Methods to Prevent Access to Firearms During Times of Increased Risk

Separating individuals in crisis from access to lethal means (e.g., firearms) can save lives.[1-2] Various strategies exist to prevent access to firearms during times of increased risk. Each strategy helps form a patchwork of potential solutions to be considered on a case-by-case basis.

Secure Firearm Storage

Secure storage involves securing firearms with a locking device or in a gun room. Secure storage can be practiced by all firearm owners (not just during a crisis) and is legally required in Oregon.

Voluntary Out-of-Home Storage

Voluntary out-of-home storage may be used when an individual is willing to temporarily store their firearms with family, a friend, a firearms retailer, a pawn shop, or another out-of-home location during times of higher risk.

Voluntary Permanent Removal

Voluntary permanent removal can occur through firearm buyback or disposal events, or the sale of firearms. This method may be preferred by some firearm owners.

Extreme Risk Protection Orders

Extreme Risk Protection Orders (ERPOs) are civil court orders that temporarily restrict a person's access to firearms/deadly weapons when at imminent risk of harming themselves or others. ERPOs typically prohibit firearm purchasing and possession for one year (unless terminated or renewed).

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Secure Firearm Storage

Secure firearm storage practices, which is often described as storing firearms locked, unloaded, and separate from ammunition, may be used by all firearm owners to increase safety, even in the absence of a crisis or risk of harm. Unsecure firearm storage has been associated with increased risks of firearm suicide (generally and among youth), unintentional firearm injury among youth, and firearm theft.[3-5] Still, fewer than half of all firearm owners in the U.S. report storing all of their firearms locked and unloaded.[6]

To increase secure storage practices across Oregon, there is a need to:

- **Reduce barriers** through secure storage device distribution and discounts or financial incentives for purchasing secure storage devices.
- **Shift the status quo** by normalizing a culture of secure storage.
- **Educate the public** on the importance of secure storage through community-based interventions and lethal means counseling.

Potential interventions include:

- **Healthcare and community-based interventions:** Interventions in healthcare and community settings that provide counseling on secure storage are associated with increased in secure storage practices, especially when firearm storage devices are distributed.[7]
- **Educational campaigns:** Educational campaigns may increase willingness to engage in secure storage practices, especially when the messaging acknowledges the importance of safety and home protection and comes from trusted messengers (e.g., law enforcement officers and veterans).[8-9]

Educational campaigns like Gun Storage Check Week by the National Shooting Sports Foundation help to shift the status quo and increase education and awareness of the importance of secure storage.[10]



Secure storage is the law in Oregon.[11]

Firearm owners must **secure firearms** with an engaged trigger or cable lock, in a locked container, or in a gun room when not in use. If a firearm owner violates the secure storage law, they may be:

- **Charged with a civil penalty**, including a maximum fine of $500 (or $2,000 if a minor obtains access to the firearms as a result of the violation).
- **Held liable in a civil lawsuit** if an unsecured firearm is accessed by an unauthorized person and used to injure a person or property within 2 years of the violation.

Voluntary Out-of-Home Storage or Removal

When individuals are experiencing a crisis, including suicidal or homicidal ideation or intent, it may be important to further increase the time and distance between the individual and access to lethal means. If an individual is willing to allow a family member, a friend, a federally licensed firearms retailer (FFL), a pawn shop, a law enforcement agency (LEA), or another third party to temporarily store their firearms, voluntary out-of-home storage my be an appropriate option.

Options for temporary out-of-home storage or voluntary permanent firearm removal:

- Call local FFLs, pawn shops, or LEAs and ask if they provide firearm storage services.
- Bring firearms to a local gunsmith for deep cleaning.
- Ask a trusted family member or friend to temporarily hold firearms or the key to secure storage devices.
- Disassemble firearms and store the parts without serial numbers with a trusted family member or friend or in a self-storage unit.
- Sell firearms or bring them to a firearm disposal or buyback event.

