

***Please Note:** This is a working draft of Directive 825.00, Protection Orders and Domestic Violence Cases. The PPB has not implemented any portion of this draft. Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

825.00, Protection Orders and Domestic Violence Cases

Second Universal Review: 11/15/23 – 12/15/23

Refer:

- 18 U.S. Code 2265 Full Faith and Credit Given to Protection Orders
- Family Abuse Prevention Act
- Elderly Persons and Persons with Disabilities Abuse Prevention Act Restraining Order
- Sexual Abuse Protective Order
- Stalking Protective Order
- Extreme Risk Protection Order
- ORS 107.705 Other Family and Household Relationships, defined
- ORS 107.718 Restraining Order
- ORS 107.719 Removal of personal effects
- ORS 107.720 Enforcement of Restraining Orders
- ORS 133.035 Ex Parte Emergency Protective Orders
- ORS 133.055 Criminal Citation
- ORS 133.310 Authority of Peace Officer to Arrest Without Warrant
- ORS 135.230 Domestic Violence Relationships Applied to Conditional Release Restrictions
- ORS § 135.260 (2) Prohibit Contact of Victim on Conditional Release for Domestic Violence
- ORS 163.160 Assault IV
- ORS 163.187 Strangulation
- ORS 163.190 Menacing
- ORS 163.192 Endangering A Person Protected by a Family Abuse Prevention Act (FAPA) Restraining Order
- DIR 640.02, Photography and Digital Imaging
- DIR 640.20, Sexual Assault Kits and Sexual Assault Investigations
- DIR 660.10, Property and Evidence Procedures
- DIR 825.10, Domestic Violence, Member Involved
- Family Services Division Standard Operating Procedure #3, Restraining Orders: Surrender and Return of Firearms by Respondents
- Family Services Division Notice of Legal Rights and Remedies for Victims of Domestic Abuse

Definitions:

- Domestic Violence: The occurrence of one or more of the following acts between family or household members: 1) attempting to cause or intentionally, knowingly or recklessly causing bodily injury; 2) intentionally, knowingly or recklessly placing another in fear of imminent bodily injury; or 3) causing another to engage in involuntary sexual relations by force or threat of force.

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- **Family or Household Members:** Spouses; former spouses; adult persons related by blood, marriage, or adoption; persons who are cohabiting or who have cohabited with each other; persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition to circuit court for relief; unmarried parents of a child.
- **Intimate Partner:** With respect to a person, the person’s spouse or former spouse, a parent of the person’s child or another person who has cohabited or is cohabiting with the person in a relationship akin to a spouse.
- **Menacing:** A person who, by word or conduct, intentionally attempts to place another person in fear of imminent serious physical injury.
- **Petitioner:** For the purposes of this directive, a person requesting a protection order within the specified time frame of the order sought, who A) has been abused, stalked, or assaulted by a family or household member, or an intimate partner; B) is at imminent risk of physical injury; or C) reasonably believes that another individual (the potential respondent) is at imminent risk of suicide or causing physical injury to another person. This also may include a law enforcement officer who reasonably believes that another individual is at imminent risk of causing physical injury to themselves or another person.
- **Protection Order:** Any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing the following: 1) violent or threatening acts or harassment against another person; 2) sexual violence against another person; or 3) contact or communication with or physical proximity to another person. This includes any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as an order put into effect while litigation is pending in another proceeding, so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection. This also includes orders for the purpose of preventing suicide when an imminent risk exists.
- **Respondent:** A person named in a protection order who has been prohibited, or who a petitioner is seeking to prohibit, by judicial order, from contacting or engaging in certain activities that involve the petitioner.
- **Strangulation:** Knowingly impeding the normal breathing or circulation of the blood of another person by either applying pressure on the throat, neck, or chest of the other person or blocking the nose or mouth of the other person.

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- Survivor: Person being targeted by abuse and/or violence. Though similar to the term “victim”, the term “survivor” is often preferred because it implies resilience and is considered to be trauma-informed language.

