

LOS ANGELES COUNTY
DOMESTIC VIOLENCE COUNCIL



Nicolle Perras
Interim Executive Director

COMMITTEE ON SYSTEMS IMPROVEMENT MEETING

Mission Statement

To implement domestic violence laws and policies and to provide resources and problem-solving support to community partners when implementation issues and problems arise. The Committee also addresses emerging issues that impact victims of domestic violence.

Tuesday, March 15, 2022

2:15 pm | Pacific Time (US & Canada) | 1 hr



[See the DVC Calendar to Register](#)

Please register early. After you click on the calendar button, you will be re-directed to the Calendar of the DVC Website. Click the meeting you want to attend and click "Register". After registering, you will receive a confirmation email containing information about joining the meeting. Please download & import the following iCalendar (.ics) files to your calendar system.

For questions or concerns about registration or joining, contact icheca@ph.lacounty.gov

AGENDA

- I. Call to Order & Introductions – Rachele M. Neshkes, Co-Chair and Gail Pincus, Co-Chair
- II. Review of LASD Policy- Presentation by Deputy Cliver and Deputy Alerich
 - a. FOSS Newsletters: 10-12 Domestic Violence Guide, page 3 on this pdf
 - b. Manual of Policy and Procedures 5-09/040.05- Domestic Violence Prevention Act, page 8 on this pdf
 - c. Manual of Policy and Procedures 4-21/040.00- Restraining Orders, page 9 on this pdf
 - d. Manual of Policy and Procedures 5-09/040.06 Verbal Service of Domestic Violence Restraining Orders, page 10 on this pdf
 - e. Field Operations Directives (FODs): 16-001 Gun Violence Restraining Order Procedures, page 12 on this pdf
 - f. Field Operations Directives (FODs): 08-002 Temporary Restraining Orders Web Base Database (CARPOS Confirmation System), page 17 on this pdf
 - g. Field Operations Directives (FODs): 98-008 Violation of Court Order reports, page 19 of this pdf
 - h. Manual of Policy and Procedures 5-09/040.10- Enforcement of Temporary Restraining Orders and Injunctions in Family Law Cases, page 22 on this pdf
 - i. Field Operations Directives (FODs): 16- 003 Calls for Service Involving Alleged Mentally Ill Persons, page 24 on this pdf
- III. Emerging Issues
- IV. Parking Lot: (i) Sheriffs E-Requests for Service of Process, (ii) Entering TROs in CLETS and CARPOS; (iii) SA/HT RO; (iv) Rulings on FW-002; (v) EPOs; (VI) tracking time between issuance of EPO / first attempt
- V. Matters not on the posted agenda (to be presented and placed on a future agenda)
- VI. Public Comments: not to exceed two minutes per person and must be on items of interest which are within the subject matter jurisdiction of the Council

VII. Next meeting is scheduled for April 19, 2022.

VII. Adjourn

American Sign Language (ASL) interpreters, other auxiliary aids and services, or reasonable modifications to Domestic Violence Council meeting policies and/or procedures, such as to assist members of the disability community who would like to request a disability-related accommodation, will be made available if requested at least five business days prior to the meeting. Later requests will be accommodated to the extent feasible. Please telephone the Domestic Violence Council from 9 a.m. to 5:00 p.m., Monday through Friday at 213-472-3330 or email to dvc@ph.lacounty.gov.

10-12 - Domestic Violence Guide

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



DOMESTIC VIOLENCE GUIDE

Due to the ever-changing laws which surround domestic violence, this newsletter is an update to assist field personnel with answers to frequently asked questions. This newsletter will define domestic violence incidents and provide insight for the handling deputy regarding proper interventions with family violence situations.

Domestic/Family Violence incidents can generally be summarized one of three ways:

- Domestic/Family Dispute (415 Family) - is any familial cohabitant or dating relationship incident (yelling and arguing) absent any abuse or apprehension of imminent serious bodily injury. The deputy should obtain the proper information and make a thorough log entry.
- Domestic/Family Violence (Non-Criminal) - is any family violence incident where the corpus delicti of a specific crime is not present, but there is apprehension of imminent serious bodily injury. The deputy shall write an incident report with the classification line as "Domestic Violence/Non-Criminal/449" and recommend an emergency protective order (EPO).
- Domestic/Family Violence (Criminal) - is any family violence incident where an arrestable violation of the law has occurred. The deputy shall make an arrest when applicable and shall write an incident report. For example, the classification line may include, but is not limited to, the following:

Spousal Assault 273.5 PC

Spousal Battery 243(e)(1) PC

Spousal Rape 262 PC

Domestic Violence Court Order Violation 273.6 PC

Contempt of Court 166 PC

Criminal Threats 422 PC

Stalking 646.9 PC

Domestic Violence Firearms Seizure 18250 PC

Incident Report

Pursuant to Penal Code section 13730, the incident report shall include the following:

- The deputy's observations as to whether or not the alleged abuser was under the influence of alcohol or a controlled substance;
- A determination of a previous response to a domestic violence call by any law enforcement agency, including LASD, at the same address, involving the same alleged abuser or victim (personal knowledge, partner's knowledge, or recent incidents from the Mobile Digital Computer (MDC) will suffice);
- Inquiry as to whether firearms or other deadly weapons are present at the location and the results of the inquiry; and
- Inquiry as to whether the victim was strangled or suffocated by the alleged abuser during the incident and the results of the inquiry.

