



Alexandria Police Department
Directive 11.07



DOMESTIC VIOLENCE

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11.7.01	POLICY AND PURPOSE
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It is the policy of this Department to pursue reduction of domestic violence through employee training, proactive investigation of domestic violence incidents, enforcement of state and federal laws, and participation in the City's Domestic Violence Intervention Project (DVIP).

The purpose of this directive is to set forth procedures for police intervention in situations involving domestic violence. It is the further purpose of this directive, in combination with Police Directive 10.4, Victim/Witness Assistance, to set forth the rights of victims and witnesses, in accordance with **Virginia Code §19.2-11.01**.

11.7.02 AUTHORITY

The authority governing this directive is provided under the following Virginia Code sections: 16.1-106, 16.1-228, 16.1-243, 16.1-245.1, 16.1-252, 16.1-253, 16.1-253.1, 16.1-253.2, 16.1-253.4, 16.1-278.14, 16.1-279.1, 18.2-51, 18.2-57, 18.2-57.2, 18.2-57.3, 18.2-60.3, 18.2-119, 18.2-308.1:4, 19.2-11.2, 19.2-81, 19.2-81.3, 19.2-81.4, 19.2-151, 19.2-152.8, 19.2-152.9, 19.2-152.10.

The authority granted under the Virginia Code §19.2-81 to make probable cause assault and battery arrests without warrants is not limited to domestic cases.

Officers are encouraged to make a custodial arrest for any assault and battery where probable cause exists and the arrest would be in the best interests of the parties involved.

Any law enforcement officer may arrest without a warrant for an alleged violation of domestic assault and battery and for violation of a protective order regardless of whether the violation was committed in the officer's presence, if such arrest is based on probable cause, personal observation, or the reasonable complaint of a person who observed the alleged offense (see Virginia Code §19.2-81.3).

11.7.03 DEFINITIONS

Domestic Violence Intervention Project (DVIP) – a committee made up of representatives from the Police Department and other City, State and private agencies, Alexandria Hospital, and concerned citizens. The DVIP's purpose is to ensure that effective protection and services are provided to victims of domestic violence, that suspects are held accountable for illegal behavior, and to increase awareness of domestic violence.

Domestic Violence Program (DVP) – the City's program that provides services twenty four hours a day to citizens, including children, who have been physically or emotionally abused, or who were threatened with abuse by their spouse, ex-spouse, family or household member or boy/girlfriend. Services include crisis intervention, counseling, shelter, and accompaniment to court. The phone number for the DVP is 703-746-4911.

Domestic Violence Detail – the Alexandria Police Department detail in the Criminal Investigations Division, Crimes Against Persons Section, Youth/Domestic Violence Unit that specializes in investigation of domestic violence and stalking cases.

Emergency Protective Order (EPO) – An EPO is usually issued by a magistrate, but also may be issued by a judge, for the temporary protection of the victim. Its purpose is to protect the victim until he or she can petition the court for a preliminary protective order. See section 11.7.13 for specific procedures, and Virginia Code §16.1-253.4.

Evidence-Based Prosecution (formerly called victimless prosecution) – The handling of a domestic violence case with the assumption that the victim may not cooperate and/or appear in court for the trial.

Ex Parte Hearing – Only the complaining party gives testimony before the court.

Family Abuse – “ Family abuse” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person’s family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

Preliminary Protective Order (PPO) – A court order of protection that prohibits acts of violence, force or threat or criminal offenses that may result in injury to person or property and can impose conditions upon future contact between the parties that will minimize the likelihood of further abuse. The PPO becomes effective once it has been personally served upon the alleged abuser. It remains valid only until a full hearing is held to determine whether a protective order should be issued. It is based on a finding of the court that there exists an immediate and present danger of family abuse, or evidence sufficient to establish that there exists probable cause that family abuse has recently occurred. A full hearing should be held within 15 days of issuance of the PPO; however it may be extended at the discretion of a judge. An abused family or household member may petition for a PPO through the Juvenile and Domestic Relations (J&DR) Court’s Court Services Unit (see Virginia Code §16.1-253.1). Parties who are not related as family or household members may petition for a protective order through GDC clerk’s office.

