



THE MILITARY JUSTICE REVIEW PANEL  
ARTICLE 146, UNIFORM CODE OF MILITARY JUSTICE

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April 19, 2023

MEMORANDUM FOR General Counsel of the Department of Defense

SUBJECT: Judicially Issued Military Protective Orders

1. On behalf of the Military Justice Review Panel (MJRP), in response to your January 7, 2023, request, I respectfully submit this recommendation on the issue of whether the Department of Defense should pursue either statutory or regulatory authorization of judicially issued military protective orders.
2. In reaching this assessment, the Panel reviewed the *Report of the Joint Service Committee's Subcommittee on the Implementation of Judicially Issued Military Protective Orders* and the *Addendum Report of the Joint Service Committee's Subcommittee on the Implementation of Judicially Issued Military Protective Orders* (as amended), and Recommendation 1.3 (Judge-Ordered Military Protective Orders for Victims of Sexual Assault and Related Offenses) from the Independent Review Commission (IRC) report: *Hard Truths and the Duty to Change: Recommendations from the Independent Review Commission on Sexual Assault in the Military*, and the official JSC recommendations submitted to you in the JSC's March 22 and June 24, 2022, memoranda. The Panel also received testimony on April 18, 2023, from Colonel Carol Brewer, JSC member, and Ms. Meghan Tokash, former IRC Accountability Line of Effort Co-Lead.
3. We do not recommend pursuing the authorization of judicially issued military protective orders as part of the military justice system. An untested system of judicially issued military protective orders is less likely to support victims at risk of future harm than a combination of military protective orders (MPOs) and civilian protective orders (CPOs). MPOs, which can be issued quickly by a commander and are enforceable on a military installation, and CPOs, which are enforceable on and off an installation, can be used alone or in tandem worldwide to prevent or redress harm and to restrict access to firearms.
4. To make the current network of protective orders more effective, we recommend additional education of commanders, victims' counsel, victims' advocates, and legal assistance attorneys on the processes for obtaining both MPOs and CPOs in local jurisdictions. Under 10 U.S.C. § 1044e, victims' counsel can provide legal consultation and assistance to victims seeking MPOs and CPOs. The Department of Defense should explore further options for expanding victims' counsel's representation of clients in civilian courts and offering assistance through the Expanded Legal Assistance Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth L. Hillman".

Dr. Elizabeth L. Hillman, Chair