The deputy shall also document the following on the incident report:

- Was a firearm or other deadly weapon used or threatened to be used. Include any resulting injuries;
- The deputy provided the victim with the mandated resource brochures as listed below;
- The deputy offered an EPO and the victim's response. The deputy shall document if he/she obtained the EPO without the victim's consent;
- The name and date of birth of all children living at the location and/or all children who were present at the location during the incident; and
- The deputy called the Department of Children and Family Services (DCFS) and initiated a suspected child abuse report (SCAR) if the child is a witness, a victim, or is potentially at risk. The SCAR number provided is to be noted in the report.

Mandated Resources for the Victim

As required by law, the deputy shall provide the victim with a Family Abuse Intervention Resource (FAIR) brochure, a Report Information and Victims' Bill of Rights brochure, and a Victim Information and Notification Everyday (VINE) brochure. If the victim is sexually assaulted, a Sexual Assault brochure shall be provided to the victim.

Emergency Protective Order

A deputy shall offer an EPO and issue the EPO when necessary. A deputy has the discretion to obtain an EPO on the victim's behalf without the victim's consent if the deputy believes the victim is still in danger. An EPO may be obtained by a deputy, 24 hours a day, seven days a week. To obtain an EPO, deputies can call the County operator at (213) 974-1234, and request the on-duty Commissioner. An EPO is valid until 1700 hours on the fifth court day or seventh calendar day from the date of issuance. An EPO and restraining order must be served to be enforceable and a peace officer shall serve the EPO or restraining order if the suspect is available. If served, the serving deputy should ensure the service of the order is entered into the

California Restraining and Protective Order System (CARPOS) by the station secretary.

A copy of the order and the completed and signed Proof of Service must be attached together and submitted to the issuing court for filing.

Violations of an EPO or domestic violence restraining order are arrestable under 273.6 PC and do not have to occur in the officer's presence. An EPO may also be issued in child abuse, child abduction, and stalking cases.

Additional Information

When to use 243(e)(1) PC (spousal battery/misdemeanor) instead of 273.5 PC (spousal assault/felony) is a common question. The following should be used as a guideline. "Traumatic Condition" as defined by 273.5(c) PC means a condition of the body, such as a wound or external or internal injury, including, but not limited to,

injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. Deputies should be aware that there may be no visible signs of injury for an internal injury. Complaint of pain alone is insufficient for traumatic condition; therefore, when complaint of pain alone is alleged, use 243(e) (1) PC.

Penal Code section 836(d) allows peace officers to arrest for spousal battery, 243(e) (1) PC, without a private person's arrest when the battery is committed against a spouse, a person with whom the suspect is cohabiting, a person who is the parent of the suspect's child, former spouse, fiancé, or a person with whom the suspect currently has, or has previously had, a dating or engagement relationship. Pursuant to 1270.1(a) (3) PC, persons arrested for 243(e) (1) PC shall not be cited and released in the field.

Deputies shall make a reasonable effort to identify the dominant aggressor in an incident. "Dominant aggressor," as defined by 13701 PC, is the person determined to be the most significant, rather than the first aggressor. Dual arrests are discouraged, but not prohibited.

All children and adults present during the incident or living at the location shall be interviewed, when practical, regarding the incident. An important point to keep in mind when interviewing victims of physical abuse stemming from domestic violence is, over 50 percent of children and 40 percent of dependent adults living in domestically violent households are victims of physical abuse by the suspect or victim. Additionally, a high percentage experience sexual abuse by the suspect or victim. During your investigation, statements may be made indicating additional abuse occurring within the household. It may be appropriate to obtain statements regarding the domestic violence incident prior to obtaining statements or evidence for additional crimes. If more than one incident report is written, cross-reference the reports in the narrative of each incident report.

REFERENCES

Field Operations Directive (FOD) 10-005 Domestic Violence Incident Reporting Procedures

Manual of Policy and Procedures (MPP) 5-09/030.00 – Domestic Violence

Penal Code Section 13730

If you have any questions, please call or email Field Operations Support Services at (323) 890-5411 or foss@lasd.org.

Revised: 3/24/2021

5-09/040.05 - Domestic Violence Prevention Act

The 1980 Domestic Violence Prevention Act generally provides for the following:

- Permits family/household members to petition for an ex parte (initiated by one member) Temporary Restraining Order (TRO) to prevent domestic violence;
- Permits the court to restrain any party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, destroying personal property, contacting either directly or indirectly, by mail or otherwise, or doing similar acts to specifically named family/household members;
- Permits the court to order a party to vacate a dwelling if that party threatens to or assaults a member of the household;
- Extends the duration of a restraining order to a length of time specified by the court (up to five years); and
- Provides for the delivery of the order to local law enforcement agencies by the petitioner or the petitioner's attorney.

Only those TROs issued pursuant to the Domestic Violence Prevention Act shall be physically placed with the concerned law enforcement agency.

When a TRO, Court Order or Protective Stay Away Order (pursuant to section 136.2(g) PC) has been issued to prevent the recurrence of domestic violence and is directed to this Department, the following procedures shall be adhered to:

- Bailiffs shall sign for the receipt of the document on the original order when presented by the county clerk;
- The document shall be delivered/mailed by the County clerk or Court Services Division to the Sheriff's Station/Unit having jurisdiction where it is anticipated a breach may occur;
- The Station/Unit having jurisdiction shall be responsible for recording and maintaining a file of all TROs received for the duration of the life of the order;
- The Station/Unit shall attach all extensions, modifications and/or terminations received to the original document(s) on file;
- Upon service of the TRO, the assigned Station/Unit shall immediately notify the Department of Justice, via CLETS, of the name, race and the date of birth of the person who is restrained, as well as the date of issuance and the duration of the order; and
- The Records and Identification Bureau shall forward TROs received from the court, plaintiffs or attorneys to the Station/Unit having jurisdiction.

