

(continued from inside...)

Keeping a record of violations

- **Whether you decide to report a violation to the police or not**, you should still keep a personal record of all violations. Make sure to note the following details about each violation:
 - Date of violation
 - Description of what happened
 - Whether there were any witnesses
- Be sure to save any evidence of the violation, such as text messages, emails, or photographs. This evidence can be helpful later if you want to modify or renew your restraining order.

Working with the district attorney's (D.A.'s) office

Asking the D.A. to prosecute the violation

- If you would like the Respondent to be prosecuted for the violation, you should call the county D.A.'s office and tell them you would like to see the Respondent prosecuted for violating your order.
- The DA's office will review the police report and determine whether there is enough evidence to file charges.
 - If you have evidence of the violation, other than your own testimony, the D.A.'s office may be more likely to charge the Respondent.

Victim's advocates in the D.A.'s office

- The D.A.'s office has victim advocates who can keep you informed about upcoming

court dates, help you prepare for court, and help you assert your rights in the criminal trial.

What happens if the D.A. prosecutes the violation?

- If the D.A. prosecutes the case, there are several possible outcomes:
 - **Plea Agreement:** The Respondent can agree to plea guilty to the charges in exchange for a certain sentence. You have the right to ask that the D.A. talk with you first before a plea agreement is reached.
 - **Trial:** If a plea agreement is not made, then the case will go to trial. You will most likely be subpoenaed to testify at trial about what happened. At the end of the trial, a judge will decide whether there is enough evidence of a violation.
- **Sentencing:** If the Respondent is found guilty at trial or accepts a plea deal, they will be sentenced to either jail, ordered to complete domestic violence counseling, pay a fine, or be put on probation.
 - As a crime victim, you have the right to make a statement at the sentencing hearing. Talk to the D.A. or victim advocate before the hearing if you wish to do this.

For more free legal information, visit OregonLawHelp.org.

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Legal Aid Services of Oregon & Oregon Law Center



What to do if your Restraining Order is Violated.

**Information for survivors of
domestic violence, sexual
assault, or stalking in Oregon.**

This brochure is provided by Legal Aid Services of Oregon for general informational use only. It is not a substitute for individual legal advice. Consult an attorney for more information or for advice. The information in this pamphlet is accurate as of November 2017.

If you have a restraining order or a protective order and you live in Oregon, you can enforce your order by reporting violations to the police.

What is a violation?

- If the Respondent disobeys **any part** of your restraining order, it is a violation.
 - Your restraining order is customized to your individual situation. So make sure you understand what is and is not allowed by your order. The Respondent can get in trouble for not following the order, even if you agree to a change. To change your order, you must file modification paperwork with the court and wait for a judge to approve your request by signing a new order.
 - If you have a stalking protective order and the Respondent disobeys your order by contacting you by phone, texting, or other not in-person means, it is not considered a violation under the law unless the contact makes you afraid for your personal safety.
- You cannot violate your own restraining order by contacting the Respondent.
 - However, if your restraining order contains a parenting plan, you must follow the plan. If you need to change the parenting time, you should go back to court and file a request to modify the order.

Reporting violations to the police

When can you call the police?

- If your restraining order is violated, you can call the police and report the violation. In Oregon, the police are required to arrest the Respondent for violating the order. In reality, enforcement of restraining orders varies from county to county. In many counties, police may only make an immediate arrest if the Respondent is still at the scene when they arrive.
 - If you are in immediate danger, you should call 911. Otherwise, you can call the non-emergency number for your local police.
 - The police will help you even if you do not have immigration paperwork or are not a U.S. citizen.

What should you do when the police arrive?

- When the police arrive, tell them you have a restraining order. If you have a copy of the order with you, show it to the police.
- If you have proof of the violation, provide it to the police.
 - **Proof can include:** text messages or calls from the Respondent, photos or videos, or witness accounts.

What will the police do?

- If the police have probable cause that your order was violated, they **must** arrest the Respondent.
 - **If the Respondent is present:** the police should arrest them immediately and take them to jail.

- **If the Respondent is not present:** provide the police with any information you have about the Respondent's whereabouts. Then, make sure the police make a report of the violation.
- If the police do not believe your order was violated, you should still insist that they write a report.

What follow-up should you do?

- A few days after you report a violation to the police, you should follow-up and make sure that a police report was written. You can request a copy of the police report for your records. However, the police do not have to provide you with a copy if the investigation is ongoing.
- If the police make a report and you want the Respondent to be prosecuted for the violation, you should call your county district attorney's office.

(See back panel for more information).

What if the police refuse to help you?

Oregon law requires the police to arrest the Respondent if they have probable cause that your order was violated. If the police refuse to respond to your report of a violation or refuse to make an arrest, you may want to talk with an attorney.

If you are low-income, Your local legal aid office may be able to help you for free. To find your local legal aid office, visit: oregonlawhelp.org//resource/oregon-legal-aid-offices.