

# MEMORANDUM

# STATE OF ALASKA

*Department of Law  
Criminal Division*

TO: All Alaska Law Enforcement

FROM: Robert E. Henderson   
Deputy Attorney General, Criminal Division

DATE: July 31, 2017

SUBJECT: Enforcement of Tribal Court Protective Orders

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All protective orders issued by an Alaska court, a court of another state or territory, a U.S. military tribunal, or tribal court *shall* be enforced as if it was issued by an Alaska court. AS 18.66.140; 18 U.S.C. § 2265.

- The filing of an order with an Alaska court is not necessary.
- An order need not be entered into APSIN or NCIC.
- Required Order Elements:
  - An order must identify the petitioner and respondent.
  - An order must contain provisions intending to prevent violent or threatening acts, harassment, sexual violence, contact, communication, proximity to a person, or stalking.
  - An order must appear authentic. Law enforcement officers are not to investigate beyond looking at the order itself. Any jurisdictional or due process issues will be addressed by the prosecutor and/or an Alaska court.
- Charging Crime of Violating Protective Order: In order to charge the Alaska crime of violating a protective order contrary to AS 11.56.740, the order must contain provisions that are *similar* to provisions found in AS 18.66.100(c)(1)-(7) or AS 18.65.850(c)(1)-(3) (the language need not be identical).
- Child Custody Orders. When violations of child custody orders are not criminal offenses, order provisions nevertheless are to be enforced provided the provisions relate to protecting a victim of domestic violence, sexual assault, dating violence, or stalking.
- Stand by Orders. Stand by orders are to be followed provided the order provisions relate to protecting a victim of domestic violence, sexual assault, dating violence, or stalking.
- Mandatory and Warrantless Arrests. Alaska mandatory and warrantless arrest law provisions are to be followed in connection with enforcement of all protective orders.