



Approved:

Chief Marcia Harnden

Subject:

532. Stalking

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CALEA Standards: 74.2.1

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532.1: PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints ([Oregon Revised Statutes 163.730 to 163.755](#)).

532.2: POLICY

It is the policy of the Albany Police Department to ensure that complaints of stalking will be given high priority and that every formal stalking complaint will be thoroughly investigated and forwarded to the District Attorney's Office.

532.3: UNIFORM STALKING COMPLAINT

- a. The Department will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred.
- b. Officers will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.
- c. Upon receipt of a Uniform Stalking Complaint, officers will review and sign the form and complete a thorough investigation.
- d. All stalking incident reports shall be forwarded to the District Attorney's Office, regardless of whether any civil or criminal action was taken, within three days ([ORS 163.738\(7\)](#)).

532.4: UNIFORM STALKING CITATION

The bottom half of the Uniform Stalking Complaint is a Uniform Stalking Citation. The citation is a civil summons for the respondent to appear at a hearing to determine if a Stalking Protective Order will be issued against the respondent. Officers will complete and attempt to serve a Uniform Stalking Citation, with a court date set for three judicial days (business days excluding holidays) from the date the citation was served, on the respondent in every case where:

- a. The officer has received a completed Uniform Stalking Complaint; and,
- b. The officer has probable cause to believe that the elements of [ORS 163.732\(1\)](#) have occurred.

532.4.1: SERVICE OF STALKING CITATIONS

- a. If the citation is served, the officer is required to advise the respondent of the court date and time and location of appearance. Officers should advise the respondent of the following:
 - 1) Engaging in behavior that alarms or coerces the petitioner may result in their arrest; and
 - 2) The contents of the citation and the state and federal law restrictions contained on the front and back of the respondent's copy of the citation; and
 - 3) If they fail to appear at the hearing a warrant will be issued for their arrest, as well as a Stalking Protective Order.
- b. If a Uniform Stalking Citation is issued, attach the top three copies to the case report. Provide the pink copy to the petitioner and goldenrod copy to the respondent.
- c. If there is probable cause to issue a citation, but the citation is not served, officers should document attempts to serve the respondent.
- d. If the citation is served on the respondent, the DA's office will initiate the hearing process.
- e. If the citation is served on the respondent, the petitioner should be advised that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued.

532.5: ARRESTS

- a. Officers 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.
 - 1) The two actions are not mutually exclusive.

532.5.1: STALKING PROTECTIVE ORDERS

Once the court issues a Stalking Protective Order and it is served on the Respondent, officers may arrest the respondent for violating the terms of the order ([ORS 163.750](#)).

532.6: RESTRAINING ORDERS

- a. Court stalking orders and restraining orders are different and are not mutually exclusive.
- b. Stalking reports may be appropriate even if a valid restraining order is in place.