Collaborating for Safety: Coordinating the Military and Civilian Response to Domestic Violence – Elements and Tools

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Acknowledgments.................................................................1
Table of Content.......................................................................2
Quick Start Guide....................................................................3
Introduction..............................................................................6

Chapter 1
Coordinated Community Response and the Military Setting........6
   Elements of a CCR.............................................................6
   Military Context and Environment......................................9
Collaborating for Safety – Practice Example 1..........................17

Chapter 2
The Tough Spots....................................................................20
   Trust..................................................................................20
   Definitions..........................................................................23
   Keeping Victims at the Center............................................26
   Advocacy............................................................................26
   Sustainability......................................................................27
Collaborating for Safety – Practice Example 2..........................29

Chapter 3
Elements & Tools: Lessons from the Field..............................31
Elements & Tools: Snapshot....................................................34
   (1) Set the Foundation.......................................................36
   (2) Understand the Issues..................................................39
       A Key Tool: Mapping.....................................................44
   (3) Establish the Structure..................................................47
       Sample Work Plan.........................................................50
   (4) Sustain the Momentum..................................................53
Collaborating for Safety – Practice Example 3..........................58
Appendices.............................................................................61
Whether you are one victim advocate in the Family Advocacy Program (FAP) at a military base, an advocate in a local battered women’s shelter, or a practitioner in an established civilian coordinated community response (CCR) who wants to build a new relationship between the local community and the military installation, the following steps will get you started.

1. Read the introduction to Collaborating for Safety: Coordinating the Military and Civilian Response to Domestic Violence – Elements and Tools.

   The guide has more tools than you’ll need at first, but the introduction will ground you in a better understanding of the military context and environment, as well as potential tough spots in bringing military and civilian communities together to address domestic abuse.

2. Read the Department of Defense (DoD) Instruction Number 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel.

   This document sets service-wide domestic abuse policies and defines the roles and responsibilities of commanders and first responders. It provides a useful benchmark as you learn about the installation in your community and its response to domestic abuse. If you are a military victim advocate or otherwise affiliated with the installation, you can use it to review roles and protocols and expectations around coordinated community response. The DoD Instruction is included as Appendix 6 on the Resource Disk accompanying this guide.

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1 The Department of Defense defines domestic abuse as “domestic violence or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty.” Domestic violence is “an offense...involving the use, attempted use, or threatened use of force or violence” or violation of a protective order. DoD Instruction 6400.06, Sections E2.14 and E2.14. In the civilian sector it is common to see the terms domestic violence and domestic abuse used interchangeably.
3. Get to know the installation or the community.

   a. If you’re from the civilian community, call the installation’s FAP director. Arrange a visit to the base and a tour. Learn about the history and mission of the branch of service and the installation itself. Learn about the FAP and the general response to domestic abuse in the military community.

   b. If you’re from the military community, call the director of the local domestic abuse advocacy and shelter organization. (If there is more than one, call them all.) Arrange a visit to the shelter and/or legal advocacy program if possible. Learn about the organization’s history and mission. Learn about the response to domestic abuse in the civilian community. If there’s an existing CCR entity, ask to attend a meeting.

4. Build relationships.

   Ask your contact at the FAP or the local domestic abuse program who else you should be talking with to learn more about the response to domestic abuse and to explore the possibility of a more coordinated response. This might include installation commanders, the base security or law enforcement agency chief, social workers, health care workers, and Judge Advocates General. Or, it might include the police chief or sheriff, investigators, victim-witness specialists, legal advocates, prosecutors, and probation agents. Perhaps the FAP or community contact can join you for some of the conversations.

5. Convene a first meeting.

   Identify the participants. Who seems most interested in the idea of a military-civilian coordinated community response to domestic abuse and/or is active in the response to sexual assault? Where is the door most open? Have any problems already been identified? Begin with an informal meeting to explore how the work might proceed and who would be most likely to be involved. Start small and work from there.²

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² While Collaborating for Safety specifically addresses coordinated community response to domestic abuse, involving those who are addressing the response to sexual assault is also important. Sexual aggression and assault are often tactics of abuse, particularly in intimate partner violence with coercive control. In addition, much of the framework established for a joint CCR in response to domestic abuse can also be useful in the joint response to sexual assault.
6. Organize a joint system-wide presentation or training.

What kind of interest and commitment have you built from your initial conversations and meeting? Are people ready to get to work on a CCR? Bring likely CCR participants from the military and civilian sectors together for a training or other presentation that will spark their interest and get them talking with one another. Topics that might be of particular interest to such an audience include: investigating strangulation and stalking, research findings on intimate partner homicide, and strategies for risk and danger assessment. Explore whether one of the national technical assistance partners (e.g., the Battered Women’s Justice Project or the National Center on Domestic and Sexual Violence) can participate or suggest an agenda and presenters. Consider holding a forum involving representatives from one or more of the demonstration sites or other military-civilian CCR efforts. It does not have to be an all-day or formal event. A better initial strategy might be a brief breakfast or “brown-bag lunch” presentation.

7. Continue meeting.

As one early organizer of the coordinated community response model put it, “agree to meet and agree to disagree.” Establish a small organizers’ work group or steering committee that will meet regularly, determine the next steps, and bring other likely participants to the table.
Introduction

Coordinated community response and the military setting

No single entity can tackle the problem alone. If you think you can, you’re so wrong. ³

Elements of a CCR

This guide is about the process of organizing and building a coordinated community response (CCR) in a military-civilian setting. While it relates to the work of a CCR—that is, what a CCR does once it is organized—the guide’s primary focus is how to create a sense of common mission and purpose among the participants.

The idea of a coordinated community response to domestic abuse emerged in the late 1970s as advocates working in programs for battered women began to identify ways in which the criminal justice system response could change to better protect victims of battering, strengthen safety planning, and focus attention on holding perpetrators accountable for the harm they caused. The emphasis was on a united interagency response with common goals of safety and accountability. In the intervening thirty years, building from the initial work in Duluth, Minnesota, and other communities, the idea of a coordinated interagency response has been applied to the civil legal system and other aspects of community response to domestic abuse.⁴ Prior to the military-civilian demonstration initiative launched in 2004, the idea of a coordinated community response developed primarily in the civilian sector, with the exception of a collaboration from 1992-1998, between the United States Marine Corps and the Duluth Domestic Abuse Intervention Programs.

³ Quotes from military and civilian participants in coordinated community response projects who were interviewed as part of developing Collaborating for Safety appear in this format throughout the guide.

⁴ The Duluth Model on Public Intervention is described at www.theduluthmodel.org.
Factors unique to each community shape a CCR, including population, geographic area, available resources, and the existing relationships and degree of cooperation among practitioners. The experiences of dozens of communities across the country have made it possible to identify eight core activities that are essential to the criminal legal system’s intervention in domestic abuse-related cases (or domestic violence, in keeping with the DoD definitions). How these activities are carried out in a particular community will vary, as will the emphasis on different aspects at different points in the development and implementation of a coordinated response. The key activities of a CCR are described in detail in Appendix 2, Creating an Intervention Project. Briefly, they include the following steps:

1. Identify shared underlying assumptions and build a shared framework to guide practitioners who intervene in domestic violence cases.
2. Assist intervening agencies in developing and implementing policies and operating procedures that reflect the shared framework.
3. Monitor and track cases from initial contact through case closure in order to ensure accountability—both offender and agency accountability.
4. Coordinate the exchange of information and interagency communication and decision-making related to domestic violence cases.
5. Ensure that victims and other at-risk family members have access to resources and services that offer safety and protection.
6. Utilize a combination of sanctions, restrictions, and rehabilitation services to hold offenders accountable and to protect victims from further abuse.
7. Undo the harm caused to children by the abusive actions of one parent toward the other parent and the children themselves.
8. Evaluate the coordinated community response from the standpoint of victim safety.

Building a coordinated community response to domestic abuse requires an investment in relationships, an understanding of communities and roles, and a willingness to stay with the challenge. As participants in the military-civilian demonstration projects observed, it requires attentive planning and persevering in spite of doubts and uncertainty, as well as celebrating accomplishments. The advice of CCR participants appears throughout this guide.

Each demonstration site anchored its work in “mapping” each point of intervention in domestic violence cases (see Appendix 1, Mapping Domestic Violence Case Processing). This detailed examination of the steps in case processing helped each CCR build and strengthen partnerships and overall collaboration as participants came to better understand each other’s roles and functions in responding to domestic abuse. It also reinforced the interdisciplinary foundation of a coordinated community response and introduced military and civilian interveners to new ways of working together. Finally, mapping helped identify issues and problematic practices for the CCR to address in its ongoing work.

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5 Collaborating for Safety generally reflects the DoD definitions and uses “domestic abuse” as a broader term that also encompasses related offenses and violations of law, i.e., “domestic violence.” “Domestic violence” is used in discussions related to case processing in the military or civilian legal systems.

ISSUE: Offender Accountability

Domestic violence offenses occurring on the installation resulted in few consequences, regardless of the circumstances and level of ongoing violence and coercion. An arrest at the scene was rare, meaning that there was no immediate consequence for violent or coercive behavior and offenders and victims were often left in close proximity. Offenders were typically issued a citation by the responding military police, and a fine. In many cases there was no requirement to appear in court. In the few cases that did reach the court, victims were largely invisible in the process.

Approach: Military victim advocates on the installation took care to carefully document what was happening. They tracked the number of incidents and whether there was an arrest and an appearance in court. They also observed court proceedings to gain a better understanding of when and how domestic violence–related cases appeared. The military advocates learned that in addition to the practice of citing and fining offenders without requiring an appearance in court, when a domestic violence–related case did reach the court there was no procedure to consistently notify the FAP, or consult with the victim. Military advocates brought this information to the FAP director, who facilitated discussions with the installation’s legal staff, Provost Marshal, and court. These discussions led to improvements in the entire law enforcement and court response on base. The Provost Marshall’s office conducted extensive domestic violence training with the military police and base security. The practice of issuing citations with no required court appearance was ended. Eventually, a dedicated unit was added to the on-base police response. Military victim advocates worked with the court to ensure that each victim was notified of the proceeding and had the opportunity to talk with a victim advocate. These systems changes focused on offender accountability and providing a voice for the victim in the process.
Civilians have to learn more about how the military and each branch work...Know and follow the chain of command!

The earlier Domestic Abuse Intervention Programs’ (DAIP) Marine Corps experience and the work of the more recent demonstration project sites and other examples of military-civilian coordination to intervene in domestic abuse have provided many insights and perspectives that shape this guide. It is clear, for example, that building a military-civilian CCR requires attention to how distinctive aspects of the military context and environment affect domestic violence cases and the CCR design and process. Organizers must be attentive to the following considerations.

Chain of command

Responsibility and decision-making authority are clearly delineated within a structure that is communicated to and reinforced in both military and civilian personnel from the beginning of their relationship with their particular branch of service. When a decision is made by the command, personnel are expected to follow the order. For example, to violate a Military Protective Order is to disobey a direct order. Military protocols prescribe specific adherence to etiquette, precedence, and forms of address and communication. Protocols reflect, in part, the ways in which the chain of command affects relationships between individuals.

Civilian partners, particularly those without military experience, must be particularly attentive to chain of command, rank, protocol, and formality in building the relationships that are essential to the CCR. Similarly, military partners must understand that lines of authority and decision-making in the civilian community are often multifaceted, involve elected officials (e.g., a sheriff or district attorney), and may involve reporting to and taking direction from a unit of government, such as a city council or county board of supervisors. The command hierarchy means that a military system can move fairly rapidly in comparison to a civilian system with its multiple independent entities and expectations of public discussion and scrutiny.
Core values of military service

Each of the four main branches of the military (Army, Navy, Marine Corps, and Air Force) has a set of core values that “build the foundation of trust and leadership upon which our strength is based.” Members of the service are expected to “live them every day in everything they do.” Core values “inspire us to do our very best at all times.” While specific to each branch of service, the core values have much in common. They include:

**Army:** Loyalty, duty, respect, selfless service, honor, integrity, personal courage

**Navy and Marine Corps:** Honor, courage, commitment

**Air Force:** Integrity first; service before self; and excellence in all we do

Within these broad statements are expectations that each service member will act in ways that uphold related values, such as respect for human dignity, accountability for his or her own actions and holding others accountable for their actions, willingness to do what is right even at high personal cost, mutual respect, and openness.

When civilian CCR organizers recognize the core values for the branch or branches of service involved in the CCR, they will better understand a key feature of military culture. The values are a universal expectation across all ranks from a recruit’s earliest days onward. The core values provide a foundation and rationale for military attention to domestic abuse; acts of domestic abuse are contrary to core values, while intervening, protecting and collaborating with civilian partners are in keeping with the core values. The core values support the overarching military commitment to operational readiness. Along with training and discipline, the core values help to bond each service member into a force that is prepared to meet any challenge. Acts of domestic abuse interfere with a service member’s ability to perform his or her duties because an underlying preoccupation with coercion and control over another person characterizes the abuse.

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7 Department of the Navy and the Marine Corps, which is a component of the Navy.
8 Department of the Army.
9 Department of the Air Force.
Movement and turnover

Military installations experience high levels of personnel movement and turnover. Reassignment, promotion, and deployment in times of war mean that those involved in establishing and supporting the CCR one year may not be there the next. From the beginning, the CCR must consider ways to ensure that its principles and practices will be maintained despite frequent changeover in the individuals involved. While this is true in the civilian sector as well, it is doubly important in securing a consistent military presence in the CCR. The least likely turnover of personnel is often in the Family Advocacy Program.

Family Advocacy Programs

Each military branch provides a range of family violence–related services and resources for active duty military and their family members through its FAP. Established in 1984, the FAP is charged with identifying, intervening in, and preventing domestic abuse involving adults and child abuse. The Department of Defense defines the FAP responsibilities in domestic abuse as follows:

“FAP shall have primary responsibility for public awareness and education programs in the military community, for ensuring that each reported incident is assessed for risk of further domestic abuse, for ensuring that victims of domestic abuse receive a clinical assessment and supportive services, as appropriate, and for ensuring that domestic abusers receive a clinical assessment, treatment as appropriate, and ongoing treatment monitoring.”

Family Advocacy Programs vary from service branch to branch and from base to base in their administration and in their specific attention to domestic abuse. FAP victim advocates might be employees of two or three different civilian firms operating under different Department of Defense contracts. Some provide batterer intervention programs; others place more emphasis on individual or marriage counseling as a response to domestic abuse. Some have close, longstanding relationships with civilian advocacy organizations while others rarely have contact with local advocates. Unlike advocacy and social services typically available in the civilian community, unmarried and former partners of active duty service

10 DoD Instruction 6400.06, section 6.6.
members generally have access to FAP services only for crisis response and then are referred to civilian advocacy organizations. (This is another good reason to build collaborative relationships).\textsuperscript{11} DoD Instruction 6400.06 defines domestic abuse and domestic violence as involving only “a person of the opposite sex,” so those in same-sex relationships would also need to be referred to civilian resources.

