

EAST OREGONIAN

New law allowed gun seizures twice in Umatilla County

Death threats, mental breaks and other circumstances can lead to loss of weapons per court order

Phil Wright • East Oregonian

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Summary of Oregon's new extreme risk protection orders

50 petitions filed as of July 31

Law enforcement filed 34, family or household members filed 15, and an employer filed one.

Outcomes

Courts granted 42 and denied eight (including the one from the employer because the law does not apply to employers).

The subject of the orders requested hearings in 11 cases. The courts upheld two of the orders, dismissed six and three cases are pending.

County distribution

11 cases in Multnomah

Pendleton police in February learned about Oregon's new law to take weapons from citizens who are a serious threat to harm themselves or others. Sgt. Tyler Reddington used that law on March 27 to obtain a extreme risk protection order after questioning a man he arrested.

"He was going to shoot his boss," Reddington said. "That was of course by his own admission."

Reddington and other officers responded that day to a disturbance on the 1700 block of Southwest Third Street. According to the police report, the man said he tucked his .22 caliber handgun into his waistband and was heading out to kill the boss who just fired him. His sister confronted him outside their home. He threatened to kill her if she didn't get out of his way.

She grabbed the car keys from her brother, bolted for the door and hid the keys in the house. She took off in her car for safety.

The man told police the clash with his sister made him change his mind, so he hid the gun in the storage shed in the back yard. Police took the gun, which was loaded and had a round in the chamber.

Reddington arrested the man for disorderly conduct, unlawful use of a weapon and menacing. During the interview with police, the report states, the man said he only threatened to shoot his sister because he was angry, but he would not have done it.

He was serious about shooting his boss.

Reddington said two elements factored into his reason for seeking the protection order. First, the man told police he shot at people when he was a juvenile living in Portland. Police were not able to verify that, perhaps due to the difficulty accessing juvenile

**7 cases in Josephine,
Washington**

records.

“And the last straw, really,” Reddington said, “was his access to firearms.”

4 cases in Marion

**2 cases in Benton, Curry,
Deschutes, Linn, Malheur,
Umatilla, Yamhill**

Reddington is one of two people in Umatilla County to petition state courts for extreme risk protection orders. The other was a wife in Hermiston who obtained an order on March 2 after her husband no longer could “tell reality from non-reality,” according to the court filing.

**1 case in Columbia,
Jackson, Jefferson, Lake,
Lane, Polk, Tillamook**

He believed people were members of a “mafia cartel” and trying to kill him for his house. He told his wife she was in on the plot, and if she forced him to leave he burn down the house with her inside. He said he would shoot her son, too, because he was part of the cartel.

Source: Oregon Judicial
Department

The couple declined an interview. The East Oregonian also was not able to contact the subject of the order Reddington obtained.

The Oregon Legislature in 2017 passed the law allowing police, family members or roommates to ask a judge to issue an extreme risk protection order prohibiting otherwise law-abiding citizens from having weapons if they indicate they are going to hurt themselves or someone else. The law went into effect Jan. 1.

Oregon courts as of July 31 received 50 petitions for the orders. Judges granted 42 and denied eight. Phillip Lemman, acting deputy state court administrator for the Oregon Judicial Department, said half of Oregon’s 36 counties have a least one case.

“A good chunk of the cases — 20 percent — are in Multnomah County,” Lemman said. “But this has been used statewide, from Josephine County to Umatilla County to Columbia County.”

Law enforcement officers sought 34 orders and family or roommates sought 15. One came from an employer, but the court dismissed that outright because the law does not apply to employers.

Keeping guns out of the wrong hands is an obvious intention of the law, but Lemman said the law addresses weapons: “That includes firearms, but it is anything designed for or capable of causing death or serious physical injury.”

Reddington said he expected the petition process would be similar to obtaining a search warrant. But instead of writing a lengthy affidavit testifying to the need for the order, Reddington sat through a hearing at the Umatilla County Courthouse, and he was the only person on the witness stand. Lemman said for these orders, the judge only hears from the person seeking the petition.

The judge, however, has to find “clear and convincing evidence” the person presents a risk in the near future, such as immediate risk for suicide or injuring or killing another person. Clear and convincing evidence, he said, is a higher standard than most civil cases, which use the standard of “preponderance of the evidence.”

The circumstances for the petitions vary, he said, from people suffering a mental health break to someone with a drug addiction, “but the standard remains the same.”

If the petition is successful, the judge issues an order and police serve it to the person, who can give their weapons to law enforcement, a licensed gun dealer or a third party capable of receiving the weapons. That third party, for example, cannot have a felony conviction.

Reddington said in his case, the man was in the Umatilla County Jail, Pendleton, so serving the order was no problem. And police already put the gun into safekeeping.

People who lose their weapons can request a hearing to contest the order, and there are timelines for that. The husband in the Hermiston case challenged the petition in late April, and a judge dismissed the protection order.

That was one of 11 hearings to challenge orders. The courts dismissed six of those orders and upheld two. The other three are pending.

Otherwise, orders expire after a year. Lemman said petitioners can go the court again to renew orders.

“There has been a lot of discussion about what police can do when they have good reason they believe someone is about to do something threatening to someone,” Lemman said. “This is just the Legislature’s effort to provide a solution for these situations.”

Reddington said he did not know how his case would play out. The subject of the order may not even live in Pendleton now, he said, nor could he say if he would renew the order. Overall, however, he said he saw these orders as a valuable tool families and police can use to protect the community.

Contact Phil Wright at pwright@eastoregonian.com or 541-966-0833.

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