

# Military Protective Orders

Stabilization

Communication

Investigation

Disposition

Adjudication

Resolution

## References

10 U.S.C. § 1567a; 32 C.F.R. § 105.9; DoDI 6400.06; DD 2873; NAVADMIN 252/19

## Introduction

Commanders may issue a military protective order (MPO)—an order prohibiting an accused from contacting or communicating with protected persons—when necessary to: (1) safeguard alleged victims; (2) quell disturbances; and (3) maintain good order & discipline while alleged victims have time to pursue a protection order through a civilian court or to support an existing civilian protective order. Violation of an MPO may be prosecutable under the Uniform Code of Military Justice.

When possible, commanders should contact NCIS before issuing MPOs to avoid prematurely notifying the accused that an investigation is ongoing. Once issued, all MPOs must be registered in the Federal Bureau of Investigation’s National Crime Information Center (NCIC) database, although civilian authorities will not enforce MPOs. Commanders should forward any issued MPOs, as well as any changes to MPOs, in accordance with the table below.

### Definition & Purpose

<b>Definition</b>	An order prohibiting an active duty member from contacting or communicating with a protected person or members of the protected person’s family or household.
<b>Accepted Purposes</b>	(1) Safeguard a victim, (2) quell disturbances, and (3) maintain good order & discipline while a victim has time to pursue a protection order through a civilian court or to support an existing civilian protective order.
<b>Scope</b>	An MPO violation may be prosecutable under the UCMJ. Note that civilian authorities <u>will not</u> enforce MPOs.

### Initiating the Process

<b>Requests &amp; Commander Prerogative</b>	Any person may request an MPO.  A Commander may issue an MPO without a request.
<b>Denying a Request for MPO in a Sexual Assault Case</b>	If a Unit Commander or Commanding Officer intends to deny a request for an MPO in a sexual assault case, he or she must: <ol style="list-style-type: none"> <li>1. Document the reasons for denial; and</li> <li>2. Forward those reasons to the Installation Commander for a final decision.</li> </ol>

### Issuing Requirements

<b>Authority</b>	A Commander may issue MPOs only to those active duty members under his or her command.
<b>Case-by-Case, Tailored Conditions</b>	Each MPO must be issued on a case-by-case basis.  MPO conditions must be tailored to meet the specific needs of the protected person(s).
<b>Documentation</b>	<b>All MPOs <u>must</u> be documented using DD Form 2873.</b>  <i>Verbal MPOs may be issued, but <u>must</u> be documented on DD Form 2873 as soon as possible.</i>
<b>Copies</b>	Provide copies of signed DD Form 2873 to: <ol style="list-style-type: none"> <li>1. Alleged Offender</li> <li>2. Protected Person(s)</li> </ol> Maintain copy of MPO in local command files.

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<b>Unit Notification Requirements</b>		
<b>When MPO is Issued</b>	<p>Provide copy of MPO to the point of contact as follows:</p> <ul style="list-style-type: none"> <li>• If issuing Unit is on a Navy Installation within the U.S. or U.S. Territories, provide copy to the Installation Commander.</li> <li>• If issuing Unit is within the U.S. or U.S. Territories, but <u>not</u> located on a Navy Installation, provide copy to the Unit's assigned NCIS Field Office.</li> <li>• If issuing Unit is on a Navy Installation overseas, underway, or deployed, provide copy to the applicable Installation Commander.</li> </ul>	
<b>When MPO is Modified</b>	Provide copy of the modified MPO to the same point of contact as when MPO was issued (see above).	
<b>When MPO Expires</b>	Notify the same point of contact as when the MPO was issued (see above) of the expiration of the MPO.	
<b>Transfer of Offender Subject to Active MPO</b>	<b>Detaching Commander</b>	Detaching Commander's MPO expires when service member detaches from that command. Before member detaches, notify Gaining Commander of the existence of the MPO and notify applicable installation commander/NCIS field office that current MPO is expiring upon transfer.
	<b>Gaining Commander</b>	After being notified by Detaching Commander, evaluate circumstances and make an independent determination whether to issue an MPO to the service member. If an MPO is issued, notify applicable installation commander/NCIS field office (above).

<b>Installation Commander Submission Requirement</b>
<p>Installation Commanders will submit all issued, modified, and terminated MPOs to NCIS.</p> <p>Email: <a href="mailto:mposubmission@ncis.navy.mil">mposubmission@ncis.navy.mil</a></p>

<b>Civilian Protective Orders (CPOs)</b>	
<b>Definition</b>	Order issued by civilian judge or magistrate to protect health & safety of an alleged victim of a crime.
<b>Enforceability</b>	Military authorities <u>must</u> enforce a CPO on base.
<b>Effect on MPO</b>	<p>Existence of a CPO does <u>not</u> prevent a Commander from issuing an MPO. Commanders may issue an MPO that is more restrictive than a CPO.</p> <p><i>Note: Commanders should modify any existing MPO to ensure it does not contradict a CPO.</i></p>
<b>On-Base Civilians &amp; CPOs</b>	Commanders may bar civilians—including DoD civilian employees—from an installation if they fail to comply with a CPO.

<b>Best Practices</b>	
<b>Contact a Judge Advocate</b>	<p>Contact a judge advocate before issuing or extending any MPO for an accused.</p> <p>Contact a judge advocate before issuing an MPO to an alleged victim.</p>
<b>Contact NCIS</b>	<p>Contact NCIS before issuing an MPO.</p> <p>Issuing an MPO may notify an alleged offender of an ongoing investigation, potentially interfering with NCIS' investigatory options.</p>
<b>Durations &amp; Extensions</b>	<p>MPOs remain in effect until modified or rescinded. Commanders should monitor whether an MPO remains necessary as time goes on. Consult a judge advocate if you have questions about MPO duration.</p>