**Implications of reporting domestic abuse and limitations on confidentiality**

In the military sector, unlike the civilian sector, reporting an act of domestic violence involving an active duty service member—whether as an offender or a victim—means reporting it to that person’s employer (command). For most civilians, it would be unusual for police contact or even an arrest to be communicated directly to someone’s employer. It would be even more unusual for an employer to become involved in ensuring that abusers appear in court and complete sentencing requirements, such as a batterer intervention program.

For a service member, however, a report goes to an employer that has broad authority to direct many aspects of the service member’s life and to require that specific actions be taken. While this authority can be a distinct benefit in reinforcing consequences for abuse and violence against an intimate partner or family member, as well as supporting opportunities to change abusive behaviors, reporting to a military command also creates dilemmas for many victims. A victim may fear that a report will only increase the violence and coercion she is experiencing or jeopardize her partner’s career or her own career, which in turn may make safety and well-being for herself and her children, if she is a mother, more precarious. Housing and health care, for example, are tied to military status and can be lost within thirty days if a spouse is separated from service.

Victim confidentiality and autonomy have long been foundational principles for advocacy on behalf of battered women in civilian communities. Reporting to an offender or victim’s employer would occur only at the specific request of the victim, and with specific written authorization to make the report. Issues related to reporting and confidentiality can be key points of disagreement and debate between civilian and military interveners. Each branch of service emphasizes the importance of the command’s need to know about any aspects of a service member’s life that might affect operational readiness, as well as ensuring that the command plays a role in responding to domestic abuse and ensuring that offenders are held accountable.

\textsuperscript{11} DoD Instruction 6400.06, sections E2.13 and E2.14.
The development of a restricted reporting option was a DoD response to recommendations from the Defense Task Force on Domestic Violence about the need to strengthen victim autonomy and confidentiality related to disclosure of domestic abuse. Restricted reporting provides an avenue for victims to seek medical care and advocacy services without notification to military command or law enforcement if the disclosure is made to a victim advocate or healthcare provider. If the disclosure is made first via a 911 emergency call, however, including a third-party generated call, reporting is unrestricted and information can go directly to the command.

**Defense Task Force on Domestic Violence**

In 1999, domestic violence homicides involving service members brought calls for increased attention to domestic abuse within the military and new approaches in the military’s response. Following a directive by Congress, the Department of Defense established the Defense Task Force on Domestic Violence (Task Force). Between 2000 and 2003 the Task Force conducted a comprehensive examination of policies and practices related to the response to domestic abuse by all major branches of military service. It made nearly 200 recommendations for changes in policy and practice that would establish an intervention process modeled on the prevailing civilian response to domestic abuse with its emphasis on interagency coordination to improve victim safety and offender accountability. “Strengthen local military and civilian community collaboration in preventing and responding to domestic violence” was among the nine key points in the strategic plan that the Task Force submitted to DoD. The Task Force defined the following core principles for the domestic abuse intervention model that it asked the military services to implement:

1. Respond to the needs of victims and provide for their safety.
2. Hold offenders accountable.
3. Consider multi-cultural and cross-cultural factors.
4. Consider the context of the violence and provide a measured response.
5. Coordinate military and civilian response.
6. Involve victims in monitoring domestic violence services.
7. Provide early intervention.

The Task Force recommendations and subsequent implementation by the Department of Defense set a clear expectation for all military departments and commands to promote coordinated community response, both within military agencies and between military and civilian interveners. The expectation of coordinated community

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12 The Defense Task Force on Domestic Violence strategic plan and related reports are available via the National Center on Domestic and Sexual Violence: http://www.ncdsv.org.
response is threaded throughout DoD policies and instructions. For example, the following requirements are included in DoD Instruction 6400.06 (Appendix 6, included on the resource disk):

- Implement DoD domestic abuse policies “through a coordinated community response involving multiple offices and agencies at military installations working in coordination with the surrounding community” (1.2).

- “Provide for the safety of victims; hold abusers appropriately accountable for their behavior; and coordinate the response to domestic abuse with the local community” (4.2).

- “Ensure that victim advocacy is provided within a coordinated community response” (6.1.1.13).

- “The information in this section [Establishing Memoranda of Understanding] may be adapted to address additional areas of military-civil cooperation to further enhance the coordinated community response to domestic abuse” (6.1.5).

- “As part of the coordinated community response to domestic abuse, law enforcement and military criminal investigative personnel shall...” (6.2).

- “All domestic abuse responders shall promote a coordinated community response for the prevention of domestic abuse and for intervention when domestic abuse occurs” (6.4.5).

Such clearly articulated expectations can be helpful in encouraging participation in a joint military-civilian CCR. At the same time, organizers must be attentive to ways in which such instructions can be met in letter, but not in spirit and practice. Key players can assemble around a table, but meaningful interagency and cross-sector coordination requires establishing an informed, common understanding of domestic abuse, victim safety, and offender accountability.
Military jurisdiction

Developing a joint coordinated community response requires understanding where and how civilian authorities have or might have jurisdiction on the military installation in responding to domestic abuse-related crimes. One of four types of jurisdiction will apply:

1. Exclusive federal jurisdiction, where the federal government holds all authority. All offenses, including domestic violence, are handled only by the military or other elements of the federal justice system. Civilian authorities have the right to present legal papers, such as arrest warrants, subpoenas, civil orders, and civil process papers, but they can only enter the installation with military approval.

2. Concurrent federal and state jurisdiction, where both state and federal governments share authority over the area under agreements between civilian and installation authorities. Either may be the first responder and may prosecute offenses.

3. Partial jurisdiction, where the state has given the federal government authority in some areas of law, but reserves authority over others. States vary over which powers are reserved.

4. Proprietary-interest jurisdiction, where jurisdiction is held by the state and the federal government has no jurisdiction, except as specific to any requirements under the U.S. Constitution.

Most U.S.-based service members and their families are stationed at installations that fall under shared or complete civilian jurisdiction. Many service members live in civilian communities and most military housing is under shared or complete civilian authority.¹³

ISSUES: Jurisdiction and Differential Response

Service members living off base in the civilian community experienced a different level of response to domestic violence incidents than those living on the installation. Off base, a law enforcement response to domestic violence offenses resulted in a likely arrest, court appearance, probation, batterer’s intervention program, and restrictions on firearms possession. Allegations of domestic violence on base meant that the service member would be turned over to his or her commander. This response fostered a perception that the consequences and sanctions for similar acts of violence and harm were vastly different, depending on the jurisdiction.

Approach: The military-civilian CCR wanted to create a seamless response that ensured that investigation and enforcement of domestic violence offenses occurred in a similar way, regardless of whether they happened on or off the installation. It used the information it collected via mapping case processing (Appendices 1-1A) to show the differences in on- and off-base responses. The Installation Commander agreed that consistency of response was important for ensuring offender accountability and negotiated a Memorandum of Understanding (Appendix 10) that extended civilian law enforcement authority over misdemeanor domestic violence offenses that occur on the installation and provided for joint investigation of felony-level crimes. The CCR also strengthened linkages and communication across military and civilian law enforcement to ensure that the ongoing, patterned nature of most domestic violence does not get lost between interveners and jurisdictions.
Collaborating for Safety – Practice Example 1  
Naval Air Station Jacksonville, Naval Station Mayport, City of Jacksonville and Duval County (FL)

Naval Air Station Jacksonville (NAS Jax) and Naval Station Mayport (NS Mayport) are located within a few miles of the Jacksonville central business district. NS Mayport has the third largest fleet concentration in the United States. Over 30,000 active duty and civilian personnel work at the two installations and many family members and Navy retirees live nearby. In addition, the almost 100 individual tenant commands located at the installations further expand the on-base populations. As a result of the consolidation of city and county governments in 1968, Jacksonville is the largest city in Florida by population and is the largest city by area in the continental United States. The consolidation also resulted in a merger of law enforcement agencies, with the Jacksonville Sheriff’s Office having sole jurisdiction within the city.

As one of the national demonstration sites, the Jacksonville Navy installations and their civilian partners received specific training, technical assistance, and resources to establish the joint coordinated community response, including the involvement of advisors who had participated in the Defense Task Force on Domestic Violence. Jacksonville’s involvement was anchored in a well-established civilian CCR that included links with military representatives. The Domestic Violence Intervention Project addressed the civil and criminal legal system response to cases within the county, and civilian and military victim advocates had built prior connections with one another.

Approach

The Jacksonville civilian and Navy partners recognized that while there are many aspects to safety for victims of battering and other forms of domestic violence, including housing, employment, and health care, their attention was best focused on concrete aspects of practice that they could more readily influence and change within the period of the demonstration project and the subsequent implementation of the recommendations that their collective work produced. Consequently, the collaboration’s broad goals were to make the intervention responses parallel on both bases and to better connect military victim advocates with civilian advocates. They focused their attention on how coordination and communication between and across the military and civilian sectors impacted military victims. The Jacksonville partners used small, interdisciplinary work groups and the mapping process described elsewhere in Collaborating for Safety to examine the military and civilian response. They interviewed practitioners who intervene in domestic violence cases, observed that intervention in practice via such activities as riding along with first responders and observing the 911 center, and conducted a systematic analysis of case files and administrative procedures. “That got everybody going. It was the first step in looking at the system and how it was working. Then those same folks began to work on implementation.”

Priorities

The partners identified three overarching priorities in improving their response to domestic abuse involving military personnel: strengthen military interveners’ understanding of and capacity for assessing danger and taking action to provide for victim safety; create a coordinated community response; and explore ways to provide more immediate victim advocacy, support, and access to confidential resources in the community. The
military-civilian CCR team established during the demonstration project made over forty recommendations to help further these priorities, including changes related to the following aspects of intervention:

1. Coordination and linkages between the installations and Jacksonville
2. Issuance of Military Protective Orders
3. Compliance and implications related to firearms restrictions in domestic abuse cases
4. Emergency 911 calls and initial patrol response
5. Arrest and detention procedures
6. Danger and threat assessment
7. Attention to strangulation and to “excited utterance” evidence
8. Information sharing between civilian and military law enforcement
9. Victims’ access to military victim support services and to confidential services in the civilian community
10. Monitoring compliance with conditions of sentencing and probation
11. Emergency room screening and support to victims

Implementation

The Jacksonville partners used a memorandum of understanding (MOU) to frame their initial agreement to work together. They subsequently took the MOU tool further and drafted one to address specific actions that they would take to implement their priorities and recommendations. This MOU became the plan for change. It defines roles, responsibilities, and actions for all partners and key points of intervention, from an initial 911 call to sanctions and batterer intervention programs, and attention to victim support at each point. Among the MOU’s many significant features is the requirement that all misdemeanor domestic violence offenses that occur on the installation will be referred to the Sheriff’s Office for investigation. The partners used the MOU to develop a written implementation plan that assigns responsibility and leadership, sets out steps to completion, and records the progress in implementing each provision (see Appendix 11).

Challenge and Change

By mid-2009, thirty-six of the forty-six action items identified as necessary to implement the provisions of the MOU had been completed. These included such measures as establishing a clear process whereby victims can choose to keep identifying information confidential and to request that the Sheriff’s Office not provide a copy of the arrest/incident report to the installation; providing for installation access to state records involving prosecution of active duty service member cases; and adding a designated military-civilian liaison in the civilian advocacy organization. Items that have yet to be completed reflect the challenges that the joint CCR has encountered, including limited resources and frequent personnel changes, within both the military and civilian sectors. Navy leadership changed three times over the course of the CCR demonstration project, and there have been similar changes in key players on the civilian side. Nevertheless, the widespread implementation of the MOU and its provisions has meant that the joint coordinated community response now occurs “on an everyday basis; to someone new coming in now to a position, it’s just the way we do things.” Based on the work that Jacksonville undertook as part of the military-civilian CCR, the community was able to clearly articulate its needs and successfully apply for and obtain a grant from the Office on Violence Against Women to continue its work.
Building a sound military-civilian coordinated community response to domestic abuse requires recognizing and attending to the “tough spots,” the issues that make participants want to leave the table, return to their own offices, agencies, or base, and deal with the matter on their own. While such issues may be specific to local circumstances, challenges related to the following issues are likely to emerge to one degree or another regardless of location: relationships and trust, definitions of the issue, advocacy, and sustainability.

Trust

You have to enter into it with respect and assume that everyone is doing the best they know how to do and that their intentions are the best.

Relationships of trust are essential to a sound coordinated community response. Without this foundation, participants will be unwilling to examine their individual and collective practices and negotiate meaningful agreements across military and civilian boundaries and jurisdictions.

There is much room for mistrust and suspicion between military and civilian communities; each can be isolated from the other’s experiences. Such a history of mistrust is sometimes in the background and must be addressed before much progress can be made in establishing the coordinated community response. No entity—whether a military installation or police department or advocacy organization—will enter into a memorandum of understanding that alters its response to domestic abuse without trusting the motives of the other signatories. Building these essential relationships into the fabric of the CCR and the everyday response to domestic abuse is crucial, as is maintaining them once they are established. Part of developing such relationships is for likely CCR participants to get to know each other’s roles and work environments.

Trust does not mean that each CCR participant agrees one hundred percent on every issue with every other participant. It means respectful disagreement and negotiating in good faith. Setting the right tone from the beginning is therefore crucial. Key players have to ask themselves this critical question: Are we pursing this CCR for the right reasons (i.e., strengthening the fabric of safety for battered women and their children) or the wrong reasons (i.e., a vendetta against a person, agency, or installation)? If it is for the wrong reasons, the integrity of the coordinated community response requires an immediate change in motivation.
A consistent word of advice from many demonstration project participants was to set a tone of trust and partnership from the beginning. The military command structure means that if CCR organizers can get the installation command to say “we want this to happen,” the CCR is halfway to achieving its goals. Similarly, agency administrators and elected officials need to know that the purpose of the CCR is not to publicly embarrass or criticize them. If an agency’s existing practices are so contrary or harmful to safety for battered women and their children that such exposure is the only route left to correct the practices, establishing a CCR may be premature. This is not to say that public scrutiny and attention are not important in an overall system of accountability, but that generating such attention is not a function of the coordinated community response. The CCR seeks to create an environment of institutional accountability where key interveners can both examine their own practices in a meaningful way and examine their collective practices.

