



GEORGIA COMMISSION ON FAMILY VIOLENCE

*2 Martin Luther King Jr. Drive
Suite 1570, East Tower
Atlanta, Georgia 30334
(404) 657-3412 (phone) * 404-656-3987 (fax)*

A MODEL LAW ENFORCEMENT PROTOCOL FOR FAMILY VIOLENCE INCIDENTS

Forward

The Georgia Commission on Family Violence would like to express its appreciation to Chief Joseph H. Lumpkin, Sr. and the Athens-Clarke County Police Department for their assistance in preparing 1998's Family Violence Guidelines For Georgia Law Enforcement. This guideline is intended to be a model for Georgia law enforcement agencies and may be copied, changed, or adapted to conform to the needs of local law enforcement agencies.

Questions regarding this document should be directed to:

The Georgia Commission on Family Violence
2 Martin Luther King Jr. Drive
852 East Tower
Atlanta, Georgia 30334
404-463-0122

I. INTRODUCTION

Family violence is abuse that occurs between family members, unmarried partners, or others as defined by Georgia law. One person in the relationship gains power and control over the other by using physical, sexual, and/or emotional force. The vast majority of victims are women.

The *[Insert department name]* recognizes that a great deal of domestic violence is preventable. By thoroughly investigating incidents of domestic violence and appropriately enforcing applicable laws, short and long-term positive effects are realized. Reductions in domestic homicides, assaults, elder abuse, child abuse, spousal rapes, and instances of stalking, often result from aggressive enforcement of family violence laws. Additionally, domestic hostage situations are far less frequent. Such reductions interrupt learned violent behavior in children. This reduces juvenile crime on the street and in schools; moreover, it reduces the number of children who become abusive adults.

In both arrest and non-arrest situations, officers of the *[Insert department name]* will take all reasonable measures necessary to ensure the immediate safety of the victim(s), the children, the offender, or any other person affected, and officers will determine what action(s) will be most effective in preventing future violence.

II. FAMILY VIOLENCE DEFINED

In accordance with O.C.G.A. 19-13-1 Family Violence is defined as the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

- (1) Any felony; or
- (2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term family violence explicitly excludes reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

III. PROCEDURES FOR RESPONDING TO FAMILY VIOLENCE INCIDENTS

A. Dispatch Response

The Communications Section will give a domestic violence call the priority as any other life-threatening call and will, whenever possible, dispatch at least two officers to the scene.

Upon receipt of a call for service, the dispatcher should determine as quickly as possible whether the call concerns an incident of family violence. If so, the dispatcher should ascertain as much information as possible from the complainant, such as: injuries; weapons involved; if the suspect is under the influence of alcohol or drugs; if children are present; if police have been called about this suspect before, and if so, how many times; and if there is an order of protection on file.

Once the information has been received, the dispatcher shall immediately designate one primary unit and, if possible, a back-up unit. The responding officers shall be provided with

all available information by the dispatcher upon initial dispatch, so that they may approach family violence complaints with as much information as possible. Sound judgment and training are the primary criteria for handling any police function.

If the dispatcher receives a second call to cancel the original call, he/she will advise the responding officers of the second call and instruct the responding officers to continue the investigation to ensure that all parties are safe. After officer safety, the safety of domestic violence victims, whether the threat of violence is immediate or remote, should be the primary concern. Dispatchers should advise the victim to ensure his/her safety in any way possible, including waiting for officers at another location or simply leaving the residence if the suspect may return.

B.Uniform Response

Each officer dispatched shall respond immediately to the location. If the disturbance is found in progress by an officer on patrol, he/she shall notify the dispatcher of the location, nature of disturbance, and the necessity of a back-up unit and/or supervisor. If the disturbance is not in progress, the officer should immediately attempt to contact the complainant and proceed with the investigation.

If two or more units are dispatched, they will coordinate their arrival at the scene to the extent feasible to accomplish officer safety. Upon arrival at the scene of family violence, the responding officers will advise the dispatcher of the location of the parties to the incident, if different from the original dispatched location. Each officer shall park his/her vehicle in a manner that facilitates accessibility and a safe approach to the residence.

1.Arrival at the scene

If the disturbance is at a private residence, officers shall attempt to contact the complainant before proceeding. Officers will not enter a private residence except on the direct invitation of the owner or resident, unless probable cause exists to make an arrest, a confrontation is in progress, or it is necessary to ensure the safety and welfare of the occupants. Officers shall make contact with every

occupant of the residence before leaving and visually check their well-being. Of course, officers should always make every effort to interview and view the alleged or purported victim.

