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The Early Impact of Oregon's ERPO Law

Passed in 2017, Oregon's Emergency Risk Protection Order (ERPO) law allows police officers, immediate family members, and household members to petition for guns to be temporarily removed from a person who demonstrates a risk of harming themselves or others. The law has been in effect since January 2018, and this report assesses its impact from January-July 2018. There have been 42 ERPOs granted in OR over this period, removing guns from individuals at risk of suicide, homes experiencing domestic violence, and other dangerous situations.

What are the risks posed by access to guns?

Nearly 43,000 Americans and 750 Oregonians die by suicide every year, and the majority of these suicides are carried out with guns.ⁱ Having access to a gun – meaning personal or household gun ownership – increases one's risk of death by suicide by three times.ⁱⁱ

The relationship between gun access and suicide makes sense given what we know about the unique lethality of firearms. Across all suicide attempts not involving a firearm, less than five percent will result in death,ⁱⁱⁱ and the vast majority of those who survive do not go on to die by suicide.^{iv} For example, 98 percent of people who try to kill themselves through poisoning/overdose — the most common method of attempted suicide — will survive the attempt.^v For gun suicides, those statistics are flipped: approximately 85 percent of gun suicide attempts end in death.^{vi}

Access to a gun is also associated with increased risk of domestic violence homicide. The presence of a gun in a domestic violence situation makes it five times more likely that the woman will be killed.^{vii}

What is ERPO?

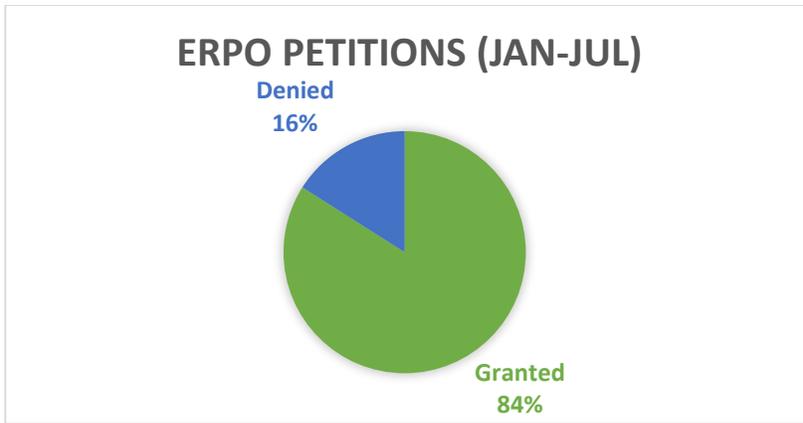
ERPOs enable courts to temporarily remove guns from an individual if a law enforcement officer, or authorized petitioner (immediate family member or cohabitant) show that they pose a significant danger to themselves or others. At the time of this report's presentation, 13 states have ERPO laws in place.^{viii}

ERPO laws have been shown to reduce firearm suicides by providing an opportunity to intervene and prevent a person from accessing firearms during a time of crisis, before dangerous warning signs escalate into firearm suicide. When this law was studied in Connecticut, researchers found that 1 suicide was averted for every 10 ERPOs.^{ix}

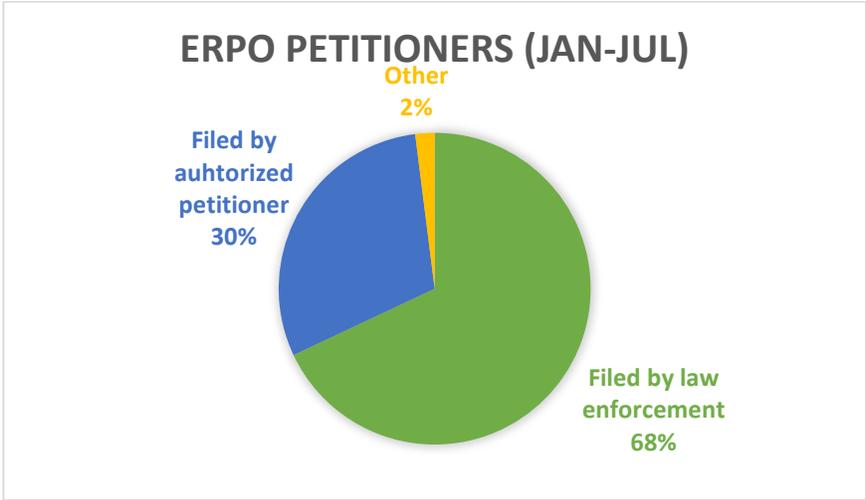
ERPO also provides a unique opportunity to intervene in situations of domestic violence, or other interpersonal violence. While a FAPA restraining order requires a petition from the victim, an ERPO allows law enforcement officers to petition the court directly.

What impact has ERPO had in Oregon?