Predominant Physical Aggressor – The person posing the greatest threat is the predominant physical aggressor. The standards for determining who the predominant physical aggressor is shall be based on the following considerations: (also see Virginia Code §19.2-81.3)

1. Who was the first aggressor;
2. The protection of the health and safety of family and household members;
3. Prior complaints of family abuse by the allegedly abusing person involving the family or household members;
4. The relative severity of injuries inflicted on persons involved in the incident;
5. Whether any injuries were inflicted in self-defense;
6. Witness statements; and
7. Other observations.

JDR Protective Order – A “final” court order of protection on behalf of an abused family or household member that may order the respondent to:

- Refrain from further acts of family abuse or criminal offenses that result in injury to person or property;

- Refrain from further contact with the abused person and any other family members noted on the order;
- Vacate the residence,
- Relinquish custody of a vehicle, and/or
- Order other protective measures as needed.

A PO should specify the time period during which it will remain in effect. In any event, a PO may not be issued for a period longer than two years (see Virginia Code §16.1-279.1).

GDC Protective Order – (19.2-152.10-A.) The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

- Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
- Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons; and
- Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

11.7.04 DOMESTIC RELATIONSHIP CATEGORIES

When handling any call for police service, officers will determine if the victim and suspect have a qualifying domestic relationship. The following are categories that individuals may fall into.

A. Domestic Relationships are defined by state code to be a family or household member. Persons in this category are eligible for all protective orders, mandatory arrest with probable cause and all services from the Domestic Violence Program and the Victim/Witness Program. These cases are returnable to the J&DR Court (see Virginia Code §16.1-228). They include:

1. Spouses, whether or not residing together,
2. Former spouses, whether or not residing in the same home,

3. A person's parents, stepparents, children, stepchildren, brothers, sisters, grandparents, grandchildren, half-brothers, half-sisters, regardless of whether such persons reside in the same home with the person,
4. Mothers-in-law, fathers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, who reside in the same home with the suspect,
5. Any victim who has a child in common with the suspect, whether or not the victim and the suspect have been married or have resided together at any time, and
6. Any victim who cohabits or who, within the previous twelve months cohabited in an intimate relationship with the suspect, and any children of either of them then residing in the same home.

B. Same sex partners who reside together (co-habit): These cases are handled as domestic cases. Therefore, if the crime being investigated involves an assault and battery, officers with probable cause will make an arrest. Persons in this category are eligible for mandatory arrest, all services from the Domestic Violence Program and the Victim/Witness Assistance Program, and protective orders.

1. Arrests in these cases should be made pursuant to warrants issued under Virginia Code §18.2-57.2, and made returnable to the Juvenile and Domestic Relations Court.
2. All other services available in the City of Alexandria for domestic violence victims are afforded in these cases.

C. Cases that involve boyfriends and girlfriends (current or former) that are not included in the state's definition of a family or household member are not covered under the mandatory arrest policy.

Non-domestic cases are eligible for General District Protective Orders (see above section) and all services from the Domestic Violence Program (DVP) and the Victim/Witness Assistance Program and all other services available for domestic violence victims in the city. As required by law when handling these cases, officers will give the victims an Alexandria Services for Victims of Crime card (yellow APD-0137 for English or white APD-137S for Spanish). Officers will phone the DVP at 703-746-4911 and have them speak with a counselor.

D. Cases or calls for service between juveniles, or between juveniles and their parents or guardians should be handled as outlined in Police Directives 10.17, Juvenile Procedures and 10.18, Juvenile Victims of Crime. Examples would be disciplinary problems, punishment, and assaults. These are not handled as domestic cases. Cases involving adult children (18 years of age and older) versus their parents will be handled as domestic cases.

- E. In cases where one or both of the parties is a juvenile and the parties have an intimate partner relationship, officers must phone the DVP at 703-746-4911 and have the victim speak with a counselor.

