



# Orders of Protection

Practical application for police,  
prosecutors, and practitioners...

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“

Research suggests that most victims seek orders of protection only after experiencing serious levels of victimization. Most women seeking protective orders have experienced physical assault; threats of harm or death; sexual abuse; threats with a weapon, stalking, and harassment; or assaults on their children.

”

Carol Jordon, “Intimate Partner Violence and the Justice System: An Examination of the Interface,” Vol. 19, No.12 (December 2004): 1423.

- Approximately 4,000 women killed each year by male partner (former partner)
- 75% of those killed as they attempted to leave....

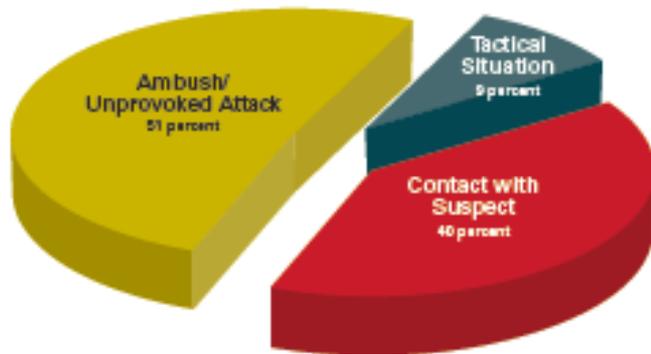
“ While any call can turn dangerous for police, domestic violence calls are widely considered among the most dangerous calls for officers. ”

July 22, 2014 Police Blog

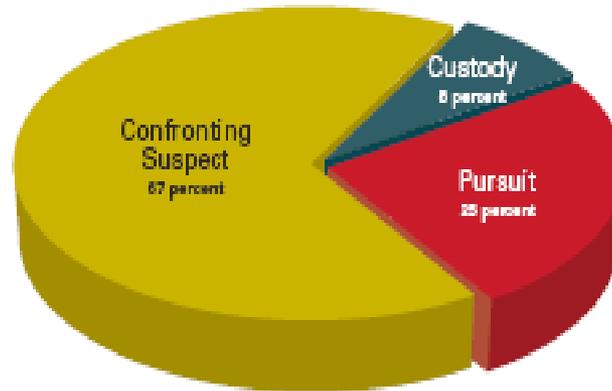
During a recent 14 year study, 105 officers were killed while responding to domestic violence calls. Hundreds, if not thousands civilians were killed during lethal instances of domestic violence during the same 14 year period.

# TIMELY RECORDING AND TRACKING OF ORDERS OF PROTECTION BRINGS PUBLIC SAFETY DIVIDENDS

**Murdered on Domestic Violence Calls for Service: Circumstances of Officer Deaths (1996-2009)**



**Contact with Suspects: Circumstances at Scene**



# ORDER OF PROTECTION

PEORIA MUNICIPAL COURT  
10100 N. 83RD AVENUE PEORIA, AZ 85345

(623) 773-7400

## ORDER OF PROTECTION

[ ] Amended Order

Case No. [REDACTED]  
Court ORI No. AZ007071J  
County MARICOPA State AZ  
Former Case No. [REDACTED]

Victim



### PLAINTIFF

First Middle Last  
[REDACTED] [REDACTED] [REDACTED]

And/or on behalf of minor family member(s) and other Protected Person(s): (List name and DOB.)

SEBASTIAN SMITH 4/18/2001

### PLAINTIFF IDENTIFIERS

Date of Birth of Plaintiff

Defendant



### DEFENDANT

First Middle Last  
[REDACTED] [REDACTED] [REDACTED]

Defendant/Plaintiff Relationship MARRIED NOW OR IN THE PAST

Defendant's Address: [REDACTED]

### DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
M	W	[REDACTED]	[REDACTED]	[REDACTED]
EYES	HAIR	Arizona Prohibits Release of Social Security Numbers		
BRO	XXX			
DRIVER'S LICENSE #	STAT	EXP DATE		
[REDACTED]	[REDACTED]			

CAUTION: [ ] Weapon Alleged in Petition

[ ] Estimated Date of Birth

**WARNINGS TO Defendant:** This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. § 2262). As a result of this order, it may be unlawful for you to possess or purchase a firearm or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) and/or state, tribal, territorial, or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney. **Only the Court, in writing, can change this Order.** This Order is effective for one year from date of service. VERIFY VALIDITY (call Holder of Record):

MARICOPA COUNTY SHERIFF'S OFFICE - (602)876-1061

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.

