

Order for Protection (OFF)
Replacement Project Update

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Agenda

- What we know about protective orders
- Overview of Order for Protection (OFP) Project
- Changes for:
 - Court Staff
 - Law Enforcement
 - Advocates
 - Petitioners
- Future Improvements
- Questions

OFP Project

- Funded by Violence Against Women Act administered by Department of Public Safety, Office of Justice Programs (OJP)
- Project Partners:
 - MN Judicial Branch – State Court Administrator’s Office (SCAO)
 - Bureau of Criminal Apprehension (BCA)
 - MN Coalition for Battered Women (MCBW)
 - MN Sheriff’s Association
 - MN Chiefs of Police Association
 - Indian Affairs Council

Increasing Public Safety

- Real time transmission of data.
 - Victim, officer, public safety
- MNCIS Development transfers words not codes.



Protective Orders...

.... everyone's favorite cases.....

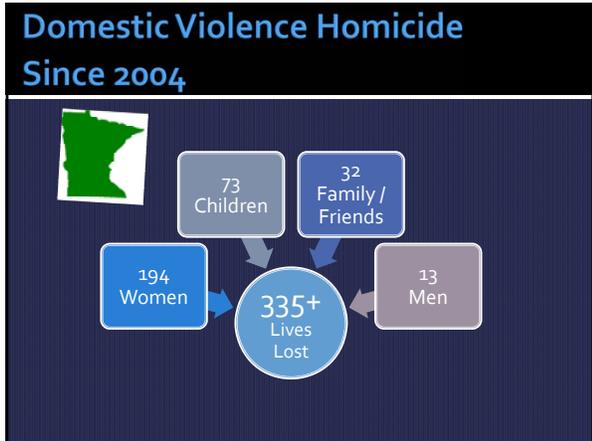




What do we know about Protective Orders?

- Introduced to provide efficient legal protections
- Each year more than 10,000 petitions for OFPs are filed in MN
- Domestic Violence can be fatal
 - 23 deaths in 2014





What don't we know about Protective Orders?

- Do they work???
- Research funded by NIJ aimed to answer this question.

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NATIONAL INSTITUTE OF JUSTICE
Research • Development • Evaluation



OFP Violations

Violations Reported to Criminal Justice System by Victim

1. Did not believe CJS would take it seriously
2. Not wanting negative consequences for Resp.

Category	Percentage
Reported	65%
Not Reported	35%

Legend: ■ Reported, ■ Not Reported

Barriers to Seeking POs

Accessibility

- Gatekeeper attitudes
- Time off work, parking, child care, transportation

Victim Credibility

- High level of proof
- Fear of not being believed
- "Nothing we can do"

Barriers to Seeking POs Continued

Acceptability

- Having to be near perpetrator
- Fear of retaliation, social consequences

System Bias

- Who you know/politics
- Previous experience with system (previous/dropped orders, etc.)

Weighing the Options

- Victims do an analysis whether or not to file



What will this mean for my family?

What would perpetrator do in retaliation?

What could the system do? Will it work?

What is the cost in terms of resources?

Why do victims stay or go back?

-  Risk of getting killed when they leave
3 women die every day
-  lack of resources
- Believe abuse is their fault and that they can stop it
- Want the abuse to end, not the relationship.
- Stalking
- Negative response



"Why does the abuser choose to abuse?"

Your Role

- Think of the work you do related to OPFs as among the most important things you will do in your job.
- Remember the barriers victims face to seeking this relief.
- Be aware of how critical this time is for victims.
- Establish relationships with other disciplines.
- Protective orders **DO** make a difference.

OFP Project

Main Goal:

Provide law enforcement officers with timely access to accurate and complete OFP information, resulting in increased victim and officer safety and the improved enforcement of OFPs.

OFP Project Improvements

1. Courts Improvements
 - Replace out of date technology – one data entry
 - Real time transmission of data from courts to BCA
 - Standardize processes and forms
 - Petitioner Notification
2. BCA Improvements
 - Timely access to accurate & complete OFP data
 - Increase safety for protected persons and law enforcement

OFP Project

- Training
 - Court staff on new technology
 - Judicial officers on protective orders in general
 - Partners (law enforcement & advocates) on protective orders in general

Timeframe

Pilot Phase

- February 2015 – Ramsey County
- June/July 2015 – Anoka County
Olmsted County
Aitkin County