Officers should not hesitate to make a forced entry if doing so is necessary to protect the victim(s). In making this decision, officers will take into account everything they personally observe, all physical evidence, and all things learned from witnesses or other persons supplying information. In evaluating any information, officers should take into account the credibility of the persons supplying the information and whether there is a reasonable basis for believing the content of the information, e.g., screaming, calls for help, or sounds of an altercation.

When making an assessment of whether a forced entry should be made or whether the investigation should be continued when there is no response from the complainant, officers will ensure that all information available has been obtained from the Communications Section. This will include, but is not limited to, the content of the complainant's message/request, the urgency of the request, and the dispatcher's assessment of the seriousness of the request.

Upon arriving at the scene, officer(s) will:

- a. Determine the location and condition of all victims, witnesses, and suspects.
- b. Determine if any weapon is involved or is in the home. Officers shall take positions that allow them to monitor one another's safety. Officers should avoid interviewing parties in locations that might provide access to weapons.
- c. Provide the appropriate level of aid to injured parties.
- d. Separate victims, who should be out of the suspect's view, suspects, and witnesses.
- e. Photograph the victims, suspects, and scene as appropriate.

2. Preliminary investigation

- a. Interview all victims, suspects, children, and other witnesses separately. Children will be interviewed in a manner appropriate for their ages and in a non-threatening environment.

b. Ask all victims and suspects if they have injuries or any pain, even if there are no visible injuries.

c. Document the victims' and suspects' condition. This will include, but is not limited to, torn clothing, disheveled appearances, evidence of injury, and a disarray in the house.

d. Determine which of the parties involved was the primary aggressor by investigating the following:

1. Prior family violence involving either party.

2. The relative severity of the injuries inflicted on each person.

3. The potential for future injury.

4. Whether one of the parties acted in self-defense. It is important to understand signs or red flags that typically indicate defensive injuries:

X Defensive injuries are often left by the victim on the body of the attacker and are often manifested as:

-scratches on the attacker's arms

-bite marks on the attacker's arms, chest, ankles or legs

X Defensive injuries on the victim tend to appear as:

-bruises on the back of arms, legs, or hands

-bruises on the back of buttocks and lower back because the victim will often curl into a fetal position to escape injury

5. Officers should also be trained on the signs and symptoms of strangling/ choking. Officers should look for and ask about:

X *Scratches* that may have been inflicted by the assailant or the victim who is trying to release the choke-hold.

X *Bruises* that may be delayed in presentation.

X *Spots* on the face and/or neck due to blood vessels that may have burst from the pressure of a choke-hold.

X *Blood-red eyes* due to capillary rupture in the white portion of the eyes.

X *Rope or cord burns* or other linear injuries caused by an object used to throttle the victim.

X *Neck swelling*.

X *Raspy breath*.

Under no circumstances shall officers "take sides" with either party in the dispute. Family violence incidents should be handled as criminal incidents. Reconciliation, divorce, or other such alternatives should never be suggested with the parties involved. Officers should be prepared to refer victims to shelters, victim witness assistance programs, counseling, and other useful community resources.

Officers should not advise victims of family violence that they "press" or "drop" charges. If a victim spontaneously states that prosecution is not desired, victims should be told that the decision to prosecute is made by the Solicitor General or District Attorney.

All field supervisors will monitor the receipt of any domestic violence incident dispatched to any officer under their command or within their area of responsibility. Whenever possible, the supervisor will also respond to the location for the purpose of providing additional safety and being available for advice. When the supervisor is not available to respond, inquiry will be made as soon as practical as to whether the responding officer followed policy and what action was taken.

When officers respond to a domestic violence call and the victim or suspect is a sworn or civilian employee of any law enforcement agency, a supervisor shall be called to the scene. Supervisors will ensure that administrative reports are completed prior to the end of a tour of duty. The department will adhere to a zero tolerance policy toward police officers involved in domestic violence, and violation of the policy will not be tolerated.

If the victim has a restraining order or temporary protective order (TPO) against the suspect, officers should obtain a copy of the order and valid proof of service. If no order exists, the victim shall be informed how to obtain such order, including local resources available to assist.

If the victim has a restraining order or other protective order that has not yet been served on the suspect, inform the suspect of the order and note in the report that this was done. The officers

should also enforce the applicable provision of the order (e.g., stay-away provisions). If the victim has an extra copy of the order, officers may serve the suspect and complete proof of service.