[ ] Defendant received actual notice of this Hearing and had an opportunity to participate. **Additional findings of this Order and warnings are set forth on the next page(s).**

**THE COURT**, finding reasonable cause to believe that Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period), **HEREBY ORDERS:**

**NO CRIMES.** Defendant shall not commit any crimes, including but not limited to harassment, stalking, or conduct involving the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury, against Plaintiff or Protected Persons.

[X] **NO CONTACT.** Defendant shall have no contact with Plaintiff except through attorneys, legal process, court hearings, and as checked: [ ] Phone [ ] Email/Fax [ ] Mail [X] Other: **STAY AWAY 100 FEET**

[X] **NO CONTACT.** Defendant shall have no contact with Protected Person(s) except through attorneys, legal process, court hearings and as checked: [ ] Phone [ ] Email/Fax [ ] Mail [X] Other: **STAY AWAY 100 FEET**

Victim

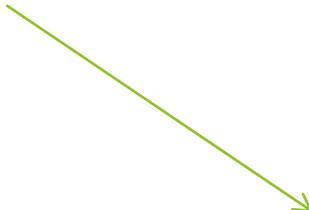
Good idea?

Not victim, other protected parties

# PAGE TWO

Case No. [REDACTED]

Discuss “shall not go to or near”



## THE COURT FURTHER ORDERS:

RESIDENCE. Plaintiff is granted exclusive use and possession of the residence listed below.

LAW ENFORCEMENT STANDBY. Defendant may return once with a law enforcement officer to obtain necessary personal belongings. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

**PROTECTED LOCATIONS.** Defendant shall not go to or near the Plaintiff's or other Protected Person's:

Residence (leave blank if confidential):

[REDACTED]

Workplace (leave blank if confidential):

[REDACTED]

School / Other:

[REDACTED]

# PETITION - PAGE TWO

Case No. [REDACTED]

Other Protected persons →

5. The following persons should also be on this Order. As stated in number 4, the Defendant is a danger to them:

[REDACTED]	_____ ( / / )	_____ ( / / )
	Birth Date	Birth Date
_____ ( / / )	_____ ( / / )	_____ ( / / )
	Birth Date	Birth Date

Protected places →

6. Defendant should be ordered to stay away from these locations, at all times, even when I am not present:

Home [REDACTED]

Work [REDACTED]

School/Office [REDACTED]

7.  If checked, because of the risk of harm, order the defendant NOT to possess firearms or ammunition.

8.  If checked, order the Defendant to participate in domestic violence counseling or other counseling. This can be ordered only after a hearing of which Defendant had notice and an opportunity to participate.

9. Other: \_\_\_\_\_

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge and belief. I request an Order / Injunction granting relief as allowed by law.

[REDACTED]

Plaintiff



[REDACTED]

Attest: \_\_\_\_\_  
Judicial Officer / Clerk / Notary      Date

# DECLARATION OF DELIVERY

Valley-Wide Process Server  
14215 N. 20<sup>th</sup> Way  
Phoenix, Az 85022  
(602) 262-2555

IN THE PEORIA MUNICIPAL COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

\_\_\_\_\_) Case No.: \_\_\_\_\_  
)  
)  
Plaintiff, )  
)  
vs. )  
)  
\_\_\_\_\_) **DECLARATION OF DELIVERY BY**  
) **PRIVATE PROCESS SERVER.**  
)  
Defendant. )

The Order's good for  
one year from date of  
service

Jack Cox upon his oath and personal knowledge states as follows:

1. I am over twenty one years of age, suffer no legal disabilities and I am licensed in Maricopa County as a private process server;
2. On October 4, 2013 at 11:30 a.m. I delivered to \_\_\_\_\_  
\_\_\_\_\_ the Order of Protection, Petition for Order of Protection and  
Defendants Guide Sheet filed with/issued by this Honorable court in this matter by delivery to  
\_\_\_\_\_
3. \_\_\_\_\_ 5'10", 220, 50ish, shaved head;
4. The fee for this service was \$200.00.

