

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject SERVICE OF PROTECTIVE ORDERS	Policy Number GJ-20 Effective Date 03-28-24
Related Information ARS 12-1809; ARS 12-1810; ARS 13-719; ARS 13-2810; ARS 13-3601; ARS 13-3602; and ARS 13-3624 EA-8, <i>Domestic Violence</i>	Supersedes GJ-20 (09-23-22)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for sworn, detention, and the Victim Assistance & Notification Unit (VANU), who are responsible for the processing and/or serving of all protective orders to members of the public and to inmates housed at Office jail facilities. Additionally, this Office Policy provides guidelines and procedures for inputting information into the Arizona Protective Order Initiation Notification Tool (AZPOINT) system.

POLICY

It is the policy of the Office to process and serve all protective orders in the most accurate and expedient manner possible and to update the AZPOINT system accordingly.

DEFINITIONS

Arizona Protective Order Initiation Notification Tool (AZPOINT): A web-based, automated system used by judicial officials and law enforcement agencies to process, manage, and track protective orders.

Civil Process: Writs, summonses, mandates, or other process from a court of law or equity pertaining to a civil matter. The term includes the process to be served by the Office in any action involving civil litigants.

Defendant: For the purpose of this Office Policy, the defendant is the person against whom the plaintiff or another appropriate person is seeking protection.

Emergency Order of Protection (EOP): An Emergency Order of Protection, governed by ARS 13-3624, may be requested by a peace officer on an emergency or *ex parte* basis when a person's life or health is in imminent danger. It is limited to parties with relationships specified in ARS 13-3601(A), the domestic violence statute.

Exigent Circumstance: For the purpose of this Office Policy, a circumstance causing delay in the serving of a protective order for reasons such as an inmate's court appearance or a medical appointment or emergency; or a circumstance where detention or sworn personnel are temporarily unable to complete this task due to staffing issues or an emergency or security situation has occurred.

File Stop: A step taken to flag an inmate's file that indicates additional action must be taken prior to the release of the inmate. A file stop must be initiated prior to the completion of the release process.

Full Faith and Credit: A valid protection order related to domestic or family violence issued by a court in another state, a court of a United States territory, or a tribal court. Such orders shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction.

Injunction Against Harassment (IAH): An Injunction Against Harassment, governed by ARS 12-1809, may be granted to prevent a person from committing acts of harassment against another. There is no relationship requirement.

Injunction Against Workplace Harassment (IAWH): An Injunction Against Workplace Harassment, governed by ARS 12-1810, authorizes an employer or authorized agent to seek a court order preventing a person from being on the employer's premises and from committing acts of harassment against the employer, the workplace, employees, or any other person who is on the employer's property or at the place of business or who is performing official work duties.

Inmate: An individual who has been accepted for confinement into an Office jail facility.

Jail File: The file containing the inmate's custodial records pertaining only to jail-related information, exclusive of any judicial records, with the exception of any protection orders.

Order for Lifetime No-Contact Injunction: Effective September 24, 2022, ARS 13-719 permits a victim to request and the court to issue a non-expiring injunction for serious and dangerous felony offenses noted by the statute at the time of the defendant's sentencing. Victims may also petition the court for a lifetime injunction against a defendant sentenced for such offenses prior to the effective date of the law. The Order for Lifetime No-Contact Injunction is comprised of the following:

1. Petition For A Lifetime No-Contact Injunction: Indicates what the plaintiff is requesting.
2. Order For Lifetime No-Contact Injunction: Indicates what has been ordered by the court.
3. Declaration Of Service For Order For Lifetime No-Contact Injunction: Indicates when the service of the order was conducted.
4. Victim Information Sheet For Petition For A Lifetime No-Contact Injunction: This form is a confidential form completed by the Petitioner/Plaintiff to aid law enforcement in the service of the Order For Lifetime No-Contact Injunction. The form also contains confidential contact information so that the Petitioner/Plaintiff can be contacted; as well as other relevant information to aid in the service. This form shall not be given, shared with, or viewed in any way by the person being served.