3. Protective orders from other states or Indian tribes

Pursuant to the Full Faith and Credit provision of the Violence Against Women Act, VAWA, 18 U.S.C. 2265, a valid protection order issued by a court of another state or Indian tribe shall be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Georgia court provided that the foreign court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order was sought sufficient to protect that person's rights to due process. In the case of *ex parte* orders from other states or Indian tribes, notice and opportunity to be heard must have been provided within the time required by the other state or Indian tribe and, in any event, within a reasonable time after the order was issued, sufficient to protect the respondent's due process rights.

The Full Faith and Credit provision applies to any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) . . . 18 U.S.C. 2266. In other words, it extends to temporary, final, civil, and criminal protection orders.

Accordingly, officers should enforce valid out-of-state protection orders that are presented to them as if they were entered by a court of this state. Upon presentation of a foreign protection order by a protected person, officers should assist in enforcement of all of its terms except matters related to child custody, visitation, and support. Before enforcing a foreign protection order, law enforcement officers should take reasonable steps to confirm the validity of the order.

Such steps may include contacting the foreign jurisdiction to confirm the validity of the protection order, i.e., that proper service was obtained, that no superseding orders have been issued, etc. Additionally, the validity of the protection order may be confirmed by simply interviewing the

parties to the order. Even if the foreign jurisdiction cannot be immediately contacted to confirm the validity of the protection order or if the person against whom the order was sought denies service or otherwise contests the protection order, the order should, nevertheless, be enforced if, after a reasonable investigation, the order appears valid. At a minimum, the law enforcement officer should confirm the identity of the parties and review the order to determine that, on its face, it has not expired. A law enforcement officer may be exposed to liability for his/her failure to enforce a valid protection order issued by the court of another state or Indian tribe.

4. Gathering evidence

Domestic violence detectives, additional officers, or GBI agents may be called in for assistance in gathering evidence when there is a great deal of evidence or several persons to be interviewed.

Evidence gathering shall include:

- a. Documenting the condition of the crime scene.
- b. Photographing the crime scene and/or diagraming or sketching the crime scene.
- c. Ensuring that the victim's and suspect's injuries are photographed.
- d. Confiscating and photographing weapons and other evidence of the crime.

The mind set of responding officers and follow-up investigators during the collection of evidence should mirror the philosophy of the prosecutor: How can we prosecute this case without the participation of the victim?

5. Seizure of weapons

If a law enforcement officer has probable cause to believe that a criminal offense involving abuse against a family or household member has occurred, the officer shall seize all weapons that are evidence of the crime. Incident to an arrest for a crime involving abuse against a family or household member, a law enforcement officer may seize a weapon that is in plain view of the officer or discovered pursuant to a consensual search, if necessary for the protection of the officer or other persons. However, a law enforcement officer is not required to remove a weapon the officer believes is needed by the victim for self-defense. Applicable provisions concerning processing property and evidence shall be followed.

6. Victim assistance

Victims of domestic violence often remain trapped in violent relationships because of complex psychological, social, and economic factors. Many victims are unaware of the community resources available to help them. Some do not know that domestic violence is a crime, and others have been threatened with or have experienced violence if they attempt to leave or seek assistance from the police.

When a complainant requests an officer to remove a person from a premise and it can be shown that the complainant is in lawful possession of the premise (e.g., by showing a rental agreement, canceled rent check, lease, grant deed, rent receipts or other documents, or verification from a property manager), and the person desired to be removed is not in lawful possession of the premise, the responding officer shall request the person to leave the premise and shall stand by until the person removes his/her belongings. Should the person refuse to leave the premise upon request, the suspect should be arrested for any applicable section (e.g., criminal trespass). When a party in a domestic violence incident requests police assistance in removing a reasonable amount of personal property (e.g., a suitcase) to another location, officers shall stand by a reasonable amount of time until the party has safely done so. If a complainant claims injuries that require medical attention, whether visible or not, officers shall administer first aid as appropriate and offer to arrange for proper medical treatment.

Officers shall assist in making arrangements to transport the victim to an alternate shelter or meeting place designated by shelter personnel if the victim expresses concern for safety or the officer determines a need exists. When interacting with protective shelters, officers will respect the confidentiality requirements of those organizations. Officers shall also provide the victim with written information detailing the availability of community resources and the State Victim Assistance Program. Officers will verify and enforce orders of protection and familiarize themselves with the type of court-ordered protective orders and enforcement procedures available locally.

