

Civil Protection Orders

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the serving of the following civil protection orders:

- Domestic violence protection orders
- Vulnerable adult protection orders
- Anti-harassment protection orders
- Sexual assault protection orders
- Stalking protection orders
- Extreme Risk Protection Orders ("ERPOs")

312.2 DEFINITIONS

Service by Electronic Means - Service by email, text message, social media applications, or other technologies.

312.3 SERVICE PROCEDURE

VPD is responsible for service of protection order when a respondent resides within the City of Vancouver. Service must be accomplished in accordance with RCW 7.105.150-.160.

312.3.1 PERSONAL SERVICE REQUIREMENTS

1. A law enforcement officer must personally serve protection orders in the following cases and personal service must be prioritized:
 - (a) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender weapons;
 - (b) Cases that involve transferring the custody of a child or children from the respondent to the petitioner;
 - (c) Cases involving vacating the respondent from the parties' shared residence; or
 - (d) Cases involving a respondent who is incarcerated.
2. Once firearms and concealed pistol licenses have been surrendered and verified by the court, or there is evidence the respondent does not possess firearms, the restrained party has been vacated from the shared residence, or the custody of the child or children has been transferred, per court order, then subsequent motions and orders may be served electronically.
3. Law enforcement officers must serve all other Orders of Protection unless the petitioner elects to have the respondent served by a third party. Except for the orders that require personal service by law enforcement under RCW 7.105.150 and Section 312.3.1(1) of this Policy, service by electronic means may be considered.

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4. When the Department receives a request from a petitioner or a court to serve orders of protection, the assigned officer must provide or transmit copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, that were submitted for service.
5. Service of an Order of Protection must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature.

312.3.2 ELECTRONIC SERVICE

1. When serving by electronic means, the assigned officer will use their department e-mail account to transmit the order and associated documents to the respondent's email, phone number for texting, or social media account information that is provided by either the petitioner or the court.
2. The assigned officer who serves a petition and associated documents by electronic service must sign a sworn statement verifying transmission and any follow-up communications, such as a read receipt, confirmation of receipt by respondent, email or telephone contact used to further verify service.
3. Sworn proof of service must be filed with the court by the officer who effected service. This is accomplished by the officer delivering the signed Return of Service to VPD PSTs who forwards the file to the courts.
4. If electronic service cannot be accomplished, the assigned officer must attempt to personally serve the respondent.

312.3.3 SERVICE AND NUMBER OF ATTEMPTS

1. Before making any service attempt to include electronic service, the assigned officer should create, or have created, a CAD incident with the address, respondent name and any other information deemed relevant.
2. Where personal service is required, the first attempt at service should occur within 24 hours of the Department receiving the order from the court, but not more than five days after receiving the order.
3. No fewer than three attempts should be made to serve the order.
4. The assigned officer(s) shall document all attempts at service on a service log, and CAD log to include the reason service was not completed, as applicable.
5. Upon service of an order, the assigned officer shall contact VPD Records in a timely manner to facilitate service entry into NCIC/WACIC.

312.3.4 UNCOMPLETED SERVICE

1. If service cannot be completed within 10 calendar days after the Department received the order from the courts, the assigned officer shall make a reasonable attempt to notify the petitioner and document the attempt on the return of service or approved VPD form.
2. If the assigned officer is unable to locate sufficient information to locate the respondent, the officer documents the steps taken on the return of service or approved VPD form.

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312.3.5 RETURN OF SERVICE

1. VPD PSTs will submit return of service and any related forms to the issuing court.
2. If attempts at service were not successful, the return of service form or a department approved form showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the final unsuccessful attempt at service.

312.3.6 ASSIGNMENT CONSIDERATIONS

1. Orders may be sent by the courts to VPD Records to be entered into NCIC. They may also be brought to the police department by the petitioner.
2. Once received, the orders are forwarded to VPD Police Service Technicians (PST) who will enter them into the Department approved database for tracking and assignment for service.
 - (a) The assigned supervisor will review the petition and make a determination on how best to serve the order.
 - (b) RMS, CAD, LE Databases, open source databases and criminal history checks may be conducted prior to service.
 - (c) An appropriate number of officers should be present during the service of such orders as deemed necessary by the assigned supervisor or officer.

312.4 VPD PETITIONED EXTREME RISK PROTECTION ORDER (ERPO)

1. Officers petitioning the court for an ERPO under RCW 7.105.100, or renewal of an ERPO, shall use a standard petition and order forms created by the administrative office of the court and such forms shall be made available for officers on the Department intra-net site.
2. Officers may seek guidance from their supervisor and the City Civil Law Department when considering petitioning for an ERPO, if feasible.

312.5 FIREARM COLLECTION

1. All firearms collected shall be handled and placed into evidence in accordance with established evidence procedures.
2. In cases in which the respondent is ordered to surrender their firearms, dangerous weapons, and/or CPL and the removal of them does not occur at the time of service, the respondent should be advised to call the Vancouver Police Department to schedule a date and time to bring the firearms in and receive instructions on the procedure so the surrender of firearms is done as safely as possible.
 - (a) All firearms collected shall be handled and placed into evidence in accordance with established evidence procedures.
 - (b) At the time of surrender, the officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent.

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- (c) The receipt must be filed with the court through the PST's within 72 hours and a copy of the receipt entered into the applicable report in the RMS.