NUMBER:	5.19
SUBJECT:	SECOND PARTY CHECK RESTRAINING ORDERS
CATEGORY:	WARRANTS
DATE:	JULY 29, 2019
RELATED SECTIONS:	
IN COMPLIANCE WITH:	DEPARTMENT OF JUSTIC CJIS MANUAL 2.3.11

PROCEDURE:

A. 2ND PARTY CHECK FOR CPO—DOMESTIC VIOLENCE

1. Click on SDLaw/eRestraining Order Query
2. Type the FCN and press enter.
3. If no record is found
   a. Verify the FCN was typed correctly.
   b. If the restraining order is CANCELLED , EXPIRED, or No Record Found, place it in the grey cabinet, in the bottom drawer labeled Due Diligence, in the blue folder. Stop at this step.
4. Compare the information on the screen to the CARPOS Entry sheet.
   a. Restrained Person's name
   c. OCA matches the restraining order number
   d. Issue type is CPO
   e. Issue Date
   f. Expiration Date
5. Open Application Xtender and type the restraining order number.
   a. If "No documents found" appears, type the restrained party's last and first name.
      1) Verify it's the same restraining order you are working on by comparing the name, issue and expiration dates
   b. Verify the Index fields (Case number, Last name, First name, and Expiration date) were entered correctly.
6. Compare the following on the CARPOS Entry sheet to the restraining order in Application Xtender:
   a. Type of order matches the form Criminal Protective Order.
      1) If the form is for **Other Than Domestic Violence,** stop at this step and **see the instructions for** 2nd Party Check CPO's Other Than Domestic Violence.
   b. Restrained person's name matches the field People of the State of California vs
   c. Name also should match the Person to be Restrained field.
   d. If the names are different, one should be entered as an aka.
      1) It is okay if the middle name is NMI or NMN, etc., as long as the listed name is an aka.
   e. Compare the restrained person's:
      1) Date of birth
      2) Sex

      3) Race

      4) Height

      5) Weight

      6) Eye color

      7) Hair color - If hair color is bald, BALD should be listed in the scar, mark or tattoo field on the CARPOS Entry sheet.

    f. Skip the Mis field for now on the CARPOS Entry sheet.

    g. Verify protected person's name and descriptors on the CARPOS Entry sheet matches the info in #4 on the form.

    h. If there is more than one protected person's name, verify the other names and descriptors are in the Addtl Protected Person on the CARPOS Entry sheet.

    i. Present in Court should be Yes if #3 is checked on the form

    j. If #3 is not checked, Present in Court should be No.

    k. Verify the court on the CARPOS Entry sheet matches the order.

    l. Verify the Court Case Number on the CARPOS Entry sheet matches the case number on the order.

    m. The issue date on the sheet should match the date in #1 on the form

    n. The expiration date on the sheet should match the date in #2. If no date is given on #2, it should be three years from the issue date Example: 01/01/17 should expire 01/01/20.

7. In Application Xtender, scroll to the second half of the page.

    a. If #12 is checked, Contact Protected Person should be **No**

    b. If #12 is not checked, Contact Protected Person should be **Yes**

    c. Firearm Provisions should be: **Cannot Purchase or Receive and Must Surrender All Firearms**.

    d. If the first box in #8 is checked, it should be included in the Mis field on the CARPOS Entry sheet.

    e. If the second box in #8 is checked, the Firearms Provisions should be **Cannot Purchase or Receive a Firearm** and the verbiage included in the Mis field on the CARPOS Entry sheet.

    f. If #18 is checked, stay Away from the CARPOS Entry sheet should match the locations in #18 (except for school).

    g. If #18 is not checked, but #14 is checked, then Stay Away on the CARPOS Entry sheet should have "Protected Person".

    h. If #14 is checked, Stay Away yardage should match the yards on the order.

    i. For the Mis and Other Orders field:

      1) If it was entered before May 1, 2019, RP NO AMMO should be at the beginning of the Mis field

      2) If #6 is checked, * CAUTION: OTHER should be near the top of the CARPOS Entry sheet and listed in the Mis field xxxx

      3) #7 should be included if it is not crossed off

      4) #8 should be included if the boxes are checked

      5) #9 must be included if #12 is not checked. If #12 is checked, #9 does not need to be included, but it's okay if it is.

