

# TEXARKANA POLICE DEPARTMENT

## GENERAL ORDERS MANUAL

<b>SUBJECT</b>	<b>Legal Process</b>		
<b>NUMBER</b>	<b>1102.05</b>	<b>EFFECTIVE DATE</b>	<b>May 3, 2011</b>
<b>Scheduled Review Date</b>	<b>August 30, 2018</b>	<b>ISSUE DATE</b>	<b>May 3, 2011</b>
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<b>APPROVED BY</b>		<b>ALEAP Standards</b>	7.02; 7.03; 7.04; 7.05; 7.10; 7.31; 7.32

### I. Purpose and Scope

- A. The purpose of this policy is to establish procedures for members of Texarkana Police Department to carry out criminal and civil legal processes. The elements of this policy shall apply to all sworn members of the Department.

### II. Policy

- A. It is the policy of the Texarkana Police Department to provide responsible and professional service of criminal process consistent with the lawful authority granted to officers of the Texarkana Police Department. Officers are charged with the duty to insure that the authority of any criminal process served is valid on its face and to restrict service of such process to that of courts with proper jurisdiction.

### III. Definitions

- A. **Legal Process**—Any item of civil or criminal process, whether original, intermediate, or final that is valid on its face and is to be served or executed by a law enforcement agency.
- B. **Criminal Process**—Those writs, summons, mandates, warrants, or other process issuing from a court of law compelling a person to answer for a crime. The term also includes process issued to aid in crime detection or suppression, such as search warrants.
- C. **Civil Process**—Those writs, summons, mandates, or other process issuing from a court of law or equity pertaining to a cause of a civil nature. The term includes original, intermediate, and final process to be served by a law enforcement agency in any action involving civil litigants.

### IV. Civil Process [ALEAP 7.31; 7.32](#)

- A. *Arkansas Rules of Civil Procedure Rule 4, Section (c)* mandates the service of civil summons be made by the Sheriff of the county—or his/her deputy—in which the service is to be made unless the sheriff is a party to the action.
- B. The Arkansas Rules of Civil Procedure also mandate the execution of orders for civil arrest or writs which require the seizure of real or personal property be handled through the Miller County Sheriff's Department in accordance with Arkansas Law.

Page 1 of 11 <b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process	<b>Revision Date: July 12, 2017</b>

- C. The Texarkana Police Department does not routinely handle calls for service involving civil process incidents. Should the Texarkana Police Department receive a call that is determined to involve a civil process issue, officers of the Agency shall stand-by to ensure the peace and safety of those involved and notify their supervisor of the situation.

**V. Procedure**

- A. The following Arkansas State Statutes or Rules of Criminal Procedure govern the execution of the criminal process by members of the Texarkana Police Department:

- 1. Authority to Issue a Citation — *Rule 5.2, Arkansas Rules of Criminal Procedure* states a law enforcement officer in the field acting without a warrant who has reasonable cause to believe that a person has committed any misdemeanor may issue a citation in lieu of arrest or continued custody. A citation is defined as a written order, issued by a law enforcement officer who is authorized to make an arrest, requiring a person accused of violating the law to appear in a designated court at a specified date and time.

- a. A law enforcement officer in the field acting without a warrant who has reasonable cause to believe that a person has committed any misdemeanor may issue a citation in lieu of arrest or continued custody.
- b. When a person is arrested for any misdemeanor, the ranking officer on-duty at the place of detention to which the arrested person is taken may issue a citation in lieu of continued custody.

- (1) **No suspect who has been arrested by a Texarkana Police Officer for an offense related to domestic abuse will be issued a citation in lieu of continued custody.**

- c. Upon recommendation of a prosecuting attorney, the ranking officer on duty at the place of detention to which the arrested person is taken may issue a citation in lieu of continued custody when the person has been arrested for a felony offense.

