



## MILITARY PROTECTIVE ORDERS FACT SHEET



A DD Form 2873, Military Protective Order (MPO) is a written lawful order issued by a commander that orders a Soldier to avoid contact with those persons identified in the order. MPOs may be used to facilitate a “cooling-off” period following domestic violence and sexual assault incidents, to include incidents involving children. The commander should provide a written copy of the order within 24 hours of its issuance to the person with whom the member is ordered not to have contact and to the installation LE activity.

### **Q: How are MPOS issued?**

**A:** Protective orders can be issued verbally or in writing. The orders are most commonly in writing on a DD Form 2873. The Department of Defense Instruction on the matter, and the DD Form 2873, clearly state that the MPO is intended to:

- Safeguard victims;
- Quell disturbances; and
- Maintain good order and discipline while victims have time to pursue protection orders through civilian courts.

### **Q: How long does a MPO last?**

**A:** Protective orders are often indefinite or until the CDR terminate the order. 10 USC § 1567 states: “A military protective order issued by a military commander shall remain in effect until such time as the military commander terminates the order or issues a replacement order.”

### **Q: What are examples of things that a MPO can restrict?**

**A:** They will order a service member to maintain a certain distance from an alleged victim and prohibit communications either directly or through a third party.

### **Q: Can the County or State Police enforce a MPO?**

**A:** 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.

**Q: Are the military police aware when there is a MPO in place?**

**A:** Commanders must register all MPOs in the NCIC POF via the installation Law Enforcement Agency (LEA). 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.

**Q: What happens if a soldier violates a MPO?**

**A:** Violations of MPOs can be charged as violations of orders under Article 90, UCMJ.

**Q: What happens if a soldier command changes?**

**A:** Commanders must report all changes in the subject's status (EAS, PCS, PCA, TDY, deployment, etc.) 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.

**Q: What is a Civilian Protective Order?**

**A:** A Civilian Protective Order (CPO) is an order issued by a judge, magistrate or other authorized civilian official, ordering an individual to avoid contact with his or her spouse or children. Pursuant to the Armed Forces Domestic Security Act, 10 U.S.C. 1561a, a CPO has the same force and effect on a military installation as such order has within the jurisdiction of the court that issued the order.



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