From the earliest discussions about the possibility of establishing a military-civilian CCR, key organizers must ask who can bring military and civilian leadership to the process. Sometimes key organizers are in one or more of those leadership positions. Often, however, the early interest and impetus comes from front-line workers who respond to domestic violence cases on a daily basis. Because of factors related to command structure, protocol, and roles, they may not be in the best position or have the authority to bring the leadership of their own or other organizations to the coordinated community response. Bringing leadership into the process does not necessarily mean that the installation command and agency administrators are physically present, other than on limited occasions, but that they are informed, invested, and supportive of the coordinated community response. Building those lines of communication and knowing who will be most effective in doing so is a primary task in organizing a CCR. An experienced advocate who is charged with coordinating the CCR, for example, may not be the best person to approach the installation commander or district attorney or county sheriff. She can be a link to someone who can, however, such as her agency’s executive director.
**ISSUES: Victim Autonomy and Information Sharing**

The military-civilian CCR demonstration sites struggled over questions of victim autonomy and the extent to which orders for protection and civilian police reports involving military victims should be automatically forwarded to the installation. Military partners tended to favor mandatory notifications, often with the support of civilian police agencies. Civilian advocates questioned any blanket practice that limited a victim’s control over when and how information about the abuse would be shared with the installation, and with the Command. They noted that particularly in cases of intimate partner violence involving the use of ongoing intimidation, coercion, and violence, when and how information is disclosed and shared can have a significant impact on a victim’s safety. At the same time, both military and civilian partners acknowledge that it can be useful to any intervener to have as a clear and complete a picture of what is occurring as possible, including information from protection orders and police reports.

**Approach:** Some installations have requested that civilian agencies automatically forward all orders for protection petitions or police reports involving a military victim to the FAP or installation police. In contrast, at one installation, information sharing is far more limited. Its approach that emphasizes victim autonomy over the decision, while also providing avenues to readily provide information to the installation wherever possible. Orders for protection petitions do not routinely go to the installation, but victims receive instructions on how to bring them to the attention of the FAP, and to register them with Base Security, if they desire. Civilian police reports routinely go to installation police, but only with the victim’s approval. A victim’s request to keep personal identifying information confidential means that the report will not be shared. The common thread in both approaches is the emphasis on talking with victims before making decisions that affect their safety and well-being.
Definitions

One of the challenges in developing a coordinated community response can be reaching a common understanding of the underlying assumptions and framework that will guide its work. Participants in any CCR come to the endeavor with different definitions and theories about domestic violence/domestic abuse. The widely used term "domestic violence" is a broad category and many kinds of actions are thrown into it, from a slap on the arm to repeated strangulation. Many kinds of relationships are also thrown into it, from teenager to parent, sibling to sibling, and intimate partner to intimate partner. Applying a single category to such a broad range of behaviors and relationships makes it difficult to identify and intervene effectively in those cases that present the most danger. It is not possible, nor is it necessary, to intervene in the same way with the same level of intensity and services in every case of domestic violence.

Treating all violent and abusive actions within intimate partner or family relationships alike or as primarily a manifestation of a dysfunctional relationship inhibits meaningful intervention for victims and perpetrators. It can lead to the kind of blanket response that treats someone who resists or reacts to a systematic pattern of violence, intimidation, and coercion no differently than the perpetrator who uses such means to control and dominate. The overarching challenge to any CCR is to recognize the distinction and respond in ways that do not inadvertently cause further harm. Practitioners across military and civilian systems must be prepared to distinguish who is doing what to whom, and with what impact. This requires accurate recognition of the context of any given act: the intent, the meaning to the victim, and the impact of the violence or abuse on the victim. Who stops seeing friends, talking with people, or going places? Who is afraid? Who is in danger, and how?

Differentiation among types of domestic violence has been emerging in various settings for some time. Researchers have differentiated "coercively controlling intimate partner violence," from "intimate terrorism" and from "situational couple violence." Legislatures in many states have acted to discourage dual arrests by requiring that officers evaluate the circumstances according to predominant aggressor considerations. The Department of Defense distinguishes between "domestic abuse" and "domestic violence." Its expanded definition of domestic abuse can provide a useful starting point to a CCR in reaching a common understanding of intimate partner violence (IPV). Domestic abuse is "domestic violence or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty," a definition that reflects, in large part, what has come to be defined as intimate partner violence with coercive control.

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14 Such as Evan Stark (coercive control) and Michael Johnson (intimate terrorism).
15 DoD Instruction 6400.06, E2.13. "Domestic violence” as referenced in the definition is specific to an offense “involving the use, attempted use, or threatened use of force or violence” or a violation of an order for protection.
Collaborating for Safety assumes the following definitions in distinguishing among types of domestic violence involving adults.\textsuperscript{16}

**Intimate partner violence with coercive control** is an ongoing use of intimidation, coercion, violence, and other tactics intended to control and dominate an intimate partner. It involves patterns of isolation and physical, sexual, and emotional abuse. It is distinctive for the variety of coercive tactics, the level of fear it produces for adult victims and their children, and its potential lethality. IPV with coercive control often continues or escalates when a victim attempts to end the relationship. Since the 1970s, “battering” has been a common term used in the civilian community to describe this type of violence.

**Resistive or responsive intimate partner violence** is a response by victims of ongoing violence and coercive control to that violence and coercion. It does not create a system of dominance, control, and fear in the relationship, but is an effort to establish a kind of parity and to protect oneself and perhaps one’s children from persistent or escalating control, intimidation, and violence. Resistive or responsive violence is rarely the first or only tactic used by a victim, but follows or accompanies other efforts to stop or reduce the violence and coercion, such as negotiating, appeasing, and seeking outside help. It is usually less severe in impact than violence with coercive control. Resistive or responsive IPV is characterized by such actions as pushing, scratching, and biting, and occasionally in situations involving firearms or other weapons.

**Intimate partner violence absent coercive control** is a response to a particular event, conflict, or stress, or to patterns of repeated circumstances such as drinking, sexual affairs, or gambling losses. There can be organic factors involved, such as certain forms of dementia or brain injuries or some instances of drug and alcohol abuse. Sometimes it reflects an aspect of a couple’s ongoing approach to marital problems. Unlike IPV with coercive control, however, it is not part of a larger pattern of controlling tactics, dominance, and fear. The victim tends not to express any substantial fear of the perpetrator, while the perpetrator freely admits the behavior. This type of violence is typically lower in frequency, severity, and escalation. Victims are less likely to be injured, experience trauma, miss work, or seek formal help, although it can also be dangerous and even fatal, particularly when firearms are involved.

\textsuperscript{16} The definitions are adapted in part from “Recognizing and Understanding Battering,” Ellen Pence and Jane Sadusky, included in Engage to Protect: Foundations for Supervised Visitation and Exchange, Praxis International, Inc., 2008.
Caution is required in establishing the context of any specific violent act and determining whether or not it is part of a pattern of coercive control. Those engaging in coercive control often try to present their actions as an isolated response to a particular event (“It’s never happened before…I was upset about my son…I was trying to calm her down”). One of the challenges to practitioners in the military setting, for example, is distinguishing intimate partner violence with coercive control where post-traumatic stress disorder may also be present, from IPV that is strictly related to PTSD (i.e., IPV absent coercive control). In order to best fit the response to the type of violence, practitioners need to gather enough information to accurately determine the context of the violence, which requires asking enough of the right questions. Once the context is established, the job of a military-civilian coordinated community response is, in large part, to prepare practitioners across both systems to ask the right questions.

The idea of a coordinated community response to domestic violence assumes a common understanding of the distinctions between IPV with coercive control and other forms of domestic violence. A civilian CCR that has already been established can be helpful to the joint military-civilian endeavor as it seeks to recognize and understand these distinctions. Returning to the following key question will help the CCR establish the necessary common understanding for its work: Who is doing what, to whom, and with what impact?

A focus on building safety—freedom from continued physical, sexual, and emotional harm, coercion, and threats—is a common goal that CCR participants can agree on, although they may differ on how to reach that goal. Safety planning, both on an individual level and on a community level, is not a static, one-time event, but a dynamic, evolving process that adjusts to changing risks and circumstances.
Advocacy

Clarify the role of ‘advocate.’ What does that really mean? What role do you want?... There can’t be a significant disconnect between civilian advocates and the installation.

Just as CCR participants bring different definitions of domestic violence to the work, they bring different assumptions about what advocacy means and how it looks in practice. It can be challenging, both in military and civilian communities, for practitioners to accept key principles of advocacy that emerged from the battered women’s movement such as victim and survivor autonomy and confidentiality. An advocate stands alongside a battered woman and respects her risk analysis and safety planning. An advocate does not dictate or demand a specific response from a victim, but seeks to build a partnership. An advocate acknowledges the complexity of risk and safety for each individual victim of battering. An advocate does not share information about or from the victim with other practitioners without a specific, written release of information. CCR participants can find it challenging and frustrating to accept such a degree of confidentiality and autonomy. A detective or prosecutor or military staff judge advocate may see access to all available information as central to his or her role in trying to improve victim safety and hold the perpetrator accountable for the harm. Just as strongly, a civilian advocate may see fidelity to victim autonomy and confidentiality as essential to safety. A military-based victim advocate may feel caught in the middle, required to report information to a service member’s commander when the victim has made it clear that such an action might be contrary to her safety. While the provision for restricted reporting can help avoid such dilemmas, it may not apply in a particular case.

When a CCR puts certain victim support structures and resources in place—e.g., a position labeled advocate or avenues to protection orders or emergency shelter—it sometimes can be easy to assume that if victims of domestic abuse do not use the resource as intended, then they must not need it, i.e., they are not in danger or not “true victims.” In particular, the nature of intimate partner violence with coercive control—with its ongoing intimidation, coercion, isolation, and violence—means that a victim may need to carefully assess how an offered service may or may not work for her or him. A CCR must become adept at checking its expectations of how victims should or should not act and what might be in the best interests of safety for any one victim. A victim may be wary of a civilian response that is “linked to and coordinated with the military response,” as one directive specified, particularly if she is active duty herself or concerned about the command’s response to the perpetrator. Rather than an automatic flag of “military case” applied to actions in the civilian system, such as a police call or order for protection, a victim may want to determine when and how or whether the military command is informed of the abuse.
Debating and sorting out such issues related to the nature and authority of advocacy and victim services will be among the central challenges for a military-civilian CCR. Civilian advocates must take time to learn and understand the distinctive aspects of military life and the implications for both the individuals they work with and for systems advocacy. Military advocates need clear authority and support from the command and Family Advocacy Program to work in local communities and build relationships with their civilian counterparts.

**Keeping victims at the center**

It is a challenge for any coordinated community response to stay focused on the experiences and needs of victims of domestic abuse. This may seem to be an unlikely tough spot for an endeavor dedicated to responding to their needs. It is easy, however, for institutional processes to roll along and become increasingly out of touch with the realities and complexities of risk and safety, particularly for victims who are experiencing intimate partner violence with coercive control. A CCR must stay vigilant. It must recognize the various types of domestic violence and craft a foundation and ongoing practice that best fits the victims’ needs and the military and civilian systems’ responses. This requires a central role for and ongoing consultation with advocates and others working most closely with victims of abuse, as well as direct conversations with victims through the use of periodic focus group discussions.

The impetus for establishing a military-civilian CCR is often related to problems in the installation’s response to victims of domestic abuse. Focus groups with battered women can be particularly helpful in identifying the nature of those problems and provide an opportunity for CCR organizers to hear directly from those most impacted by current policies and practices. In addition, military victim advocates have a wealth of information to share with the installation and the civilian community.
**ISSUE:** Gaps in Advocacy

While the majority of military families lived off-base, civilian advocates had little or no familiarity with, or training in, working with military victims of domestic abuse. Most advocates could not explain the installation and command’s likely response to reported abuse and a victim’s available options and strategies, or the distinct and difficult position of a victim who was active-duty military. This was particularly so for advocates working in shelters and on crisis lines, the main points of contact with victims, and especially for volunteers in those roles. On the military side, the FAP advocates had little connection with their civilian counterparts or information about what kind of help was available in the civilian community.

**Approach:** The military-civilian CCR emphasized the importance of strong working relationships between advocates in both sectors. The FAP director encouraged and authorized the time for military advocates to get to know their civilian counterparts. Similarly, on the civilian side advocates began to go “through the gates” to get better acquainted with military programs and services. Military and civilian advocates worked on the mapping teams together and participated in joint training events. The recently implemented option of restricted reporting for military victims makes it doubly important that civilian advocates know what is available to military victims, and with what consequences. Military victims need many opportunities to learn about restricted reporting before making any disclosure of abuse in a military setting. Spelling out the options in a brochure is one approach (see Appendix 17), although the information must also be available in places and settings that do not first require some level of access to services. By the time a military victim encounters a brochure in a civilian or military agency, it might be too late to use the restricted reporting option. Another approach that has yet to be widely implemented would be to clearly post information about the restricted and unrestricted reporting options on FAP and civilian advocacy program websites, as well as in the range of other publications going to military families.
Sustainability

Maintaining the connections is the biggest challenge... We made a difference for women now, I hope that will be true five years from now.

There is no single path to sustainability for a coordinated community response, but there are many things that can get in the way beyond insufficient resources to do the work, including: resistance, territorialism, cynicism, getting the wrong people to the right meeting, and vice versa. Trust and relationships and willingness to genuinely participate and stay with the CCR have a big impact on sustainability. Launching a CCR for the right reasons has a great deal to do with sustainability.

There are both strengths and potential liabilities when key organizers of a CCR have a long history in the community or in their position. On the one hand, such seasoned players can have a clear understanding of who needs to be involved in what ways and may have already built valuable relationships with decision-makers and potential funders. On the other hand, seasoned players may be associated with past conflicts or events in ways that constrict their influence in the military or civilian sectors, or both. Such baggage can make it difficult for the CCR to get a foothold and sustain itself.

Long-term sustainability benefits from a local coordinator who has the breadth of experience and authority to help keep the CCR moving forward. This coordination is partly a matter of keeping everyone informed and getting the right people to the right meetings, but it goes far beyond taking notes and sending out notices of meetings. It requires knowledge of domestic violence issues and case processing, understanding and keeping the purpose and goals of the CCR solidly in front of its day-to-day activities, and successfully navigating the military and civilian environments.

