

SUPPORTING FAMILY AND HOUSEHOLD MEMBERS WHO PETITION FOR EXTREME RISK PROTECTION ORDERS (ERPOs) IN OREGON

Lessons from Interviews with Prior ERPO Civilian Petitioners

INTRODUCTION

[Oregon's Extreme Risk Protection Order \(ERPO\) law](#) allows family/household members ("civilian petitioners") or law enforcement officers (LEOs) to petition a civil court for an order to temporarily restrict a person's ("respondent") access to firearms when at imminent risk of harming themselves or others. In Oregon, [family/household members petitioned less frequently](#) than LEOs and were less likely to have their ERPO granted. Through 23 interviews, civilian ERPO petitioners highlighted the emotional and logistical challenges they faced as petitioners and suggested ways to support future petitioners. 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. A full report on the key takeaways from these interviews may be found [here](#).

BARRIERS TO PETITIONING FOR AN ERPO

- **Knowledge of the law.** Most interviewees described first learning about ERPOs just before they petitioned from LEOs, family, friends, or healthcare providers and noted that many people may not petition because they do not know the law exists.
- **Lack of resources or supports to navigate the ERPO process.** Many interviewees described the petitioning process as "daunting" and "stressful," expressing confusion around which form to use, what details or evidence to include, and where to go to file the petition. Some suggested that courthouses should have an ERPO advocate or location-specific, step-by-step guides to support civilian petitioners.
- **Emotional barriers.** Interviewees described that this period in their lives was emotionally strenuous and that navigating the court process while in the middle of a crisis led to added stress and anxiety.

"If someone really needed this, **they need an advocate...**to walk them through this...**I can't imagine somebody doing this on their own.**"

"**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."

INTERVIEWEES' SUGGESTIONS FOR IMPROVING THE ERPO PROCESS

- **Increase public education and awareness of ERPOs** through public education campaigns and social media. Include scenarios for which ERPOs have been used in these education materials.
- **Provide ERPO training to crisis line workers, healthcare providers, LEOs, and other relevant professionals** so that they can provide advice on ERPOs when encountering a person in crisis.
- **Create online and printed resources for civilian petitioners**, including step-by-step, locally-specific instructions on how to navigate the process.
- **Provide advocates or peer support specialists to support civilian petitioners.** These individuals can provide guidance on the petitioning forms, attend court hearings with petitioners, and provide follow up support.
- **Require firearm surrender immediately upon ERPO service** to decrease risks of escalation or retaliation.
- **Notify petitioners prior to ERPO expiration** so petitioners can consider filing for renewal if needed.

NEED TO STRENGTHEN ERPO SERVICE AND FIREARM SURRENDER

Timeliness of ERPO service. Most interviewees said the ERPO was served quickly, but a few reported that it took days or weeks before it was served. For these interviewees, delays in service raised serious safety concerns.

Respondents' compliance with firearm surrender. While some interviewees felt confident that the respondent surrendered all firearms, others were unsure or even confident that the respondent continued to have access to firearms.

Risk of escalation or retaliation. Many interviewees questioned why respondents are given 24 hours after service to surrender firearms, raising concerns around risk of escalation and retaliation.

Lack of communication and enforcement. Some interviewees felt that the responsibility to enforce the ERPO or ensure the respondent turned in their firearms fell upon them due to the lack of follow-up or enforcement from the courts or law enforcement.

“How is he being held liable for that [the ERPO] if he doesn't even have [the ERPO served to him]? ...I mean, **then he's still driving around with guns trying to, like, shoot me.**”

“**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.”

“You're serving someone with an ERPO and you're concerned that they may hurt themselves or someone else...and **yet you're allowing them 24 hours to determine what they're going to do...**I feel this procedurally is so detrimental as to not remove the firearms at the moment...it absolutely made no sense to me.”

OUTCOMES AND IMPACTS OF THE ERPO

Sense of relief. The majority of interviewees (particularly those filing due to the respondents' risk of self-harm or suicide) described feeling a sense of relief after the ERPO took effect. Interviewees expressed that, while the ERPO did not necessarily solve the crisis, it created “breathing room” or time and space to address the underlying crisis.

Concerns of continued risk. A few interviewees noted that the respondent may still harm themselves or others through other means or may access firearms illegally. Still, many expressed relief that the use of firearms would be less likely to be an option.

Impacts on relationship with respondent. Many interviewees reported that the ERPO negatively impacted their relationship with the respondent, although some said this impact was more the result of the crisis situation than the ERPO itself. Others said that the respondent was supportive or understanding of the ERPO or eventually understood despite initial anger.

Potential adverse impacts. Most interviewees were unaware of any adverse impacts faced by the respondent. A few noted that the respondent had concerns about the ERPO being on their record or appearing on a background check.

“**[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]?’.”

“**The ERPO helped to de-escalate the situation** because guns are significantly more difficult to defend yourself against or control.”



EXPANSION OF PETITIONER ELIGIBILITY

When asked whether Oregon should consider expanding its list of eligible petitioners, most interviewees expressed support, either broadly or for specific groups. 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.”

Other interviewees felt that the current list was sufficient and expressed concerns related to misuse or weaponization of ERPOs and burden on the court system. These interviewees suggested that non-eligible petitioners could request that LEOs file the ERPO on their behalf.

Potential Petitioner Type	Reasons for Supporting Expansion	Reasons for Opposing Expansion
Ex-Spouses and Ex-Intimate Partners	<ul style="list-style-type: none"> Interviewees recognized the potential risks of domestic violence faced by ex-spouses/ex-intimate partners. 	<ul style="list-style-type: none"> Some expressed concerns that exes may use ERPOs “as a tool against the other person rather than a protective thing.”
Healthcare Providers	<ul style="list-style-type: none"> Interviewees noted that healthcare providers may be the first to recognize warning signs. Some interviewees only supported expanding specifically to mental and behavioral health providers. 	<ul style="list-style-type: none"> Some interviewees expressed concern about privacy laws, patient trust, and limited knowledge of the patient’s life.
Teachers/School Administrators	<ul style="list-style-type: none"> Teachers may encounter risk and could refer cases to school administration or a school social worker to petition. 	<ul style="list-style-type: none"> One interviewee identified the potential risk of harming the teacher’s relationship with the student or risk of retaliation.
Friends, Neighbors, or Coworkers	<ul style="list-style-type: none"> These categories were mentioned by some interviewees, noting that not everyone has immediate family in their support system and these individuals may also see warning signs. 	<ul style="list-style-type: none"> Some interviewees did not support expanding beyond “the people closest to the situation,” which they felt was family/household members.

INTERVIEWEES’ OPINIONS ON ERPO LAWS AND PERCEPTIONS OF ERPO EFFECTIVENESS

Most interviewees believed that ERPOs are effective at saving lives, noting potential effectiveness for reducing firearm suicide, interpersonal violence, and mass violence. ERPOs were described as “a hugely positive tool.” Some noted that ERPOs can be effective by reducing access to lethal means because shootings can be impulsive acts.

Some interviewees expressed hesitation regarding ERPO effectiveness due to various implementation barriers, such as the ability to obtain a firearm illegally and the lack of enforcement mechanisms to ensure all firearms are truly surrendered.

Despite these limitations, interviewees expressed primarily positive opinions on ERPO laws. While some expressed concerns related to Second Amendment rights, they supported ERPOs for cases with sufficient evidence of risk. Most interviewees said that other states should adopt these laws and that they would consider using an ERPO again if they encountered another situation of extreme risk.