

**THE SUPREME COURT of OHIO**  
**Protection  
Orders in  
Ohio**

**Agenda**

- Why
- What
- How
- Issues



**Order of Protection**  
LAW ENFORCEMENT AGENCY WHERE INDEXED  
( )  
PHONE NUMBER  
PETITIONER:

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## Why: Context



### National Perspective

- **Raped, assaulted, or stalked by an intimate:**  
1 in 14 female teens
- **Severe physical violence by an intimate partner:**  
1 in 4 women & 1 in 7 men
- **Sexual violence:**  
1 in 3 women & 1 in 6 men
- **Stalking:**  
1 in 6 women & 1 in 19 men

### Ohio Perspective

- **Raped, assaulted, or stalked by an intimate:**  
1 in 13 female teens
- **Intimate partner violence:**  
Nearly 1 in 3 women & 1 in 8 men
- **Sexual violence:**  
More than 1 in 3 women & 1 in 7 men
- **Stalking:**  
More than 1 in 6 women

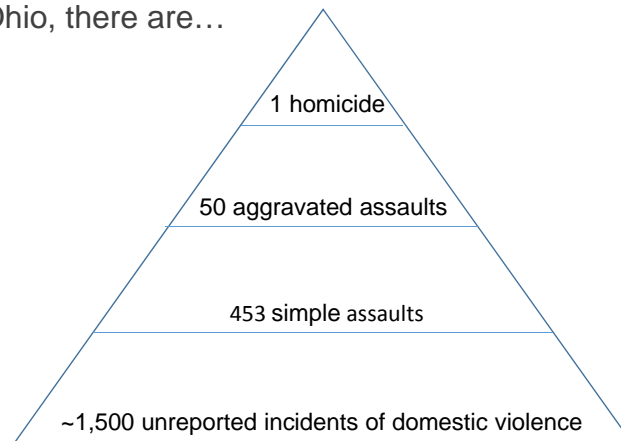
National Intimate Partner and Sexual Violence Survey, 2010-12 (2017)

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## Domestic Violence Pyramid



Due to domestic violence, for every 100,000 people in Ohio, there are...



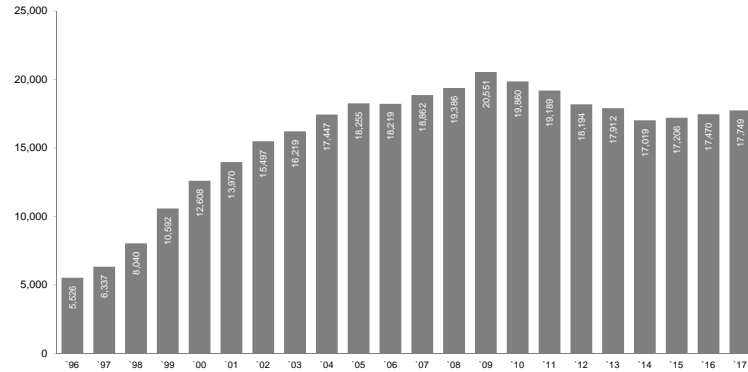
. Office of Criminal Justice Services

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## Civil Domestic Violence



### Domestic Violence Civil Protection Order Petitions New Filings, 1996 through 2017



Ohio Courts Statistical Report, Supreme Court of Ohio

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## What: More Than a Piece of Paper



- Protection orders – 18 U.S.C. 2266(5)
  - Terms and conditions of any court order necessary for safety and protection and preventing dating violence, domestic violence, sexual violence, and stalking
- Full-faith and credit – 18 U.S.C. 2265
- Civil order, but criminally enforceable – R.C. 2919.27
- Special statutory proceeding
- Possible firearms disability

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## How: Criminal Orders At-a-Glance



<b>DVTPO (R.C. 2919.26)</b>	<b>CrPO (R.C. 2903.213)</b>
<ul style="list-style-type: none"> <li>• Criminal court</li> <li>• Family or household member</li> <li>• More than criminal domestic violence offense</li> <li>• Pre-trial condition of release</li> <li>• Short duration</li> <li>• Possible firearms disability</li> <li>• Criminally enforceable</li> </ul>	<ul style="list-style-type: none"> <li>• Criminal court</li> <li>• Not related to Defendant</li> <li>• Assault, stalking, trespass &amp; sexually oriented offense</li> <li>• Pre-trial condition of release</li> <li>• Short duration</li> <li>• Criminally enforceable</li> </ul>

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## How: Civil Protection Orders At-a-Glance



<b>DVCPO &amp; DTCPO* (R.C. 3113.31)</b>	<b>JCPO &amp; DVJCPO (R.C. 2151.34 &amp; 3113.31)</b>	<b>CSPO &amp; CSOPO (R.C. 2903.214)</b>
<ul style="list-style-type: none"> <li>• Domestic Relations Court</li> <li>• Acts of domestic violence or dating violence</li> <li>• Family or household member or dating relationship</li> <li>• Not to exceed 5 yrs.</li> <li>• Criminally enforceable</li> </ul>	<ul style="list-style-type: none"> <li>• Juvenile Court</li> <li>• Respondent &lt; 18 yrs. old</li> <li>• Acts of violence</li> <li>• Electronic monitoring</li> <li>• Seal records upon Respondent's 19<sup>th</sup> birthday</li> <li>• Criminally enforceable</li> </ul>	<ul style="list-style-type: none"> <li>• General Division, Common Pleas Ct.</li> <li>• Menacing by stalking or sexually oriented offense</li> <li>• No relationship</li> <li>• Electronic monitoring</li> <li>• Not to exceed 5 yrs.</li> <li>• Criminally enforceable</li> </ul>

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## CPO.CrPO.TPO.ETO.EPO – NCIC POF



### Emergency Temporary Order (ETO)

- Ex parte protection order
- Criminal or civil
- No due process
- Short duration
- No Brady disability
- Possible firearms disability

### Emergency Protection Order (EPO)

- Criminal or civil
- Full hearing protection order
- Post-conviction no contact order
- Notice of hearing and opportunity to be heard
- Brady disability
- Possible firearms disability
- Civil – not to exceed 5 years
- Criminal – Disposition of case or issuance of civil protection order

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## Interesting Issues



- Service vs Actual knowledge
- Mandatory expungement vs Permissive sealing
- Pre-trial no contact order vs Post-conviction no contact order
- National Crime Information Center vs Protection Order Registry
- Other issues
  - Online access of protection order records
  - Conflicting orders
  - Protection order forms

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## Contact Information

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