Movement and turnover within the military installation and in civilian agencies is an ever-present challenge to sustainability. It can be easy to end up with “a copy of a copy of a copy,” as a participant in one of the demonstration projects put it, with the initial purpose, goals, and practices becoming fainter with each changeover in command or personnel. The collaboration and response must be built at the institutional level, as well as the personal level, and in ways that will last beyond the coming and going of individuals. A CCR that is anchored in one or two people, however skilled or charismatic, will eventually struggle to sustain itself. From the beginning, a coordinated community response must attend to building structures and processes that reinforce ongoing commitments from military and civilian leadership, as well as account for the inevitable turnover in individuals. While personal relationships and connections are also an important factor in a CCR’s health and viability, the response must in many ways be built around the position and process—i.e., the points of intervention—and not the person.
The paradox of grant funds in organizing a CCR also has a bearing on sustainability. A dedicated source of funding, such as a specific local grant or the more unusual circumstances of a demonstration project, is an obvious blessing to resource-strapped communities and military partners that are eager to examine their response to domestic abuse and establish new ways of working together to strengthen victim safety and offender accountability. Grant funds help support the process of establishing the CCR, coordinating its day-to-day activities, monitoring cases, providing needed training, and adding or enhancing support and services, such as victim advocacy, protection order assistance, and dedicated positions for investigating and prosecuting domestic violence cases. At the same time, grant funds disappear and too often the change they have supported disappears with them. An overriding challenge to sustainability for a coordinated community response is to build as much of its work as possible by altering existing policies, administrative procedures, and job functions. Ultimately, sustainability requires that a CCR be positioned both to seek available grant funds and to ensure that the core of its work is not dependent on such funds.
Collaborating for Safety – Practice Example 2
Fort Campbell, Christian County (KY) & Montgomery County (TN)

One Army installation, two states, three counties, and three cities as well as thirty local government entities and community organizations signing on to an MOU were part of a large-scale demonstration project involving Fort Campbell, U.S. Army; Christian County, Kentucky; Montgomery County, Tennessee; and their partner communities and organizations. Fort Campbell is home to the 101st Airborne Division, with one of the largest military populations in the Army and among all branches of service. Its military and civilian population tops 133,000 (on and off post). The CCR demonstration project was launched and carried out during a period of substantial troop deployments and reintegregation of soldiers returning from Iraq and Afghanistan.

As one of the national demonstration sites, Fort Campbell and its civilian partners received specific training, technical assistance, and resources, including the involvement of advisors who had participated in the Defense Task Force on Domestic Violence. Organizing on the local level was shared by three professionals, each with over twenty years of experience, both in responding to domestic abuse and in their roles in civilian agencies and the Family Advocacy Program.

Approach

Development of the CCR was anchored in a military-civilian team that reviewed the current response to domestic abuse, both on the post and in the civilian community. Five multidisciplinary work groups examined the following aspects of offender accountability and the nature of victim assistance at each point: (1) order of protection applications, (2) order of protection violations, (3) initial response, (4) misdemeanor criminal cases, and (5) case disposition and monitoring. Each work group conducted interviews with practitioners, observed procedures, and examined policies, directives, and case files in order to produce a “map” of the response to domestic violence at the particular point of intervention they were studying. “Everybody will learn what everybody else does,” was one description of the mapping process. Three other work groups were organized to conduct a similar examination of victim services in each jurisdiction. The team used the mapping to pinpoint gaps in victim safety and offender accountability and recommend changes that would improve the response. The mapping also served to build new links and relationships between individual practitioners and the three jurisdictions, as well as suggest new ways of working together.

Priorities

The mapping process led the CCR team down many paths, with many detailed recommendations for improving the response to domestic abuse in the Fort Campbell community, both on and off post, as well as improvements in the overall response to domestic abuse in Christian and Montgomery counties. The CCR partners identified ten priorities as most important in establishing the coordinated community response itself and setting a framework for ongoing change.

1. Establish a formal military-civilian coordinating council.
2. Provide accessible advocacy services to victims who live closest to the post via a joint project involving civilian advocates and military victim advocates.
3. Create a domestic violence investigation unit within the military police department.
4. Increase legal representation for military and civilian clients seeking orders of
protection.
5. Establish memoranda of understanding among key federal partners.
6. Provide annual training for criminal justice professionals in the three jurisdictions.
7. Enhance and update the current command policy letter regarding domestic abuse intervention with attention to orders for protection and victim advocacy.
8. Create and implement a law enforcement process on the post that would require domestic violence offenders to appear in court rather than receive a citation and fine.
9. Identify and address systemic barriers and institutional practices that lead to low prosecution rates.
10. Engage a key domestic violence shelter as a more active partner in the military-civilian coordinated community response effort.

Implementation

In September 2008 the Fort Campbell partners held a ceremony to rededicate themselves to the CCR. Once again signatories from all key military and civilian partners signed a new Memorandum of Understanding agreeing to move toward implementation of the work initially undertaken in early 2005 (see Appendix 12). By mid-2009, six of the ten priorities had largely been met. The military-civilian coordinating council had been established and a victim services outreach office opened in the small community just outside Fort Campbell. A domestic violence investigation unit was formed as part of the post law enforcement response. Training for criminal justice system professionals had been held and a new command policy letter had been issued requiring that military protective orders be issued in writing. Among the most significant changes implemented was a mandatory court appearance for arrests in domestic assault cases.

Challenge and Change

No one involved in the CCR initiative would describe the process as smooth or uncomplicated. Persistent and frequent turnover among key personnel—both military and civilian, administrators and line staff—has been an ongoing challenge. Matters requiring review by a Judge Advocate General have been slow to proceed, as these positions have experienced high reassignment and deployment. One of the civilian coordinators moved to another state. The new off-post outreach office opened to provide advocacy services to military victims has not been jointly staffed with military and civilian advocates, as initially planned. The unavailability of new funding or loss of existing funding has hampered efforts to strengthen advocacy services and legal representation. Tensions remain between civilian advocates’ commitment to victim autonomy as a foundation of safety and military interveners’ eagerness to identify all domestic violence cases involving Fort Campbell personnel. Maintaining the military/civilian coordinating council “will always be a goal that must be tended.”

Regardless of such challenges, participants repeatedly cite new ways of working collaboratively as one of the most important accomplishments of the CCR initiative, along with a much sharper, focused attention to accountability and safety. There has been a lasting recognition that collaboration can “result in stopping violence and supporting victims” and improve the well-being of Fort Campbell families. Clarksville was able to draw on the experience of the military-civilian CCR to successfully apply for and obtain a grant through the Office on Violence Against Women to continue its work.
This collection of elements and tools is grounded in lessons from the military-civilian CCR demonstration project sites and similar efforts elsewhere. Beyond the specific tools are the larger lessons of why military and civilian communities would bother to undertake such work in the first place. What does each partner get from building the kind of coordination and partnership described herein? Military partners gain by asking questions in a different way, by questioning and broadening their understanding about distinctions in types of domestic violence and how best to intervene. They gain links to resources in the wider civilian communities where service members live and/or may seek assistance. Civilian partners gain understanding of a part of the wider community that may be unfamiliar and underserved. They gain links to resources in the military community and opportunities to strengthen their overall response to active duty and family member victims of domestic abuse.

The demonstration project sites had the benefit of the distinctive role that outside partners—the Battered Women’s Justice Project and the National Center on Domestic and Sexual Violence—played in acting as catalysts for introducing and analyzing new points of view, as well as contributing their knowledge about the experiences that many communities have had in building community intervention in domestic violence cases. The national partners’ involvement brought a perspective to planning and implementing each CCR that reached beyond each community’s local experience and history. Sometimes local history can be a barrier to asking new questions or building new relationships and patterns of working together. The elements and tools include strategies for including outside participation in the development of the CCR.

The elements and tools are grouped under the following broad steps involved in establishing a coordinated community response to domestic abuse:

1. Set the foundation.
2. Understand the issues.
3. Establish the structure.
4. Sustain the momentum.
Each element refers to one or more tools and links that will help guide the organizers of a military-civilian CCR in addressing that element. The package of elements, tools, and resources has been designed to support organizers and participants as they build the coordinated community response to domestic abuse, account for the military context and environment, and stay alert to and manage the tough spots in the CCR collaboration. Specific tools and resource links are incorporated in the discussion or included in the Appendices on the resource disk accompanying this guide. One tool often addresses several elements.

The elements are only loosely sequential. This guide is not a strict set of steps that will produce a military-civilian coordinated community response at the end. Organizers will address many of the elements in place simultaneously, as well as maintain them once the CCR is officially underway. Nevertheless, attention to the foundation must come first. Without this essential base, understanding the issues, defining a structure, and sustaining momentum will be nearly impossible.
Elements & Tools: Snapshot

Elements

(1) Set the foundation.

1. Anchor the work in a civilian coordinated community response.
2. Anchor the work in the installation’s Family Advocacy Program (FAP) leadership.
3. Understand the players, policies, roles, resources, authority, and response to domestic abuse in each community.
4. Acknowledge and understand the distinctions between civilian culture and military culture; recognize and follow the chain of command.
5. Include active duty military representation in the joint coordinated community response, in addition to FAP leadership and military victim advocates.
6. Include leadership from the civilian and military responses to domestic abuse and sexual assault.
7. Anchor the military-civilian CCR in strong working relationships between civilian sector advocates and the military installation victim advocates.
8. Understand the domestic abuse directives for the branch of the military that governs the installation that will be part of the joint CCR.
9. Provide the time and authority for both leadership and line staff to participate in the coordinated community response.

Tools and Resource Links

✓ Appendix 2: Creating an Intervention Project
✓ Appendix 3: First Steps Toward a Military-Civilian CCR: A Self-Assessment
✓ Appendix 4: Community Portrait: Military
✓ Appendix 5: Community Portrait: Civilian
✓ Appendix 6: Department of Defense Instruction Number 6400.06, August 21, 2007: Domestic Abuse Involving DoD Military and Certain Affiliated Personnel
Note: This and the following publication include contact information and Internet links for military service branches and military Family Advocacy Programs
✓ Appendix 8: At a Glance Military Resource Handbook for Virginia’s Sexual and Domestic Violence Centers, Virginia Sexual and Domestic Violence Action Alliance
✓ Battered Women’s Justice Project - technical assistance to military-civilian CCR projects
✓ National Center on Domestic and Sexual Violence - resources on the work of the Defense Task Force on Domestic Violence and general military information
(2) Understand the issues.

1. Understand how domestic violence cases move through the processes and points of intervention in each system: military and civilian.
2. Build a shared knowledge and understanding of intimate partner violence with coercive control and other forms of domestic violence.
3. Consult with domestic abuse victims in developing and sustaining the military-civilian coordinated community response.

(3) Establish the structure

1. Secure written agreements to participate in the joint coordinated community response.
2. Use multidisciplinary work groups as widely as possible to develop and implement the CCR.
3. Identify and prioritize essential agreements and policies that will govern the CCR and guide its work.
4. Establish a written work plan to help the CCR stay focused on implementation and common goals.

Tools and Resource Links

- Appendices 1-1A: Mapping Domestic Violence Case Processing: Tools and Practice Examples
- Appendix 6: Department of Defense Instruction Number 6400.06
- Appendix 16: Planning and Conducting Focus Groups

- Appendix 10: Adapting the Department of Defense MOU Templates to Local Needs
- Appendix 6: Department of Defense Instruction Number 6400.06
- Appendix 11: Memorandum of Understanding – Jacksonville Demonstration Project
- Appendix 12: Memorandum of Understanding – Fort Campbell Demonstration Project
- Appendix 13: Memorandum of Understanding – Hampton Roads
- Appendix 14: Work Plan Template
- Appendix 15: Essential Agreements in a Coordinated Community Response
(4) Sustain the momentum

1. Designate a coordinator who has an understanding of domestic abuse and the standing and authority to promote change (or access to such decision-makers) within the military and civilian communities.
2. Communicate regularly and frequently with the CCR partners and practitioners in both the military and civilian communities.
3. Provide cross-training to community interveners.
4. Make use of expertise outside of the local military and civilian communities.
5. Recognize the work and roles of key players and the CCR’s collective work.
6. Increase the visibility of the issue, considerations for military victims, and the CCR.

☑ Appendix 7: The Military Response to Victims of Domestic Violence: Tools for Civilian Advocates
☑ Appendix 17: Getting Help and Making Choices: Domestic Violence Advocacy Services for Navy Families, Jacksonville Demonstration Project
☑ Tips for developing cross-training for CCR participants
☑ Battered Women’s Justice Project
☑ National Center on Domestic and Sexual Violence
(1) Set the Foundation

We sold it by emphasizing that we’d all gain something by participating. Communities struggle with what to do with military families and we need resources from the civilian side for military families...The key? You absolutely have to have buy-in from the top. Not just endorsing the concept, but finding a way to make it work.

Elements & Tools: (1) Set the Foundation

Anchor the work in a civilian coordinated community response.

Whenever possible, anchor the joint work in an already-established coordinated community response in the civilian sector. Having some level of a local CCR in place will make the overall process proceed more readily. It takes time to put each step of intervention in place under the overarching purpose and goals of the CCR. If part of that is already underway in the civilian community, the military-civilian endeavor will be farther along. In addition, because of the high degree of mobility and turnover among military personnel, with a civilian CCR already in place, there often can be more consistency in the key players.

Anchor the work in the installation’s Family Advocacy Program (FAP) leadership.

A military-civilian CCR requires the full support and involvement of the Family Advocacy Program, which was established specifically to address family violence, including domestic abuse involving adults and child abuse. FAP involvement plays a key role in consistency for the CCR. Its leadership and staff largely remain constant, particularly in comparison to active duty military. The FAP is also a key support and services resource for military victims of domestic abuse. Military victim advocates, for example, are located in the FAP. The FAP director is often in a position to brief the installation command on the work of the CCR and issues related to the overall response to domestic abuse.
Understand the players, policies, roles, resources, authority, and response to domestic abuse in each community.

Gathering basic information about each community is one of the first steps in organizing a military-civilian coordinated community response. Organizers in each sector may have an inaccurate understanding about the other community and its response. Civilians may have had little or no contact with the military installation. Conducting the conversations necessary to complete the community portrait—e.g., talking with the Family Advocacy Program director and the chief or officer in charge of the installation police department or security detail—brings civilian organizers through the installation gate and helps build essential relationships. Although military personnel come from and may live in the civilian community, they may not be very familiar with the civilian response to domestic abuse and the players and processes involved in that response. Activities and conversations that increase understanding will help identify any problematic history, such as a poor response to individual victims or a lack of trust between key interveners, both individually and organization-wide.

Acknowledge and understand the distinctions between civilian culture and military culture; recognize and follow the chain of command.

As addressed in the introduction to this guide, building a military-civilian CCR requires attention to how distinctive aspects of the military context and environment affect domestic violence cases and the CCR design and process. What are the decision-making structures and processes in each sector? Who is in charge? Where, and how? Who oversees the installation? What is that person’s title and rank? What is the chain of command? What is the protocol for making a particular request or scheduling a meeting or greeting someone? While military personnel are generally more familiar with civilian life than civilians are with military life, they may not be well-versed in how change occurs under the broad “public chain of command” that elected officials and civilian agencies must consider and that impacts the ways and speed with which change occurs and decisions are made.
Elements & Tools: (1) Set the Foundation (continues...)

Include active duty military representation in the joint coordinated community response, in addition to FAP leadership and military victim advocates.

A military-civilian coordinated community response that stays only at the level of the Family Advocacy Program and victim advocates is unlikely to meet its goals of strengthening victim safety and perpetrator accountability. Who has the responsibility for carrying out command decisions related to the installation’s response to domestic abuse? Who is responsible for enforcing accountability measures, both in individual cases of domestic violence and in the broader installation response? How will the CCR reach active duty service members? Changes in policy, practice, and accountability must ultimately occur in ways that reach active duty service members. That requires the involvement of active duty members at different levels of command and different points of intervention, from unit commands to installation security.