Policy:

1. This policy establishes procedures for the Portland Police Bureau’s enforcement of protection orders and its response to domestic violence (DV) incidents. DV incidents have specific legal requirements (e.g., mandatory arrest); therefore, the directive includes more comprehensive guidance for those cases.
2. The Bureau is committed to protecting and working to reduce ongoing risks to the safety of survivors of DV by thoroughly investigating DV incidents and connecting survivors to resources. Furthermore, in addition to complying with the Oregon law requiring the mandatory arrest of DV suspects, Bureau members shall give full faith and credit to valid protection orders issued by all other jurisdictions and arrest and take into custody suspects in domestic disputes and individuals who have violated a protection order, in an effort to prevent further injury or abuse.
3. The bureau is committed to preventing further trauma and reducing harm for survivors of domestic violence and will strive to create a safe environment throughout a survivor’s involvement with the law enforcement. Whenever possible, members should provide survivors with an explanation of domestic violence investigations (including interviews, the significance of injuries, and mandatory arrests), along with information on victim rights, victim advocates, and other resources.

Procedure:

1. Protection Orders.
 - 1.1. State and federal law allow for the use of protection orders as a civil means by which an individual can seek protection from a person who has abused, stalked, assaulted, caused or attempted to cause physical injury to the individual, or who has put the individual in imminent risk of physical injury. Petitioners for protection orders do not need an attorney to file the order. There is no cost to the petitioner for obtaining a protection order.
 - 1.2. Members should consult the relevant Oregon Revised Statute or contact the City Attorney’s Office for specific eligibility, issuance, proof of service, and enforcement requirements by protection order type, as needed.
 - 1.3. Issuance.
 - 1.3.1. A petitioner cannot serve their own protection order. A protection order can only be served by:
 - 1.3.1.1. A sheriff’s deputy,
 - 1.3.1.2. A police officer,

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- 1.3.1.3. A private process server or
- 1.3.1.4. An Oregon resident 18 years of age or older.
- 1.3.2. If a member serves a copy of the protection order to the respondent, the member shall also include the following documents, when applicable:
 - 1.3.2.1. Firearms Surrender and Return Terms For Respondents Under Restraining Orders Form;
 - 1.3.2.2. Frequently Asked Questions: Surrender and Return of Firearms in Multnomah County, Family Abuse Prevention Act Restraining Order Cases; and
 - 1.3.2.3. A firearms declaration.
- 1.3.3. In situations where a protection order has not yet been served and both the petitioner and respondent are present, members on the scene shall assist by personally serving the order or ensuring the order is served by a third party, if this is allowable by state law and can be accomplished in a timely manner. The petitioner copy may be served upon the respondent if the respondent copy is unavailable. Should the respondent refuse to comply with the protection order before the order can be entered into the Law Enforcement Data System (LEDS), the order can be enforced to protect the petitioner.
- 1.4. Proof of Service.
 - 1.4.1. If a member serves the protection order, the member shall deliver a true copy of the affidavit of proof of service and, when applicable, the documents referenced in Sub-sections 1.3.2.1.-1.3.2.3. of this directive. The member shall also:
 - 1.4.1.1. Complete Notification of Service form (available at all precincts), then call Multnomah County Sheriff’s Office (MCSO) Records Division to confirm that the protection order has been served and indicate whether they will fax, scan and email, or hand-deliver the Notification of Service form.
 - 1.4.1.1.1. Members shall fax or deliver the completed form prior to the end of their shift. If submitting by fax, the member shall send the original form via interoffice mail to Family Court/BLDG 101/Rm 211.
 - 1.4.1.1.2. Members shall include the Computer Aided Dispatch (CAD) number on the form, if available, and note in the CAD the date, time, location, name of the person(s) served and the protection order number.
 - 1.4.2. Complete a General Offense (GO) Report documenting the service.
- 1.5. Violation and Enforcement of Protection Orders.
 - 1.5.1. Verification.
 - 1.5.1.1. Members shall search the LEDS and National Crime Information Center (NCIC) to authenticate protection orders. A protection order does not need to be registered in LEDS or NCIC to be deemed valid or enforceable.
 - 1.5.1.2. If a petitioner provides a copy of the protection order that does not appear in LEDS or NCIC, members shall make a good faith effort to verify the copy is a true copy and the respondent has been served with that order or

