

# Seattle Police Department

## Directive

**Effective Date: 04/01/2017**

**Directive Number 17-00010**

### **Manual Section 15.400 – Domestic Violence Court Orders Added to the Seattle Police Manual**

The Department is committed to investigating domestic violence incidents, assisting the victims and arresting the suspects.

15.400-Court Orders is a new manual section that replaces TD14-00015 Domestic Violence Investigations. (Emphasized information is highlighted)

#### **- Discretionary Arrests for Violation of Anti-Harassment Order**

While not included in those offenses which mandate arrest, officers may arrest for violations of an Anti-Harassment Orders when there is probable cause that the suspect has knowledge of the order and violates its terms.

Violation of an Anti-Harassment Order is a gross misdemeanor.

Please read the attached policy.  
Questions may be directed to the Policy Unit or the Domestic Violence Unit  
[email: SPD\\_aprs@seattle.gov](mailto:SPD_aprs@seattle.gov)  
Phone (206-684-4116)

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## 15.400-Domestic Violence Court Orders

Effective Date: 04/01/2017

### **POL-15.400**

This policy applies to Officers responding to the service and enforcement of court orders.

#### **1. Officers Encounter Various Court Orders**

Officers may encounter these court orders:

- No Contact Order
  - Issued by the court subsequent to a domestic violence arrest.
  - The court serves the order during a suspect's release from custody.
- Protection Order
  - This order is obtained by a family or household member assaulted or fears abuse.
- Restraining Order
  - This order is usually obtained upon filing a petition for dissolution, legal separation, or child custody.
- Vulnerable Adult Order
  - This order is obtained by a vulnerable adult or an interested person on behalf of the vulnerable adult.
- Stalking Protection Order
  - This order is obtained by a person who does not qualify for a protection order under RCW 26.50 and who is a victim of stalking conduct.
  - The order can also be obtained by an interested person on behalf of a vulnerable adult or the legal guardian of a minor child.
- Anti-Harassment Order

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- This order is obtained by a person alarmed, annoyed, or harassed by another person
- Sexual Assault Protection Order
  - This order is obtained by a family or household member sexually assaulted or fears sexual abuse.
- Firearms Surrender Order
  - The court ordered surrender of a firearm or concealed pistol permit may also accompany the service of other court orders. Officers will refer to [15.215-Seizing and Releasing Firearms](#) - 15.215-TSK-1 Officers Dispatched to Pick Up a Court-Ordered Surrendered Firearm.

## 2. Officers Verify Some Orders Before Enforcement

Officers will verify through Communications that the order exists, and has been served on the respondent when enforcing a violation of:

- Protection order
- Restraining order
- Vulnerable Adult order
- Stalking Protection order
- Anti-Harassment orders

**Exception:** No Contact orders require no verification of service prior to enforcement.

Officers request a computer (WACIC) check using either the respondent's or petitioner's identifiers as an outstanding warrant check, or

Check the petitioner's copy of the Court Order to determine if it has been served on the respondent, (e.g., checking for respondent's signature or a notation by officers), or

If the petitioner indicates that the order was recently served, officers will contact the Data Center to determine if service information exists but has not yet been entered into WACIC.

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- The Data Center may also read the criminal legend and the restraint/exclusion terms if the petitioner has no copy for the officer to review.

Officers will contact the precinct desk officer to check the precinct's Court Order logbook.

- The logbook will have a record of service if the order was served by a patrol officer in that precinct.
- Officer may contact the Domestic Violence Unit with questions during regular business hours, 684-0330.

If an officer does not have probable cause to believe that a valid order exists or cannot verify that it has been served, an arrest for violation of the order will not be made.

### **3. Officers Make Mandatory Arrests for Court Order Violations**

Officers will attempt to gather evidence when investigating the violation of a court order such as text messages, e-mails, call logs.

