



Domestic Violence Pilot

BRIEFING BY LAVONDA FOWLER

Background

- ▶ The CJIN Initiative of Pre-Trial Release has been ongoing for several years.
- ▶ That led up to the December Meeting that focused on Domestic Violence and possible solutions.
- ▶ Looking at the issue from a Multidisciplinary approach the 1st of many workshops was held a few weeks ago.
- ▶ Where law enforcement discussed a new approach to the concerns.

Summary Statement

- ▶ To improve the quality of services that victims of domestic violence receive when they seek help within their county.
- ▶ Intent is to streamline the process for the purpose of helping the victim, law enforcement, courts and everyone involved.
- ▶ With having the potential to issue a Temporary Domestic Violence Protection Order at the scene of an incident.
- ▶ This process in no way impacts or negates any other ongoing or current procedures.

Why the need for Improvement

- ▶ As it stands now the process could take up to six hours to process and anywhere from several weeks to months to serve. This creates additional stress on the victim and the victim's family, which might include an escalation in violence. Thus one of the initiatives of the CJIN Board was Pre-Trial release.
- ▶ With the elimination of additional time needed to process and serve an individual, this could potentially save immeasurable lives.

Possible solution

- ▶ To improve process workflow and enhance citizen services, I propose to leverage the popularity and accessibility of the web and the power of a digital signature and forms solution to transform how orders of protection are accessed, completed, submitted, reviewed, and approved. The more integrated, automated processes translate into enhanced citizen services that can be delivered faster, more conveniently, and more cost effectively than ever.

Incident Form



Raleigh Police Department

6716 Six Forks Rd
Raleigh, NC 27615

Offense/Incident Report

Incident					
Date/Time Reported	Incident Date/Description	Incident EUC Date/Time	Incident Number	XREF Number	
05/28/2014 10:55:00	05/28/2014 01:00:00	05/28/2014 02:00:00	085016339		
Location					
*TEST ADDRESS, RALEIGH NC 27601			County	Coverage Area	
			MAKE	123	
Property					
Qty:	Tag:	Type:	Serial:	Value:	
1		STOLEN		1,000	
Brand/Make:		Model:			
THING					
Description:					
SOMETHING STOLEN					
Property					
Qty:	Tag:	Type:	Serial:	Value:	
1		STOLEN	UPDATED SER	1,000.00	
Brand/Make:		Model:			
LPO BRAND		LPO MODEL			
Description:					
UPDATED DESCRIPTION					
Vehicle					
Vehicle Class:			Vehicle Identif. Call or Number:		
STOLEN			13131222223374515151		
Registration No:	Registration State:	Registration Expires:	Registration Type:		
Vehicle Year:	Vehicle Make:	Vehicle Model:	Vehicle Style:	Vehicle Color:	Vehicle Value:
99	FORD	CROU		BLK/BLK	
Vehicle Owner					
Name: UNKNOWN			Sex:	Phone:	
			Other:	(919) 476-5432	
Address: 207 BRAGG ST RALEIGH, NC 27601					
SUSPECT					
Name: USER, TEST			Role:	Phone:	
			SUSPECT	(919) 986-1145	
Address: 6716 SIX FORKS RD RALEIGH, NC 27615			Driver's License no.:	Social Security:	
Employer Name:		Employer Address:		Work Phone:	
File No.:	FBI No.:	SD No.:	Date of Birth:	PO App.:	Sup. App.:
			02/03/1926	BB	N/A
			Height:	Weight:	Race:
			5'	170	B
			Hair:	Eyes:	Build:
Case Status:			Approval Status:		
Investigating Officer:			Approver:		
Date:			Date:		
05/28/14			05/28/14		
RICH, L (3833)			SO, MAULTSBY, J (2526)		

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STATE OF NORTH CAROLINA
County _____ In The General Court Of Justice
District Court Division _____

VERSUS

COMPLAINT AND MOTION FOR DOMESTIC VIOLENCE PROTECTIVE ORDER

(Check only boxes that apply and fill in blanks. Additional blanks may be attached.)

1. I live in _____ County, North Carolina.

2. The defendant and I are spouses are former spouses.
 are persons of the opposite sex who are not married, but live together or have lived together.
 have a child in common.
 are parent and child or grandparent and grandchild.
 are current or former household members.
 are persons of the opposite sex who are in or have been in a dating relationship.

3. There is is not another court proceeding between the defendant and me pending in this or any other state, your county, city, town, or school of proceeding, if applicable.

