

12.04.000 DOMESTIC VIOLENCE

12.04.005

INTRODUCTION: 07/01

Domestic Violence is a serious problem. Law Enforcement's goals are protecting the victim, enforcing the laws violated, and communicating that violent behavior will not be tolerated. Mandatory responsibilities are imposed on law enforcement agencies with associated hold-harmless clauses to protect police officers/deputies from both criminal and civil liabilities when they act in good faith and without malice. This policy is intended to assist deputies when handling domestic violence incidents.

12.04.010

DEPUTY'S OBLIGATIONS IN DOMESTIC VIOLENCE CALLS: 01/09

When handling domestic violence calls, deputies shall:

1. Conduct a thorough investigation, which means an investigation that allows successful prosecution regardless of the victim's availability to testify.
2. Enforce the laws violated and exercise arrest powers pursuant to RCW 10.31.100 when there is probable cause (see DV scenarios in section 075).
3. Shall document and gather physical evidence, if any, especially items used as weapons, letters of apology from the suspect, etc.
 - If evidence cannot be gathered, the reason why and/or efforts made shall be documented.
4. Complete an incident report, including case disposition, as required by RCW 10.99.020 and 10.99.030. The incident report shall include the Domestic Violence Supplemental Form (A-143).
 - a. If an arrest is made or charge by investigation, the probable cause shall be clearly stated in the incident report.
 - b. If an arrest is not made or no charges recommended, the reasons shall be clearly stated in the incident report (i.e., no probable cause).
 - c. Mark the incident report with "DV" and use the appropriate clearing code and hazard factor.
 - d. A signed victim statement shall be taken whenever possible, when an arrest is made or a charge recommended.
 - If the victim refuses to give a signed statement or does not wish to prosecute, the deputy shall clearly state the reason(s) why in the incident report.
 - Statements made by the victim shall be clearly documented on the DV Supplemental Form.
 - e. The following affidavit shall be added to the victim statement prior to the signature.

"I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct" _____

Place _____ Date _____
 - f. Suspect and/or witness statements shall be taken whenever possible. At a minimum, list names, addresses, and phone numbers of witnesses. Deputies shall attempt to identify "primary" witnesses, on scene medical/fire personnel and 911 caller.
 - If written statements are not possible, verbal statements shall be documented.

5. Photographs shall be taken at every domestic violence scene where they can reasonably be expected to be of evidentiary value. If photographs should have been taken, and were not, an explanation must be provided in the incident report. When photographs are taken deputies shall:
 - a. Photograph the victims, regardless of visible injury. This may assist in victim identification at the time of trial.
 - b. Photograph the suspect to counter any later claim of visible injuries, self defense, or to document injuries involved.
 - c. Photograph the "crime scene" including evidence items that will be submitted, as well as damaged property that cannot be submitted as evidence.
 - d. Photograph any children present if possible and reasonable to do so.
 - e. Send the film to the photo lab.
 - f. Send the photographs to the appropriate CID unit on felony incidents.
6. Deputies should obtain a medical release when injuries (or possible injuries) are involved even if no treatment was obtained.
 - a. The treatment provider section should not be filled out. Information on who treated the victim and whom she/he will be going to be treated, shall be documented in the incident report.
 - b. The specific information to be released sections must be initialed by the victim as noted on the form.
7. Provide the victim with DVPA form with incident number, advise the victim of ways to prevent further abuse (i.e., shelters, community services, the VINE Program, legal remedies, etc.), as required by RCW 10.99.030 (7) and document this in the incident report.
8. Remain at the scene until the situation is under control and the likelihood of further violence has been eliminated.
 - a. Offer to arrange or provide transportation for the victim.
 - b. If one party (under a non-arrest situation) volunteers to leave, the deputy should stand by while the party gathers a **few** necessary personal items.
9. Even if charges are not recommended, forward a copy of the incident report to the prosecutor or appropriate city attorney within ten (10) days of the completion of an investigation in which there is **probable cause to believe a crime has occurred as required by RCW 10.99.030 (9)**.

12.04.015

DOMESTIC VIOLENCE CRIMES: 07/01

Domestic violence includes, but **is not limited to** the following crimes when committed by one family or household member against another: [RCW 10.99.020 (1)]

1. Assault.
2. Reckless Endangerment.
3. Drive by shooting.
4. Coercion.
5. Harassment.
6. Rape.
7. Kidnapping.
8. Unlawful imprisonment.

9. Burglary.
10. Criminal Trespass.
11. Malicious Mischief.
12. Stalking.
13. Violation of Restraining/Protection Order.
14. Interfering with reporting of Domestic Violence, (Secondary Crime).

12.04.020

ARREST REQUIREMENTS IN DOMESTIC VIOLENCE INCIDENTS: 07/01

1. Deputies shall arrest and physically book into the jail or the Youth Services Center when there is probable cause to believe that:
 - a. The suspect is at least sixteen (16) years old;
 - b. Within the preceding four (4) hours, the suspect assaulted a "Family Household Member" as defined in RCW 10.99.020
 - c. **"Family Household Member"** means:
 - Spouse.
 - Former spouse.
 - Adult person related by blood or marriage.
 - Persons who have a child in common regardless of whether they have been married or lived together at any time in the past.
 - Adult persons who are presently residing together or who have resided together in the past.
 - Persons sixteen (16) years of age or older who are presently residing together or who have resided together in the past **and** who have or have had a dating relationship.
 - Persons sixteen (16) years of age or older with whom a **person** sixteen (16) years of age or older has or has had a dating relationship.
 - "Dating Relationship" means a social relationship of a romantic nature. Factors to consider include:
 - The length of time of the relationship.
 - The nature of the relationship; and
 - The frequency of interaction between the parties.
 - And persons who have a legal or biological parent-child relationship, including stepparents, stepchildren, grandparents and grandchildren, and
 - d. The suspect is alleged to have committed:
 - A felonious assault.
 - An assault that resulted in bodily injury (including pain or complaints of pain) to the victim, whether observable by the responding deputy(s) or not; or
 - Any physical action intended to cause another person reasonably to fear serious bodily injury or death.
- Note:** Siblings under the age of (18) eighteen do not meet the definition of "Family Household Member".
- Note:** This is a gender-free law. It applies to domestic family members, housemates or dating partners of the same or opposite sex.

2. Deputies are encouraged to arrest even if the four (4) hours have elapsed.
3. Deputies are encouraged to arrest even if the assault did not cause an injury if the arrest is necessary for the protection of a victim.
4. A threat by itself, cannot be the basis of a mandatory arrest. A threat coupled with threatening actions may be a mandatory arrest situation if the actions cause the victim to reasonably fear serious bodily injury or death. The victim's state of mind and reason of fear should be clearly documented in the incident report.
 - a. The misdemeanor charge would be Harassment.
 - b. The charge would be Felony Harassment if:
 - The person has a prior conviction in this or any other state for Harassment defined in RCW 9A.46.060, or
 - The threat is to "kill" and the threat is reasonably believed because of words or conduct, **and**
 - The suspect's current threat to kill is part of repeated words and/or conduct against the same victim constituting a pattern of harassment, and
 - The threat is to kill at a different time and place.
5. If a suspect subject to mandatory arrest, whether a misdemeanor or felony has injuries that require treatment at a hospital, the suspect shall remain in custody until booking.
 - Refer to G.O. 5.01.070

12.04.025

DETERMINING THE PRIMARY AGGRESSOR: 07/01

Deputies shall attempt to arrest only the primary physical aggressor. The determination should not always be based upon who hit first. The intent of the law is to protect the victim. In making this determination, deputies should consider and thoroughly document in detail:

1. The comparative extent of injuries inflicted or serious threats creating fear of physical injury.
2. The domestic violence history between the persons involved.
3. The comparative sizes of the victim and the suspect.
4. Their own common sense when determining the primary aggressor, based on the injuries present or that one person's claim of self-defense is plausible.
5. The demeanor and excited utterances of the two parties.

