



## Military Protective Orders

MARADMIN 216/20 requires Military Protective Orders (MPOs) be entered into the National Crime Information Center (NCIC) protection order file (POF) and the Marine Corps authorized criminal justice information system. Key provisions of this MARADMIN are listed below. SJAs should discuss these requirements with each commanding officer issuing an MPO.

Per paragraph 2 of the MARADMIN, commanding officers issuing an MPO shall perform the following actions:

- Issue an MPO whenever necessary to safeguard a victim, quell a disturbance, or ensure the safety of a person. Prior to issuing the MPO, consider the purpose of the MPO as well as the collateral consequences for the person subjected to the order. Further, consider issuing a direct order for no contact between the parties in cases not requiring protection of a person. An MPO should not be issued against a victim or witness for the purpose of keeping them separated from a suspect. Use the updated DD Form 2873, FEB 2020 when issuing MPOs. The form is at <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2873.pdf>. All previous versions of DD Form 2873 are obsolete.
- Ensure the subject and the protected person are notified when an MPO has been issued and are provided a copy redacted for Personally Identifiable Information, except the names of the parties involved.
- Review MCO 1752.5C prior issuing an MPO to protect a sexual assault victim to understand the additional requirements in such cases.
- Within 24 hours of issuing an MPO, coordinate with the responsible military law enforcement agency (LEA) to place the MPO into the NCIC POF for the duration of the order. Meaningful coordination requires that LEAs be provided a copy of the completed DD Form 2873 signed by the subject and be provided the subject's Social Security Number by separate correspondence.
- As the situation dictates or as designated in Block 8 of DD Form 2873, review the MPO to determine whether it should remain in effect, requires modification, or requires cancellation. If the MPO is extended, modified, or cancelled, notify the appropriate LEA within 24 hours. Commanding officers who extend or modify an MPO must issue a new DD Form 2873.
- If the subject of the MPO is transferred to another unit, the issuer must notify the subject's new commanding officer of the MPO's issuance and the names of all parties involved no later than the date of the transfer.

Additional guidance for Staff Judge Advocates:

Advise commanders to use DD Form 2873-1 to cancel an MPO. The form is at: [https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2873-1\\_2020.pdf](https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2873-1_2020.pdf). The cognizant LEA will also direct commands to use this form to cancel an MPO.

The publication of this practice advisory supersedes previous JAD guidance related to the issuance of MPOs, including guidance provided in Practice Advisory 5-19 (Criminal Justice Information Reporting Update).

### ***Points of Contact***

Direct any questions about this Practice Advisory to the JMJ Branch Head at (703) 693-9005, the JMJ Deputy Branch Head at (703) 693-8901, or Trial Counsel Assistance Training Program (TCAP) at (703) 693-9299.