Order of Protection (OOP): Per Rule 4 of the Arizona Rules of Protective Order Procedure, an Order of Protection, governed by ARS 13-3602, may be granted to prevent a person from engaging in acts of domestic violence. It is limited to parties with relationships specified in ARS 13-3601(A), the domestic violence statute. It is a court order issued to restrain a person from committing harmful acts including those in the domestic violence statute. A protective order includes any order issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including preliminary, temporary, and final orders. The Order of Protection (OOP) is comprised of the following:

1. Petition for Order of Protection: Indicates what the plaintiff is requesting.
2. Order of Protection: Indicates what has been ordered by the court.
3. Defendant's Guide Sheet and a Brady Warning Document: These forms may also be included in the Order of Protection document package. If the forms are included, they are required to be served as part of the Order of Protection.
4. Declaration of Service: Indicates when the service of the order was conducted.

5. Service of Process Form: This form may be included as part of the Order of Protection (OOP) document package. This form is a confidential form completed by the Petitioner/Plaintiff to aid law enforcement in the service of the Order of Protection. The form also contains confidential contact information so that the Petitioner/Plaintiff can be contacted; as well as other relevant information to aid in the service. The Service of Process Form shall not be given, shared with, or viewed in any way by the person being served.

Plaintiff: The plaintiff is the person or another appropriate requesting person who files the petition for a protective order.

Restraining Order: An Order issued by a court to prohibit persons or businesses from taking specified actions. A deputy who is asked to take enforcement action, as a result of a violation of a restraining order, will advise the plaintiff to contact the issuing judicial officer who signed the document and request that a summons be issued. Office Policy EA-8, *Domestic Violence* specifies enforcement which may be taken regarding violations of a court order, to include an Order of Protection and Injunctions Against Harassment.

Service: For the purpose of this Office Policy, the act of serving the defendant by delivering a copy of the protective order and the petition being served to that defendant personally.

Sheriff's Inmate Electronic Data (SHIELD): An MCSO jail management system containing information about individuals who are, or have been, incarcerated, or booked into an MCSO jail facility. Information is entered in this database when an individual is booked and updated throughout the term of incarceration. This includes, but is not limited to: inmate's charges; holds; court dispositions; bond and fine amounts; inmate listed booked in personal property; locker assignments; housing locations; restrictions; emergency medical information; scheduled inmate appointments; and the day-to-day operations of a jail facility and housing unit Shift Logs.

PROCEDURES

1. **Protective Orders:** The following are protective orders which upon issuance of a judicial officer can be served and processed by Office employees:
 - A. Order of Protection (OOP): A victim of domestic violence, as specified in ARS 13-3601, may apply for an OOP through the Arizona Protective Order Initiation Notification Tool (AZPOINT) and attend a hearing through the courts.
 1. An OOP is effective on the defendant upon service of a copy of the OOP and expires two years after service on the defendant, unless otherwise specified in the order.
 2. A modified order is effective upon service and expires two years after service of the initial Order and Petition, unless otherwise specified in the order.
 3. An unserved OOP expires one year from the date of issuance.
 - B. Injunction Against Harassment (IAH): A person may apply for an IAH through AZPOINT when a relationship does **not** exist between all parties involved and does not meet the criteria for domestic violence.
 - C. Injunction Against Workplace Harassment (IAWH): An employer may apply for an IAWH on behalf of the business and/or their employees through AZPOINT and attend a hearing through the courts.
 - D. Emergency Order of Protection (EOP): An EOP may be requested by a peace officer on an emergency or ex parte basis when a person's life or health is in imminent danger. It is limited to

parties with relationships specified in ARS 13-3601(A). An EOP expires seven calendar days after issuance, unless otherwise continued by the court, as specified in ARS 13-3624.

E. Order For Lifetime No-Contact Injunction: An Order For Lifetime No-Contact Injunction **does not** populate within AZPOINT. Victims will have possession of these orders and request that law enforcement serve the defendants.

