period of time, right?... It's all great when you pass a red flag law. It's all well-intentioned. But if you don't have the processes in place, you're kind of screwing around.

Despite these limitations to ERPO effectiveness, some felt there was still benefit in calling attention to potential risk of harm:

I don't know how effective they are in terms of keeping the guns out of the hands of someone intent on causing harm, but I think they create awareness of situations where harm may be, you know, the intent and just by virtue of that can increase protection and visibility to dangerous behavior.

Others expressed that, with proper implementation and the right circumstances, ERPOs "could save tons of lives. If the right combination of events happened and the guns were taken away from an individual that was unstable, then maybe a shooting...would never happen."

### Personal opinions on ERPO laws

The majority of the interviewees expressed positive attitudes or opinions on ERPO laws, describing ERPOs as "a really cool law" and "a hugely positive tool." As one interviewee put it, "Prevention is the best possible cure."

All interviewees who were asked whether they would consider using an ERPO again if they encountered another situation of extreme risk agreed that they would. A few of these interviewees expressed some hesitation based on negative aspects of their own experiences. For example, one interviewee said they would only petition again if they had police reports or stronger evidence.

Nearly all interviewees who were asked if other states should adopt ERPO laws agreed, with one interviewee saying, "I support the law and I hope every state has the ability to allow family members or people who care for other people to have this option." Interviewees commented that people in all states may need this kind of protection: "The circumstances under which someone would want an ERPO are human circumstances. They can happen wherever you live, no matter what state you are in."

One interviewee expressed appreciation that Oregon has an ERPO law but emphasized that stricter regulations on firearm ownership were more important for states to adopt.

[Shootings/firearm deaths] are things that should never happen in society, and ERPO laws are at least something that maybe is doing some good in the prevention of it. But we as a society as a whole have failed in controlling weapons and controlling the damage they do.

A few interviewees expressed more negative opinions on ERPOs, largely due to perceptions of the ineffectiveness of the process or their own negative experiences with the process: "The whole process was just so difficult that I can't even imagine how you could fix it."

Others expressed mixed opinions on ERPOs due to concerns of potential misuse or violation of a person's Second Amendment rights. Some expressed that the courts are responsible for



determining whether or not to grant the ERPO, but others felt that ERPOs should require evidence beyond the petitioner's word, such as police reports.

I don't agree that I could go and turn my neighbor in for any reason and get their guns taken for any reason, and it could be a complete lie...The only way I do agree with [ERPOs] is if there's like a police report that backs up, you know, the reasoning behind it or mental health professionals, the crisis line, or, you know, anybody like that can back up the need for that.

I think we definitely need to have this, but not misused. But I think that's where I trust the court, the judge...they were trained to examine the evidence, the facts, and then make the decision one way or the other.

### **Interviewees' perceptions of the term "Extreme Risk Protection Order"**

Interviewees were asked:

We have heard that some may view the language and messaging used when discussing ERPOs as stigmatizing or punitive. How do you view the term "extreme risk protection order" and any messaging you have seen or heard about the law?

In response, some interviewees said that they had not even thought about the language because they were just focused on getting the help they needed in the moment: "I was just more thankful that it was available to use than worrying about how it sounds." Others found the term "extreme risk" to be accurate for the situation:

In our situation, it was an extreme risk. So they could have called it whatever they wanted and I would have been fine with it honestly.

I don't think it's punitive. I think it's a pretty good description. There is an extreme risk and something has to be done.

I don't know how you could word it differently. [The respondent] was at risk for hurting himself.

I think it highlights the fact that it's a serious thing to take this right away from someone and the risk better be significant...so I think [the language] is appropriate.

Still, some recognized that the term "extreme risk" may feel harsh: "As I'm thinking about it, I'm like, okay, well that is the situation, but I see like how that name is pretty harsh." Another interviewee said they felt the term was stigmatizing because it sounded like the respondent was threatening to commit a school shooting or otherwise at fault, as opposed to someone experiencing a mental health or substance abuse crisis.

A few interviewees noted opposition to the term "extreme risk," not due to stigma for the respondent, but because the term is subjective and creates questions about what risks reach the level of "extreme." Another interviewee felt that the different terminology of ERPO versus red flag law was deceiving and confusing.



## Interviewees' concerns about inequalities in the criminal-legal system

Interviewees were presented with the following question:

A lot of people have concerns about inequalities in who the criminal justice system polices, arrests, charges, and formally sanctions, particularly with regard to race and socioeconomic status. Did you have these concerns when using the ERPO process?

The majority of interviewees said that they did not have these concerns when using the ERPO process, with some interviewees commenting on their own identity or privilege. One interviewee described herself as “a quite privileged, white old lady.” One interviewee commented that he did not face challenges directly related to the ERPO but, as a male, he faced gender biases when seeking support for domestic violence.

