

Testimony Regarding Updates to Oregon's ERPO Law

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Good morning, members of the Committee. I am here today as a Senior Advisor for Implementation from the Johns Hopkins Center for Gun Violence Solutions to discuss some of the areas in which ERPO policy and implementation might be improved. Our Center conducts and translates rigorous research to inform effective policy solutions, and develops, advocates for, and implements equitable and innovative policies and programs to end the epidemic of gun violence. My focus is on supporting implementation and policy to reduce violence, with a focus on extreme risk protection orders (ERPOs). I have a background in representing victims/survivors of domestic violence in court and working with a variety of system actors to support equitable implementation across the country.

There are always potential areas for improved implementation by strengthening relationships, increasing education, making processes more accessible and efficient, and overall ensuring that policies work as intended. In coordination with colleagues on the ground in Oregon, we have identified a few opportunities to improve ERPO implementation that I wanted to draw to your attention, including increased training for law enforcement; improved dispossession tracking; expanding petitioners under the definition of family/ household members; considerations for minors as petitioners and respondents; and improved data collection.

Increased Training for Law Enforcement on ERPO

In December of 2022, the Johns Hopkins Center for Gun Violence Solutions, in collaboration with Everytown, brought together implementers from around the country to discuss best practices for ERPO implementation. One of the key opportunities for improved implementation¹ we identified at that meeting was additional training on ERPO for law enforcement and other key implementers.

In Oregon, like much of the country, domestic violence training is already mandated for law enforcement. This same requirement does not extend to ERPO. Law enforcement have many different roles in ERPO, including report-writing, testifying in court as witnesses in ERPO cases, educating family members on ERPO, serving ERPOs, safely removing and storing firearms, potentially collaborating with co-responders, and understanding the distinctions between other remedies such as domestic violence protection orders and mental health holds. Training on all of these roles is critical. While I'm sure the academy curricula is already packed,

¹ <https://publichealth.jhu.edu/2023/new-report-offers-guidance-on-implementing-extreme-risk-protection-laws-as-new-federal-funding-becomes-available>

initial training at the academy could potentially be built into other units and discuss what ERPO is, how it is used, and best practices. Providing all new officers with this initial information and then ongoing resources, like pocket cards, provides a baseline of knowledge for all new officers.

Building off of that, ongoing training at rollcall and for supervisors within the units is also critical. While all patrol officers' benefit from this knowledge, it is also important to have this information up the chain of command and ensure that supervisors all have the information they need to ensure that their supervisees are using ERPO appropriately.

Dispossession Tracking/ Compliance Hearings

Successful ERPO implementation requires ensuring that Respondents are in compliance with the order. That means working collaboratively between departments and following up to ensure that Respondents comply with the immediate dispossession requirements and are prevented for the duration of the order from obtaining any additional firearms. There are some challenges in Oregon's law to ensuring a Respondent has surrendered all of their firearms: since the Respondent has 24 hours, that may not be swift enough. Additionally, verifying that the Respondent has in fact complied with the ERPO remains an ongoing hurdle.

One option to verify implementation would be to have further documentation of surrender of firearms. The Court could have an additional docket where the parties reappear to testify and submit a signed affidavit under penalty of perjury that they have in fact surrendered all of their firearms.

Expanding Eligible Petitioners

While Oregon currently allows for law enforcement, family members, spouses, intimate partners, parents, children, siblings and individuals living in the same household to petition, there are two key categories of individuals who it might be beneficial to add to the list of approved ERPO petitioners: Ex-partners and healthcare workers.

While ex-partners are eligible in some circumstances for relief under the Family Abuse Protection Act, there may be circumstances where an ex-partner continues to fear for their safety, particularly threats from gun violence. We know that the risk of intimate partner homicide increases 5x when there is a firearm present,² and we also know that leaving is the most dangerous time in most abusive relationships.

Healthcare workers are permitted to petition in *many* states. This allows individuals working as emergency room physicians, psychiatrists, pediatricians, and mental health providers to petition, depending on the state's law. Many of these individuals may be looking for ways to further help their patients and their families, and this provides a tool.

Consideration of whether Minors Should Be Respondents in ERPO Proceedings

I would also like to raise the possibility of including minors as respondents.

² Campbell, J. C. et al. "Risk factors for femicide in abusive relationships: results from a multisite case control study". American Journal of Public Health. (2003). <https://doi.org/10.2105/ajph.93.7.1089>

When minors are respondents, this can result in reducing their access to firearms- even those that they do not own, by removing the firearms they access to in their household. Since minors often obtain firearms from their family members when those weapons are used in suicidal or homicidal attempts or acts, it is critical to remove their access. An ERPO against the parent or household member may not be sufficient, since there would likely not be any behavior by that individual to warrant an ERPO.

Importance of Data Collection

Lastly, I want to highlight the importance of consistent and thorough data collection. ERPO is still a newer tool, and we are always working to better understand when it is used and how implementation can be further improved. By consistently collecting data across the state, then we will be able to use that information to continue to further improve the practice.

Conclusion

In conclusion, I want to echo the sentiments of my colleagues during this morning's hearing. I appreciate your attention to this issue and your efforts to make the community safer. Thank you for your time, and I am available for any questions.