
	SPRINGFIELD POLICE DEPARTMENT POLICY MANUAL	POLICY # 1.3.5
EFFECTIVE DATE 10/30/23	 Andrew Shearer, Chief of Police	ACCREDITATION REFERENCE 2.2.1

Domestic Violence and Protection Orders

1.3.5.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement, complete investigations, and victim advocacy to ensure domestic violence is treated as a serious crime impacting families and our community. The policy specifically addresses mandatory arrest, documentation of the incident, the commitment of this department to take enforcement action when appropriate, to provide assistance to victims, and to guide officers in the investigation of domestic violence.

1.3.5.2 DEFINITIONS

Definitions related to this policy include:

Abuse: Occurrence of one or more of the following acts between family or household members:

- Attempting to cause or intentionally, knowingly or recklessly causing bodily injury
- Intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury
- Causing another to engage in involuntary sexual relations by force or threat of force

Court order: Any court order, issued by a court of this state, another state, or Indian Tribe or Territory, whether civil or criminal, restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a specific location(s). Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, Family Abuse Prevention Act (FAPA) orders, Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) orders, Sexual Abuse Protective Orders (SAPO), stalking orders, Emergency Protection Orders (EPO), jail release agreements, and no contact orders.

Domestic Violence: Abuse committed between family or household members.

Emergency Protective Order: A temporary (7-day) protection order completed by law enforcement with victim's consent and signed by a judge.

Family or Household Members - include:

- Spouses and former spouses
- Adult persons related by blood, marriage, or adoption
- Persons who are cohabiting or who have cohabited with each other
- Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a FAPA (Family Abuse Prevention Act) petition under Oregon Revised Statutes 107.710
- Unmarried parents of a child.

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Foreign Court Orders: Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

Release Agreement: Persons arrested for domestic violence crimes are provided a court order at the time of their release instructing them not to have any contact with the victim prior to appearing before a court of law. Violation of this agreement requires a mandatory arrest.

1.3.5.3 POLICY

The Springfield Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim, the victim's family, and shall communicate the philosophy that domestic violence is criminal behavior. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

1.3.5.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- a) Calls of reported, threatened, imminent or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities.
- b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, 12 and older, in or around the household or location of occurrence.
- c) Officers should identify all children who reside in the residence by their full name, date of birth, and school (if available). The information will be documented in their report.
- d) If the Domestic Violence is perceived by a verbal child under 12 years of age, the child should be forensically interviewed at Kids FIRST by a trained interviewer. These occur at 1330 the next business day. However, if officers need a rudimentary interview with a child who would normally be interviewed by KFC to develop probable cause, they may do so, but only to the extent to develop probable cause for the arrest. The child should still be interviewed at Kids FIRST. An example would be two parents (suspect and victim) in a DV case who refuse to answer any questions, but an 11-year-old child who witnessed the assault and can give general details about his or her observations.
- e) Referrals shall be made to Kids First for forensic interviews of any children that witnessed Domestic Violence. In addition to the Officer advising the victim parent of the referral to Kids

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FIRST, Officers shall note the referral in the status portion of the Incident report to assist Records personnel with efficient routing of reports.

- f) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex when the documentation requires the removal of clothing. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer or the assigned follow-up investigating officer in the event that the injuries later become visible.
- g) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- h) The officer shall make a reasonable effort to examine children in the residence for evidence of abuse.
- i) If the suspect is no longer at the scene, officers shall make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- j) Seize any weapon from the residence/vehicle, if appropriate and legally permitted, for safekeeping or as evidence.
- k) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- l) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred.

1.3.5.5 STANDARDS FOR ARREST

- (a) Officers who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in ORS 107.705, or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant (ORS 133.055).
- (b) Dual arrests are not required (ORS 133.055), nor recommended. Officers shall make reasonable efforts to identify and arrest the primary assailant in any incident. In identifying the primary assailant, an officer shall consider:
 - 1. The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.
 - 2. If reasonably ascertainable, the history of domestic violence between the persons involved.

