



PROTECTIVE ORDERS

POLICY.

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to comply with all state and federal laws governing the administration of court mandated protective orders. For the purpose of this policy, protective orders include restraining orders, stalking orders and pretrial no contact release orders.

PURPOSE.

The purpose of this policy is to provide members with guidelines on how to enter, renew, modify and cancel protective orders using the Law Enforcement Data System (LEDS).

OREGON JAIL STANDARDS: None

REFERENCES:

- ORS 107.720, Enforcement of Restraining Orders
- ORS 133.310, Authority of Peace Officer to Arrest Without Warrant
- ORS 133.381, Procedure in Arrests for Violation of Certain Restraining Orders; Arrest of Person Not in County Where Order or Warrant Issued
- ORS 135.250, General Conditions of Release
- ORS 163.741, Service of Order; Entry of Order into Law Enforcement Data System
- ORS 163.750, Violating Court's Stalking Protective Order

DEFINITIONS.

LEDS. Law Enforcement Data System provides a criminal justice telecommunications and information system for the State of Oregon.

Pre-Trial No Contact Order. A state ordered mandate that if a defendant is charged with an offense that also constitutes domestic violence; the court shall include as a condition of release an agreement that the defendant not contact the victim of the violence. Furthermore, the statute requires the Sheriff to enter the orders into LEDS.

Restraining Order. A court ordered injunction which prohibits an individual from harassing, threatening, accosting, contacting or approaching a specific individual.

Stalking Order. A court order which prohibits a person from knowingly alarming or coercing another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person.

PROCEDURES.***SECTION A: GENERAL GUIDELINES***

- A-1.** Protective orders will be kept and maintained at the Work Center (WC) and filed alphabetically under the respondent's (defendant) last name. An electronic record will be maintained in the DCSO Records Management System (RMS).
- A-2.** Protective orders will be separated into two file cabinets:
 - 1. Serviceable Protective Orders (not yet served)
 - 2. Protective Orders (already served).
- A-3.** The assigned member will have primary responsibility for entry, renewal, modification, cancellation and tracking of all protective orders.
- A-4.** The assigned member will contact court personnel to clarify a written order if it is not clear or conflicts with other written documents.
- A-5.** Protective order documentation will be transmitted from the courts to the WC electronically. It is the responsibility of the assigned member to routinely check for protective order updates.
- A-6.** In the absence of the assigned member, deputies assigned to the WC will assume protective order duties. The assigned member will provide initial and ongoing training related to all required warrant and protective order tasks.
- A-7.** A detailed Protective Order Instruction Manual for the entry, renewal, modification, cancellation and logging of all protective orders is maintained at the WC. It is the responsibility of the assigned member to update this manual as needed.
- A-8.** All pertinent and necessary protective order information must be entered as described in the Protective Order Instruction Manual.

SECTION B: RESTRAINING ORDERS

- B-1.** Prior to the entry of a restraining order, members must verify a valid copy of the restraining order is on hand. Entry cannot be completed without a copy signed by a judge.
- B-2.** In the event a copy of the restraining order is not available, members must notify a supervisor immediately. Copies can be obtained from the courts, Civil Unit, and/or the serving deputy.
- B-3.** Once a deputy notifies the WC a restraining order has been served, members must note the following on both the restraining order cover sheet and restraining order envelope:

- a. Date of service of restraining order.
 - b. Time of service of restraining order.
 - c. Name of deputy who served the restraining order.
 - d. Grid number restraining order was served in.
 - e. Whether a 20-minute standby was given, not given, or not authorized.
- B-4.** Once a restraining order has been served, members will enter the record into LEDS without delay.
- B-5.** Prior to filing completed restraining orders, all orders must be reviewed and initialed by a second party.
- B-5.** Restraining orders are clearly distinguishable from other protective orders by their MANILA colored envelope.

SECTION C: STALKING ORDERS

- C-1.** Prior to entering a stalking order, members must verify a valid copy is on hand. Entry cannot be completed without a copy signed by a judge.
- C-2.** If a stalking order copy is not available, members must notify a supervisor immediately. Copies can be obtained from the courts, Civil Unit, and/or the serving deputy.
- C-3.** Stalking orders have the same cover sheet as restraining orders, but will be titled “Stalking Order” or “Temporary Stalking Order.” Once served, all service information will be recorded on the cover sheet and envelope, similar to entry information required for a restraining order.
- C-4.** Stalking orders must be entered immediately. Guidelines for entry are outlined in the Protective Order Instruction Manual.
- C-5.** Prior to filing a completed stalking order, all orders must be reviewed and initialed by a second member.
- C-6.** Stalking orders are clearly distinguishable from other protective orders by their RED colored envelope.

SECTION D: PRETRIAL NO CONTACT ORDERS

- D-1.** Prior to entry of a pretrial no contact order, members must receive a copy of the *Arresting LEO’s Information for LEDS Entry Form No. 180*. Entry cannot be completed without a copy. It is the responsibility of the arresting Law Enforcement Officer (LEO) to complete the *Arresting LEO’s Information for LEDS Entry Form No. 180* for all domestic violence charges.

- D-2.** In the event a defendant is released or posts bail prior to arraignment, deputies will fax a copy of the completed *Arresting LEO's Information for LEDS Entry Form No. 180* to the WC. In addition, a *Release Order and Agreement Form CR 14* will be forwarded to the court, noting the name of the alleged victim(s).
- D-3.** Pretrial no contact orders are entered immediately by following the guidelines outlined in the Protective Order Instruction Manual.
- D-4.** Prior to filing a completed pretrial no contact order, it must be reviewed and initialed by a second member. An electronic record created and maintained in the RMS.
- D-5.** Pretrial no contact orders are clearly distinguishable from other protective orders by their BLUE colored envelope.

FORMS USED:

- Arresting LEO's Information for LEDS Entry Form No. 180
- Release Order and Agreement Form CR 14