



Protection Orders Fact Sheet

Four types of protection orders are issued by Minnesota courts: Extreme Risk Protection Order (ERPO), Harassment Restraining Order (HRO), Order for Protection (OFP), and Domestic Abuse No Contact Order (DANCO). The key differences between them are the issuing court, the initiating party and how the Bureau of Criminal Apprehension (BCA) tracks them.

	Extreme Risk Protection Order (ERPO)	Harassment Restraining Order (HRO)	Order for Protection (OFP)	Domestic Abuse No Contact Order (DANCO)
Order Type	Civil	Civil	Civil/Family	Criminal
Initiated By	Petitioner	Petitioner	Petitioner	State/Prosecutor
Data passed to BCA	Minimal fields for Hot Files entry (supplemented by document)	Minimal fields for Hot Files entry (supplemented by document)	Full text (all findings and conditions)	Minimal fields for a Hot Files entry
Document passed to BCA	Yes	Yes	No	No
Hit confirmation required by law enforcement	No	No	No	Yes

Any person search through Portals (e.g. QDP, QP, QPO) or a comparable person search through a vendor-provided mobile/CAD/RMS connection to LEMS will return a protection order.

Training Available

General protection order and Extreme Risk Protection Order trainings are available on CJIS Launch Pad in the nexTEST Library.

Extreme Risk Protection Orders

Extreme Risk Protection Orders (ERPO) prohibit a respondent from possessing or purchasing a firearm for the duration of the order. These are also referred to as a “red flag” law. ERPOs can be requested by the following:

- Law enforcement
- City or county attorney
- Guardian of the respondent
- Parents of the respondent
- Children of the respondent
- Spouse or former spouse of the respondent
- Persons who presently reside with the respondent
- A person involved in a significant romantic or sexual relationship with the respondent

ERPOs are issued at the request of a petitioner and fall into one of two categories: Emergency (goes into effect immediately and lasts 14 days) and long-term (granted after a hearing and lasts six months to one year). An ERPO entered into MNCIS automatically populates Minnesota Hot Files.

- An ERPO in Hot Files contains all information needed for service and enforcement of the ERPO. However, the ERPO will not come with a search warrant attached to it. Law enforcement must separately request a search warrant using the existing eCharging search warrant process if the respondent does not voluntarily surrender their firearms.
- Law enforcement agencies must pack the record with all available data known about the subject.
- In emergency and significant risk situations, law enforcement may be required to collect firearms from the subject.
- The subject of an ERPO is prohibited from possessing firearms. Both Permit to Carry and Permit to Purchase/Transfer firearms forms [on the BCA website](#) will reflect this change in the law as of the effective date.

Refer to Minn. Statutes [624.7171](#) – 624.7178 and [Supreme Court Order dated August 8, 2023](#) for more information, and contact your local city or county attorney for specific procedures and practices related to Extreme Risk Protection Orders.

(more)

Harassment Restraining Orders

Harassment Restraining Orders (HRO) have been available in Minnesota Hot Files since December 2019. HRO “hits” in Hot Files display basic information including respondent and protected party names and dates of birth, issued and expiration dates, and a general condition. An HRO hit also includes a PDF attachment that contains full details and conditions of the HRO. An HRO may have more than one attachment. An Order for Continuance will be attached when an existing HRO remains active but the court has granted a continuance. Law enforcement will also see a Law Enforcement Information Sheet for unserved orders. These contain respondent information that may aid in completing service. The sheet will not display after service is completed. All attachments must be reviewed to learn all of the details of the HRO.

The BCA recommends that agencies review protective orders in MN Hot Files rather than NCIC to see the most information. NCIC does not include the HRO attachments available in MN Hot Files. Also, while NCIC only shows served OFPs and HROs, MN Hot Files may display both a served and unserved orders to ensure enforcement is based upon the served order, while also showing that there is a modified ordered that must be served on the respondent. Once the unserved modified order is served, MN Hot Files only display the served (most recent) order. The newly served order will also display in NCIC.

Contact the BCA Service Desk about what your vendor must do to display the HRO documents in vendor-provided software used to query Hot Files.

Orders for Protection

Orders for Protection (OFP) are issued through a civil process at the request of a petitioner. The OFP may be issued to protect the petitioner as well as minor children or others under the guardianship of the petitioner. An OFP is entered in MNCIS and automatically passed to the BCA. The BCA passes the data to NCIC.

An OFP in Hot Files contains all information needed for service and enforcement of the OFP. All protected persons, respondent conditions, and findings of the OFP are included within the record in Hot Files. OFPs are validated electronically and so a hit confirmation is not required. The presence of an OFP within Hot Files indicates the OFP is active and valid.

Domestic Abuse No Contact Orders

Domestic Abuse No Contact Orders (DANCO) are issued as part of a criminal case and are automatically submitted by Minnesota criminal courts to the BCA. The information populates both the Minnesota and National Crime Information Center (NCIC) Protection Order Hot Files.

- Minnesota statute § 299C.46 requires that DANCOs be available through the Hot Files. To assist with enforcement, DANCO files must include a photo of the offender whenever possible which has been verified by the court. Unless the court prohibits it, law enforcement may provide a copy of the photo to the victim along with the data describing the no contact order to help enforce the order. The photo cannot be disclosed to the public. DANCOs are automatically passed from MNCIS to the BCA for inclusion in the Hot Files upon entry. All DANCOs are entered as “served” because a DANCO is issued as part of a criminal proceeding when the respondent (defendant) is present.
- All DANCOs have the Brady Indicator Flag set as “U” - Unknown, meaning the federal firearm prohibition is NOT invoked for these records.
- The court only sends one NCIC condition code which translates to “NC” for No Contact and “XW” for excluded from protected party’s workplace.
- Race data is marked “U” for unknown. The Miscellaneous field (MIS) at the end of the record will indicate whether the no contact order was issued as an interim, sentence, or juvenile order.

Service of ERPOs, OFPs and HROs

Service of ERPOs, OFPs and HROs may occur at court when the respondent is present or by law enforcement or corrections officials after its issuance. Following service, an affidavit must be filed by the agency that served the order. The Hot File should be updated as soon as possible to show the service has been completed. Enter the service information into Portals using the SPO message key. Any law enforcement agency may enter an SPO.

- Contact the BCA Service Desk at bca.servicedesk@state.mn.us, 651-793-2500 or 888-234-1119 with questions about general protective order availability in Hot Files.
- Contact your local city or county attorney for specific procedures and practices related to Extreme Risk Protection Orders.