INSTRUCTIONS FOR MANAGING EXTREME RISK PROTECTION ORDERS (ERPOs) IN NCIC

GENERAL GUIDELINES

VT ERPOs are issued by Vermont Courts under the authority of 13 V.S.A. § 4054.

ERPO records must be managed by law enforcement consistently across the state. Do not delay entering ERPOs into NCIC.

ERPOs are to be entered into the **NCIC Extreme Risk Protection File** as either Temporary or Final Protection Orders, depending on the court paperwork itself. (*Ex Parte* ERPOs are always Temporary.)

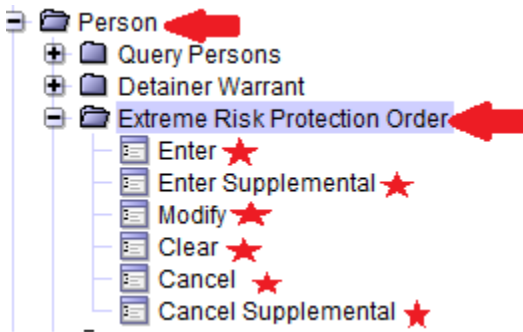**DO NOT enter ERPOs into NCIC's regular Protection Order File (POF).**

ERPOs will be managed by the law enforcement agency covering the town where the **DEFENDANT** resides.

HOW TO FIND THE ERPO FILE IN OPENFOX MESSENGER

THE NCIC FOLDER STRUCTURE IN OPENFOX MESSENGER
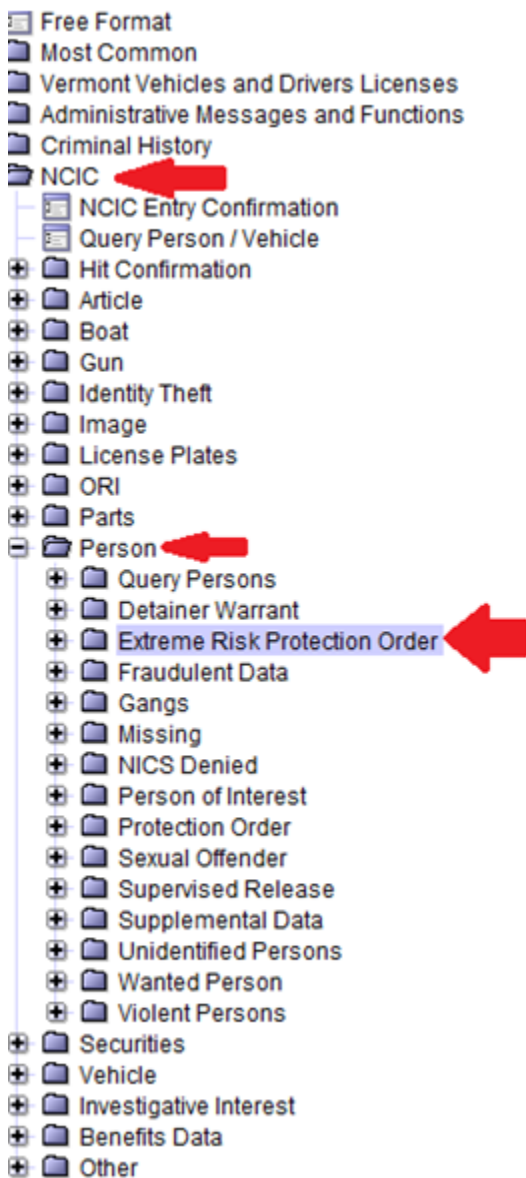
THE OPENFOX MESSENGER ERPO FOLDER FORMS

ENTERING ERPO RECORDS INTO NCIC

SELECT THE MESSAGE KEY (MKE) - This tells NCIC the specific kind of record you're entering.

HOW TO SELECT THE CORRECT MKE

The court order identifies the type of ERPO – Either Temporary or Final.

If the ERPO is a temporary order, then the word "Temporary" will be at the top of the court's ERPO paperwork. As such, select ETRO from the dropdown box.

If the word "Temporary" is not at the top of the court's ERPO paperwork, then select ERO from the dropdown box. (Before a Temporary ERPO can be changed to a non-temporary, or "Final" ERPO, the respondent/defendant gets his/her day in court. It's only after a court hearing that a Temporary ERPO can be changed to a "Final" ERPO by the court.)

The court may also include caution information in the ERPO documentation.

If caution indicators are included in the court's paperwork, then from the dropdown box select either ETRC, for Temporary ERPO with Caution, or EROC for a "final" ERPO with Caution.