Court Deputies shall attach a copy of the TRO and any extension or modification to the complaint when it is filed.

Revised: 12/12/2013

4-21/040.00 - Restraining Orders

CLASSIFICATION Crime or Incident	FORM NUMBER FILE NUMBER PRIORITY	ASSIGNMENT AND ACTION	ADDITIONAL INFORMATION AND STATISTICAL CODES
<p>4-21/040.00 <u>RESTRAINING</u> <u>ORDERS</u></p>	<p>SH-R-49 URN</p>	<p>Station/Unit Patrol</p>	<p>When a Deputy verifies that a Temporary Restraining Order (TRO) exists but cannot verify proof of service or prior knowledge of the order by the suspect, the Deputy shall advise the suspect that he has now been served and that any violation of the order will result in arrest.</p> <p>A report shall be taken even if the suspect complies after being advised of the TRO.</p> <p>The Deputy is responsible for updating the Station's/Unit's copy of the TRO to indicate that the suspect was advised of the TRO.</p> <p>SRD to the court which issued the TRO.</p> <p>Code as applicable.</p> <p>For additional information see Volume 5, Chapter 9.</p> <p>NOTE: If the TRO involves domestic violence, use a 5 retention on reports.</p>

Revised: 12/12/2013

5-09/040.06 - Verbal Service of Domestic Violence Restraining Orders

Deputy Responsibility:

If a domestic violence restraining order has not been served, a Deputy may verbally serve the respondent/defendant. The Deputy shall provide the respondent/defendant a verbal summary of the terms and conditions from the Miscellaneous Field section of the California Restraining and Protective Order System (CARPOS). The Deputy shall also inform the respondent/defendant that he/she may obtain the full terms and conditions of the restraining order from the court of issuance.

Once the restraining order has been served, the Deputy shall:

- Enforce the order;
- Complete a comprehensive entry in the MDT/MDC log;
- When appropriate, write an incident report documenting the circumstances and action taken (attach a copy of the restraining order or computer print-out); and
- Complete a Proof of Service (attach a copy to the incident report if written).

The Deputy shall inform the station secretary concerning a required update in CARPOS and provide the completed original Proof of Service.

Secretary's Responsibility:

The station secretary will utilize the Restraining Order System #2 (ROS5) or the Service Restraining Order System #4 (ROS4) screens to update the restraining order record as served.

The ROS5 screen is used by the entering agency of record. The ROS4 screen is used to enter Proof of Service information when the serving agency is different from the entering agency. The mandatory fields are:

- File Control Number (FCN) (automatically assigned by DOJ);
- Name (Restrained person);
- Served by (name of person serving order);
- Date served (date of service);
- Time (time served); and
- Agency serving order (Serving Agency)

The secretary shall forward the original Proof of Service to the station/unit's Court Deputy.

Court Deputy's Responsibility:

The Court Deputy shall deliver the original Proof of Service to the Department's office in one of the courthouses.

Court's Office for the Sheriff's Responsibilities:

Manual of Policy and Procedures : 5-09/040.06 - Verbal Service of Domestic Violence
Restraining Orders

The court's office for the Sheriff shall forward the original Proof of Service to the Court Services Division (CSD), Civil Management Unit, for scanning into the TRO-WEB system.

Civil Management Unit's Responsibilities:

CSD, Civil Management Unit, shall scan the original Proof of Service into the TRO-WEB.

Once scanned, CSD, Civil Management Unit, shall forward the original Proof of Service to the appropriate court which issued the restraining order.

Revised: 7/30/2014

16-001 Gun Violence Restraining Order Procedures

Los Angeles County Sheriff's Department FIELD OPERATIONS DIRECTIVE



GUN VIOLENCE RESTRAINING ORDER PROCEDURES

PURPOSE

The purpose of this Field Operations Directive is to establish uniform procedures for the handling and documenting of gun violence restraining orders.

BACKGROUND

On September 30, 2014, four months after a disturbed man killed six UC Santa Barbara students and wounded 13 others, Governor Jerry Brown signed legislation (Assembly Bill Number 1014) allowing the temporary seizure of firearms from people determined by the Superior Court (court) to be a threat to themselves or others. This legislation allows law enforcement officers, immediate family members, employers, teachers, or school personnel to ask a court for a restraining order against a person believed to be a threat, prohibiting their possession of firearms for 21 days on a temporary basis through the use of a Temporary Gun Violence Restraining Order (GVRO).

There are two different paths to a GVRO which became effective January 1, 2016. First, Penal Code section 18100 authorizes a court to issue a Firearms Emergency Protective Order (EPO-002) if a law enforcement officer asserts and a judicial officer finds there is reasonable cause to believe the subject (also known as the restrained person) of the petition poses an immediate and present danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, magazines and ammunition, and the order is necessary to prevent personal injury to themselves, or another. Second, immediate family members, employers, coworkers, teachers, or school personnel can seek a Temporary Firearms Restraining Order (GV-110) through the court on an "ex-parte" basis.

WHO CAN REQUEST A GVRO?