12.04.030

MUTUAL ASSAULTS: 07/01

When the primary aggressor can not be determined, deputies are discouraged, but not prohibited, from arresting or charging both persons. Factors to consider:

1. Probable cause may not exist if a legal defense, such as self-defense, is present.
2. If the deputy believes mutual assaults occurred and enforcement action is necessary to protect both victims, the deputy may arrest or charge both.
 - Deputies shall use two (2) incident numbers if arresting or charging both parties on misdemeanor charges.
3. The assaults may not be mutual if they are separated by time, distance, or degree of violence.

12.04.035

INCIDENT REPORTS: 07/01**Domestic Violence Incidents**

Deputies **shall** complete an incident report and utilize the DV Supplement for **all** domestic violence crimes or allegations of domestic violence crimes. The report should include:

1. The relationship and ages of parties involved.
2. Facts made known to the deputy that establish or fail to establish probable cause to believe a crime has been committed:
 - a. Victim's statement that he/she was scared, felt pain during and after the assault, excited utterances, direct quotes, description of demeanor, etc.
 - b. Evidence at the scene shall be described in detail, photographed and/or collected. If not, why.
 - c. Statements from witnesses.
 - If unable to take a written statement then the report shall clearly document what the witness(es) heard/saw, relationship to the incident (i.e. neighbor, friend, relative, etc.), where they may be contacted.
 - d. Who was the "primary aggressor" ?
 - e. Statements/admissions made by the suspect, written or verbal. Deputies:
 - Shall attempt to interview.
 - Should attempt to obtain a written statement.
 - Shall document attitude, demeanor, direct quotes/utterances.
 - Shall document Miranda rights and statements made pre/post.
 - Shall document advice of right to attorney if person is arrested.
3. Any steps taken to help ensure the victim's safety.
4. Actions the deputy(s) took to locate and arrest the suspect during the four-hour period following the assault.
5. The disposition of the case. (RCW 10.99.030 (6b)).
6. Any important miscellaneous facts:
 - a. Comparative sizes of participants.
 - b. Phone numbers where the victim might be staying. (Depending on victim safety issues, these numbers may need to be listed on a separate sheet, clearly marked "CONFIDENTIAL - DO NOT DISCLOSE.")
 - c. The victim's willingness to assist in prosecution.
 - d. Any alcohol or drug involvement.
 - e. Any prior DV related incidents and/or convictions.
 - f. Whether any children were present; their names, DOBs etc.
7. The incident report probable cause statement must contain enough information to hold the suspect or issue a warrant. If the deputy books the suspect he/she **must** attach a copy of the DV Supplement to the SIR left at the jail.
 - This is to provide victim information necessary to issue a court order.

8. Advise the victim(s) of their rights under the Domestic Violence Protection Act.
 - a. Provide the victim the DVPA Victim Rights Statement (KCSO Form #C-113)
 - b. If the alleged offense is sex crime, or a violent offense such as a felony assault, kidnapping, etc., the victim shall also be given the Violent Crime Witness/Victim Notice which is included on the backside of the DVPA form.

12.04.040

MANDATORY ARRESTS FOR COURT ORDER VIOLATIONS: 07/01

1. Deputies shall arrest and book a person when the deputy has probable cause to believe that:
 - a. There is a court order issued under one of the following RCW chapters restraining the person from acts or threats of violence or restraining the person from going on the grounds of, or entering a residence, work place, school, or day care, or prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions on the person.

RCW 10.99	RCW 26.09	RCW 74.34
RCW 26.10	RCW 26.26	
RCW 26.50	RCW 26.52	

 - RCW 26.50.110 is the proper charge for a violation of the above orders.
 - The mandatory arrest provisions apply to any respondent named in the order. There is no age restriction.
 - b. The person has knowledge of the order; and
 - c. The person violated the terms of the order restraining the person from acts or threats of violence or restraining a person from going on the grounds of, or entering a residence, work place, school, or day care, or knowingly violating a distance provision.
 - d. Location is a specified place, not a person, on Distance Violations. Distance should be reasonable so as to allow a reasonable person to understand the prohibition and have knowledge of what would be a violation.
2. If the suspect is gone on arrival:
 - a. Deputies shall make every reasonable effort to locate and arrest the suspect. Deputy(s) actions shall be clearly stated in the incident report.
 - Deputies should arrest in non-mandatory cases if necessary for the safety of the victim.
 - b. If probable cause exists for a misdemeanor, deputies shall charge through investigation and forward the incident report packet to the appropriate district/municipal court prosecutor.
 - c. If probable cause exists for a felony, the deputy shall make a incident report, take statements, gather evidence and submit it for follow-up.

12.04.045

VIOLATION OF COURT ORDERS, INCIDENT REPORTS: 07/01

When writing an incident report for "violation of court orders", deputies should follow the basic guidelines of a domestic violence incident report as described in section 035. However, three (3) important pieces of information **shall be** included in the incident report:

1. The specific prohibited act(s) must clearly be stated in the narrative.
 - a. The deputy must determine what conduct is prohibited by the court order and clearly state this in the incident report.
 - b. It is not sufficient to simply state that the respondent violated the order.
2. Court Order information:
 - a. The type of order.
 - b. The Court that issued it.
 - c. Court order number, issue date and expiration date.
3. Proof of service indicating the respondent had knowledge of the order by:
 - a. Checking the victim's copy of the order.
 - b. A WACIC computer check.
 - c. Having data control verify service of the order from their copy.

12.04.050

VERIFICATION OF COURT ORDERS: 07/01

Before taking any enforcement action on court order violations, deputies need to verify the court order and its service. The deputy can verify the order even if the petitioner does not have a copy.

1. Verifying the court order can be accomplished by:
 - a. Requesting (WACIC) check using the respondent's identifiers in same manner as an outstanding warrant check.
 - b. If there is a "hit," Data Control Unit should be able to confirm the existence of the order and whether it was served. If it has not been served, the order cannot be enforced.
 - c. Data Control can verify orders from other jurisdictions by checking with the other jurisdiction's Data Unit for verification and service.
 - d. The petitioner may have more than one court order with the same respondent. If DATA confirms an order different from the one the petitioner tells you/shows you, ask DATA to check their files for additional orders. Any order that has been verified and served may be enforced.
 - e. DATA Control does not have a record of the order, but the petitioner shows you a certified copy and the order shows the respondent has notice (i.e., signature on the copy), you should enforce the order. If the order does not show the respondent has notice, the issuing court may be contacted to verify the order and service. If that check is negative, the order cannot be enforced.
 - f. The deputy should serve the certified copy on the respondent if the respondent is present during the call. Only violations occurring after such service may be enforced.
 - g. DATA Control may read the criminal legend and the restraint/exclusion terms if the petitioner does not have a copy for the officer to review.

2. Ask the petitioner for a copy of the court order (**certified copy if it's a restraining order**), and review it for acknowledgement of service.
 - a. Deputies are required to write the date, time, location of service, and their name and serial number on the back of the petitioner's copy of the order when doing a field service.
 - b. During weekday business hours, the Civil Process Unit can verify the service of the court order through a check of the issuing court.
 - c. Deputies should contact Data Control whenever there is any question about an order's existence or service.
 - d. If a deputy receives negative results with these verification methods, the order **shall not** be enforced and the petitioner should be advised to contact the attorney or issuing court handling the case.

