



**UNITED STATES MARINE CORPS**  
MARINE CORPS AIR STATION  
POSTAL SERVICE CENTER BOX 8003  
CHERRY POINT, NORTH CAROLINA 28533-0003  
AND  
2D MARINE AIRCRAFT WING  
POSTAL SERVICE CENTER BOX 8050  
CHERRY POINT, NORTH CAROLINA 28533-8050

ASO 5850.1  
MCAS/PMO  
2D MAW/ADJ  
11 Jun 13

AIR STATION ORDER 5850.1

From: Commanding Officer, Marine Corps Air Station, Cherry Point  
Commanding General, 2d Marine Aircraft Wing

To: Distribution List

Subj: DELIVERY OF MILITARY PROTECTIVE ORDER(S) TO CIVILIAN LAW  
ENFORCEMENT AGENCIES

Ref: (a) Under SecDef for P&R memo of 10 Mar 04  
(b) 10 USC §§ 1567 and 1567a  
(c) MCO P5800.17A

Encl: (1) Sample of DD Form 2873

1. Situation. In 2004, the Under Secretary of Defense for Personnel and Readiness issued reference (a), directing that every appropriate effort be made to protect victims of abuse. This included directing Commanding Officers to issue Military Protective Orders (MPOs) when necessary to immediately safeguard victims, quell disturbances, and maintain good order and discipline. Commanding Officers were further directed to utilize DD Form 2873 (enclosure (1)) when issuing MPOs. A fillable copy of the enclosure can be accessed on the internet at:

<http://www.dtic.mil/whs/directives/infomgt/forms/efoms/dd2873.pdf>.

The 2009 National Defense Authorization Act amended Title 10 of the U.S. Code, requiring MPOs to remain in effect until either terminated or replaced by the Commanding Officer or superior competent authority. Additionally, when the MPO involves personnel residing off a military installation, the installation commander must notify appropriate civilian authorities of the MPO's issuance, the individuals involved in the MPO, and any changes thereto.

2. Mission. Reference (b) requires delivery of MPOs involving personnel residing off of a military installation to appropriate

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civilian law enforcement agencies. This Order establishes policy and procedures that comply with federal law and Department of Defense policy to ensure appropriate effective measures exist to protect victims of abuse, or threatened abuse, from harm and to notify local law enforcement authorities of MPOs.

### 3. Execution

#### a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Military Protective Orders involving Marine Corps Air Station (MCAS) Cherry Point, 2d Marine Aircraft Wing (2d MAW), or other Tenant Command personnel who reside off base or on another military installation will be delivered to appropriate authorities to ensure awareness of the MPO.

(2) Concept of Operations. The Provost Marshal's Office (PMO), MCAS Cherry Point, as the designated authority for the Commanding Officer, MCAS Cherry Point, and the Commanding General, 2d MAW, shall ensure delivery of copies of any MPO (DD Form 2873) to the appropriate civilian authorities when issued against any service member stationed aboard MCAS Cherry Point, when either party to the subject MPO resides off-base in a non-federal jurisdiction. When a party resides on another military installation, PMO shall make contact with the Provost Marshal or equivalent of that military installation and ensure delivery of the MPO.

(3) Appropriate Civilian Authorities. When an MPO party's residence is other than Marine Corps Air Station Cherry Point, the appropriate civilian authority shall be any non-federal civilian law enforcement agency (e.g., sheriff's office, police department) with jurisdiction at that MPO party's residence or location as identified on DD Form 2873.

#### b. Tasks

(1) Provost Marshal. The Provost Marshal's Office, MCAS Cherry Point shall establish procedures which ensure MPO copy delivery to appropriate civilian authorities via postal, personal, or electronic means.

(a) When an MPO party's residence is another military installation, a copy of the MPO will be delivered to that party's installation commander via the installation Provost Marshal or equivalent.

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(b) The Provost Marshal's Office must ensure MPO copy delivery continues despite the possible objection of any non-federal civilian law enforcement agency. Although the Provost Marshal cannot force civilian law enforcement agencies to enforce or take any affirmative actions upon the receipt of an MPO, commanders and their designated authority are bound by Federal law to ensure delivery occurs. The Provost Marshal should encourage contiguous law enforcement agencies to file MPO information in a manner that fosters timely, accurate data retrieval. Optimally, civilian law enforcement personnel should be able to learn of an MPO's existence contemporaneously when responding to allegations of domestic violence involving a military member. Further, civilian law enforcement agencies shall be encouraged to notify the Provost Marshal's office should an MPO be violated.