Storage with a trusted family member or friend:

Temporary firearm storage with a trusted family member or friend is allowed under Oregon law "for **the purpose of preventing imminent death or serious physical injury**, and the provision lasts only as long as is necessary to prevent the death or serious physical injury."[12]

Challenges:

- **Liability:** Individuals are concerned about being held liable if they return the firearm and it is misused.
- **Timing:** Individuals may wish to store firearms outside the home for safety when they are struggling but may not be at "imminent" risk. There is also a lack of clarity on when firearms must be returned.

Storage with an FFL or other business:

Through efforts to map secure storage locations in Oregon, the Oregon Firearm Safety Coalition (OFSC) learned that many pawn shops and FFLs offer temporary firearm storage, but few advertise this option or are willing to be added to a map due to concerns around liability and costs.

Challenges:

- **Liability:** FFLs fear losing their license or being held liable if they return the firearm and it is misused.
- **Cost:** Some FFLs raised concerns that temporary storage will cost them money due to the costs of background checks and staff time spent inventorying firearms.
- **Space:** FFLs may not have adequate storage space to temporarily hold firearms, potentially requiring them to purchase additional gun safes.

Safe Life Oregon:

OFSC is working to develop partnerships with FFLs to facilitate voluntary, out-of-home firearm storage and distribution of information on firearm suicide prevention: https://safelifeoregon.org/.

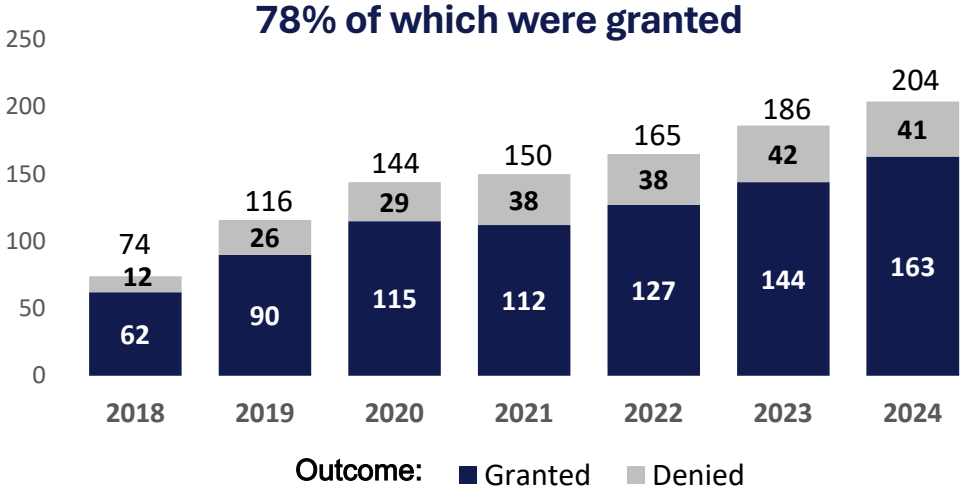
Extreme Risk Protection Orders

Extreme Risk Protection Orders (ERPOs) may be used when voluntary options are not feasible or potential risk is imminent. Oregon's ERPO law, which went into effect on January 1, 2018,[13] allows family/household members and law enforcement officers (LEOs) to petition a civil court for an order to temporarily restrict a person's access to firearms and other deadly weapons when at **imminent risk of harming themselves or others**. Our team analyzed Oregon's ERPO court records* from January 1, 2018, through December 31, 2024, and conducted interviews with professionals** involved in the implementation of Oregon's ERPO law in Summer-Fall 2024. We share some of the results of our analysis and interviews here.

