



## GENERAL ORDER

### DOMESTIC/DATING/REPEAT VIOLENCE INJUNCTIONS

**Implementation Date: February 28, 1995**

**Revokes: None**

### GENERAL ORDER - 44A

#### 44A.1 INTRODUCTION

All Broward County municipal sworn police officers have been empowered to serve Domestic, Dating, and Repeat Violence Injunctions. It is the goal of the Broward Sheriff's Office to serve the majority of injunctions. There will be times, however, where BSO will be unable to handle serving the injunction. This Order establishes guidelines to be followed by members of the Coral Springs Police Department when handling injunctions.

#### 44A.2 DEFINITIONS

Court of Another State (Foreign) (as it pertains to a foreign order of protection) – A court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; an Indian tribe; or a commonwealth, territory, or possession of the United States. FSS 741.315(1).

Proof of Service Form – A form issued by BSO with each complete package of service provided to the petitioner by the Clerk of the Circuit Court. This form must be completely filled out by the officer when serving an injunction.

#### 44A.3 POLICY/PROCEDURE

##### 44A.3.1 Petitioner's Requirements

- A. In order for the Coral Springs Police Department to serve a Domestic/Dating/Repeat Violence Injunction, the petitioner will present the Department with a complete package of service provided by the Office of the Clerk of the Circuit Court.
- B. The top page of this package will have a Proof of Service Form identifying the petitioner and the respondent.
- C. The back of the Proof of Service Form has a detailed outline of instructions for the officer in the proper handling and service of the injunction.

##### 44A.3.2 Serving the Injunction

- A. Personal service is required. The officer shall verify that the subject being served is the listed respondent on the injunction.

- B. The officer shall verify that the respondent has not already been served. BSO Teletype can verify if service of a Domestic/Dating /Repeat Violence Injunction Order was performed.
- C. The officer shall detach and retain the Proof of Service Form from the petitioner's packet. Read or explain provisions of the Order to the respondent, with special attention to Notice of Hearing, child custody and "eviction" provisions.
- D. If the respondent is ordered to vacate a shared premise, allow the opportunity for a few personal items to be collected. Ensure that the respondent leaves and understands that a return to the premises may result in arrest.
- E. Record the date, time, respondent's name, location of service or attempted service, and serving officer's signature on the face of the Injunction Order prior to physically handing the Order to the respondent.
- F. Provide the respondent with the copy of the Order. If the respondent is unwilling to accept the order, a "drop service" may be rendered by stating, "You have been served," and drop the Order at the respondent's feet.

#### 44A.3.3 Documentation and Notification Instructions

- A. Complete the Proof of Service Form, especially the respondent's physical descriptive information and date of birth. BSO Teletype entries will not be accepted without all the required information.
- B. The narrative portion shall include method of service, reason for non-service, if applicable, and any relevant information not previously documented (i.e., respondent refused to accept service, "drop" service required after contents explained; or respondent served in hand, left residence without incident).
- C. For foreign orders of protection from other states, officers will complete an affidavit for registration of foreign order of protection, in addition to the proof of service form.
- D. Make immediate and appropriate notification to BSO via telephone within 30 minutes after service. BSO Business Hours Monday through Friday, 9 am to 5 pm); Call the BSO Civil Unit at (954) 831-8777. Non-Business Hours; Call BSO Records Division at (954) 831-8700.
- E. Within 2 hours of actual service, fax the Proof of Service Form to BSO's Civil Unit, Domestic Violence Control Squad at (954) 797-0934. The Proof of Service Form will be required for documentation to the court that service was performed. Expedient court notification will prevent the Order from being unnecessarily served a second time.

**NOTE:** In addition to calling BSO and faxing the Proof of Service Form, administrative messages may be sent via Teletype to BSO Records Teletype. These messages will serve as written notification to the Sheriff for teletype entry purposes.

- F. If the respondent is arrested after serving the Order, follow agency procedures in G.O. 44 for documentation of the arrest.
- G. Place the original proof of service form, and the affidavit for registration of foreign protection order with a copy of the foreign protection order, if necessary, in the Criminal Investigations Component Domestic Violence tray.

#### **44A.3.4 After Hours Clerk of The Court Issued Injunction Order Service**

- A. BSO will provide/assist with prompt service of Injunction Orders when issued by the After-Hours Clerk of the Court during non-business hours.
- B. Coral Springs officers may be requested to assist with the service of an after-hours Order if BSO Domestic Violence Control personnel are not available to make an immediate service attempt.
- C. Officers, upon receipt of an after-hours Order, will immediately attempt to serve the Order. Service attempts will be documented on the Proof of Service Form. The Signature line is completed only when service is made.
- D. When the respondent is served, officers shall follow the Documentation and Notification instructions in 44A.3.3.
- E. In the most serious incidents, the Victim Advocate would bring the victim to court to meet the Clerk and Judge. If an injunction was issued, we would attempt to serve the injunction immediately. If service is not made, the injunction will then be given to BSO for service. A call to BSO should be made to ensure they have a copy of the injunction to serve.

#### **44A.3.5 Out of State Injunction for Protection**

- A. Pursuant to 18 U.S.C. s. 2265, any protective order issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court. No prior registration or filing is required for enforcement.
- B. A foreign order shall be served according to provisions of General Orders 44 and 44A.
- C. A protected person shall present a certified copy of a foreign order of protection to the Broward Sheriff's Office, or CSPD for entry into the injunction registry. However, nothing in this section precludes the enforcement of any order of protection determined to be valid even if the protected person does not have a certified copy. The protected person must swear by affidavit, that to the best of the protected person's knowledge and belief, the attached certified copy of the foreign order is currently in effect as written and has not been superseded by any other order and that the respondent has been given a copy of it.
- D. After examining the order of protection and using the best effort to ascertain if the order was served on the respondent, the officer will assign a call number and give the protected person a receipt showing the registration of the order in this state. The officer shall fax a copy of the foreign order and any accompanying affidavits to BSO's Civil Unit, Domestic Violence Control Squad at 954-797-0934.

**APPROVED**

  
Clyde H. Parry  
Chief of Police