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- appeared in person before the court, therefore waiving the proof of service requirement. The member shall consider the copy to be valid if the order:
- 1.5.1.2.1. Includes the names of the petitioner and respondent;
 - 1.5.1.2.2. Appears to be in effect (i.e., includes an issuance date);
 - 1.5.1.2.3. Indicates issuance by a judicial official; and
 - 1.5.1.2.4. Identifies the conditions of relief awarded by the judicial official.
- 1.5.1.3. Members shall enforce a protection order whether or not the victim or presumptive petitioner has a copy of the order, if the member is able to verify the existence of the order.
- 1.5.2. Members shall enforce protection order violations for orders issued by another state, U.S. territory or by a federally-recognized tribe. Those protection orders are entitled to full enforcement of the order for violations occurring within this jurisdiction, as if it were a valid Oregon order.
- 1.5.2.1. Members shall arrest the respondent if probable cause is established. If available, the member shall obtain a copy of the original copy of the protection order to include in their reporting.
 - 1.5.2.1.1. The Multnomah County District Attorney’s Office (DA) shall review the member’s report for prosecution or referral to the U.S. Attorney’s Office.
- 1.5.3. Because protection orders contain different prohibitions for each respondent, members shall utilize eCourt to view the complete order or call the issuing jurisdiction to confirm what actions and/or contacts the respondent is prohibited from committing. If this is not possible, members shall make a good faith effort to enforce the order.
- 1.5.4. Only the respondent is restrained by the order. The petitioner cannot violate a protection order. A petitioner may initiate contact with the respondent; however, should the respondent have contact with the petitioner, the respondent, not the petitioner, may be in violation of the order and subject to arrest.
- 1.5.5. If the respondent intentionally engaged in conduct prohibited by the order while the order was in effect; thereby, recklessly creating a substantial risk of physical injury to a person protected by the order, or intentionally attempting to place the petitioner in fear of imminent physical injury, they shall be subject to arrest.
- 1.5.6. Protection orders can prohibit the respondent from possessing or carrying a firearm(s) or ammunition. Respondents are in violation of the protection order if they possess or carry a firearm or ammunition, even if the petitioner or anyone named in the order is not present or involved in an incident with the respondent.
- 1.5.7. The respondent or a petitioner may request that a member take control of the respondent’s firearm(s), pursuant to the protection order. If a member receives this request and there has not been a violation of the protection order as of that time, the member may take any firearms for safekeeping. Members shall document on the Property Evidence Receipt, the relevant protection order number and whether the owner/respondent is prohibited from possessing or carrying the weapon(s), pursuant to a protection order that is in effect.

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- 1.5.8. If firearm possession is part of a violation of the protection order, safekeeping no longer applies, and members shall take the weapon(s) as evidence. Members shall document the relevant protection order number on the Property Evidence Receipt.
 - 1.5.9. Members shall not issue citations in lieu of custody for violation of a protection order.
2. Domestic Disturbance Investigations:
- 2.1. Member Responsibilities:
 - 2.1.1. All domestic disturbance calls require at least a two-Bureau member response. Members are not allowed to cancel cover.
 - 2.1.2. Members shall make every effort to determine the identity of the primary or potential suspect by considering factors including but not limited to the following:
 - 2.1.2.1. The presence of injuries, including asking pain scale questions;
 - 2.1.2.2. The comparative injuries inflicted or the severity of the threats that created a fear of physical injury;
 - 2.1.2.3. When feasible, determining the history of DV between the persons;
 - 2.1.2.4. Whether either party has a valid self defense claim; and
 - 2.1.2.5. The potential for future harm, or assaults.
 - 2.1.3. Members shall make custodial arrests, consistent with state law, when they have probable cause to believe a suspect has committed the crime of Assault, Strangulation, or Menacing against a family or household member.
 - 2.1.3.1. Members shall not issue a citation-in-lieu of custody for a DV mandatory arrest.
 - 2.1.3.2. Members shall make reasonable efforts to locate and arrest suspects who have left the scene.
 - 2.1.4. Injuries are evidence of a crime, and particularly crucial in the prosecution of DV crimes. Members will document any physical injury, or the lack thereof when relevant, with a digital camera, Body Worn Camera, or Bureau-issued cell phone, when feasible.
 - 2.1.4.1. Photos shall be comprehensive and include an overview of the injured person as well as the specific injury.
 - 2.1.4.2. Members shall also photograph or document damaged property or other visual evidence of a crime when feasible.