In all domestic violence incidents, an officer shall explain options available to the victim, including the prosecution process. In the case of arrest, officers will explain the follow-up procedures and criminal proceedings that may ensue. Officers will inform the victim of the steps in processing the complaint. Victims of a crime have rights during the criminal justice process. All parts of the Victims' Bill Of Rights (O.C.G.A. 17-17-4) that are applicable to law enforcement shall be enforced.

Officers will exercise reasonable care for the safety of the officers and the other parties involved. No provision of this procedure shall supersede that responsibility

7.Documenting family violence

A Family Violence Report will be completed whenever an officer investigates an allegation that domestic violence occurred. The required report shall be filled out whether or not an arrest is made and submitted to the Georgia Bureau of Investigation (see O.C.G.A. 17-4-20.1).

If an officer decides not to make an arrest or decides to arrest one or more parties, the officer shall include in the report the grounds for not arresting anyone or for arresting one or more parties. If both parties (two or more) of a domestic violence incident are arrested, each level of the chain of command is required to review the incident to determine compliance with the intent of the law and this policy.

The Domestic Violence Division will compile records and statistics in a manner that will permit analysis of requests for assistance, responses made, and actions taken. Monthly and annual reports will be produced.

C.ENFORCEMENT OF LAW IN FAMILY VIOLENCE COMPLAINTS

If an officer has probable cause to believe that a person has committed a crime involving domestic abuse, whether the crime is a misdemeanor or felony committed within or without the presence of the officer, the preferred response is arrest.

When an officer has probable cause to believe that two or more persons committed a misdemeanor or felony, and if two or more persons make complaints to the officer, the officer shall try to determine who is the primary aggressor. If a primary aggressor can be identified, then arrest is the preferred response. If the officer believes that all parties are equally responsible, arrest is not the preferred response, and the officer shall exercise his/her best judgment in determining whether to arrest any parties.

Officers shall not threaten, suggest, or otherwise indicate possible arrest of all parties to discourage future requests for intervention by law enforcement personnel. Officers will not base a decision to arrest on the consent or request of the victim or the officer's perception of the victim's or witness's willingness to testify or participate in a judicial proceeding.

D.FOLLOW-UP INVESTIGATION

All family violence reports shall be reviewed by officers or investigators who have family violence training. Follow-up investigations should be consistent with the requirements of the particular prosecutor handling the case. At a minimum, follow-up investigations should include:

- a. Medical records, if available.
- b. A copy of the 911 tape involving the original call for assistance.
- c. Interviews and re-interviews with witnesses, including written, audiotaped or videotaped statements.

d. Notification of the victim and suspect to inform them of the status of the case and the intended referral to the prosecutor.

e. On-scene and follow-up photographs of injuries to the victim; photos of injuries to private body parts should be taken by personnel of the same sex as the victim being photographed. All photographic evidence in family violence cases should be treated with the highest level of confidentiality and shared only on a need-to-know basis.

f. Name, address and phone number of two close friends or relatives who will know the victim's whereabouts in 6-12 months.

g. Complete criminal history of suspect.

h. Collection of other pertinent evidence relevant to the case or past related incidents.

The medical treatment investigation shall include:

a. Obtaining authorization for release of medical records from the victim if possible.

b. Documenting the extent of injuries and treatment.

c. Obtaining names, addresses, and phone numbers of fire, ambulance and/or paramedic personnel treating the victim.

In making a permanent record of the incident and subsequent investigation, the following should be included as part of the reporting procedure:

a. Maintain objectivity in reporting--avoid personal opinions regarding comments from the victim/suspect.

b. Ensure that elements of all involved crimes are included in the report.

c. Document any injuries that the victim/suspect has sustained.

d. Document the past history of violence.

e. Document the statement of the victim, suspect, and all witnesses.

f. Document physical evidence obtained.

g. Document probation/parole status.

APPENDIX

ADDITIONAL RELEVANT LAWS

O.C.G.A. 16-3-21. Use of force in defense of self or others; evidence of belief that force was necessary in murder or manslaughter prosecution.

(a) A person is justified in threatening or using force against another when and to the extent that he reasonably believes that such threat or force is necessary to defend himself or a third person against such other's imminent use of unlawful force; however, a person is justified in using force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent death or great bodily injury to himself or a third person or to prevent the commission of a forcible felony.