In addition to law enforcement, immediate family members may apply for a GVRO. “Immediate family members” are defined as any spouse, whether by marriage or not, domestic partner, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household pursuant to Penal Code section 18150(2).

The law requires a law enforcement officer to serve the order on the restrained person, if the person can reasonably be located, file a copy of the order with the court no later than three (3) court days after its issuance, and have the order entered into the computer database system for protective and restraining orders (CARPOS) maintained by the Department of Justice. The restrained person is then required to immediately relinquish for safekeeping all firearms and ammunition to the control of the local law enforcement agency or by selling all firearms, magazines, and ammunition to a licensed gun dealer. If the restrained person has been lawfully served and failed to relinquish the firearm(s) as required, the law allows a search warrant to be obtained. Law enforcement officers shall take custody of any firearm or ammunition in the restrained person’s custody or control pursuant to a lawful search warrant.

FIELD DEPUTY PROCEDURES

Any incident in the field, where a temporary GVRO may be needed, an incident report (SH-R-49) shall be written and an URN obtained. The handling deputy will contact the court for signature on the GVRO by a magistrate, and if the restrained person can be contacted, then they should be served in person. GVRO’s may be obtained 24 hours a day, seven days a week, by contacting the **County operator at (213) 974-1234**. The operator will connect you to the on-duty court representative.

COURT DEPUTY PROCEDURES

If the order was petitioned by someone other than a law enforcement agency and subsequently granted by the court, service may be requested and provided by Court Services Division’s Civil Management Bureau (CMB). CMB deputies serving a GVRO shall request the restrained person immediately relinquish all firearms and ammunition at the time of service for safekeeping. If the restrained person does not comply with the order, the deputy shall advise the restrained person they have 24 hours to comply with the order in lieu of an immediate

relinquishment. If the subject relinquishes the firearms and ammunition to the deputy upon service of the order, the deputy shall take custody of the items and issue a receipt for these items for the purpose of safekeeping. The restrained person is required to file with the court a copy of the receipt from the law enforcement agency as proof of relinquishment within 48 hours of being served.

A. Deputy's Responsibilities

Deputies receiving a call for service having a possible nexus to GVRO's shall handle them without delay. If during the investigation of an incident it is determined that a temporary GVRO should be issued, the deputy needs reasonable cause to believe both of the following exist:

- The subject of the petition poses an immediate and present danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm.
- A temporary GVRO is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the circumstances of the subject of the petition.

A temporary GVRO issued shall prohibit the subject of the petition from having in their custody or control, owning, purchasing, possessing, receiving, or attempting to purchase or receive, a firearm or ammunition. The temporary GVRO shall expire 21 days from the date the order is issued.

Upon issuance of a GVRO, it shall be the handling deputy's responsibility to conduct service of the restraining order and shall request the restrained person to relinquish the firearm(s) and ammunition for safekeeping as indicated in the GVRO.

If the restrained person relinquishes a firearm(s) or ammunition to any deputy serving a GVRO, they shall:

- Process the firearm in accordance with MPP section 5-09/180.00, Firearms Processing;
- Obtain an URN using a statistical code of 855 (Relinquish Firearms – Protective Order);
- Issue a "Firearm's Receipt";
- Book the firearm(s) and ammunition at the nearest Sheriff's station and advise the restrained person which station the firearm was taken to;

- Advise the restrained person they have 48 hours from the service of the protective order to submit the proof of relinquishment to the Court; and
- Write an Incident Report indicating that the firearm was relinquished for safekeeping pursuant to the service of a GVRO. If personnel are writing an Incident Report based on a crime and not solely on the relinquishment of a firearm pursuant to service of a GVRO, the service of the restraining order and relinquishment of the firearm shall be documented in the same Incident Report. The statistical code for the crime shall be used for the URN.

If the restrained person refused to relinquish the listed firearms, and a search warrant is not obtained, deputy personnel shall advise the restrained person of the following:

- They have 24 hours from service of the protective order to relinquish their firearm(s) to their local law enforcement agency or sell the firearm to a licensed gun dealer; and
- They have 48 hours from the service of the protective order to submit the proof of relinquishment to the court and also give, deliver, or submit a copy to the law enforcement agency who served the protective order.

After service of the GVRO, if the restrained person refuses to relinquish the firearm(s) and no crime has occurred, an Incident Report or supplemental report shall be written by deputy personnel. In addition, personnel serving the GVRO shall make a detailed log entry of the request and refusal. Subsequent court databases shall also be updated and noted in the report.

Booking the Firearm(s) and Ammunition

The handling deputy shall ensure the firearm(s) or ammunition are rendered safe before transporting them to the station for booking. Book the items by **marking them as “safekeeping”** in the Department’s Property, Evidence and Laboratory Information Management System (PRELIMS). **Do not mark them as “surrendered.”** Marking the items as “safekeeping” ensures they will not to be destroyed, unless changed by the handling detective.

B. Watch Sergeant’s Responsibilities

It shall be the watch sergeant's responsibility to ensure that gun violence reports conform to the provisions of this directive. Any firearms or ammunition relinquished for safekeeping shall be retained until the expiration of

any GVRO which has been issued against the restrained person. Upon expiration of the order GVRO absent a permanent (one-year GVRO), any firearms or ammunition shall be released to the restrained person pursuant to Penal Code sections commencing with 33850. Unclaimed firearms and/or ammunition are subject to the requirements of Penal Code section 34000.

The watch sergeant shall ensure that any firearms or ammunition relinquished by the restrained person are properly recorded in PRELIMS as “safekeeping.”