#### **No Contact Order (mandatory arrest)**

Officers will make a mandatory arrest if there is probable cause to believe the suspect, of any age, has violated the terms of a No Contact Order which:

- Restrain the suspect from acts or threats of violence; or
- Restrain the suspect from going onto the grounds of or entering a residence, workplace, school, or daycare; or
- Restrain the suspect from intentional contact with the victim.

Violating a no contact order with any assault or reckless endangerment is a felony.

Violating a no contact order where the suspect has at least two prior convictions for violating a No Contact is a felony.

- The previous convictions need not involve the same victim.

If the order is violated with the permission or consent of the victim, the terms of the order are still valid.

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## **Protection Order (mandatory arrest)**

Officers will make a mandatory arrest if there is probable cause to believe the suspect, of any age, has knowledge of a Protection Order and violated the terms of an order which:

- Restrains the suspect from acts or threats of violence; or
- Restrains the suspect from going onto the grounds of or entering a residence, workplace, school, or daycare; or
- Restrains the suspect from intentional contact with the victim.

Violating a protection order with any assault or reckless endangerment is a felony.

Violating a protection order where the suspect has at least two prior convictions for violating a Protection Order is a felony.

- The previous convictions need not involve the same victim.

**Exceptions:** Officers will not arrest the subject if only other provisions of a Protection Order are violated, (e.g., visitation hours or obtaining counseling). This is contempt of court.

If the order is violated with the permission or consent of the victim, the terms of the order are still valid.

## **Sexual Assault Protection Order (mandatory arrest)**

Officers will make a mandatory arrest if there is probable cause to believe the suspect, of any age, has knowledge of a Sexual Assault Protection Order and violated the terms of an order which:

- Restrains the suspect from acts or threats of violence; or
- Restrains the suspect from going onto the grounds of or entering a residence, workplace, school, or daycare; or
- Restrains the suspect from intentional contact with the victim.

Violating a sexual assault protection order with any assault or reckless endangerment is a felony.

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Violating a protection order where the suspect has at least two prior convictions for violating a Sexual Assault Protection Order is a felony.

- The previous convictions need not involve the same victim.

**Exceptions:** Officers will not arrest the subject if only other provisions of a Sexual Assault Protection Order are violated, (e.g., visitation hours or obtaining counseling). This is contempt of court.

If the order is violated with the permission or consent of the victim, the terms of the order are still valid.

## **Restraining Order (mandatory arrest)**

Officers will make a mandatory arrest if there is probable cause to believe the suspect, of any age, has knowledge of a Restraining Order and violated the terms of an order which:

- Restrains the suspect from acts or threats of violence; or
- Restrains the suspect from going onto the grounds of or entering a residence, workplace, school, or daycare.

Officers will ask the petitioner to provide a copy of the Restraining Order to verify if other provisions exist that make the violation criminal.

Officers will not make an arrest if the subject only violates non-criminal provisions of a Restraining Order.

- Non-criminal violations may include; not adhering to visitation hours for children or the ordered division of property. This is a civil violation and contempt of court.

## **Vulnerable Adult Protection Order (mandatory arrest)**

Officers will make a mandatory arrest if there is probable cause to believe the suspect, of any age, has knowledge of a Vulnerable Adult Protection Order and violated the terms of an order which:

- Restrains the suspect from acts or threats of violence; or
- Restrains the suspect from going onto the grounds of or entering a residence, workplace, school, or daycare; or

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- Restrains the suspect from intentional contact with the victim

An assault or reckless endangerment that violates a Vulnerable Adult Protection Order is a felony.

Any violation where the suspect has at least two prior convictions for violating a No Contact, or any Protection Order is a felony.

Previous convictions need not involve the same victim.

## **Stalking Protection Order (mandatory arrest)**

Officers will make a mandatory arrest if there is probable cause to believe the suspect, of any age, has knowledge of a Stalking Protection Order and violated the terms of an order which:

- Restrains the suspect from acts or threats of violence: or
- Restrains the suspect from going onto the grounds of or entering a residence, workplace, school, or daycare; or
- Restrains the suspect from intentional contact with the victim

An assault or reckless endangerment that violates a Stalking Protection Order is a felony.

