


<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Larry J. Wallace, Director</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Enforcement of tribal court protection orders</p>	<p><i>No.</i> DLE-2016-03</p> <p><i>Date:</i> 11/29/16</p>	<p><i>Contact for information:</i> Larry J. Wallace, Director Division of Law Enforcement (916) 319-8200</p>

TO: All State and Local Law Enforcement Agencies

Both California and federal law require all law enforcement officers of this state to enforce tribal court protection orders, sometimes called “protective orders.” (Cal. Fam. Code, §§ 6400-6409 [Uniform Interstate Enforcement of Domestic Violence Protective Orders Act]; 18 U.S.C. § 2265 [Violence Against Women Act; federal law requiring “full faith and credit” be given to tribal court protection orders].)

Presentation of a protection order that identifies both the protected individual and the individual against whom enforcement is sought and, on its face, appears to be currently in effect constitutes probable cause to believe that a valid tribal court protection order exists. (Cal. Fam. Code, § 6403, subd. (a).)

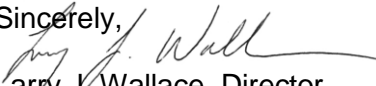
Once there is probable cause to believe that a valid tribal court protection order exists, a law enforcement officer must enforce the order as if it were an order issued by a California court. (Cal. Fam. Code, § 6403, subd. (a); 18 U.S.C. § 2265(a).) If a protection order is not presented, a law enforcement officer may consider other information to determine if there is probable cause to believe that a valid order exists. (Cal. Fam. Code § 6403, subd. (b).)

Law enforcement officers must enforce valid tribal court protection orders and shall not require any of the following:

- (1) Presentation of a certified copy of the tribal court protection order. The order may be inscribed on any tangible medium or stored in an electronic or other medium if it is retrievable in perceivable form. (Cal. Fam. Code, § 6403, subd. (a).)
- (2) Registration or filing of the protection order with the state. (Cal. Fam. Code, § 6403, subd. (d).)
- (3) Verification in any statewide database (for example, the California Law Enforcement Telecommunications System (CLETS) or the California Restraining and Protective Order System (CARPOS)). (Cal. Fam. Code § 6403, subd. (d).)

If a law enforcement officer determines that an otherwise valid tribal court protection order cannot be enforced because the respondent (i.e., the individual against whom enforcement is sought) has not been notified or served with the order, the officer shall inform him or her of the order, make a reasonable effort to serve the order, and allow him or her a reasonable opportunity to comply with the order before enforcing it. Verbal notice of the order is sufficient. (Cal. Fam. Code, § 6403, subd. (c).)

Sincerely,


Larry J. Wallace, Director
Division of Law Enforcement

For KAMALA D. HARRIS
Attorney General