- d. Although not inclusive, when determining whether to continue custody or issue a citation, the officer shall inquire into and consider the following facts surrounding the accused:

- (1) The accused person’s place and length of residence;
- (2) The accused person’s family relationships;
- (3) References;
- (4) The accused person’s present and past employment;
- (5) The accused person’s criminal record; and
- (6) Other factors, such as:

- (a) Whether the accused person has failed to identify themselves satisfactorily;
- (b) Whether the accused person refuses to sign a promise to appear pursuant to the citation;
- (c) Whether the accused person has ties to the jurisdiction which are reasonably sufficient to assure his/her appearance in the future as well as a substantial likelihood he/she will respond to a citation; and

Page 2 of 11	<b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process		<b>Revision Date: July 12, 2017</b>

- (d) Whether the accused person has previously failed to appear in response to a citation.
2. Authority to Issue a Summons — *Rule 6.1 of the Arkansas Rules of Criminal Procedure* gives any official with the authority to issue a warrant, the authority to issue a criminal summons in all cases in which a complaint, information, or indictment is filed or returned against a person not already in custody. A summons is defined as an order issued by a judicial officer or, pursuant to the authorization of a judicial officer, by the clerk of a court, requiring a person against whom a criminal charge has been filed to appear in a designated court at a specified date and time.
  3. Service of a Criminal Summons — *Rule 6.3 of the Arkansas Rules of Criminal Procedure* states a criminal process may be served by any method prescribed for personal service of civil process or by certified mail, for delivery to the addressee only with return receipt requested. Additionally, *A.C.A. §16-81-105* gives any police officer to whom a criminal summons or warrant of arrest is directed the authority to serve or execute the summons or warrant in any county in the state.
  4. Summoning Aid—*A.C.A. §16-81-107(d)* states an officer making an arrest may orally summons as many persons as he/she deems necessary to aid him/her in making the arrest.
  5. Arrest Protocol
    - a. An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established, an officer may take custody of the subject and involuntarily transport the subject.
    - b. In accordance with *Rule 4.4, Arkansas Code of Criminal Procedure*, upon making an arrest, an officer of the Texarkana Police Department shall ensure the following actions are taken:
      - (1) The officer shall identify himself/herself as a law enforcement officer unless his/her identity is otherwise apparent;
      - (2) The officer shall inform the arrested person that he/she is under arrest; and
      - (3) As promptly as is reasonable under the circumstances, the officer shall inform the arrested person of the cause of the arrest.
    - c. The deployment of force in the execution of any arrest shall be in accordance with *A.C.A. §5-2-610* and follow the guidelines located in *General Order 1102.03---Use of Force*
    - d. In accordance with *Rule 4.6, Arkansas Code of Criminal Procedure*, any person arrested shall be brought promptly to the Bi-State Justice Center, the nearest appropriate police facility or other similar place of detention. However, the arresting officer may first take the person to some other place under the following circumstances:
      - (1) The arrested person requests to be taken some other place; or
      - (2) Such action is reasonably necessary for the purpose of having the person identified by a person who is otherwise unlikely to be able to make the identification or by a person near the place of the arrest or near the scene of a recently committed criminal offense.
    - e. In accordance with *Rule 4.5, Arkansas Rules of Criminal Procedure*, no officer shall question an arrested person if the person has indicated in any manner he/she does not wish to be questioned or those who are arrested who indicate he/she wishes to consult with legal counsel before submitting to any questioning.

Page 3 of 11	<b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process		<b>Revision Date: July 12, 2017</b>

6. **Extra-jurisdictional Arrests** ALEAP 7.04

a. It is the policy of this department to assist local, state and federal law enforcement agencies in their legitimate law enforcement operations when requested. To provide such assistance, members of this department may travel outside this jurisdiction when requested by another law enforcement agency; under the terms of a mutual aid agreement; or when acting pursuant to applicable law. Commissioned officers may make an arrest outside of the Texarkana, Arkansas jurisdictional boundaries and within the State of Arkansas under the following circumstances:

- (1) Fresh pursuit; A.C.A. 16-81-301
- (2) An arrest warrant ordering one's arrest; Rule 4.2 of the Arkansas Rules of Criminal Procedure
- (3) When requested by the local law enforcement agency for assistance and the officer requested is from an agency that has a written policy covering arrests outside of his/her jurisdiction; A.C.A.16-81-106 (c) (3)(4)
- (4) When a county sheriff requests or grants permission for an officer from a contiguous county to come into the sheriff's county for purposes of investigating and making arrests for violation of controlled substances laws. A.C.A. 12-12-102
- (5) Authority to arrest in Texarkana, Texas

a) Texarkana, Arkansas Peace Officers, qualified under Vernon's Annotated Texas Code of Criminal Procedure Article 2.124(b), may exercise the same powers and duties as a Texarkana, Texas Peace Officer within the Territorial Limits of Texarkana, Texas without further qualification, certification, oath or bond.

b)For additional information regarding arrest authority in Texarkana, Texas, refer to *General Order 1102.13---Multi-Jurisdictional Authority & Arrests.*

**B. Authority to Arrest Without a Warrant** ALEAP 7.03

1. *Rule 4.1, Arkansas Rules of Criminal Procedure*, which is entitled Authority to arrest without a warrant, establishes distinct guidelines surrounding warrantless arrests. In accordance with Rule 4.1 of the Arkansas Rules of Criminal Procedure, a law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed:

- a. A felony offense;
- b. A traffic offense involving the death or physical injury to a person, the damage to property and those who are driving a vehicle while under the influence of any intoxicating liquor or drug;
- c. Any violation of law in the officer's presence;
- d. Acts which constitute a crime under the laws of this state and which constitute domestic abuse as defined by law against a family or household member and which occurred within four (4) hours preceding the arrest if no physical injury was involved or twelve (12) hours preceding the arrest if physical injury—as defined in A.C.A. § 5-1-102—was involved;
- e. A private person may make an arrest where he has reasonable grounds for believing that the person arrested has committed a felony;

Page 4 of 11 <b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process	<b>Revision Date: July 12, 2017</b>

- f. An arrest shall not be deemed to have been made on insufficient cause hereunder solely on the ground that the officer or private citizen is unable to determine the particular offense which may have been committed; and
  - g. A warrantless arrest by an officer not personally in possession of information sufficient to constitute reasonable cause is valid where the arresting officer is instructed to make the arrest by a police agency which collectively possesses knowledge sufficient to constitute reasonable cause.
2. *Rule 4.1, Arkansas Rules of Criminal Procedure* provides for the following: [ALEAP 7.05](#)
- a. A person arrested without a warrant shall not be held in custody unless a judicial officer determines, from affidavit, recorded testimony, or other information, that there is reasonable cause to believe that the person has committed an offense.
  - b. Such reasonable cause determination shall be made promptly, but in no event longer than forty-eight (48) hours from the time of arrest, unless the prosecuting attorney demonstrates that a bona fide emergency or other extraordinary circumstance justifies a delay longer than forty-eight (48) hours.
  - c. Such reasonable cause determination may be made at the first appearance of the arrested person pursuant to Rule 8.1
3. **Warrantless Arrest for Gas Theft**
- a. In accordance with A.C.A. § 16-81-114, notwithstanding the lack of a warrant for the arrest, any person who pumps gas into a vehicle or container, which fuel is the property of a retail business entity that engages in the sale of fuel, and then leaves the premises with the fuel without paying for the fuel shall be subject to arrest during the four (4) hours following the event.
    - (1) Persons arrested without a warrant for gas theft shall be released within twenty-four (24) hours of the arrest unless a warrant for the arrest of the person is issued according to law.
4. **Warrantless Arrest for Misdemeanor Battery**
- a. In accordance with A.C.A. § 16-81-106 (b)(2)(B), in addition to any other warrantless arrest authority granted by law or court rule, a certified law enforcement officer may arrest a person for a misdemeanor without a warrant if the officer has probable cause to believe that the person has committed battery upon another person, the officer finds evidence of bodily harm, and the officer reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested without delay.
    - (1) Under narrowly defined circumstances, this section of Arkansas Law provides officers with the option of making physical arrests for a misdemeanor battery whenever the offense occurs outside of the officer's presence; however, the process of obtaining a warrant for the offender's arrest shall remain the preferred method for handling misdemeanor battery cases.
5. **Warrantless Arrest for Violation of Interference with Emergency Communication**
- a. If a law enforcement officer has probable cause to believe a person has violated A.C.A. § 5-60-124 (Interference with Emergency Communication, 1<sup>st</sup> Degree) or A.C.A. § 5-60-125 (Interference with Emergency Communication, 2<sup>nd</sup> Degree), the officer may arrest the person