Include leadership from the civilian and military responses to domestic abuse and sexual assault.

While it may seem obvious that a coordinated community response involving domestic abuse should include leadership from those most active in speaking out on the issue and organizing the response, occasionally others interested in establishing a CCR proceed without the involving that leadership. In a civilian community, for example, a prosecutor or police chief can sometimes move to establish what is called a CCR without the central involvement of the leadership from the battered women’s shelter or rape crisis center. Such an approach omits a necessary and essential element. Without the organizations and individuals most active in addressing the issues and working directly with victims of domestic and sexual violence, the effort is not truly a coordinated community response. While this guide specifically addresses coordinated community response to domestic abuse, it is important also to involve those who are addressing the response to sexual assault. Sexual aggression and assault are often tactics of abuse, particularly in intimate partner violence with coercive control. In addition, much of the framework established for a joint CCR in response to domestic abuse, can also be useful in the joint response to sexual assault.
**Elements & Tools: (1) Set the Foundation (continues...)**

**Anchor**
The military-civilian CCR in strong working relationships between civilian sector advocates and the military installation victim advocates.

Advocates are direct and primary links between victims of domestic abuse and military and civilian systems. When civilian and military advocates develop solid day-to-day working relationships and know each other’s roles, authority, and services, they are positioned to support safety planning that best meets each victim’s needs. Achieving the CCR’s goal of enhancing safety requires grounding the coordinated response in a strong relationships among civilian and military victim advocates. If such relationships do not already exist, building them will be one of the first tasks of the CCR. If relationships need to be repaired, that will be one of the chief priorities.

**Understand**
The domestic abuse directives for the branch of the military that governs the installation that will be part of the joint CCR.

The CCR organizers and participants will need to identify existing directives and the process for changing them as they establish the CCR and begin to negotiate memorandums of understanding and suggest policy and practice changes. There is limited room for independent decision-making at individual military installations; some changes may require action at a higher, service-wide level. Knowing the parameters of the installation’s authority to change practices related to domestic abuse will help the CCR focus on the most likely areas of change and determine how it might contribute to discussions across the branch of service or Department of Defense.

**Provide the time and authority for both leadership and line staff to participate in the coordinated community response.**

Establishing a coordinated community response requires an investment in time and attention. The CCR offers new ways of defining and coordinating the work of practitioners who intervene in domestic violence cases by linking them in different ways around different goals. In order to accomplish this, those in positions of leadership and those working daily with victims and perpetrators must be able to participate in building and maintaining the CCR. This requires time to build relationships, attend events, and partner with one another’s counterparts in the military and civilian sectors.
Set the Foundation: Tools

✓ Appendix 2: Creating an Intervention Project

✓ Appendix 3: First Steps Toward a Military-Civilian CCR: A Self-Assessment

✓ Appendix 4: Community Portrait: Military

✓ Appendix 5: Community Portrait: Civilian

✓ Appendix 6: Department of Defense Instruction Number 6400.06, August 21, 2007: Domestic Abuse Involving DoD Military and Certain Affiliated Personnel


Note: Tools for Civilian Advocates and the following publication include contact information and Internet links for military service branches and military Family Advocacy Programs


✓ Battered Women’s Justice Project technical assistance to military-civilian CCR projects: www.bwjp.org

✓ National Center on Domestic and Sexual Violence resources on the work of the Defense Task Force on Domestic Violence and general military information: www.ncdsv.org
(2) Understand the Issues

Mapping [the current response]; don’t take it as a joke. Really work through it and you’ll be surprised at what you find.

Elements & Tools: (2) Understand the Issues

Understand how domestic violence cases move through the processes and points of intervention in each system: military and civilian.

Participants across the demonstration projects emphasized the importance of the “mapping” activities in building relationships between CCR participants, both on an individual level and on an installation/agency level. As a team, they talked with advocates, law enforcement officers, social workers, health care providers and other practitioners about their roles and functions in response to a domestic violence case. They noted what happened at various points of intervention and read case files or other official records of domestic violence cases. Together, participants analyzed the information to better understand how each system works, recognize the differences between the military and civilian responses (e.g., around issues such as mandatory reporting, confidentiality, and orders for protection), and identify gaps in safety and accountability. In doing so, the CCR participants established new relationships and strengthened existing ones. They gained an appreciation for each practitioner’s role and the ways in which their intentions to help were sometimes hindered by existing rules, procedures, resources, training, and links with one another, or the absence of connection and communication. The mapping work helped address each partner’s misperceptions about the other, not only misperceptions that civilian and military participants held about one another, but misperceptions among different practitioners, such as advocates and law enforcement officers. In mapping case processing, the CCR organizers also mapped out much of the CCR’s initial and future work.
Build a shared knowledge and understanding of intimate partner violence with coercive control and other forms of domestic violence.

As addressed in the introduction to this guide, one of the tough spots in developing a coordinated community response can be to reach a common understanding of the underlying assumptions and framework that will guide its work. Establishing that framework requires building a common definition that reflects the complexities of risk and safety that victims face and the factors of context and severity of abuse that distinguish different forms of domestic violence. Not all intimate partner violence is the same and meaningful intervention accounts for different intents, impacts, and dangers. Arriving at a common definition across a military-civilian CCR will have much to do with how trust is built between participants and their willingness to examine assumptions about what constitutes domestic violence and accurately identify intimate partner violence with coercive control.

Consult with domestic abuse victims in developing and sustaining the military-civilian coordinated community response.

Advocates, law enforcement officers, social workers, health care workers, and other practitioners often have considerable insight into the gaps in a system’s response to domestic abuse. Military victim advocates, for example, have a wealth of information about the specific issues and problems that military victims of abuse encounter. At the same time, it can be easy to miss the ways in which routine case processing could do more to strengthen safety for different victims. Talking with a wide range of victims, particularly those experiencing ongoing violence and coercion can help CCR organizers identify gaps and sort out priorities for change. This type of consultation helps the CCR test assumptions about what kinds of change would be most helpful, and to whom. It can suggest topics to include or revise in a memorandum of understanding.
Understand the Issues: Tools

✓ Appendix 1: Mapping Domestic Violence Case Processing
✓ Appendix 1A: Mapping Domestic Violence Case Processing: Tools and Practice Examples
✓ Appendix 6: Department of Defense Instruction Number 6400.06
✓ Appendix 16: Planning and Conducting Focus Groups
A Key Tool: Mapping

For a more detailed explanation of mapping, see Appendix 1 in the Collaborating for Safety Resource Disk. Appendix 1 also includes practice examples that illustrate how this tool can be used to understand civilian and military orders for protection. Both the Fort Campbell and the Jacksonville demonstration projects used mapping to help build a coordinated response.

Purpose

Mapping helps a military-civilian CCR project understand how domestic violence cases move through various points of intervention in the military and civilian systems. It helps identify process issues and problematic practices for the CCR to act on. The act of mapping also helps build and strengthen partnerships and the overall collaboration as participants come to better understand each other’s roles and functions in responding to domestic abuse. Mapping reinforces the interdisciplinary foundation of a coordinated community response and introduces military and civilian interveners to new ways of working together.

Steps

1. Decide which aspects of case processing to explore. There are many possibilities, so pay careful attention to starting with a topic and scope that is manageable enough to learn the mapping process and to be successful. Mapping will be an ongoing part of the CCR’s work and not every aspect of the military and civilian responses needs to be tackled at once. To narrow the scope, consider surveying a variety of practitioners and holding focus groups with victims of domestic abuse to find out what parts of the military and/or civilian response might be a good place to begin. Or, start at the beginning of the case process and map a portion, such as 911 calls through law enforcement intervention. There are many possibilities.

2. Establish small, interdisciplinary work groups with military and civilian representation to conduct the mapping process. Each work group will focus on one or more steps of intervention. For example, one work group might concentrate on 911 calls and the initial law enforcement response to cases involving military personnel while another examines the responses of civilian prosecutors and military legal offices. One work group would focus on advocacy and services to victims while another would pay attention to sanctions and consequences for acts of domestic violence, including batterer intervention programs.

17 The mapping process described here has been adapted from The Praxis Safety and Accountability Tool Kit, Ellen Pence and Jane M. Sadusky, Praxis International, Inc., February 2005.
3. Use the following methods to gather information about the military and civilian responses to cases of domestic abuse involving military personnel.

**Interview** practitioners, advocates, and others who might have a valuable perspective on the point of intervention that is being mapped.

**Observe** the various steps involved in the point of intervention; i.e., watch a particular aspect of intervention in action.

**Read** case files, reports, policies, protocols, forms, brochures, or other documents produced or used at the point of intervention or related to the process being examined.

4. Go **step-by-step through the process under review**. Ask about and stay alert to how policies and practices at each step of intervention are working or not working to strengthen victim safety and offender accountability. Mapping is most successful when team members step back and suspend what they think they know about a particular installation, agency, or profession; stay curious about learning about how something works rather than reacting with a quick judgment; and ask for specific, concrete examples. Ask the following questions to help keep the mapping focused:

- What happens at each step in this process?
- Who does what?
- What kinds of forms, reports, rules, and policies are involved in this process?
- How might this process have unintended negative consequences for a victim of domestic abuse?

5. Analyze the information gathered using **key factors in the way the work is organized and coordinated** in large systems and institutions. These case management factors direct and influence the ways in which practitioners, both civilian and military, act in official ways across ranks, disciplines, agencies, levels, and job functions. They include:

- Coordination and linkages
- Policies and rules
- Administrative procedures
- Training and skills development
- Resources
- Concepts and theories related to an issue or practice

6. Identify and articulate the **process issues and gaps** in victim safety and offender accountability that the mapping has discovered, and recommend changes.
(3) Establish the Structure

*Structure is KEY!* ... *How many DV meetings do I need to go to?*

**Elements & Tools: (3) Establish the Structure**

Secure written agreements to participate in the joint coordinated community response.

Written agreements—typically known as memoranda of understanding (MOUs)—are essential if partners are to understand what they have agreed to do in the coordinated community response and what they can expect of each other. Defining and negotiating an agreement among all of the key parties is one of the main tasks of an emerging CCR, and one of the most demanding. Developing the MOU requires a foundation of trust among the likely signatories. A military-civilian coordinated community response MOU will typically address the roles and responsibilities of the installation and its Family Advocacy Program and police or security services, domestic abuse advocacy and services agencies, civilian law enforcement agencies, prosecutors, probation agencies, and batterer intervention programs. In addition to the MOU that unites all participating agencies in the larger CCR effort, the close linkages between some key interveners—e.g., between first responders and victim advocates—may warrant separate agreements to provide more specific guidance for their joint response.

As part of the service-wide policy, the Department of Defense requires that commanders ensure that memoranda of understanding are established between military and civilian law enforcement and legal officials to address information-sharing, investigations, arrests, and prosecutions involving military personnel, as well as “additional areas of military-civil cooperation to further enhance the coordinated community response to domestic abuse.”

Both demonstration project sites—Fort Campbell and Jacksonville—held formal signing ceremonies as part of the process to develop a CCR-wide memorandum of understanding. Such events helped legitimize each CCR by connecting it with traditional forms of military protocol. Jacksonville also utilized a less formal MOA to detail certain responsibilities of specific agencies, such as the installation and the civilian advocacy program. An MOA did not involve a signing ceremony.
One of the strengths of a CCR is the way in which it brings together many disciplines and perspectives. No single intervening agency is expected to address the many facets of domestic abuse. A variety of practitioners contribute insight and understanding of their distinct roles and the ways in which their work can be organized and coordinated to strengthen victim safety and offender accountability.

Beginning with a memorandum of understanding between the primary military and civilian partners, a framework of written agreements helps guide the work of the CCR and provides a form of institutional memory that can anchor the CCR as the individuals involved change. Such agreements include MOUs, a strategic plan, individual work plans for intervening agencies, and procedures for day-to-day operations. In addition, one of the chief tasks of the CCR will be to identify and develop policies and protocols related to the response it seeks to establish. Such agreements will address such overarching issues as risk and danger assessment, access to advocacy, restricted and unrestricted reporting, and monitoring the work of the CCR. They will also address specific points of intervention such as the 911 response, law enforcement and legal systems, probation, and batterer intervention programming.

A clearly defined work plan with tasks, priorities, assignments, and progress notes will help track implementation of the MOU and subsequent recommendations for policy and procedural changes.
Establish the Structure: Tools

✓ Appendix 10: Adapting the Department of Defense MOU Templates to Local Needs
✓ Appendix 6: Department of Defense Instruction Number 6400.06
✓ Appendix 11: Memorandum of Understanding – Jacksonville Demonstration Project
✓ Appendix 12: Memorandum of Understanding – Fort Campbell Demonstration Project
✓ Appendix 13: Memorandum of Understanding – Hampton Roads
✓ Appendix 14: Work Plan Template
✓ Appendix 15: Essential Agreements in a Coordinated Community Response
## Sample Work Plan

See Appendix 14 for a more complete example

<table>
<thead>
<tr>
<th>Goal / Change</th>
<th>Target Date</th>
<th>Lead Agency</th>
<th>Progress &amp; challenges</th>
<th>Action since last update</th>
</tr>
</thead>
<tbody>
<tr>
<td>In all cases of misdemeanor domestic violence occurring on Installation in areas of concurrent jurisdiction, Installation Police (IP) will request that County Sheriff’s Office (SO) assume investigative responsibilities, regardless of whether the alleged offender is a civilian or active-duty service member. IP and Installation Legal will assume investigative jurisdiction for felony-level domestic violence offenses.</td>
<td>May 1, 2009</td>
<td>Installation Police</td>
<td>Completed Goal was major focus in developing MOU.</td>
<td>• Implemented July 1, 2009.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Update to all military and civilian law enforcement personnel conducted during roll call trainings in July.</td>
</tr>
<tr>
<td>Installation Police will designate an individual to act as liaison to the Sheriff’s Office and obtain copies of arrest/incident reports and protection orders involving active-duty service members and their family members.</td>
<td>May 1, 2009</td>
<td>Installation Police</td>
<td>Pending IP liaison appointed in April was deployed in late July.</td>
<td>• New IP liaison has been assigned and will assume duties on September 15, 2009.</td>
</tr>
<tr>
<td>Military and civilian law enforcement agencies will develop a standardized response protocol on assessing caller safety for emergency dispatch (911) personnel to use when responding to domestic violence calls.</td>
<td>January 1, 2010</td>
<td>Installation Police and Sheriff’s Office</td>
<td>Pending Need to develop written policies and protocols; nothing was in place specific to domestic violence calls.</td>
<td>• Joint work group of military and civilian emergency dispatch personnel and police first responders was formed in May 2009 and has been meeting biweekly.</td>
</tr>
<tr>
<td>Installation FAP will designate a point of contact to receive information from the Batterer’s Intervention Program and from State Probation and Parole regarding compliance with court orders, conditions of release, sentencing, and progress and completion of court-ordered BIP by active-duty service members.</td>
<td>December 1, 2009</td>
<td>Installation FAP</td>
<td>Completed FAP point of contact was appointed in April 2009.</td>
<td>• Agreements and protocols in place at the end of August 2009.</td>
</tr>
</tbody>
</table>
(4) Sustain the Momentum

It’s getting to ‘this could work’ and ‘I’m not going to fight you on it; let me listen to what you have to say’… It’s a slow process; celebrate the small moments.