Another interviewee expressed that they did not face these challenges when they petitioned, but that they would be more hesitant to petition now in the current political climate because they are an immigrant: “If I was an immigrant of color I would keep away from this like a house on fire... I wouldn’t go into a courthouse right now, for whatever reason.”

While most interviewees did not personally experience these concerns, many said that they could see how these concerns may impact others. Still, one interviewee commented that they did not see these inequalities as being likely to extend to the ERPO process because they “don’t think anybody’s just going to be trying to take away certain group’s guns...If they’re going to approve it, they’re going to have grounds to approve it. They’re not going to just approve it because somebody’s Black or Mexican or whatever.”

## Conclusions

Family and household members have unique experiences utilizing the ERPO process. Through in-depth interviews with 23 civilian ERPO petitioners in Oregon, civilian petitioners shared the various emotional and logistical challenges that they faced when using the ERPO process and described the primarily positive impacts that the ERPO had on their lives. Interviewees also identified ways to support future civilian petitioners and to strengthen implementation of ERPOs. While some interviewees highlighted continued concerns related to risks of retaliatory harm or limitations to the ability to restrict access to firearms, the majority of interviewees described feeling a sense of relief after the ERPO took effect. This research may inform the creation of resources and programs to support civilian ERPO petitioners.



# Appendix A. Interview Guide

## Semi-structured interview guide for interviews with non-LEO/Professional ERPO Petitioners

*[Note: As is customary in qualitative, semi-structured interviewing practices, the exact wording of questions and probes may vary. The questions and probes listed here are representative of the general content to be explored in the interview. Not every question may be asked of every participant depending on interview flow and timing.]*

*LEO = law enforcement officer*

Thank you again for agreeing to participate in this interview, which is part of a study to learn more about the implementation and use of Oregon's Extreme Risk Protection Order (ERPO) law. *(here you could explain law if they don't know)*

*If needed for explanation:* Oregon's ERPO law allows a person's family members, household members, or law enforcement officers to petition a civil court for an order to temporarily restrict access to firearms and other deadly weapons when a person is at imminent risk of harming themselves or others.

We are interested in learning more from people who have petitioned for an ERPO in the past to understand their perspectives and experiences with the process. This research may help to inform policy and practice changes to improve ERPO implementation. We'll begin by asking you about your experiences with the ERPO process, then we will have a broader discussion around your perspectives on the ERPO law. We expect this interview to take approximately one hour. You are welcome to stop it at any time and you may choose not to answer any questions that make you uncomfortable. We thank you for sharing your experiences with us today.

### Petitioning Experience

1. Can you talk about how you first heard about ERPOs (nationally or in OR) and your initial thoughts?
2. How familiar were you with the process before you petitioned, and how did you learn about the process?
3. Can you talk about the circumstances that led to your decision to petition for an ERPO?
  - a. Did you consider other alternatives/interventions? (e.g., voluntary firearm removal if risk of self-harm/suicide)
  - b. Probe about intent (i.e., Was the intent of the ERPO to recover firearms already in respondent's possession, prevent respondent from requesting return of weapons already confiscated, or prevent purchasing of weapons)
4. Can you describe the process of petitioning for an ERPO in your jurisdiction?
  - a. Did you receive help navigating the process from an organization or individual? (e.g., help with forms)
  - b. Are you aware of any resources to support civilian petitioners in your jurisdiction? (website, court resource, advocacy center/nonprofit, etc.)



- i. Department of Justice website? (if so, probe for if helpful, what could be added)
- ii. What other types of information and resources do you think should be available to learn about ERPOs and help navigate the process?
- c. What challenges did you face when petitioning?
  - i. Were the court forms accessible (e.g., language considerations)?
  - ii. Probe: concerns around involvement with the criminal-legal system?
- d. What could make it easier for family/household members to either serve as petitioners or work with law enforcement?
- e. What are your thoughts on and experience with the requirement to file an ERPO petition in person (and in-person hearing)?

5. *[For those whose petition was denied]:* Did the judge provide an explanation for why the ERPO was denied?

- a. Were any other remedies offered/suggested?
- b. Did you end up using any other interventions/remedies?

6. *[For those whose petition was granted, despite lack of standing]:* Under Oregon's ERPO law, your relationship with the respondent does not qualify you as an eligible petitioner. Did the judge provide an explanation for why the ERPO was granted, despite this lack of standing?

7. Did the respondent request a hearing to contest the ERPO?

- a. If yes, can you describe your experience with this hearing process? Were there challenges?

