

USAG Alaska, Fort Wainwright
Military Protective Orders & No-Contact Orders

Quick Reference Guide

March 2022

Military Protective Orders & No-Contact Orders

Commanders may issue a **military protective order (MPO)**, an order prohibiting contact or communication with protected persons, when necessary to: (1) safeguard an alleged victim; (2) quell a disturbance; or (3) ensure the safety of any person. If ensuring safety is not the purpose of the order, a commander may issue a **no-contact order**, a lawful order prohibiting contact or communication with specified persons under circumstances that do not justify the issuance of an MPO. The following chart is a quick reference guide that provides a summary overview of these measures; it does not address every nuance and consideration and should not be treated as an exhaustive resource.

	MPO	No-Contact Order
Permissible Purposes	(1) Safeguard an alleged victim; (2) Quell a disturbance; or (3) Ensure the safety of any person. <i>MPOs issued to protect alleged victims of sexual assault have additional requirements - Refer to AR 190.45 and DoDI 6495.02.</i>	To preserve good order and discipline when safety is not a genuine concern (e.g., to keep witnesses separated to protect their testimony from influence). <i>While MPOs also preserve good order and discipline, no-contact orders permit a commander to address a wider sweep of concerns than those solely associated with safety.</i>
Initiation	May be issued pursuant to a request or at the commander's discretion. Consult with the SJA and cognizant law enforcement agent (CID) before issuing MPOs and no-contact orders to avoid interfering with any ongoing investigation and review the MPO registration procedures, discussed below.	
Registration (National Crime Information Center – Protective Order File)	Commanders must register all MPOs in the NCIC POF via the installation Law Enforcement Agency (LEA). <i>Civilian authorities may become aware of the order in an NCIC check on the subject. This will not lead to civilian enforcement of the MPO, but civilian authorities may notify the listed military POC in NCIC POF of potential violations.</i>	The order is not registered in NCIC. <i>Civilian authorities will remain unaware of the order and will not notify military authorities of potential violations.</i>
Military Enforcement	Both orders are subject to enforcement by military authorities. Violations may be prosecuted under UCMJ Articles 90 and 92.	
Civilian Enforcement	None. These orders are not subject to enforcement by civilian authorities and do not prevent a subject from possessing or purchasing firearms. For MPOs, these limitations must be explained to the protected person; further, commanders must advise any protected person desiring protection off base to seek a civilian protective order and direct them to the appropriate victim support service.	
Authority	May be issued by Commanders to a member of their command. <i>Refer to AR 190.45 and DoDI 6400.06.</i>	May be issued by a Commander to a member of their command.
Issuing Documentation	Must be documented using DD Form 2873, FEB 2020. <i>The subject's full name, DOB, and SSN are necessary; other information is not. Do not delay merely to find other information.</i>	Should be documented in writing; standard Memorandum format is suggested. <i>No particular format is necessary, but the order and its acknowledgment should be clear.</i>
	A verbal order may be given under exigent circumstances, but it must (in the case of MPOs) and should (in the case of no-contact orders) be documented as soon as possible.	
Copies and Retention	Provide copies of the completed form to: (1) Subject (redacted for PII); (2) Protected Person(s) (redacted for PII); (3) Installation LEA; and (4) Maintain a local copy.	Provide a copy to the subject (redacted for PII) and maintain a local copy.
Tracking	Units must have a mechanism and a person responsible for tracking all active orders.	

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Security Clearance	Depending on the circumstances, the information justifying the issuance may trigger certain reporting or revocation obligations. <i>When in doubt discuss with the SJA and Security Manager.</i>	
Change in Status	Commanders must report all changes in the subject's status (EAS, PCS, PCA, TDY, deployment, <i>etc.</i>) to the LEA. When a subject is temporarily or permanently reassigned, the losing commander must notify the gaining commander of the MPO. The gaining commander may continue the MPO by issuing a new DD Form 2873. The losing commander must cancel the MPO upon transfer. When a subject reaches their EAS, the commander must cancel the MPO. <i>See below for cancellation procedures.</i>	Commanders should cancel the order and notify the subject's new commander of any information deemed relevant under the circumstances of the change in status.
Modification	If any part of the MPO needs modification, a new DD Form 2873 must be completed, and copies must be provided to all parties, just as if a new MPO had been created.	A new written order should be completed, if modifications are made. Provide a copy to the subject (redacted for PII) and maintain a local copy.
Review	Commanders must periodically review MPOs. Each MPO must specify a date by which the review will occur. On or before the chosen date, the commander must either modify or continue the MPO by completing and issuing a new DD Form 2873, or cancel the MPO by issuing a DD Form 2873-1. Provide copies to the parties per the applicable action's guidance.	Commanders should periodically review active no-contact orders. A best practice is to issue no-contact orders with explicit and limited durations. Review can occur as the order nears this specified end date, and the commander can elect to renew the order (in writing via a new order) or let it expire naturally (which requires no action).
Expiration	The terms of the order will not contain an expiration date. <i>This ensures formal, written cancellation is used to cancel all MPOs.</i>	It is a best practice to include an expiration date with the terms of the order.
Cancellation	Must be documented using DD Form 2873-1, JAN 2020. Provide copies of the completed DD Form 2873-1 to: (1) Subject (PII redacted); (2) Protected Persons (PII redacted); (3) Installation LEA; and (4) Maintain a local copy.	If cancelled in lieu of an expiration date, or prior to a specified expiration date, the cancellation should be in writing. A copy of the cancellation order should be provided to the subject and maintained locally.
Validations	LE Terminal Coordinator periodically validates records placed into NCIC. Issuing Commanders must respond to validation requests to confirm active MPO. Failure to comply with validation procedures could result in record being deleted.	The order is not registered in NCIC.
Best Practices	Consult with the SJA and cognizant law enforcement agent before issuing, continuing, modifying, or cancelling an MPO.	Consult with the SJA before issuing a no-contact order. Include an endorsement section for subject to acknowledge their receipt and understanding of the order.
References	(a) 10 U.S.C. §§ 1567 & 1567a (b) DoDI 6400.06 (c) DD Form 2873, FEB 2020 (d) DD Form 2873-1, JAN 2020 (e) AR 190.45 2-16	(a) UCMJ, Article 90 (importantly, Article 90 defines the limits of a lawful order – this is the chief restriction on no-contact orders). (b) UCMJ, Article 92.