Information regarding the content of this Field Operations Directive may be directed to Field Operations Support Services at foss@lasd.org or (323) 890-5411.

Attachment:

[Firearms Emergency Protective Order \(EPO-002\)](#)

Revised: 6/15/2021

08-002 Temporary Restraining Orders Web Base Database (CARPOS Confirmation System)

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services, (323) 890-5411



TEMPORARY RESTRAINING ORDERS WEB BASE DATABASE (CARPOS CONFIRMATION SYSTEM)

PURPOSE

The Court Services Division, Civil Management Bureau has created an online database to track protective orders entered into the California Restraining and Protective Order System (CARPOS) by our Department personnel. This database known as the CARPOS Confirmation System will track domestic violence, civil harassment, workplace violence, elder abuse, juvenile, and criminal protective orders. The database will not track Emergency Protective Orders (EPO), but will provide Department personnel with the ability to view protective orders and proofs of service via the internet.

PROCEDURES

The CARPOS Confirmation System provides a chronological listing of all orders related to a specific File Control Number (FCN), including current orders and proofs of service. The database will help personnel determine if an order is valid and/or if the order had been served. It will also assist personnel when more than one order has been produced by either one or both of the parties involved.

The CARPOS Confirmation System may be accessed through the Court Services Division's internet website. See the attached instructions for use. The database may be accessed through any computer with an internet connection. The thirteen (13) digit, CARPOS FCN, issued by the Department of Justice (DOJ), is required to search the database. The FCN starting with the first three digits of "232" indicate that those orders were entered into CARPOS by our Department. Only those orders entered by our Department are currently available to view in the database. Personnel may run either party's name on the MDC or JDIC under the Restraining Order System Inquiry screen to obtain the FCN.

The California courts are mandated by state law to inform a protected party to provide a copy of the protective order to their local law enforcement agency. Therefore, stations will continue to receive protective orders. When a station receives a protective order, the station personnel shall:

- Accept the order from the protected party;
- Determine if the order has been entered in both CARPOS and CARPOS Confirmation System;
- If the order has not been entered in both systems, a copy of the order shall be forwarded to the station's

Field Operations Directives (FODs) : 08-002 Temporary Restraining Orders Web Base
Database (CARPOS Confirmation System)

nearest Civil Management Bureau office for data entry in either one or both systems;

- The station's court deputy(s) and/or other predesignated detective personnel shall be tasked with delivering protective orders and proofs of service to the station's nearest Civil Management Bureau office;
- These documents shall be delivered daily by the designated personnel, excluding weekends, holidays, and time off (scheduled and unscheduled);
- If the designated delivery personnel has scheduled or unscheduled time off (excluding weekends and holidays), it is the station's responsibility to contact the station's nearest Civil Management Bureau office to arrange for Court Services Division's personnel to pick-up the documentation.
- Station clerical staff will no longer make CARPOS entries of protective orders with the exception of Emergency Protective Orders (EPO).
- EPOs will remain a station responsibility.

At the present, all orders entered directly into the CARPOS system by an outside agency will not be available on the CARPOS Confirmation System.

For information regarding the CARPOS Confirmation System, contact Court Services Division, Civil Management Bureau, at CSDCMUWEB@lasd.org.

Revised: 5/29/2019

98-008 Violation of Court Order Reports

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services, (323) 890-5411



VIOLATION OF COURT ORDER REPORTS

BACKGROUND

Sheriff's deputies often respond to public requests for service regarding alleged violations of court orders. In many instances, the parties merely want their allegations documented. However, at times it is difficult to ascertain if a valid court order is on file or if a crime did, in fact, occur. Furthermore, the information provided by a reporting/complaining party may even lead responding deputies to believe that the matter is completely civil in nature and no law enforcement action may be taken.

Several sections of the Manual of Policy and Procedures (MPP) outline the protocols necessary for handling alleged restraining orders violations and related offenses.

However, the MPP does not always specify procedures for responding deputy personnel when the reporting parties provide vague or incomplete information.

PURPOSE

This Directive will present a simplified procedure for routine, non-emergent situations where any violation of a court order is alleged (exceptions are noted below). These types of complaints are often about child visitation or other matters relating to divorce. Conclusive investigations by patrol deputies are not usually possible because court orders are often unclear and frequently revised.

For these reasons, it is generally sufficient to prepare a report which simply contains the complainant/witness statements. Utilizing this field procedure should minimize frustration during the contact and also meet the needs of most complainants who just "want the judge to know."

NOTE: This Directive shall not apply to the following circumstances:

- Family law/protective order incidents as outlined in MPP Section 5-09/040.10.
- Enforcement of Temporary Restraining Orders and injunctions in labor disputes as outlined in MPP Section 5-09/040.15.
- Private persons arrest situations as outlined in MPP Section 4-04/080.00.

FIELD DEPUTY RESPONSIBILITIES

In cases where deputies encounter persons who are alleging that another party is violating a court order, it may be difficult to ascertain if a crime actually occurred. However, it is not necessary to establish who is “right.” If responding personnel encounter this type of situation, they shall:

- Obtain the court of issuance, the case number, the name of the issuing judge, and the date of issuance.
- If possible, confirm the court order and proof of service on the TRO~WEB. Refer to FOD 08-02, Temporary Restraining Order Web Based Database (TRO~WEB).
- Write a report (SH-R-49) entitled, “Suspicious Circumstances, Alleged Violation of a Court Order.” This shall be done even if it appears the matter is completely civil in nature.
- The report shall contain a synopsis of the complaining party’s allegations. Confirming the validity of the allegations is normally not possible nor is it required.
- The responding deputy shall advise the complaining party to contact their personal legal counsel regarding the incident.
- If the complainant does not have the necessary data regarding the court order, the handling deputy will provide as much detail as possible in the report and advise the complainant to contact station detectives with the missing information as soon as it becomes available.

