

EXECUTIVE ORDER



DISTRICT OF COLUMBIA

Subject:	Intrafamily Offenses and Anti-Stalking Orders Amendment Act of 2020
Number	EO-21-012
Effective Date	April 26, 2021
Related To:	GO-OPS-304.11 (Intrafamily Offenses) GO-SPT-902.01 (Firearms Registration and Receipt of Abandoned or Found Weapons) GO-PCA-502.06 (Citation Release Program)

I. PURPOSE

The purpose of this order is to provide Metropolitan Police Department (MPD) members with information on the District of Columbia's *Intrafamily Offenses and Anti-Stalking Orders Amendment Act of 2020*, which goes into effect April 27, 2021. The Act amends Title 16 of the District of Columbia Official Code to clarify procedures by which certain victims of an intrafamily offense, sexual assault, labor or sex trafficking, or child sex trafficking and certain individuals whose animal is the victim of an intrafamily offense, may petition the court for a civil protection order (CPO). The Act also expands the ability of minors ages 13 to 16 to petition for a civil protection order, allows the court to extend temporary protection orders, clarifies the relief available pursuant to a CPO for firearms and animal protections, modifies the duration of a CPO, and creates procedures by which certain victims of stalking may petition the court for anti-stalking orders. To the extent that these procedures conflict with existing orders, the provisions set forth in this order shall prevail.

II. DEFINITIONS

Revised Definitions			
Intrafamily offense [§ 16-001(8)]: <ul style="list-style-type: none"> Act punishable as a criminal offense against an intimate partner, family member, or household member. Offense punishable as cruelty to animals [under DC Official Code §22-1001- §22-1002] against an animal that an intimate partner, family member, or household member owns, possesses, or controls. 			
	OLD	NEW	NEED TO KNOW
Intimate partner [§ 16-001(7)]	A person: <ul style="list-style-type: none"> To whom the offender is or was married; With whom the offender is or was in a domestic partnership; or With whom the offender is/was in a romantic, dating, or sexual relationship. 	A person: <ul style="list-style-type: none"> To whom the offender is/was married; With whom the offender is/was in a domestic partnership; With whom the offender has a child in common; or With whom the offender is/was, or is seeking to be in a romantic, dating, or sexual relationship. 	The law has been updated to specifically include: <ul style="list-style-type: none"> Relationships that include a child in common; or Relationships or circumstances where the offender is attempting or desires to have an intimate partner relationship with the victim.

New Definitions		NEED TO KNOW
Family member [§ 16-001(5A)]	A person: <ul style="list-style-type: none"> To whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership; or Who is the child of an intimate partner. 	The term “family member” specifically includes the child of an intimate partner, regardless whether or not the child resides with the intimate partner.
Household member [§ 16-001(5B)]	A person with whom, in the past year , the offender: <ul style="list-style-type: none"> Shares or has shared a mutual residence; and Has maintained a close relationship, beyond mere acquaintances, rendering application of the statute appropriate. <p>For the purposes of this definition, the term “close relationship” does not include relationships based solely on a landlord-tenant relationship.</p>	<p>This change differentiates between persons living together and in a significant relationship from those simply sharing a living space.</p> <p>In order for an offense to be considered an intrafamily offense in this circumstance, the parties must have maintained a close relationship and lived in the same residence within the past 12 months.</p>

III. PROCEDURES

A. Intrafamily Offenses

1. Members are reminded that they **shall** affect a custodial arrest when the member has probable cause to believe that:
 - a. The person committed an intrafamily offense that resulted in physical injury, including physical pain or illness, regardless of whether or not the intrafamily offense was committed in the presence of the member when the relationship between the victim and the offender is covered under the intrafamily offenses definition.
 - b. The person committed an intrafamily offense that caused or was intended to cause reasonable fear of imminent serious physical injury or death if the victim is in reasonable fear for his or her safety.
2. The Act expands citation release criteria. A releasing official may now authorize a release on a citation to a person arrested without a warrant **unless** the person is charged with an intrafamily offense where the victim is an intimate partner, family member, or household member and the criminal offense committed or threatened to be committed is a crime of violence (DC Code § 23-1331(4)). Other conditions to determine eligibility for citation release still apply.

B. Protection Orders

1. The Act clarifies, limits, and expands protection order coverage in the following ways.

Protection Order Changes
a. Adds civil protection order (CPO) coverage for children of intimate partners, persons being pursued for a relationship, and victims of trafficking;

b. Raises the age for independent CPO respondents and petitioners from 12 years of age to 13 years of age;
c. Expands cases in which petitioners 13-15 years of age can file on their own for CPOs to also include sexual assault cases not involving a "significant relationship" and sex trafficking cases;
d. Limits CPO coverage for living together to persons having a close relationship within the year; and
e. Allows temporary protection orders (TPO) to remain in effect for up to 14 days and may extend them in 14 day increments, up to 28 days, as necessary to complete service and the petition hearing and may be extended for good cause or for a longer time with the consent of both parties.