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- 2.1.4.3. Members shall contact the Forensic Evidence Division (FED) for all Measure 11 crimes with a DV component, and may request a FED response when deemed necessary.
 - 2.1.5. Members will notify SVU in all cases involving Measure 11 DV crimes.
 - 2.1.6. If children witnessed, or were present during any DV crime, members will notify the Department of Human Services (DHS), and provide a copy of their report at DHS request.
3. Reporting Requirements:
 - 3.1. Members shall complete a General Offense (GO) Report prior to the end of their shift, unless incapacitated, when responding to a:
 - 3.1.1. Protection order violation call or case;
 - 3.1.2. Domestic Disturbance.
 - 3.2. Members will complete a Family Abuse Supplemental Report when responding to a domestic disturbance call where there is probable cause a crime has occurred.
 - 3.3. Members will document all crimes committed, including those that are not subject to mandatory arrest.
 - 3.4. Members shall make every effort to obtain current contact information from victims, witnesses, and other involved individuals. If this is not feasible members will note it in their report.
 - 3.5. Members will identify and list any children who witnessed or were otherwise involved. If this is not feasible members will note it in their report.
4. Civil Standbys.
 - 4.1. A civil standby is intended only to facilitate the removal of essential personal belongings (e.g., clothing, diapers, medication, proof of identification). Personal effects belonging to children may be removed if the respondent has custody of the child or children.
 - 4.2. If there is a valid protection order prohibiting the respondent from going to the petitioner’s residence or having contact with the petitioner, and the respondent needs to get essential personal effects from the petitioner’s residence, the respondent may request a civil standby.

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- 4.3. BOEC codes a two-member, Priority 6 for all DV-related civil standby calls. Members may contact involved parties by phone prior to responding, but if responding to the scene members may not cancel cover. Assigned members shall not leave the call until the standby or move out is completed.
- 4.4. Responding members shall meet the respondent at a neutral location to confirm with the petitioner that there will be a maximum of 20 minutes allowed for the standby and to review the items the respondent wants to obtain from the standby location.
 - 4.4.1. Members shall refer the respondent to the Essential Personal Effects section of the protection order, if applicable. Articles that, the member is aware of, are in dispute will not be removed from the residence. The member may advise the respondent to seek private legal advice as to the distribution of disputed property.
- 4.5. Members shall then accompany the respondent to the standby location. Prior to allowing the respondent inside the location address, members shall consult with the petitioner to determine if they will allow the removal of property.
 - 4.5.1. If the petitioner is uncooperative, the member shall inform the respondent that they must obtain a court order that authorizes the legal retrieval of the desired personal effects. The member shall then direct the respondent to leave the scene. Respondents who refuse to leave are subject to arrest for violation of the protection order.
 - 4.5.2. If the petitioner is not present, the member shall not allow the respondent to enter or remove property from the residence. The member shall direct the respondent to attempt to return to the residence with a Bureau member when the petitioner may be present.
5. Follow-up Investigations for Domestic Violence Cases.
 - 5.1. The Special Victims Unit (SVU) (formerly, the Domestic Violence Reduction Unit) shall perform follow-up on Measure 11 crimes stemming from domestic violence reports, as well as misdemeanor and non-Measure 11 felony DV reports based on lethality, likelihood of recidivism, the presence of children, and the history of the suspect.
 - 5.2. Members are encouraged to perform follow-up and email reports and/or the case number to SVU on DV crimes.

[Provide Feedback Here.](#)

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two years immediately preceding the filing by one of them of a petition to circuit court for relief; unmarried parents of a child.

- **Intimate Partner:** With respect to a person, the person's spouse or former spouse, a parent of the person's child or another person who has cohabited or is cohabiting with the person in a relationship akin to a spouse.
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- **Petitioner:** For the purposes of this directive, a person requesting a protection order within the specified time frame of the order sought, who A) has been abused, stalked, or assaulted by a family or household member, or an intimate partner; B) is at imminent risk of physical injury; or C) reasonably believes that another individual (the potential respondent) is at imminent risk of suicide or causing physical injury to another person. This also may include a law enforcement officer who reasonably believes that another individual is at imminent risk of causing physical injury to themselves or another person.
- **Protection Order:** Any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing the following: 1) violent or threatening acts or harassment against another person; 2) sexual violence against another person; or 3) contact or communication with or physical proximity to another person. This includes any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as an order put into effect while litigation is pending in another proceeding, so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection. This also includes orders for the purpose of preventing suicide when an imminent risk exists.
- **Respondent:** A person named in a protection order who has been prohibited, or who a petitioner is seeking to prohibit, by judicial order, from contacting or engaging in certain activities that involve the petitioner.
- **Strangulation:** Knowingly impeding the normal breathing or circulation of the blood of another person by either applying pressure on the throat, neck, or chest of the other person or blocking the nose or mouth of the other person.
- **Survivor:** Person being targeted by abuse and/or violence. Though similar to the term "victim", the term "survivor" is often preferred because it implies resilience and is considered to be trauma-informed language.