Elements & Tools: (3) Establish the Structure

Designate a coordinator who has an understanding of domestic abuse and the standing and authority to promote change (or access to such decision-makers) within the military and civilian communities. How will the terms of the MOU be reviewed and revised as needed? How will implementation be tracked and communicated? How will new partners be introduced to the CCR’s work? How will necessary meetings be convened? These are some of the tasks that the coordinator of an intervention project performs in order to help keep the CCR fresh and focused on its common goals. It is a distinctive role that can be difficult for one person to fill. Someone who is adept at managing the day-to-day coordination may not have the experience or standing to approach installation commanders or civilian agency administrators and raise issues about policy and practice. Someone may have years of experience as a domestic violence advocate and extensive knowledge about the issue, but be ill-suited to organize and coordinate the work of a CCR, particularly in the context of a military-civilian venture. Ultimately, whoever fills this role must know where and how to best communicate with commanders and key decision-makers.

Communicate regularly and frequently with the CCR partners and practitioners in both the military and civilian communities. An effective coordinated community response is in large measure a function of clear communication: about risk and danger in specific cases within and between intervening agencies and systems. It also requires clear communication between the coordinator and the partners and within the CCR about its common purpose and goals. Without mechanisms for regular and frequent communication, essential information can get lost, misunderstandings can arise, and CCR partners can begin to assume that the work is not much of a priority after all. In addition to formal mechanisms and meetings established via the MOU, work plan, and policies and protocols, a degree of informal “checking in” via a quick phone call or personal visit is also valuable. Small, interagency work groups also provide a mechanism for partners and practitioners to stay in touch with one another and reinforce the goals of the CCR.
Elements & Tools: (4) Sustain the Momentum (continues...)

**Provide cross-training to community interveners.**

In addition to practitioner-specific training—e.g., receiving domestic abuse–related 911 calls, on-scene investigation, charging and prosecution strategies, or supervising domestic violence offenders—cross-training involving CCR participants helps to reinforce a sense of common mission or purpose, and develop knowledge and skills related to a unified response to domestic abuse. Using a multidisciplinary, military-civilian training team models the partnership and collaboration that the CCR seeks to encourage. Training can be delivered via a variety of media from frequent, short sessions, such as monthly brown bag lunches, to a one-day all-CCR forum involving a national expert on a particular topic.

**Make use of expertise outside of the local military and civilian communities.**

It is a significant and often challenging task to organize a military-civilian coordinated community response to domestic abuse. A local effort can benefit from the perspectives of those with experience in other jurisdictions or expertise at the national level. Involving someone from outside the immediate military and civilian communities can also be a way to address training needs in subjects where local expertise has not been developed, such as fatality reviews, lethality and risk assessment, or investigation of strangulation and stalking. It can also be a way to facilitate discussion and problem solving around a particular tough spot that a CCR is facing, such as controversy about confidentiality and information sharing or definitions and roles related to advocacy.
Recognition and celebration of accomplishments are important aspects of sustaining a CCR’s momentum that are often overlooked. Many people will put many hours into figuring out how to build relationships between the military and civilian communities and interveners, craft and negotiate the terms of MOUs and other agreements, and dig into the specific policy and protocol changes that will make it all real for the people whose lives will be most affected by the CCR. A strong CCR also takes time to acknowledge that work to the partners and the wider military and civilian public.

The recognition referred to above can occur in conjunction with efforts to call more attention to the issue of domestic abuse in the military and civilian communities, such as a forum or walk held during Domestic Violence Awareness Month. Brochures, public service announcements, briefings, installation newsletters, web sites, television and radio programs, posters, forums, speeches, pocket cards are all ways to send the messages. Increasing the visibility of the issue overall means that victims in military families are more likely to learn about the support and protections available to them. Perpetrators in military families are more likely to be connected with opportunities for change. Increased visibility means a more engaged community response overall, from practitioners who encounter domestic abuse in their everyday work to members of the military and civilian communities at large who must ultimately support that work for it to be effective.
Sustain the Momentum: Tools


Tips for developing cross-training for CCR participants:

- Use the information gathered via the community portrait and mapping tools to help identify and prioritize training needs, both practitioner-specific and across the CCR.

- Seek out technical assistance from national resource organizations that can suggest topics, training curricula, and facilitators for training that are well-suited to a coordinated community response or, specifically, to a military-civilian CCR.

- Consider cross-training that will also address the training topics included in Department of Defense Instruction 6400.06 (Section 7), such as dynamics of domestic abuse; common misconceptions associated with domestic abuse; and beliefs, attitudes, and cultural issues associated with domestic abuse.

- Battered Women’s Justice Project technical assistance to military-civilian CCR projects: www.bwjp.org

- National Center on Domestic and Sexual Violence resources on the work of the Defense Task Force on Domestic Violence and general military information: www.ncdsv.org
Collaborating for Safety – Practice Example 3

Hampton Roads (VA) Military-Civilian Family Violence Prevention Council
Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach
Military Branches of the Air Force, Army, Coast Guard, Navy, and Marine Corps

The Virginia coastal area known as Hampton Roads includes installations representing all branches of military service, including the largest U.S. Navy base in the world. The region has a population of 1.7 million, with a Navy family population alone of over 250,000. In 1999 and again in 2006, the Navy Fleet and Family Support Center initiated a Domestic Violence Task Force that brought together representatives from military and civilian sector interveners. In March 2006 the newly formed Hampton Roads Military-Civilian Family Violence Prevention Council (FVPC) was established, with fifty signatories to a memorandum of understanding (MOU) that established a framework for “coordinated prevention, intervention, treatment, rehabilitation, and monitoring services to address and reduce family violence in this region” (see Appendix 13).

Approach

One active duty and one civilian Navy staff shared coordinating responsibilities to develop the broad interest and buy-in reflected in the MOU. With support from key agency leaders in one of the civilian communities, the coordinators systematically built relationships with representatives from different branches of service, civilian jurisdictions, and the law enforcement agencies, prosecutors, courts, and community-based organizations intervening in intimate partner violence (and the broader scope of family violence). The organizers started small and took time to build relationships and garner support from military and civilian leadership. They emphasized that a more coordinated response would help military and civilian interveners reinforce one another’s roles in ensuring safety and protection for victims and accountability and opportunities for change for offenders. The Hampton Roads organizers benefited from the degree of familiarity that many of the likely CCR partners already had with one another. The communities are geographically close and used to working closely together in different arenas. The organizers set out from the beginning to take a regional approach, given the close proximity of communities and multiple military installations in Hampton Roads. Gaining agreement to the memorandum of understanding and establishing the FVPC proceeded without dedicated grant funds. The Hampton Roads effort got underway prior to the Department of Defense directive to improve collaboration between military and civilian communities. It gained momentum with the DoD recommendations, which reinforced and encouraged the local work.

Priorities

The first priority was to get everyone to the table and in agreement about the overall goal of developing “a common, agreed-upon approach to preventing and responding to family violence throughout the Region.” Priorities included: (1) improved communications among intervening agencies and practitioners, particularly in individual cases requiring immediate attention; (2) strategies to share resources; and (3) more effective responses via more coordination between and across intervening practitioners. These priorities were specifically articulated in the memorandum of understanding, along with goals and a specific action plan for each of the following main categories of military and civilian intervention services, as well as for city managers and commanding officers: (a) human services, (b) prevention and treatment, (c) victim advocacy and shelter, and (d) law
enforcement, prosecution, and the courts. There was a further expectation and agreement that additional memorandums of understanding would be developed for victim advocacy and criminal legal system intervention, consistent with DoD recommendations in these areas.

Implementation

Accomplishing the signed MOU was a multi-year endeavor. Developing a structure for ongoing management of the CCR and actions to implement the specifics of the MOU required another two years. The organizers have tried to establish a structure that will firmly anchor the FVPC in a joint military-civilian partnership, move such a large regional CCR forward, and account for the high turnover characteristic of military installations and personnel. The Hampton Roads collaborative structure includes the following elements.

1. The MOU defines the framework for collaboration and related responsibilities.
2. The full fifty-plus member Family Violence Prevention Council meets twice a year. The chair and co-chair positions are shared and alternate annually between military and civilian leaders.
3. The Steering Committee includes the chair and co-chair, plus a representative from each of five action groups. It meets monthly to oversee the ongoing collaboration.
4. Five Action Groups meet at least quarterly. Groups include military and civilian representatives from (1) family and human services, (2) prevention and treatment, (3) victim advocacy and shelter, (4) managers and leadership, and (5) police, prosecutors, and courts. Military and civilian practitioners who intervene most directly in domestic violence cases are most involved at this point. Each group selects two or three specific issues or problems to address, such as: a comprehensive batterer research project; standardizing civilian arrest notifications to military branches; a “best practice” manual for investigation, arrests, and prosecution; and increasing after-hours victim advocacy at military installations.
5. The FVPC Coordinator navigates between military and civilian systems and agencies, assists the action groups in focusing their work and bringing it to the full FVPC, and ensures that the MOU’s policy, action, and information sharing goals are communicated among the collaborative partners.

Challenge and Change

The Hampton Roads military-civilian coordinated community response has been built without the specific training, technical assistance, and resources available to the demonstration project sites. While this has made it possible to build relationships slowly and outside of a specific time frame, the absence of such a significant level of support has also made the endeavor more difficult. Funding for the ongoing legwork, coordination, advocacy, and monitoring necessary to fulfill the purpose and goals of the MOU remains a challenge. Keeping everyone invested and informed and maintaining the momentum for policy and practice changes across so many partners and jurisdictions remains particularly challenging for the Hampton Roads CCR.
Appendices

Included on the accompanying Collaborating for Safety resource disk:

- Appendix 1: Mapping Domestic Violence Case Processing: Tools and Practice Examples
- Appendix 2: Creating an Intervention Project
- Appendix 3: First Steps Toward a Military-Civilian CCR: A Self-Assessment
- Appendix 4: Community Portrait: Military
- Appendix 5: Community Portrait: Civilian
- Appendix 6: Department of Defense Instruction Number 6400.06, August 21, 2007: Domestic Abuse Involving DoD Military and Certain Affiliated Personnel
- Appendix 8: At a Glance Military Resource Handbook for Virginia’s Sexual and Domestic Violence Centers, Virginia Sexual and Domestic Violence Action Alliance
- Appendix 10: Adapting the Department of Defense MOU Templates to Local Needs
- Appendix 11: Memorandum of Understanding – Jacksonville Demonstration Project
- Appendix 12: Memorandum of Understanding – Fort Campbell Demonstration Project
- Appendix 13: Memorandum of Understanding – Hampton Roads
- Appendix 14: Work Plan Template
- Appendix 15: Essential Agreements in a Coordinated Community Response
- Appendix 16: Planning and Conducting Focus Groups
Appendix 1: Mapping Domestic Violence Case Processing
Tools and Practice Examples

Purpose

Mapping helps a military-civilian CCR project understand how domestic violence cases move through various points of intervention in the military and civilian systems. It helps identify process issues and problematic practices for the CCR to act on. The act of mapping also helps build and strengthen partnerships and the overall collaboration as participants come to better understand each other’s roles and functions in responding to domestic abuse. Mapping reinforces the interdisciplinary foundation of a coordinated community response and introduces military and civilian interveners to new ways of working together.

Steps

1. Decide which aspects of case processing to explore. There are many possibilities, so pay careful attention to starting with a topic and scope that is manageable enough to learn the mapping process and to be successful. Mapping will be an ongoing part of the CCR’s work and not every aspect of the military and civilian responses needs to be tackled at once. To narrow the scope, consider surveying a variety of practitioners and holding focus groups with victims of domestic abuse to find out what parts of the military and/or civilian response might be a good place to begin. Or, start at the beginning of the case process and map a portion, such as 911 calls through law enforcement intervention. There are many possibilities, including but not limited to:

- Civilian orders for protection
- Military orders for protection
- 911 and the initial base security or law enforcement response, including: predominant aggressor determination, evidence collection and documentation, and arrest decisions
- 911 and civilian sector law enforcement response to cases involving military personnel
- Initial and follow-up investigations (civilian and military law enforcement)
- Danger/threat assessment and safety planning across all intervening agencies and systems
- Case disposition through local prosecutors and corresponding military systems
- Probation
- Batterer intervention, including options for cases handled by the military and those involving civilian court-mandated services
- Victim advocacy, including access to confidential advocacy services, military advocacy services, legal assistance, medical services, emergency shelter, and ongoing support
- Medical facility response

1 The mapping process described here has been adapted from The Praxis Safety and Accountability Tool Kit, Ellen Pence and Jane M. Sadusky, Praxis International, Inc., February 2005.
2. Establish **small, interdisciplinary work groups** with military and civilian representation to conduct the mapping process. Each work group will focus on one or more steps of intervention. For example, one work group might concentrate on 911 calls and the initial law enforcement response to cases involving military personnel while another examines the responses of civilian prosecutors and military legal offices. One work group would focus on advocacy and services to victims while another would pay attention to sanctions and consequences for acts of domestic violence, including batterer intervention programs.

3. Use the following methods to gather information about the military and civilian responses to cases of domestic abuse involving military personnel.

- **Interview** practitioners, advocates, and others who might have a valuable perspective on the point of intervention that is being mapped.

  The list of interviews will vary according to the process being examined. It might include installation commanders, civilian and military law enforcement officers, emergency 911 call-takers and dispatchers, prosecutors, Staff Judge Advocates or Judge Advocates General, FAP victim advocates, civilian victim advocates, probation officers, facilitator’s of batterer intervention groups, and court personnel. Again, the interview subjects will vary according to the focus of the mapping inquiry.

- **Observe** different steps involved in the point of intervention; i.e., watch a particular aspect of intervention in action.

  As with interviews, the kind of observations will vary according to the subject of the mapping process. Examples might include: ride-alongs with civilian and military law enforcement officers, 911 center “sit-alongs,” jail booking or other custody procedures, arraignment or initial appearance hearings in criminal court, pro se legal clinics, or order for protection hearings. An observation involves standing aside and watching the process unfold while being attentive to the exact steps involved and the ways in which the practitioner responds, both in general and in domestic abuse–related cases in particular. Where possible by time and setting, an observation might also involve a brief interview with the practitioner involved in whatever process is being watched. The purpose of the observation is **not** to conduct any kind of performance review of an individual practitioner, but to see everyday processes in action.

