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**CSU FULLERTON POLICE DEPARTMENT
GENERAL ORDER NUMBER 3-5 [CALEA 74.2.1]**

**EMERGENCY PROTECTIVE ORDERS/TEMPORARY
RESTRAINING ORDERS**

SUBJECT: Emergency Protection Orders and Temporary Restraining Orders

PURPOSE: To establish procedures for obtaining and serving emergency protective orders (EPO) and maintain in records and serving copies of court issued temporary restraining orders (TRO).

POLICY: It is the policy of this Department to protect victims of domestic violence and to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources.

PROCEDURE:

I. Applicable Laws and Statutes

A. Family Code Section 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code Section 6250. A judicial officer may issue an EPO whenever a law enforcement officer asserts reasonable grounds that:

1. A person is in immediate and present danger of domestic violence, based upon the person's allegation of a recent incident of abuse or threat of abuse or threat of abuse by the person against whom the order is sought.
2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by a family or household member.
3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction.
4. That an elder or dependent adult is in immediate and present danger or abuse as defined in Section 15610.07 of the Welfare and Institutions Code.

B. Under Penal Code Section 646.91, a peace officer may also obtain an emergency protective order when a person is in immediate and present danger of being stalked. Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:

1. Physically or verbally contacting the victim or disturbing their peace;
2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence; or
3. Continuing a specified behavior as described in the order.

II. Relationships of Involved Parties – Family Members

- A. This group is defined as current or previous spouse or any blood relation such as a parent, child or sibling.
- B. If the abuse is between the parents (married or not) of a minor child (legal custody through adoption as well as natural) which resides with the applying parent, and the other parent resides elsewhere, both parents are still considered family members.
- C. Household Members – This group is defined as any persons who regularly reside within the household of the applying person.
- D. Time Restrictions – Also included are persons who have regularly resided with the applying person during the previously six (6) months prior to the date of the application.

III. Obtaining and Serving an Emergency Protective Order:

- A. An Emergency Protective Order may be sought at the officer's discretion if there is reason to believe, based on factual evidence (i.e., recent violence or a threat of violence) that family or household members are in imminent danger of being abused.
- B. In all situations, officers must first consider what is in the best interest of any minor child. Officers should examine alternative actions to custody adjustments such as placement at a facility regulated by the Department of Social Services for Dependent Children.
- C. Anytime a person is arrested for an act of abuse to family or household member and the court is not in regular session, an Emergency Protective Order should be sought.
- D. The responding officer should attempt to ascertain the existence and terms of any restraining orders regarding the involved parties.
- E. In any case, the victim should be instructed to contact the County Victim and Witness Assistance Program through the 24-hour telephone number on file in Communications.

- F. Completing the Form, both sections must be completed by the officer to secure an Emergency Protective Order. The top section of the form is the application and the other is the actual order granted by the Judicial Hearing Officer (JHO).
1. After completing all required information in the application for Emergency Protective Order (CLETS)—EPO-001 the officer will initiate the telephone call to the JHO.
 2. The JHO can be reached through the Judicial Hearing Office at Orange County Superior Court at **(657) 622-7085** through the Dispatcher in order to avoid disclosure of non-public telephone numbers. Upon contact with the JHO's pager enter ID # 6011 and a contact number. The JHO should respond within 15 minutes.
 3. If the JHO cannot be reached contact Orange County Detention and Release at **(714) 647-4581** who will in turn attempt contact with the JHO.
 4. The application must list:
 - a. The complete names, including any minor children of those to be protected.
 - b. The full name and physical description of the party to be restricted.
 - c. The CSUF Police Department case number.
 - d. A description of facts showing events of abuse or threats of abuse, including a description of weapons and specific dates of occurrence.
 - e. As well as check box notations of the protected persons living circumstances and any other agencies that have been notified. Child custody issues, if pertinent, must be noted and if a current order exists.
 - f. The name of the JHO is noted along with the date and time the application was granted or denied.
 - g. The investigating officer's name is also printed along with his/her signature, law enforcement agency, phone number and badge number.
 - h. The name of the restrained person as well as check box notations of all the limitations and restrictions including the address of the protected person.
 - i. The applicant's current Child custody issues, if pertinent noting the temporary control and care given to the protected person.
 - j. The expiration date of this order will be noted at 5pm on the 5th court day or 7th calendar day, whichever is earlier, from the date it is issued.
 - k. If the order is served, the name of the restrained person served, the date and time noted, address of service and notation that it is being serviced by a law enforcement officer along with the serving officer's signature and badge number.