      6) #10 should be included unless

      7) it is crossed off

8) or the box that has "the court finds good cause. . ." is checked
9) If "unless good cause exists otherwise" is crossed off on the form, verify it is not in the Mis or OTO fields.
10) If #11 is checked, it should be included (very rare).
11) If #12 is checked, it should be included.
12) #13 does not need to be included, but it's okay if it is.
13) If #15 is checked, it should be included.
14) If #16, 16a, or 16b is checked, it should be included right after "RP NO AMMO" or at the beginning of the Miscellaneous field.
15) If #17 is checked, it should be included.
16) If #18 is checked and includes school, the Mis or Other Orders field should contain "must stay 100 yards from protected persons school".

    j. If anything else is handwritten or typed on the CPO, verify it is included in the Mis or Other Orders field.

    k. If it is entered after 07/15/19, and all information will not fit in the Miscellaneous and Preformatted Other Order messages, "**not all terms listed**" should be in the Preformatted Other Order messages.

    l. If it is entered after 07/15/19, all boxes should be checked that have additional information written. If not, the entry person needs to send it back to court.

    m. Verify the second page of the restraining order is in Application Xtender.

        1) If it is not, write a note asking the entry person to add the second page into Application Xtender.

8. If the restraining order was not entered correctly, write an explanation, your initials and ARJIS, and give it to Sarah. If you are in the Warrant Section, give it to your supervisor or the supervisor of the entry person. Stop at this step.

9. If the CPO was entered correctly, stamp it with the 2nd party stamp and write your initials, ARJIS, and today's date.

10. Scan the paperwork into Applications Xtender. Be sure to place it after the second page of the CPO and before the prior CPO.

11. Staple the paperwork (if necessary) and file it in the 30 Day Scan red folder behind today's date.

B. 2ND PARTY CHECK FOR CPO—OTHER THAN DOMESTIC VIOLENCE

1. Compare the following on the CARPOS Entry sheet to the restraining order in Application Xtender:
    a. Restrained person's name matches the field People of the State of California vs
    b. Name should also match the Person to be Restrained field.
    c. If the names are different, one should be entered as an aka.
        1) It is okay if the middle name is NMI or NMN, etc., as long as the listed name is an aka.
    d. Compare the restrained person's:
        1) Date of birth
        2) Sex
        3) Race
        4) Height
        5) Weight

6) Eye color
7) Hair color - If hair color is bald, BALD should be listed in the scar, mark or tattoo field on the CARPOS Entry sheet.

e. Skip the mis field for now on the CARPOS Entry sheet.
f. Verify protected person's name and descriptors on the CARPOS Entry sheet matches the info in #4 on the form.
g. If there is more than one protected person's name, verify the other names and descriptors are in the Addtl Protected Person on the CARPOS Entry sheet.
h. Present in Court should be **Yes** if #3 is checked on the form
i. If #3 is not checked, Present in Court should be **No**.
j. Verify the court on the CARPOS Entry sheet matches the order.
k. Verify the Court Case Number on the CARPOS Entry sheet matches the case number on the order.
l. The issue date on the sheet should match the date in #1 on the form
m. The expiration date on the sheet should match the date in #2. If no date is given on #2, it should be three years from the issue date Example: 01/01/17 should expire 01/01/20.