4. The defendant has attempted to cause or has intentionally caused me bodily injury or has placed me or a member of my family or household in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against me in that (love or intimate relationship is not required).

5. The defendant has attempted to cause or has intentionally caused bodily injury to the child(ren) living with me or in my custody, has placed my child(ren) in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against the child(ren) in that (love or intimate relationship is not required).

6. I believe there is danger of serious and immediate injury to me or my child(ren).

7. (Check this box if you ask for temporary child custody.) The defendant and I are the parents of the following child(ren) under the age of eighteen:

A COPY OF "AFFIDAVIT AS TO STATUS OF MINOR CHILD" (AOC-CV-600) MUST BE ATTACHED FOR EACH CHILD.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

4000

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8. *(Do not check this box unless you are asking for temporary child custody.)* The minor child(ren) listed in No. 7 above is exposed to a substantial risk of physical or emotional injury to equal or less in fact. (Describe incident and response that created a risk of physical or emotional harm or abuse below.)

9. The defendant has firearms and ammunition as described below. has a permit to purchase a firearm. and has a permit to carry a concealed weapon. (Specify all weapons, purchases, gun permits and give identifying numbers if known, and indicate when defendant has a firearm and gun permits.)

10. The defendant has used or threatened to use a deadly weapon against me or minor child(ren) in my custody or has a pattern of prior conduct involving the use or threatened use of violence with a firearm against any persons in that (give specific date and describe in detail what happened).

11. The defendant has made threats to commit suicide in that (give specific date and describe in detail what happened).

Because Of The Acts Of Domestic Violence By The Defendant, I Am Requesting That The Court Give Me The Following Relief:
(Check any items that apply)

1. I want emergency relief.

2. Since there is a danger of acts of domestic violence against me or my child(ren), I want an Ex Parte Order before notice of a hearing is given to the defendant.

3. I want the Court to order the defendant not to assault, threaten, abuse, follow, harass or interfere with me and my child(ren).

4a. I want the defendant ordered not to orally, treat, or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.

4. I want possession of our residence at the address listed below, and I want the defendant to move from and not return to the residence.

5. I want the Court to order the eviction of the defendant from the residence listed above and I want assistance in returning to the residence.

6. I want possession of the personal property such as clothing and household goods in the residence listed above except for the defendant's personal clothing, jewelry and tools of trade.

6a. I want the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household granted to me.

Address of residence
[Redacted]

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VERSUS

7. I want the defendant to be ordered to come on or about:

<input type="checkbox"/> (a) my residence.	<input type="checkbox"/> (b) any place where I am (or was) temporarily sheltered.
<input type="checkbox"/> (c) the place where I work.	<input type="checkbox"/> (d) any school(s) the child(ren) attend.
<input type="checkbox"/> (e) the place where the child(ren) receives day care.	<input type="checkbox"/> (f) the place where I go to school.
<input type="checkbox"/> (g) Other. (Name other school)	

The child(ren) currently attend (name school)

8. I want the defendant to be ordered to have no contact with me.

9. I want possession and use of the following vehicle:

10. I want temporary custody of my minor child(ren) listed in this Complaint. I understand that I must file a separate child custody action for permanent custody.

11. I want the defendant to be ordered to make payments for the support of my minor child(ren), as required by law, but I understand it is only temporary, and that I must file a separate child support action for regular, permanent child support.

12. I want the Court to prohibit the defendant from possessing or purchasing a firearm.

13. I want the Court to order the defendant to surrender to the sheriff his/her weapons, ammunition, and gun permits to purchase a firearm and carry a concealed weapon.

14. I want the defendant to be ordered to attend an abuser treatment program.

15. I want the defendant to be ordered to provide me and the child(ren) suitable alternative housing.

16. I want the defendant to be ordered to make payments for my account as required by law, but I understand it is only temporary, and that I must file a separate action for regular, permanent spousal support.

17. Of no effect.

Signature of Plaintiff: _____
Date: _____

VERIFICATION

I, the undersigned, being first duly sworn, say that I am the plaintiff in the within-entitled action; that I have read the Complaint and Motion, that the contents and things alleged in the Complaint and Motion are true except as to those things alleged upon information and belief and as to those things I believe them to be true and accurate.