(c) The Provost Marshal shall ensure timely delivery of MPO amendments, to include notice of MPO termination or the transfer or discharge of the MPO recipient to appropriate civilian authorities.

(d) The Provost Marshal shall maintain copies of MPOs for a period of six months from the date of termination.

(e) The Provost Marshal shall maintain a record of every MPO the Commander receives and delivers.

(f) The Provost Marshal is not responsible for ensuring the legal sufficiency of any MPO it receives from a unit. This responsibility rests with each unit commander.

## (2) Unit Commanding Officers Responsibilities

(a) Commanding Officers of installation and tenant units aboard MCAS Cherry Point shall utilize the enclosure when issuing an MPO or an MPO amendment.

(b) Commanding Officers shall ensure a copy of every MPO issued by the command is delivered to the Provost Marshal's office by the end of the first day following the MPO's issuance. Delivery shall be made to the PMO Desk Sergeant either electronically or by physical delivery.

(c) Unit Commanding Officers must utilize DD Form 2873 to record any amendments to the MPO. Additionally, Commanding Officers must deliver to the Provost Marshal's Office a copy of all MPO amendments, to include MPO termination or the transfer or discharge of the MPO recipient. In the case of a service member's

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transfer, copies of active MPOs must be forwarded to the MPO recipient's new Commanding Officer by the service member's previous commander.

(d) Commanding Officers who issue MPOs must, at regular intervals (not less than once every 30 days from the date of issuance), re-evaluate the MPO and make an affirmative determination as to whether it should remain, be amended, or be terminated. Military Protective Order recipients may submit requests for reconsideration, for any reason, in writing or in-person to the Commanding Officer. Military Protective Order recipients who believe the terms of their MPO's are unjust may appeal, in writing, to the next higher commander in the chain of command. Appellate authorities should seek their Staff Judge Advocate's advice before acting on MPO appeals. Military Protective Orders may only be terminated based on the affirmative decision of the Commanding Officer or higher authority (e.g., an MPO may not automatically terminate on a pre-established date). Pursuant to reference (c), units shall retain a copy of the MPO in the service member's record. The MPO shall be destroyed 6 months after the order expires or is terminated.

4. Administration and Logistics. The Commanding Officers of the Fleet Readiness Center-East, the Naval Health Clinic Cherry Point, the Center for Naval Aviation Technical Training (Marine Unit Cherry Point) and Combat Logistics Company-21 concur with the contents of this Order insofar as it pertains to members of their respective commands.

5. Command and Signal

a. Command. This Order is not applicable to the Marine Corps Reserve.

b. Signal. This Order is effective the date signed.



P. D. BUCK  
Chief of Staff



B. R. BLALOCK  
Executive Officer

DISTRIBUTION:

MCAS (A)  
2D MAW (A)

**MILITARY PROTECTIVE ORDER**

**PRIVACY ACT STATEMENT**

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.

**AUTHORITY:** 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and National Defense Authorization Act for Fiscal Year 1995, Sec. 534.

**PRINCIPAL PURPOSE(S):** To inform the service member and the protected person that the commanding officer is issuing an order to the member prohibiting contact or communication with the protected person or members of the protected person's family or household and directing that the member take specified actions that support, or are in furtherance of, the prohibition.

**ROUTINE USE(S):** Any release of information outside of the Department of Defense shall be compatible with the purposes for which the information is being collected and shall be in accordance with an established routine use for the record system where the information is maintained.

**DISCLOSURE:** Voluntary. Failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

1. SERVICE MEMBER				2. PROTECTED PERSON (Important: see NOTE)			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
c. UNIT				c. UNIT			
d. INSTALLATION				d. INSTALLATION			

**NOTE:** Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.

**3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER**

**4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:**

a. Civil protection order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____	
b. Order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____	Property Settlement Custody and/or Visitation

5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that *(Initial applicable portions)*:

- a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.
- b. The above-named service member shall remain at all times and places at least \_\_\_\_\_ feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include:
- c. The above-named service member will vacate the military residence shared by the parties located at:
- d. Until further notified, the above-named service member will be provided temporary military quarters at:
- e. The above-named service member will attend the following counseling:
- f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.
- g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.
- h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.
- i. Other specific provisions of this order:

6. DURATION: The terms of this order shall be effective until \_\_\_\_\_, unless sooner rescinded, modified, or extended in writing by me.  
 ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.

a. COMMANDING OFFICER'S SIGNATURE	b. DATE (YYYYMMDD)
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7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.

a. SERVICE MEMBER'S SIGNATURE	b. DATE (YYYYMMDD)
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**DISTRIBUTION:**  
 Service member  
 Service member's local personnel file  
 Protected person (Custodial parent of protected child)