2. In Application Xtender, scroll to the second half of the page.
   a. If #11 is checked, Contact Protected Person should be **No**
   b. If #11 is not checked, Contact Protected Person should be **Yes**
   c. Firearm Provisions should be: **Cannot Purchase or Receive and Must Surrender All Firearms**.
   d. If he box in #7 is checked, Firearms Provisions should be **Cannot Purchase or Receive a Firearm** and the verbiage included in the Mis field on the CARPOS Entry sheet.
   e. If #16 is not crossed off, Stay Away from the CARPOS Entry sheet should match #16 (except for school).
   f. If #16 is crossed off, but #13 is checked, then Stay Away on the CARPOS Entry sheet should have "Protected Person".
   g. If #13 is checked, Stay Away yardage should match the yards on the order.
   h. For the Mis and Other Orders field:
      1) If it was entered before May 1, 2019, RP NO AMMO should be at the beginning of the Mis field
      2) If #5 is checked, * CAUTION: OTHER should be near the top of the CARPOS Entry sheet and listed in the Mis field xxxx
      3) #6 should be included if it is not crossed off
      4) #7 should be included if the boxes are checked
      5) #8 must be included if #11 is not checked. If #11 is checked, #8 does not need to be included, but it's okay if it is.
      6) #9 should be included unless
      7) it is crossed off
      8) or the box that has "the court finds good cause. . ." is checked
      9) If "unless good cause exists otherwise" is crossed off on the form, verify it is not in the Mis or OTO fields.
      10) If #10 is checked, it should be included (very rare).
      11) If #11 is checked, it should be included.

12) #12 does not need to be included, but it's okay if it is.
13) If #14, 14a or 14b is checked, it should be included right after "RP NO AMMO".
14) If #15 is checked, it should be included.
15) If #16 is checked and includes school, the Mis filed or Other Orders field should contain "must stay 100 yards from protected persons school"

  i. If anything else is handwritten or typed on the CPO, verify it is included in the Mis or Other Orders field.

  j. If it is entered after **07/15/19**, and all information will not fit in the Miscellaneous and Preformatted Other Order messages, "**not all terms listed**" should be in the Preformatted Other Order messages

  k. If it is entered after **07/15/19**, all boxes should be checked that have additional information written. If not, the entry person needs to cancel the CPO and send it back to court.

  l. Verify the second page of the restraining order is in Application Xtender.
   1) If it is not, write a note asking the entry person to add the second page into Application Xtender.

3. If the restraining order was not entered correctly, write an explanation, your initials and ARJIS, and give it to Sarah. If you are in the Warrant Section, give it to your supervisor or the supervisor of the entry person. Stop at this step.

4. If the CPO was entered correctly, stamp it with the 2nd party stamp and write your initials, ARJIS, and today's date.

5. Scan the paperwork into Applications Xtender. Be sure to place it after the second page of the CPO and before the prior CPO.

6. Staple the paperwork if there are two pages and file it in the 30 Day Scan red folder behind today's date.

C. 2ND PARTY TEMPORARY CIVIL HARASSMENTS (CH-110)

1. Terminology
   a. **Order** - the restraining order in Application Xtender
   b. **CARPOS Entry sheet** - the piece of paper you are checking.
   c. **CLETS Information page** - (usually) the last page of the order in Application Xtender)

2. Click on SDLaw/eRestraining Order Query

3. Type the restraining order number and press enter.

4. Compare the information on the screen to the CARPOS Entry sheet.
   a. Restrained Person's name
   b. FCN
   c. Issue type is **TCH**
   d. Issue Date
   e. Expiration Date
   f. Protected Persons Name(s)
   g. If there is a discrepancy, verify the FCN matches and the correct number was typed.

    h. If the restraining order is CANCELLED , EXPIRED, or No Record Found, place it in the blue folder at the very beginning of the bottom drawer of the cabinet for TRO 2nd Party Bin. Stop at this step.