SWORN, AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date:	Signature:	Signature of Notary Public (Print Name):
<input type="checkbox"/> Deputy Clerk	<input type="checkbox"/> Clerk of Superior Court	_____
<input type="checkbox"/> Alternative Dispute Resolution Program	<input type="checkbox"/> District Attorney	_____
<input type="checkbox"/> Other:	<input type="checkbox"/> Notary Public	_____

SEAL

NOTICE: This form is for use by the victim of domestic violence only. It is not to be used by the defendant. (Rev. 2/15) Page 3 of 3
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Case No. 1	EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION			
Court General Court of Justice District Court Division	NORTH CAROLINA			
County	NORTH CAROLINA			
PETITIONER/PLAINTIFF		PETITIONER/PLAINTIFF IDENTIFIERS		
NAME	DOB	SSN/State or Other ID	Date of Protection Begins/DOB	
Address or best of three (single members), last name and only		Date of Protection Expires/DOB		
VERSUS				
RESPONDENT/DEFENDANT		RESPONDENT/DEFENDANT IDENTIFIERS		
SEX	RACE	DOB	HT	WT
Relationship to Petitioner: <input type="checkbox"/> spouse <input type="checkbox"/> former spouse <input type="checkbox"/> unmarried, live a child in common <input type="checkbox"/> of opposite sex, currently or formerly in dating relationship <input type="checkbox"/> current or former household member <input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> sibling <input type="checkbox"/> grandchild	Eyes	Hair	Social Security Number	
Relationships (check all that apply):	Drivers License No.	State	Expiration Date	
	Date of Birthing Expiration			
CAUTION: <input type="checkbox"/> Witness involved				
THE COURT HEREBY FINDS THAT: This matter was heard by the undersigned <input type="checkbox"/> district court judge <input type="checkbox"/> magistrate. The court has jurisdiction over the subject matter. Additional findings of this order are set forth on Page 2.				
THE COURT HEREBY ORDERS THAT: <input type="checkbox"/> The above named Respondent/Defendant shall not commit any further acts of domestic violence or make any threats of domestic violence (G.S. 52B-1) <input type="checkbox"/> The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any in-person, written, electronic, audio, through an attorney, direct or indirect, by means such as telephone, personal contact, email, page, gift giving or feeless mile machine. [05] Additional terms of this order are set forth on Pages 3 and 4. The terms of this order shall be effective until: / /				
WARNINGS TO THE RESPONDENT/DEFENDANT: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2285), Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2282). This order will be enforced anywhere in North Carolina. Only the Court can change this order. The plaintiff cannot give you permission to violate this order. See additional warnings on Page 4.				
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ADDITIONAL FINDINGS

1. As indicated by the check boxes under Respondent's name on Page 1, the tortious act has been in a personal relationship?

2. That on any of these recent occasions _____ the defendant:

a. attempted to restrain intentionally caused bodily injury to the plaintiff the child(ren) living with or in the custody of the plaintiff

b. placed in fear of imminent serious bodily injury the plaintiff a member of the plaintiff's family

c. a member of the plaintiff's household

d. placed in fear of serious harassment that gave to such a level as to inflict substantial emotional distress

e. the plaintiff a member of plaintiff's family a member of plaintiff's household

f. committed an act defined in G.S. 14- _____ § 14-22 (1st deg. rape) | § 14-22.2 (2nd deg. rape) | § 14-22.3 (3rd deg. rape) | § 14-22.4 (1st deg. sexual offense) | § 14-22.5 (2nd deg. sexual offense) | § 14-22.6 (3rd deg. sexual offense) | § 14-22.7 (sexual offense by substitute parent) against:

the plaintiff a child(ren) living with or in the custody of the plaintiff by _____ (describe defendant's conduct)

3. The defendant is in possession of, owns or has access to firearms, ammunition and gun permits described below. (describe all weapons, ammunition, gun permits and gun identification(s) if known, also indicate where defendant stores firearms)

4. The defendant:

a. used threatened to use a deadly weapon upon the plaintiff minor child(ren) residing with or in the custody of the plaintiff

b. has a pattern of prior conduct involving the use threatened use of violence with a firearm against persons

c. made threats to seriously injure or kill the plaintiff minor child(ren) residing with or in the custody of the plaintiff

d. made threats to commit suicide

e. inflicted serious injuries upon the plaintiff minor child(ren) residing with or in the custody of the plaintiff in that state visit:

5. The parties are the parents of the following child(ren) under the age of eighteen (18). The child(ren) are presently in the physical custody of the _____ defendant. The plaintiff has submitted an Affidavit As To Status Of Minor Child.