WATCH SERGEANT RESPONSIBILITIES

The Watch Sergeant reviewing the report shall ensure there is enough detail in the synopsis for the reader to understand what action is alleged to have constituted the violation. The report shall be made “Active,” whether or not the required court information is included, and assigned to the Station Detective Bureau.

DETECTIVE BUREAU RESPONSIBILITIES

The Station Detective Sergeant shall review the report and assign the case to a detective, who will conduct a follow-up investigation. If the handling detective clearly establishes that a crime occurred, they shall document it in their supplemental report and take the appropriate action, as permitted by Department and individual unit policy (e.g., filing the case with the local District Attorney’s Office).

If the handling detective cannot clearly establish that a crime occurred, the Department will take no further action on the matter. The handling detective shall inactivate the case with a supplemental report.

Reference Sections:

MPP 3-01/030.17, Employee Notification of Family Violence and Temporary Restraining Orders

MPP 3-01/030.18, Field Personnel’s Response to Employee Involved Family Violence and/or Temporary Restraining Orders

MPP 3-01/030.19, Supervisor’s Response to Employee Involved Family Violence and/or Temporary Restraining Orders

MPP 4-04/080.00, Arrests

MPP 4-21/040.00, Restraining Orders

MPP 5-02/160.00, Abduction/Concealment in Child Custody Cases

MPP 5-02/160.20, Out-of-State Child Custody Cases

MPP 5-09/030.00, Domestic Violence

MPP 5-09/040.00, Temporary Restraining Orders/Injunctions

MPP 5-09/040.05, Domestic Violence Prevention Act

MPP 5-09/040.10, Enforcement of Temporary Restraining Orders and Injunctions in Family Law Cases

MPP 5-09/040.15, Enforcement of Temporary Restraining Orders and Injunctions in Labor Disputes

FOD 08-02, Temporary Restraining Order Web Based Database (TRO~WEB)

Revised: 4/24/2013

5-09/040.10 - Enforcement of Temporary Restraining Orders and Injunctions in Family Law Cases

Often, the Deputy is called to the scene of a family disturbance and encounters a situation where a husband and wife are in the process of obtaining a dissolution of marriage (divorce). Emotions run high, and the danger of the situation escalating into a crime of physical violence is great. For this reason, the Superior Court will often issue restraining orders to prohibit certain activity on the part of one or both of the principals. Therefore, it is not correct to advise the parties that the dispute is civil and take no action.

Field personnel who are called to the scene of a domestic disturbance and require information regarding TROs (as defined under the Code of Civil Procedure) shall contact their Station/Unit. Station/Unit personnel shall check the TRO file and the TRO~WEB to determine whether a valid TRO exists. If there is no record of a TRO in the Station/Unit file, TRO~WEB, or one of the parties involved states there was a modification, station/Unit personnel should make a reasonable attempt to verify the TRO's validity and content.

The following important items should be carefully examined prior to arresting for violation of a TRO:

- The complainant has a valid copy of the TRO bearing a file stamp of the issuing court;
- Check the dates on the order to ensure the TRO is valid; and
- Make reasonably sure the person has been served with the order.

If the above criteria is satisfied, an arrest shall be made.

In the event the suspect has left the location and a Deputy has reason to believe a crime was committed, he shall make a reasonable attempt to locate and arrest the suspect. If the Deputy is unable to locate and arrest the suspect, he shall write a report. He shall also advise the victim of the follow-up criminal procedure and the file number of the report.

A violation of any Court Order/TRO is a misdemeanor, and is an arrestable offense under section 273.6 PC whether or not it is committed in the presence of the Deputy.

If a Deputy encounters a situation involving a TRO, and the copy of the TRO is in the possession of another police agency located in close proximity to the site of the violation, the Deputy shall obtain a copy of the TRO from that agency before booking the suspect. If the location of the agency is such that this would be impractical, an abstract of the TRO shall be obtained by Station/Unit personnel before the suspect is booked. A copy of the TRO shall be obtained before the complaint is filed and shall be attached to the complaint.

When Deputies are confronted with this situation and are in doubt as to the validity of such documents, they are advised to consult with their supervisors as to the proper procedure to follow. If any reasonable doubt remains, the Deputy should not arrest for violation of the court order.

Under no circumstances shall the Deputy suggest or request the complaining party to use the private person's arrest procedure when the Deputy can legally make the arrest.

When a Deputy verifies that a TRO exists but cannot verify proof of service or prior knowledge of the order by the suspect, the Deputy shall:

Manual of Policy and Procedures : 5-09/040.10 - Enforcement of Temporary Restraining Orders and Injunctions in Family Law Cases

- Inform the suspect of the terms of the order and allow him an opportunity to read, if practical, and comply with the order;
- Advise the suspect that he has now been served and that any violation of the order will result in his arrest;
- Make a report, even if the suspect complies after admonishment of the TRO; and
- Update the Station's/Unit's copy of the TRO to indicate that the suspect was advised of the TRO.