11.7.05 RESPONSIBILITIES

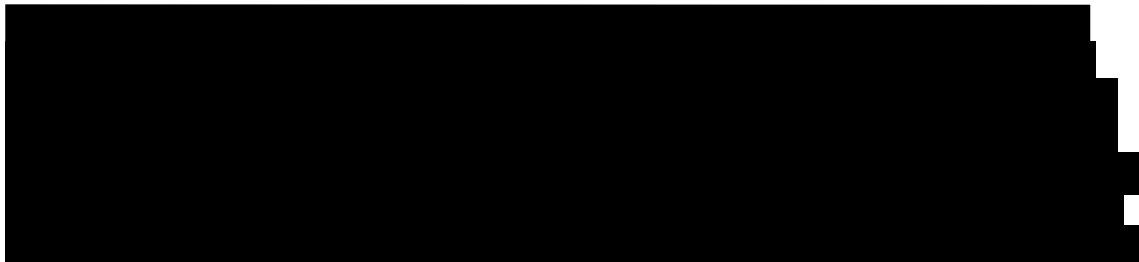
A. Officer Responsibilities:

1. **Investigate each case for any child abuse or neglect.**



2. **Determine the predominant physical aggressor** in domestic assault and battery cases. Include in the report how you determined the predominant physical aggressor and include any special circumstances that would dictate a course of action other than an arrest (See section 11.7.06 for specific procedures).
3. **Make an arrest when probable cause exists.** If an officer has probable cause to believe that a violation of §18.2-57.2 (domestic assault and battery) or §16.1-253.2 (protective order), and/or §18.2-60.3 (stalking) has occurred, the officer will arrest the person that the officer has probable cause to believe was the predominant physical aggressor. This code section does not allow the issuance of a summons on the scene. The suspect must be taken before the magistrate. See Virginia Code §19.2-81.3.
4. **Obtain an arrest warrant** if probable cause exists and the suspect is not on the scene (see sections 11.7.06 for guidelines).

- 5.



- [REDACTED]
6. [REDACTED]
7. Place copies of protective orders, statements, and any other pertinent documents with the case number in the PO box inside the warrant office before ending the tour of duty. A warrant office employee then modifies the serve time and date into VCIN. Records keep a copy until its expiration date. The original copy is sent to the issuing Court. A copy is then faxed over to the Sheriff's Office Judicial Service Divisions for AJIS entry.
8. Inform victims about the protective orders. **[55.2.2; 55.2.3,b]**
9. In every case in which a law enforcement officer makes an arrest under Virginia Code §19.2-81.3, warrantless arrest for assault and battery, the officer will petition for an Emergency Protective Order (EPO) at the time the suspect is arrested and taken before the magistrate. Regardless of whether an arrest is made, if the officer has probable cause to believe that a danger of abuse or threats of abuse continues, the officer will seek an EPO (see section 11.7.13 for guidelines).
10. Officers must provide to victims an APD-137 (English) or 137S (Spanish) card entitled "Alexandria Services for Victims of Crime," and document it in the offense report. See Virginia Code §19.2- 11.01. **[55.1.3,a & b; 55.2.3,a]**
11. Call the Domestic Violence Program at 703-746-4911 (staffed 24 hours a day) before leaving the scene and have them talk to the victim. [REDACTED]
[REDACTED] If unable to do this, note the reason in the report per Virginia Code §19.2-81. 3
[55.1.3,d; 55.2.1,b; 55.2.3,a]
12. Advise victims that DVP counselors can provide support, immediately and throughout the court process. **[55.1.3,d; 55.2.1,b; 55.2.3,a & d; 55.2.4,e]**
13. Assist with arranging for temporary housing (see section 11.7.10 for guidelines).
14. Transport the victim, when necessary (see section 11.7.11 for guidelines).
15. Document the incident thoroughly in the offense report. Advise the victim of the case number and recommended status. Officers will use the APD-7F, Domestic Violence Supplement for all domestic cases. [REDACTED]
[REDACTED] **[55.2.3,c]**

16. [REDACTED]

17. [REDACTED] thout permission of the owner or person in possession of the weapons.