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3. Whether any alleged crime was committed in self-defense; **and**
 4. The potential for future assaults.
- (c) Once a suspect has been arrested under the provisions of ORS 133.055, the suspect shall be taken to jail. Officers have no authority to release the arrested person. Should the suspect have a medical condition that requires immediate attention, the officer will contact the Watch Commander and advise them of the circumstances and nature of the incident.
- (d) If feasible, the Watch Commander will coordinate an officer to standby at the hospital while the suspect is being treated. If this is not practicable, the Watch Commander will coordinate notification with the hospital staff when the suspect is released to have an officer transport to jail. The last option is to cite and release the suspect. This option will only be authorized by the Watch Commander having considered the above choices and making a determination of low threat to the victim considering:
1. The suspect's criminal history, history of domestic violence by the suspect in general and with the victim specifically.
 2. The suspect's access to weapons.
 3. The suspect's physical ability to carry out an act of violence.
- (e) In the event the suspect is released under the Watch Commander's authority, the Watch Commander will ensure:
1. The victim is notified of the suspect's status and if necessary, find a place the victim will be able to safely stay at until the arraignment date.
 2. The District Attorney Police Legal Advisor (PLA) is advised.
- (f) Officers shall arrest and take a suspect into custody when the officer has probable cause to believe that a protective order or emergency protection order (EPO) has been issued, a copy of the order and proof of service on the suspect have been filed, and the suspect has violated the terms of the order (ORS 133.310).

1.3.5.6 FOLLOW-UP ON DOMESTIC VIOLENCE CASES

- a) It is the responsibility of the primary officer to conduct their own follow-up on each case unless circumstances, such as normal days off, scheduled days off, or shift variations occur. In those instances where the primary officer is unable to complete "time critical" follow-up on their case, the officer will complete the report and refer it for follow up investigation through the Investigations Unit.
- b) Follow-up on domestic violence cases when probable cause exists to arrest the suspect (suspect cannot be located at the time of the incident):

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1. Every reasonable effort shall be made to locate the suspect in any domestic violence incident.
 2. If applicable, the officer will complete a signed PC Affidavit and place it in the attachment basket in records.
- c) If all investigative leads have been exhausted and the suspect cannot be found, the officer shall prepare an affidavit for arrest for the suspect (if applicable) and present that affidavit to the district attorney's office for the issuance of a warrant for the outstanding suspect.

1.3.5.7 VICTIM ASSISTANCE

Whenever a Springfield police officer has reason to believe that a family or household member has been abused, the officer shall use all reasonable means to prevent further abuse, including advising each person of the availability of shelter or other services in the community and giving each person immediate notice of their legal rights and remedies available. This information is contained in the pamphlet "If You Are a Victim of Domestic Violence" provided by the Lane County District Attorney. The officer shall also provide information for shelters or other resources available to the victim.

The victim shall be notified to contact the Lane County District Attorney's Office as per information contained in the pamphlet noted above.

1.3.5.8 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

1.3.5.9 VERIFICATION OF COURT ORDERS

In determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- b) Check available records or databases that may show the status or conditions of the order.
- c) Contact the issuing court to verify the validity of the order.
- d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

1.3.5.10 PROTECTION ORDERS

- a) State and federal law allow for the use of protection orders as a civil means by which an individual can seek protection from a person who has abused, stalked, assaulted, caused or attempted to cause physical injury to the individual, or who has put the individual in imminent risk of physical injury. Petitioners for protection orders do not need an attorney to file the order. There is no cost to the petitioner for obtaining a protection order.
- b) Officers should consult the relevant Oregon Revised Statute or contact the District Attorney's Office for specific eligibility, issuance, proof of service, and enforcement requirements by protection order type, as needed.
- c) A petitioner cannot serve their own protection order. A protection order can only be served by:
 1. A sheriff's deputy,
 2. A police officer,
 3. A private process server or
 4. An Oregon resident 18 years of age or older.
- d) In situations where a protection order has not yet been served and both the petitioner and respondent are present, Officers on scene shall assist by personally serving the order or ensuring the order is served by a third party, if this is allowable by state law and can be accomplished in a timely manner. The petitioner copy may be served upon the respondent if the respondent copy is unavailable. Should the respondent refuse to comply with the protection order before the order can be entered into the Law Enforcement Data System (LEDS), the order can be enforced to protect the petitioner.
- e) If an Officer serves the protection order, the Officer shall deliver a true copy of the affidavit of proof of service to the Lane County Sheriff's Office.