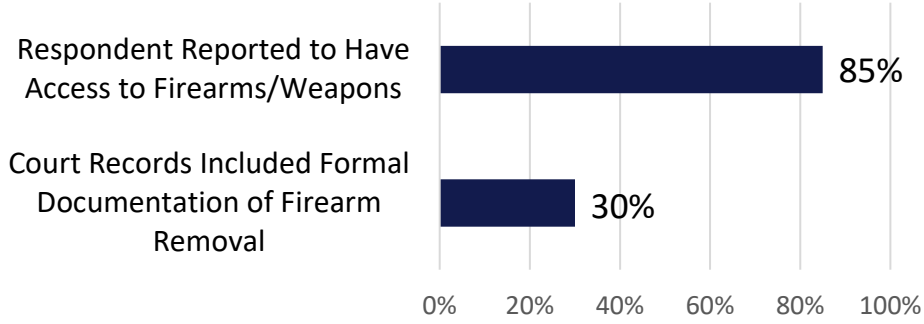
About Oregon's ERPO Law

- **Firearm access restrictions:** ERPOs prohibit both **purchasing** and **possession** of firearms for the duration of the order. The respondent (the individual subject to the ERPO) must surrender all deadly weapons and their concealed handgun license to law enforcement, a federally licensed firearms dealer, or a third party within 24 hours of being served the order. Law enforcement submits ERPO information to a state and national data system after the ERPO is served to prevent firearm purchasing.
- **Duration:** Typically 1 year (unless terminated or renewed).

1,039 ERPO petitions were filed from 2018 to 2024, 78% of which were granted



70% of all granted ERPOs lacked documentation of firearm removal in the court records



Interviewees described strategies that they utilized to ensure safety of ERPO service and improve compliance:

- Using a **nonconfrontational, "warm" approach;**
- **Clearly explaining the order**, the consequences of noncompliance, and the options for firearm dispossession in **plain language;**
- Offering to **help** the respondent transfer their firearms;
- Working with the **family** of the respondent; and
- **Following up** with the respondent 24 hours after service.

* Data were abstracted from court records provided by the Oregon Judicial Department.

** Professionals included law enforcement officers, judges, representatives from district and city attorneys' offices, and prevention professionals.

Extreme Risk Protection Orders

While most interviewees saw ERPOs as an effective tool for reducing firearm violence, they identified considerable barriers to enforcement and firearm dispossession.

Interviewees identified factors that made firearm surrender challenging, including:

- The **widespread availability of firearms** and ability to obtain firearms through illegal means;
- The **risk of "poking the bear"** (LEO interviewee) or escalating the situation; and
- The **lack of legal mechanisms** to confirm whether respondents truly surrendered all of their firearms.

> If someone has this order placed on them but they want to get a gun, I can guarantee you they're going to have a gun out here…**Guns are accessible.**
>
> DA interviewee

> **We're poking the bear**...potentially that at minimum gives them a 24-hour period to decide whether they want to do that terrible thing or not.
>
> LEO interviewee

> When you go in and ask somebody to surrender their weapon, you're assuming that they'll say, "Oh sure, these are all my weapons," but **as far as you know, they can have five semi-automatics in the garage.**
>
> LEO interviewee

> There is a lag time…that makes you nervous. What is he going to do in the next 24 hours? **Maybe this sets him off and he goes on some kind of shooting rampage.**
>
> LEO interviewee

Interviewees shared various ideas for strengthening enforcement of ERPOs.

Strategies for strengthening enforcement and ensuring firearm surrender included:

- Requiring respondents to **file declaration of firearm surrender forms with the court** indicating to whom they surrendered their firearms or attesting that they do not have firearms in their possession;
- Requiring respondents to **go before a judge at a compliance hearing** if they do not file the declaration of firearm surrender form within a certain timeframe; and
- **Dedicating resources and personnel** in law enforcement agencies and district attorneys' offices focused on firearm dispossession.

> I think that **[compliance hearings] would be a good improvement for any gun dispossession issue from protective orders** but certainly warranted in ERPOs.
>
> DA interviewee

> It's going to take **people and resources focused on the problem** to really impact it, **not just creating another document** for people to fill out.
>
> LEO interviewee

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