[REDACTED]

18. [REDACTED]

19. The victim must be notified of the arrest of a suspect in domestic related cases (see section 11.7.06.F for guidelines).

20. [REDACTED] Provide the case number to the victim. [55.2.3.c]

21. [REDACTED]

B. Supervisor Responsibilities:

1. Monitor domestic violence calls, ensure this directive is followed, and review incidents where no arrests are made.
2. Review and approve completed paperwork, ensuring the required information is included in the report.

3. Before the end of the shift, ensure the photos are uploaded to the LAN and copies of protective orders, statements, and any other pertinent documents are placed in the mailroom basket marked "Domestic Cases."
4. Ensure all cases are followed-up in a timely manner. If the case involves threats to kill, supervisor must immediately notify the Youth/Domestic Violence Unit. **[55.2.2]**
5. In cases where warrants have been obtained, ensure that reasonable attempts at warrant service have been completed and documented before suspension of the case pending warrant service.

C. Youth/Domestic Violence Unit Responsibilities:

1. Participate in the Domestic Violence Intervention Project (DVIP), attending monthly meetings and reporting on the various projects.
2. Act as the Department's point of contact for inquiries involving domestic violence.
3. Track, review, and follow up on all cases involving domestic violence, dating violence, violations of protective orders, and stalking.
4. Monitor grants pertaining to domestic violence.
5. Speak to interested groups on the topic of domestic violence.
6. Enter required daily information on cases into AJIS.
7. Provide training to employees and community groups, as appropriate.
8. Maintain the Domestic Violence Detail's computer programs.
9. Provide counseling and assistance to victims of domestic violence.
10. Train officers to handle domestic cases, obtain services for victims, properly document cases for successful prosecution, and encourage victims to cooperate with prosecutors.
11. Maintain liaison with other city agencies, private organizations, nonprofit agencies, concerned individuals, victim advocates, and other similar agencies.

11.7.06	ARREST OF PREDOMINANT PHYSICAL AGGRESSOR
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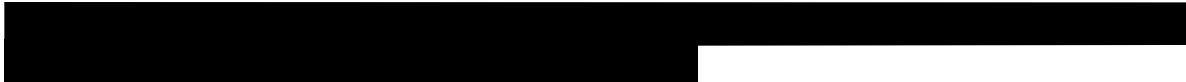
- A. Mandatory Custodial Arrest:** Virginia Code §19.2-81.3 requires that if an arrest is made for §18.2-57.2 (domestic assault and battery) or §16.1-253.2 (violation of a PO, PPO or EPO) the individual arrested will be taken into custody and brought

before a magistrate for charging. Release on a summons is not permitted. The same code requires officers to request an Emergency Protective Order at the time the officer requests the warrant.

B. Officers will make an arrest in the following domestic situations:

1. When the officer has probable cause to believe a felony was committed.
2. When a misdemeanor was committed in the officer's presence.
3. When valid warrants are on file for either party.
4. When there is probable cause to believe an assault and battery or a violation of a protective order has occurred. Probable cause may be based on:
 - a. Whether the violation was committed in the officer's presence, or
 - b. The reasonable complaint of a witness, or
 - c. The officer's investigation.

C.



- D.** The victim must be advised that the arrested person may be in custody only briefly and that he or she may wish to leave the residence temporarily as a safety precaution. Document in the offense report the request for the EPO, including the name of the magistrate issuing or denying it. Whenever a warrant for a violation of §18.2-57.2 is issued, the magistrate will issue an EPO when the arrested person is brought before the magistrate (see Virginia Code §18.2-57.2). **[55.2.2; 55.2.5]**
- E.** Officers will attempt to verify the suspect's prior assault and battery arrest record. The suspect will be charged with a class 6 felony (§18.2-57.2) if:
1. The suspect has been previously convicted within a period of 20 years of two (2) offenses against a family or household member of
 - a. assault and battery;
 - b. malicious wounding;
 - c. aggravated malicious wounding;
 - d. malicious bodily injury by means of a substance; or
 - e. an offense under the law of any jurisdiction which has the same elements of any of the above offenses; and
 2. Each offense was on a different date.