1. Proof of service will be entered into the OC Automated Warrant Service System (AWSS) by the on duty dispatcher.
 - G. Service of the completed Emergency Protective Order documents are separated and disseminated according to the printed information at the bottom of the page. The printed information on the reverse side of the protective order must be brought to the attention of the parties served.
 1. The original EPO is retained in the serving officer's possession.
 2. A copy of the document is served to the restrained person.
 3. A copy of the document is served to the protected person.
 - H. The original page of the EPO document will be transported as soon as possible to the court and arrangements made to notify oncoming watch commander of the EPO and current status of service.
 - I. Orders will be served by a sworn Law Enforcement Officer. Service must be in person, not by telephone. A restrained party may, be contacted by phone and asked to respond to the Department. In cases where service is not made, the protected party must be made aware.
 - J. FAX a copy of the EPO to the Domestic Violence Registry at **(714) 647-4884**.
 - K. A copy of the EPO is retained by the Department records unit where they will be attached to the corresponding police report.
 - G. The serving officer prior to the end of his/her shift shall enter into RIMS Protection Orders Section
- IV. Receiving and Serving a Temporary Restraining Order
- A. This document is a Court Order, Notice of Hearing and Temporary Restraining Order (CLETS). It contains the address of a Superior Court of California and the name and address of the court and an official stamp noting the Court and date filed by an officer of the court.
 - B. The names of the protected person and restrained person, including a description of the restrained person are noted along with the court case number.
 - C. The date the order will expire is the date and time of the scheduled court hearing.
 - D. On the second page of the order the restrained person's name is printed again and the areas of applicable restriction or restrictions are noted along with the appropriate names, distances and addresses.

- E. The document also includes instructions to the protected person of delivering a copy of this Court Order along with any proof of service forms to all listed Law Enforcement Agencies by the close of business on the date the Court Order was filed.
- F. When CSUF Police Department is contacted by a protected person to serve a Temporary Restraining Order the following procedures will be completed:
1. The Court Order specifies that service of the TRO must be completed in person at least 5 days before the hearing.
 2. The assigned officer will be issued a case number and a report will be completed in RIMs detailing all the circumstances including the date and time received and the court docket number.
 3. The type of legal process, the nature and source of the document.
 4. The name of the protected person and the name of the restrained person.
 5. Proof of Personal Service will be filled out by the officer to include:
 - a. The name of the restrained person [CALEA 74.1.2c]
 - b. Court docket number and our case number
 - c. The list of documents delivered
 - d. The date and time noted along with the address of service [CALEA 74.1.2a,e]
 - e. The serving officer's information date and signature. [CALEA 74.1.2b]
 - f. Proof of service will be entered into the OC Automated Warrant Service System (AWSS) by the on duty dispatcher.
 - g. A copy of the Restraining Order will be forwarded to the records unit. [CALEA 74.1.2d]
 6. In cases where service is not made, the protected party must be notified.
 7. The CSUF WoMen's Center Campus Advocate can also assist a (student) victim in obtaining a Temporary Restraining Order. Contact 657-278-3928 at University Hall 205.
 8. An officer shall also conduct a firearms records check of the restrained party. If the restrained party has a firearm registered in their name inform them they are required to surrender his or her firearm(s) within 24 hours to a local law enforcement agency or sold to a licensed gun dealer within 48 hours after receiving the order. Also, inform the restrained party they must present proof to the court that the firearm has been surrendered. (Ca. Civil Code § 527.9.(b))
- V. Recording a Restraining Order after Hearing(Order of Protection)

- A. This document is a Court Order, Restraining Order after Hearing (CLETS-OAH). It contains the address of a Superior Court of California and the name and address of the court and an official stamp noting the Court and date filed by an officer of the court.
- B. The names of the protected person and restrained person, including a description of the restrained person are noted along with the court case number.
- C. The date of the hearing and name of the judicial officer are listed along with the expiration date and time.
- D. When CSUF Police Department is contacted by a protected person to file and maintain a record of a Restraining Order the following procedures will be completed:
 - 1. The assigned officer will be issued a case number and a report will be completed in RIMs detailing all the circumstances including the date and time received and the court docket number.
 - 2. The name of the protected person and the name and description of the restrained person.
 - 3. The expiration date of the court order.

REVIEWED BY:

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APPROVED:



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