Page 5 of 11	<b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process		<b>Revision Date: July 12, 2017</b>

without a warrant even if the incident did not take place in the presence of the officer if the officer has probable cause to believe the person has violated the section within the preceding:

- (1) Four (4) hours; or
- (2) Twelve (12) hours in those cases involving physical injury as defined in A.C.A. § 5-1-204(14).

6. All persons issued citations, arrested on warrants, and warrantless arrests by officers of the Texarkana Police Department are filed in the Texarkana Municipal Court. Arkansas Rules of Criminal Procedure 4.1, gives officers the authority to arrest without a warrant and require a probable cause determination by a judicial officer within forty-eight hours of arrest. Rule 8.1 requires persons arrested on a warrant, to appear before a judicial officer within seventy-two hours. Texarkana Police Department ensures the charging documents are promptly filed with the Court in a timely manner and ensures the accused has a first appearance.

### C. Immunity from Arrest

1. The members of the Arkansas Senate and House of Representatives, the clerks, sergeant at arms, and door keepers of each branch of the General Assembly shall be privileged from arrest during the session of the General Assembly and for fifteen (15) days before the commencement and after the termination of each session.
2. All persons qualified to vote for representatives in the General Assembly shall be privileged from arrest during their attendance at any election and while on their way to and returning from the election.
3. No person shall be arrested while doing militia duty under the order of his commanding officer or while going to or returning from the place of duty or parade.
4. No person shall be arrested in the Senate chamber or House of Representatives during their sitting or in any court of justice during their sitting of the court.
5. Nothing contained in this section shall be construed as to extend to cases of treason, felony, or breach of the peace or to privilege any person named from being served at any time or place specified in this section with a summons or notice to appear.

## VI. Authority to Arrest with a Warrant ALEAP 7.02

- A. *Arkansas Rules of Criminal Procedure Rule 4.2*, states any sworn law enforcement officer may arrest a person pursuant to a warrant in any county in the state. Additionally, *A.C.A § 16-81-301* states any police officer of this state shall have the authority to arrest any person whom he reasonably believes to have committed or attempted to commit any criminal offense in the presence of such officer or any person for whom he holds a warrant of arrest for a criminal offense.
- B. A law enforcement officer need not have a warrant in his/her possession at the time of an arrest, but upon request, he/she shall show the warrant to the accused as soon as possible. If the officer does not have the warrant in his/her possession at the time of the arrest, he/she shall inform the accused of the fact that the warrant has been issued
  1. Territorial Limits (Jurisdictional Limitations)
    - a. Frequently, persons are arrested on an outstanding Texarkana warrant outside the Texarkana Police Department's jurisdiction. The Criminal Investigation Division Commander, the

Page 6 of 11 <b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process	<b>Revision Date: July 12, 2017</b>

Prosecuting Attorney's Office and the Chief of Police shall review the facts of any such case that involve extradition efforts before such efforts are initiated. Some factors that should be considered include the location of the arrested, the nature of the crime and the availability of manpower.