1. Sworn or detention personnel receiving an Order Lifetime No-Contact Injunction to serve, shall only serve after contacting a Judicial Enforcement Division (JED) sworn supervisor and receiving instructions on accurate completion of the Declaration of Service and routing to JED for filing with the issuing Court.
2. An expeditious entry into N.C.I.C. by the Arizona Department of Public Safety may only occur upon the Office's timely filing of the order with the Clerk of the Court.
3. An unserved Order For Lifetime No-Contact Injunction does not expire.
4. Law enforcement shall not charge a fee for serving an Order For Lifetime No-Contact Injunction.

2. **Sworn Service of Protective Orders:** When a deputy responds to a call for service in which a court order exists, they shall take the necessary actions appropriate for the type of court order pending service. In order to ensure the accurate and timely retrieval of protective order information, in response to inquiries from other criminal justice agencies and the general public, all protective orders shall be served and documented, as specified in this Office Policy.

A. Initiating Service: If during a call for service, the plaintiff advises the deputy a valid protective order may have been issued by the court, but the Order has not been served, and the defendant is present, the deputy is responsible for the following:

1. Search AZPOINT to verify a protective order was issued but has not been served. The search is conducted by using the defendant's first and last name, the issuing court, or court case number.
 - a. If the deputy's search yields an unserved protective order in AZPOINT, the deputy shall print and serve a copy of the Order, Petition, and Defendant's Guide Sheet to the defendant.
 - b. The deputy shall notify the plaintiff once the protective order has been served. The plaintiff's contact information is available on the Service of Process Form. The deputy may advise the plaintiff of any threats or comments made during the service.
 - c. Complete the entry into AZPOINT documenting a protective order has been served.
 - d. Once served, the protective order is enforceable.
 - e. After service, the completed Declaration of Service is automatically routed to the issuing court through AZPOINT.

- f. If requested, print the Declaration of Service and present it to the plaintiff and/or defendant. No other forms need to be printed unless the deputy is also providing the Plaintiff with a copy of the order.
 - g. After service of an OOP, IAH or IAWH, the deputy shall notify the Judicial Enforcement Division by sending a message to MaricopaSheriffOrders@MCSO.Maricopa.Gov. At a minimum, the message shall contain the protective order number and the defendant's name.
2. Deputies are prohibited from issuing, sharing, or allowing the defendant to view the Service of Process Form. The form contains confidential contact information so the Petitioner/Plaintiff can be contacted; as well as other relevant information to aid in the service. This document shall be shredded upon completion of the service.
 3. If the deputy is unable to serve the protective order, the deputy shall document the attempt in AZPOINT and in the call for service in CAD.
 4. Orders of protection which grant exclusive use of the residence should be enforced at the time of service. The serving deputy should require the defendant to leave the protected location as indicated on the Order. Exceptions to the requirement for removal shall be approved by a supervisor.
- B. Violation of an Order of Protection (OOP): Violations of an OOP shall require the deputy to complete records checks on all parties of the dispute; including a check of the AZPOINT database to determine if a court has issued an OOP that may not have been served at the time of the incident.
1. If probable cause exists and the deputy believes a valid OOP has been violated, an arrest may be made, even if the offense did not occur in the deputy's presence or the victim does not wish to prosecute. A separate offense for a violation of the OOP may be charged, as specified in ARS 13-2810, where no domestic violence offense has occurred.
 - a. When a misdemeanor arrest is made, a criminal citation shall be completed and used as a complaint in the booking process.
 - b. A Maricopa County Attorney's Office Submittal Form (long-form submittal) shall be completed and used as a complaint in the booking process in felony cases.
 - c. The deputy shall complete an *Incident Report* (IR) documenting enforcement action taken.
 - d. Whether or not an arrest is made, copies of the OOP and the Declaration of Service should be attached to the IR in TraCS in all cases to be prosecuted. AZPOINT contains copies of these documents. In addition, "DV" shall be noted at the beginning of the IR narrative.
 2. The law requires the person against whom the protective order was issued be given notice and the opportunity to be heard. This requirement shall not prohibit the enforcement of the protective order.
- C. Emergency Order of Protection (EOP): If an EOP is needed, the deputy shall contact a judicial officer to issue an EOP. The deputy shall advise of the circumstances surrounding the request for the EOP. A judicial officer may issue an order in writing or orally if a deputy has reasonable grounds to believe that a person is in immediate and present danger of domestic violence based on

a recent incident of actual domestic violence, or at the victim's request upon finding that the victim's life or health is in imminent danger. The EOP form is located on the Office's shared drive in the Official MCSO Forms folder.