Policy:

1. This policy establishes procedures for the Portland Police Bureau's enforcement of protection orders and its response to domestic violence (DV) incidents. DV incidents have specific legal requirements (e.g., mandatory arrest); therefore, the directive includes more comprehensive guidance for those cases.

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2.— The bureau is committed to preventing further trauma and reducing harm for survivors of domestic violence and will strive to create a safe environment throughout a survivor’s involvement with the law enforcement. Whenever possible, mMembers should provide survivors with an explanation of a domestic violence investigations (including interviews, the significance of injuries, and mandatory arrests), along with information on victim rights, victim advocates, and other resources.and the criminal justice process to survivors whenever possible.

3.

Procedure:

1. Protection Orders.

1.1. State and federal law allow for the use of protection orders as a civil means by which an individual can seek protection from a person who has abused, stalked, assaulted, caused or attempted to cause physical injury to the individual, or who has put the individual in imminent risk of physical injury. Petitioners for protection orders do not need an attorney to file the order. There is no cost to the petitioner for obtaining a protection order.

1.2. Members should consult the relevant Oregon Revised Statute or contact the City Attorney’s Office for specific eligibility, issuance, proof of service, and enforcement requirements by protection order type, as needed.

1.3. Issuance.

1.3.1. A petitioner cannot serve their own protection order. A protection order can only be served by:

1.3.1.1. A sheriff’s deputy,

1.3.1.2. A police officer,

1.3.1.3. A private process server or

1.3.1.4. An Oregon resident 18 years of age or older.

1.3.2. If a member serves a copy of the protection order to the respondent, the member shall also include the following documents, when applicable:

1.3.2.1. Firearms Surrender and Return Terms For Respondents Under Restraining Orders Form;

1.3.2.2. Frequently Asked Questions: Surrender and Return of Firearms in Multnomah County, Family Abuse Prevention Act Restraining Order Cases; and

1.3.2.3. A firearms declaration affidavit.

1.3.3. In situations where a protection order has not yet been served and both the petitioner and respondent are present, members on the scene shall assist by

personally serving the order or ensuring the order is served by a third party, if this is allowable by state law and can be accomplished in a timely manner. The petitioner copy may be served upon the respondent if the respondent copy is unavailable. Should the respondent refuse to comply with the protection order before the order can be entered into the Law Enforcement Data System (LEDS), the order can be enforced to protect the petitioner.

1.4. Proof of Service.

1.4.1. If a member serves the protection order, the member shall deliver a true copy of the affidavit of proof of service and, when applicable, the documents referenced in Sub-sections 1.3.2.1.-1.3.2.3. of this directive. The member shall also:

1.4.1.1. Complete Notification of Service form (available at all precincts), then call Multnomah County Sheriff's Office (MCSO) Records Division to confirm that the protection order has been served and indicate whether they will fax, scan and email, or hand-deliver the Notification of Service form. ~~The current phone number is in the Problem Solving Resource Guide.~~

1.4.1.1.1. Members shall fax or deliver the completed form prior to the end of their shift. If submitting by fax, the member shall send the original form via interoffice mail to Family Court/BLDG 101/Rm 211.

1.4.1.1.2. Members shall include the Computer Aided Dispatch (CAD) number on the form, if available, and note in the CAD the date, time, location, name of the person(s) served and the protection order number.

1.4.2. Complete a General Offense (GO) Report documenting the service.

1.5. Violation and Enforcement of Protection Orders.

1.5.1. Verification.

1.5.1.1. Members shall search the LEDS and National Crime Information Center (NCIC) to authenticate protection orders. A protection order does not need to be registered in LEDS or NCIC to be deemed valid or enforceable.