- C. Sworn members of the Texarkana Police Department will make attempts to serve all active warrants. When an officer makes contact with a party in reference to serving a locally issued misdemeanor warrant, the following procedure for confirming the warrant shall be followed prior to placing the subject in question into custody:
1. The officer requesting confirmation shall contact the Central Records and Communications Section to obtain confirmation.
  2. Unless the officer has within their possession the original warrant issued by the court, the Central Records and Communications Section shall be the sole authority for all warrant confirmations.
  3. Once the warrant has been confirmed, the officer should take the necessary steps to ensure the warrant is served.
  4. Officers who receive or develop information leading them to believe an intended warrant service is likely to become extraordinarily hazardous, such as armed or barricaded suspects, the officer shall inform the on-duty supervisor of the circumstances.
- D. When an officer makes contact with an individual for whom an outstanding warrant is listed in ACIC or NCIC, the following procedure for confirming the warrant shall be followed *prior to placing the subject into custody*:
1. The officer requesting confirmation shall contact the Central Records and Communications Section to initiate the warrant confirmation process.
  2. The dispatcher will send a Hit Confirmation Request through the ACIC/NCIC terminal to the originating agency. During the warrant confirmation process, the officer should determine if the issuing agency intends to extradite the wanted person.
  3. Upon receipt of the Hit Confirmation Response, the Communications Unit shall advise the requesting officer that the warrant is confirmed. If the officer determines the issuing agency intends to extradite the wanted person, the officer should take the necessary steps to make sure the hit confirmation response is honored and the person is taken into custody pursuant to the warrant.
- E. After serving a warrant that is on file at the Texarkana Police Department, the arresting officer shall retrieve the "hard copy" of the warrant from the Central Records and Communications Section and make sure the return section on the warrant is completed.
- F. In addition to completing the return on the original copy of the warrant, the arresting officer shall complete an arrest report within the Texarkana Police Department's ADSI Records Management System. This report will contain, at a minimum, the following information. For more information, refer to [General Order 1108.03---Incident Reporting Procedure](#):
1. Date and time of arrest;
  2. Name of the officer(s) making the arrest;
  3. Name of the arrested person;
  4. Details as to how the warrant was served; and

Page 7 of 11 <b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process	<b>Revision Date: July 12, 2017</b>

5. Location of the arrest.

**G. Miller County Warrant Procedures**

1. During those instances in which an officer encounters an individual with a Miller County warrant, the officer, after confirming the warrant with Miller County, will transport the prisoner to the Miller County Sheriff’s Department. The officer will make sure Miller County is made aware of the fact he/she is en route with the prisoner.
  - a. Upon arrival at the Sheriff’s Department, the officer will enter into the secured sally port area and await assistance from a member of the correctional center’s staff. If a member of the correctional staff is available to assist, the prisoner exchange will take place within the secured sally port area; however, if a member of the correctional center is unavailable, the officer will deliver the prisoner to the booking area inside the facility where the prisoner exchange will take place.
  - b. All such prisoner transfers to Miller County that find the prisoner transported in a TAPD unit will necessitate the completion of an arrest report that documents all pertinent information to include vehicle impound information when applicable. For more information surrounding the completion of arrest reports, refer to [General Order 1108.03--Incident Reporting Procedures](#).
2. Should a member of the Sheriff’s Department confirm a local warrant issued from the Texarkana Arkansas District Court, personnel at the Sheriff’s Department have been instructed to make contact with an on-duty TAPD supervisor and arrange the prisoner’s transfer. If contacted, the on-duty TAPD supervisor should ensure an officer responds to the south side of the Bi-State Justice Center near the basement’s entrance to complete the prisoner’s exchange. A response to the building to receive a prisoner in Miller County’s custody should occur with minimal delay.