12.04.055

COURT ORDERS IN DOMESTIC RELATIONS/VIOLENCE: 07/01

Court orders come in many forms and may be issued by the Superior Court, Juvenile Court, District & Municipal Courts, other State Jurisdictions or a Tribal Court. They contain many provisions, not all of which involve law enforcement. Each order needs to be read carefully to determine what actions need and can be taken. A suspect must have knowledge of the order before an arrest or charge can be made. A suspect is presumed to know of the order if:

- The person or person's attorney signed the order.
- The order indicates the person or person's attorney appeared before the court.
- There is proof of service; or
- A deputy reads the order to the suspect or gives the suspect a certified copy of the order.

1. **No Contact Orders. (RCW Chapter 10.99)** A court issues these when a DV trial is pending or after the defendant has been found guilty. The proper charge RCW 26.50.110.
 - a. It is the Sheriff's Office policy that deputies shall arrest and book a defendant when the deputy has probable cause to believe the defendant knowingly violated the order by acts or threats of violence; by coming to the victim's residence or any other excluded residence, school, day care or work place, or going on the grounds of said locations, or by having intentional contact with the victim in the presence of the deputy, or to knowingly violate a specified distance provision.
 - If the defendant assaults or recklessly endangers the victim during the contact, it is a felony.
 - The suspect shall be booked on the felony.
 - The defendant shall be booked for felony violation of the order if the deputy knows the defendant has two previous convictions for violation of a no contact order, a domestic violence protection order, a restraining order, an out-of-state or federal court order that is comparable to a Washington State no contact or protection order.
 - This is a class C felony and the prior convictions may involve the same victim or different victims.
 - b. If the defendant has contact, but does not assault or recklessly endanger the victim, it is a gross misdemeanor. The proper charge is RCW 26.50.110.

- c. Other violations such as sending letters, phone calls or contact through a 3rd party, arrest is non-mandatory.
 - The suspect may be charged or arrested at the deputy's discretion.
 - d. If the defendant is gone on arrival and cannot be located, charges should be filed by investigation.
 - e. An arrest should be made in a non-mandatory situation if the deputy fears for the safety of the victim.
 - f. The restraining provisions of the order apply only to the respondent. The petitioner cannot:
 - Be arrested or charged with violating the order; or
 - Be arrested or charged with inviting or allowing the respondent to knowingly violate the order.
 - g. Victims should be advised that a court may issue a "No Contact Order" and they should contact the court and or DV Advocate as soon as possible for a protection order.
 - h. The following language is required in No Contact Orders. Check the Order to ascertain it has adequate warnings to inform the respondent/defendant that:
 - The violation, after notice, is a criminal offense.
 - Under certain circumstances, the violation may be a felony.
 - Under certain circumstances, the violation may be a federal offense.
 - Possession of a firearm or ammunition is prohibited while order is in effect.
 - The firearm violation may be a federal offense.
 - If the respondent/defendant is in law enforcement or the military, there must be a specific exemption listed.
 - If convicted, forbidden for life from possessing a firearm or ammunition.
 - Consent of the petitioner/victim is not a defense to a violation of the order.
2. **Orders for Protection. (RCW Chapter 26.50)** These are issued by a court when a person asks the court for one.
- a. Custodial arrest is mandatory when the defendant knows of the order and violates it by an act of or threat of violence or by going on the grounds of, or entering a residence, work place, school or a day care, from which they are restrained, knowingly violate a specified distance provision, or if the defendant is having contact with the petitioner in the deputy's presence even if the contact is voluntary.
 - A criminal legend on the order may specify what sections of the order are enforceable by police.
 - This will include contact issues when prohibited.
 - b. If the act of violence is an assault or reckless endangerment during the contact, it is a felony.
 - The suspect shall be booked on the felony.

- c. The defendant shall be booked for felony violation of the order if the deputy knows the defendant has two previous convictions for violation of a no contact order, a domestic violence protection order, a restraining order, an out-of-state or federal court order that is comparable to a Washington State no contact or protection order.
 - This is a class C felony and the prior convictions may involve the same victim or different victims.
 - d. If the suspect knowingly violates the order by threats/acts of violence, coming onto the grounds of, a residence, school, day care or work place, where they are restrained from, or to knowingly violate a specified distance provision, but does not assault or recklessly endanger, the violation is a gross misdemeanor.
 - The proper charge is RCW 26.50.110 (1).
 - e. Other violations such as sending letters, phone calls or contact through a 3rd party, arrest are non-mandatory.
 - An arrest should be made in a non-mandatory situation if the deputy fears for the safety of the victim.
 - f. If any other provision of the order for protection is violated, such as visitation hours or obtaining counseling, it is contempt of court. The victim should be told to contact the issuing court and victim advocate.
 - No criminal action should be taken.
 - g. The restraining provisions of the order apply only to the respondent. The petitioner cannot:
 - Be arrested or charged with violating the order; or
 - Be arrested or charged with inviting or allowing the respondent to knowingly violate the order.
3. **Restraining Orders. (RCW Chapter 26.09, 26.10, 26.26)** These are issued by a Superior Court during a dissolution of marriage, during a child custody dispute or as the result of a paternity suit. They may or may not have been domestic violence in the relationship. If the order is violated, it is domestic violence. **A criminal legend must appear on the order or it is not enforceable by police.**
- a. Arrest is mandatory when the defendant knowingly violates the provisions restraining the person from acts or threats of violence or of a provision restraining the person from going on the grounds of, or entering residence, work place, school or day care, or to violate a specified distance provision. This is a gross misdemeanor violation.
 - Proper charging is RCW 26.50.110.
 - b. The defendant shall be booked for a felony violation of the order if the violation involves an assault or reckless endangerment during the contact, or if the deputy knows the defendant has two previous convictions for violation of similar type orders.
 - c. The only **criminal** violation of a Restraining Order that can be enforced by police, regardless of wording on the order to the contrary are the restraint provisions prohibiting: an act or threat of violence, or by going on the grounds of, or entering residence, work place, school, or day care, or to knowingly violate a specific distance provision.
 - Mere contact cannot be a criminal violation of a Restraining Order.

- d. If any other provision of the order is violated, such as visitation hours or dividing property, it is a contempt of court.
 - The victim should be told to contact the issuing court and his/her attorney.
 - If one party needs further protection from the other, an Order for Protection may be appropriate.
 - e. These orders may be mutual. In some cases, the restraining and exclusionary provisions may apply to both parties. Review the order carefully to see what boxes are checked.
4. **Foreign Protection Orders (RCW 26.52)**
- a. A mandatory arrest shall be made for violation of these orders. Deputies shall arrest and book a person when there is probable cause to believe that:
 - There is a valid injunction or other court order related to domestic or family violence, harassment, sexual abuse or stalking issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal or a tribal court in a civil or criminal. action; and
 - The person restrained knows of the order; and
 - The order has not expired.
 - b. The person violated a provision prohibiting the person under restraint from:
 - Contacting or communicating with any person entitled to protection under the order, or
 - Excluding the person under restraint from a residence, work place, school, or day care of any person entitled to protection under the order, or knowingly violates a specific distance provision.
 - Acts or threats of violence against any person entitled to protection under the order, or
 - Violating any provision that the foreign protection order specifically designates as a crime.
 - c. The offense need not be committed in the deputy's presence.
 - d. The violation is a class C felony if:
 - Violation of Foreign Order involves an assault not amounting to Assault I or 2;
 - Crimes of Assault I or 2 should be referred in addition to the Foreign Order Violation.
 - Violation of Foreign Order is reckless and creates a substantial risk of death or serious physical injury to another person; or
 - Offender has two or more prior convictions for violating the provisions of a domestic violence protection order or no contact order in this or any other state (does not have to be the same victim).
 - e. All other violations of these orders are Gross Misdemeanors.
 - The proper charge is RCW 26.50.110.

