

Anchorage Police Department Regulations and Procedures Manual	Operational Procedures 3.01.030	
Policy and Procedure Title Stalking Orders	Effective Date November 10, 2021	Page 1 of 3
Replaces Prior Policy: November 3, 2011	Approved by: Chief Ken McCoy	

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

3.01.030 Stalking Orders

PURPOSE

To instruct all personnel of the policies and procedures governing the service and enforcement of stalking orders.

POLICY

It is the policy of the Anchorage Police Department that stalking protective orders be served in a timely manner and enforced appropriately to enhance victim safety.

DEFINITIONS

Stalking Order is a specific type of restraining order issued by the court when convinced that an applicant (petitioner) is a victim of stalking by the respondent. These orders are specifically designed for use by persons not in a domestic violence situation. They are defined as stalking protective orders (12 months), exparte stalking protective orders (20 days), and emergency stalking protective orders (72 hours).

REFERENCES

AS 11.41.260-270, AS 12.25.030, AS 18.66.160, AS 11.56.740(a)(2), AS 18.65.850-870, AMC 8.30.105

PROCEDURES

I. GENERAL

- A. State statute gives officers the authority to arrest a respondent for violating a stalking protective order on probable cause alone, even if the offense is a misdemeanor which did not occur in the officer's presence. No private person arrest is required.

- B. Like domestic violence protective order violations, the law requires mandatory arrest for a violation of a stalking order; the same timelines apply. If probable cause exists to make an arrest it is therefore expected an arrest will be made.

II. INITIAL RESPONDER'S RESPONSIBILITIES

- A. Service of stalking orders: After issuance of a stalking order, the order must be served on the respondent in order for it to be enforced. Although most stalking orders are processed and served by the Warrants section, Patrol may be called upon to serve them as well.
- B. Officers who come into contact with a respondent who has a stalking order needing to be served shall make reasonable efforts to obtain a copy of the order and serve it on the respondent. If a copy is not available, the officer shall verbally inform the respondent of the specific terms of the stalking order and document that action on a Return of Service form. The specific terms are listed under the advisement in APSIN. The officer shall also obtain the respondent's contact information to ensure later service of a copy of the order.
- C. When serving stalking orders, officers shall:
 - 1. Receive the order, verifying that it has been properly issued. This can be done by verifying the order in APSIN or with the issuing court;
 - a. If the order is a Tribal order, the order must appear authentic. The order does not need to be filed with an Alaskan court and it does not need to be entered into APSIN/NCIC. Officers are not to investigate beyond looking at the order itself. Any jurisdictional or due process issues will be addressed by the prosecutor and/or an Alaskan court.
 - 2. Serve the order on the respondent by reading the order and providing a copy of the order to the respondent;
 - 3. Contact appropriate personnel to have the record of service entered into APSIN and note the DSN on the Return of Service form;
 - a. Tribal orders can be entered into APSIN as a locate with information to include whether the order was served/unserved, the date/time/location of the service, who the signing official is, the conditions of the order, and when the order expires.
 - 4. Complete a Return of Service form.
 - a. A Return of Service form should be completed for Tribal orders.

- D. Enforcement of stalking orders: When investigating an allegation of a violation of a stalking order, officers must establish three elements:
1. The suspect had legal service of the order;
 2. The alleged act violated a specific prohibition expressed in the order;
 3. Probable cause that the suspect actually committed the violation exists.
- E. Disposition: Any complaint of a stalking order violation shall be documented in a police report.
1. If an officer has probable cause to believe that the respondent violated the terms of a stalking order, a physical arrest is the preferred course of action. Should an officer elect to issue a misdemeanor citation the reason(s) for doing so should be documented in their report and an on-duty Supervisor shall be notified.
 - a. The exception to a mandatory arrest (either a physical arrest or an arrest by summons) is when an Officer receives authorization from a prosecuting attorney not to arrest.
 2. If the suspect is not on scene, and officers have probable cause to believe that the respondent violated the terms of a stalking order, officers shall make reasonable efforts to locate the suspect. If unable to do so, the officer should apply for a warrant for the suspect before the end of the officer's shift. Once the warrant is obtained, it is the responsibility of the officer to ensure entry of the warrant.

*****END OF DOCUMENT*****