

GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
Civil Protection Orders and Criminal Restraining Orders		
Topic	Series	Number
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GO-OPS-304.11 (Handling Intrafamily Offenses)		

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I. PURPOSE

Without intervention, patterns of abusive behavior may escalate in both frequency and intensity. A means of intervention is the court's issuance of civil protection orders and criminal restraining orders that limit or prohibit contact between individuals and restrict certain behaviors. It is the policy of the Metropolitan Police Department (MPD) to enforce court orders and maintain a system to provide updated information on these orders to members responding to calls for service and interacting with the public.

II. PROCEDURES

A. Civil Protection Orders

1. A civil protection order (CPO) is a court order in which a judge can require a person to follow certain requirements, including but not limited to, staying away from, not contacting, or committing any offense against the petitioner. The court can grant the CPO for a maximum of two years at a time. A CPO is issued after a respondent has had the opportunity, or has been provided the opportunity, to be present at a court hearing. Violating a protection order that has been served on the respondent is chargeable as criminal contempt.
2. CPOs are used in cases involving a petitioner and respondent with an intrafamily relationship. CPOs remain in effect for an initial period not to exceed two years and apply to a petitioner related to a respondent by:

CPO Petitioners
a. Blood;

b. Adoption;
c. Legal custody;
d. Marriage;
e. Having a child in common;
f. Being the child of an intimate partner;
g. Domestic partnership;
h. Sharing a residence within the past year and maintaining a close relationship; or
i. Being, having been, or seeking to be in a romantic, dating, or sexual relationship.

3. A temporary protection order (TPO) is a CPO that a judge can issue the same day a party files a CPO case, without the respondent's presence. The court may grant a TPO if they find that a petitioner (or animal owned or possessed by the petitioner) is in immediate danger. TPOs require the respondent to follow certain requirements, including staying away from or having no contact with the petitioner. The initial TPO may last for a 14-day period and can be for a longer time-period if necessary. If a TPO is issued, a respondent must relinquish any firearms or ammunition in their possession and anything else the judge writes in the TPO.
4. A petition for a CPO can be filed in the Domestic Violence Division of the Superior Court of the District of Columbia. Petitioners can ask the court for a civil protection order by submitting a petition online at <https://www.probono.net/dccourts/>, mail, or email to DVD@dcsc.gov. District of Columbia Survivors and Advocates for Empowerment (DC SAFE) will assist petitioners, as needed. Additional instructions for petitioning the court for a protection order are online at <https://www.probono.net/dccourts/domesticviolence/>.
5. The petitioner is responsible for personal service of the petition for a CPO, the notice of hearing, and the TPO, if issued, on the respondent. A petitioner may request that MPD attempt to serve the respondent if the petitioner provides an address located within the District of Columbia.
6. Victims in immediate danger or likely subject to bodily harm during such time that court is not open may be eligible for an emergency temporary protection order (ETPO). DC SAFE will contact the court who will have a judge review the petition and determine if a hearing will be held. If a hearing will be held, the DC SAFE advocate will send the petitioner to the Seventh District and connect the judge with the petitioner and a Seventh District watch commander or on-duty official. The court will send the final order, packet with petition and notice, and return of service to the Seventh District watch commander or on-duty official.
7. Members may enforce valid CPOs issued in the District of Columbia or another jurisdiction. These orders may be in the form of a document or stored in Washington Area Law Enforcement System (WALES)/National Crime Information Center (NCIC). Upon determining that there is probable

cause to believe that a valid outside jurisdiction CPO was violated, members shall enforce the order as if it were issued in the District.

8. When presented with a copy of a CPO at the scene or when a petitioner or petitioner's representative has a CPO that has not been served, members shall read and confirm the order thoroughly to determine what the court has ordered and ensure that the order identifies both the petitioner and the respondent.
 - a. Members shall confirm the names of both the petitioner and the respondent and ensure the respondent matches the physical description indicated on the order. If the description matches, members shall inform the respondent of the requirements or allow the respondent to read the order.
 - b. A CPO is presumed valid if it has the correct names of the parties, has not expired, and is signed by the issuing authority. If the protection order is not in WALES/NCIC the member shall contact an official for advice.
 - c. When confirming a TPO, members shall verify the original expiration date as well as any court granted extensions.
9. If a victim advises a member that a valid protection order exists, but he or she does not have a copy available, members shall query WALES/NCIC or communicate with the issuing jurisdiction to confirm the existence, status, and terms of the CPO issued by another jurisdiction. Registration or filing of an order in WALES/NCIC is **not** required for enforcement and a certified copy of the CPO is **not** required for enforcement.
10. Members shall determine if the respondent has been served by viewing a return of service (ROS) provided to the petitioner or located in WALES/NCIC.
 - a. If it was not served, members shall serve the order but an arrest shall not be made as the order is not violated unless served. The respondent should be allowed to leave unless an offense other than a CPO violation was committed. Members shall inform the respondent of the requirements of the order or allow the respondent to read the order.
 - b. If a violation to the order has occurred, members shall arrest the respondent according to the procedures set forth in this order. Members shall arrest and charge the suspect with a CPO violation when the suspect is believed to have violated the terms of a **served** protection order.
 - c. Members shall photograph and provide a copy, or allow the petitioner to photograph the signed ROS for proof of service.