- f. Before taking any enforcement action on a foreign court order violation, deputies need to verify the court order and its service. The order may be valid even if it is not in WACIC, so other steps might need to be taken, see section 050.
 - A foreign protection order is valid if it has not expired and the issuing court had jurisdiction over the parties and matter under the law of that jurisdiction.
 - There is a presumption in favor of validity where an order appears authentic on its face.
 - The petitioner may, but need not file the foreign order with a Washington State court to ensure validation.
 - Victims should be encouraged to file their foreign orders if address/location of the victim is not confidential, and informed there is no cost for the filing fee.
 - If the order has not been served/respondent does not have knowledge of the order, then he/she shall be served in accordance with section 060.
 - g. Foreign orders may not change child custody, these matters must be handled judicially. Deputies shall not remove a child from his or her current placement unless:
 - A writ of habeas corpus has been issued by a Washington State Superior Court. All writs shall be referred to the Child Find Unit (G.O. 12.01.000); or
 - There is probable cause to believe that the child is abused or neglected and the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050.
 - h. Deputies investigating violations of foreign protection orders will likely find additional violations of local or State laws by the suspect, such as: stalking, harassment and other domestic violence related crimes.
 - Deputies shall continue to take the appropriate actions and follow arrest procedures regarding these crimes, as well as enforce foreign orders.
5. **Other Specified Orders.** Data may not have a record of these orders.
- a. **Child Physical/Sexual Abuse Orders.** Arrest is mandatory for **any** violation of this order.
 - The violation is a misdemeanor.
 - The proper charge is RCW 26.44.063 (8).
 - b. **Orders for Anti-Harassment.** These are issued by the court when requested and are not Domestic Violence Orders. The respondent may or may not know of the order. Any willful violation of an anti-harassment order is a gross misdemeanor.
 - An assault or reckless endangerment does not make it a felony.
 - Deputies may make a custodial arrest without warrant when the deputy has probable cause to believe the respondent knew of the order and knowingly violated the terms of the order RCW 10.31.100 (8).
 - The proper charge is RCW 10.14.170.

- If deputies determine the respondent did not know about the order, deputies shall make reasonable efforts to obtain a copy of the order from the petitioner and serve it on the respondent during the investigation. [RCW 10.14.115 (2)].
 - If the petitioner has a copy, take it and make a reasonable effort to serve.
 - If the petitioner does not have a copy, the deputy should ask the petitioner to get a copy and request service through the Civil Unit.
 - Criminal enforcement may only be taken for violations occurring after the suspect has notice of the order.
- c. **Orders Prohibiting or Restricting Contact.** Orders issued under RCW 9A.46.080 (Harassment Statute) are not Domestic Violence and carry no mandatory provisions.
- d. **Standby Orders:** These provisions, in Protection or No Contact Orders, allow one party to go to a shared residence to obtain personal or other specified items. Because of other prohibitions in the order, law enforcement is usually directed to provide standby assistance. **Deputies shall not perform a standby if there is no standby provision in the order.**
 - The person requesting the standby must do so through Communications.
 - The other party should be contacted by Communications or the deputy prior to the standby.
 - Both parties should be present during the standby, but one party may elect not to be present, but may elect to have a representative there.
 - Both parties shall be told that only one standby is allowed and any arguments will end the standby.
 - Deputies shall write their name, serial number, and date/time of standby on both parties' copies of the order.
 - If one party does not have a copy of the order, the deputy shall put the above information on a business card.
 - Notify Data Control when the standby is completed.
 - Deputies are not required to standby for extended periods of time.
 - Deputies are not required to provide civil standbys for either party under unsafe conditions.
 - Unless unusual circumstances require it, standbys should not be conducted between 2200 hours and 0700 hours.
 - Deputies shall not use force or threat of arrest in order to facilitate the transfer of property listed in the order.

12.04.060

FIELD SERVICE OF COURT ORDERS: 07/01

In general, the Civil Unit serves process of court orders.

1. Patrol deputies shall make reasonable efforts to serve certified copies of domestic violence protection orders, or anti-harassment orders, in certain circumstances such as:
 - a. Where necessary for the immediate welfare of the petitioner.
 - b. Where the respondent has purposely evaded service; or
 - c. Where the respondent is present at a police service call and the petitioner has a certified copy of the order that needs to be served.
 - Patrol deputies shall serve protection orders in the above circumstances even if the order is not yet in WACIC or the order is from another Washington State jurisdiction for service in King County.

- d. In the case of Protection Orders, deputies are required to make a reasonable effort to locate the respondent if GOA.
2. Patrol deputies must have prior approval from the Civil Unit to serve any other court order.
 3. When serving court orders, deputies should receive a packet which may contain:
 - a. A Temporary Order for Protection with a Petition for Order for Protection.
 - b. Permanent Order for Protection.
 - c. Notice of Hearing.
 - d. Re-issuance of Temporary Order for Protection with a copy of the original Temporary Order for Protection.
 - e. Law Enforcement Information Sheet; and
 - f. Return of Service.
 4. Upon receipt of the protection order packet, deputies shall:
 - a. Review the LAW ENFORCEMENT INFORMATION SHEET for **officer safety** and physical description information.
 - b. Run a computer check through WACIC to determine whether the order has already been served and to check for outstanding warrants, hazard flags, etc.
 - c. Check the date on the Temporary Order for Protection to ensure the order has a Judicial signature and the hearing date has not expired. If the hearing date has expired, or the order is not signed, tell the petitioner to contact the court advocate to restart the process.
 - **Do not serve expired or unsigned papers.**
 - d. Check the Permanent Order for Protection to ensure the order has a Judicial signature and has not expired. The effective date is on page 2 of the order above the judicial signature.
 5. Serving the Protection Order:
 - a. Ask the respondent for identification to verify identifiers. Correct or fill in any omissions on the LAW ENFORCEMENT INFORMATION SHEET.
 - b. Give the respondent, in person, copies of:
 - The Order.
 - The Petition; and
 - The Notice of Hearing.
 - c. **Do not give the respondent:**
 - The Law Enforcement Information Sheet.
 - The Motion and Order for Waiver of Fees; and
 - The Return of Service Form.
 - d. Read or point out to the respondent the prohibited/required provisions, the hearing date, and the criminal sanctions for violations of the order.
 6. When serving a **permanent** or **full** Order for Protection, there will be no petition or notice of hearing in the service package.
 - The Order itself is all that is served.

7. After Serving the Protection Order:
 - a. Note on the petitioner's copy (if not used as the service copy) the date, time and location of service, your name, department and serial number, and leave this with the petitioner.
 - If the petitioner's copy had to be served, put this information, plus the court, cause number, type of order, and issue date on a business card and leave it with the petitioner.
 - Encourage the petitioner to obtain another certified copy from the issuing court.
 - b. Immediately following service, contact DATA Control to inform them of the service. DATA will need the information listed on the DOMESTIC VIOLENCE SERVICE FORM, for the order to be enforced. Be sure to obtain this information during service. Use the "Domestic Violence Service Form", (available at each precinct), as a guide to ensure you have all the necessary information.
 - c. When Data Control has been given all necessary information, you may use the reverse side of the Return of Service Form if the petitioner does not provide one. Deputies should **only** sign the form.
 - The Civil Unit will fill in the rest of the information.
 - d. Send the following to the Civil Unit as soon as possible:
 - Law Enforcement Information Sheet.
 - Motion/Order for Waiver of Fees.
 - Signed Return of Service Sheet.
 - e. Shift Supervisors shall review the packets for proper service/completion prior to forwarding to the Civil Unit.