If ETRC or EROC is selected, then there must be a Caution and Medical Condition Code (CMC) included in the CMC field, as shown on the below EROC screenshot.
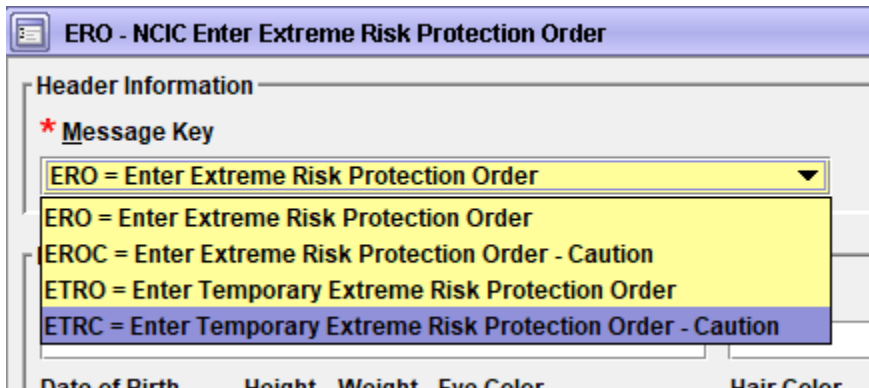
MANDATORY FIELDS FOR ENTRY

The following fields are mandatory when entering a record into the NCIC ERPO File:

- → Message Key (MKE)
- → Originating Agency (ORI)
- → Name of Respondent (NAM)
- → Sex of Respondent (SEX)
- → Race of Respondent (RAC)
- → Respondent Date of Birth (DOB)
- → ERPO Expiration Date (EXP) (Under 13 VSA 4054§ (c)(1), Temporary ERPOs will always have an expiration date.)
- → ERPO Issue Date (ISD).

→ Either the Originating Case (OCA) or the Order Number (ORN)

→ Caution and Medical Condition (CMC) -Required only if using MKE ETRC or EROC.

→ Court Identifier (CTI) – See CTI NOTE below.

If any of the above information is missing, incomplete or inaccurate from the court paperwork, then notify the court and/or utilize in-house resources (i.e. – RMS such as Valcour) to obtain the needed information.

CTI NOTE: The Court Identifier (CTI) field requires the valid ORI of the issuing court. The field's drop-down box provides a list of court ORIs from which users are to select. **For Vermont, the CTI field is a required field.**

CAUTION INDICATORS

The MKE with a caution indicator should be selected when it is known that an ERPO File subject is armed and dangerous, has suicidal tendencies, has previously escaped custody, is a drug addict, or whatever is appropriate to the particular circumstances.

If the MKE EROC or ETRC are used, the Caution and Medical Conditions (CMC) field automatically becomes a required field in OpenFox Messenger.

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PETITIONER INFORMATION

The ERPO File does not have a field for "protected person's name" (PPN) like the regular Protection Order File has. Instead, it has a field for Petitioner (PET), and should contain the name of the agency (i.e. –ABC PD) or individual (i.e. – State's Attorney John Smith) that petitioned the court to issue the ERPO. The PET field is not a required field, but the data should be included in order to help "pack the record."

MISCELLANEOUS FIELD INFORMATION

The Miscellaneous (MIS) field should NOT contain aliases, nicknames (monikers), vehicle data, dates of birth (DOB), social security numbers (SSN), or driver's license numbers (OLN). Additional searchable information should be entered into NCIC using the ERPO Supplemental Data form. The MIS field is a free-text field, but not searchable, therefore any information included in the MIS will not force the record to appear upon a query.

The terms and conditions identified by the issuing court (other than firearm restriction) should be entered into the MIS field, including officer and public safety information.

The MIS Field should contain details regarding service of the ERPO (i.e. – Issued, Served, Extended, etc.).

All other fields should be completed as information is available. Conducting driver's license queries (SNQ) as well as VT and National (Triple-I) criminal history queries (are permissible in order to obtain additional identifying or officer/public safety information to include in the record.

SERVICE INFORMATION & SERVICE DATE

The Service Information (SVC) and Service Date (SVD) fields are not required, but should be used for accounting and auditing purposes.

If the SVC field is marked with a 1= Served, a valid date must be entered into the SVD field.

If the SVC/1 is used in error, the SVC field can be modified to SVC/2 = Not Served or SVC/3 = Unknown, but only as long as the # symbol is typed into the SVD field before submitting the OpenFox MRO – NCIC Modify Extreme Risk Protection Order form.

Explanation: The use of SVD/# clears out the system's expectation for a SVD when using SVC/2 or SVC/3 after first using SVC/1, but is not required when modifying between SVC/2 and SVC/3.

OTHER FIELDS FOR ENTRY

See the Extreme Risk Protection Order File chapter in the NCIC Operating Manual for detailed field instructions.