1.3.5.11 VIOLATION AND ENFORCEMENT OF PROTECTION ORDERS

- a) Officers/Dispatch should search the LEDS and National Crime Information Center (NCIC) to authenticate protection orders. A protection order does not need to be registered in LEDS or NCIC to be deemed valid or enforceable.
- b) If a petitioner provides a copy of the protection order that does not appear in LEDS or NCIC, Officers should make a good faith effort to verify the copy is a true copy and the respondent has been served with that order or appeared in person before the court, therefore waiving the proof of service requirement.
- c) Officers shall enforce a protection order whether or not the victim or presumptive petitioner has a copy of the order, if the Officer is able to verify the existence of the order.

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- d) Officers shall enforce protection order violations for orders issued by another state, U.S. territory or by a federally-recognized tribe. Those protection orders are entitled to full enforcement of the order for violations occurring within this jurisdiction, as if it were a valid Oregon order.
- e) Officers shall arrest the respondent if probable cause is established. If available, the Officer shall obtain a copy of the original copy of the protection order to include in their reporting.
- f) Only the respondent is restrained by the order. A petitioner may initiate contact with the respondent; however, should the respondent have contact with the petitioner, the respondent, not the petitioner, may be in violation of the order and subject to arrest.
- g) Protection orders can prohibit the respondent from possessing or carrying a firearm(s) or ammunition. Respondents are in violation of the protection order if they possess or carry a firearm or ammunition, even if the petitioner or anyone named in the order is not present or involved in an incident with the respondent.
- h) If firearm possession is part of a violation of the protection order, Officers shall take the weapon(s) as evidence. Officers shall document the relevant protection order number on the Property Evidence Receipt.
- i) Officers shall not issue citations in lieu of custody for violation of a protection order.
- j) Once a suspect has been arrested for the violation of a protective order, the suspect shall be taken to jail. Officers have no authority to release the arrested person. Should the suspect have a medical condition that requires immediate attention, the officer will contact the Watch Commander and advise them of the circumstances and nature of the incident.
- k) If feasible, the Watch Commander will coordinate an officer to standby at the hospital while the suspect is being treated. If this is not practicable, the Watch Commander will coordinate notification with the hospital staff when the suspect is released to have an officer transport to jail. The last option is to cite and release the suspect. This option will only be authorized by the Watch Commander having considered the above choices and making a determination of low threat to the victim considering:
 - 1. The suspect's criminal history, history of domestic violence by the suspect in general and with the victim specifically.
 - 2. The suspect's access to weapons.
 - 3. The suspect's physical ability to carry out an act of violence.
- l) In the event the suspect is released under the Watch Commander's authority, the Watch Commander will ensure:
 - 1. The victim is notified of the suspect's status and if necessary, find a place the victim will be able to safely stay at until the arraignment date.
 - 2. The District Attorney Police Legal Advisor (PLA) is advised.

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1.3.5.12 REPORTS AND NOTIFICATIONS

- a) All criminal incidents of domestic violence or alleged violations of protective orders shall be documented in a written report under the appropriate crime classification, the heading of which indicates the incident pertains to ORS 107.700 to 107.735, the Abuse Prevention Act (APA).
- b) Officers shall document in their report that they provided each domestic violence victim with a copy of the department's domestic violence victim information handout (Oregon Revised Statutes 133.055).
- c) Referrals shall be made to Kids FIRST for forensic interviews of any children that witnessed Domestic Violence. In addition to the officer advising the victim parent of the referral to Kids FIRST, Officers shall note the referral in the status portion of the Incident report to assist Records personnel with efficient routing of reports.
- d) Reporting officers should also provide the victim with the case or incident number of the report. The case or incident number may be placed in the space provided on the domestic violence victim information handout. If the case or incident number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.
- e) Reported domestic violence incidents where no crime has been determined to have occurred can be documented by written report but at a minimum shall be documented by CAD call notes. Officers shall ensure all pertinent details of the incident are recorded for future reference.