I swear under penalty of perjury pursuant to A.R.C.P. 80(j) this 5<sup>th</sup> day of October, 2013 that the foregoing is true and correct.

\_\_\_\_\_  
\_\_\_\_\_

# AGGRAVATED DOMESTIC VIOLENCE (ARS 13-3601.02)

- ▶ Class 5 felony
- ▶ Requires proving 2 prior DV offenses occurred within 7 years of the most recent DV offense (felony or misdemeanor)
- ▶ Can be different victims (priors)
- ▶ Experience shown two major issues with proving these cases:
  - ▶ Proving each prior is the suspect in question can be hard (no prints, no ID character)
  - ▶ Invited contact (where the victim invites offender over in violation of the OOP)

# AGGRAVATED ASSAULT (ARS 13-1203, 13-1204(A)(7))

- ▶ Class 6 felony
- ▶ Happens when OOP is in place and suspect commits assault (13-1203(A)(1) and (3) - injury and intent to injure
  - ▶ Not 13-1203(A)(2) - reasonable apprehension

# AGGRAVATED HARASSMENT(ARS 13-2921.01)

- ▶ Class 5 or 6 felony
- ▶ Commit Harassment when the victim had an OOP (class 6)
- ▶ Commit Harassment when the suspect had a prior DV conviction (class 5)
- ▶ Must be same victim
- ▶ Harassment“Stalking light”

# MISCONDUCT INVOLVING WEAPONS(ARS 13-3102(A)(4))

- ▶ Class 4 felony
- ▶ 13-3101(A)(7)(a) - Prohibited Possessor means any person who has been found to constitute a danger to self or to others...
  - ▶ Finding must be judicial, OOP must be valid / served
  - ▶ If suspect continues to possess weapons after finding this may be an appropriate charge.

PEORIA MUNICIPAL COURT  
10100 N. 83RD AVENUE PEORIA, AZ 85345-5345

(623) 773-7400

Case No.: [REDACTED]

Date [REDACTED]

Defendant: [REDACTED]

### Defendant's Guide Sheet for Protective Orders - Please Read Carefully

The following information is provided to further explain the protective order that has been served upon you and your responsibilities as the Defendant.

**1. You have been served with one of the following protective orders:**

**ORDER OF PROTECTION:** An Order of Protection is used for a "family" relationship between you and the Plaintiff. This can include one of the following: 1) married now or in the past, 2) live together now or lived together in the past, 3) parent of a child in common, 4) one of you is pregnant by the other, 5) you are a relative (parent, in-law, brother, sister, or grandparent), or 6) current or previous romantic or sexual relationship. The Plaintiff has alleged that you have committed or may commit an act of domestic violence.

**INJUNCTION AGAINST HARASSMENT:** The Plaintiff has alleged that you have committed a series of acts (more than one) of harassment against the Plaintiff within the last year.

**INJUNCTION AGAINST WORKPLACE HARASSMENT:** This Injunction, alleging a single act or series of acts of harassment, has been filed against you by an employer or owner of a business or operation for the benefit of an employee or the business.

**2. OTHER PROTECTED PERSONS:** It is possible that you will be referred to Superior Court if your children are listed as protected persons in this order. Only a Superior Court Judge can decide child custody or parenting time in a separate action.

**3. SERVICE AND EFFECT:** This protective order is valid for one year from the date it was served on you and is enforceable by law enforcement in any state or tribal nation in the United States.

**4. PROTECTIVE ORDER HEARING:** If you disagree with this protective order, you have the right to request a hearing, which will be held within 5 to 10 business days after your written request has been filed in the court that issued this order. If a hearing is held and the Order remains in effect or is modified, and you and the Plaintiff 1) are married now or in the past, 2) live together now or lived together in the past, or 3) are parents of a child in common, you may be prohibited from possessing a firearm. This firearms prohibition may apply even if you fail to appear for the hearing. If you have questions as to whether your request for a hearing can result in this firearms prohibition, you should contact an attorney. The Court cannot give you legal advice.

