DATE:	JANUARY 15, 2016
NUMBER:	F.4
SUBJECT:	TEMPORARY RESTRAINING ORDERS
RELATED SECTIONS:	

PURPOSE

To set a standard procedure for the acceptance, service and processing of a temporary restraining order (TRO) when the respondent is in custody.

POLICY

Responsibility of acceptance and processing of a TRO upon inmates in custody of the Sheriff's detention facilities will rest with the watch commander.

PROCEDURE

If it is determined the respondent of a TRO is in custody and the TRO has not been served, the appropriate detention facility watch commander will be contacted by the Sheriff's Civil Office (SCO) and made aware of the existence of the TRO. A copy of the TRO will be sent via fax or e-mail to the detention facility for immediate service by that facility's sworn personnel. SCO personnel must make contact with the watch commander or designee before the TRO is faxed/e-mailed.

I. Once the watch commander receives the TRO for service, the watch commander will direct sworn personnel to serve the TRO as soon as possible. Time is of the essence, and the TRO must be served before the respondent is released from custody.

   A. The important points to be communicated to the inmate while serving the TRO are the stay away orders located on the restraining order or the teletype. Stay away orders include, the address/location and distance from which the respondent must stay away; the court appearance date; and the protected person or person's name(s). In addition, any prohibited conduct and all of the firearms requirements and restrictions must be communicated.

      1. The orders that apply to inmates in custody or inmates pending release are listed on the restraining order.

      2. Disregard any orders on the TRO that are lined or crossed out by the SCO.

   B. Once the TRO is served by sworn personnel, the serving deputy must call Sheriff's records at [redacted] for a local TRO and relay the service information for computer entry and documentation. The service information needed for documentation is the serving deputy's name and ARJIS number, the case number for the TRO, the name of the person served and the date, time, and location of the service of the TRO. The above information suffices as acknowledgement of the TRO; the inmate does not have to sign the TRO.

C. Following each TRO service, the serving deputy must document the service in the Jail Information Management System (JIMS) using a primary incident type of "TRO." To complete, the deputy must log the facility, area, and housing unit information. For "action taken" the serving deputy need only write, "Records notified" and "Case number 1234567," filling in the actual number of the TRO served. A narrative is not required to complete a "TRO service" incident. If something unusual happens during the service that should be documented; the deputy should write a narrative for future reference. Link the inmate to the TRO service incident. When linking the inmate, use involvement code "O." This will complete the TRO service documentation.

II. Procedures for a National Crime Information Center (NCIC) hit of a TRO prior to release

A. All inmates in custody of the Sheriff's detention facilities are run in NCIC before being released. The NCIC inquiry is part of the release process to ensure that all wants for the particular inmate have been addressed prior to release. If an inmate being processed for release or as part of a records check has an active TRO in the system and the restraining order has not been served, the detention processing technician (DPT) will contact the watch commander or designee immediately.

B. The DPT will make a copy of the information contained in the NCIC hit with regard to the TRO. This information is to be used to serve the TRO upon the inmate prior to release.

C. The watch commander or designee will direct a sworn deputy to serve the TRO from the NCIC hit information. The NCIC hit information contains all the information necessary for legal service of the TRO

1. If the NCIC hit is for a local TRO, sworn staff shall follow the procedures in section I for service.

   The NCIC hit information will not contain the court date for appearance for the local TRO. The serving deputy should direct the inmate to contact the nearest Court Services Bureau office or court of jurisdiction to obtain the appearance date. This information may also be obtained at the court of filing of the TRO.

2. If the TRO is out-of-county or out-of-state the NCIC hit information will contain a contact phone number for service information. The serving deputy shall follow the procedures in section IA for service, and then call the service information number listed in the NCIC hit to relay the service information. The service information that needs to be communicated is the serving deputy's name and ARJIS number, the case number for the TRO, the name of the person served and the date, time, and location of the service of the TRO. Once completed, the service deputy must document the service (refer to section I.C for procedures).