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The Use of Extreme Risk Protection Orders Intended to Prevent Mass Violence in Oregon: A Descriptive Study

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Presenter Information

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The Use of Extreme Risk Protection Orders Intended to Prevent Mass Violence: A Descriptive Study

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Background

Firearm Injury

- In the United States (US), firearms were associated with 48,830 deaths in 2021, an average of about 134 firearm injury deaths per day¹
- Each year in the US, nonfatal firearm injuries account for an estimated one-to-two times more injuries, many treated in hospital settings²
- In 2021, firearm injuries were associated with 670 deaths in Oregon and 875 emergency department (ED) visits^{3,4}
- Between January 1, 2018, and June 30, 2023, Oregon had a total of 3,973 firearm injury-related ED visits⁴

Mass Violence

- Firearm violence includes incidents of mass shootings, which have devastated many communities in the US
- A mass shooting is defined as ≥4 people injured, not including the shooter⁵
- Nationally, since 2015, mass shooting incidents have increased by over 100%, reaching as high as 689 in 2021⁵
- In Oregon, from 2014 to 2022, there were 22 mass shooting incidents⁵

OREGON'S ERPO LAW

- Oregon's Extreme Risk Protection Order (ERPO) or "red flag" law allows **family or household members** or a **law enforcement officer** to petition a civil court for an order to temporarily restrict a person's access to firearms if the court determines that the person is at **imminent risk** of causing harm to themselves or others
- The petitioner must meet a burden of proof requiring **"clear and convincing evidence"** for the petition to be approved
- An ERPO typically extends for **1 year** unless a request to terminate earlier or a renewal is granted
- Oregon's ERPO law has been in effect in Oregon since **January 1, 2018**⁶

ERPO as a Tool

- ERPO laws have been shown to be associated with reduced rates of suicide and, potentially, reduce homicide events⁷
- As identified in a case series of California ERPO petitions, ERPOs may also be an effective tool to prevent mass shootings; however, their utilization for threats of mass shootings/mass violence in Oregon has not been examined⁸

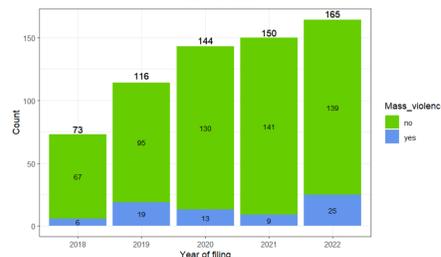
Methods

- Using an already-abstracted dataset, ERPO petitions obtained through the Oregon Judicial Case Information Network from January 1, 2018 to December 31, 2022 (the 5-year period after implementation of the law) were reviewed
- We conducted a descriptive analysis of ERPO petitions involving threats of mass violence, compared to those involving other types of firearm violence, in terms of petition characteristics and outcomes

Results

- Our preliminary data show that, from 2018 to 2022, there were 649 ERPO petitions filed in Oregon
- Of those ERPO petitions filed, 72 cited a threat of mass violence
- The numbers of ERPO petitions citing all kinds of threats increased each year in Oregon; for petitions citing mass violence the number of petitions was variable from year to year
- The highest number of petitions citing a threat of mass violence was in 2022 (n=25)

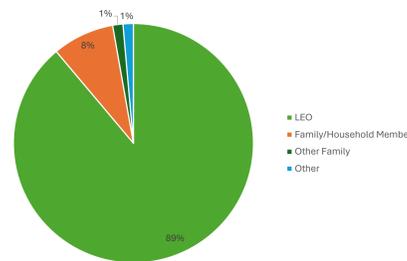
Mass violence cited as a threat in ERPO petitions filed in Oregon, by year



*One petition that was not applicable to mass violence was removed from the total count in this figure

Findings suggest that Oregon's Extreme Risk Protection Order (ERPOs) law is being used as intended to try to prevent mass violence

ERPO petitioners who cited a threat of mass violence, by relationship to respondent*



*Respondent is the individual the ERPO petition is filed against

Petitioners:

- Most petitioners were law enforcement officers (LEOs) (n=64, 88.9%), followed by family/household members (n=6, 8.3%), other family (n=1, 1.4%) and other petitioner type (n=1, 1.4%)

Table 1: Characteristics of ERPO petitions filed in Oregon, 2018-2022, by type of threat cited in petition (mass violence threats versus all other threats)

