Subject:	**Emergency Protective Orders**	
Effective:	**8/24/2018**	**Procedure**
Update:		
Reference:	**CJIS Manual: Domestic Violence Restraining Order System, Lexipol 320.9.2, CA Penal Code 646.91, CA Family Code Section 6250**	

BACKGROUND

Criminal Records is responsible for entry of an Emergency Protective Order (EPO) in CLETS during their hours of operation, Monday through Friday, 0700-1700. When Criminal Records is not open, it becomes the responsibility of the Santa Barbara County Public Safety Dispatch Center to enter Emergency Protective Orders (EPO).

An Emergency Protective Order (EPO) is a court order that may be issued at the request of a California law enforcement officer any time of the day or night because of a domestic violence incident. An EPO can also be issued for cases including, but not limited to, stalking and elder abuse. To obtain an EPO, a law enforcement officer must provide reasonable grounds to believe that the person to be protected is "in immediate and present danger of domestic violence" based on the complainant's "allegation of recent incident of abuse or threat of abuse by the person against whom the order is sought" (California Family Code Section 6250). However, an EPO is only valid if it is issued by a judicial officer (judge or commissioner) pursuant to the specific request of a law enforcement officer after the judicial officer has made the findings required by Family Code Section 6251 (California Family Code Section 6250.3).

The EPO is effective immediately and is valid for seven calendar days or five business days, whichever is shorter. The EPO is intended to provide protection long enough for the requestor to file an application for a Domestic Violence Restraining Order in court.

In order for a deputy to obtain an EPO, he must contact the on-call judicial official. The phone numbers are:

South County, 24 hours a day	*CONFIDENTIAL INFORMATION REDACTED:*
North County, Business Hours	805-614-6461
North County, After Hours	*CONFIDENTIAL INFORMATION REDACTED:*

This information can be found in the "Judges, District Attorney, Probation, Parole" binder located at Sheriff's Frequency 2. The deputy will complete an EPO-001 form that will contain most of the information needed to enter the EPO into CLETS. Per California Family Code 6271, Penal Code 646.91, and Santa Barbara County Sheriff's Office Policy, found in Lexipol 320.9.2, "the deputy shall have the order entered into the

computer database system for protective and restraining orders maintained by the Department of Justice." The computer database system maintained by the Department of Justice is called the California Restrained and Protected Person Order System (CARPOS). An EPO must be entered into CARPOS for served and unserved orders.

Note: Deputies should carry a hard copy of the EPO-001 form with them. The DV-200 form can be found in Word, Shared Documents, Patrol file.

PROCEDURE

1. When Criminal Records is closed, the deputy will bring, fax, or email a copy of the EPO-001 (and DV-200 when applicable) to dispatch so the order can be entered into CLETS

2. The dispatcher will enter the EPO into CLETS via GUS CLETS mask ROS1 (Note: there is not a corresponding CAD CLETS mask for this function.)
    a. The dispatcher will print a copy of the initial entry.
    b. A second party check plus documentation of the check must be completed.

3. Re-run the person in "ROS" to confirm the entry is in the system.
    a. Attach a copy of the entry into the CAD incident.
    b. Print a copy.

4. If anything needs to be modified, use "ROS2" to ensure the record contains accurate information.

5. The deputy should be provided with a copy (in person or faxed) for his report and a packet should be made for Criminal Records, stapled together and placed in the after-hours records basket as it must be added to the Master Case File. The packet should contain:
    a. The EPO-001
    b. The print out of the initial ROS1 entry with the second party check documentation.
    c. The print out of the ROS return which confirms the entry was accepted by CLETS.
    d. When applicable, any modifications to both the initial entries and new ROS check of the subject.

COMPLETING THE ROS1 MASK

Emergency Protective Orders are entered into CARPOS via GUS CLETS mask ROS1. Fill out the mask with as much information as has been provided to you from the EPO-001.

DOJ recommends "packing the record" for all CLETS entry so an attempt should be made to obtain <u>accurate information</u> from another CLETS database (i.e., the Driver's License for the Protected or Restrained Person, middle name of the person, date of birth of the protected person.) Information found can be added to the ROS1 entry.

ORI/CA0420000
The ORI should be auto populated in CLETS.

Record Type
Use the drop down arrow and select "EPO- Emergency Protective Order."

OCA/Agency Case Number.
Use of a hyphen is allowed (Example: 18-10813.)
This information is found on the EPO-001 "Law Enforcement Case Number" Box.

Issue Date/Date issued in the format of MMDDYYYY (Example: 08122018)
This information is found on the EPO-001 #8 where it says "granted this Order on (date.)"

Expiration Date/Date order expires in the format of MMDDYYYY (Example: 08172018)
This information is found on the EPO-001 #5.

Court
Use the drop down arrow to select the appropriate court depending on the location of the deputy and/or which on-call judicial official was contacted.
- For South County Cases, the appropriate court is 42100 - Santa Barbara County Superior Court (Santa Barbara), (805) 568-3150.
- For North County Cases, the appropriate court is 42101 - Santa Barbara County Superior Court (Santa Maria), (805) 346-7414

Court Case Number
EPOs are not issued in court so there is no court case number. Instead, use the Agency Case Number. Use of a hyphen is allowed (Example 18-10813.)