(b) A person is not justified in using force under the circumstances specified in subsection (A) of this Code section if he:

(1) Initially provokes the use of force against himself with the intent to use such force as an excuse to inflict bodily harm upon the assailant;

(2) Is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony; or

(3) Was the aggressor or was engaged in a combat by agreement unless he withdraws from the encounter and effectively communicates to such other person his intent to do so and the other, notwithstanding, continues or threatens to continue the use of unlawful force;

(c) Any rule, regulation, or policy of any agency of the state or any ordinance, resolution, rule, regulation or policy of any county, municipality, or other political subdivision of the state which is in conflict with this Code section shall be null, void, and of no force and effect.

(d) In a prosecution for murder or manslaughter, if a defendant raises as a defense a justification provided by subsection (A) of this Code section, the defendant, in order to establish the defendant's reasonable belief that the use of force or deadly force was immediately necessary, may be permitted to offer:

(1) Relevant evidence that the defendant had been the victim of acts of family violence or child abuse committed by the deceased, as such acts are described in Code Sections 19-13-1 and 19-15-1, respectively; and

(2) Relevant expert testimony regarding the condition of the mind of the defendant at the time of the offense, including those relevant facts and circumstances relating to the family violence or child abuse that are the bases of the expert's opinion.

O.C.G.A. 17-4-20.1. Investigation of family violence; preparation of written report; review of report by defendant arrested for family violence; compilation of statistics.

(a) Whenever a law enforcement officer responds to an incident in which an act of family violence, as defined in code Section 19-13-1, has been committed, the officer shall not base the decision of whether to arrest and charge a person on the specific consent of the victim or on a request by the victim solely or on consideration of the relationship of the parties. No officer investigating an incident of family violence shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging request for law enforcement intervention.

(b) Where complaints of family violence are received from two or more opposing parties, the officer shall evaluate each complaint separately to attempt to determine who was the primary aggressor. If

the officer determines that one of the parties was the primary physical aggressor, the officer shall not be required to arrest any other person believed to have committed an act of family violence during the incident. In determining whether a person is a primary physical aggressor, an officer shall consider:

- (1) Prior family violence involving either party;
- (2) The relative severity of the injuries inflicted on each person;
- (3) The potential for future injury; and
- (4) Whether one of the parties acted in self-defense.

(c) Whenever a law enforcement officer investigates an incident of family violence, whether or not an arrest is made, the officer shall prepare and submit to the supervisor or other designated person a written report of the incident entitled Family Violence Report. Forms for such reports shall be designed and provided by the Georgia Bureau of Investigation. The report shall include the following:

- (1) Name of the parties;
- (2) Relationship of the parties;
- (3) Sex of the parties;
- (4) Date of birth of the parties;
- (5) Time, place and date of the incident;
- (6) Whether children were involved or whether the act of family violence was committed in the presence of children;
- (7) Type and extent of the alleged abuse;
- (8) Existence of substance abuse;
- (9) Number and types of weapons involved;
- (10) Existence of any prior court orders;
- (11) Type of police action taken in disposition of case, the reasons for the officer's determination that one party was the primary physical aggressor, and mitigating circumstances for why an arrest was not made;
- (12) Whether the victim was apprised of available remedies and services; and
- (13) Any other information that may be pertinent.

(d) The report provided for in subsection C) of this Code section shall be considered as being made for statistical purposes only and where no arrests are made shall not be subject to the provisions of Article 4 of Chapter 18 of Title 50. However, upon request, a defendant who has been arrested for an act of family violence or the victim shall be entitled to review and copy any report prepared in accordance with this code section relating to the defendant.

(e) Each police department, including local precincts and county sheriff departments, shall report, according to rules and regulations of the Georgia Crime Information Center, all family violence incidents, both arrests and non-arrests, to the Georgia Bureau of Investigation, which shall compile and analyze statistics of family violence crimes and cause them to be published annually in the Georgia Uniform Crime Reports. An offense shall be counted for each incident reported to the police. A zero shall be reported if no incidents have occurred during the reporting period.

(Code 1981, __ 17-4-20.1, enacted by Ga. L. 1991, p. 1778, 1; Ga.L. 1992, p. 2939, __ 1; Ga. L. 1995, -. 1186, __ 1.)

O.C.G.A., 16-5-90. Stalking.

(a) A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. For the purpose of this article, the term "place or places" shall include any public or private property occupied by the victim other than the residence of the defendant. For the purposes of this article, the term "harassing and intimidating" means a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person's safety or the safety of a member of his or her immediate family, by establishing a pattern of harassing and intimidating behavior, and which serves no legitimate purpose. This Code section shall not be construed to require that an overt threat of death or bodily injury has been made.

(b) Except as provided in subsection (c) of this Code section, a person who commits the offense of stalking is guilty of a misdemeanor.