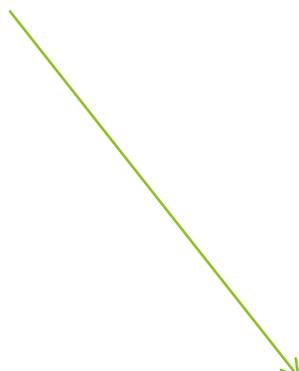
**5. MODIFYING OR QUASHING (DISMISSING) THIS PROTECTIVE ORDER:** Only a judge can modify or quash (dismiss) this protective order. If you file an action for maternity, paternity, annulment, legal separation, or dissolution against the Plaintiff, you need to advise this court at once. **Nothing the Plaintiff does can stop, change, or undo this protective order without the Court's written approval.**

**6. PLAINTIFF CONTACT:** Even if the Plaintiff initiates contact, you could be arrested for violating this protective order. You have the right to request a protective order against the Plaintiff if you do not want the Plaintiff to contact you. However, orders are not automatically granted upon request. Legal requirements must be met.

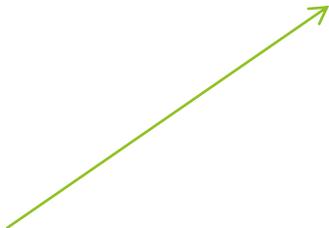
**7. LAW ENFORCEMENT STANDBY:** If standby has been ordered by the judge on this protective order, you may return to the residence once with a law enforcement officer to obtain necessary personal belongings. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

**8. FIREARMS:** If the judge has ordered under state law that you shall not possess, receive, or purchase firearms or ammunition, you must surrender them within 24 hours after service to the law enforcement agency named on this protective order and should request them to issue proof of that surrendering. You may also be required to provide documentation to the court that firearms were transferred to the appropriate law enforcement agency.

Fire arms notice



Misconduct Involving  
Weapons  
13-3102(a)(4)



**FIREARMS.** Pursuant to A.R.S. § 13-3602(G)(4), the Court finds that Defendant poses a credible threat to the physical safety of the Plaintiff or Protected Persons. Therefore, Defendant shall not possess, receive, or purchase firearms and shall surrender same within 24 hours of service to: CITY POLICE DEPARTMENT

**OTHER ORDERS.**

09/30/2013

HONORABLE STEPHANIE OLOHAN

Date

Judicial Officer

Printed Name

**Warning**

This is an official Court Order. If you disobey this Order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Order.

**ADDITIONAL WARNINGS TO Defendant:** Violations of this Order should be reported to a law enforcement agency, not the Court. Both parties must notify this Court if an action for dissolution (divorce), separation, annulment or paternity/maternity is filed. This is NOT a parenting time (visitation) or custody order. You must file those requests separately in Superior Court. If you disagree with this Order, you have the right to request a hearing, which will be held within 5 to 10 business days after your written request has been filed in the Court that issued this Order. Nothing the Plaintiff does can stop, change, or undo this Order without the Court's written approval. You must appear in Court to ask a judge to modify (change) or quash (dismiss) this Order. **Even if the Plaintiff initiates contact, you could be arrested and prosecuted for violating this protective order. If you do not want the Plaintiff to contact you, you have the right to request a protective order against the Plaintiff. However, orders are not automatically granted upon request. Legal requirements must be met.**

PCO Codes: 1,2,3,4,5,7,8.

# Making Your Case: Domestic Violence is Rarely a one time event

- ▶ If a case doesn't get filed by the County Attorney, you may still be able to get a misdemeanor DV conviction in your city or justice court.
- ▶ OOP violations not filed the first time, may be used to establish future stalking or harassment charges.
- ▶ A recent study found that nearly 50% of batterers re-abused victims after the issuance of a protective order.
- ▶ When in doubt call your county attorney and talk about case and what additional evidence may be needed the next time around.

# Thank you!

Jon Eliason  
Division Chief  
Maricopa County Attorney's Office  
602-506-2751  
[eliasonj@mcao.maricopa.gov](mailto:eliasonj@mcao.maricopa.gov)