Restrained Person In Court
Always enter "N" for not in court since the person has not been to court.

Firearm Provision on Order
For all EPOs, use the drop down arrow and select "B-Cannot purchase or receive and must surrender all firearms."
This information is explicitly stated on the EPO-001 section 3d.

Can Restrained Person Contact Protected Person
Enter "Y" for yes and "N" for no.
This information is found on the EPO-001 section 3b. It the box is marked (check or X), no contact is allowed; if it is not marked, contact is allowed.

State of Issuance
Use the drop down arrow and select "CA- California"

Restrained Person's Name and Information
The entire name (Last, first, middle can only contain a total of 30 characters so the middle name may have to be omitted if there are too many characters.)

Last
Last Name of the Restrained Person.
A hyphen is allowed, HOWEVER, if the name is entered with a hyphen, make sure to enter the name without a hyphen in the AKA section. Example: If entered as MEAN-PERSON, the AKA for the last name will be MEANPERSON.
This information is found on the EPO-001 #2.

First
First Name of the Restrained Person.
This information is found on the EPO-001 #2.

Middle
Middle Name of the Restrained Person.
This information is found on the EPO-001 #2 or on the subject's DDL.

Suf
Use when applicable.
This information is found on the EPO-001 #2 or on the subject's DDL.

Sex
Gender of the Restrained Person.
Use the drop down arrow and select "M" for male, "F" for female, and "X" for unknown or if the individual is a transsexual.
This information is found on the EPO-001 #2 "Sex" check box.

Race
Race of the Restrained Person.
Use the drop down arrow and select the appropriate race code (Note: these are the California, not NCIC race codes.)
This information is found on the EPO-001 #2 "Race" section.

Hgt
Height of the Restrained Person entered in a three-digit format.
For example, if a subject is 6'00", enter as "600."
This information is found on the EPO-001 #2 "Ht." section.

Wgt

Weight of the Restrained Person entered in a three-digit format.
For example, 230 for 230 lbs.
This information is found on the EPO-001 #2 "Wt." section.

Age
This is only used when the date of birth of the Restrained Person is unknown.
This information is found on the EPO-001 #2 "Age" section. If left blank, do not enter.

DOB
The date of birth of the Restrained Person entered in a MMDDYYYY format.
For example, 12061986.

Hair
Select the hair color of the Restrained Person from the drop down list.
This information can be found on the EPO-001 #2 "Hair color" section.

Eyes
Select the eye color of the Restrained Person from the drop down list.
This information can be found on the EPO-001 #2 "Eye Color" Section.

Note: Although the information below can be added to the entry, it usually is not.
Dispatch will not enter this information unless specifically asked to do so by the deputy.
The information is not found on the EPO-001 form.

Address/
City/
State/
Zip Code/

Protected Person's Name and Information
The entire name (Last, first, middle can only contain a total of 30 characters so the middle name may have to be omitted if there are too many characters.)

Last
A hyphen is allowed, HOWEVER, if the name is entered with a hyphen, make sure to enter the name without a hyphen in the AKA section. Example: If entered as VICTIM-PERSON, the AKA for the last name will be VICTIMPERSON.
This information is found on the EPO-001 #1.

First
First Name of the Protected Person.
This information is found on the EPO-001 #1.

Mid
Middle Name of the Protected Person.
This information is found on the EPO-001 #1 or the subject's DDL.

Suf
When Applicable
This information is found on the EPO-001 #1 or the subject's DDL.

Sex
Gender of the Restrained Person.
Use the drop down arrow and select "M" for male, "F" for female, and "X" for unknown or the individual is a transsexual.
This information is not included on the EPO-001 but can be obtained from the deputy or the subject's DDL.

Race
Race of the Protected Person.
Use the drop down arrow and select the appropriate race code (Note: these are the California, not NCIC race codes.)
This information is not on the EPO-001 nor can it be found on a subject's DDL. If a deputy provides the information, use it. Otherwise, it can be left blank.

DOB
The date of birth of Protect Person in a MMDDYYYY format (Example: 08271988.)
This information is not found on the EPO-001 form but can be obtained from the deputy or the subject's DDL.

Served by Name and Information
This section is to be completed only when the EPO has been served. If the order was served, the Proof of Service box will be complete or there will be an attached proof of service document such as the DV-200. Service is not required in order to be entered into CARPOS.

Last
Last Name of the officer serving the EPO.
This information is found on the EPO-001 #13.

First
First name or initial of the officer serving the EPO (not a mandatory field.)
This information is found (when included) on the EPO-001 #13.

Mid
Middle name or initial of the officer serving the EPO (not a mandatory field.)

Agent ID/Badge Number
Body number of the deputy.
This information is found on the EPO-001 in the Application Box "Badge No" field.