1.5.1.2. If a petitioner provides a copy of the protection order that does not appear in LEDS or NCIC, members shall make a good faith effort to verify the copy is a true copy and the respondent has been served with that order or appeared in person before the court, therefore waiving the proof of service requirement. The member shall consider the copy to be valid if the order:

1.5.1.2.1. Includes the names of the petitioner and respondent;

1.5.1.2.2. Appears to be in effect (i.e., includes an issuance date);

1.5.1.2.3. Indicates issuance by a judicial official; and

1.5.1.2.4. Identifies the conditions of relief awarded by the judicial official.

1.5.1.3. Members shall enforce a protection order whether or not the victim or presumptive petitioner has a copy of the order, if the member is able to verify the existence of the order.

1.5.2. Members shall enforce protection order violations for orders issued by another state, U.S. territory or by a federally-recognized tribe. Those protection orders are entitled to full enforcement of the order for violations occurring within this jurisdiction, as if it were a valid Oregon order.

- 1.5.2.1. Members shall arrest the respondent if probable cause is established. If available, the member shall obtain a copy of the original copy of the protection order to include in their reporting.
 - 1.5.2.1.1. The Multnomah County District Attorney's Office (DA) shall review the member's report for prosecution or referral to the U.S. Attorney's Office.
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- 1.5.5. If the respondent intentionally engaged in conduct prohibited by the order while the order was in effect; thereby, recklessly creating a substantial risk of physical injury to a person protected by the order, or intentionally attempting to place the petitioner in fear of imminent physical injury, they shall be subject to arrest.
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- 1.5.7. The respondent or a petitioner may request that a member take control of the respondent's firearm(s), pursuant to the protection order. If a member receives this request and there has not been a violation of the protection order as of that time, the member may take any firearms for safekeeping. Members shall document on the Property Evidence Receipt, the relevant protection order number and whether the owner/respondent is prohibited from possessing or carrying the weapon(s), pursuant to a protection order that is in effect.
- 1.5.8. If firearm possession is part of a violation of the protection order, safekeeping no longer applies, and members shall take the weapon(s) as evidence. Members shall document the relevant protection order number on the Property Evidence Receipt.
- 1.5.9. Members shall not issue citations in lieu of custody for violation of a protection order.

2. Domestic Disturbance Investigations:

2.1. Member Responsibilities:

- 2.1.1. All domestic disturbance calls require at least a two-Bureau member response. Members are not allowed to cancel cover.
- 2.1.2. Members shall make every effort to determine the identity of the primary or potential suspect by considering factors including but not limited to the following:
 - 2.1.2.1. The presence of injuries, including asking pain scale questions;

- 2.1.2.2. The comparative injuries inflicted or the severity of the threats that created a fear of physical injury;
 - 2.1.2.3. When feasible, determining the history of DV between the persons;
 - 2.1.2.4. Whether either party has a valid self defense claim; and
 - 2.1.2.5. The potential for future harm, or assaults.
 - 2.1.3. Members shall make custodial arrests, consistent with state law, when they have probable cause to believe a suspect has committed the crime of Assault, Strangulation, or Menacing against a family or household member.
 - 2.1.3.1. Members shall not issue a citation-in-lieu of custody for a DV mandatory arrest.
 - 2.1.3.2. Members shall make reasonable efforts to locate and arrest suspects who have left the scene.
 - 2.1.4. Injuries are evidence of a crime, and particularly crucial in the prosecution of DV crimes. Members will document any physical injury, or the lack thereof when relevant, with a digital camera, Body Worn Camera, or Bureau-issued cell phone, when feasible.
 - 2.1.4.1. Photos shall be comprehensive and include an overview of the injured person as well as the specific injury.
 - 2.1.4.2. Members shall also photograph or document damaged property or other visual evidence of a crime when feasible.
 - 2.1.4.3. Members shall contact the Forensic Evidence Division (FED) for all Measure 11 crimes with a DV component, and may request a FED response when deemed necessary.
 - 2.1.5. Members will notify SVU in all cases involving Measure 11 DV crimes.
 - 2.1.6. If children witnessed, or were present during any DV crime, members will notify the Department of Human Services (DHS), and provide a copy of their report at DHS request.

