



Chapter: Community Engagement and Victim Services
Subject: 16-03 – Personal Protection Orders
Effective: April 19, 2022
Supersedes: Official Order 50, Section 50.2, dated September 17, 2020
Distribution: Department Members

16-03-1 PERSONAL PROTECTION ORDERS (PPOs)

The information in this Order constitutes the department's policy and guidance for the service and enforcement of Personal Protection Orders (PPOs).

16-03-2 PERSONAL PROTECTION ORDERS (PPOS)

A. Types of PPOs

- (1) Domestic PPOs – An individual may petition the family division of the circuit court to enter a PPO to restrain or enjoin a spouse, a former spouse, an individual with whom they have a child in common, an individual with whom they have or have had a dating relationship, or an individual residing or having resided in the same household as the petitioner, from doing one or more of the acts described in [MCL 600.2950](#).
- (2) Non-Domestic PPOs - An individual may petition the family division of the circuit court to enter a PPO to restrain or enjoin an individual from engaging in stalking or other prohibited conduct provided the petition alleges facts that constitute such stalking or prohibited conduct. If granted, a non-domestic PPO would restrain or enjoin an individual from doing one or more of the acts described in [MCL 600.2950a](#).

B. Post Responsibilities

- (1) Whether received from the petitioner or the circuit court, the first true copy of a PPO received shall be entered into the Law Enforcement Information Network (LEIN) immediately by persons authorized to make LEIN entries, including both enlisted and civilian post members. Post members shall not wait until they receive the court copy if they already possess a true copy from the petitioner. The law enforcement agency that receives a true copy of the PPO shall immediately enter it into LEIN without requiring proof of service.
- (2) Once actual notification of the restrained or enjoined individual has occurred, the entering law enforcement agency shall indicate that notification has been made on the LEIN entry.

Untimely delays entering the PPO into the LEIN system, and failure to make timely modifications, thereafter, may result in department liability. Therefore, post members shall enter PPOs immediately upon receipt.

C. Service of PPOs

- (1) Enforcement members may at any time serve a PPO in person or by registered or certified mail, return receipt requested, or delivery restricted to the addressee at the last known address of the individual restrained or enjoined.
- (2) Enforcement members may also give oral notification of the existence of the PPO to an individual who has not been served at any time, including during a traffic stop.
- (3) Enforcement members responding to a call alleging a violation of the PPO where the individual restrained or enjoined has not been served shall either serve the individual with a true copy of the PPO or give oral notification of the existence of the PPO.
- (4) Oral notification must include the following information:
 - a. The existence of the PPO.
 - b. The specific conduct prohibited by the PPO.
 - c. The penalties for violating the PPO (93 days and/or a \$500.00 fine in Michigan, or the specific penalties identified from other jurisdictions).
 - d. Where the individual can obtain a copy of the PPO.
- (5) An enforcement member who serves or orally notifies an individual of a PPO shall advise the issuing court by way of a LEIN message of the service or oral notification.
- (6) A report regarding the service or oral notification of a PPO is not required unless there is an allegation of a PPO violation or requested by the division, district, or post commander. Should a commander request a report, the file class of 9900-9, General Non-Criminal, shall be used.
- (7) The enforcement member shall complete the Proof of Service on the backside of the PPO or complete the [Proof of Service/Oral Notice Regarding Personal Protection Order form \(CC-386\)](#), upon service or oral notification to a respondent.
- (8) The enforcement member providing the service or oral notification shall file, or cause to be filed, a Proof of Service or Proof of Oral Notice with the clerk of the court issuing the PPO.

D. Enforcement of PPOs

- (1) A PPO is civil in nature; however, a violation of a PPO may result in the imprisonment of the individual restrained or enjoined for up to 93 days and a fine of up to \$500.00.
- (2) A PPO is effective immediately after a judge signs it, even without written or oral notice to the individual against whom the PPO has been issued. However, an enforcement member shall not act on a PPO presented to them without first verifying it through LEIN and the entering agency. Doing so will allow the enforcement member to determine what type of order has been presented, PPO or Civil Injunction, and the type of notification required prior to enforcement. Further, it will allow the enforcement member to ensure that the order has not been rescinded or modified by the court.
- (3) If an enforcement member arrives at the scene of a domestic disturbance and the individual restrained or enjoined has been notified of the PPO prior to the enforcement member's arrival, and the individual is currently violating or has violated the PPO, the enforcement member shall verify that the PPO is still valid as noted above in

Section 16-03-2 D. (2). If the PPO is valid and LEIN verifies that the individual has received notice of the PPO, the enforcement member shall immediately arrest the restrained/enjoined individual.

