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***“Protecting Victims  
of Domestic Violence –  
A Law Enforcement Officer’s  
Guide To Enforcing Orders  
of Protection Nationwide”***

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## IMPORTANT NOTES ON HANDLING PROTECTION ORDERS

Enclosed with this handout are copies of (1) "Guidelines for Policy and Procedures for The Protection Order File", (2) a cover sheet with which the court personnel may complete to assist your agency in entering orders and (3) a packet of the different orders along with the "Protection Order File Brady Guide". These guides were designed to help determine the correct Brady Indicator. **These guides contain the four (4) main elements to determine the Brady Indicator: (1) Hearing; (2) Intimate Partner; (3) Restrains Future Conduct and (4) Credible Threat or Physical Force. Meeting all four elements would cause a "Y" to be placed in the Brady Field (which means the individual would be prohibited from purchasing or possessing a firearm). Not meeting even one of the four elements in reviewing an order would cause an "N" to be placed in the Brady Field (which means that the individual would not be prohibited from purchasing or possessing a firearm). Incomplete orders (orders lacking information to determine correct Brady criteria) should be returned to the court of origin.**

During the audits, we are often informed that the family and magistrates courts do not always send "Dismissal Orders" of protection orders to the entering agency. We advise the TAC to immediately contact these courts and make them aware of the importance of the entering agency receiving, in a timely manner, all dismissals which, as you know, changes the status of these records in NCIC.

During the audits, we suggest to the TAC that representatives from your agency meet with representatives from other law enforcement agencies and appropriate court officials in the county to confirm which agency(s) will be responsible for entering Protection Orders into NCIC. Any criminal justice agency previously authorized to enter information into other national crime-databases can enter Protection Orders into NCIC.

As outlined in the "Guidelines" for Protection Orders, four (4) elements must be indicated on an order for a record to be entered into NCIC with a "Y" in the Brady Field (meaning "Yes", the person is prohibited from purchasing/possessing a firearm).

**IMPORTANT: Orders not meeting all four Brady criteria should still be entered into the NCIC Protection Order File.**

If returning Protection Orders to the courts is necessary to obtain critical information, we suggest documenting this return by using a log to reflect: (1) the date the order was returned to the court, (2) why it was returned (what information was missing), and (3) the date the order was returned to your agency completed.

**Failure to enter protection orders/restraining orders into NCIC correctly and in a timely manner could result in an officer safety issue, a public safety issue and could subject your agency to possible civil liability.**

## DISCIPLINARY POLICY

VIOLATION	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
Unauthorized disclosure or receipt of SLED/CJIS - FBI/NCIC criminal justice information	2 - 5 days suspension to dismissal	5 - 10 days suspension to dismissal	15 days suspension to dismissal
Release of drivers license or vehicle registration information to other than criminal justice employees.	2 - 5 days suspension	5 - 10 days suspension	15 days suspension to dismissal
Release of information to private security guards or firefighters.	2 - 5 days suspension	5 - 10 days suspension	15 days suspension to dismissal
Allowing the use of the system by personnel not certified by SLED, except for job training toward certification.	3 days suspension to dismissal	5 days suspension or dismissal	Dismissal
Failure to comply with policies and procedures established in the XXX PD and SLED/CJIS-FBI/NCIC Operations and Procedures Manual.	Written reprimand to 3 days suspension	3 - 5 days suspension	5 days suspension or dismissal
Failure to log information supplied to the Coroner's office, the Solicitor's office, or any other criminal justice employee who does not have a user agreement with XXX PD.	Written reprimand To 3 days suspension	3 - 5 days suspension	5 days suspension or dismissal
Unauthorized modification or destruction of system data; loss of computer system processing capability	3 days suspension to dismissal	5 - 10 days suspension or dismissal	15 day suspension to dismissal
Loss by theft of any computer system media including: chip ROM memory, optical or magnetic storage medium, hard copy printout, etc.	3 days suspension to dismissal	5 - 10 days suspension or dismissal	15 day suspension to dismissal
Improper recordkeeping	Oral reprimand To 3 days suspension	1 - 3 days suspension	3 days suspension or dismissal