2. Members confirming a TPO shall check for the original expiration date as well as any court granted extensions.
3. When serving a TPO members shall read the order in its entirety to ensure all relief directed in the order is received.
 - a. A TPO may now include a court ordered relief, to include directing the ownership, possession, or control of an animal owned, possessed or controlled by the petitioner. The TPO may also order the respondent to stay away from the animal and refrain from possessing, controlling, harming or threatening to harm, or otherwise disposing of the animal. In cases where the petitioner is not present to take custody of the animal, DC Animal Control shall be notified to take custody.
 - b. In all cases, a TPO shall now include an order that requires the respondent to relinquish possession of firearms or ammunition, regardless of whether the respondent owns or is in possession of any firearms or ammunition.
 - (1) When serving a TPO, members shall request a gun registration check from the Investigative Support Section (ISS) to determine if the respondent is a registered gun owner. Members shall use the link below to request a gun registration check.

<https://dcgov.seamlessdocs.com/f/RequestforCertificateNoRegistrationandorLicensetoCarry>

NOTE: ISS can be reached at (202) 727-0559 if members have questions about gun registration check results.
 - (2) The serving member shall explain the court order to relinquish all firearms.
 - (3) Members shall recover weapons relinquished by the respondent or through a lawful consent search. Firearms and ammunition turned over to MPD shall be recovered as "Safekeeping" pending the TPO hearing.

- (4) In cases where there is reason to believe that the respondent has a firearm or ammunition that he or she does not relinquish, the member shall contact the Command Information Center (CIC) who shall notify the Gun Recovery Unit (GRU).
 - (5) GRU shall be responsible for the follow-up investigation. The serving member shall make him or herself available to GRU to assist, if necessary.
 - (6) Cases involving illegal firearms will be handled under existing enforcement procedures.
 - (7) Updated TPOs and CPOs and related forms will be available on the District of Columbia Court's website at <http://www.dccourts.gov> and will be added to this order as an attachment when available.
4. The member shall legibly complete and sign the return of service (ROS) and submit to their check off official for return to the Domestic Violence (DV) Unit. Members shall document all unsuccessful attempts to serve on the ROS.
 5. A respondent is deemed to have been personally served and no additional proof of service is required for enforcement of an order if the respondent is present before the court when the order is issued or if the respondent is served with the order in open court. Photos of served TPOs and TPOs with electronic signatures will suffice as proof of service. Members serving protection orders shall photograph and provide a copy, or allow the petitioner to photograph, the signed order for proof of service.

C. Anti-Stalking Orders

1. Members are reminded that DC Official Code § 22-2133 (Stalking) states:
 - a. It is unlawful to purposefully engage in a course of conduct directed at a specific individual:
 - (1) With the intent to cause that individual to fear for his or her safety or the safety of another person, feel seriously alarmed, disturbed, or frightened, or suffer emotional distress;
 - (2) That the person knows would cause that individual reasonably to fear for his or her safety or the safety of another person, feel seriously alarmed, disturbed, or frightened, suffer emotional distress, **or**
 - (3) That the person should have known would cause a reasonable person in the individual's circumstances to fear for his or her safety or the safety of another person, feel seriously alarmed, disturbed, or frightened, or suffer emotional distress.

- b. Where a single act is of a continuing nature, each 24-hour period constitutes a separate occasion. The conduct on each of the occasions need not be the same as it is on the others.
 - c. Constitutionally protected activity is exempt.
- 2. The court may issue a temporary anti-stalking order if the petitioner or the person petitioning on the petitioner’s behalf establishes that the safety or welfare of the petitioner, the petitioner’s household member, or an animal the petitioner owns, possesses, or has control of, is immediately endangered by the respondent.
- 3. A temporary anti-stalking order shall remain in effect for an initial period not to exceed 14 days. The court may extend a temporary anti-stalking order as necessary to complete service and the hearing on the petition in 14-day increments, in increments up to 28 days for good cause, or for a longer time period with the consent of both parties.
- 4. Anti-stalking orders are used in cases involving a petitioner and respondent without an intrafamily relationship. The anti-stalking order applies to involved parties who are:
 - a. Not intimate partners, family members, or household members;
 - b. Former roommates that have not maintained a close relationship or resided together in over a year; **or**
 - c. Persons with a common intimate partner (e.g., current intimate partner and ex- intimate partner, current intimate partner and mother or father of a child in common).
- 5. In order to petition the court for an anti-stalking order, the stalking course of conduct must have occurred within 90 days of petitioning for relief.
- 6. Anti-stalking orders may be issued to include the following types of relief. When serving an anti-stalking order, members shall read the order in its entirety to ensure all relief directed in the order is received.

Anti-Stalking Orders	
a.	Direct the respondent to refrain from committing or threatening to commit criminal offenses against the petitioner and other individuals specified in the order.
b.	Require the respondent to stay away from or have no contact with the petitioner and any other individuals or locations specified in the order.
c.	Direct the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the petitioner individually.
d.	Order MPD to take such action as the court deems necessary to enforce its orders.
e.	In connection with an animal owned, possessed, or controlled by the petitioner, order the respondent to stay away from the animal and refrain from possessing, controlling, harming or threatening to harm, or otherwise disposing of the animal.

f.	Direct the respondent to relinquish possession of any firearms or ammunition and prohibits the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the anti-stalking order is in effect.
g.	Direct the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter.
h.	Award costs and attorney's fees.
i.	Combine two or more of the proceeding provisions.

7. Anti-stalking orders shall remain in effect for an initial period not to exceed two years.
8. Example anti-stalking orders and related forms will be available on the District of Columbia Court's website at <http://www.dccourts.gov> and will be added to this order as an attachment when available.



Robert J. Contee
Acting Chief of Police

RJC:KDO:MOC:SMM