

88-002 Issuance of Emergency Protective Orders by Field Personnel

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services



ISSUANCE OF EMERGENCY PROTECTIVE ORDERS BY FIELD PERSONNEL

OVERVIEW

There are basically three types of court orders we deal with in domestic violence situations. The first is a Domestic Violence Restraining Order (DVRO). These are permanent orders issued by the court and their expiration dates will vary. The second type is a Temporary Restraining Order (TRO). These orders are issued for 14 - 21 days and the parties are ordered to appear in court at which time the DVRO is issued. The third type, the topic of this Directive, is an Emergency Protective Orders (EPO). **A copy of an EPO (SH-CI 379 rev 7/94) is attached for reference.** These orders are issued telephonically and are good until the **end of the fifth court day, or seventh calendar day.**

PURPOSE

To provide Regional Policy for the requesting and handling of Emergency Protective Orders (EPO'S).

POLICY

EPO'S will be issued at the discretion of the handling deputy or supervisor. Issuance of an EPO should be considered in all cases of violence, or threats of violence, involving current or former spouses, current or former domestic partners of the same or opposite sex, persons involved in a past or present dating relationship and persons who have a child together (**EPO'S may also be issued for child abuse**). The EPO is a tool that can be used to discourage continuing violence and make possible the immediate arrest of the perpetrator if he/she returns. The EPO is recommended when suspects are arrested since the arrestee will likely be in custody a short time.

Once the handling deputy or supervisor at the scene determines that an EPO is warranted, the deputy must complete the application for an Emergency Protective Order and contact the on-call Superior Court representative to obtain the order.

Any doubt regarding the justification for the order shall be resolved by contacting the court representative. The on-call court representative may be a judge, commissioner, or court appointed referee. The procedure for contacting this person, as established by the Superior Court, is as follows:

- EPO'S may be obtained by a deputy 24 hours a day seven days a week. The **county operator number is (213) 974-1234. The operator will connect you to the on-duty court representative.** If

no phone is available at the scene and it is not practical to leave the location, the information shall be relayed to the station desk personnel via Sheriff's radio or MDT, who will make the request for the EPO.

- The Emergency Protective Order is self-explanatory and simple to complete. The deputy completing the EPO shall indicate the address for the local Superior Court on the top of the order. The protected party will have a choice of going to the local Superior Court or the **Central Family Law Court at 111 N. Hill Street, Department 8, Los Angeles.**
- EPO'S, must be served to be valid and a peace officer may serve them. As of January 1, 1995, verbal notice by law enforcement will suffice as service, and must be documented in a written report. Violations of an EPO are arrestable under Penal Code Section **273.6.**

The EPO has four copies: the original, which must be completed in ink, goes to the court, the second copy goes to the restrained person, the third copy goes to the protected party, and the last copy is retained by the deputy and submitted with a written report. The copy submitted by the deputy will be entered into the Domestic Violence Restraining Order Registry via C.L.E.T.S., which will report the EPO and any other restraining order served by deputy personnel, to the Department Of Justice.

After completing the form, the deputy shall serve the order on the restrained party and advise him/her of the conditions of the order. If the restrained party is not present, the law requires that the deputy "attempt to serve the order if the restrained party can reasonably be located." If you can not serve the restrained party either leave the appropriate copy with protected the party or give it to the watch deputy so he can assign the service of the EPO to the next shift. The reason for leaving the copy with the protected party is that if the suspect returns, the protected party can re-call the station and any responding deputy would be able to serve the restrained party.

REPORTING PROCEDURE

All incidents in which a deputy requests an EPO, a Complaint Report (SH-R 49) is required, whether the EPO is granted or not. The justification for the EPO and the fact that the restrained party was or was not served (physically or verbally) shall be indicated in the report. The name of the court representative who grants or denies the order shall also be included in the report. If the victim refuses an EPO, the deputy should also note the refusal in the Complaint Report. Remember, anytime the relationships of the parties are defined as in 13700 PC, the domestic violence box on the SH-R 49 **shall** be checked.

A copy of the EPO, if granted, shall be submitted with the report. For filing purposes, it is necessary to write the entire file number across the top of the EPO form even though it already appears in the "Incident Case Number" box.

The court copy of the EPO form shall be forwarded to the court deputy, who in turn will file the form with the court clerk.

ENFORCEMENT PROCEDURES

Emergency Protective Orders have the same legal power as other Temporary Restraining Orders (TRO'S), and other Court Orders and are enforced in a similar manner. **Since EPO's are issued in domestic violence incidents, a violator should be arrested for Penal Code Section 273.6.**

Prior to making an arrest, it is important to determine that the violator was previously served and advised of the conditions of the order. If the restrained party has not yet been served, the deputy may serve the order and

must prepare a **SH-R 49** or Supplemental Report as proof of service. The deputy's name and time of service must also be added to the desk's copy of the order.

Once the restrained party has been advised of the order, he/she must immediately comply. If the restrained party does not immediately comply, he/she is subject to arrest for 273.6 PC.

EPO'S are not intended to replace an arrest. If a criminal violation occurred, an arrest shall be made. However, the fact that an arrest was made does not disqualify the victim from obtaining an EPO.