Any violation where the suspect has at least two prior convictions for violating a No Contact, or any Protection Order is a felony.

Previous convictions need not involve the same victim.

## **Discretionary Arrests for Violation of Anti-Harassment Order**

While not included in those offenses which mandate arrest, officers may arrest for violations of an Anti-Harassment Orders when there is probable cause that the suspect has knowledge of the order and violates its terms.

Violation of an Anti-Harassment Order is a gross misdemeanor.

## **Other Orders**

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Child Physical/Sexual Abuse Orders (RCW 26.44.063). Arrest is mandatory for any violation of this order. A violation is a misdemeanor.

Paternity Action Orders (RCW 26.26.590). Arrest is mandatory for any violation restraining the suspect from acts or threats of violence or excluding the suspect from a residence. A violation is a misdemeanor.

Child Physical/Sexual Abuse Orders and Paternity Action Orders are uncommon. Officers should consult with a supervisor if necessary.

## **4. Officers Will Serve Court Orders**

See 15.400-PRO-1 Precinct Assigned Service of Court Orders & 15.400-TSK-1 Officer Serving Court Orders on the Respondent. Also see [15.215-Seizing and Releasing Firearms](#)

Officers assigned to the Domestic Violence Unit and patrol officers will serve court orders. On rare occasions the Domestic Violence Unit may hand deliver, or fax court orders to the precincts for service by patrol officers.

If the respondent is served in the petitioner's presence, officers will take reasonable steps to determine that the respondent understands the order (i.e., officers will call an interpreter if needed) and, if the respondent is in the presence of the petitioner when the order is served, takes reasonable steps to make sure the respondent separates. See [Washburn v. Federal Way, 178 Wn.2d 732 \(2013\)](#). Officers will document the steps taken.

The petitioner or the petitioner's representative; or an outside agency may also hand deliver, or fax a court order to the precincts for service.

Officers will not serve expired or unsigned court orders.

## **5. Officers Record Information on the Return of Service Report to Document Attempted Service of the Order**

Officers will record dates, times and addresses of attempted service of the order on the Return of Service Report.



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## 6. Officers May Serve a Protection or Anti-Harassment Order During an Investigation of Violation of the Order

See 15.400-TSK-2 Officer Serving a Protection or Anti-Harassment Order During an Investigation

If during investigation of an alleged violation of a Protection Order or Anti-Harassment Order, the officer determines that the respondent has not been served and did not know about the order, the officers will reasonably try to obtain a copy of the order from the petitioner and serve it on the respondent if the respondent is present.

If the respondent is not present, officers will reasonably try to locate the respondent and serve the order ([RCW 26.50.115](#) and [RCW 10.14.115](#)). The petitioner's copy can be served on the respondent.

## 15.400-PRO-1 Precinct Assigned Service of Court Orders

### Domestic Violence Unit

1. **Receives** the order and assigns to the precinct for service.

### Precinct Front Desk Officer

2. **Logs** the order into the precinct Court Order log book.
3. **Verifies** that that packet is complete.

Each packet must contain:

- Law Enforcement Information sheet
- Return of Service sheet
  - This form may be provided by the precinct desk officer if it is not included in the packet

Most packets may also contain:

- Temporary Order for Protection with a Petition for Order for Protection
- Permanent Order for Protection

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- Notice of Hearing
  - Re-issuance of Temporary Order for Protection with a copy of the original Temporary Order for Protection
  - Motion/Order for Waiver of Fees (do not serve this form as part of the packet)
  - Other less common forms, (e.g., Modification Order or Application for Modification Order; Order Transferring Action to Superior Court; Order to Surrender Weapons)
4. **Places** the packet on the roll call board.

## Sergeant

5. **Retrieves** the packet from the roll call board
- 6 **Assigns** an officer the responsibility of attempting to serve the packet.

