



Kern County Sheriff's Office
Policies and Procedures

TITLE: EMERGENCY PROTECTIVE ORDERS		NO: H-510	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: February 1, 1996	REVIEWED: 10/20/2020	REVISED: 04/01/1996	UPDATED: 11/17/2017

POLICY

When an officer of the Sheriff's Office has reasonable grounds to believe a person is in immediate and present danger of domestic violence, or a child is in immediate and present danger of abuse by a family or household member, the officer *shall* inform the complainant as to the availability of Emergency Protective Orders. Regardless of the victim's preference, the officer may request an ex parte Emergency Protective Order from the on-call judge.

Officers should make this determination based on the complainant's allegations of a recent incident of abuse or threat of abuse. The officer may request an Emergency Protective Order whether or not the suspect is present or has been arrested.

The following situations are examples of those which may provide the grounds for requesting an Emergency Protective Order:

- The suspect is being arrested for a charge related to a domestic violence incident.
- The suspect has a history of domestic violence.
- The victim expresses fear of retaliation or further violence.
- Threats of serious danger have been made to the victim or to the victim's family.

PROCEDURE

1. The officer shall contact the on-call judge by telephone or otherwise and assert grounds for the belief that the order is appropriate.
2. Upon oral issuance of the order by the on-call judge, the officer requesting the order shall reduce it to writing, using the Judicial Council form provided (see attached copy), and sign the order.
3. The officer shall serve a copy of the Emergency Protective Order on the restrained person.
4. The officer shall give a copy of the Emergency Protective Order to the protected party.
5. The officer who requested the Emergency Protective Order, while on duty, shall carry a copy of the order.

6. A copy of the Emergency Protective Order shall be filed with the court as soon as practical after issuance. The officer requesting the Emergency Protective Order shall route the white copy to the Court officer to be filed with the Superior Court Clerk. Substation officers shall fax a copy to the Court Officer as well as route the white copy via inner office mail. The goldenrod copy will be filed with the officer's Crime or Incident Report.
7. The officer shall ensure that a copy of the Emergency Protective Order is hand delivered or faxed (872-1224) to the Communications Center and request that the information regarding the order be entered into the complaint history detail for the incident and request a temporary hazard be placed on the involved address.
8. The officer shall ensure that the information on the Emergency Protective Order is entered into CLETS/ROS (Restraining Order System) before the end of shift, by phoning or delivering the information to the teletype operator of the Crime Reports Record Section at 391-7770.
9. An Emergency Protective Order is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance, counting weekends and holidays.

ENFORCEMENT OF EMERGENCY PROTECTIVE ORDERS

Where a violation of an Emergency Protective Order has occurred, the investigating officer shall arrest the suspect in accordance with DPPM H-500, **DOMESTIC VIOLENCE RESPONSE AND ENFORCEMENT**.

OFFICER IMMUNITY

A law enforcement officer who acts in good faith to enforce an Emergency Protective Order is not civilly or criminally liable (Family Code Section 6272(b)).

H-510-2

EFFECTIVE: February 1, 1996	REVIEWED: 10/20/2020	REVISED: 04/01/1996	UPDATED: 11/28/2007
---------------------------------------	--------------------------------	-------------------------------	-------------------------------