Characteristics	Total (N=644)*	Mass violence (n=72)	Other threats (n=572)
Petition outcome after ex parte hearing			
Denied	141 (21.9%)	5 (6.9%)	136 (23.8%)
Granted	501 (77.8%)	67 (93.1%)	434 (75.9%)
Unclear/Unknown	2 (0.3%)	0 (0%)	2 (0.3%)
Sex of Respondent			
Female	103 (16.0%)	4 (5.6%)	99 (17.3%)
Male	525 (81.5%)	67 (93.1%)	458 (80.0%)
Unclear/unknown	16 (2.5%)	1 (1.4%)	15 (2.6%)
Substance abuse cited			
No	309 (48.0%)	44 (61.1%)	265 (46.3%)
Yes	335 (52.0%)	28 (38.9%)	307 (53.7%)
Alcohol use/misuse cited			
No	480 (74.5%)	61 (84.7%)	419 (73.3%)
Yes	164 (25.5%)	11 (15.3%)	153 (26.7%)
Violent history cited			
No	340 (52.8%)	42 (58.3%)	298 (52.1%)
Yes	304 (47.2%)	30 (41.7%)	274 (47.9%)
Prior conviction or arrest cited			
No	391 (60.7%)	50 (69.4%)	341 (59.6%)
Yes	253 (39.3%)	22 (30.6%)	231 (40.4%)
Risk to school or college campuses			
No	605 (93.9%)	49 (68.1%)	556 (97.2%)
Yes	39 (6.1%)	23 (31.9%)	16 (2.8%)
Risk of domestic violence cited			
No	500 (77.6%)	64 (88.9%)	436 (76.2%)
Yes	144 (22.4%)	8 (11.1%)	136 (23.8%)
Weapon confiscation (among 501 granted ERPOs)			
From petition	107 (21.4%)	7 (10.4%)	100 (23.0%)
No record	238 (47.5%)	39 (58.2%)	199 (45.6%)
Transfer documented	156 (31.1%)	21 (31.3%)	135 (31.1%)

*Five petitions were not included in the total due to unknown/unclear threat type

Petition Characteristics

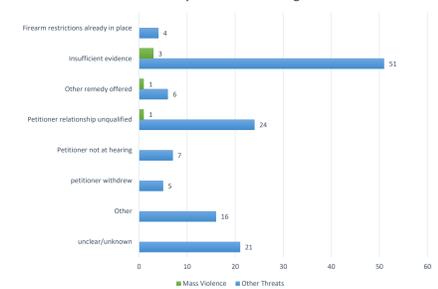
- There were 72 (11.1%) petitions that cited risk of mass violence; 67 (93.1%) were granted
- ERPO petitions that cited a threat of mass violence had a higher likelihood of approval (93.1%) compared to petitions citing other types of threats (75.9%)
- The proportions of respondents that were male (93.1% vs. 80.0%), and the presence of risks to schools and college campuses (31.9% vs. 2.8%), were higher among petitions that cited threats of mass violence compared to those citing other threat types
- The proportions citing substance abuse (38.9% vs. 53.7%), alcohol use/misuse (15.3% vs. 26.7%), violent history (41.7% vs. 47.9%), prior conviction or arrest (30.6% vs. 40.4%), and risk of domestic violence (11.1% vs. 23.8%) were lower among petitions that cited threats of mass violence compared to those citing other threat types

Denial of ERPO Petitions that cited a threat of mass violence

Among the petitions citing threats of mass violence that were denied, the reasons for denial were insufficient evidence (n=3, 60.0%), followed by other remedy offered (n=1, 20.0%), and petitioner not having a qualified relationship (n=1, 20.0%)

Among the petitions citing other threats that were denied, the reason for denial were insufficient evidence (n=51, 38.1%), followed by petitioner not having a qualified relationship (n=24, 17.9%), unclear/unknown (n=21, 15.7%), other (n=16, 11.9%), petitioner not at hearing (n=7, 5.2%), other remedy offered (n=6, 4.5%), petitioner withdrew (n=6, 4.5%), and firearm restrictions already in place (n=4, 3.0%)

Reasons for denial among ERPO petitions citing threats of mass violence compared to those citing other threats



Discussion

- ERPO petitions that cited a threat of mass violence had a very high likelihood of approval (93.1%) compared to those citing other threat types (75.9%). This could be due to the judges' reaction to the potential catastrophic impact of mass violence on communities. There were 24 petitions that cited a risk to schools or college campuses, and all 24 (100%) were initially granted
- A high proportion of the petitioners who cited threats of mass violence in Oregon are law enforcement officers (LEOs). This could be due to LEOs' increased familiarity with the ERPO process and court procedures, or a better understanding of mass violence threats in which an ERPO petition would be deemed appropriate by the courts. It could also reflect the fact that petitioners in settings in which a mass shooting may be threatened (e.g., workplace, schools) may not be eligible petitioners under the law
- It is concerning that no records of weapon removal were found in more than half (58.2%) of approved petitions citing a threat of mass violence

Conclusion

- Our preliminary findings suggest that Oregon's ERPO law is being used as intended to try to prevent mass violence by firearm
- Further research examining the implementation of the ERPO law is needed to fully understand if weapons are being removed from respondents and the barriers and facilitators to effective implementation of the law
- Research is needed to better understand how ERPO petitions may be thwarting mass firearm violence

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