12.04.065

CHILDREN AND DOMESTIC VIOLENCE: 07/01

If a deputy determines that a child has been assaulted, abused or neglected, the deputy should refer to G.O. 12.00.040.

1. The following actions are presumed unreasonable when used to correct or restrain a child RCW 9A 16.100):
 - a. Throwing, kicking, burning or cutting the child.
 - b. Striking the child with a closed fist.
 - c. Shaking a child under the age of three.
 - d. Interfering with a child's breathing.
 - e. Threatening a child with a deadly weapon; or
 - f. Doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks.
2. The age, size and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive. (RCW 9A.16.100)

12.04.070

COURT ORDERS AND CHILD CUSTODY ISSUES: 07/01

An order for protection can direct deputies to assist the petitioner to regain custody of children. Other court orders do the same.

1. **Orders for Protection** only establish temporary custody of children.
 - a. Deputies may accompany the petitioner and **request** the voluntary custody transfer of a child or children from whoever may have custody, but the child or children **shall not** be forcibly removed from anyone solely on the authority of a protection order.
 - If the custody of the child or children is/are not transferred from whoever has custody, an informational incident report, titled Custodial Interference, shall be written and forwarded to the Child Find Unit.
 - b. A deputy may take a child or children into custody without a court order if there is probable cause to believe that the child or children is/are abused or neglected, and/or that the child or children would be physically or sexually injured.
 - If the child or children is/are taken into protective custody, the child or children shall be delivered to a Child Protective Services (CPS) facility and an incident report shall be written.
 - The report should include the allegations of the petitioning party, statements or concerns of the respondent and any knowledge the deputy might have relative to the welfare of the child or children.
 - Complete the Notification of Removal Form (KCSO B-136).
 - The child or children shall be placed with Child Protective Services pending a court hearing.
 - c. Usually, the petitioning parent is the sole protected party and the residential status of the children is treated as a separate issue. However, if the court takes the additional step of listing the child or children as one of the "**protected persons**", in effect, an additional petitioner, our department's obligation changes.
 - d. If the order is Temporary, the Court has only heard one side of the issue. This raises the additional concern that a change in custody might not be in the child's or children's best interests. If the child or children are named as a petitioner in a Temporary Protection Order:
 - Deputy should accompany the parent petitioner and request the parties to agree to the order. If they do not, then the deputy should ask whether they can agree on a third party to take custody of the child or children. The parties may be able to agree upon a relative or other acceptable adult to be responsible for the child or children pending the final order of the court.
 - If the parties do not agree, CPS should be contacted.
 - If the child(ren) are taken into protective custody due to no other reasonable alternative, the "Notification of Removal of Children" form B-136 shall be completed documenting the reason for removal/ placement with CPS. This would include the provisions of the court order and refusal by the parents to agree on custody and/or any allegations of possible abuse or safety concerns for the child(ren).

- e. If the respondent has a child or children named as a protected party in their custody and a valid permanent order mandates no contact with that child or children, the restraint provisions shall be enforced in accordance with state law and department policy. The "protected" child or children must be afforded the same protection as the petitioner.
 - If the respondent knowingly refuses to comply with the order and violates the restraint provisions a **mandatory arrest** is called for. A forced or coerced transfer of custody of the child or children shall not be made (refer to section 070 [2] below) as a result of the respondent's arrest.
 - By naming the child or children as a protected party, the petitioner has asserted that the child or children is "at risk" (RCW 26.44.050) with the respondent parent; that an issue of physical abuse or extreme neglect possibly exists.
 - f. The deputy shall follow the report requirements as documented in see section 045 for any court order violation occurring.
2. A **Writ of Habeas Corpus** and a warrant are needed before Child Find Detectives can forcefully remove or demand the release of any children held in someone's custody.
- a. The Sheriff's representative is the only person allowed to serve a Writ of Habeas Corpus.
 - d. All Writs of Habeas Corpus involving child custody **must** be referred to the Child Find Unit (Refer to G.O. 12.01.000).
 - c. The Child Find Detective is responsible for the writ's service and any subsequent investigation.
 - Any unauthorized actions on the part of the petitioner and/or family, attorneys, deputies, etc. could result in the writ being quashed or punitive action taken against the interfering party.

12.04.075

DOMESTIC VIOLENCE SCENARIOS: 07/01

EXAMPLE 1:

Boyfriend pushes his girlfriend with his hand and she suffers no injuries. Boyfriend destroys an expensive vase belonging to girlfriend's new roommate by kicking it down the stairs. As the boyfriend leaves, kicks out the glass in the sliding door. Boyfriend and girlfriend no longer live together, but did live together in the past. Deputies locate the boyfriend within one hour of the incident.

Is this a domestic violence incident?

Yes, they have lived together in the past. (RCW 10.99.020)

Is this a mandatory arrest situation?

No, although this may be considered an assault, not every assault requires a mandatory arrest. There is no "bodily injury" (pain) or complaint of pain, by the girlfriend and no "threat of serious bodily injury or death" [RCW 10.31.100(2)].

Discretionary arrest?

Yes, under RCW 10.31.100 (2) (b) deputies have discretion to arrest the boyfriend for Assault in the Fourth Degree DV (girlfriend) and for Malicious Mischief DV (damage to door of the residence). The deputy also has the discretion to arrest for Malicious Mischief non-DV (damage to the roommate's expensive vase), if the roommate is willing to assist in prosecution. An Incident Report must be taken and forwarded to the appropriate prosecutor in accordance with RCW 10.99.030 (9).

EXAMPLE 2:

A father, in an act of discipline, strikes his 7 year old son in the buttocks with an open hand, causing no injury. A neighbor witnesses this and calls the police to investigate. The father says that he reasonably disciplined his son for not feeding the family dog and then lying about it. The father continues to yell at his son in front of the deputies.

Is this domestic violence?

No. Although the relationship qualifies, a crime did not occur, as this is reasonable discipline allowed under, RCW 9A.16.100.

Is this a mandatory arrest situation?

No, see above answer. [RCW 10.31.100 (2) (b)]

Discretionary arrest?

No, this is reasonable parental discipline (RCW 9A.16.100).

King County Sheriff recommendation?

Counsel the father so the situation does not escalate into an assault or child abuse.

EXAMPLE 3:

Husband and wife are in a loud argument over husband's drinking. The wife becomes frustrated and slaps the husband across the face leaving a red mark. The husband then punches the wife in the right eye and nose. A neighbor calls the police. When deputies arrive they see that the wife has a swollen, bruised eye and a bloody nose, and the husband has a slight red mark on his face.

Is this domestic violence?

Yes, both are related by marriage. (RCW 10.99.020)

Is this a mandatory arrest situation?

Yes, even though the wife started the physical fight, and there were mutual assaults, the husband inflicted the more severe injuries. Therefore the husband is the primary aggressor and subject to arrest. [RCW 10.31.100 (2)(b)] When the deputy has probable cause that spouses, former spouses, or other persons who reside together have assaulted each other, the deputy is not required to arrest both persons. The deputy shall arrest the person whom the deputy believes to be the primary aggressor. See section 035.

EXAMPLE 4:

Husband and wife are living together, and are arguing over finances. The wife, in anger, throws a large glass at the husband hitting him in the forehead. He starts bleeding like a stuck pig. The wife calls 911 for medical assistance. The medics arrive and say that the husband needs eight stitches. Deputies arrive and are told what happened and the wife said that she did not intend to hit her husband with the glass. This is the first D.V. call to the residence and the husband does not want the wife arrested.