ERPO ENTRY EXAMPLE

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****WARNING – THE FOLLOWING IS AN NCIC EXTREME RISK PROTECTION ORDER RECORD.  APPROACH WITH CAUTION.
DO NOT SEARCH, DETAIN, OR ARREST BASED SOLELY ON THIS RECORD.  CONTACT ENTERING AGENCY TO CONFIRM
STATUS AND TERMS OF ORDER**** ****THE SUBJECT OF THIS RECORD IS PROHIBITED FROM RECEIVING OR POSSESSING
A FIREARM.  REFER TO THE MIS FIELD FOR ANY OTHER ADDITIONAL COURT ORDERED PROHIBITIONS****

MKE/TEMPORARY EXTREME RISK PROTECTION ORDER
ORI/VTVSP000X NAM/LASTNAME,FIRSTNAME SEX/F RAC/U ETN/N POB/NY
DOB/YYMMDD HGT/600 WGT/300 EYE/GRN HAI/BLK FBI/0000000 CTZ/US
SKN/FAR SMT/TAT L ARM
MNU/VA-847103283102 SOC/111551111
OLN/12345678 OLS/VT OLY/2022
SVC/1 – SERVED  SVD/20220720
ORN/ERPO12345 ISD/20220719 EXP/20221001  CTI/VT0000000
PET/ESSEX STATES ATTY
NOA/N
MIS/ RESTRICTED FROM POSSESSING FIREARMS AND ANY OTHER DEADLY WEAPONS; KNOWN TO CARRY CONCEALED KNIVES;
OFFICER SAFETY – KNOWN TO ASSAULT POLICE
DNA/N
ORI IS YOUR AGENCY NAME PD 802 000-0000
NIC/Q000000000 DTE/20220719 1326 EDT DLU/20220719 1326 EDT
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ENTERING SUPPLEMENTAL DATA

Use the OpenFox Messenger ENRO – NCIC Enter Extreme Risk Protection Order Supplemental form

Identify the record you want to add supplemental data to by using any of the following combinations:

NAME & NIC or NIC & OCA or NAM & ORN or NAM & OCA

This tells NCIC onto which ERPO the additional information should be included.

Up to nine (9) pieces of supplemental data can be entered at one time (same as for other NCIC person records). If there are more than nine (9) individual items to add to the record, a subsequent supplemental entry will have to be performed.

For example: The subject has a combination of 12 Aliases, 10 dates of birth (DOB), 5 scars, marks, tattoos (SMT), 2 additional social security numbers (SSN), and 7 sets of driver's license data (OLN), resulting in a total of 36 supplemental pieces of data. The Enter Supplemental Data form can accept only up to 9 records at one time (of any combination), so the ENRO form will have to be used four (4) times (4x9=36) in order for all of the 36 pieces of additional information to be added to the original ERPO record.

Below is a screenshot of the ENRO form. (See the NCIC Operating Manual ERPO File chapter for detailed Supplemental Field information.)

MODIFYING ERPOs

Using the OpenFox Messenger MRO – NCIC Modify Extreme Risk Protection Order form, identify the record you want to modify by using any of the following combinations:

NAME & NIC or NAM & OCA or NIC & OCA or NAM & ORN

Select the correct MKE (either MTRO to modify a Temporary ERPO or MRO to modify a non-temporary ERPO).

Below is a screenshot of the MRO form.

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VALIDATION

You can also use the MRO – NCIC Modify Extreme Risk Protection Order form to document your monthly validation of the record by first identifying the ERPO (as per above instructions) and adding the information required in the "Validator Information" field (VLN), as seen in the above screenshot.

When data is entered into the VLN field, NCIC automatically enters the current date into the Date of Last Validation field (VLD), and an acknowledgement message will return to the ORI of record. (The user cannot add VLD to the record.)

MODIFYING SUPPLEMENTAL DATA

No one-step procedure is available to modify fields in an ERPO File supplemental record.

To modify supplemental record information, the incorrect field should be cancelled and then correct data entered.

CANCELLING SUPPLEMENTAL DATA

Using the OpenFox Messenger XNRO – NCIC Cancel Extreme Risk Protection Order Supplemental form, identify the record you want to clear by using any of the following combinations:

NAME & NIC or NAM & OCA or NIC & OCA or NAM & ORN

A maximum of nine identifiers of various kinds may be cancelled in one cancellation message. Additional submissions are required if more than nine identifiers are to be cancelled.