NOTE TO JUDGE: A copy of 50B-CV-504 for each child must be attached to the prior.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

6. The minor child(ren) is exposed to a substantial risk of physical or emotional injury or sexual abuse in that:

7. It is in the best interest of and necessary for the safety of the minor child(ren) that defendant stay away from the minor child(ren) that the defendant return the minor child(ren) to plaintiff and that the defendant not remove the minor child(ren) from plaintiff in that:

8. Other than only if plaintiff is entitled to physical care of children, it is in the best interest of the minor child(ren) that defendant have contact with the minor child(ren) in that:

9. He she defendant is presently in possession of the parties' residence at _____

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Case No. _____ Date Filed _____

10. The defendant plaintiff is presently in possession of the parties' vehicle. (Describe vehicle)

11. Other (Specify): _____

12. (For Magistrate only. This matter was heard at a time when the district court was not in session and a district court judge was not available and would not be available for a period of four or more hours.)

CONCLUSIONS

Based on these facts, the Court makes the following conclusions of law:

1. The defendant has committed acts of domestic violence against the plaintiff.

2. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.

3. It clearly appears that there is a danger of acts of domestic violence against the plaintiff minor child(ren). (C.S. 50B-2(c))

4. The minor child(ren) is exposed to a substantial risk of physical injury emotional injury sexual abuse. (C.S. 50B-2(c))

5. The Court has jurisdiction under the Uniform Child Custody Jurisdiction And Enforcement Act.

6. It is in the best interest of and necessary for the safety of the minor child(ren) that the defendant: stay away from the minor child(ren); do not return the minor child(ren) to the physical care of the plaintiff; do not remove the minor child(ren) from the physical care of the plaintiff.

7. The defendant's conduct requires that the minor's residence, attendance at school, and permission. (C.S. 50B-3-1)

8. The plaintiff has failed to prove grounds for no parts relief.

ORDER

It is ORDERED that:

1. the defendant shall not assault, threaten, abuse, harass, stalk, harass (by telephone, visiting the home or workplace or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]

2. the defendant shall not assault, threaten, abuse, stalk, harass (by telephone, visiting the home or workplace or other means) or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]

3. the defendant shall not threaten a member of the plaintiff's family or household. [02]

4. the defendant shall not own, lease, possess, use, or control any animal owned, possessed, kept or held as a pet by either party or minor child residing in the household.

5. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal property located in the residence except for the defendant's personal clothing, toiletries and tools of trade. [03]

6. a law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. [04]

7. the plaintiff [05] defendant [06] is ordered to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the plaintiff defendant in returning to the residence to get these items.

8. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept or held as a pet by either party or minor child residing in the household.

9. the defendant shall stay away from the plaintiff's residence or any place where the plaintiff receives temporary shelter. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [04]

10. the defendant shall stay away from the following places:

a. the place where the plaintiff works. [04]

b. any school(s) the child(ren) attend. [04]

c. the place where the child(ren) receives day care. [04]

d. the plaintiff's school. [04]

e. Other (specify other places) [04]

The sheriff must deliver a copy of this order to the principal or the principal designee at the following school(s): (name school)

9. the plaintiff is granted possession and use of the vehicle described in Block No. 10 of the Findings on Page 3. [08]

10. the plaintiff is awarded temporary custody of the minor child(ren) (check any of the following):

a. and the defendant is ordered to stay away from the minor child(ren);

b. and the defendant is ordered to immediately return the minor child(ren) to the care of the plaintiff;

c. and the defendant is ordered not to remove the minor child(ren) from the care of the plaintiff.

ADOPTED AND FILED: _____

2015 Adult Protective Services Act

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11. (If Yes, to a checked box you are asking questions concerning. The defendant is allowed the following contact with the minor children:

12. the defendant is prohibited from possessing or receiving (P) purchasing a firearm for the effective period of this Order (P) and the defendant's concealed handgun permit is suspended for the effective period of this Order. (P) The defendant is a law enforcement officer in the line of service and may may not possess or use a firearm for duty use.

