



PROTECTIVE ORDERS

POLICY.

It is the policy of the Deschutes County Corrections Division 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 Pre-Trial No Contact Release Orders.

PURPOSE.

The purpose of this policy is to provide staff 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 which 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 even 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 Deschutes County Work Center, filed alphabetically under the respondent's (defendant) last name. An electronic record will be maintained in Aegis/New World Records Management System.
- A-2.** Protective orders will be separated into two file cabinets: 1) Serviceable Protective Orders (not yet served), and 2) Protective Orders (already served).
- A-3.** The assigned Corrections Technician or Office Assistant will have primary responsibility for the entry, renewal, modification, cancellation and tracking of all protective orders.
- A-4.** The assigned Corrections Technician or Office Assistant 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 Work Center electronically. It is the responsibility of the assigned Corrections Technician to routinely check for protective order updates.
- A-6.** In the absence of the assigned Corrections Technician or Office Assistant (after hours and on weekends), Work Center deputies will assume the duties of the Warrants Clerk, and be trained to perform all required warrant and protective order duties prior to assignment.
- A-7.** A detailed Protective Order Instruction Manual for the entry, renewal, modification, cancellation and logging of all protective orders will be maintained at the Work Center. It is the responsibility of the assigned Corrections Technician or Office Assistant 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. Assistance may be obtained from the shift supervisor if required.

SECTION B: RESTRAINING ORDERS

- B-1.** Prior to the entry of a Restraining Order, the assigned staff or deputy must verify that a valid copy of the Restraining Order is on hand. Entry cannot be completed without a copy signed by a judge. Note: If the Restraining Order cannot be found in the Serviceable Protective Orders cabinet, all baskets at the Work Center and jail should be checked for in-transit mail.

- B-2.** In the event a copy of the Restraining Order is not available, staff must notify the shift supervisor immediately. Copies can be obtained from the courts, Sheriff's Office Civil Division, and/or the serving deputy.
- B-3.** Upon notice from a deputy that a Restraining Order has been served, the assigned staff or deputy 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 Restraining Order.
 - d. Grid number Restraining Order served in.
 - e. If 20 minute standby was given, not given, or not authorized.
- B-4.** Restraining Orders are to be entered by the Warrants Clerk, or Work Center deputies, without delay upon field service by a deputy.
- 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 the entry of a Stalking Order, the Warrants Clerk must verify that a valid copy of the Stalking Order is on hand. Entry cannot be completed without a copy signed by a judge. Note: If the Stalking Order cannot be found in the Serviceable Protective Orders cabinet, all baskets at the Work Center and jail should be checked for in-transit mail.
- C-2.** In the event a copy of the Stalking Order is not available, staff must notify the shift supervisor immediately. Copies can be obtained from the courts, Sheriff's Office Civil Division, and/or the serving deputy.
- C-3.** Stalking Orders will have the same cover sheet as Restraining Orders, but will be titled "Stalking Order" or "Temporary Stalking Order." Once served by a deputy, all service information will be recorded on the cover sheet and envelope, similar to a Restraining Order.
- C-4.** Stalking Orders are to be entered without delay by following the guidelines outlined in the Protective Order Instruction Manual.
- C-5.** Prior to filing completed Stalking Orders, all orders must be reviewed and initialed by a second party.
- C-6.** Stalking Orders are clearly distinguishable from other protective orders by their RED colored envelope.

SECTION D: PRE-TRIAL NO CONTACT ORDERS

- D-1.** Prior to the entry of a Pre-Trial No Contact Order, the Corrections Technician, Office Assistant or Work Center deputy must receive a copy of the Arresting Officer's Information for LEDS Entry Form No. 180. Entry cannot be completed without a copy. Note: It is the responsibility of the arresting officer to complete the Arresting Officer's Information for LEDS Entry Form No. 180 for all domestic violence charges.
- D-2.** In the event the defendant is released or posts bail prior to arraignment, jail deputies will fax a copy of the completed Arresting Officer's Information for LEDS Entry Form No. 180 to the Work Center. 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.** Pre-Trial No Contact Orders are to be entered without delay by following the guidelines outlined in the Protective Order Instruction Manual.
- D-4.** Prior to filing completed Pre-Trial No Contact Orders, all orders must be reviewed and initialed by a second party and an electronic record created in Aegis/New World Record Management System.
- D-5.** Pre-Trial No Contact Orders are clearly distinguishable from other protective orders by their BLUE colored envelope.
- D-6.** Per court order, violations of Pre-Trial No Contact Orders are to be charged as Violation of No Contact Release Condition (VNCR), ORS 033.015 (Contempt), bail \$5000.00.

FORMS USED:

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