- **Read** case files, reports, policies, protocols, forms, brochures, or other documents produced or used at the point of intervention or process being examined. Individual names and other personal identifying information are usually redacted from case files or other records before a mapping team reviews the material. Again, depending upon the focus of the mapping process, a team might listen to 911 tapes and read transcripts of the calls, read police incident reports, examine a law enforcement agency’s policies on predominant aggressor, review guidelines for charging decisions, or study protection order petitions or affidavits and the corresponding final order.
4. Go **step-by-step through the process under review**. Ask about and stay alert to how policies and practices at each step of intervention are working or not working to strengthen victim safety and offender accountability. Mapping is most successful when team members step back and suspend what they think they know about a particular installation, agency, or profession; stay curious about learning about how something works rather than reacting with a quick judgment; and, stay concrete and ask for specific examples. Ask the following questions to help keep the mapping focused:

- What happens at each step in this process?
- Who does what?
- What kinds of forms, reports, rules, and policies are involved in this process?
- How might this process have unintended negative consequences for a victim of domestic abuse?

5. Analyze the information gathered using **key factors in how work is organized and coordinated** in large systems and institutions. These case management factors direct and influence the ways in which practitioners, both civilian and military, act in official ways across ranks, disciplines, agencies, level, and job functions. They include:

- **Coordination and linkages**
  
  This includes the ways in which institutions link workers and processes; and the ways in which interveners are linked with one another and with the people they are responding to in a domestic violence case.

- **Policies and rules**
  
  Policies and rules set forth what practitioners must do. They are established by local, state, and federal legislative bodies and regulating agencies; via agency directives; and through boards of directors. In the military setting this includes policies and rules set by the Department of Defense, each service branch, and installation commands.

- **Administrative procedures**
  
  Administrative procedures instruct practitioners on how to carry out the mandates set by policies and rules. Such procedures are typically reflected in screening forms, case files, report forms, decision-making matrices, routing instructions, protocols, and similar material.

- **Training and skills development**
  
  This includes the ways that different disciplines prepare practitioners in that field, formal training related to domestic abuse, and informal avenues, such as on-the-job experience and relationships with other workers.

- **Resources**
Resources include everything necessary to ensure responses that enhance victim safety and offender accountability, including: funding, materials, personnel, case loads, technology, adequate supervision, and support services.

Concepts and theories related to an issue or practice

This includes categories and assumptions that shape the ways in which practitioners talk and write about cases of domestic abuse. Language and terminology are often a clue to underlying concepts and theories. For example, terms such as domestic abuse, intimate partner violence, and family violence carry different meanings that shape how the day-to-day work gets put together.

6. Identify and articulate the **process issues and gaps** in victim safety and offender accountability that the mapping has discovered, and recommend changes.

Practice Examples

The following practice examples illustrate how mapping might be applied to examine the processes involved in civilian orders for protection and in military orders for protection.
Mapping Domestic Violence Case Processing: Civilian Orders for Protection (OFP)

Interviews conducted:
- Director of County Justice Center Order for Protection Clinic (CJC-OPC)
- CJC-OPC staff, including: receptionist and intake specialists
- DV Advocate assigned to CJC-OPC
- DV Shelter Advocates

Observations conducted:
- CJC-OPC procedures: reception, intake, and referral to DV Advocate
- Order for Protection court procedures: waiting area, check-in process, contact with DV Advocate, court hearings

Documents reviewed:
- Brochure explaining CJC-OPC services
- Handout explaining order for protection process

**KEY STEP** | **SUBSTEPS**
--- | ---
Victim initiates the protection order process – becomes the *petitioner* | - Victim told how to file voluntarily by:
  - Civilian law enforcement
  - DV shelter or legal advocacy program
  - Military FAP case manager or advocate
  - Legal Aid attorney or private attorney
  - Prosecutor
  - Military law enforcement
- Victim ordered to file by Department of Child Welfare

Petitioner fills in the order for protection (OFP) application form | - 90% of time completes the form at OFP Clinic located in County Justice Center
- Completes form through a private attorney
- Completes form on her/his own

Victim visits the County Justice Center Order for Protection Clinic for assistance in completing and filing the OFP | - Enters the courthouse annex on 1st floor, pass through metal detector, show ID, and get visitor’s pass
- Goes to 5th floor and shows ID to the sheriff’s deputy
  - Deputy asks petitioner name and respondent name; both names recorded on ledger at the desk
- Goes down long hall, past long bench where other petitioners are waiting; to office where another deputy sits at a desk in the main
KEY STEP

CJC-OPC intake specialist calls petitioner into the office

⇒

DV Advocate might meet with petitioner at CJC-OPC

⇒

SUBSTEPS

- hallway
  - Petitioner tells receptionist she/he wants to file for injunction
  - Receptionist asks for ID, name, respondent’s name, relationship to the respondent, and if children are involved
  - Receptionist copies ID card
  - Receptionist gives petitioner paperwork to be filled out, brief instructions, and an envelope to self-address
  - Receptionist tells petitioner to return when done and that “you will speak to an intake specialist”
  - Petitioner waits in the hallway; waiting time depends on the number of people and can take a long time, e.g., 60 to 90 minutes

- Intake specialist copies the lethality assessment form completed by petitioner and the DV Advocate (DVA) contact form and puts them in DVA file
- Specialist reads what petitioner has written on forms, conducts an interview, and asks additional questions
- Specialist fills out the petition on the computer
- Specialist reads the petition as entered back to the petitioner – “does this sound okay?”
- Specialist prints out the petitioner and petitioner signs a copy
- Petitioner leaves CJC-OPC with notice of a court hearing date
- Petitioner does not receive a copy of the petition unless she/he specifically asks for it
- Intake specialist starts a case file
- Clerk in CJC-OPC docket the case, enters it into the database, and double-checks for previous case files under petitioner and respondent names

- If DVA available at that time and petitioner interested, DVA will meet with her/him
- DVA reviews safety planning, shelter and other community services
Collaborating for Safety: Elements & Tools, Appendix 1A: Mapping Tools and Practice Examples

KEY STEP

Petitions go to signing judge for temporary order

⇒

Substeps

- Signing judge reviews petitions twice each day: 10:00 AM and 3:00 PM
- 14 judges rotate the signing responsibility weekly
- 1 judge assigned to review and sign petitions
- 1 “sitting judge” hears cases
- Judge signs orders by end of day or next day
  o Mailed to petitioner (most cases) or picked up
- Copies of all orders signed go into “service pack” sent to Sheriff’s Office Civil Processing
  o Respondent out of the county: order mailed to that county’s sheriff for service
  o Respondent out of the state: order mailed to victim to attempt service

Order for Protection Court – Activities prior to judge’s arrival
[2 weeks after temporary]

⇒

Substeps

- Petitioners and respondents to arrive at 8:00 a.m.
  o Go through metal detector
  o Sit/stand in same lobby area
  o No bailiff or security personnel in lobby area
- Bailiff comes from courtroom for roll call of those present
  o Directs petitioners to line up against a wall
  o Calls out a name
  o Petitioner comes up to bailiff; bailiff requests and checks ID, sends petitioner into court
  o Respondents all sitting/standing and watching petitioners
- Petitioners in courtroom directed to sit on left side of the room
- Clerk from CJC-OPC calls out names and asks those people to line up by the jury box
  o Informs them that their cases have not been served
- Clerk calls petitioners’ names and asks each one to say “here”
- Bailiff asks petitioners if any of the respondents are in jail
- DV Advocate talks to the petitioners
  o Explains some of the process
  o Tells them how to address the judge
  o Tells them not to chew gum
<table>
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<tr>
<th>KEY STEP</th>
<th>SUBSTEPS</th>
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</table>
|          | o Answers questions  
|          | ▪ Any petitioner who wants to drop the order has to speak separately with the DV Advocate  
|          | ▪ In the courtroom lobby, bailiff repeats the same roll call process with the respondents  
|          | o Sent into court and told to sit on the right side of the room  
|          | o Sometimes incarcerated respondents are brought in and sat in the jury box until their case is called  
|          | ▪ Petitioners and respondents wait for judge to arrive  
|          | o No monitoring of interactions, if any, between petitioners and respondents  
|          | o Seated very close together  |
| Order for Protection Court – Hearing | ⇒ |
|                                       | ▪ Judges takes private attorney cases first  
|                                       | ▪ After represented cases, then calls the calendar  
|                                       | ▪ Disputed/contested orders are held until the end of the docket  
|                                       | ▪ If order issued, directs petitioner and respondent to sit in the back of the courtroom behind the glassed-in area while paperwork is processed  
|                                       | ▪ Once orders are issued, petitioner and respondent are allowed to leave simultaneously  |
## Case Processing Issues Identified in Mapping Civil Orders for Protection

<table>
<thead>
<tr>
<th>Factors</th>
<th>Process Issues &amp; Recommendations</th>
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| **Coordination and linkages**   | ✓ Injunctions not issued the same day as requested, even in dangerous situations or when considered emergency petitions  
✓ Judges rotate weekly; one judge hears the petition and a different judge signs the order  

**Recommendations**  
• Assign judges so that signing judge and hearing judge are the same |
| **Policies and rules**          | ✓ Department of Child Welfare is ordering victims to obtain civil OFPs  
✓ Compliance and review hearings: lack of enforcement of orders  

**Recommendations**  
• Convene a work group of DCW staff, community advocates, and others to re-examine this practice  
• Hold interagency training regarding battering and implications of this practice for mothers and children  
• Develop clear procedures and training on enforcing order |
| **Administrative procedures**   | ✓ Process of getting into the CJC requires screening on two floors; repetitive showing ID, recording names of petitioner and respondent  
✓ Reception process: lack of clear information about what the process is, how to fill out the forms  
✓ No standardized process for intake; no protocols or SOP  
✓ Petitioner does not get a copy of the petition unless she/he asks  
✓ Mailing orders to petitioners could be a safety issue if respondent is at the same address and opens it first  
✓ Service issues: Sheriff’s Office doesn’t always get orders served; if respondent out of the county, out of state, service unlikely  
  o No check to see if respondent has had injunctions against him/her by other people  
✓ Order for Protection Court hearing process:  
  o Petitioners and respondents have to wait in lobby together |
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<th>Factors</th>
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<tbody>
<tr>
<td></td>
<td>o Check-in process with roll call, ID check</td>
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<td></td>
<td>o No notification to victim if respondent has not been served</td>
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<td></td>
<td>o Petitioners and respondents allowed in/out access to courtroom and outside to smoke</td>
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<tr>
<td></td>
<td>o No monitoring for safety; interaction between parties while sitting in courtroom</td>
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<td>o Respondents permitted to leave at same time as petitioner</td>
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<td>o Respondent leaves the courtroom before the final order is signed, then order has to be served</td>
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<td>o Bringing incarcerated respondents in to sit in the jury box and wait</td>
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**Recommendations**

- Need for screener who can identify cases which are appropriate for the injunction process and those which need to go elsewhere; only those which are appropriate for the injunction process would receive paperwork, see an intake specialist and take additional steps
- Need a method/procedure/person to identify cases suitable to file injunction through County Justice Center Order for Protection Clinic (including domestic violence, dating, repeat violence and sexual assault).
- Posters/signs on walls in County Justice Center Order for Protection Clinic explaining key issues of filling out forms
- Promulgation of standard protocols for intake specialists
- Process by which petitioners can check-in as soon as arrive at courthouse – possibly DVA to facilitate this in conjunction with Sheriff’s Office
- Stationing SO bailiffs in lobby when petitioners and respondents are arriving for court and going in/out of court, smoking cigarettes, etc. – coordinate with SO.
- Change sign on courthouse door to give info as to who may file OFP through Order for Protection Clinic and directing others to correct location

**Training and skills development**

- County Justice Center Order for Protection Clinic
  - Reception area atmosphere and wait
  - Intake specialists’ customer service and interviewing skills, knowledge of domestic violence
  - Currently no cross-training between CJC-OPC Intake Specialist and community DV Advocate
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<th>Factors</th>
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<tr>
<td></td>
<td>✓ Across court personnel, knowledge of domestic violence and related lethality issues and response to victims fears and concerns</td>
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<td>✓ Knowledge of domestic violence and victim autonomy and safety issues for legal aid and private attorneys assisting victims</td>
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<td></td>
<td><strong>Recommendations</strong></td>
</tr>
<tr>
<td></td>
<td>• Specialized domestic violence training for all personnel involved in the order for protection process</td>
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<td>• Domestic violence training and sensitivity training for professionals, court personnel, etc., involved in the order for protection process</td>
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<tr>
<td>Resources</td>
<td>✓ Ratio community DV Advocates to CJC-OPC Intake Specialists means that DVAs will only see approximately 1 of 4 petitioners who come to get an injunction</td>
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<td>Resources</td>
<td>✓ No computer in courtroom and CJC-OPC clerk must fill in all orders by hand</td>
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<tr>
<td>Resources</td>
<td>✓ Petitioners receive little information on how to use of witnesses in court</td>
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<tr>
<td>Resources</td>
<td><strong>Recommendations</strong></td>
</tr>
<tr>
<td>Resources</td>
<td>• Investigate sources of additional funding to ensure a more equal ratio of OPC Intake Specialists to DV Advocates involved in the order for protection process</td>
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<tr>
<td>Resources</td>
<td>• Purchase computer and printer for courtroom clerk to facilitate finalizing court orders, including changes to orders and possibly entry into statewide system;</td>
</tr>
<tr>
<td>Concepts related to an understanding of domestic violence</td>
<td>✓ Many involved in OFP process believe that injunction process is a “poor man’s divorce,” or that only those who are “really” battered, should use the process; others (some believe most) are wasting the court’s time</td>
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<tr>
<td>Concepts related to an understanding of domestic violence</td>
<td>✓ If petitioner dismisses/drops an order, the court assesses her/him court costs</td>
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<td>Concepts related to an understanding of domestic violence</td>
<td>✓ Some attorneys appear to make decisions without input from the petitioner/victim</td>
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<tr>
<td>Concepts related to an understanding of domestic violence</td>
<td><strong>Recommendations</strong></td>
</tr>
<tr>
<td>Concepts related to an understanding of domestic violence</td>
<td>• Need for a paradigm shift of those involved in the process that injunctions are often the first step to safety by victims of domestic violence, even if an order is subsequently dropped by the petitioner. In many communities</td>
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<td>Factors</td>
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<td>throughout the U.S., when protection orders were first introduced, domestic violence homicides dropped dramatically. The injunction process is often the easiest, quickest way for an ongoing victim of battering to begin to exit a violent relationship with the greatest belief that she will be protected.</td>
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<td>• Change policy of charging petitioners who subsequently drop or dismiss an injunction as this reinforces victim blaming.</td>
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<tr>
<td>Military/Civilian coordination</td>
<td>✓ Lack of coordination on many issues related to military protection orders (MPO) and civilian protection orders (OFP)</td>
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<tr>
<td></td>
<td>✓ Civilians do not receive any training on the military response and civilian agencies unclear on military processes</td>
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<td>• DV Shelter to hire an advocate who specializes in military issues/serve as liaison with the military</td>
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<td>• Ongoing cross-training by military and civilian agencies to keep each other informed of respective responses, e.g. annual meetings and for all new personnel coming aboard. For example, a new advocate at DV Shelter could spend a day at the Family Advocacy Program, ride-a-long with the Security Force patrol, etc.</td>
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</table>
### Mapping Domestic Violence Case Processing: Military Orders for Protection (MPO)