Is this domestic violence?

Yes, both are related by marriage. (RCW 10.99.020)

Is this a mandatory arrest situation?

Yes, this is a felony assault in the third degree [RCW 9A.36.031 (d)], because the wife negligently caused bodily injury with a weapon or item likely to produce bodily harm. If the glass missed the husband and no injury resulted, the wife could be arrested for reckless endangerment. An arrest for reckless endangerment would be mandatory if the wife intended to cause the husband to fear great bodily injury or death, even if the glass missed the husband. RCW 10.31.100.

EXAMPLE 5:

A married couple who reside at the same residence are having an argument over money. The argument is loud enough for a neighbor to hear and the neighbor calls the police. When the deputies arrive the wife tells them that the husband pushed her with both hands. The husband denies pushing the wife. There are no visible injuries, and the wife is not complaining of any pain. No threats were made by either person. There is a D.V. incident that occurred six months ago where the husband was arrested for assault.

Is this domestic violence?

Yes, a crime has been alleged and the parties are married and live together.

Is this a mandatory arrest situation?

No, there is no probable cause to believe that an assault was committed. If there were probable cause to believe an assault had occurred, it would be a non-mandatory arrest because there is no bodily injury, no threats, and no physical action intended to cause a reasonable fear of serious bodily injury or death.

King County Sheriff Recommendation

Deputies shall document the incident in an incident report because a crime was alleged. If the couple had a verbal argument only and did not report or allege any crime, this would not be a crime or domestic violence. In that event, an incident report is recommended, but not mandatory. If an incident report is taken, forward a copy to the appropriate prosecutor for review.

EXAMPLE 6:

Adult mother and 16 year old son live together. Mother grounds son. An argument ensues and the son slaps the mother across the face causing pain and slight bruising. Mother calls the police. The deputies arrive and question the son who admits slapping his mother an hour earlier.

Is this domestic violence?

Yes. The suspect has assaulted a Family Household Member as defined in RCW 10.99.020.

Is this a mandatory arrest situation?

Yes. The suspect is 16 and has caused bodily injury to the victim and occurred less than four (4) hours ago. (RCW 10.31.100 (2) (b))

EXAMPLE 7:

A husband and wife are arguing, and in a rage, the husband smashes the television set they received for their fifth wedding anniversary. He then takes the wife's wedding ring and leaves the house.

Is this domestic violence?

Yes, they are married [RCW 10.99.020 91)].

Is this a mandatory arrest situation?

No, there was no assault nor did the husband do anything to cause the wife to reasonably fear bodily injury or death.

King County Sheriff Recommendation

The crime of Malicious Mischief DV was committed to community property (television). Deputies may charge or make a discretionary arrest for Malicious Mischief DV. The husband cannot be charged or arrested for taking the wedding ring because a person cannot steal community property.

EXAMPLE 8:

An adult woman is attending a Mariner's game at the SAFECO Field. At the beer stand she runs into her "good-for-nothing" former son-in-law. He divorced her daughter five years ago. She begins to argue with him about some unfinished business then slugs him in the nose with a closed fist. Police are summoned. Your investigation reveals that they have never lived together in the same household.

Is this domestic violence?

No. Former son-in-laws are not included in the list of "Family Household Members" found in RCW 10.99.020.

Is this a mandatory arrest situation?

No. See above answer and RCW 10.31.100 (2) (b).

King County Sheriff Recommendation

The deputy should document the assault in an incident report. The woman may be charged or booked for Assault Fourth Degree (non DV).

EXAMPLE 9:

You are called to a local high school to investigate a fight that occurred yesterday between two students. Your investigation reveals that the 16 year old male suspect got into an argument with the 15 year old victim in the lunchroom, then threw a plastic lunch tray at her, hitting her in the back as she walked away. She is not injured and she said that it did not hurt. You also learn that she had the suspect's child several months ago.

Is this domestic violence?

Yes. The suspect and victim have a child in common. The age does not matter. RCW 10.99.020

Is this a mandatory arrest situation?

No. The incident did not occur within the previous four hours and did not meet the criteria for a mandatory D.V. assault arrest under RCW 10.31.100 (2) (b).

King County Sheriff Recommendation

You should document the assault in an incident report. You may arrest the juvenile for Assault Fourth Degree. You must send a copy of the report to Juvenile Court for review. RCW 10.99.030 (9)

EXAMPLE 10:

The parents of a six-year old girl call the police to report that the girl's grandfather burned her on the arm as punishment for playing with matches. You find that the girl has two first degree burn marks on her arm. She says that her grandfather did it. The parents will be taking the child to the hospital. This occurred at the grandparent's house three hours earlier.

Is this domestic violence?

Yes. Grandparent/grandchildren relationships are D.V. (RCW 10.99.020)

Is this a mandatory arrest situation?

Yes. The incident occurred less than four hours ago. Burning a child is not reasonable discipline under RCW 9A.16.100. The suspect should be booked for Investigation Assault. The incident report should be titled "Child Abuse," with a (9) Hazard Factor.

EXAMPLE 11:

You are dispatched to a neighborhood noise dispute. The person complains that his neighbor is making too much noise with a stereo. You run the names of the person who complained and the neighbor. You find that the neighbor is clear, but the complainant is under a valid served No Contact Order restraining him from contacting his girlfriend and excluding him from the home to which you responded. The girlfriend is not present; he says she is gone for a week and asked him to watch the house during her absence.

Is this domestic violence?

Yes. It is a violation of the No Contact Order.

Is this a mandatory arrest situation?

Yes, because the suspect violated the order by coming to the home. It does not matter that the petitioner agreed to or invited the violation. It is also mandatory because the violation occurred in your presence. The "victim" is the court, not the petitioner.

EXAMPLE 12:

Two students, both over 16, attend the same high school. They dated in junior high while both were under 16. The female has obtained a Protection Order against the male. The principal has assigned both students the same lunch period. When the female sees the male, she complains, showing the un-served order.

Is this domestic violence?

Yes. The parties have a past dating relationship and a court order. It does not matter that they were under 16 when they dated or that they never lived together.

Is this a mandatory arrest situation?

No. The respondent has not been served and has no notice of the order.

King County Sheriff Recommendation

The deputy should serve a copy of the order and mark on the female's copy that the order was served and comply with section 060. The deputy should then escort the male away from the school. If the male refuses to leave, the deputy shall arrest him for knowingly violating the order. RCW 10.31.100 (2) a.

EXAMPLE 13:

You respond to a drug store on a shoplifting complaint. You take custody of two suspects from store security. Upon running their names, you learn there are no warrants or court orders. While searching the male incident to arrest, you discover a No Contact Order restraining him from any contact with the female suspect. The female explains the order was issued last week, but they worked out their problems.

Is this domestic violence?

Yes. There is a No Contact Order and they are boyfriend and girlfriend.

Is this a mandatory arrest situation?

Yes. Although the order is not in the computer, the suspect is aware of the order because he has a copy on his person. The contact, although agreed, occurs in your presence. You must book the suspect on the order violation besides any theft charges.

EXAMPLE 14:

You respond to a high school on a report of an assault. You meet with the 17 year old female who tells you her 17 year old boyfriend had grabbed her arm during an argument about two hours ago. There appears to be minor bruising and she did state it caused pain. You are told they have been dating as boyfriend and girlfriend for about a month.

Is this domestic violence?

Yes. It is clear that they are in a dating relationship.

Is this a mandatory arrest situation?

