



**To: Members of the House Judiciary Committee**

**From: Chief Don Johnson, Lake Oswego Police Department**  
Oregon Association Chiefs of Police

**Date: March 25<sup>th</sup>, 2015**

**Re: Testimony in Favor of HB 2776 (Emergency Protective Orders)**

Chair Barker and members of the House Judiciary Committee, my name is Don Johnson and I am the Chief of Police for the City of Lake Oswego. I am here today on behalf of the Oregon Association Chiefs of Police to urge your support of HB 2776 with the dash 1 amendment. This measure would authorize a police officer to seek from a circuit court an ex parte emergency protective order when the court finds probable cause to believe that a person is the victim of domestic violence and the protective order is necessary to prevent abuse.

Since 2003, an average of twenty-eight Oregonians have been killed in domestic violence incidents each year. I know all of you, like me, agree that this number is unacceptable and that we should continually look for ways to reduce the chances of victimization. The Bill that is before you provides a tool for law enforcement to use at the scene of a domestic violence incident to better ensure the safety of the victim by separating the parties through a Temporary Emergency Protective Order.

Oregon's Family Abuse Prevention Act (FAPA), codified under ORS 107.700-735 does not currently contain any provision for the issuance or even availability of a protective order while the court is not in session or without a petition being filed. This means that a victim must independently navigate the court system and appear before a judge to request protection from the perpetrator of their abuse. Often times, victims simply walk away from any court process due to the complexity of the system and remain unprotected. When one takes into account the trauma inflicted by an abuser, it is easy to understand that a victim typically has much larger issues to deal with, including receiving medical treatment and finding shelter; all the while trying to cope with the abuse that was inflicted – most victims have difficulty finding the will to do much more than survive the incident during the days immediately following the attack.

Although Oregon has mandatory arrest provisions within the Statutes, those provisions apply under a narrow set of circumstances - assault, when a victim is in fear of imminent physical injury, or sex abuse, to name a few. If the standard is not met, arrest is not mandatory. There are many situations that do not rise to the level of a mandatory arrest, but the victim still requires protection.

There are many States that have found success in protecting victims of domestic violence through the issuance of statutes similar to the one before you; this legislation combines the best practices of those entities to better ensure the safety of our population.

This Bill will fill several gaps that exist under the current Oregon Revised Statutes.

- Circumstances an officer encounters wherein the elements of a crime exist, the victim believes she or he is in danger, but immediate arrest is not mandated by Oregon Revised Statutes such as Harassment or Reckless Endangering.
- Circumstances the officer encounters in which the officer reasonably believes the victim is in danger of physical abuse, but where there is no probable cause for arrest for a crime.
- Circumstances an officer encounters wherein Elder Abuse is taking place or is imminent at the hands of a family member with mental health issues and there is no probable cause for arrest for a crime and/ or no civil remedy exists.

Your support of House Bill 2776 will provide law enforcement with the capacity to seek an immediate, temporary protective order from a Judge 24 hours daily and will give the survivor a brief window of time necessary to seek more permanent protection.

Thank you for your time and consideration of this important issue to our citizens, police officers and especially to those who are victims of domestic violence.