The report shall include the following details:

- Name of the suspect admonished of the terms of the TRO;
- The specific terms of the TRO that the suspect was violating;
- Name of the advising Deputy; and
- Make sure to note a special request distribution (SRD) at the end of the report, listing the court that issued the TRO.

Court Deputies should handle the filing of the complaints in the same manner as any other misdemeanor.

If an injunction or supplemental court order is directed to the Department, ordering him to enforce the injunction, the Deputies shall do the following:

- Ensure the order is signed by the judge and has the seal of the court;
- Advise the suspect of your intent to arrest for noncompliance with the injunction; and
- Make an arrest if the violation(s) continues.

Revised: 12/12/2013

16-003 Calls for Service Involving Alleged Mentally Ill Persons

Los Angeles County Sheriff's Department FIELD OPERATIONS DIRECTIVE



CALLS FOR SERVICE INVOLVING ALLEGED MENTALLY ILL PERSONS

PURPOSE

The purpose of this directive is to establish policy and procedures for responding and handling calls for service involving persons who may be mentally ill, while minimizing use of force incidents.

The Lanterman-Petris-Short (LPS) Act, found in sections 5000-5550 of the Welfare and Institutions Code (WIC), deals with involuntary treatment for mentally disordered persons. The LPS Act provides for the involuntary treatment of those persons who are mentally ill that pose a danger to themselves or society, but have not committed a criminal offense. Since there is no underlying criminal offense, the state is functioning in the role of "Parens Patriae" (sovereign power of guardianship over persons with a disability). Sections 5150 WIC and 5585.50 WIC define the scope and authority for detaining persons for an involuntary evaluation and treatment of adults and juveniles, respectively.

General Considerations

When responding to a call involving a person who is believed to be mentally ill, consideration should be given to how that mental illness may affect the individual's ability to comprehend and respond to instructions, commands, and/or the events unfolding around them. Persons who are mentally ill may be entitled to accommodations under the Americans with Disabilities Act (ADA). A mentally ill person who is a danger to themselves may be entitled to such accommodations; however, a mentally ill person who is a "direct threat" to the safety of others does not qualify for accommodations under the ADA. Some possible accommodations are discussed below.

PROCEDURES WHEN ANY PERSON IS IN IMMEDIATE DANGER

The following procedures shall be followed when it is believed any person is in immediate danger:

- Responding units shall be authorized to respond Code 3, including the field sergeant;
- Request and have fire/medical resources respond and stage a safe distance away, as deemed necessary;
- Handle as any other emergency call for service by following the standard Tactical Incidents policy (3-10/150.00, Tactical Incidents); and
- Call for a Mental Evaluation Team (MET) via Sheriff's Communication Center (SCC) when safe to do

so. The station desk shall make a notification to the MET Triage Desk.

PROCEDURES WHEN NO PERSONS ARE IN IMMEDIATE DANGER

If no persons are in immediate danger, but there is an indication of a potential use of force, the following procedures shall be implemented:

Station/Unit Dispatch

- This call for service shall be dispatched as a priority call;
- Keep the caller on the line and give continual updates to field personnel;
- A field sergeant shall be assigned to the call;
- Ensure the field sergeant acknowledges the call;
- If there is an extended response time, authorize Code 3 as appropriate;
- Determine if MET is available through SCC or by having the station desk call the MET Triage Desk; and
- Advise field deputies/units of the MET's availability.

The location of known mentally impaired violent persons shall be entered into the computer aided dispatch (CAD) system as a "hazard" to assist in managing future calls for service. The dispatch/watch deputy personnel shall ensure Crisis Intervention Trained (CIT) personnel are designated on the in-service personnel roster whenever a CIT deputy is assigned to work that shift. Dispatch shall assign a CIT deputy to handle or assist on a call involving mentally ill persons whenever available.

Field Deputy/Unit

- Coordinate the response with assisting units;
- Unless an exigency has developed, briefly stage away from the location of the call to develop a tactical plan;
 - Include the following topics in the tactical plan:
The location's description, circumstances, containment options, ensure appropriate resources are available [i.e., arwen, pepperball, stunbag, Conducted Electrical Weapon (CEW), O.C., MK-46, video], and assignment of responsibilities, including who will be the designated person that will talk to the patient and consider the other Possible Accommodations listed below.
- Handle as a tactical incident (refer to MPP section 3-10/150.00, Tactical Incidents);
- Deputies tasked with using less lethal resources shall have them ready for use upon arrival at the incident location;
- Request a MET response through SCC when coordinating the call;
- Communicate with the informant, if appropriate;
- When reasonably safe to do so, the handling unit shall contact or designate an assisting unit to contact the MET Triage Desk. This can be done through the CAD system using "MET01" as a recipient. Notification can also be made by calling **(626) 258-3000**, which is available 24 hours a day, 7 days a week, while being mindful of the Department's policy on use of personally-owned mobile phones;
- Assess if the patient owns or has access to a firearm or deadly weapon. An Automated Firearms

Field Operations Directives (FODs) : 16-003 Calls for Service Involving Alleged Mentally Ill Persons

System (AFS) inquiry shall be made to assist with this assessment, whenever possible. If the patient is known to possess, own, or have control of these items, deputies shall confiscate such firearm(s) or deadly weapons pursuant to section 8102 WIC;

- In the event a patient is the subject of a restraining order rising to the potential for gun violence, procedures for a gun violence restraining order shall be followed, if applicable (see Field Operations Directive 16-001, Gun Violence Restraining Order Procedures for more information); and
- At the conclusion of the call for service, provide the pocket planner brochure to the affected family members of the patient. Document in the report that the pocket planner was given to a family member and/or in the log clearance if no report was written.