Yes. The definition of "family or household member" includes the dating relationship and the assault took place less than four hours prior. The definition of dating relationship is designed to cover such boyfriend and girlfriend relationships.

EXAMPLE 15:

You respond to a residence on a report of an assault. You meet with the complainant who states that her two sons, 15 and 17 years old were involved in a fight. The 17-year-old tells you his brother hit him in the face several times during an argument. There are some minor abrasions on his face. The 15-year-old admits to the fight. The 17-year-old states he does not want to prosecute.

Is this domestic violence?

No. Per the "Family or household members" definition in RCW 10.99.020, they are not adults related by blood, or adults residing or having resided together.

Is this a mandatory arrest situation?

No. This does not meet the definition for "Family or household member" and does not meet the criteria for mandatory arrest under RCW 10.31.100 (2)b.

King County Sheriff Recommendation:

Deputies should document the assault in an incident report and forward a copy to the Prosecutor's Office, Juvenile Division for information review.

COMPARISON OF COURT ORDERS

KIND OF ORDER	DOMESTIC VIOLENCE NO-CONTACT ORDERS	DOMESTIC VIOLENCE PROTECTION ORDERS	FAMILY LAW RESTRAINING ORDERS	ANTI-HARASSMENT ORDERS	ABUSED CHILD RESTRAINING ORDERS	VULNERABLE ADULT PROTECTION ORDERS	FOREIGN PROTECTION ORDERS
<p>Nature of Proceeding</p>	<p>Criminal context of pending criminal action. See Chapter 10.99 RCW</p>	<p>Civil, under RCW 26.50</p>	<p>Civil, normally in context of pending dissolution or other family law action. See, e.g., 26.09, 26.10, and 26.26</p>	<p>Civil, under RCW 10.14 Usually does not involve DV.</p>	<p>Any proceeding conducted in juvenile court in which it is alleged that a child has been subjected to sexual or physical abuse. See RCW 26.44.063.</p>	<p>Civil, under RCW 74.34.110.</p>	<p>Civil or Criminal, under the law of the state or tribe where the order was issued RCW 26.52</p>
<p>Who may Obtain order</p>	<p>The prosecuting attorney, on behalf of victims of domestic violence, when criminal charges are filed. Limited ability for order to be imposed on an individual who is released from jail pending his or her first appearance in court.</p>	<p>Petitioner who has been a victim of domestic violence or who fears abuse from a family or household member.</p>	<p>Petitioner who is either married to respondent or has a child in common with the respondent.</p>	<p>Petitioner who has been seriously alarmed, annoyed, harassed or by conduct which served no legitimate or lawful purpose.</p>	<p>The Court on its own motion, the guardian ad litem, or any party.</p>	<p>A vulnerable adult who has been abandoned, abused, subject to financial exploitation or neglect. The Department of Social and Health Services may also obtain an order on behalf of a vulnerable adult.</p>	<p>Depends upon the law of the state or tribe where the order was issued.</p>
<p>How is the Order obtained</p>	<p>Prosecution, generally after consultation with the victim, will make a request to the court for issuance of an</p>	<p>Victim files petition. Order may be obtained telephonically in special circumstances.</p>	<p>Victim files a petition for divorce, legal separation, or child custody, or through paternity action.</p>	<p>Victim files a petition.</p>	<p>A party or the guardian ad litem will make a request to the court of issuance of an order or the Court may issue an order on its own. The order</p>	<p>Victim or the Department of Social Services will file a petition.</p>	<p>Depends upon the law of the state or tribe where the order was issued.</p>

KIND OF ORDER	DOMESTIC VIOLENCE NO-CONTACT ORDERS	DOMESTIC VIOLENCE PROTECTION ORDERS	FAMILY LAW RESTRAINING ORDERS	ANTI-HARASSMENT ORDERS	ABUSED CHILD RESTRAINING ORDERS	VULNERABLE ADULT PROTECTION ORDERS	FOREIGN PROTECTION ORDERS
	order. Order may be obtained regardless of the victim's wishes.				may be obtained regardless of the victim's wishes.		
Where is the Order obtained	District, Municipal or Superior Court through the prosecuting authority.	District, Municipal, Superior Court. Superior Court only if family law action pending or if case involves children or order to vacate home.	Superior Court only.	District Court, but in Superior Court when respondent is under the age of 18 years or when case is referred to the Superior Court by the District Court.	Superior Juvenile Department Court	Superior court.	Depends upon the law of the state or tribe where the order was issued.
What does the Order provide	No contact with petitioner directly or indirectly anywhere by phone, or in writing, or in person. Prohibition from knowingly coming within, or knowingly remaining within, a specified distance of a location.	Temporary: Restraint provisions; Exclusion from a residence, from prohibition from knowingly coming within, or knowingly remaining within, a specified distance of a location. no acts of violence, no interference with custody of minor children. Full: All of the above and custody and visitation	Temporary or Full: Various restraint provisions including exclusion from a residence, prohibition from knowingly coming within, or knowingly remaining within, a specified distance of a location, no acts of violence or harassment, and custody visitation directives.	Exclusion from and restrained from a specific distance from residence, work, or school of petitioner, no contact of any kind directly/indirectly by phone, writing, or in person.	Prohibition on contacting the victim, entering the victim's family home without specific court approval, or molesting or disturbing the peace of the victim, and on knowingly coming within, or remaining within, a specified distance of a specified location.	Various restraint provisions including exclusion from victim's residence, prohibition from contacting victim, prohibition upon knowingly coming within, or remaining within, a specified distance of a specified location.	Depends upon the law of the state or tribe where the order was issued.

KIND OF ORDER	DOMESTIC VIOLENCE NO-CONTACT ORDERS	DOMESTIC VIOLENCE PROTECTION ORDERS	FAMILY LAW RESTRAINING ORDERS	ANTI-HARASSMENT ORDERS	ABUSED CHILD RESTRAINING ORDERS	VULNERABLE ADULT PROTECTION ORDERS	FOREIGN PROTECTION ORDERS
		schedule, treatment or counseling, court costs, specific relief or assistance.					
Cost of the Order	None.	No cost to petitioner.	Same as dissolution (divorce) filing fee. The filing fee may be waived if indigent. Petitioner pays related costs and service fees.	Basic district court or superior court filing fee. The filing fee may be waived if the petitioner is indigent. The service fee may be waived if the petitioner is indigent.	No cost to victim, since the order is generally obtained in a proceeding initiated by the Department of Social and Health Services.	Basic superior court filing fee. The fee may be waived at the discretion of the court.	Depends upon the law of the state or tribe where the order was issued.
How does the respondent receive notice of the Order	Verbal and written notice given to the defendant when order is entered. Order may be entered at any stage of the proceeding, including the bail hearing, the arraignment, or the sentencing.	Notice served on respondent by police officer, private party, or process server. Notice by certified mail, or publication in authorized limited circumstances.	Notice served on respondent or respondent's attorney by process server, private party, or police server.	Notice served on respondent or respondent's attorney by police, private party, or process server.	Verbal and written notice given to the individual whose conduct will be restrained or to the individual whose conduct will be restrained's attorney. Ex parte orders may be entered only if the court finds evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.	Notice served on respondent or respondent's attorney by police, private party, or process server.	Depends upon the law of the state or tribe where the order was issued.