Photos of served orders with electronic signatures will suffice as proof of service. A respondent is considered 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.

- d. Members shall legibly complete and sign the ROS by identifying all documents contained in the package and confirming service of each document by initialing each. The ROS shall be submitted to the check-off official. All unsuccessful service attempts shall be documented on the ROS.
- e. Check-off officials shall scan and email all returns of service to protection.orders@dc.gov and submit all originals to the administrative office where they shall be forwarded via interdepartmental mail to the Domestic Violence (DV) Unit by the following business day.

11. Recovering Firearms

- a. When directed for CPOs and in all cases, for TPOs, the respondent is required to relinquish possession of firearms or ammunition, regardless of whether the respondent used a firearm in any offense against the petitioner or if the firearm(s) and ammunition are legally registered.
- b. When serving a TPO, members shall request a gun registration check from the Real Time Crime Center (RTCC) to determine if the respondent is a registered gun owner. Members shall use the link on MPD Online Forms to request a gun registration check.
- c. The serving member shall explain the court order to relinquish all firearms and 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.
- d. 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 RTCC who shall notify the Violent Crime Impact Team (VCIT). VCIT shall conduct a follow-up investigation. The serving member shall make him or herself available to VCIT to assist, if necessary. Members shall handle all cases involving illegal firearms under existing enforcement procedures.

B. Anti-Stalking Orders

1. The court may grant an anti-stalking order (ASO) to ensure the petitioner's safety after alleging that the respondent is stalking the petitioner with at

least one incident occurring in the last 90 days. An ASO is issued after a respondent has been provided the opportunity to be present at a court hearing. Violating an ASO that has been served on the respondent is chargeable as an ASO violation.

2. ASOs require a person to follow certain requirements, including but not limited to, staying away from, not contacting, or committing any offense against the person requesting the order. ASOs are used in cases involving a petitioner and respondent without an intrafamily relationship. Anti-stalking orders remain in effect for an initial period not to exceed two years and apply to involved parties who are:

ASO Petitioners	
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).

3. A temporary anti-stalking order (TASO) is an emergency court order that a judge can issue the same day a party files an ASO case, without the respondent’s presence. The court may grant a TASO if they find that a petitioner (or his or her animal) is in immediate danger. The TASO requires the respondent to follow certain requirements. The initial TASO may last for a 14-day period and can be for a longer time-period if necessary.
4. When serving an anti-stalking order, members shall read the order in its entirety to ensure all relief directed in the order is received.

C. Extreme Risk Protection Orders

1. The District of Columbia’s “red flag” law allows certain individuals to petition the court for an extreme risk protection order (ERPO) which, if granted, requires the temporary removal of firearms and ammunition from potentially dangerous persons. A person violates an ERPO if, after receiving actual notice of being subject to an ERPO, knowingly has possession or control of, purchases, or receives a firearm or ammunition. There are two types of ERPOs:

ERPO Types	
Ex Parte ERPO	Temporary court order that that prohibits a respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s license. It may be issued the same day the request is made without the respondent present or having notice of the hearing. The order may last for a period of up to 14 days at a time.
Final ERPO	Court order that prohibits a respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s

	license for one year after the date and time the ERPO is issued and may be renewed. This order is issued after the respondent has had the opportunity to be present at a court hearing.
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2. The following people may petition the District of Columbia Superior Court for an ERPO when they believe there is sufficient information to indicate that the respondent poses a significant danger of causing bodily injury to him or herself or others by having possession of firearms or ammunition:

ERPO Petitioners	
a.	Any sworn member of any law enforcement agency operating in the District of Columbia;
b.	Mental health professionals, including but not limited to a person licensed to practice medicine or psychology, a licensed social worker, and a professional counselor; and
c.	Individuals related to the respondent by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or is someone with whom the respondent is, was, or is seeking to be in a romantic, dating, or sexual relationship.

