98-008 Violation of Court Order Reports

Los Angeles County Sheriff's Department
FIELD OPERATIONS DIRECTIVE
Field Operations Support Services

VIOLATION OF COURT ORDER REPORTS

BACKGROUND

Sheriff's deputies often respond to public requests for service regarding alleged violations of court orders. In many instances, the parties merely want their allegations documented. However, at times it is difficult to ascertain if a valid court order is on file or if a crime did, in fact, occur. Furthermore, the information provided by a reporting/complaining party may even lead responding deputies to believe that the matter is completely civil in nature and no law enforcement action may be taken.

Several sections of the Manual of Policy and Procedures (MPP) outline the protocols necessary for handling alleged restraining orders violations and related offenses.

However, the MPP does not always specify procedures for responding deputy personnel when the reporting parties provide vague or incomplete information.

PURPOSE

This Directive will present a simplified procedure for routine, non-emergent situations where any violation of a court order is alleged (exceptions are noted below). These types of complaints are often about child visitation or other matters relating to divorce. Conclusive investigations by patrol deputies are not usually possible because court orders are often unclear and frequently revised.

For these reasons, it is generally sufficient to prepare a report which simply contains the complainant/witness statements. Utilizing this field procedure should minimize frustration during the contact and also meet the needs of most complainants who just "want the judge to know."

NOTE: This Directive shall not apply to the following circumstances:

- Family law/protective order incidents as outlined in MPP Section 5-09/040.10.
- Enforcement of Temporary Restraining Orders and injunctions in labor disputes as outlined in MPP Section 5-09/040.15.
- Private persons arrest situations as outlined in MPP Section 4-04/080.00.

FIELD DEPUTY RESPONSIBILITIES

In cases where deputies encounter persons who are alleging that another party is violating a court order, it

may be difficult to ascertain if a crime actually occurred. However, it is not necessary to establish who is "right." If responding personnel encounter this type of situation, they shall:

- Obtain the court of issuance, the case number, the name of the issuing judge, and the date of issuance.
- If possible, confirm the court order and proof of service on the TRO~WEB. Refer to FOD 08-02, Temporary Restraining Order Web Based Database (TRO~WEB).
- Write a report (SH-R-49) entitled, "Suspicious Circumstances, Alleged Violation of a Court Order." This shall be done even if it appears the matter is completely civil in nature.
- The report shall contain a synopsis of the complaining party's allegations. Confirming the validity of the allegations is normally not possible nor is it required.
- The responding deputy shall advise the complaining party to contact their personal legal counsel regarding the incident.
- If the complainant does not have the necessary data regarding the court order, the handling deputy will provide as much detail as possible in the report and advise the complainant to contact station detectives with the missing information as soon as it becomes available.

WATCH SERGEANT RESPONSIBILITIES

The Watch Sergeant reviewing the report shall ensure there is enough detail in the synopsis for the reader to understand what action is alleged to have constituted the violation. The report shall be made "Active," whether or not the required court information is included, and assigned to the Station Detective Bureau.

DETECTIVE BUREAU RESPONSIBILITIES

The Station Detective Sergeant shall review the report and assign the case to a detective, who will conduct a follow-up investigation. If the handling detective clearly establishes that a crime occurred, they shall document it in their supplemental report and take the appropriate action, as permitted by Department and individual unit policy (e.g., filing the case with the local District Attorney's Office).

If the handling detective cannot clearly establish that a crime occurred, the Department will take no further action on the matter. The handling detective shall inactivate the case with a supplemental report.

Reference Sections:

MPP 3-01/030.17, Employee Notification of Family Violence and Temporary Restraining Orders

MPP 3-01/030.18, Field Personnel's Response to Employee Involved Family Violence and/or Temporary Restraining Orders

MPP 3-01/030.19, Supervisor's Response to Employee Involved Family Violence and/or Temporary Restraining Orders

MPP 4-04/080.00, Arrests

MPP 4-21/040.00, Restraining Orders

MPP 5-02/160.00, Abduction/Concealment in Child Custody Cases

MPP 5-02/160.20, Out-of-State Child Custody Cases

MPP 5-09/030.00, Domestic Violence

MPP 5-09/040.00, Temporary Restraining Orders/Injunctions

MPP 5-09/040.05, Domestic Violence Prevention Act

MPP 5-09/040.10, Enforcement of Temporary Restraining Orders and Injunctions in Family Law Cases

MPP 5-09/040.15, Enforcement of Temporary Restraining Orders and Injunctions in Labor Disputes

FOD 08-02, Temporary Restraining Order Web Based Database (TRO~WEB)