



CHATHAM COUNTY POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

GO # OPS-031: CIVIL DISPUTES

EFFECTIVE DATE: 02/01/18

PURPOSE:

The purpose of this General Order is to establish guidelines for responding to civil disputes.

POLICY:

The Chatham County Police Department does not serve civil process documents and, under most circumstances, responding to civil disputes is outside the realm of the CCPD's responsibility.

CCPD Officers may be called to the scene of civil disputes where no crime has been committed. Their presence at such scenes is primarily to preserve the peace and to prevent a crime from occurring; it is not to give legal advice or arbitrate property disputes. CCPD Officers shall not become unnecessarily involved in civil disputes and shall attempt to provide a cooling off period by explaining to the parties involved that the settlement of such cases falls within the purview of attorneys and civil courts.

PROCEDURE:

I. CIVIL ACTIONS

- A. CCPD Officers shall not be assigned to calls for service involving civil matters unless there is an indication that violence or the threat of violence, a disturbance, or other violation of the law exists.
- B. When CCPD Officers are required to intervene under the aforementioned circumstances, the goals of public safety intervention shall be to:
 1. Stop any violence which may be occurring and take appropriate action.
 2. Restore and maintain order.
 3. Make appropriate referrals.
- C. Whenever CCPD Officers are unable to clearly determine whether the matter at hand is civil or criminal in nature, they shall contact their Supervisor for guidance.
- D. It is recommended that CCPD Officers attempt to provide the participants with a cooling off period by convincing the parties involved that the settlement of their dispute is best achieved with the aid of legal assistance (i.e., attorneys and courts).

II. REPOSSESSIONS

- A. CCPD Officers shall refrain from giving physical or moral assistance to individuals attempting to make repossession without judicial process.

- B. When a Court Order is presented directing the sheriff or other Officer to take possession of specifically identified property to be delivered to a given individual, the Officer shall assist any legal authority in carrying out this order.
- C. The Officer will not standby, aid, or in any way assist while private parties attempt to repossess autos or other property.

III. **PROTECTIVE ORDERS**

- A. When CCPD Officers are called upon to enforce a violation of a Protective Order (i.e., Restraining Orders, Temporary Protective Orders (TPO), or Peace Bonds), CCPD Officers shall comply with Georgia Code § 19-13 (Family Violence Act).
- B. In compliance with Georgia Code § 19-13-4 of the Family Violence Act (Appendix 1), CCPD Officers are mandated by statute to “enforce and carry out the terms of any **valid** protective order issued by any court under the provisions of this Code section.”
- C. The following procedures should be carried out when called upon to enforce a Protective Order.
 - 1. If the violator of the order has left the area prior to the Officer's arrival, the complainant shall be referred to an attorney to obtain a Contempt of Court Order from the court originating the order.
 - 2. If there is a violation of any of the criminal acts listed in OCGA (Official Code of Georgia Annotated) 19-13-1 and there is sufficient probable cause to identify the perpetrator as a primary aggressor in a domestic violence incident, the primary aggressor shall be arrested and charged accordingly.
 - a. The victim shall be subpoenaed to court as a material witness regardless of whether or not they desire a case to be made.
 - b. When an arrest is deemed necessary, the Officers will affect the arrest as quickly and quietly as possible.
 - c. The perpetrator(s) will be removed from the scene, as soon as possible, to reduce the potential of more complications. **Note!** Officers shall attend court on the first court appearance in all domestic violence cases.
 - 3. To aid CCPD Officers in validating protective orders, Georgia Code § 19-1350, 51, 52, and 56 provides for a Family Violence and Stalking Registry.
 - a. The Officer shall request the Communications Center to access the registry to validate Protective Orders.
 - b. The violator shall be charged with Georgia Code § 16-5-91, the offense of Aggravated Stalking.

IV. **LANDLORD/TENANT DISPUTES**

- A. CCPD Officers shall intercede in landlord/tenant disputes **only** in order to preserve the peace
- B. Unless a criminal violation is clearly evident, no enforcement action will be taken.
- C. Disputants should be encouraged to seek legal advice.

V. **PROPERTY DISPUTES**

- A. When called upon to intercede in disputes over property, CCPD Officers should solicit information from both sides of the dispute.

- B. If the matter is clearly civil in nature, all parties shall be informed that CCPD Officers cannot and will not take sides in the dispute.
- C. When CCPD Officers are sent to a civil dispute over property, they should not standby while property is removed unless there is a propensity toward violence.
- D. CCPD Officers should take appropriate action to handle any violations of the law that are presented or determined through investigation.
- E. Once criminal violations are handled, parties should be advised that CCPD Officers will not standby nor become involved in the civil dispute concerning property.

VI. POLICE REPORTS

- A. In many cases an incident does not involve the occurrence of a crime but may involve civil liability and in such cases no CCPD incident report shall be required.
- B. An incident report will be prepared after a thorough investigation whenever an officer called to a scene believes there is a reasonable probability that a crime has occurred.
 - 1. When an officer is unsure whether the dispute is criminal or civil in nature s/he shall consult a supervisor.
 - 2. Upon request the officer may provide a form to anyone involved in the incident for them to complete and submit to CCPD.

BY ORDER OF:
Original Signature on File

Jeffrey M. Hadley
Chief of Police