## Officer

7. **Reviews** the Law Enforcement Information Sheet for officer safety information and a physical description of the respondent. If an order to surrender a firearm or concealed weapons permit (CPL) is included, **refers** to [15.215-Seizing and Releasing Firearms](#) - 15.215-TSK-1 Officers Dispatched to Pick Up a Court-Ordered Surrendered Firearm.
8. **Checks** the respondent in WACIC and NCIC to check if:
- The order has already been served
  - There are outstanding warrants
  - Hazard flags are associated with the respondent or address
  - The respondent has two or more convictions for violating court orders, the third violation is a felony
9. **Verifies** the packet includes a Return of Service sheet. If not, **obtains** one from the precinct's Court Order logbook.
10. **Checks** the date of the Temporary Order for Protection to ensure the order has a judicial signature and the hearing date has not expired.

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- If the hearing date has expired or the order is unsigned, **sends** the packet to the Domestic Violence Unit, noting the problem.
- 11. **Checks** the Permanent Order for Protection to ensure the order has a judicial signature and has not expired.
- The effective date is usually on page one of the order above the judicial signature. If the effective date has expired or the order is unassigned, **sends** the packet to the Domestic Violence Unit, noting the problem.

## 15.400-TSK-1 Officer Serving Court Orders on the Respondent

Officers assigned to service a court order on a respondent will:

1. **Verify** that the correct person is being served.
2. **Give** the respondent copies of all the forms EXCEPT:
  - Law Enforcement Information sheet
  - Motion and Order for Waiver of Fees (if in packet)
  - Return of Service sheet
3. **If** the petitioner is present, **remains** on the scene to ensure the petitioners safety.
  - a. If the order is served at the petitioner's home, the officer will **remain** on-scene until the respondent departs.
  - b. If the order is served at the respondent's home, the officer will **remain** on-scene until the petitioner departs.
  - c. If the order is served at a third party location, the officer will **remain** on-scene until either the respondent or the petitioner depart.
4. **Complete and sign** the Return of Service sheet and **mark** the appropriate boxes with an "X" for each document served.

Note: The title is located in the upper right corner of each document.

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5. **Note** in the precinct logbook whether or not service was completed.

- If service was not completed, **returns** the entire packet to the Domestic Violence Unit:

**Completes** and signs the Return of Service

- **Documents** the reason the order was not served on the Return of Service

- If the order was served, then **returns** these items to the Domestic Violence Unit:

- Law Enforcement Information sheet

- Motion/Order for Waiver of Fees (if in packet)

- Completed/signed Return of Service sheet

6. If the respondent is served, **calls** Data Center so the appropriate entry can be updated in WACIC/NCIC.

## 15.400-TSK-2 Officer Serving a Protection or Anti-Harassment Order During an Investigation

If during the investigation of a violation of a Protection Order or Anti-Harassment Order, and the officer determines that the respondent has not been served, the officer will:

1. **Serve** the order to the respondent (See 15.400-TSK-1 Officer Servicing Court orders on the Respondent).

2. **Complete** the Return of Service sheet and **send** to the Domestic Violence Unit.

3. If the petitioner's copy is served on the respondent, **give** the petitioner a business card noting the service, plus the court cause number, issuing court, and type of order.

4. **Advise** the petitioner to obtain another copy from the issuing court.

## 15.400-TSK-3 Officer Completing a General Offense Report for a Violation of a Court Order

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When writing a General Offense Report for a Violation of a Court Order, officers will:

1. **Articulate** in the narrative that the suspect violated the order.

2. **Document** information about the order in the narrative to include:

- Type of Court Order
- Which court issued the order
- The Court Order number and issue date

3. **Document** in the narrative how service was verified or that the respondent had knowledge of the order:

- Computer verification through WACIC
- Notation on petitioner's copy of the order or other receipt
- Precinct Court Order log book
- Data Center