

**I. PURPOSE**

To provide guidelines for deputy sheriffs executing final protective orders, preliminary protective orders, emergency protective orders and foreign (out of state) orders that are substantially similar.

**II. POLICY**

It is the policy of the Fairfax County Sheriff's Office to receive and serve protective orders forthwith in accordance with all applicable code sections of the Code of Virginia, Rules of the State Supreme Court and Rules of Fairfax County courts.

**III. PROCEDURE**

A. **Protective Orders:** Legal documents issued by a judge or magistrate to protect the health and safety of a person who is alleged to be a victim of *any act involving violence, force or threat that results in bodily injury or places that person in fear of death, sexual assault or bodily injury.*

1. **Emergency Protective Order** – expires at the end of the third day following issuance or the next day court is in session, whichever is later.
2. **Preliminary Protective Order** – lasts fifteen (15) days or until a full hearing.
3. **Final Protective Order** – may last up to two (2) years.

B. **Office Procedures**

1. The Civil Enforcement Administrative Support Unit (ASU) will establish a system to receive protective orders from the courts, make initial entry of protective orders into VCIN/NCIC, and make necessary modifications upon service.

- a. Upon receipt by the Sheriff's Office, protective orders will be reviewed to ensure that they are complete and all necessary information is present.
  - 1) Any unusual information pertaining to officer safety will be highlighted for the serving deputy.
- b. Respondent's address will be verified as being in Fairfax County. If outside of Fairfax County, the protective order will be sent to the appropriate agency for service.
  - 1) Once service address is determined to be within Fairfax County, the deputy sheriff assigned to the protective order will be notified and forwarded the original document or a copy for service.
- c. If the issuing court is outside Fairfax County, that jurisdiction shall be contacted to verify acceptance of a fax service copy. Some jurisdictions will only accept original service copies by US mail.
- d. Protective orders received and served during normal business hours will be entered and/or updated in VCIN by the Administrative Support Unit of the Civil Enforcement Section. Entries and updates after-hours will be entered and/or updated in VCIN by the booking desk.

**FAIRFAX COUNTY SHERIFF'S OFFICE  
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 803  
SUBJECT: PROTECTIVE ORDERS**

- e. The protective order is then scanned into a secure file which is mutually accessible by both the ASU and the booking desk. This is done to ensure 24-hour accessibility of protective orders.
- f. Once service is completed, all protective orders are copied and filed for retention by the Sheriff's Office. The original will be returned to the issuing court.

**C. Service Procedures**

- 1. Pursuant to Code of Virginia [§19.2-152.10, Section C.](#), the order shall be served immediately upon the respondent and due return made to the court.
- 2. Upon receipt of a protective order, the deputy sheriff will check for any missing data elements in the "Respondent Identifiers" data blocks. Any missing data elements will need to be obtained and added to the "Respondent's Description" portion of the return of service.
- 3. The deputy sheriff will run an NCIC/VCIN check for outstanding warrants on the respondent before attempting service.
- 4. During normal business hours, upon serving the respondent in person, the ASU will be notified of the date and time service was completed. For after hours service, the serving deputy will notify the booking desk to have them update the protective order.
- 5. If a respondent, who has not been served, is encountered by law enforcement, the booking desk can be contacted, and the law enforcement officer will be forwarded a scanned copy of the protective order from the secure file.
- 6. If a protective order is served by an outside jurisdiction, a faxed copy of the served order must be received by the ASU. Confirmation of service will not be accepted over the phone from an outside jurisdiction.
- 7. Juvenile and Domestic Relations Court preliminary protective orders provide petitioners with an option to be contacted once service has been completed. If the order is served by a Fairfax County Deputy Sheriff, he or she will contact the petitioner. If the order is served by any other law enforcement agency, the ASU will contact the petitioner during normal business hours.
- 8. Out of state protective orders will be served in correspondence with the procedures above. Return of service shall be verified as outlined in Section III.B.1.c. of this policy.

*Stacey A. Kincaid*

**STACEY A. KINCAID  
SHERIFF**

**1/26/2017  
DATE APPROVED**

**11/12/19  
EFFECTIVE DATE**

**Revised: October 2019**