5. Open Application Xtender and type the restraining order number.
   a. Verify it is the same restraining order you are working on by comparing the restrained person's name, issue and expiration dates. You may have to scroll down to find the same restraining order.
      2) Verify the Index fields (Case number - without the hyphens or letters after the number, Last name, First name, Expiration date and PP last name and first name (if applicable) were entered correctly.
6. Compare the following on the CARPOS Entry sheet to the order:
   a. OCA matches the case number on the order (without the hyphens or letters after the number).
   b. Type of order matches the form (**Temporary Civil Harassment Order** and **CH-110**)
   c. Restrained person's name matches the field in #2 on the form. If the names are different, one should be entered as an aka.
   d. Compare the restrained persons:
      1) Date of birth
      2) Sex
      3) Race
      4) Height
      5) Weight
      6) Eye color
      7) Hair color - If hair color is bald, BALD should be listed in the scars, marks or tattoo field on the CARPOS Entry sheet.
      8) Address
      9) Relationship should be in the Mis field.
   e. Skip the mis field for now on the CARPOS Entry sheet.
   f. Verify protected person's name matches #1 on the order.
   g. If there are additional protected persons name, compare the names and information on the order, item #3. If it was entered after **July 15, 2019**, and names are written, but the box is not checked, the entry person needs to cancel the order and sent it back to court.
   h. If it was entered after July 15, 2019, all boxes should be checked that have additional information written. If not, the entry person needs to send it back to court.
   i. **Present in Court** should be **No**
   j. Verify the court on the CARPOS Entry sheet matches the order.
   k. Verify the Court Case Number on the CARPOS Entry sheet matches the case number on the order without the hyphens or letters after the number.
   l. The issue date on the sheet should match the date in box with the court stamp on the form. If the dates do not match, go to page 4 in Application Xtender to verify it matches the date the judicial officer signed it.
   m. The expiration date on the sheet should match the date in #4.

7. In Application Xtender, click on the second page.
    a. If #5 **Not Granted** or **Denied Until the Hearing** is checked, nothing in #5 should be included on the CARPOS Entry sheet and **Contact Protected Person** should be **Yes**.
    b. If no main boxes are checked, it needs to be returned to the court.
    c. If #5a(2) is checked, **Contact Protected Person** should be **No**.
    d. If #5a(2) is not checked, **Contact Protected Person** should be **Yes**.
    e. Verify the verbiage in the checked boxes for 5a and 5b are in the OTO or Mis field on the CARPOS Entry sheet.
8. Firearm Provisions should be: Cannot Purchase or Receive and Must Surrender All Firearms.
9. For #6 -Stay-Away Order
    a. If #6 **Not Granted** or **Denied Until the Hearing** is checked, nothing in #6 should be included on the CARPOS Entry Sheet
    b. Verify the yards in 6a matches the Stay Away on the CARPOS Entry sheet. If feet are listed, it must be converted to yards. 3 feet = 1 yard.
    c. Verify the checked boxes in 6a are in the Stay Away From field on the CARPOS Entry sheet
    d. If 6a(5) is checked, verify **Stay Away 100 yards from school of protected person** is in the Mis or OTO field.
    e. If 6a(9) is checked, or if it is not checked but something is written on the line, verify it is in the Mis or OTO field.
    f. 6b is optional and may or may not be on the CARPOS Entry form.
10. If #7c is checked
    a. The verbiage should be in the mis field, after any information regarding children.
    b. Near the top of the CARPOS Entry sheet, it should have *** CAUTION: OTHER**
11. If #8 Granted as Follows is checked
    a. Verbiage should be added to the Mis field, even if the box for 8a is not checked. A shortened version is acceptable.
    b. If there are yards written on 8b, it should be included in the mis field, even if the box for 8b is not checked.
12. If #9 Granted as Follows is checked
    a. Verbiage should be added to the Mis field.
13. Verify the **Mis** field has **RP NO AMMO** at the beginning if it was entered before May 1, 2019.
14. Skip #10 and 11.
15. For #12, verify there is a date and signature or stamped signature. If not, it needs to be returned to the court.
16. Skip the next two pages.
17. For the **CLETS Information page**:
    a. **#1Person to Be Protected** - Verify the protected person's date of birth and race on the CARPOS Entry sheet.
    b. **#2 Person to be Restrained** - Verify any additional information for the restrained person was added to the CARPOS Entry sheet:
        1) If no DOB was on page 1of the order, but there's one on the CLETS Information page, verify it is on the CARPOS Entry sheet.