Strangulation cases: § 18.2-51.6. Strangulation of another; penalty.

Any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully applying pressure to the neck of such person resulting in the wounding or bodily injury of such person is guilty of strangulation, a Class 6 felony.

- F. When the victim or complainant is not yet aware that the suspect has been arrested, officers will attempt (and document such attempts) to inform the victim of the suspect's arrest and the likelihood of the suspect being released from custody. [REDACTED]

[REDACTED] Officers can obtain the victim's phone numbers from the original report when obtaining information to complete the arrest report. The DVP may have had more recent contact with the victim and may be able to assist in notification. [REDACTED]

Under certain circumstances, it may be appropriate for the officer to advise the victim to consider leaving the residence temporarily to stay with a friend or family member, or to use temporary housing arranged through DVP (see sections 11.7.10 and 11.7.11). [55.2.5]

11.7.07 WARRANTS

- A. The officer will obtain an arrest warrant in the situations previously described. Victims will not be instructed to obtain warrants, thereby reducing the element of intimidation by abusers to pressure victims into withdrawing the warrant(s) or dropping charges in court.
- B. Once officers present the probable cause to a magistrate, the determination of whether warrant(s) and/or EPOs will be issued rests solely with the magistrate. Officers will not issue a Virginia Uniform Summons (VUS) to a suspect if a magistrate refuses to issue a warrant. The decision of the magistrate, however, does not affect the reporting requirements of this directive.

11.7.08 REPORTING

- A. Regardless of whether an arrest is made, the officer will file an offense (APD-7) report for any incident in which the officer has probable cause to believe family abuse has occurred.
- B. The officer will inform the victim that upon the victim's request, the Information Services Section (ISS) will make a summary of the report available to them. Only reports titled Assault and Battery/Domestic with the "domestic yes" box checked will be made available and only to the listed victim.
- C. The report will include an APD-7F (with as many questions answered as possible).
- D. All incidents in which domestic violence is apparent or suspected will be documented in an offense report titled with the actual offense, and the Domestic Violence box will be checked.

E. [REDACTED]

F. The offense report will include:

1. Elements of the offense.
2. Narrative of the events.
3. Identity of the predominant physical aggressor.
4. How the predominant physical aggressor was determined.
5. If the predominant physical aggressor cannot be identified, list the reasons why.
6. Any special circumstances that would dictate a course of action other than an arrest (Virginia Code §19.2-81.3). Call a supervisor for guidance on alternatives for arrest, such as hospitalization.
7. Documentation that a Victim's Services Card was given to the victim. **[55.2.3,a]**
8. Whether a DVP counselor was contacted (include the counselor's name if known); if no contact was made, document the reason.
9. The name of the magistrate issuing or denying the warrant and/or the EPO, and if either is refused, the reason.
10. Any detailed admission or denial made by the defendant.
11. Description of the scene.
12. Demeanor of the victim, children, and suspects.

G. When a magistrate notifies the Department of Emergency Communications that a domestic violence victim is at the Magistrate's Office and has not yet notified the police an officer will be dispatched to take an offense report.

H. [REDACTED]

11.7.09	PHOTOGRAPHS
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A. [REDACTED]

- B. [REDACTED]
- C. [REDACTED]
- D. [REDACTED]
- E. [REDACTED]
- F. [REDACTED]

11.7.10 EMERGENCY HOUSING FOR VICTIMS (Virginia Code §19.2-81.4)

- A. In circumstances where it is necessary to assist a victim in temporarily leaving the home, officers will contact the DVP at 703-746-4911 and will describe the situation. A DVP staff member will conduct a screening to determine housing resources and safe options available to the victim. Included among these may be friends, family, and the DVP shelter, depending on the level of imminent danger as assessed by the victim and DVP advocate. **[55.1.3,a & d; 55.2.3,b]**
- B. The shelter will provide referral to alternative housing resources if the individual cannot be accommodated at the shelter.
- C. To ensure the safety and confidentiality of the shelter, no one may be brought to the shelter until telephone screening and approval by the DVP staff has been completed.
- D. To ensure the safety of shelter occupants it is essential its location be kept confidential. The address will not be listed in the offense report.
- E. The DVP staff may decline to accommodate the following persons (DVP will make the determination):

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

F. MALE VICTIMS: If male victims of domestic violence need emergency housing, call the Domestic Violence Program and they will screen and determine if appropriate for shelter.

