

TULALIP POLICE DEPARTMENT **PROTECTION ORDER POLICY**

The Tulalip Police Department is responsible for entering Civil and Criminal Protection Orders issued by Tulalip Tribal Court into the NCIC Protection Order File via OpenFox. The Tulalip Police Department receives multiple types of orders but will only enter Civil and Criminal Orders that are issued to prevent acts of domestic violence, stalking, intimidating or harassing another person into NCIC.

The different types of orders received for entry are:

- Criminal No-Contact Orders
- Sexual Assault Protection Orders
- Civil Protection Orders
- Anti-Harassment Orders

Previously these orders issued by Tulalip Tribal Court were faxed and/or mailed to the Snohomish County Sheriff's Office for NCIC entry. The updating of these previously entered orders will be maintained by the Snohomish County Sheriff's Office until expiration under their Policy and Procedures.

Court Order Logbook –

Eligible Orders are emailed directly to Communications Supervisor Lorelei Ranney and Communications Officer Allison Fogelstrom. When received, either Ranney or Fogelstrom shall list the following information in the Court Order Logbook for documentation purposes:

1. OCA
2. Date Entered
3. Respondent (Name/DOB)
4. Petitioner's (Name/DOB)
5. Order Type
6. Court #
7. Date Served; Return of Service (Y/N)
8. Entered Into NCIC (Date)

Brady Record Indicator –

Protection orders meeting certain criteria disqualify an individual from possessing, purchasing, or receiving a firearm per Federal Law 18, USC 922.

An order that restrains an individual from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or a child of the partner disqualifies that individual from possessing, purchasing, or receiving a firearm providing that the order:

- a. Was issued after a hearing, of which the subject received actual notice, and at which such person had an opportunity to participate, and;
- b. Includes a finding that the subject represents a credible threat to the physical safety of an intimate partner or child.
- c. Explicitly prohibits the use, attempted use, or threatened use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury.
- d. If the criteria are met and the subject is considered Brady disqualified, Y should be entered in the BRD Field. This will cause a caveat to be generated as part of a response to an NCIC 2000 inquiry. The caveat follows the protection order alert but precedes the NCIC 2000 record and reads:

****THE SUBJECT OF THIS RECORD IS PROHIBITED FROM RECEIVING OR POSSESSING A FIREARM UNDER FEDERAL LAW (TITLE 18, U.S.C., SECTION 922)****

Only a final protection order record (MKE/EPO or EPOC) can contain a Brady indicator of Y or U. Emergency or temporary orders (MKE/ETO or ETOC) issued *ex parte* do not meet the criteria specified by law, and, therefore, N must be entered in the field.

Prior to entering the record, an entering agency should make every attempt to determine the firearm disqualification status. The U code should be used when the status remains unknown after reviewing all available documentation. When no attempt is made to determine the disqualification status, a BRD code should not be included in the record (MKE/EPO or EPOC).

The federal firearm prohibition does not apply unless the relationship between the respondent and the petitioner is that of an intimate partner or child of an intimate partner.

Intimate Partner – with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabit or has cohabited with the person.

Cohabitation – requires a live-in relationship (or former live-in relationship) between two (2) individuals (can be same sex) which, in essence, is a sexual/romantic relationship, *NOT* merely a roommate.

The following chart contains relationships frequently encountered on protection orders and the corresponding value for the BRD Field.

PETITIONER	RESPONDENT	BRD
Spouse	Spouse	Y
Former spouse	Former spouse	Y
Unmarried child in common	Unmarried child in common	Y
Unmarried currently or formerly living together unless documentation of cohabitation existst	Unmarried currently or formerly living together unless documentation of cohabitation exists	U
Child	Parent	Y
Stepchild	Stepparent	Y
Currently or formerly cohabiting	Currently or formerly cohabiting	Y
Parent	Child	N
Nephew/Niece	Uncle/Aunt	N
Uncle/Aunt	Nephew/Niece	N
Grandchild	Grandparent	N
Grandparent	Grandchild	N
Brother/Sister	Brother/Sister	N
Cousins	Cousins	N
Roommates	Roommates	N
Neighbors	Neighbors	N
Stepparent	Stepchild	N
Boyfriend/Girlfriend unless cohabitation exists	Boyfriend/Girlfriend unless cohabitation exists	N
Same sex cohabiting, intimate relationship	Same sex cohabiting, intimate relationship	Y
Stranger	Stranger	N

Incomplete Orders or Orders with Error(s) –

Ranney or Fogelstrom will return incomplete orders or orders with error(s) to the DV Court Clerk at Tulalip Tribal Court for correction. A copy of the incomplete order or order with error(s) will be retained at the Tulalip Police Department until corrections are made and the order is resubmitted.

Expiration Dates –

Order expiration dates are included on the NCIC entry. Dates can be extended and will necessitate an NCIC update. Orders remain in NCIC five (5) years after the date of expiration as non-active restraining orders.

Non-Expiring Orders shall be given the expiration date of NONEXP.

Five days prior to the expiration of a protection order, the ORI of record will receive a \$.P. message. This unsolicited message from NCIC is a reminder to make any needed modifications to the EXP in the event that the date was changed by court.

Filing System –

Orders and declarations of service will be available on the Tulalip Tribal Court Odyssey System. All Communication Officers have access to Odyssey 24/7.

Entered orders will also be scanned into the warrants drive under the file PROTECTION ORDERS.

TULALIP POLICE DEPARTMENT
PROTECTION ORDER PROCEDURE

NCIC Entry Procedures –

Orders will be entered into NCIC within 72 hours of being received. Refer to the NCIC 2000 Manual for details on entry/audit procedures. (copy attached)

Order needing entry is received from Tulalip Court.

Check order and make sure all items are correct.

The most important are:

- Full name and DOB for respondent and protected person
- DOB and/or SS# for all protected minors
- Service information, including address if it needs to be served and return of service if it already has been served
- Expiration date
- Signed by a judge

If there are any corrections that need to be made, respond to the email that the order was originally sent in.

If everything looks correct, draw a case number for the order in the log book and write all the information in.

Enter order into OpenFox.

Scan order and return of service (if you have it) to your email. Save the order under >warrants >PROTECTION ORDERS >[current year]. Label the order with the case number that was generated and the respondent's name, hyphen, protected person's name. EX; P16-0001 JONES-JOHNSON

Respond to the email that the order was originally sent in and advise that the order was entered into NCIC (and printed for service if the order needed to be served).