2) The business address should not be included, **unless** there was no residence address listed in #3 on page 1.
3) Verify the social security number was added if it is listed.
4) If there are any scars, marks or tattoos are listed, verify they are on the CARPOS Entry sheet under **the Restrained Person Information**. If the scars, marks or tattoos have a description, the description should be in the Mis field.
5) If **Other names used by the restrained person** are listed, they should be listed as aka's under the **Restrained Person Information** on the CARPOS Entry Sheet.

c. **#3 Guns or Firearms** - If any guns, firearms or weapons are listed:
1) Near the top of the CARPOS Entry sheet, it should have *** CAUTION: OTHER**
2) The Mis field should have "**Per ptnr, resp might have xxx**"

d. The information in #4 (and any attachments) for other people to be protected should only be included if their names are on the order, page 1, item 3 or the box is checked below item #3.

e. If anything else is handwritten on the TCH, verify it is included in the Mis or OTO field.

f. If it is entered after 07/

18. If the restraining order was not entered correctly, write an explanation, your initials and ARJIS, and give it to me, or the supervisor of the person who entered it. Please refer to the Return to Court table for specifics.

19. If the TCH was entered correctly, stamp it with the 2nd party stamp and write your initials, ARJIS, and today's date.

20. Scan the paperwork into Applications Xtender. Be sure to place it after the correct TCH CLETS Information page and before the prior TCH, if there is any.

21. Staple the paperwork and file it in the 30 Day Scan red folders under today's date.

D. 2ND PARTY CIVIL HARASSMENT OAH (CH-130)

1. Terminology
   a. **Order** - the restraining order in Application Xtender
   b. **CARPOS Entry Sheet** - the piece of paper you are checking.
   c. **CLETS Information page** - usually the last page of the order in Application Xtender)
2. Click on SDLaw/eRestraining Order Query
3. Type the OCA and press enter.
4. Compare the information on the screen to the CARPOS Entry sheet.
   a. Restrained Person's name
   b. FCN
   c. Issue Type should be **CHO**
   d. Issue Date
   e. Expiration Date
   f. Protected Persons Name(s)
   g. If there is a discrepancy, verify the FCN matches and the correct number was typed.

    h.   If the restraining order is CANCELLED , EXPIRED, or No Record Found, place it in the blue folder at the very beginning of the bottom drawer of the cabinet for TRO 2nd Party Bin. Stop at this step.

5. Open Application Xtender and type the OCA.

    a.   Verify it is the same order you are working on by comparing the restrained person's name, issue and expiration dates. You may have to scroll down to find the same restraining order.

        1) Verify the Index fields (Case number - without the hyphens or letters, Last name, First name, Expiration date and PP last name and first name (if applicable) were entered correctly.

6. Compare the following on the CARPOS Entry sheet to the order:

    a.   OCA matches the case number on the order (without the hyphens or letters).

    b.   Type of order matches the form (**Civil Harassment Order** and **CH-130**)

    c.   Restrained person's name matches the field in #2 on the form. If the names are different, one should be listed as an aka.

    d.   Compare the restrained persons:

        1) Date of birth
        2) Sex
        3) Race
        4) Height
        5) Weight
        6) Eye color
        7) Hair color
        8) Address
        9) Relationship should be in the Mis field.

    e.   Skip the mis field for now on the CARPOS Entry sheet.

    f.   Verify protected person's name matches #1 on the order. Skip descriptors for now.

    g.   If it was entered after **July 15, 2019**, all boxes should be checked that have additional information written. If not, the entry person needs to cancel the order and send it back to court.

    h.   If there are additional protected persons name, compare the names and information on the order, item #3. If names are written, but the box is not checked, they should still be included on the CARPOS Entry sheet.

    i.   Skip Present in Court

    j.   Verify the court on the CARPOS Entry sheet matches the order.

    k.   Verify the Court Case Number on the CARPOS Entry sheet matches the case number on the order without the hyphens or letters.

    l.   The issue date on the sheet should match the date in box with the court stamp on the form. If the dates do not match, go to page 4 in Application Xtender to verify it matches the date the judicial officer signed it.

    m.   The expiration date on the sheet should match the date in #4.

7. In Application Xtender, click on the second page.

    a.   For **#5 Hearing**, if b2 is checked, **Restrained Person Present in Court** should be **Yes** on the CARPOS Entry sheet. if it is not checked, it should be **No**

    b.   If **#6 Personal Conduct Orders** - If the main box is not checked, but others are, they should still be included in the Mis or OTO field.

    c. If #6a(2) is checked, **Contact Protected Person** should be **No**.

    d. If #6a(2) is **not checked**, **Contact Protected Person** should be **Yes**.

    e. Verify the verbiage in the checked boxes for 6a and b are in the OTO or Mis field on the CARPOS Entry sheet.