Agency Name
Name of the Agency (if SBSO deputy, use CASO Santa Barbara.)
Note: CASO is an official CLETS abbreviation for California Sheriff's Office
This information is found on the EPO-001 in the Application Box "Agency" field.

Served Date
The date the order was served to the restrained person.
This information is found on the EPO-001 in the Proof of Service box "Date" field.

Served Time
The time the order was served to the restrained person.
This information is found on the EPO-001 in the Application Box "Time" field.

Additional Protected Person(s) Name(s) and Information:
Up to nine additional protected people (and pets) can be entered into CLETS. For each one, fill out as much of the information as possible with the minimum required information being the Last and First Name. Entering a date of birth is always helpful if the information is available.

Follow the instructions written in "Protected Person's Name and Information" for the following:
Last/
First/
Mid/
Suf/
Sex/
Race/
DOB/

Relationship
Use the drop down box and select the appropriate family relationship to the restrained person.

Household Member
Use the drop down box to select yes or no.

-and any of the following
This information is not included on all EPOs but if it is on the EPO-001, it must be included in the entry. When there is a "must vacate" or "stay away" from a residence, the information must be entered in the appropriate field PLUS the information must be included in the Miscellaneous section.

Custody
Use the drop down box and make the appropriate selection IF there is a custody order on the EPO.

If there is a temporary custody order granted, information is found on the EPO-001 form #4

Visitation
Use the drop down box and make the appropriate selection IF there is a visitation order on the EPO (which is rare since there is no place to add the information).

Must Stay Away From
Use the drop down box and select the applicable locations. There are a total of four boxes that can be used OR you can select "All of the above" if appropriate.
If there is a stay away order, information is found on the EPO-001 form #3c.
Note: Normally, only the protected person is selected since the other options are rarely specifically listed on the EPO-001.

Yards
Number of Yards the person must stay away.
Example: 100 for 100 yards.
If there is a stay away order, information is found on the EPO-001 form #3c.

Must Vacate Address
Address the person must vacate.
Example: 1300 Dahlia CT #29, Carpinteria, CA 93013.

Other Orders
RP MUST NOT OWN, POSSESS, PURCHASE, RECEIVE OR ATTEMPT TO PURCHASE OR RECEIVE ANY FIREARM OR AMMUNITION, RP MUST TURN IN FIREARMS IN POSSESSION TO A LE AGENCY OR SELL THEM TO A LICENSED GUN DEALER WITHIN 24 HRS AND SHOW PROOF TO THE COURT WITHIN 48 HRS
This exact verbiage is required to be added to all EPO entries.

Cautions
Use the drop down and select the most appropriate cautions

Note: Although the information below can be added to the entry, it usually is not. Dispatch will not enter this information unless specifically asked to do so by the deputy. The information is not found on the EPO-001 form.

FBI Number/
Social Security/
Place of Birth/
Scars Marks/Tattoos (up to 9)/
Fingerprint Classification/
Skin Tone/
Misc ID#/

Vehicle Information

Note: Although the information below can be added to the entry, it usually is not. Dispatch <u>will not</u> enter this information unless specifically asked to do so by the deputy. The information is not found on the EPO-001 form.

VIN/
Year/
Vehicle Make/
Vehicle Model/
Vehicle Style/
Vehicle Color/

Vehicle License Information

Note: Although the information below can be added to the entry, it usually is not. Dispatch <u>will not</u> enter this information unless specifically asked to do so by the deputy. The information is not found on the EPO-001 form.

Vehicle License/
State/
Exp Year/
Type/

Also Known As (AKA's)-

Up to nine additional AKA's can be entered. When a restrained person is entered with a hyphenated name, the name must be entered as an AKA with both names combined. (Example: Last Name was entered as MEAN-PERSON, the AKA will be MEANPERSON). Follow the instructions in the Restrained Person's Name and Information for completing this section when applicable.

Last/
First/
Mid/
Suf/

Miscellaneous

RP MUST NOT HIT, FOLLOW, STALK, DESTROY ANY PERSONAL PROPERTY, KEEP UNDER SURVEILLANCE, BLOCK MOVEMENTS OF PROTECTED PERSON, MUST NOT CONTACT PROTECTED PERSON DIRECTLY OR INDIRECTLY BY ANY MEANS BUT NOT LIMITED TO BY TELEPHONE, EMAIL OR OTHER ELECTRONIC MEANS, MUST NOT TAKE ANY ACTION, DIRECTLY OR THROUGH OTHERS TO OBTAIN THE ADDRESS OR LOCATION OF PROTECTED PERSON.
This exact verbiage is required to be added to all EPO entries.

If there is a "vacate/stay away" from the residence, in addition to including the information in the "Must Vacate Address" and the "Must Stay Away From" and Yards" Fields, the information must also be in the "Miscellaneous" field (prior to statement above). For example: RP MUST STAY 100 YRS AWAY FROM 1300 DAHLIA CT #29, CARPINTERIA, CA.

After completing the entry with as much information as possible, press "enter" or click the "send" button.