[REDACTED]

11.7.11 TRANSPORTATION OF VICTIMS (Virginia Code §19.2-81.4)

A. The transportation of victims is permitted with their consent and often required by state code when necessary to accomplish a police purpose. This may include the following situations:

1. To remove victims from abusive or dangerous situations.
2. To a medical facility in cases of domestic assault not requiring emergency medical services.
3. To the magistrate's office.
4. To a friend's or family member's residence.
5. To the shelter.

B. Supervisory approval is needed when travel is beyond the city limits.

11.7.12 DISPOSITION OF PROPERTY

A. Officers will not become involved in domestic property disputes. In the absence of a warrant or probable cause to believe a criminal offense has occurred, officers will remain neutral and primarily concerned with maintaining the peace and safety of

those present. The rights to any disputed property can only be determined by the courts.

- B.** When police assistance is requested in retrieving personal property from a residence, an officer must first determine if the person has lawful authority to do so. Parties must be advised that the officers will respond to stand by only while items are obtained for immediate personal (or children's) use. The officer will remain present for a reasonable period of time as circumstances permit.
- C.** Officer dispatched to help regarding the recovery of property from the suspect's home after the suspect was served with an EPO, PPO, or PO must first determine if the order is still in effect. If so, and if the magistrate or judge wrote in the order that the suspect may retrieve property from the home with police assistance, officers may stand by during the property retrieval. If not, officers may not assist with the property retrieval. If such instructions are not in the order, officers should instruct the suspect to: (1) return to the court or magistrate that issued the PO, EPO, or PPO and request that the court modify the order, or (2) advise the suspect to arrange for a third party to contact the victim for property pick up. The victim may wish to leave the requested property with a third party for the suspect to pick it up at another location.
- D.** Assisting with property removal should only be done at reasonable hours, and not between 2200 and 0600 hours without watch commander approval.

11.7.13 PROTECTIVE ORDERS

- A.** All protective orders must be served on the suspect (respondent) in order for them to be valid and enforceable. The Sheriff's Office enters the protective orders into AJIS as they are issued by our J&DR Court and GDC Court. Officers running local wanted checks through AJIS will receive this information. If the information in AJIS indicates the order has not been served, the officer will make every reasonable attempt to serve it (see 11.7.13.I). An officer serving a PO will execute it by signing his or her name and noting the date and time served on the PO.
- B.** The victim should have a copy of their protective order available for review by the responding officer. Alternatively, the officer might be able to confirm the validity of the order through AJIS, the clerk of the issuing court, or a copy of the protective order maintained in ISS. The officer will check the order for validity, ensure that the restrictions in the order are complied with, ensure the order was signed by a judge (PO or PPO) or magistrate/judge (EPO), and served on the respondent.
- C.** Officers observing violations or finding probable cause that a violation of any protective order has occurred will arrest for the violation unless there are special circumstances that would dictate a course of action other than an arrest. Any additional criminal charges (i.e., trespassing, assault and battery, etc.) should also be made.

D. Reporting arrests for violation of POs will consist of a supplement to the original case. Any new charges will have a new case number and report. The new offense report will also state that the suspect was in violation of a protective order and will cross-reference the cases.