13. the defendant is ordered to the Sheriff serving this order the firearms, ammunition, and gun permits described on Number 3 of the Filing on Page 2 of this Order and any other firearms and ammunition in the defendant's care, custody, possession, ownership or control. **NOTE TO DEFENDANT:** You must surrender these items to the serving officer at the time this Order is served on you. If the defendant cannot be served at that time, the sheriff must return them to the sheriff within 24 hours of the time and place specified by the sheriff. **Failure to surrender the weapons and permits, as ordered or possessing, purchasing, or receiving a firearm, ammunition or permit in violation of any provision of this Order after being ordered not to possess firearms, ammunition or permits is a crime. See "Notice to Plaintiff: To The Defendant" on Page 4 of this Order for information regarding the penalty for these crimes and instructions on how to request return of surrendered weapons.**

14. the request for Ex Parte Order is denied.

15. Other (specify) (P)

Case: _____ Sheriff Court Judge: _____
County: _____ Defendant Magistrate: _____

NOTE TO PLAINTIFF: If the judge signs this Order and gives it to you, take it to the Clerk's office immediately. If the magistrate signs this Order and gives it to you, follow the magistrate's directions.

NOTE TO CLERK: Give or mail a copy of this Order to the plaintiff and to the appropriate local law enforcement agency. Send copies to Sheriff's Office, District Attorney, Constable and Bailiffs for service on defendant. Send via a copy to the sheriff if required to deliver copies to the unknown's address.

NOTICE TO PARTIES

TO THE DEFENDANT:

- If this Order prohibits you from possessing, receiving or purchasing a firearm and you violate or attempt to violate that provision, you may be charged with a Class H felony pursuant to North Carolina G.S. 14-205.8 and may be imprisoned for up to 36 months.
- If you have been ordered to surrender firearms, ammunition, and gun permits and you fail to surrender them as required by this Order, you may be charged with a Class H felony and may be imprisoned for up to 36 months. If you surrendered your firearms, ammunition, and permit to the sheriff for the return of weapons with the clerk of court in the county in which this Order was entered when the protective order is no longer in effect, except if at the time this Order expires criminal charges, in either state or federal court, are pending against you, alleged to have been committed against the person who is protected by the order, you may not file for return of the weapons until final disposition of the criminal charges. The term "Motion For Return Of Weapons Surrendered Under Domestic Violence Protective Order" (ADO-CV-316) is available from the clerk of court's office. The motion must be filed not later than 90 days after the expiration of the Order that requires you to surrender the firearms or if you have pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protection order, the motion must be filed not later than 90 days after final disposition of the criminal charges. At the time you file the motion, the clerk will schedule a hearing before the magistrate for a judge to determine whether to return the weapons to you. The sheriff cannot return your weapons unless the Court orders the sheriff to do so. You must pay the sheriff's storage fee before the sheriff returns your weapons. If you fail to file a motion for return of the weapons within 90 days after the expiration of this Order, or the final disposition of criminal charges pending at the time this Order expires, or if you fail to pay the storage fees within 30 days after the Court enters an order to return your weapons, the sheriff may seek an order from the Court to dispose of your weapons.

TO THE PLAINTIFF:

- You should keep a copy of this order on you at all times and should make copies to give to your friends and family. If you move to another county or state, you may wish to give a copy to the law enforcement agency where you move. But you will not request to 99 10
- The court or judge is the only one that can make changes to this order. If you wish to change any of the terms of the order, you must come back into court to have the judge modify the order.
- If the defendant violates any provision of this order, you may call a law enforcement officer or go to a magistrate to charge the defendant with the crime of violating a protective order. You also may go to the clerk of court's office in the county where the protective order was issued and ask to file out form AOC-CV-317 Motion For Order To Show Cause Domestic Violence Protective Order, to have an order issued for the defendant to appear before a district court judge to be held in contempt for violating the order.

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CERTIFICATION	
I certify that I am the plaintiff named in this order and that I am the victim of the defendant named in this order.	
I certify that I am the plaintiff named in this order and that I am the victim of the defendant named in this order.	
RETURN OF SERVICE	
NOTE: To be used when Magistrate issues an order and the order will be served on defendant(s) from the complainant and the complainant's attorneys are served with order, return on subpoena, covers order.	
I certify that a 50B Protective Order or Order of Protection was received and served as follows:	
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> By delivering to the defendant named above a copy of the order.	
<input type="checkbox"/> By leaving a copy of the order at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Make use of reverse of form for return of service.	
<input type="checkbox"/> Other manner of service on the defendant (specify):	
<input type="checkbox"/> Defendant WAS NOT served for the following reason:	
Signature of Plaintiff	Signature of Plaintiff (Not Being Served)
Signature of Plaintiff	Place Up to Plaintiff Attorney Name, Date of Print
	County of State

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