3. Generally, ERPOs are used in cases involving firearms legally registered in the District; cases involving illegal firearms will be handled under existing enforcement procedures.
4. If a member believes a legally registered gun owner in the District of Columbia poses a significant danger of causing bodily injury to him or herself or others, the member shall contact his or her supervisor for approval to request an ERPO. If a member believes the behavior of the registered gun owner does not meet the requirements for an ERPO, but meets the requirements for a suspicious activity report (SAR) as outlined in [GO-HSC-802.06 \(Suspicious Activity Reporting Program\)](#), the member shall complete a SAR and notify the Office of Intelligence and the Firearms Registration Branch.
5. The notified supervisor shall determine if an ERPO is suitable or if there is a more appropriate course of action (i.e., a search warrant). If the supervisor approves the request for an ERPO:
 - a. The member shall contact the RTCC. The RTCC shall send a notification to the VCIT alerting them of the request for an ERPO.
 - b. VCIT shall be responsible for petitioning the DCSC for the ERPO. The member requesting the ERPO shall make him or herself available to VCIT to assist in completing the ERPO petition and be prepared to go to court if necessary.
6. If a respondent peaceably surrenders any firearms or ammunition pursuant to an ERPO, such surrender shall preclude the arrest and prosecution of the respondent for violating the following offenses, with respect to the firearms or ammunition surrendered. However, the

immunity provision does not apply to persons possessing a firearm while committing a crime of violence or dangerous crime.

Immunity Provision
a. Unlawful possession of ammunition ("UA") (DC Official Code § 7-2506.01);
b. Unlawful possession of a firearm (DC Official Code § 22-4503);
c. Carrying a Pistol Without a License (DC Official Code § 22-4504(a)); and
d. Unlawful carrying of a rifle or shotgun (DC Official Code §22-4504(a-1)).

9. In cases where an arrest may be warranted during the service of an ERPO, members shall contact an official for guidance.

D. Criminal Restraining Orders

1. The court may grant a criminal stay-away/no-contact order (SANC) in a criminal case that is currently under the court's jurisdiction, including any sentence or probationary period. Violating a SANC is chargeable as contempt of court as long as the SANC is for a pending case (i.e., the SANC is not part of a post-conviction sentence).
2. Members presented with a copy of a SANC at the scene of an intrafamily incident or other call for service shall read the order thoroughly to ensure that the SANC is currently in effect and that the order identifies both the protected location and the respondent.
3. Members shall conduct a WALES check if a subject advises that a valid SANC exists, but he or she does not have a copy available.
4. In the event that a member is unable to check WALES to confirm the SANC, the member shall contact the RTCC to request confirmation of the SANC in the Justice Information System (JUSTIS).
5. Upon confirmation of a SANC, members shall inform the respondent of the requirements of the order. If a violation has occurred, members shall arrest the suspect according to the procedures set forth in this order.

E. Documentation

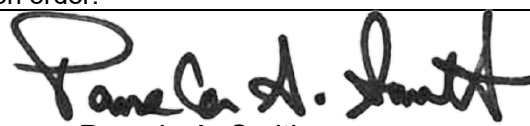
Whether or not an arrest is made or a criminal offense occurred, members shall complete a records management system (RMS) report when enforcing CPOs, ASOs, ERPOs, and SANCs pursuant to the procedures set forth in [GO-OPS-304.11 \(Handling Intrafamily Offenses\)](#) and [GO-SPT-401.01 \(Field Reporting System\)](#).

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated.

	Term	Definition
1.	Anti-stalking order	Court order in which a judge can require a person to follow certain

	(ASO)	requirements, including but not limited to, staying away from, not contacting, or committing any offense against the person requesting the anti-stalking order.
2.	Civil protection order (CPO)	Injunction or other order, whether temporary or final, issued by a tribunal for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another individual. The court can grant the protection order for a maximum of two years at a time.
3.	Criminal stay-away/no-contact order (SANC)	Restraining order issued in a criminal case. A criminal stay away order may remain in effect as long as the suspect is under the court's jurisdiction, including any sentence or probationary period.
4.	Family member	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 [DC Official Code § 16-001(5A)].
5.	Extreme risk protection order (ERPO)	Court order in which a judge can order that an individual's firearm, ammunition, a registration certificate, a license to carry a concealed pistol, or a dealer's license be removed from the possession of someone who poses an extreme risk to themselves or others.
6.	Household member	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 [DC Official Code § 16-001(5B)]. Landlords are not included in this designation.
7.	Intimate partner	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 [DC Official Code § 16-001(7)].
8.	Intrafamily offense	<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 [DC Official Code § 16-001(8)].
9.	Petitioner	Person filing for a court order.
10.	Respondent	Person who the court order is filed against.
11.	Temporary protection order (TPO)	Emergency court order that a judge can issue the same day a party files a CPO case, without the respondent's presence. The court may grant a TPO if they find that a petitioner is in immediate danger. The TPO requires the respondent to follow certain requirements. The initial TPO may last for a 14-day period and can be for a longer time-period if necessary. If a TPO is issued, a respondent must relinquish any firearms or ammunition in their possession and anything else the judge writes in the TPO.
12.	Tribunal	Court, agency, or other entity authorized by law to issue or modify a protection order.



Pamela A. Smith
Chief of Police