KIND OF ORDER	DOMESTIC VIOLENCE NO-CONTACT ORDERS	DOMESTIC VIOLENCE PROTECTION ORDERS	FAMILY LAW RESTRAINING ORDERS	ANTI-HARASSMENT ORDERS	ABUSED CHILD RESTRAINING ORDERS	VULNERABLE ADULT PROTECTION ORDERS	FOREIGN PROTECTION ORDERS
Consequences if Order is knowingly violated	Mandatory arrest. Release pending trial may be revoked. Additional criminal contempt charges may be filed. Class C felony if assault or reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor.	Mandatory arrest for violating and restraint exclusion provisions. Possible criminal charges or contempt. Class C felony if assault reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor.	Mandatory arrest if criminal legend appears. Possible criminal charges or contempt. Class C felony if assault reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor.	May be arrested. Possible criminal charges or contempt.	Mandatory arrest if criminal legend appears. Possible criminal charges or contempt. The crime is a misdemeanor.	Mandatory arrest if criminal legend appears. Possible criminal charges or contempt. Class C felony if assault reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor.	Mandatory arrest for violating and restraint exclusion provisions or other provision where the foreign order expressly provides for mandatory arrest. Possible criminal charges or contempt. Class C felony if assault or reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor.
Duration of Order	Set period of time, usually until trial and/or sentencing are concluded. Post-sentencing provision may last up to the statutory maximum sentence and/or until probation is concluded.	Temporary: 14 days Full: 1 year or more	Temporary: 14 days Preliminary: Pending of action. Full: In final decree, permanent until modified.	Emergency: 14 days Full: 1 year	Until further order of the Court.	Not to exceed 1 year.	Depends upon the law of the state or tribe where the order was issued.

KIND OF ORDER	DOMESTIC VIOLENCE NO-CONTACT ORDERS	DOMESTIC VIOLENCE PROTECTION ORDERS	FAMILY LAW RESTRAINING ORDERS	ANTI-HARASSMENT ORDERS	ABUSED CHILD RESTRAINING ORDERS	VULNERABLE ADULT PROTECTION ORDERS	FOREIGN PROTECTION ORDERS
How may the Order be modified	Only by the Court.	Only by the Court.	Only by the Court.	Only by the Court.	Only by the Court.	Only by Court.	Depends upon the law of the state or tribe where the order was issued.
How do the police know the Order exists	Entered into WACIC, except those issued by jail prior to charging.	Entered into Washington State Information Computer (WACIC). Petitioner should have a copy.	Entered into WACIC request only. Petitioner must have a "certified" copy.	Entered into WACIC.	Entered into WACIC.	Entered into WACIC.	Entered into WACIC if registered with a Washington Court. Depending upon the law of the state or tribe where the order was issued, the Order may be entered into that jurisdictions' criminal information computer.

	NO CONTACT ORDER	ORDER FOR PROTECTION	RESTRAINING ORDER
ENFORCEMENT OF COURT ORDERS	<p>IF DURING AN INVESTIGATION OF A VIOLATION OF A COURT ORDER. A DEPUTY HAS PROBABLE CAUSE TO BELIEVE THAT THE MANDATORY ARREST PROVISIONS OF THE COURT ORDER HAVE BEEN VIOLATED, AND THE SUSPECT KNOWS OF THE ORDER, THE DEPUTY SHALL PHYSICALLY ARREST AND BOOK THE RESPONDENT INTO THE JAIL IF HE/SHE IS STILL PRESENT UPON THE DEPUTY'S ARRIVAL. THE DEPUTY WILL TAKE THE NECESSARY VICTIM AND/OR WITNESS STATEMENTS, RECOMMEND THE CHARGE FOR THE APPROPRIATE VIOLATIONS (UNLESS THE VIOLATION IS A FELONY).</p> <p>ARREST IS MANDATORY FOR ACTS OR THREATS OF VIOLENCE OR WHEN THE RESPONDENT GOES ONTO THE GROUNDS OF OR ENTERS A RESIDENCE, WORKPLACE, SCHOOL, OR DAYCARE THEY ARE RESTRAINED FROM OR KNOWINGLY VIOLATE A SPECIFIED DISTANCE PROVISION. OTHER VIOLATIONS SUCH AS SENDING LETTERS, PHONE CALLS, OR CONTACT THROUGH A 3RD PARTY IS NOT A MANDATORY ARREST. THE RESPONDENT MAY BE CHARGED OR ARRESTED AT THE DEPUTY'S DISCRETION</p> <p>FAMILY OR HOUSEHOLD MEMBERS MEANS: SPOUSES, FORMER SPOUSES, PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER THEY HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME, ADULT PERSONS RELATED BY BLOOD OR MARRIAGE, AND ADULT PERSONS WHO ARE PRESENTLY RESIDING TOGETHER OR WHO HAVE RESIDED TOGETHER IN THE PAST. PERSONS SIXTEEN (16) YEARS OF AGE OR OLDER WHO ARE PRESENTLY RESIDING TOGETHER OR WHO HAVE RESIDED TOGETHER IN THE PAST AND WHO HAVE OR HAVE HAD A DATING RELATIONSHIP. PERSONS SIXTEEN (16) YEARS OF AGE OR OLDER WITH WHOM A PERSON SIXTEEN (16) YEARS OF AGE OR OLDER HAS OR HAS HAD A DATING RELATIONSHIP. PERSONS WHO HAVE A LEGAL OR BIOLOGICAL PARENT-CHILD RELATIONSHIP, INCLUDING STEPPARENTS, STEPCHILDREN, GRANDPARENTS AND GRANDCHILDREN. [RCW 10.99.020(1)]</p>		

FOREIGN PROTECTION ORDERS SHALL BE HANDLED IN THE SAME MANNER AS WASHINGTON STATE'S NO CONTACT ORDERS.

VIOLATIONS OF ORDERS ISSUED UNDER RCW CHAPTERS 10.99, 26.09, 26.10, 26.26, 26.50, 26.52 AND 74.34 ARE CHARGED UNDER A SINGLE STATUTE 26.50.110

12.05.000 RESPONDING TO SCHOOL EMERGENCIES

12.05.005

INTRODUCTION: 05/04

Even though schools are one of the safest places for our children to be, emergencies can occur on or near school campuses. In recent years there have been several violent incidents within school systems across the nation. With that in mind, we have taken the following steps to make our responses to schools safer, more effective and efficient.

12.05.010

RESPONDING TO THE SCHOOL: 05/04

1. Deputies responding to a school emergency should check the school response in MAPS.
2. Deputies responding to a school incident shall select the appropriate code response and shall modify their response depending on the circumstances (e.g., false alarm, injured persons, etc.).
3. If the school incident is reported to be false, deputies shall:
 - a. Receive the description of a representative of the school who will meet them outside the school where the deputy will briefly interview them.
 - b. After at least one additional unit arrives, escort the representative back into the school to ensure the incident is false.
 - c. Notify the dispatcher by phone that the incident is false.
 - d. Do not secure additional units until the deputy exits the school.
4. **If a school incident is in progress and requires an Active Shooter response, notify the on duty supervisor and ensure the guidelines in G.O. 6.06.000 are followed.**
5. If a school incident is in progress, (intruder, person with a weapon etc.) deputies shall meet with a school representative (secretary, VP etc.), or the School Resource Officer in a safe location.
 - a. Deputies should receive a security packet from the school representative containing the following:
 - Master keys to the school.
 - Floor map of the building.
 - Radio and/or cellular telephone number of faculty personnel.
 - Name/ Names of Command post representative for school.
 - b. Deputies shall:
 - Attempt to determine where the suspect is located and obtain a description,
 - Determine what precautions the school has taken, i.e., lockdown, announcements, staff contact with subject, etc.
 - Take appropriate steps to locate, contact and/or take the intruder into custody.
 - Upon securing the scene and/or taking the intruder into custody:
 - Conduct the primary investigation.
 - Complete an incident report, including statements, suspect information sheets, etc.
 - Process the crime scene for evidence.