**VII. Subpoena Procedure** ALEAP 7.32

**A. Texarkana District Court Subpoenas**

1. Subpoenas generated within the Texarkana District Court Clerk’s Office, will be hand delivered to the Department’s front receptionist. Upon their receipt, the front receptionist shall endorse each subpoena and record the date in which the subpoena is received on the subpoena itself.
2. The front receptionist shall make a copy of the subpoena and place both the original subpoena and copy into the incoming subpoena box in the patrol debriefing room. Supervisors will check the incoming subpoena box on a daily basis and distribute any subpoena’s to the proper officer, for service of the subpoena.
3. Upon the affected employee’s receipt of the subpoena, the employee shall endorse the subpoena and record the date in which the subpoena was received. Once endorsed, the original subpoena shall be forwarded back to the Department’s front receptionist.
4. As the original subpoenas are returned to the front receptionist, they shall be returned to the Texarkana District Court Clerk’s Office where they will be placed on file within that office.

**B. Miller County / Circuit Court Subpoenas**

1. Subpoenas generated under the jurisdiction of the Miller County Circuit Court will be delivered to the Department’s front receptionist via a facsimile. Upon their receipt, the front receptionist shall endorse each subpoena (facsimile) and record the date in which the subpoena (facsimile) is received on the subpoena (facsimile) itself.

Page 8 of 11	<b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process		<b>Revision Date: July 12, 2017</b>

2. The front receptionist shall make a copy of the subpoena and place both the original subpoena and copy into the incoming subpoena box in the patrol debriefing room. Supervisors will check the incoming subpoena box on a daily basis and distribute any subpoena's to the proper officer, for service of the subpoena.
  3. Upon the affected employee's receipt of the subpoena (facsimile), the employee shall endorse the subpoena (facsimile) and record the date in which it was received. Once endorsed, the original subpoena (facsimile) shall be forwarded back to the Department's front receptionist.
  4. The front receptionist shall ensure all returned subpoenas (facsimiles) are returned to the Miller County Prosecuting Attorney's Office byway of a returned facsimile.
- C. All subpoenas received by officers will be honored and officers of the Texarkana Police Department will be required to attend the appropriate court named within each respective subpoena at the specified time; however, there will be times when making telephone contact with the subpoena's appropriate authority to ascertain the specific time the officer will be needed for their scheduled court appearance is necessary.

### **VIII. Summons Procedure**

- A. Summonses are often issued by the District Court and directed to individuals who reside within the Department's jurisdiction that compel them to attend District Court at a specified date and time.
- B. Summonses generated within the Texarkana District Court Clerk's Office will be hand delivered to the Department's front receptionist. Upon their receipt, the front receptionist shall endorse each individual summons and record the date in which the summons is received on the summons itself.
- C. The front receptionist shall make a copy of the original summons and place both the original summons and copy into the incoming summons folder. Supervisors will check the incoming summons folder on a daily basis and distribute any summons to the proper officer, for service of the summons.
- D. Once served, each summons will be forwarded back to the Department's front receptionist.
- E. As each summons is returned to the front receptionist, it shall be returned to the Texarkana District Court Clerk's Office where it will be placed on file within that office.

### **IX. Orders for Protection**

- A. Within the State of Arkansas, there are three (3) separate orders for protection which consist of the following:
  1. **Restraining Orders**
    - a. Restraining orders are used for a wide variety of circumstances, but they are most common within cases of divorce that find both parties mutually restrained by the order.
    - b. Should a violation of this order occur, the person affected by the violation must notify the issuing court of the circumstances of the order's violation in order to seek relief.
    - c. The punitive result of a restraining order violation originates from the judiciary and classified as a Contempt charge which subjects the violator to a jail sentence and/or a fine.

Page 9 of 11	<b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process		<b>Revision Date: July 12, 2017</b>

- d. The violation of a restraining order is not considered a criminal act, and therefore, officers are prohibited from enforcing the order and making an arrest subsequent to any violation of the order.
- e. Officers should encourage those affected by a restraining order to obtain an Order of Protection for their safety.