(c) Upon the second conviction, and all subsequent convictions, for stalking, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than ten years.

(d) Before sentencing a defendant for any conviction of stalking under this Code section or aggravated stalking under Code Section 16-5-9, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender. At the time of sentencing, the judge is authorized to issue a permanent restraining order against the offender to protect the person stalked and the members of such person's immediate family, and the judge is authorized to require psychological treatment of the offender as part of the sentence, or as a condition for a suspension or stay of sentence, or for probation.

(Code 1981, ___ 16-5-90, enacted by Ga. L. 1993, p. 1534, ___ 1; amended by Ga. L. 1998 p. 885, Act 865(1), eff. 7/1/98.)

O.C.G.A. 16-5-91. Aggravated Stalking.

(a) A person commits the offense of aggravated stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the behavior described in this subsection, follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person.

(b) Any person convicted of a violation of subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years and by a fine of not more than \$10,000.00. The provisions of subsection (d) of Code Section 16-5-90 apply to sentencing for conviction of aggravated stalking. (Code 1981, ___ 16-5-91, enacted by Ga. L. 1993, p. 1534, ___ 1; Ga. L. 1995, p. 911, ___ 1; amended by Ga. L. 1998 p. 885, Act 865(2), eff. 7/1/98.)

O.C.G.A. 19-13-4. Protective orders and consent agreements; contents; issuing copy of order to sheriff; expiration; enforcement.

(a) The court may, upon the filing of a verified petition, grant any protective order or approve any consent agreement to bring about a cessation of acts of family violence. The orders or agreements may:

- (1) Direct a party to refrain from such acts;
- (2) Grant to a spouse possession of the residence or household of the parties and exclude the other spouse from the residence or household;
- (3) Require a party to provide suitable alternate housing for a spouse and his or her children;
- (4) Award temporary custody of minor children and establish temporary visitation rights;
- (5) Order the eviction of a party from the residence or household and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim if the respondent's eviction has not been ordered;
- (6) Order either party to make payments for the support of a minor child as required by law;
- (7) Order either party to make payments for the support of a spouse as required by law;
- (8) Provide for possession of personal property of the parties;
- (9) Order a party to refrain from harassing or interfering with the other;
- (10) Award costs and attorney's fees to either party; and
- (11) Order either or all parties to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of family violence.

(b) A copy of the order shall be issued by the clerk of the superior court to the sheriff of the county wherein the order was entered and shall be retained by the sheriff as long as that order shall remain in effect.

(c) Any such orders granted under this code section shall not remain in effect for more than six months; provided, however, that upon the motion of a petition and notice to the respondent and after a hearing, the court in its discretion may convert a temporary order granted under this Code section to a permanent order.

(d) A protective order issued pursuant to this Code section shall apply and shall be effective throughout this state. It shall be the duty of every superior court and of every sheriff, every deputy sheriff, and every state, county or municipal law enforcement officer within this state to enforce and carry out the terms of any valid protective order issued by any court under the provisions of this Code section.

(Ga.L. 1981, p. 880, ___ 4; Ga.L. 1982, p. 2300, ___ 1, 2; Ga. L. 1988, p. 1250, ___ 1; Ga.L. 1993, p. 788, ___ 1; Ga.L. 1994, p. 1270, ___ 8.)

16-10-24.3

Any person who verbally or physically obstructs, prevents, or hinders another person with intent to cause or allow physical harm or injury to another person from making or completing a 911 telephone call or a call to any law enforcement agency to request police protection or to report the commission of a crime is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed 12 months, or both.

18 U.S.C. 2265. Full faith and credit given to protection orders.

(a) Full faith and credit. Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded

full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

(b) Protection order. A protection order issued by a State or tribal court is consistent with this subsection if --

(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) Cross or counter petition. A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if --

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

(Added Sept. 13, 1994, P.L. 103-322, Title IV, Subtitle B, Ch2, 40221(a), 108 Stat. 1903.)

18 U.S.C. 2266. Definitions

In this chapter [18 U.S.C. 2261 et seq.]--

□bodily injury□ means any act, except one done in self-defense, that results in physical injury or sexual abuse.

□Indian country□ has the meaning stated in section 1151.

□protection order□ includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

□spouse or intimate partner□ includes--

(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides.

□State□ includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

□travel across State lines□ does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member.

(Added Sept. 13, 1995, P.L. 103-322, Title IV, Subtitle b, Ch2, 40221(a), 108 Stat. 1931.)