3. Reporting Requirements:

- 3.1. Members shall complete a General Offense (GO) Report prior to the end of their shift, unless incapacitated, when responding to a:
 - 3.1.1. Protection order violation call or case;
 - 3.1.2. Domestic Disturbance.
- 3.2. Members will complete a Family Abuse Supplemental Report when responding to a domestic disturbance call where there is probable cause a crime has occurred.
- 3.3. Members will document all crimes committed, including those that are not subject to mandatory arrest.

3.4. Members shall make every effort to obtain current contact information from victims, witnesses, and other involved individuals. If this is not feasible members will note it in their report.

3.5. Members will identify and list any children who witnessed or were otherwise involved. If this is not feasible members will note it in their report.

~~2. Domestic Disputes:~~

~~2.1. All domestic dispute calls require at least a two-Bureau member response. Members shall not be allowed to cancel cover.~~

~~2.2. Members shall make every effort to determine the identity of the primary or potential suspect by considering the following factors, which include but are not limited to:~~

~~2.2.1. The comparative injuries inflicted or the severity of the threats that created a fear of physical injury;~~

~~2.2.2. If reasonably ascertainable (e.g., acquiring background information from another jurisdiction, incident witnesses or available databases), the history of DV between the persons;~~

~~2.2.3. Whether any alleged crime was committed in self-defense; and~~

~~2.2.4. The potential for future assaults.~~

~~2.3. Members shall arrest and take into custody an offender if the dispute involves family or household members and the responding members have probable cause to believe one of the persons has:~~

~~2.3.1. Assaulted the other person; or~~

~~2.3.2. Committed the crime of strangulation or menacing.~~

~~2.4. Members shall not issue citations in lieu of taking a suspect into custody for any DV offense.~~

~~2.5. If the suspect has left the scene, members shall make a reasonable effort to secure the scene and locate, arrest and take the suspect into custody.~~

~~2.6. Members shall provide a victim rights card to advise the victim and any other person directly impacted by the incident of their legal rights and available resources and sources of support.~~

~~3. Felony Assault IV and Felony Strangulation:~~

~~3.1. In Assault IV and/or Strangulation situations where existing conditions elevate the crime(s) to a felony as defined by ORS 163.160 and ORS 163.187, members shall charge the suspect with Assault IV—Felony and or Strangulation—Felony.~~

~~3.2.— The reporting members shall submit a completed electronic case envelope and required reports to the Detective Division as soon as practicable.~~

~~3.2.1.— The Detective Division shall be responsible for distributing the Assault IV- Felony electronic case envelope, upon receipt.~~

~~4.— Photographic Evidence.~~

~~4.1.— Visible injury is evidence of the crime, and members are expected to preserve it. This can be done with the use of digital cameras or a Bureau-issued cell phone, but this is not meant to be a replacement for call outs of or follow ups by the Forensics Evidence Division (FED).~~

~~4.1.1.— Members shall document any evidence of visible injury either by using their Bureau-issued cell phone to take pictures or by calling criminalists to photograph the injuries. Members shall act in accordance with Directive 640.02, Photography and Digital Imaging, when documenting evidence of visible injuries.~~

~~4.1.2.— When the collection of fingerprints or other forensic evidence is necessary for documentation, members shall contact FED. Upon any referral, the reporting member shall provide information about the incident to FED.~~

~~5.— Reporting Requirements.~~

~~5.1.— Protection Order Reporting.~~

~~5.1.1.— Members shall complete a GO Report when responding to or handling a protection order violation call or case.~~

~~5.2.— Domestic Dispute Mandatory Reporting.~~

~~5.2.1.— Members shall write a police report for all domestic dispute cases and submit the completed report prior to the end of their shift. Under no circumstances, even if the allegations appear unfounded, shall members provide a coded response to the Bureau of Emergency Communication (BOEC) in lieu of writing and submitting a report.~~

~~5.2.1.1.— In cases where no crime has been committed, members shall complete a GO Report DV-Unfounded.~~

~~5.2.1.2.— Members shall complete a GO Report and a Family Abuse Supplemental Report when responding to domestic dispute calls where there is probable cause that a crime has occurred. The report should include documentation of any other crimes committed that are not subject to mandatory arrest.~~

~~6.4.Civil Standbys.~~

~~6.1.4.1. A civil standby is intended only to facilitate the removal of essential personal belongings (e.g., clothing, diapers, medication, proof of identification). Personal effects belonging to children may be removed if the respondent has custody of the child or children.~~

~~6.2.4.2. If there is a valid protection order prohibiting the respondent from going to the petitioner's residence or having contact with the petitioner, and the respondent needs to~~

get essential personal effects from the petitioner's residence, the respondent may request a civil standby.

