



Revised July 2023

BACKGROUND

The National Crime Information Center (NCIC) is a criminal justice information system dedicated to serving the criminal justice community and accessible to virtually every law enforcement agency nationwide. The NCIC System consists of 22 data files. One of the files is the Protection Order File, established by the FBI in May 1997 for the entry, storage, and retrieval of protection order records.

The **Protection Order File** is designed to:

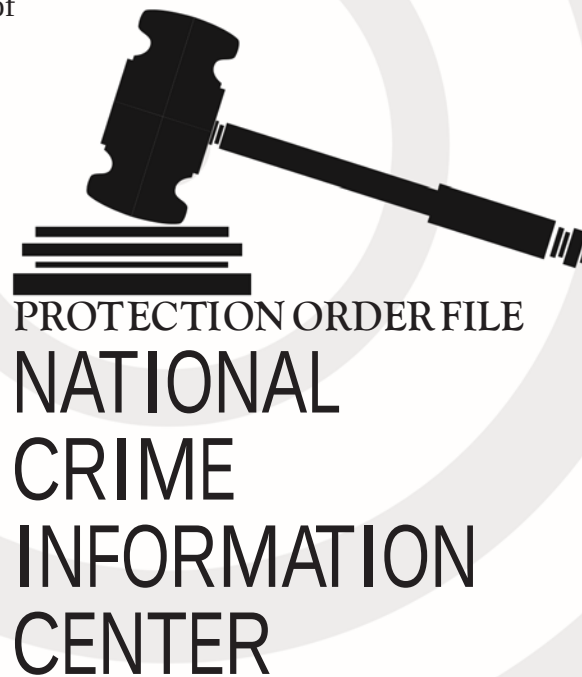
- Enable civil and criminal courts to receive timely and accurate information on active protection orders and historical records for use in domestic violence and stalking cases. This may include orders prohibiting respondents from purchasing or possessing firearms.
- Enable law enforcement agencies to access information regarding the existence and terms of a protection order, including orders issued in another state.

The file supports the enforcement of the Violence Against Women Act's full faith and credit provision (Title 18 *United States Code* [U.S.C.] 2265). This provision stipulates any protection order issued by the court of one state is consistent with the criteria established by law shall be accorded full faith and credit by the court of another state and enforced as if it were the order of the enforcing state.

ENTRY CRITERIA

Protection orders must meet the following two criteria to qualify for entry into the file:

1. The protection order includes
 - a. any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with, or physical proximity to another person, including any temporary and final orders issued by civil or criminal courts whether obtained by filing an independent action or as a *pendente lite* order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection and
 - b. any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to territorial, state, local, or tribal law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.
2. Reasonable notice and opportunity to be heard must be given to the person against whom the order is sought. In the case of *ex parte* orders, notice and opportunity to be heard must be provided within the time required by state laws,



and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

DATA FIELDS

The following information is mandatory for entry of a Protection Order File record:

- Originating Agency Identifier (ORI)
- Subject's (respondent's) Name, Sex, Race
- One numeric identifier for subject (e.g., Date of Birth) or Protected Person's Name and Date of Birth or Social Security Number
- Originating Agency Case Number or Protection Order Number
- Date of Issue
- Date of Expiration
- Protection Order Conditions

The Protection Order Conditions indicate the terms and conditions of the protection order. Users may enter up to nine pre-coded conditions, as well as specific information in the Miscellaneous Field.

A Protection Order File record includes information that identifies the protection order, the subject of the order, the subject's vehicle, and the protected person. Entry of information about the protected person is optional; however, this information can be valuable in determining the existence of the order when the protected person does not have a copy on his/her person.

The Brady Record Indicator (BRD) Field is an optional field indicating whether the subject is disqualified from possessing a firearm under federal law. To complete the BRD Field, users must answer the question: Does the protection order meet the federal prohibiting criteria? Acceptable answers are Y for yes; N for no; or U for the status remains unknown after reviewing all available documentation. When no attempt is made to determine the disqualification status, a BRD Field should be blank.

For a protection order to disqualify a person from possessing a firearm under federal law (18 U.S.C. § 922(g)), the following four conditions must be met:

1. Hearing--The protection order must have been issued after a hearing of which the subject received actual notice and had the opportunity to participate.
2. Relationship--Protected person is an intimate partner of the subject or a child of an intimate partner.
3. The order must restrain the subject from harassing, stalking, or threatening or the order must restrain the subject from engaging in other conduct that would cause reasonable fear of bodily injury.
4. The order must include a finding that the subject represents a credible threat to the physical safety, or the order, by its terms, must explicitly prohibit the use, attempted use, or threatened use of physical force.

KEY FEATURES

To inquire against the Protection Order File, users can query the subject's name and one or more numeric identifiers (e.g., date of birth) or use the protected person's name and date of birth or Social Security Number. An inquiry of the NCIC Wanted Person or Vehicle Files will result in a search of the active Protection Order File records. The NCIC maintains a history of all cleared and expired Protection Order File records online for 5 years. To search active and historical Protection Order File records, users must conduct a Protection Order Inquiry (QPO) transaction.

The National Instant Criminal Background Check System searches the Protection Order File to provide information on persons who are prohibited by federal law from receiving or purchasing a firearm.

For more information regarding the Protection Order File, users should contact the FBI's Criminal Justice Information Services Division at 304-625-3000.

For training requests, users should contact the NCIC Training Team at 877-FBI-NCIC or 877-324-6242 or ncictraining@fbi.gov.