1.3.5.13 CIVIL STANDBY

- a) A civil standby is intended only to facilitate the removal of essential personal belongings (e.g., clothing, diapers, medication, proof of identification). Personal effects belonging to children may be removed if the respondent has custody of the child or children.
- b) If there is a valid protection order prohibiting the respondent from going to the petitioner's residence or having contact with the petitioner, and the respondent needs to get essential personal effects from the petitioner's residence, the respondent may request a civil standby.
- c) Responding Officers shall meet the respondent at a neutral location to confirm with the petitioner that there will be a maximum of 20 minutes allowed for the standby and to review the items the respondent wants to obtain from the standby location.
- d) Officers shall refer the respondent to the Essential Personal Effects section of the protection order, if applicable. Articles that, the Officer is aware of, are in dispute will not be removed from the residence. The Officer may advise the respondent to seek private legal advice as to the distribution of disputed property.
- e) Officers shall then accompany the respondent to the standby location. Prior to allowing the respondent inside the location address, Officers shall consult with the petitioner to determine if they will allow the removal of property.

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- f) If the petitioner is uncooperative, the Officer shall inform the respondent that they must obtain a court order that authorizes the legal retrieval of the desired personal effects. The Officer shall then direct the respondent to leave the scene. Respondents who refuse to leave are subject to arrest for violation of the protection order.
- g) If the petitioner is not present, the Officer shall not allow the respondent to enter or remove property from the residence. The Officer shall direct the respondent to attempt to return to the residence with an Officer when the petitioner may be present.

1.3.5.14 FIREARMS

- (a) Pursuant to the Federal Domestic Violence Gun Control Act (18 USC §§921(a) and 922(d), (g)(8) and (9)), any person who has been convicted of a qualifying misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (ORS 166.250 and 166.270). A qualifying misdemeanor crime has to include as an element of the offense, the use or attempted use of physical force or the threatened use of a deadly weapon ORS 107.718 and 166.250). Protective orders that can qualify are FAPA, EPPDAPA, Stalking Order, and Release Agreement/Criminal No-Contact Orders. A protective order qualifies if:
 - 1. It was issued or continued after a hearing for which the person had actual notice and during the course of which the person had an opportunity to be heard;
 - 2. Restrains the person from stalking, intimidating, molesting or menacing an intimate partner, a child of an intimate partner or a child of the person; and
 - 3. Includes a finding that the person represents a credible threat of physical safety of an intimate partner, a child of an intimate partner or a child of that person.
- (b) Officers may take temporary custody, for safekeeping, of any weapons upon the request of someone in lawful possession of them.
- (c) In the event a person has been taken into custody and is found to own, have in his or her possession or under their control, any firearms or other deadly weapons, the weapons should be taken into temporary custody for safekeeping by the handling officer if the officer reasonably believes the weapons represent a danger to the person or others if the person is released. Any weapons seized will be transported to the property room and stored.
- (d) Whenever the handling officer or the assigned detective has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report and may petition for an Extreme Risk Protection Order and direct the Property and Evidence Division to hold the weapons pending judicial review.
- (e) A weapon seized as evidence may be released once it is no longer needed as evidence. A weapon taken into custody for safekeeping will be returned to the lawful owner upon request

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unless a court order or other legal authority authorizes that it be retained, in which case it will be released when specified by the court order or required by other legal authority.

1.3.5.15 RETURN OF FIREARMS

Prior to returning the firearm or ammunition, SPD Property/Evidence personnel shall:

- a) Confirm that the person to whom the department will return the firearm or ammunition is the lawful owner of the firearm or ammunition, or a person with a possessory right to the firearm or ammunition; and
- b) Perform a criminal background check as defined in [ORS 166.432 \(Definitions for ORS 166.412 and 166.433 to 166.441\)](#) to confirm that the person is not prohibited from possessing a firearm or ammunition under state or federal law.