

## Procedure

# 3.6

EFFECTIVE  
DATE  
7-31-06

# Eugene Police Department



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## Stalking Incidents

### 3.6.1 PURPOSE AND SCOPE

This procedure deals with the crime of stalking, stalking citations, and related issues. For issues of domestic violence and restraining orders, refer also to Policy 320.

#### PART I - Responsibilities and Procedures for All Personnel

- A. Criminal statutes
- B. Uniform Stalking Citation

### 3.6.2 RESPONSIBILITIES AND PROCEDURES ALL PERSONNEL

#### a. Criminal statutes

- 1. Stalking *ORS 163.732*
- 2. Violating a Court's Stalking Protective Order *ORS 163.750* – This is the proper charge when a person has violated a court's stalking protective order.

#### b. Uniform Stalking Citation

- 1. This is a *civil* citation which *must* be issued if:
  - a. the victim has completed and given you the Oregon Uniform Stalking Complaint, *and*
  - b. you have probable cause to believe that the elements of *ORS 163.735[1]* have been met.
- 2. This citation orders the respondent to appear in Lane County Circuit Court for a civil proceeding at 10:00 AM on the third judicial day following the day of service. (Holidays are not judicial days.) If the court is closed on the assigned appearance day, cite for the next court day.

*If the citation is served*

Monday  
Tuesday  
Wednesday  
Thursday  
Friday, Saturday, or Sunday

*the normal appearance day is*

Thursday  
Friday  
Monday  
Tuesday  
Wednesday

3. You must notify the petitioner (victim) in writing of the place and time set for the hearing. Tell the petitioner that s/he must appear at the hearing, or the temporary order will be dismissed by the court, and that it would be advisable to arrive at least 15 minutes early. *ORS 163.738* provides that the petitioner may appear in person or by telephonic appearance. However, advise the petitioner that the policy of the courts here is that the appearance must be in person unless alternative arrangements are made in advance with the court. If the petitioner intends to appear in person, he or she may wish to have support persons present, as the respondent will presumably be present, and a deputy sheriff is not always in attendance at the hearing.)
4. If the service of the citation cannot be completed, the victim should be referred to a private attorney or Legal Aid to request a Court Protective Order, as the District Attorney's office will not become involved with procuring this civil order if a citation is not issued.
5. You may arrest or cite a suspect for any criminal offense committed (including stalking) if the statutory elements have been met, as well as issue a (civil) Uniform Stalking Citation; the two actions are not mutually exclusive. (For any criminal citations issued, use the normal court date.)
6. A police incident report must be completed even if no criminal or other action is taken. *ORS 163.738[7]* requires that the results of any investigation arising from a Uniform Stalking Complaint be reported to the District Attorney within three days after presentation of the complaint.)
  - a. If there is probable cause to issue a citation but the respondent cannot be served, document attempts made to contact the respondent.
  - b. If a Uniform Stalking Citation is issued, attach the top three copies to your police report. The remaining copies are intended to be given to the petitioner (pink) and respondent (goldenrod). It is important that the proper copy be given to the respondent because the address(es) of the petitioner and person being stalked are blocked out on that copy of the form.
7. Court stalking orders and restraining orders are different and are *not* mutually exclusive. Do not decline to take a stalking report simply because a valid restraining order is in place.