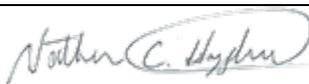


1.10b PROTECTIVE ORDERS



PROTECTIVE ORDERS

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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 74.2.1, 74.4.1		EFFECTIVE DATE: June 27, 2023	REVISION DATE:
ISSUING AUTHORITY: 			
Chief Nathan C. Hagglund			

I. GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of abuse prevention orders is for the protection of victims of violent crimes. In order that they are effective and that defendants be aware of their provisions, abuse prevention orders must be served promptly and properly documented.

II. POLICY

The West Brookfield Police Department shall ensure that any abuse prevention order issued by any court is served upon the defendant as soon as possible and the service of such notice is properly documented.

III. DEFINITIONS

IV. PROCEDURES

RECEIPT OF ABUSE PREVENTION ORDERS

Whenever any member of this department receives an abuse prevention order, issued by a court (to include a notice to vacate or amendments to an existing order):

The on-duty officer will be assigned to serve the abuse prevention order. If it is a new order assigned to the West Brookfield Police Department for service, the officer will do appropriate checks including BOP, R8, Q2, Firearms Sales Inquiry (FSI), Firearms FID/LTC, and a Warrant Check. The officer assigned to serve the order will make a copy of the order before serving it.

If the defendant is listed as having a current or expired FID/LTC and the license was issued by the West Brookfield Police Department, the Chief of Police or their designee will be immediately notified. The Chief of Police or designee will then confirm with the Massachusetts Instant Records Check System (MIRCS) computer that the defendant has a FID/LTC.

If the defendant is listed as having a current or expired FID/LTC and the license was issued by another law enforcement agency, the Chief of Police or designee will cause that agency to be notified so they may take appropriate action.

If the West Brookfield Police Department is notified by another law enforcement agency that a defendant is the subject of an abuse prevention order **and** has a FID/LTC issued by the West Brookfield Police Department, the Chief of Police or designee will be immediately notified. The Chief of Police or designee will confirm with the MIRCS computer that the defendant has a FID/LTC. The department's Information Systems (IMC) will be checked to see if there is a Restraint Entry (RO) number or Offense (OF) number previously assigned to the defendant and plaintiff named in the abuse prevention order. If there is an existing Restraint Entry (RO) record on file, that number shall be used to update the record and should be written on the top of the restraining order. The Chief of Police or designee will attach a West Brookfield Police Department Summons Service Log Sheet to the abuse prevention order. Abuse prevention orders shall be promptly served and returned to the issuing court. Each attempt at service will be reported on the Log Sheet by the patrol officer. The log sheet shall contain the following information:

1. Date received;

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2. Order Number
3. Entering Officer;
4. Defendant's name;
5. Defendant's address;
6. All service attempts (Date, Time, Officer ID, Served, Yes or No)

In all cases where an order is served, the abuse prevention order shall be entered into the IMC system as a call for service. If a previously unreported crime has been committed in West Brookfield, a new Offense number (OF) will be created.

SERVICE OF ABUSE PREVENTION AND HARRASSMENT PREVENTION ORDERS [74.2.1(2-A,B)]

Two officers will be assigned to serve any order where:

1. The defendant is required to immediately vacate the place where service is to be made;
2. The defendant or any person at the place of service is wanted or has a substantial criminal record; or
3. The defendant has an FID/LTC or is suspected of possessing firearms.

If the order requires the defendant to surrender an FID/LTC, officers serving the order will demand that the defendant surrender it immediately, and will demand the surrender of all rifles, shotguns and firearms. If the defendant's FSI indicates that he owns weapons that he has not surrendered, officers shall take appropriate steps to retrieve the weapons. These steps may include but are not limited to requiring that the defendant supply information about the disposal of weapons he no longer possesses or owns, making arrangements to retrieve weapons that are not available at the place of service and conducting a search for weapons.

If service is not made by the end of shift, the entire abuse prevention order package will be passed on to the on-duty officer of the next shift. When service of an abuse prevention order is made, the officer will inform the PSCC that service was made. The PSCC will log this into the call narrative.

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After making service, the serving officer will fax the return of service to the appropriate destination and place the original return of service with the copy of the abuse prevention order inside the “court” bin.

If the abuse prevention order originated at West Brookfield District or Worcester Superior Court, the original return of service will be completed and forwarded to the Court Officer or their designee for return. A copy will be left in the “Court” bin in the main area of the police department. If the abuse prevention order originated at another court, a copy of the return of service will be faxed to the appropriate party and the original copy will be forwarded to the Court Officer or their designee. If the abuse prevention order was received from another agency, the return of service will be faxed back to the appropriate party at that agency.

ABUSE PREVENTION ORDERS WHICH REQUIRE NO SERVICE

When an abuse prevention order is received by this department and no service is necessary, the on-duty officer will ensure that the abuse prevention order is placed inside the “Administrative Assistants” bin for filing.

SERVICE OUTSIDE DEPARTMENT’S JURISDICTION

When an abuse prevention order is received by this department and service is in another jurisdiction, the on-duty officer will ensure that the abuse prevention order is forwarded to the appropriate authority. The on-duty officer should document what was done with the order through C8. If the defendant’s address is local, but out of the Town of West Brookfield, the on-duty officer will determine if it is feasible to deliver the abuse prevention order in hand to the appropriate police department for service.

If the defendant’s address is not local, a copy of the abuse prevention order shall be faxed to the appropriate police department along with the defendant’s information sheet and a copy of the return of service. The original defendant’s copy of the abuse prevention order shall be mailed to the defendant.

VACATED ORDERS

Whenever any member of the department receives notification that an abuse prevention order has been vacated, it shall immediately be placed in “Administrative Assistant” bin with “VACATE” clearly marked on it.

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GENERAL POLICIES REGARDING ABUSE PREVENTION ORDERS

In every case of this department receiving an abuse prevention order, every attempt will be made to gather complete information regarding both the plaintiff and defendant so it may be entered into the department's Information Systems. This shall be accomplished using information from the defendant's information sheet, Registry of Motor Vehicles information, etc.

All abuse prevention orders received by this department will be entered into the Restraint Entry (RO) records in accordance with this policy.

Offense numbers (OF) will only be created if the abuse prevention order is the result of a previously unreported crime being committed in West Brookfield. All other reports will be filed using the Restraint Entry (RO) number.

All permanent orders will be given the expiration date of 01/01/9999 and the time will be 0000 hours.

PROPERTY [74.4.1]

All property or evidence which comes into the custody of the department shall be handled and disposed of in accordance with the departmental policy on **Evidence Management**.

STATUS OF ABUSE PREVENTION ORDERS

The Chief of Police or designee will review the Restraint Entries (RO's) weekly to determine if there are any abuse prevention orders which have not been served by this department, or another police department to which an abuse prevention order was forwarded.

The Chief of Police or designee will check the expiration date on the abuse prevention order to determine if it is still a valid order. If the abuse prevention order is still valid, the Chief of Police or designee will assign an officer to serve the order.