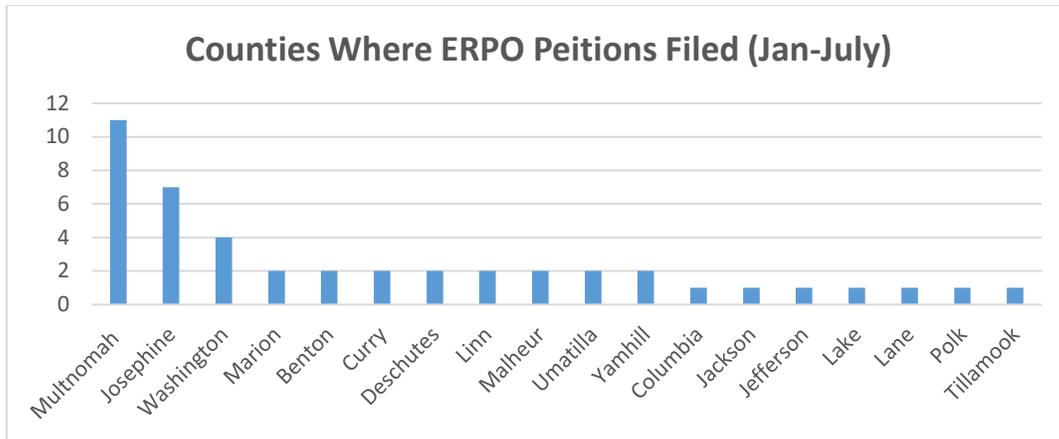
There have been 42 ERPOs granted in Oregon between January and July 2018, at a success rate of 84 percent.^x



The majority of ERPO petitions (~68 percent) have been filed by law enforcement officers, with the remainder coming from other authorized petitioners.^{xi} 21 different law enforcement agencies have filed petitions, mostly local police departments and sheriff's offices.^{xii} Petitions filed by law enforcement have a success rate of 94%, even higher than the statewide average.^{xiii}



There have been ERPO petitions filed in 18 individual counties. Most petitions have originated in Multnomah County, followed by Josephine, Washington, and Marion Counties.^{xiv}



Case studies

The ERPO tool has been used to remove guns from several dangerous situations. The following case studies reflect the range of circumstances in which ERPO has been applied in OR.

A man threatens to kill himself and his 3-year-old son^{xv}

A Portland man called 911 threatening to kill himself with a gun. He expressed frustration at not being able to make a child support payment. In addition to threatening to kill himself, he said he would kill his 3-year-old son.

Police officers arrived on the scene and removed 10 firearms from the home – including assault rifles, shotguns, and handguns. One loaded handgun was found on the floor, where it was easily accessible to the man and his 3-year-old son.

By successfully filing for an ERPO, the responding law enforcement officers were able to remove these weapons and temporarily prohibit this man from purchasing new guns.

A man fires a handgun into the street^{xvi}

A Cave Junction man was firing a handgun inside his bedroom, thinking that there were intruders. The man had a previous history of drug addiction and mental illness. Bullets left the home through the window and walls, in the direction of the street and the neighbors.

By successfully filing for an ERPO, the responding police officer was able to separate this man from his firearm.

A man commits domestic violence and threatens suicide^{xvii}

An Astoria man caused injury to his girlfriend, giving her a black eye, fat lip, and reddening around the neck area. He then told her he was going to take his shotgun from the car and shoot himself.

Officers arrived on the scene and filed an ERPO, allowing them to temporarily remove and store the weapon.

ⁱ Centers for Disease Control and Prevention. National Centers for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS). A yearly average was developed using five years of most recent available data: 2012-2016.

ⁱⁱ Anglemeyer A, Horvath T, Rutherford G. The accessibility of firearms and risk for suicide and homicide victimization among household members: A systematic review and meta-analysis. *Annals of Internal Medicine*. 2014; 160: 101–110.

ⁱⁱⁱ Miller M, Azrael D, Barber C. Suicide mortality in the United States: The importance of attending to method in understanding population-level disparities in the burden of suicide. *Annual Review of Public Health*. 2012; 33: 393-408.

^{iv} Owens D, Horrocks J, House A. Fatal and non-fatal repetition of self-harm: Systematic review. *British Journal of Psychiatry*. 2002; 181: 193-199.

^v Miller M, Azrael D, Barber C. Suicide mortality in the United States: The importance of attending to method in understanding population-level disparities in the burden of suicide. *Annual Review of Public Health*. 2012; 33: 393-408.

^{vi} Miller M, Azrael D, Barber C. Suicide mortality in the United States: The importance of attending to method in understanding population-level disparities in the burden of suicide. *Annual Review of Public Health*. 2012; 33: 393-408.

^{vii} Campbell, J. C., Webster, D., Koziol-McLain, J. et al. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American journal of public health*, 93(7), 1089-1097.

^{viii} California (Cal. Pen. Code § 18100, et. seq.); Connecticut (Conn. Gen. Stat. § 29-38c); Delaware (10 Del. C. § 7701, et. seq.); Florida (Fla. Stat. § 790.401); Illinois (2017 IL House Bill 2354); Indiana (Ind. Code § 35-47-14-1, et seq); Maryland (Md. Public Safety Code Ann. § 5-601, et seq); Massachusetts (Mass. Gen. Laws ch. 140, §§ 121, 129B(C), 131(C), 131R-Z); New Jersey (2018 NJ Assembly Bill 1217); Oregon (O.R.S. § 166.525, et seq.); Rhode Island (RI Gen. Laws § 8-8.3-1, et seq.); Vermont (13 VSA § 4051, et seq.); Washington (Rev. Code Wash. § 7.94.010, et seq.)

^{ix} Swanson JW, Noroko M, Lin H, et al. Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems*. 2017; 80: 179-208.

^x Oregon State Court Administrator. ERPO statistics, January – July 2018.

^{xi} Ibid.

^{xii} Ibid.

^{xiii} Ibid.

^{xiv} Ibid.

^{xv} OR ERPO case file. On file with Everytown for Gun Safety.

^{xvi} OR ERPO case file. On file with Everytown for Gun Safety.

^{xvii} OR ERPO case file. On file with Everytown for Gun Safety.