1. After the judicial officer has issued the EOP form, the form shall be completed by the deputy. The deputy shall contact the Operation Information Center (OIC) to obtain an EOP number. The following actions are then taken:
 - a. The original EOP form, which includes a section titled Certificate of Service, shall be completed upon service.
 - (1) If the deputy is unable to locate and serve the defendant, service arrangements shall be made with each on-coming district shift supervisor.
 - (2) Service attempts will continue until exhausted or the EOP has expired.
 - b. A copy of the EOP shall be given to the plaintiff.
 - c. A copy of the EOP shall be served to the defendant.
 - d. The deputy shall advise OIC whether the EOP has or has not been served. All served EOPs shall be entered into NCIC by OIC. The NCIC number shall be printed on the face of the EOP and documented within the IR.
 - e. A copy of the EOP shall be scanned and attached to the IR initiated by the deputy in TraCS.
 - f. Once served to the defendant, the deputy shall send the original EOP to the Clerk of the Superior Court.
 2. The deputy shall ensure the plaintiff is aware an EOP expires seven calendar days after issuance, unless otherwise continued by the court, as specified in ARS 13-3624.
 3. If the defendant is being booked into custody at the Intake, Transfer and Release (ITR) facility or housed at any other Office jail facility, service of the EOP shall be completed by a peace officer, as specified by this Office Policy.
- D. Out of State OOP: If an OOP was issued in another state, deputies are obligated under federal law to allow full faith and credit to the protective order. In spite of different terminology or duration, deputies shall consider the order valid if it names the correct parties and has not expired. The safety of the victim is of primary consideration.
1. The law requires the person against whom the protective order was issued be given notice and the opportunity to be heard. This requirement shall not prohibit the enforcement of the protective order.
 2. The protective order is not required to be registered in Arizona.
 3. Enforcement is required even if:
 - a. The victim would not be eligible for an OOP in this state;

- b. The protective order provides greater relief than the person would have received here; and/or
 - c. The protective order cannot be immediately verified.
 - 4. While enforcing an out-of-state OOP in good faith, immunity may be granted from civil liability under federal and state laws.
 - E. Protective Order Concerns: If there are concerns regarding any protective order coming to the attention of the Patrol Bureau, deputies may contact a civil process sergeant or supervisor through the Communications Division.
- 3. **Victim Assistance & Notification Unit (VANU) Responsibilities:** The MCSO Victim Assistance & Notification Unit (VANU) is responsible for the intake and coordination of **ALL** protective orders for individuals who are in custody of the Office.
 - A. All protective orders will be verified through AZPOINT and either accepted or rejected by the VANU.
 - B. The VANU is responsible for contacting detention personnel for service of in-custody protective orders and entering all subsequent information into the AZPOINT system.
 - C. The VANU is also responsible for the processing of protective orders received from members of the public, other law enforcement agencies, or Court Judicial Branch Security (JBS) personnel for service to inmates housed at Office jail facilities.
 - D. If the VANU receives a protective order for service for an inmate who is not immediately available to be served, the VANU will enter a file stop in SHIELD. The file stop will prevent the inmate's release from Office custody prior to being served and will also alert other detention personnel that a conflict may occur if the parties involved are both inmates and were to come in contact with one another. The VANU will remove the file stop upon completion of service.
- 4. **Detention Service of Protective Orders:** When a protective order is received at an Office jail facility for service from the VANU, a detention shift supervisor shall be notified by detention personnel receiving the service information. The shift supervisor shall be responsible for designating detention personnel for service of a protective order and monitoring service completion.
 - A. When determined a protective order is to be served at the ITR facility, an ITR shift supervisor shall be provided a hand carried hard copy of the VANU Packet from the VANU for service.
 - B. When determined protective orders are to be served at other Office jail facilities, detention personnel will receive a faxed copy of the VANU Packet from the VANU to serve.
 - 1. The VANU will contact the jail facility to confirm the preferred fax location.
 - 2. It is the responsibility of detention personnel to serve a protective order to an inmate and provide a copy of the served order back to the VANU.
 - C. Any protective order received by detention personnel **not** received from the VANU, this includes protective orders walked in or faxed from other agencies, shall be sent to the VANU to verify and initiate service to the appropriate Office jail facility. Protective orders that are hand carried and given to Court JBS personnel at the ITR facility are the responsibility of JBS personnel. JBS

