



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: REVISED EMERGENCY
PROTECTIVE ORDER (EPO)
FORM EPO-001**

DATE: January 20, 2023

Bulletin# 2023-004

On January 1, 2023, the Judicial Council of California adopted a revised Emergency Protective Order (EPO) Form EPO-001. The language of the form has been updated to provide clear instructions on prohibited conduct of a restrained party. The form is to be used to protect persons who fear the immediate danger or threat of domestic violence, including child abuse, child abduction, elder abuse, dependent adult abuse, or stalking.

The following changes were made to the new revised form:

- A gender classification of "X" was added to section 2.
- The following possible violations were added to section 3(a):
 - *Impersonate*
 - *Annoy by phone or other electronic means (including repeatedly contact)*
 - *Disturb the peace of (including coercive control)*
- Language in section 11 was changed to: *"The person in 1 and 2 live together. The person in 1 asks that the person in 2 immediately move out from the address in item 3c."*
- Language in section 13 was changed to: *"I personally delivered (served) copies of this Order to the person named in 2 on (date): _____ at (time): _____"*

All Department members should discard any previous versions of the EPO Form EPO-001 and replace them with the new version of EPO Form EPO-001(Rev. January 1, 2023). The revised EPO Form EPO-001 is available at Central Supply.

Anthony Mata
Chief of Police

AM:GB

Attached: EPO-001 Rev. January 1, 2023

EPO-001

ONE copy to court, ONE copy to restrained person, ONE copy to protected person, ONE copy to issuing agency

LAW ENFORCEMENT CASE NUMBER:

EMERGENCY PROTECTIVE ORDER (See reverse for important notices.)1. **PROTECTED PERSONS** (insert names of all persons protected by this Order):2. **RESTRAINED PERSON** (name):Gender: ☐ M ☐ F ☒ X

Ht: Wt: Hair color: Eye color: Race: Age: Date of birth:

3. **TO THE RESTRAINED PERSON:**

- a. ☐ **YOU MUST NOT** harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property of, keep under surveillance, impersonate, block movements of, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace of (including coercive control), any person named in item 1.
- b. ☐ **YOU MUST NOT** contact, either directly or indirectly, by any means, including but not limited to by telephone, mail, e-mail or other electronic means, any person named in item 1.
- c. ☐ **YOU MUST** ☐ stay away at least: _____ yards from each person named in item 1.
☐ stay away at least: _____ yards from ☐ move out immediately from:
(address): _____
- d. **YOU MUST NOT** take any action, directly or through others, to obtain the addresses or locations of any person named in item 1.
- e. **YOU MUST NOT** own, possess, purchase, receive, or attempt to purchase or receive any firearm (gun), firearm parts (receiver, frame, or unfinished receiver or frame (Penal Code section 16531)), or ammunition. You must immediately surrender these items if asked by law enforcement. If not asked by law enforcement to surrender immediately, you must turn them in to a law enforcement agency or sell them to, or store them with, a licensed gun dealer within 24 hours of receiving this order.
4. ☐ (Name): _____ is given temporary care and control of the following minor children of the parties (names and ages): _____

5. Order Expires on (date): _____ at (time): _____ EXPIRES ON THE 5TH COURT DAY OR 7TH CALENDAR DAY, WHICHEVER IS EARLIER. DO NOT COUNT THE DAY THE ORDER IS GRANTED.

6. To Person in 1: To ask for a longer restraining order, ask for help at your local court. If there is an open juvenile case, file in that case. (Name and address of court): _____

7. Reasonable grounds for the issuance of this Order exist, and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

8. Judicial officer (name): _____ granted this Order on (date): _____ at (time): _____

APPLICATION

9. The events that caused the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (except solely financial abuse), or stalking are (give facts and dates; specify weapons): _____

10. ☐ Firearms or ammunition were (check all that apply): ☐ observed ☐ reported ☐ physically searched for ☐ seized11. ☐ The persons in 1 and 2 live together. The person in 1 asks that the person in 2 immediately move out from the address in item 3c12. ☐ The person in 1 has minor children in common with the person in 2, and a temporary custody order is requested because of the facts alleged in item 9. A custody order ☐ does exist. ☐ does not exist.

By: _____

(PRINT NAME OF LAW ENFORCEMENT OFFICER)

(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: _____

Telephone No.: _____

Badge No.: _____

PROOF OF SERVICE

13. I personally delivered (served) copies of this Order to the person named in 2 on (date): _____ at (time): _____

Address where person in 2 was served: _____

14. At the time of service, I was at least 18 years of age and not a party to this cause. ☐ I am a California law enforcement officer.

15. My name, address, and telephone number are (this does not have to be server's home telephone number or address): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME OF SERVER)

(SIGNATURE OF SERVER)