- (4) If an enforcement member arrives at the scene of a domestic disturbance and the individual restrained or enjoined has not been notified of the PPO, the enforcement member shall serve or give oral notification of the PPO to the individual at the scene and shall enter or cause to be entered into LEIN that actual notice of the PPO has been given. If the individual has not received prior notice, they will be given an opportunity to comply with the PPO before the enforcement member makes a custodial arrest. If the individual fails to immediately comply with the PPO, the enforcement member has grounds for an immediate custodial arrest of the restrained/enjoined individual.
- (5) Serving notice of a PPO is not a requirement prior to an immediate custodial arrest for other violations of the criminal law such as assault, stalking, or home invasion.
- (6) An arrest for a violation of a PPO shall be carried out like an arrest for all other injunctive orders.
 - a. An enforcement member who makes an arrest for a violation of a PPO shall carry a misdemeanor arrest. The arrest charge is Violation of PPO - Criminal Contempt of Court.
 - b. An enforcement member shall carry a fugitive arrest when making an arrest on a warrant for a violation of a PPO for which another post or law enforcement agency has obtained the warrant.
- (7) Valid protection orders issued by a court of another state, an American Indian tribe, or a U.S. Territory that prevent a person's violent or threatening acts against, harassment of, contact with, communication with, or physical proximity to another person shall be accorded full faith and credit by Michigan courts.
[MCL 600.2950h through 600.2950k.](#)
 - a. [MCL 764.15](#) permits an enforcement member to make a warrantless arrest on reasonable cause to believe an individual has violated a condition of a conditional release order or probation order imposed by a court in Michigan, in another state, an Indian tribe, or a U.S. Territory.
 - b. [MCL 764.15b](#) authorizes an enforcement member to make a warrantless arrest on reasonable cause to believe an individual has violated a valid protection order issued in another jurisdiction.
 - c. Enforcement members shall enforce foreign protection orders, conditional release, or probation orders in the same manner they would enforce a Michigan PPO, conditional release, or probation order. See [MCL 600.2950l and 600.2950m.](#)
- (8) Enforcement members who arrest an individual for a violation of a PPO or an order of protection from another jurisdiction shall fingerprint the suspect at the time of arrest.

E. Procedures for Processing PPOs

- (1) When a circuit court judge signs the PPO, a true copy is forwarded to the law enforcement agency designated by the court. Once received by this department, PPOs shall be stamped with the time and date.

- (2) Enforcement or civilian members of a post shall immediately enter the PPO into LEIN. If notice of the PPO has not been made to the restrained or enjoined individual, an "N" shall be entered on scan line 69. If service has been made, a "Y" shall be entered.
 - a. Proof of service shall be made by the circuit court that issued the PPO or by the law enforcement agency having contact with the restrained or enjoined individual.
 - b. When proof of service is received subsequent to the original LEIN entry, the entering post member shall immediately modify the LEIN entry with a "Y" on scan line 69.
 - c. When a PPO is rescinded, modified, or extended by court order subsequent to the original LEIN entry, the entering post member shall immediately modify the LEIN entry as indicated by the court order.
 - d. PPOs shall be entered even if information regarding the date of birth or physical description of the restrained/enjoined individual is incomplete. There is no statutory requirement for this information. LEIN will accept an approximate age on scan line 7.
- (3) Once entered into LEIN, post members shall attach the LEIN entry printout to the PPO and place them in an envelope with the restrained or enjoined individual's name and date of birth, or approximate age, clearly written on the envelope. The envelope shall be filed alphabetically in a PPO file.
- (4) All activity concerning an active PPO, such as previous arrests or prohibited contacts, shall be recorded to enable post members to provide accurate information to all agencies as they call for information and/or confirmations. Journal entries shall be initialed and dated by the person making the journal entry.
- (5) If an arrest is made for a violation of the PPO, post members shall fax a copy of the PPO to the arresting law enforcement agency for circuit court arraignment because the arresting agency is responsible for arraignment.
- (6) When a PPO is canceled per court order or by an automatic purge through the LEIN system, post members shall make a copy of the LEIN cancellation, the LEIN entry, and the PPO. Copies shall be distributed as follows:
 - a. The original true copy of the PPO, a copy of the LEIN cancellation, a copy of the LEIN entry shall be returned to the circuit court.
 - b. A photocopy of the PPO, the original LEIN cancellation, the original LEIN entry, and the envelope containing the PPO, shall be placed in the PPO file.
- (7) The PPO cover envelope shall not be discarded after the PPO is canceled. It shall be filed in the PPO file for documentation purposes and future reference.
- (8) Canceled PPOs shall be retained at the post with the LEIN cancellation message until the first annual report that reflects the LEIN message has been canceled.

DIRECTOR

Annual Review Responsibility: Field Operations Bureau

Accreditation Standards: CALEA TBD