personnel shall contact the VANU directly regarding the protective order; the order is not the responsibility of ITR detention personnel unless received from the VANU.

- D. VANU Packet: The VANU Packet consist of the AZPOINT fax template, the Defendant Guide Sheet, and the Order and Petition (Law Enforcement Rule 15 Disclosure Database paperwork, if applicable). Detention personnel are prohibited from issuing, sharing, or allowing the defendant to view the Service of Process Form. The form contains confidential contact information so the Petitioner/Plaintiff can be contacted; as well as other relevant information to aid in the service.
- E. Service of Order: For service of the protective order, detention personnel are responsible for the following:
 - 1. The shift supervisor or designee shall be responsible for ensuring the inmate has been served **within two hours** of the time of acceptance absent exigent circumstances, or for notifying the oncoming detention supervisor concerning any service that has been accepted but is still pending completion.
 - 2. If due to an exigent circumstance an inmate is unavailable for service, the shift supervisor shall contact the VANU informing them of the delay in service and/or that the two-hour timeframe will not be met.
 - 3. Based on the reason for delay, the VANU may initiate a file stop in SHIELD until service is completed. Upon the inmate's return or availability, service shall then be accomplished **within two hours**. It shall be the responsibility of detention personnel processing inmates for release at the ITR facility to ensure that there is no file stop indicating service is pending.
 - 4. When service is conducted, the shift supervisor or designee shall notify the inmate a protective order is in effect for two years after service and advise the inmate of the warnings that appear on the protective order.
- F. Completion of Service: Detention personnel shall return a faxed copy of service to the VANU using the AZPOINT fax template to include the following action:
 - 1. Add a SHIELD Facility Daily Shift Log/Distribution/Collection entry to include the Case number and Plaintiff's name for the protective order served. The entry shall also include any exigent circumstances such as verbal or physical altercations that occurred during service. Separate entries shall be completed if multiple protective orders are served;
 - 2. Complete and PRINT the AZPOINT fax template (filling in the blanks to include the last name and serial number of the detention personnel serving the order, and the Office jail facility name where service was conducted);
 - 3. Fax the completed VANU AZPOINT fax template **and** the first page of the protective order showing the Case number or e-mail all documents to: maricopacountyjailinmate@mcs.maricopa.gov;
 - 4. Complete any Office jail facility required steps (logbook/SHIELD entry) and place a copy of the protective order documents in the inmate's Jail file; and
 - 5. Detention personnel shall not fax any documents to the Office Records and AFIS Division, OIC Section or mail any copies to the courts.

- G. For processing an Out of State OOP, additional information or instruction may be provided by the VANU to a shift supervisor at an Office jail facility where the inmate is located to ensure service.
- H. Service of a Protective Order from an Inmate Against Another Inmate: Detention personnel responsible for service of a protective order from an inmate to another inmate shall ensure that the following actions are taken:
 - 1. Update the appropriate SHIELD format to reflect any keepaways;
 - 2. Make any necessary Office jail facility housing changes; and
 - 3. Notify the Inmate Classification Section for possible changes to the inmate's classification.
- I. EOPs served to defendants in Office custody shall normally be served by a peace officer, unless the VANU supervisor has provided detention personnel with additional information or instruction for the EOP service, as specified in this Office Policy.
- J. If there are any concerns regarding any protective order coming to the attention of detention personnel, employees may contact a VANU employee.