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QUERYING AN ERPO

There is no specific Message Key (MKE) to query the ERPO File. A Wanted Person inquiry will return a hit response on the ERPO File, if a match occurs. Any of the Query Warrant MKEs available will work as seen in the below screenshot, however the EASIEST WAY TO QUERY AN ERPO in Vermont is to simply run the SNQ (Super Name Query).
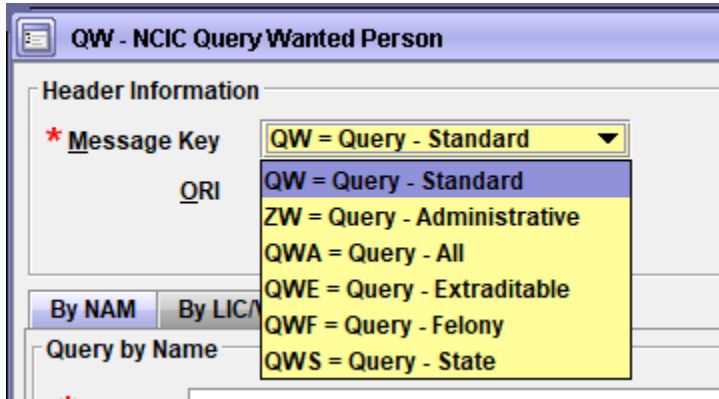
EXPIRING ERPOs

If the court changes the expiration date of an order, but the change does not occur until after the NCIC record expires, the record must be reentered.

If the court changes a temporary ERPO to a non-temporary ERPO, but the temporary ERPO expires prior to the change, the record must be reentered as a non-temporary ERPO.

Five days prior to the expiration of an ERPO (date in the EXP field), the ORI of record will receive a $.P message (see below).

RECORD RETENTION

An ERPO File record will remain active until it is cancelled by the entering agency or until the order expires.

Five days prior to an order's expiration date, an unsolicited $.P administrative message will be sent to the ORI of record. This message will serve to notify the agency of the order's impending expiration date (EXP). It also serves to remind the agency that the record will have to be modified if the EXP is changed by the court.

If no action is taken by the entering agency to modify the EXP, the record will expire after the fifth day.

$.P ADMINISTRATIVE MESSAGE EXAMPLE

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THE FOLLOWING RECORD WILL BE PLACED IN EXPIRED STATUS IN FIVE DAYS BY THE FBI
COMPUTER BASED ON THE EXPIRATION DATE CONTAINED IN THE EXTREME RISK PROTECTION
ORDER RECORD. UNLESS ACTION IS TAKEN TO INCREASE THE EXPIRATION DATE,
MODIFICATION OR CANCELLATION OF THE RECORD WILL BE PROHIBITED AFTER THE FIFTH
DAY.

MKE/EXTREME RISK PROTECTION ORDER
ORI/VTO100000 NAM/LASTNAME,FIRSTNAME SEX/M RAC/W ETN/H POB/CO
DOB/19800808 HGT/511 WGT/185 EYE/BRO HAI/BRO FBI/444444J4 CTZ/US
SKN/FAR SMT/SC L ARM
FPC/121011VT141159TTCI13 MNU/AS-123456789 SOC/123456789
OLN/N222333444 OLS/CO OLY/2005
SVC/1 - SERVED SVD/20200110
ORN/EO12345 ISD/201901218 EXP/20221218 CTI/VT043043J PET/VT TOPCOP
OCA/15-124365 SID/VT99999999
LKI/VT1240000 LKA/VT-3366
MIS/RESTRICTED FROM POSSESSING FIREARMS AND ANY OTHER DEADLY
MIS/WEAPON
LIC/ABC123 LIS/CO LIY/2022 LIT/PC
VIN/ABC123DEF45678901 VYR/2018 VMA/FORD
VMO/EXPL VST/4D VCO/WHI
ORI IS VERMONT POLICE DEPARTMENT 802 555-5555 NIC/Q123456780
DTE/20210101 0000 EDT DLU/20210126 1600 EDT
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LOCATE

There are no locate procedures for the Extreme Risk Protection Order File.

CLEARING ERPOs

When the court notifies the agency of record that the ERPO has been cancelled, the corresponding NCIC record must be <mark>CLEARED</mark> (**Do not cancel the NCIC ERPO record – see below for when the use the Cancel function**.)

Using the OpenFox Messenger CRO – NCIC Clear Extreme Risk Protection Order form, identify the record you want to clear by using any of the following combinations:

NAME & NIC or NAM & OCA or NIC & OCA or NAM & ORN

When an ERPO File record is cleared, any supplemental information appended to that record will be cleared automatically.

CANCELLING ERPOs

NCIC ERPO File records that have been expunged or are determined to be inaccurate or erroneous should be CANCELLED (not Cleared).

Using the OpenFox Messenger XRO – NCIC Cancel Extreme Risk Protection Order form, identify the record you want to clear by using any of the following combinations:

NAME & NIC or NAM & OCA or NIC & OCA or NAM & ORN

When an ERPO File record is cancelled, any supplemental information or images appended to that record will be cancelled automatically.