6.3.4.3. BOEC codes a two-member, Priority 6 for all DV-related civil standby calls.

Members may contact involved parties by phone prior to responding, but if responding to the scene members may not cancel cover. Assigned members shall not leave the call until the standby or move out is completed.

6.4.4.4. Responding members shall meet the respondent at a neutral location to confirm with the petitioner that there will be a maximum of 20 minutes allowed for the standby and to review the items the respondent wants to obtain from the standby location.

6.4.1.4.4.1. Members shall refer the respondent to the Essential Personal Effects section of the protection order, if applicable. Articles that, the member is aware of, are in dispute will not be removed from the residence. The member may advise the respondent to seek private legal advice as to the distribution of disputed property.

6.5.4.5. Members shall then accompany the respondent to the standby location. Prior to allowing the respondent inside the location address, members shall consult with the petitioner to determine if they will allow the removal of property.

6.5.1.4.5.1. If the petitioner is uncooperative, the member shall inform the respondent that they must obtain a court order that authorizes the legal retrieval of the desired personal effects. The member shall then direct the respondent to leave the scene. Respondents who refuse to leave are subject to arrest for violation of the protection order.

6.5.2.4.5.2. If the petitioner is not present, the member shall not allow the respondent to enter or remove property from the residence. The member shall direct the respondent to attempt to return to the residence with a Bureau member when the petitioner may be present.

7.5. Follow-up Investigations for Domestic Violence Cases.

7.1.5.1. The Special Victims Unit (SVU) (formerly, the Domestic Violence Reduction Unit) shall perform follow-up on Measure 11 crimes stemming from domestic violence reports, as well as misdemeanor and non-Measure 11 felony DV reports based on lethality, likelihood of recidivism, the presence of children, and the history of the suspect.

7.2.5.2. Members are encouraged to perform follow-up and email reports and/or the case number to SVU on DV crimes.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
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Q1

Please provide feedback for this directive

COMMENTS on Photography and Domestic and Sexual Violence Directives, October 2023

To Chief Day, Inspector Buckley, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, Mayor/Police Commissioner Wheeler, US Dept. of Justice, Citizen Review Committee, Training Advisory Council and the Portland Police Bureau:

Below are comments from Portland Copwatch (PCW) on the four Directives posted for comment (<https://www.portland.gov/police/directives-overview>) in October.

There are some comments that apply to several of the Directives, such as being consistent about referring to people as survivors rather than victims. Some of the comments are carried over from our previous input on two of the policies.

The two being reviewed for the first time are on Photography and Domestic Violence committed by/against officers. This gives the Bureau the chance to follow our long-standing proposal to assign letters and numbers to all sections, including the "Refer" and "Definitions" sections. The references below are to Procedure Section unless otherwise noted.

825.00 PROTECTION ORDERS AND DOMESTIC VIOLENCE CASES

(Formerly "Domestic Violence, Arrests and Restraining Orders) (previous comments March, 2019)

Gender Considerations: The requirement that at least two officers attend any Domestic Violence call (Section 2.1), should add consideration of the genders of the victim/survivor and the officers, so that, for instance, a woman who has been abused by a man does not necessarily have to talk to a male officer (based on our 2019 comments).

Language Clarifications 1: In the Definitions section, both "Petitioner" and "Protection order" include sentences that begin "This also [may] include[s]...". In the first instance, it could be misinterpreted to mean the abuser when it is supposed to refer to the petitioner. In the second, it is used twice, and should probably say "This list includes/also includes."

Language Clarifications 2: In Section 2.6 there are two references to the "victim" even though Policy Section 2 clearly refers to those subjected to Domestic Violence as "survivors."

CONCLUSION

As always, we appreciate the opportunity to make comments on Bureau policy. We do wish more of our concerns would be addressed even though we are not a professional organization and we're not made up of practicing attorneys. We also continue to encourage the Bureau to engage the appropriate advisory bodies well in advance of issues relevant to their work, since most meet only once a month (or less frequently) and even with the new 30-day deadlines may not have time to submit comments.

Thank you
dan handelman and other members of
Portland Copwatch

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

Portland Copwatch