Statewide Rollout

- Anticipated throughout 2015

Transmission of OFP data

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graph LR; A["OFP Database (Legacy)  
MNCIS (Future)"] --> B["MN Hot Files"]; B --> C["NCIC"]; A --- A_maint["• Court maintained"]; B --- B_maint["• BCA maintained"]; C --- C_maint["• FBI maintained"];
```

Current OFP Process

MNCIS + OFP Database

- Party information
- Findings
- Conditions

Subset of data electronically sent to BCA Hotfiles twice a day

- Courts send paper copies to Sheriff
- Sheriff enters data in own files and uses paper copy for confirmation
- Confirmation required when officers take service or enforcement action

System Changes - Courts

- Retire stand-alone OFP database
- Protective Orders Tab within MNCIS
- Data passes from court in REAL TIME

System Changes – L.E. Hot Files

Real-Time delivery of data from Courts to BCA

- MN Hot Files → NCIC

Implementation will define “Real-Time”

- When entered in MNCIS, OFP is sent immediately to BCA
- Real-Time dependent on each Court’s process
 - End of business is minimum standard
 - Current is twice per day pass of data

System Changes – L.E. Hot Files

Conditions: Provided as Full Text – Same as on paper order today

- Verbatim – Details, e.g. 500 feet from residence at 123 Waters Edge Road
- Codes included for Short Form Notification
- No need to view paper copy

Cautions: Provided as Plain Text and Code

- Carry Gun and Vicious Animal
- Other Cautions TBD

System Changes – L.E. Hot Files

Validation and Hit Confirmation done electronically

- Eliminate need to call sheriff's office to confirm the OFP.
- System will be the trusted source
 - Courts – MN Hot Files – NCIC all in sync with the same information
 - Trust what is in Hot Files
 - "If you see it, it is valid and active."

System Changes – L.E. Hot Files

Law Enforcement Ability to Enter Supplemental Data

- Most data in an OFP is Court Data and remains controlled by Courts

Supplemental Data Important to L.E.

- Additional Addresses
- Full Name Information
- Alias Names
- Caution Info

System Changes – L.E. Hot Files

Notification Received When Order is Issued or Significantly Modified

- Sheriff of county where order issued
- Long Term – Notify local police departments, too

Purpose – Greater & Quicker Awareness

- Awareness of new orders

Changes for Petitioners/Advocates

- Petitioner Notification of Service via Email
- Updates to OFP₁₀₁ and OFP₁₀₂
 - Instructions
 - Petition/Affidavit

Petitioner Notification Sample

From: Minnesota.District.Court@mncourts.gov
Sent: Tuesday, January 06, 2015 10:54 AM
To: email@sample.com
Subject: Service Information

This is an automated message from Ramsey County Court.

Do not reply to this email. This email account is not monitored and any reply will not be read.

You have chosen to receive electronic notice from the Minnesota Judicial Branch regarding service of the petition you recently filed. The petition and order in your case have been served on the respondent and if applicable, the respondent's guardian.

Minnesota Judicial Branch Disclaimer: This is an official government communication. As the recipient, you are responsible for the lawful use of this information. This e-mail and any attachments are intended solely for the individual or agency to which they are addressed. They may be confidential and/or contain privileged or otherwise non-public information. Do not disseminate this e-mail and any attachments unless you are authorized to do so under applicable court rules or statutes. If you are not the intended recipient of this e-mail, do not copy, distribute or take any action in reliance upon this e-mail or any attachments, and delete this e-mail and any attachments immediately. Thank you. Please consider the environment before printing this email.

This will vary by court.

What about foreign orders?

- Issued by another state, territory or tribe
- Only available in Hot Files if "filed and entered" with district court
- Under-utilized process
- District courts are investigating options to make filing and entering easier

See Minn. Stat. § 518B.01 subd. 19a

Brady Indicator

- Logic has been built into MNCIS to determine whether specific OFP is a “qualifying protective order” under 18 U.S.C. 922 (g) (8), determining whether respondent is prohibited from possessing, transporting firearms.
- Distinct from firearms *surrender*

Future Improvements

- Project Passport
 - Standardized look to front page of OFPs
 - Full Faith and Credit Provision

FAQs – Harassment Restraining Orders (HROs)

OFP Project does NOT change how HROs are processed

Minn. Stat. § 609.748

- HROs are NOT passed to BCA, not available in Hot Files

FAQ – Domestic Abuse No Contact Orders (DANCOs)

OFP Project does NOT change how DANCOs are processed

Minn. Stat. § 629.75

- DANCOs are passed to BCA, in Hot Files

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QUESTIONS

Thank You!

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