**2. No Contact Orders**

- a. No Contact Orders originate from either the Circuit Court or the District Court.
- b. The No Contact Order is issued in conjunction with a criminal charge and acts as either a condition of pre-trial release, bond or established as a condition of one's probation.
- c. The No Contact Order orders the defendant to refrain from having any contact with the victim and the victim's family. This includes personal contact—whether in person, by telephone or other electronic devices—as well as constructed contact by a third party. The order prohibits the defendant from going to the home, business or school affiliated with the victim.
- d. The No Contact Order is mandatory upon a defendant's pre-trial release whenever the circumstances surround the violation of any of the following types of crime:
  - (1) Harassment;
  - (2) Harassing Communications;
  - (3) Terroristic Threats;
  - (4) Stalking; and
  - (5) Unlawful Computerized Communication.
- e. A citizen may only obtain a No Contact Order after becoming the victim of a crime. The victim must have filed a report with the Department, and the order must be supported by an affidavit completed by the victim at the District Court Clerk's Office.
- f. In accordance with *Rule 9.5, Arkansas Rules of Criminal Procedure*, the violation of a No Contact Order is classified as a criminal offense, and as such, officers of the Texarkana Police Department may arrest the violator of the order if the violation occurs within the officer's presence; however, arrests for violations of the order that occur outside the officer's presence must be supported by an arrest warrant.
- g. Before an arrest can be made pursuant to a violation of the No Contact Order, officers must confirm the validity of the No Contact Order.

**3. Orders of Protection** [ALEAP 7.10](#)

- a. Orders of Protection originate from the Circuit Court. The victim and the defendant affected by the Order of Protection must meet the statutory definition of a family or household member or be involved within a dating relationship. The petition to obtain an Order of Protection may be filed within the County in which the victim resides, the County in which the alleged criminal incident that supports the petition occurred or the County in which the defendant may be served with the signed order.

Page 10 of 11	<b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process		<b>Revision Date: July 12, 2017</b>

- b. Orders of Protection can be granted for up to a ten (10) year period, and they can be renewed at the time of expiration.
- c. An Order of Protection prohibits the defendant from having contact with the victim, harassing the victim or threatening the victim. The Order can prohibit the defendant from arriving at/visiting the victim's residence, place of business or the victim's/child's school and order the defendant to remain a certain distance from those locations.
- d. The violation of an Order of Protection is a Class A Misdemeanor. The following statute governs violations of an Order of Protection:
  - (1) *A.C.A. §5-53-134 Violation of an Order of Protection (c) (1)*.....A law enforcement officer may arrest and take into custody without a warrant any person who the law enforcement officer has probable cause to believe:
    - (a) Is subject to an order of protection issued pursuant to the laws of this state; and
    - (b) Has violated the terms of the order of protection, even if the violation did not take place in the presence of the law enforcement officer.
  - (2) Under § 9-15-302, a law enforcement officer or law enforcement agency may arrest and take into custody without a warrant any person who the law enforcement officer or law enforcement agency has probable cause to believe:
    - (a) Is subject to an order of protection issued pursuant to the laws or rules of another state, a federally recognized Indian tribe, or a territory; and
    - (b) Has violated the terms of the out-of-state order of protection, even if the violation did not take place in the presence of the law enforcement officer.
  - (3) It is an affirmative defense to a prosecution under this section that the parties have reconciled prior to the violation of the order of protection.
  - (4) Any law enforcement officer acting in good faith and exercising due care in making an arrest for domestic abuse in an effort to comply with this subchapter shall have immunity from civil or criminal liability.
- e. While subject to the conditions set forth with an Order of Protection, the affected defendant is prohibited from possessing a firearm or ammunition for the duration of the period in which the Order remains in effect. This is a Federal law punishable by up to ten (10) years in a federal penitentiary.
- f. When appropriate, officers of the Texarkana Police Department will refer those victims interested in obtaining an Order of Protection to the Criminal Investigative Division, Domestic Violence Section.
- g. In conjunction with the Domestic Violence Prevention Center, personnel within the Domestic Violence Section can assist in the completion of the necessary forms free of charge.

Page 11 of 11 <b>Number: 1102.05</b>	Effective Date: May 3, 2011
Subject: Legal Process	<b>Revision Date: July 12, 2017</b>