

In Oregon, new gun violence restraining orders appear to be used as intended, but could be used more proactively

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Extreme risk protection orders (ERPOs), also known as gun violence restraining orders, are civil court orders that grant temporary restrictions

on purchasing and possessing firearms for individuals determined by a civil court judge to be at extreme risk of committing violence against themselves or others. A new study examined ERPO use in Oregon in the first 15 months after it was adopted. The study found that while ERPOs are commonly considered as a tool to remove guns from dangerous individuals, they should also be considered as a tool to prevent gun purchases by dangerous individuals.

The study was conducted by researchers at Michigan State University (MSU), Columbia University, the University of Michigan, and Johns Hopkins University. It appears in *Criminology & Public Policy*, a publication of the American Society of Criminology.

"The findings from our study can help us better understand how these laws are being used, including what types of behaviors are prompting others to file an ERPO [petition](#)," explains April Zeoli, associate professor of criminal justice at MSU, who led the study.

As of 2020, 19 states and the District of Columbia had passed laws establishing ERPOs. Due to the newness of these laws, there is little research on the circumstances under which ERPO petitions are filed and the individuals for whom they are filed. Oregon enacted its ERPO law at the start of January 2018. Under the process, a [law enforcement officer](#) or family or household member may file a petition, and a hearing is held within one judicial business day. The petitioner has the burden of proving to the civil court judge that the respondent is at high risk for injury to themselves via [suicide attempt](#) or to others.

This study examined 93 petitions for ERPO cases through March 2019; petitions were accessed through public records requests.

At least one ERPO petition was filed in 22 of Oregon's 36 counties during the study period. Most ERPO respondents were reported by

petitioners to have histories of interpersonal violence (75 percent) or suicidality (73 percent), and more than half of those were reported to have threatened suicide by using a gun. More than half of ERPO respondents reportedly made both suicide threats or attempts, and threats or use of violence against others, which is higher than in other states, the authors note.

In 56 percent of ERPO petitions, the petitioner specifically referred to the respondent as having a [mental illness](#) or mental health concern, despite the fact that Oregon law does not list mental health as a factor to be considered in ERPO petitions. Petitions filed by law enforcement were more likely to report mental illness or mental health concerns than petitions filed by others.

Also, more than half of death threats, suicide threats, or suicide attempts with known timing occurred within one week of the petition being filed, the study found, suggesting that the petitions are being used in times of immediate crisis.

The study also found that 74 percent of petitioners reported that respondents had a gun at the time of the filing, and 49 percent said respondents had recently acquired or tried to acquire a deadly weapon, 96 percent of which were firearms.

In 26 percent of cases, the petitioner did not explicitly indicate that the respondent currently had a gun. Some petitioners said they filed the ERPO petition to prevent a respondent without a gun from acquiring one out of concern about the increased risk of harm that would pose. This use of ERPO may be overlooked by policymakers and other stakeholders because ERPOs are more commonly thought of as a tool to remove guns from dangerous individuals than as a tool to prevent gun purchases by dangerous individuals, the authors suggest.

Most petitions (65 percent) in Oregon were filed by law enforcement, which is lower than in other states where non-law-enforcement individuals can file ERPOs, according to the authors. Petitions filed by [law enforcement](#) were more likely to be granted than petitions filed by family or household members.

The study concluded that ERPO petitions and orders are overwhelmingly being used as intended, that is, for cases of imminent risk of harm to self or others. Yet it is possible they could be used more.

"The number of ERPO petitions in Oregon and the number of counties without a single petition in the first 15 months of the law suggest that ERPOs may be an underused tool," suggests Jennifer Paruk, a doctoral student in criminal justice at MSU, who coauthored the study. "Greater dissemination of public information about ERPOs could increase their appropriate use so high-risk individuals and their families could benefit, especially when dangerous individuals are prevented from purchasing guns."

The authors clarify that their work, in characterizing and describing information in ERPO petitions, should not be viewed as a systematic measurement of characteristics of ERPO respondents. The study, they note, was limited by their reliance on petitions completed by individuals who may or may not know respondents' full histories. In addition, sometimes language used by petitioners was imprecise, leaving the researchers to estimate meanings. Finally, the study provides a view of ERPOs in one state and so its findings should not be generalized to other states.

More information: April M. Zeoli et al, Use of extreme risk protection orders to reduce gun violence in Oregon, *Criminology & Public Policy* (2021). [DOI: 10.1111/1745-9133.12544](https://doi.org/10.1111/1745-9133.12544)

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