E. Emergency Protective Order (EPO)

1. Virginia Code requires the officer to petition the magistrate for an EPO in domestic assault and battery and non-family or household member arrests and arrests for violation of any type of protective order. The issuance of an EPO is a condition of release by a magistrate when a warrant is issued and there is likelihood of future abuse.
2. An EPO may be requested by a law enforcement officer by telephone or in person. It is not mandatory that the victim accompany the officer. The officer may fill out the form on the scene and, if the magistrate grants authorization, serve the order on the suspect (see 11.7.13.I.6 below).
3. A victim may appear in person to request an EPO. It is not mandatory for an officer to accompany the victim. The victim must then present his or her case under oath to a magistrate, who will issue the EPO if he or she finds that either:
 - a. A warrant for §18.2-57.2 has been issued and there is probable danger of further acts of family abuse by the suspect, or
 - b. Reasonable grounds exist that the suspect has committed an act of abuse and there is probable danger of a further offense by the suspect.
4. An EPO issued pursuant to this section will expire at 2359 hours on the next business day that the JDR/GDC Court is in session, or seventy-two hours after issuance, whichever is later.
5. **An EPO may:**
 - a. Prohibit further acts of violence, force or threat or criminal offenses resulting in injury to person or property,
 - b. Prohibit contact between parties, as deemed necessary by the magistrate to protect the safety of the victim, or
 - c. Grant a family or household member possession of the home, excluding the suspect.
6. **EPO Procedures [55.2.2; 55.2.3,b & d]**
 - a. An oral EPO will be reduced to writing on an EPO form by the officer requesting the order or by the magistrate. The completed form will include a statement of the grounds for the order.
 - b. There are four copies contained in an EPO:
 - The top copy is marked “court” on the bottom. This is the only copy that contains the service block (on the back).

- The second copy is marked “family/household member” on the bottom.
 - The third copy is marked “respondent” on the bottom.
 - The fourth copy is marked “officer” on the bottom.
- c. After the officer obtains the EPO from the magistrate (by phone or in person), he or she will serve the respondent (suspect) using the blocks on the rear, top left side of the “court” copy. It is extremely important that the serving officer obtain the personal information requested in the service area blocks. VCIN requires this information for entry into their system. After serving the order on the suspect, the officer will give him or her the copy marked “respondent.”
- d. The serving officer will provide the victim the second copy marked “family/household member.”
- e. The officer will then complete the return section on the back of the “court” copy and IMMEDIATELY contact a supervisor.
- f. The supervisor, after reviewing the order for accuracy and completeness, including the service/return area (see item c above), will sign and date the back upper left corner of the “court” copy. The “court” and “officer” copies must be hand delivered to an employee of ISS as soon as possible.
- g. The ISS employee will IMMEDIATELY enter or modify the service “date and time” if service was made. The EPO then should be placed in the Protective Order box inside the warrants office. EPO’s are part of “E-MAGISTRATE” system so the skeleton record is in VCIN 30 minutes after issued by the Magistrate’s Office. Records then faxes a copy over to the Sheriff’s office for entry into AJIS. A second photocopy is placed in the PO filling cabinet until its expiration date. The “Court Copy” is then placed in the courts mail box J&DR or GDC which they receive the next business day. The Sheriff’s office will see that the “courts” get a photo copy until the original is received in the clerk’s office.
- F. Preliminary Protective Order (PPO)** - A preliminary protective order may be issued in J&DR Court or GDC Court to protect the health and safety of the victim. The hearing for this order is ex parte, and the order is valid for 15 days or less. Within 15 days, the J&DR Court or GDC Court will hold a hearing with all parties involved to determine if a permanent PO will be issued, however the PPO can be extended at the discretion of a judge.
- G. Protective Order (PO)** - The J&DR Court or GDC court may, after a hearing, issue a continuing PO to protect the health and safety of the victim. This order will be issued for a specified period not to exceed two years and the victim can petition to have the order extended for another period of two years. This order may be obtained by first filing a petition with the J&DR Court Services Unit during normal business hours. For non-family or household members, this order may be obtained by first filing a petition with the GDC clerk’s office during normal business hours.
- H. Protective Orders From Other States** (Virginia Code §16.1-279.1, E)
1. Under the Violence Against Women Act (VAWA), every injunction, restraining order, or protective order, whether temporary or final, that is issued by a state court must be given full faith and credit by the courts of every other state. Any order issued for the purpose of preventing violence, threatening acts,

harassment, contact or communication with or physical proximity to another person, including stalking, must be given full faith and credit and enforced as if the order was from Virginia.

