
	SPRINGFIELD POLICE DEPARTMENT POLICY MANUAL	POLICY # 1.3.6
EFFECTIVE DATE 2-15-23	 Andrew Shearer, Chief of Police	ACCREDITATION REFERENCE N/A

Extreme Risk Protection Orders

1.3.6.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for the deadly weapons obtained pursuant to those orders.

1.3.6.2 POLICY

It is the policy of the Springfield Police Department to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for deadly weapons obtained by the Department pursuant to such orders.

1.3.6.3 DEFINITIONS

Definitions related to this policy include (ORS 166.525):

Deadly weapon - A firearm, whether loaded or unloaded, or any other instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

Extreme risk protection order (ERPO) - An order prohibiting a named person from having in his/her custody or control, owning, purchasing, possessing, receiving, or attempting to purchase or receive a deadly weapon.

Petitioner - The person or agency who files papers to start a civil action; also called plaintiff.

Respondent - The person whom a civil action is sought against.

1.3.6.4 EXTREME RISK PROTECTION ORDERS

A family or household member or an officer who reasonably believes a person presents an imminent risk of suicide or causing physical injury to another person may petition the court for an extreme risk protection order. An officer should request permission from their supervisor to file the petition. The petition must be supported by a written affidavit signed under oath or by a sworn oral statement and is in effect for twelve (12) months from the date of service (ORS 166.527).

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1.3.6.5 SERVICE

The respondent shall be personally served with a copy of the extreme risk protection order and a hearing request form by the sheriff's office, a member of this department, or a qualified citizen. The server of the order will immediately deliver to the county sheriff a true copy of proof of service and a copy of the order (ORS 166.527).

The county sheriff is responsible for entering the order into the state's Law Enforcement Data Systems (LEDS) with a request that the order be entered in the National Crime Information Center (NCIC). Entry into LEDS constitutes notice to all law enforcement agencies of the existence of the order, which is enforceable throughout the state (ORS 166.527).

If service of the order by the department has been requested and cannot be completed within 10 days, the officer shall forward the order to the county sheriff's office civil division for delivery and notify the petitioner at the address they provided. If the officer is the petitioner and service is not made, the order shall be held for future service and the officer should file notice with the court showing service was not completed (ORS 166.527).

1.3.6.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring that the original receipt of surrendered deadly weapons and concealed handgun license is filed with the court via court liaison with delivery of contents in the liaison briefcase within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (ORS 166.537).

1.3.6.7 SURRENDER OF DEADLY WEAPONS AND HANDGUN LICENSE

The officer serving an extreme risk protection order shall advise the respondent they are required to surrender all deadly weapons in his/her custody, control or possession along with any concealed handgun license issued to them within 24 hours. If the respondent chooses to surrender weapons or a concealed handgun license at that time, the officer shall take custody of any weapons or license surrendered.

A receipt identifying all surrendered items shall be prepared by the officer and a copy given to the person. The officer shall ensure the original property receipt is forwarded through the Records Division to the Circuit Court to be filed with the original order.

If surrendered to SPD, all deadly weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

1.3.6.8 COURT-ORDERED SURRENDER OF DEADLY WEAPONS

Authorized members (sworn officers) should accept deadly weapons and a concealed handgun license from any person who is the subject of an extreme risk protection order. The member receiving any such items shall issue a receipt identifying all surrendered items, in addition to following other relevant Department procedures (ORS 166.537).

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1.3.6.9 INVESTIGATIONS/SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any deadly weapons, the officer may consider whether to conduct a criminal investigation of contempt of court (Class A Misdemeanor) and seek a search warrant.

1.3.6.10 RELEASE OF DEADLY WEAPONS

Any deadly weapon or concealed handgun license in Department custody pursuant to an extreme risk protection order will be released only as authorized by ORS 166.540 and applicable provisions of the Property and Evidence Policy.

1.3.6.11 RENEWAL OF EXTREME RISK PROTECTION ORDER

After writing a report regarding an issuance of an ERPO, the primary officer will notify the Record's Division and request a "Firearms Restriction" flag record be entered for the individual. Records will set a nine (9) month expiration date. Upon the expiration date, the Criminal Investigations supervisor will review the order to determine if renewal should be requested within the time prescribed by law (ORS 166.535).