8. Firearm Provisions should be: Cannot Purchase or Receive and Must Surrender All Firearms.

9. For **#7 Stay-Away Order**

    a. If the box next to the #7 is not checked, but other boxes are, the information should be included on the CARPOS Entry Sheet

    b. Verify the yards in a matches the Stay Away on the CARPOS Entry sheet. If feet are listed, it must be converted to yards. 3 feet = 1 yard.

    c. Verify the checked boxes in 7a are in the Stay Away From field on the CARPOS Entry sheet

    d. If 7a(5) is checked, verify **Stay Away 100 yards from school of protected person** is in the Mis or OTO field.

    e. If 7a(9) is checked, or if it is not checked but something is written on the line, verify it is in the Mis or OTO field.

    f. 7b is optional and may or may not be on the CARPOS Entry sheet.

10. If **#8c** is checked

    a. The verbiage should be in the mis field, after any information regarding children.

    b. Near the top of the CARPOS Entry sheet, it should have *** CAUTION: OTHER**

    c. If **#9 Lawyer's Fee and Costs** is checked or has writing, verbiage should be added to the Mis field. A shortened version is acceptable.

11. If **#10 Possession and Protection of Animals** or 10a or b is checked or something is written on the line, verbiage should be added to the Mis field.

12. If it was entered before **May 1, 2019**, verify the **Mis** field has **RP NO AMMO** at the beginning.

13. If #11 has something written, it should be included in the Mis or OTO

14. If it was entered after July 15, 2019, and all information will not fit in the Miscellaneous and Preformatted Other Order messages, "not all terms listed" should be in the Preformatted Other Order messages.

15. Skip #12.

16. For **#13 Service of Order on Restrained Person**

    a. If 13a is checked, **Present in Court** should be **Yes**. If #5b(2) and #13a do not agree, it should have been returned to court.

    b. If 13b or its subsections are checked, **Present in Court** should be **No**. If 5b(2) and 13b do not agree, it should have been returned to court.

17. Skip #14.

18. For #15, verify there is a date and signature or stamped signature. If not, it needs to be returned to the court.

19. Skip the next two pages.

20. For the **CLETS Information page** (If one was not attached to the order, you will need to click on one for a previous order):

    a. **#1Person to Be Protected** - Verify the protected person's date of birth and race on the CARPOS Entry sheet.

b. **#2 Person to be Restrained** - Verify any additional information for the restrained person was added to the CARPOS Entry sheet:
1) If no DOB was on page 1of the order, but there's one on the CLETS Information page, verify it is on the CARPOS Entry sheet.
2) The address from a prior CLETS Information page should **not** be included on the CARPOS Entry sheet.
3) Verify the social security number was added if it is listed.
4) If there are any scars, marks or tattoos listed, verify they are on the CARPOS Entry sheet under **the Restrained Person Information**. If the scars, marks or tattoos have a description, the description should be in the Mis field.
5) If **Other names used by the restrained person** are listed, they should be listed as aka's under the **Restrained Person Information** on the CARPOS Entry Sheet.

c. **#3 Guns or Firearms** - If any guns, firearms or weapons are listed:
1) Near the top of the CARPOS Entry page, it should have *** CAUTION: OTHER**
2) The Mis field should have "**Per ptnr, resp might have xxx**"

d. The information in #4 (and any attachments) for other people to be protected should only be included if their names are on the order, page 1, item 3 or the box is checked below item #3.

21. If the restraining order was not entered correctly, write an explanation, your initials and ARJIS, and give it to me, or the supervisor of the person who entered it. Please refer to the Return to Court table for specifics.
22. If the order was entered correctly, stamp it with the 2nd party stamp and write your initials, ARJIS, and today's date.
23. Scan the paperwork into Applications Xtender. Be sure to place it after the current order and before the prior order, if there is any.
24. Staple the paperwork and file it in the 30 Day Scan red folder under today's date.