### **Service and firearm removal**

- 8. Did you consult with law enforcement about any weapon access you knew the respondent had prior to service?
- 9. In our review of the ERPO court records, we often cannot determine, through the court records alone, if a respondent's weapons were, in fact, surrendered or confiscated. Do you know if all of the respondent's firearms were surrendered for the duration of the ERPO?
  - a. To whom were they surrendered?
- 10. How did you feel after the ERPO took effect?
  - a. Did you have any remaining concerns related to the respondent's risk of harming themselves or others after the ERPO took effect?
  - b. Probe: Did the ERPO provide you with a sense of safety or security?
- 11. Some counties and jurisdictions have implemented compliance hearings, where respondents have to attend a hearing if they have not yet submitted proof of compliance. What do you think about this practice?
  - a. Do you think that submitting proof of compliance is a reliable enough measure of compliance?
- 12. Do you have any recommendations for how the service of the ERPO or firearm surrender process could be improved? What about compliance?

### **Post-service experience**



- 13.** What happened after the ERPO was served and firearms recovered?
  - a. Did anyone in law enforcement or the courts follow up with you or the respondent?
- 14.** Were you and/or the respondent offered mental and physical health or social services?
  - a. If so, what services? How were these connections made?
  - b. Do you see opportunities for this to occur? At what stage of the ERPO process?
  - c. Did the respondent seek out or receive any services through referrals on their own?
- 15.** When the ERPO expired, were you notified?
  - a. If yes, by whom?
  - b. Did you consider renewing the ERPO?
  - c. Do you know if the respondent regained access to firearms (requested theirs back or purchased new)?
- 16.** Do you have any recommendations for how the period after an ERPO is served to the respondent could be improved?

### **Outcomes/Impacts**

- 17.** Can you talk more about what happened with the respondent after the ERPO took effect (or was denied) and the impacts?
- 18.** How did the ERPO impact the crisis situation you were experiencing?
  - a. Did you (or others) feel safer?
  - b. How did it impact your relationship with the respondent? (and your relationship with anyone else involved in the situation?)
- 19.** Were there any adverse consequences?
  - a. Anything concerning employment, ability to serve as a law enforcement officer or in the military, or other major impacts? (e.g., Can that person apply to the local police force? Can they work for county or state government? Can they apply for the national guard?)
- 20.** Would you consider using an ERPO again if you encountered a situation of extreme risk?

### **Opinions on the ERPO Policy**

- 21.** For which situations do you think ERPOs are intended? For which do you find them most suitable?
- 22.** Do you think ERPOs are effective at:
  - a. Saving lives? (probe why/why not)
  - b. Reducing interpersonal violence? (probe why/why not)
  - c. Reducing mass violence? (probe why/why not)
  - d. Reducing firearm suicide? (probe why/why not)
- 23.** What is your general attitude/opinion on ERPOs after going through this process?
  - e. What would you say is the general attitude/opinion on ERPOs of the respondent against whom you filed?
  - f. What would you say is the general attitude/opinion on ERPOs of the public in your county?

- 24.** We have heard that some may view the language and messaging used when discussing ERPOs as stigmatizing or punitive. How do you view the term “extreme risk protection order” and any messaging you have seen or heard about the law?
- 25.** Our research shows that, across the state, LEOs are more likely to petition for an ERPO than family or household members and more likely to have their petitions granted. Why do you think non-LEO petitions are less likely to be granted?
- 26.** Some states have more expansive lists of who may petition for an ERPO, including health care providers, ex-spouses and ex-intimate partners, school administrators, and attorneys. Eligible petitioners in Oregon are limited to law enforcement officers, current spouses and intimate partners, parents, children, siblings, and household members.
  - g.** Do you think that Oregon should expand its list of petitioners?
    - i.** If yes, what other petitioner categories do you see as beneficial and why?
    - h.** Do you have concerns regarding any of these potential petitioner categories?
    - i.** Do health care providers have a role to play in the ERPO process? If yes, how do you view their role (as petitioners, as advisors to those petitioning, to provide evidence, etc.)?
- 27.** A lot of people have concerns about inequalities in who the criminal justice system polices, arrests, charges, and formally sanctions, particularly with regard to race and socioeconomic status. Did you have these concerns when using the ERPO process?
  - a.** How did your experience (or how may someone’s experiences) with the ERPO process change depending on race, gender, ethnicity, sexual orientation, ability, or language?
- 28.** Do you think the ERPO law could be improved? How?
- 29.** In your opinion, should other states adopt ERPO policies? Why or why not?

### **Final comments**

- 30.** Is there anything we haven’t talked about that you think is important for researchers or policymakers to know?
- 31.** Do you have any questions for us?

