

Protection Order Registries and Databases



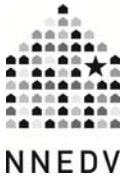
How the Technology Works

Protection order (also called restraining order) databases and registries are not all the same; they differ in many ways:

- **Local, state, territory, tribe, or national jurisdiction?** Regions differ as to whether they have created local, county-wide, Tribal and/or State-wide databases. Ideally, a jurisdiction's database has cross-system interoperability to prevent regional duplication and efficiently uploads protection order information into the FBI National Crime Information Center - Protection Order File (NCIC-POF). Jurisdictional compatibility with NCIC-POF ensures that law enforcement nationwide can quickly verify existing protection orders, regardless of which jurisdiction initially issued the order.
- **Database or registry?** Although sometimes used interchangeably, protection order databases tend to contain the full-text of an order while registries, like NCIC-POF, tend to hold an index "card catalog entry" with summary information.
- **Full text, summary, or image?** The first registries, like NCIC-POF, only contained summary information. Other registries included scanned images of the order, but these were difficult for law enforcement to view on a mobile device, and scanned images do not allow an easy export of data into other law enforcement systems. Flexible, full-text databases contain the full protection order in fields of data, allowing a user to view all judicial conditions and to export data fields.
- **Where is the database housed and which agency runs it?** Most often, databases are run by the court system and registries are run by law enforcement. In some states, like Pennsylvania, the database is run by the nongovernmental state domestic violence coalition but used by courts and law enforcement. NCIC's database is managed jointly between the FBI and State and Federal criminal justice agencies; the FBI maintains the host computer and network, but a specific criminal justice agency administers the use of NCIC within each State, Territory, or Federal agency (and Canada).
- **Who has access?** Registries are typically only viewable by law enforcement, while databases are also viewable by court staff. Some databases allow advocates, legal aid, and attorneys to assist a victim in applying for an order through the database, but details are hidden until the order is granted. A few systems allow people beyond law enforcement to see if the order has been served. Most databases have different access levels so that different users can only see information pertinent to their role. NCIC-POF access is restricted to authorized employees of U.S. Federal, State, and local law enforcement and other criminal justice agencies.
- **What orders are in the system?** Some databases contain final orders while others also include temporary orders or violations of orders. Only some systems contain temporary emergency orders granted on weekends or evenings since those orders are typically only valid until the next business day when the courthouse opens. While participation is voluntary and varies by jurisdiction, NCIC-POF indexes orders from 52 States and Territories, the FBI, Federal and foreign criminal justice agencies and authorized courts.

How Are Agencies and Partnerships Using It?

Protection order databases and registries vary, but the intent is to assist in the enforcement of protection orders. Some automate the process of applying for an order. Many agencies use protection order databases and registries, including NCIC-POF, to comply with Federal Violence Against Women Act (18 USC § 2265 VAWA Full Faith & Credit) requirements, which is jurisdictions must honor and enforce valid protection orders issued by courts in other jurisdictions.



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Benefits and Risks

- Efficient entry of protection orders into databases and registries, including NCIC-POF, helps ensure nationwide enforcement of order violations. Abusers who pursue victims across state/tribal lines can be very dangerous; under VAWA Full Faith & Credit, these abusers can be arrested for breaking the laws of the jurisdiction where the violation occurs, and can also be charged with federal crimes.
- Enforcing protection orders is more effective if law enforcement can quickly access databases and registries 24 hours a day, possibly by mobile device, especially if the victim does not have a copy of the order or the abuser has destroyed the victim's copy.
- The National Instant Criminal Background Check System (NICS) searches NCIC-POF before selling guns at federal licensed dealers; thus, timely entry of orders into databases, registries, and NCIC-POF helps keep abusers from purchasing guns.
- If a county, State, or Tribe does not have sufficient staffing, leadership, and commitment, the database content may not be current, timely, accurate, or complete—causing law enforcement and others to not believe or rely on the database's content. This can also affect the accuracy of NCIC-POF and nationwide enforcement.
- If orders are not entered quickly and updated as soon as changes are made in court (extended, amended, expired, etc.), victims may have a false sense of security that law enforcement have accurate and current information.

Things To Consider

- **Resources:** Is the entire community, including courts, law enforcement (serving and enforcing), advocates, judges, and others on board? Is there sufficient funding, resources, and staffing to enter all orders in a timely manner? Does the responsible agency have enough secure computers and internet to continue normal operations while also entering orders? Are there resources to train existing and new staff and provide ongoing technical support?
- **Privacy & Safety:** In many States, a victim has the right to receive an order without revealing a confidential address; if so, is the victim notified of this option and is the confidential address kept out of the database? Databases and registries containing a confidential victim address may make it easier for law enforcement to assist the victim but also make it easier for an abuser to locate the victim through a friend who has access to the database or registry. *Note:* Closed databases for law enforcement are different from public court records on the Internet. The Violence Against Women Act of 2005 (VAWA) prohibits posting on a publicly viewed website any information about protected parties (victims) that could reveal a victim's identity or location.
- **Ease of transfer to the NCIC-POF:** Registries and databases should be designed to efficiently contribute to the FBI NCIC-POF. This includes technology design that facilitates timely exporting in addition to people processes that allow for seamless access to accurate information.