2. A state may not deny enforcement to an order legally issued in another state even if it could not have been issued in our state. Examples:
 - a. A protective order issued in New Jersey that is valid for 5-20 years is good for that time even though Virginia POs are only good for 2 years.
 - b. An order requiring the abuser to stay away from the victim's work place or school is enforceable even if it would not be so in Virginia.
3. Handling violations of out of state orders:
 - a. If the victim has a copy of the PO and/or has registered it with our J&DR Court or GDC court, an arrest can be made. Checking AJIS/VCIN will confirm whether the PO has been registered. Registration is not required by state or federal law to be enforceable, it just makes the order easier to confirm.
 - b. If the victim has not registered the order, officers need to examine the paperwork. VAWA says to enforce a domestic violence order of protection in another state, the party need only present an unexpired order that appears valid on its face, ideally with proof that the abuser was served with the order. If the parties are named on the order and it is signed by a judge, and there is no proof that the order was later vacated or superseded by another order it should be presumptively enforced by police and courts.
 - c. Confirm the dates the order is effective.
 - d. Confirm the signature of the issuing judge is on the order.
 - e. Confirm what the order restricts.
 - f. Read the entire order and compare it to the situation in question.
 - g. If there is probable cause that the order was violated, the suspect should be charged with violation of the PO as if the order were ours. This charge is a class 1 misdemeanor in Virginia. In the issuing state the violation may be a felony or perhaps not even a criminal charge. Nevertheless, our local charges apply.
 - h. Make two copies of the order. Attach one to the offense report and send the second to the Commonwealth's Attorney. If the victim has an additional certified copy of the order, attach it to the offense report. If not, make a copy of the victim's copy.
 - i. When a victim who has a protective order from Alexandria is moving to another jurisdiction, advise them to go to the court and get additional certified copies in case they are needed at the new location.

I. Serving Protective Orders

1. If a wanted check indicates an unserved PPO or PO and the time is during normal business hours, in most cases an Alexandria deputy will have the order out on the street for service. Have the dispatcher attempt to reach the deputy on the radio to request he or she respond to the scene so the deputy can serve the order.

2. If the wanted check indicates an unserved PPO or PO and the time is other than normal business hours, the unserved order is kept in Police Department warrants office. The Sheriff's Office drops off all unserved PPOs and POs each night and picks them up for service the next business day.
3. Have the order transported to the scene and serve it. The order is usually accompanied by a subpoena for the hearing date of the order. If an officer serves a PPO or PO in this fashion, they must leave a note to the Sheriff's Office advising of the service and return the served order to warrants office as soon as possible, so they can enter the service into the computer.
4. When officers ascertain that a PPO or PO has been served against a subject, and there is probable cause to believe the suspect has violated the order, the officer shall arrest the subject for violation of the protective order upon notification over the radio that the order is on file.
5. Frequently, at least one condition of a PPO or PO is a prohibition on the defendant from returning to the victim's residence and/or from having any contact with the victim. If, for example, an officer responds to the victim's residence and the defendant and the victim are present, the defendant will most likely be in violation of the PO. See Virginia Code §19.2-81.3.
6. If an officer runs a wanted check and finds an EPO, PPO or PO against the person and the order has not been served, the officer may not detain a person beyond the current investigation while waiting for the protective order to be transported to the scene for service. The orders are civil, not criminal. Therefore, the officer would not be justified in detaining the individual when the investigation has concluded and it has been determined the officer does not have probable cause to arrest for a new offense. This would not prohibit the officer from advising the suspect of the existence and terms of the protective order, and from serving it if it comes into the officer's possession during the course of the investigation, or if the suspect consents to wait for its delivery.

BY AUTHORITY OF:

Earl L. Cook
Chief of Police