Field Sergeant

- Unless the field sergeant is handling another field emergency or priority call for service, the field sergeant shall respond to the call and shall be responsible for directing force, when reasonable; and
- If it is determined that contact or continued contact with the individual may result in an undue safety risk to that person, the public, or Department members, disengagement shall be considered. The watch commander shall be consulted and must concur with the decision to disengage.

Watch Commander

- The watch commander shall be advised by dispatch to monitor the incident as appropriate; and
- The watch commander shall make the final decision on whether or not to disengage from the call for service or crisis.

Possible Accommodations

Each situation is different, and all of the following may not be appropriate under the circumstances, but personnel should assess the situation and determine if any or all of the following may help to diffuse the situation:

- Call a MET team;
- Slow down the pace - take the time you need to de-escalate the situation;
- Start with a reasonable and safe distance - avoid an overly "command oriented" presence;
- Only one person should speak at a time to the patient;
- Use body language that projects patience, respect, and concern;
- Avoid sudden movements, especially those directed at the patient;
- Speak calmly using normal conversational volume and tone;
- Listen carefully, avoid interrupting, ask questions, and gain information.
REMEMBER: A lack of response to your direction or instruction may be due to the individual hearing "voices" or being distracted by other hallucinations, auditory or visual stimuli, and not because of resistance or hostility;
- Determine if the informant or family member may or may not be helpful to de-escalation and utilize them as appropriate.
REMEMBER: Mentally ill persons in crisis may respond unpredictably to applications of force and may escalate dramatically; and/or

Field Operations Directives (FODs) : 16-003 Calls for Service Involving Alleged Mentally Ill Persons

- Consider disengagement. This tactic requires consultation with the field sergeant at the scene and shall have the concurrence of the watch commander.

Disengagement

Disengagement is the tactical decision to leave, delay contact, delay custody, or plan to make contact at a different time and under different circumstances. This tactic should be considered when continued contact may result in an undue safety risk to the person, the public, and/or Department members.

MET shall be notified and included as a special request distribution (SRD) on any incident report if one is written, for incidents where disengagement was exercised and the basis of the call was mental health-related.

Application for a 72-hour Detention

When detaining someone under the authority of section 5150 or 5585.50 WIC, sworn personnel shall complete the, "Application for 72-Hour Detention for Evaluation and Treatment" form (MH-302). In the spaces provided, sworn members must clearly and objectively describe what led them to conclude that the patient met the criteria of section 5150 or 5585.50 WIC.

The information stated on the form also establishes that the deputy had probable cause for taking the individual into custody. All sections of Form MH-302 must be completed. A copy of the form shall be left with the hospital and a copy shall be attached to the incident report. The URN number shall be placed on all copies.

A copy of the AFS inquiry results for the patient shall be included with the incident report documenting whether or not the patient has/had firearms registered to them. MET Triage Desk notification shall be noted in the incident report and "MET" shall be indicated as the SRD for the report.

Transporting 5150 or 5585.50 WIC Patients

The decision to transport a 5150 or 5585.50 WIC patient to a designated facility or to wait for a MET is the responsibility of the handling deputy.

The law requires that 5150 or 5585.50 WIC patients be transported to facilities that are designated for the reception of 5150 or 5585.50 WIC patients. LAC+USC (LCMC), Harbor/UCLA General Hospital, and Olive View Medical Centers are the "designated" public facilities for Los Angeles County.

Patients that have not been charged with a crime shall not be transported to a Sheriff's station or jail facility.

Whenever any person is taken into custody as authorized by section 5150 and/or 5585.50 WIC, they shall be transported to a designated psychiatric facility by no less than two deputies, with the exception of a MET unit when they are staffed with a non-sworn mental health professional.

Deputies shall request an ambulance to transport persons with a mental illness only if:

- The person is violent and requires restraint to the extent that he or she must be transported in a recumbent position; and

Field Operations Directives (FODs) : 16-003 Calls for Service Involving Alleged Mentally Ill Persons

- The person is injured or physically ill and is in need of immediate medical attention.

When a person with a mental illness (patient) is transported by ambulance, at least one deputy shall ride in the ambulance with the patient if detained on a 5150 WIC “hold.”

ATTACHMENTS

List of Designated Psychiatric Facilities:

LASD Pocket Planner brochure http://intranet/intranet/announcements/LASD_CARES.pdf

REFERENCES

Americans with Disabilities Act, Title II Regulations, Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services, published September 10, 2010, Section 139, Direct Threat.

Manual of Policy and Procedures, section 5-09/070.05, Emergency detention - Provides supplemental procedural guidance.

Manual of Policy and Procedures, section 5-09/180.05, Mentally Ill Persons (Confiscation of weapons) - Provides supplemental procedural guidance.

Manual of Policy and Procedures, section 4-16/010.00, Mentally Ill Persons (Case assignment) - Provides supplemental procedural guidance.

Manual of Policy and Procedures, section 3-10/150.00, Tactical Incidents – Provides general guidance on handling of tactical incidents.

Manual of Policy and Procedures, section 3-01/100.46, Use of Communication Devices – Provides restrictions to the use of personal mobile phones for official use.

Field Operations Directive 16-001, Gun Violence Restraining Order Procedures

LASD Newsletter #81 Automated Firearms System (Update)

Replaced FOD 92-02, Alleged Mentally Ill Persons

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