**Interviews conducted:**
- Command Master Chief
- Staff Judge Advocate
- Provost Marshal
- Family Advocacy Program (FAP) Director
- Family Advocacy Program Victim Advocates
- DV Advocate assigned to CJC-OPC

**Documents reviewed:**
- Blank DD Form 2873 (Military Protective Order)
- 5 completed MPOs (with all names and identifying information removed)

### Key Step

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<th>MPO initiated or requested</th>
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### Substeps

- Victim to Legal Service Office, Family Advocacy Program, or Commanding Officer (CO)
- Family Advocacy Program to CO
- Criminal Investigation Service to Legal Service Office, Family Advocacy Program, or CO
- Medical Treatment Facility social worker to Family Advocacy Program
- Legal Service Office (LSO) to Tenant Command

<table>
<thead>
<tr>
<th>MPO: Base Command</th>
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#### Substeps

- Petitioner present through LSO
- Order drafted using DD Form 2873
- Victim required to make a written statement, which goes to Command
- Staff Judge Advocate reviews with Command
- Command signs order:
  - Service member brought to LSO to sign MPO and receive briefing on its conditions
  - Copies of MPO distributed to service member, protected person, Base Command, and Provost Marshal
  - FAP notified via phone or mail
- Command declines to sign order:
  - FAP notifies victim of alternative steps she/he can take
**KEY STEP**

MPO: Tenant Command

⇒

- LSO contacts Tenant Command Master Chief (CMC)
- CMC briefs Commanding Officer
- Tenant Command agrees to MPO:
  - Service member notified; comes to command office and signs order
  - FAP notified
  - FAP notifies victim
  - Copies of MPO distributed to service member, protected person, Base Command, and Provost Marshal
- Tenant Command declines MPO:
  - FAP notifies victim of alternative steps she/he can take

**SUB STEPS**

- Protected person notifies one of the following of MPO violation:
  - LSO
  - FAP
  - Provost Marshal
  - Service member’s Commanding Officer
  - County Sheriff’s Office (may or may not report to Command)
- Base Command requests investigation by Command Master Chief
- Base Command may:
  - Counsel service member
  - Lengthen MPO
  - Add additional restrictions to MPO
  - Take no action
- Tenant Commands conduct own investigation at their discretion

Enforcement

⇒

- MPO typically in force for 10 days (rarely longer)
- To dismiss MPO prior to expiration date, protected person must make written statement to Command that she/he wants the order dismissed
  - Command keeps a copy of this statement
  - If MPO dismissed, FAP and Provost Marshal notified by phone
  - No written notice of dismissal

MPO Expiration / Dismissal
## Case Processing Issues Identified in Mapping Military Orders for Protection

<table>
<thead>
<tr>
<th>Factors</th>
<th>Process Issues &amp; Recommendations</th>
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| Coordination and linkages| ✓ Civilian law enforcement agencies are not notified about MPO when protected person is living in the community [See note under Military/Civilian Coordination]  
   ✓ Link between civilian law enforcement back to the base is not well-developed; inconsistent in getting information about MPO violations back to installation  
   ✓ Protected persons are not always aware of options for enforcing the MPO |
| Policies and rules       | ✓ No policy specifying how and to whom copies of MPO will be distributed and in what form (e.g., in writing or verbally)  
   ✓ No requirement for prompt distribution of MPO notice                                                                 |
| Administrative procedures| ✓ MPO does not have a place for the name and number of a contact person if the service member, protected person, civilian police officer, or other party has questions  
   ✓ No written record of MPO dismissal or expiration; difficult to track orders  
   ✓ Provost Marshal does not have a system for consistently recording and tracking MPOs  
   Recommendations  
   • Revise MPO form to include contact information for protected person and others to use regarding questions about enforcement |
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| • Develop a system to track dates MPOs are issued, expired, or dismissed  
• Develop a way for Provost Marshal to record and track MPOs in a way that base security can readily access that information |
| Training and skills development | ✓ Base and Tenant Commands have not received training about what constitutes a violation of a MPO and how to enforce MPOs |
| | **Recommendations**  
• Provide training to Provost Marshal and Base and Tenant Commands about recognizing and enforcing MPO violations |
| Resources | ✓ Lack of database for Provost Marshal to verify and track MPOs |
| | **Recommendations**  
• Develop a way for Provost Marshal to record and track MPOs and violations, on and off base, in a way that base security can readily access that information |
| Concepts related to an understanding of domestic violence | ✓ Requiring victim to make a written statement raises questions related to safety, including:  
   ○ Who has access to the victim’s statement in the future? Does Command keep the copy in the service member’s file? |
| | **Recommendations**  
• Reexamine practice of requiring victim to provide written statement to Command  
• Ensure that service member does not have access to any victim statement |
<p>| Military/Civilian coordination | ✓ MPOs are not legally enforceable by civilian law enforcement, but it might be possible and desirable to create a process by which a person protected by an MPO could notify civilian law enforcement and civilian law |</p>
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<td>enforcement could notify the installation Command</td>
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<tr>
<td>✓</td>
<td>Protected persons are not always informed of option, possible advantages, and timeliness of obtaining a civilian OFP</td>
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<td>Explore feasibility of a pilot project to create a cooperative civilian response to MPO violations off-base</td>
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<td>Ensure that protect persons are made aware of the civilian OFP process and receive a contact for the DV Advocate and County Justice Center Order for Protection Clinic</td>
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Appendix 2: Creating an Intervention Project

Connie Sponsler-Garcia  
Battered Women's Justice Project  
May, 2005

Prepared for Coordinating the Military and Civilian Response to Domestic Violence  
Jacksonville, Florida, Demonstration Site

This paper has been adapted from “Eight Key Components of Community Intervention Projects,” in Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond, Melanie F. Shepard and Ellen L. Pence, eds., Sage Publications, 1999; used with permission.

Intervention projects are shaped by factors unique to a community, such as population, geographic area covered, available resources (especially financial), and the cooperativeness of practitioners within the justice system. The experiences of dozens of projects across the country have identified the following eight activities as effective intervention in response to domestic violence.

The ways these activities are carried out in a community varies. If resources are limited, as they generally are, these activities may have to be prioritized. Different activities will also take priority at different points in a project's existence. Building a common perspective shared by justice system practitioners, advocates, and the military will be ongoing and is likely to take more time and energy during the implementation stage.

1. The intervention project changes how the community thinks about violence by building an underlying philosophical framework which guides the intervention process. This involves:
   a. Working toward an understanding among practitioners of the complex dynamics of an abusive relationship and a commitment to handle cases in a manner that does not blame or re-victimize the victim
   b. Recognizing that violence is intended to have an impact on the person being hit, kicked, or shot at, giving one party power over the other and reinforcing coercive control
   c. Responding to tensions often caused by conflicting philosophies by coordinating ongoing discussions among practitioners

2. The intervention project assists in developing and implementing the policies and operating procedures of the intervening agencies involved in the coordinated community response. This involves:
   a. Charting or mapping the roles, possible intervention actions, and procedures of each intervening agent in the system, e.g., 911 dispatcher, police officer, jailer, prosecutor, probation agent
   b. Ensuring that each agency’s policies complement other agency policies
c. Clarifying for practitioners when they may exercise discretion, when they must take certain steps and what conditions suggest different options
d. Meeting with practitioners from each agency to examine how current practices affect victims and explore new practices which can maximize victim safety
e. Designing ongoing trainings for practitioners on the implementation of policies and procedures

3. The intervention project monitors/tracks cases from initial contact through case closure to ensure practitioner and offender accountability. This involves:
   a. Determining what information is important and where and how to get it
   b. Developing policies with each agency for the collection of data and a process to notify administrators when practitioners fail to comply with agreed-upon policies
   c. Tracking cases for breakdowns in the system
   d. Utilizing data to determine if agency objectives are being realized
   e. Maintaining case files to ensure the offender is complying with all orders from the court

4. The intervention project coordinates the exchange of information and interagency communication on a need-to-know basis and coordinates interagency decision-making on domestic violence cases. This involves:
   a. Routing all available information on a case to those practitioners involved with it
   b. Coordinating interagency meetings to resolve problems with individual cases and discuss related issues faced by practitioners
   c. Facilitating input by all people and agencies who are affected by the development or change of a policy
   d. Providing for the exchange of information between agencies so there is a common understanding of how their policies complement one another's efforts
   e. Coordinating interagency meetings to assess the coordinated response

5. The intervention project ensures that resources and services which offer safety and protection from further abuse are available to victims and other at-risk family members. This involves:
   a. Providing information and referrals to victims about battered women's advocacy programs and shelters
   b. Ensuring that victims have access to basic resources, including emergency safe housing, legal advocacy, access to financial support, and emotional support

6. The intervention project utilizes a combination of sanctions, restrictions, and rehabilitation services to hold offenders accountable and to protect victims
from further abuse. This involves working with:

a. Law enforcement to adopt an arrest policy
b. Prosecutors and judges to develop policies and guidelines which discourage the “screening out” of cases
c. Probation and the courts to ensure that presentence investigations are conducted and, when appropriate, extended probation periods ordered
d. Judges to ensure that repeated acts of violence or violations of orders for protection result in stricter penalties, including jail, counseling, no-contact provisions, restitution, community service, and other restrictions
e. Counseling programs to hold offenders accountable by monitoring the offender’s attendance at groups

7. The intervention project works to undo harm to children. This involves:

a. Assessing for risk to children at each point of intervention
b. Providing safe places for children to visit with their non-custodial parent
c. Requiring abusive parents to participate in groups which focus on helping children heal from the effects of living in a home where there has been violence
d. Accounting fully for the pattern, severity, and frequency of violence being used by a parent when determining visitation, custody, and rehabilitation plans

8. The intervention project evaluates the coordinated community response from the standpoint of victim safety and the overall objectives of the intervention project goals. This involves:

a. Collecting data on a continuing basis to determine if the agreed-upon procedures and policies are consistently applied
b. Conducting research to determine the effectiveness of policies and procedures in protecting women from further violence and reducing the victim-blaming practices of institutions
c. Evaluating the level of change of court-mandated offenders by analyzing reductions in abusive behaviors and the extent to which women are free to act without control or restraints from the offender

The intervention project carries out these activities in conjunction with the domestic violence victim advocacy organization and in coordination with the various agencies of the justice system and the military response: law enforcement, city and county jails, city and county prosecutors, criminal and civil courts, probation, counseling programs, and shelters or victim advocacy programs. Each agency has a specific role in each case. Each agency’s role must be carefully coordinated with those of the other agencies to ensure a consistent and uniform response.

An intervention project is most effective if it is independent from city and county government. While intervention projects are usually separate from the domestic violence victim advocacy agency, organizers should work with the advocacy organization to ensure
that the intervention project does not negatively impact shelter funding and that the protection of victims through safe housing and confidential advocacy takes priority.
Appendix 3: First Steps Toward a Military-Civilian CCR: A Self-Assessment

Who should complete the questionnaire?

Those who are interested in building a military-civilian coordinated community response to domestic violence (CCR) can use the questionnaire early in their planning. It will help organizers take stock of the environment, participants, and likely resources. In addition, the questionnaire will be useful in gauging the readiness of any existing civilian CCR to play a pivotal role in the common effort.

There may be several questions than cannot be answered without gathering more information about the community and the military installation. Complete the self-assessment prior to or in conjunction with the Community Portraits (see Appendices 4 and 5).

Consider using the self-assessment as a framework for initial discussions among key organizers from the civilian and military sectors. Here are options for working with the self-assessment tool.

Option 1: (For key organizers in the civilian sector.) Complete the self-assessment to help identify where and how you are ready or not ready to proceed in approaching likely partners in the military sector. Use this information, and that gathered via the Community Portrait, to help build relationships with military partners and address possible barriers to those relationships and the overall joint CCR.

Option 2: Convene a series of brief breakfast or luncheon meetings with key civilian and military organizers to address the questions under each heading. Working in pairs or small groups, discuss the questions and then debrief with the larger group.

General

1. What first interested you about establishing a military-civilian coordinated community response?

2. What do you think can be accomplished in relation to victim safety and offender accountability through a military-civilian CCR?

3. Who has been involved thus far in discussions about the feasibility of establishing a military-civilian CCR?

4. What aspects of the existing civilian coordinated community response are working well?

5. Where is the existing civilian coordinated community response having difficulty?
Environment

1. Who are the key players and policymakers (civilian and military) that are interested in establishing a military-civilian CCR?

2. Who are the key players and policy makers (civilian and military) that may not be interested in participating in a military civilian CCR? What do you anticipate their concerns will be?

3. How are independent advocacy groups involved in CCR monitoring and accountability efforts? Are they supportive of a military-civilian CCR?

4. Has the civilian community implemented any specialized legal system response projects (e.g., DV courts, specialized DV police response or investigation units, intervention projects, protection order support)? How is it working?

5. Has the military installation implemented any specialized legal system response projects (e.g., DV courts, specialized DV security response or investigation units, intervention projects, protection order support)? How is it working?

Participation

1. Who has agreed to participate in the military-civilian CCR thus far?

2. Is there representation from each civilian agency or process that becomes involved in a domestic violence case? How will you secure such representation?

3. How will victims of domestic violence and their advocates be involved in establishing and guiding the work of the military-civilian CCR?

4. To what extent have organizers or likely participants worked on a joint project before?

5. What do you anticipate as being the strengths of the military-civilian CCR?

6. What obstacles do you anticipate that the CCR will have to overcome?

Resources

1. What financial resources are available to support building and maintaining a military-civilian coordinated community response? What personnel resources are available?

2. What non-financial resources are available to support a military-civilian CCR (e.g., volunteers, pro bono resources, meeting spaces)?
Appendix 4: Community Portrait – Military

Instructions

The community portrait tools—for military and civilian communities—will help CCR organizers better understand the players, policies, roles, resources, authority, and response to domestic violence in each community. Gathering basic information about each community is among the first activities when organizing a military-civilian coordinated community response.

Suggested approach to completing the community portrait:

- Use a small work group (two to four people) that includes representation from the military and civilian communities.
- Tour the installation with the director of the Family Advocacy Program.
- Conduct a series of brief interviews with key interveners in order to gather information about different dimensions of the installation’s response to domestic abuse. Interviews might include:
  - Installation commanders
  - FAP director
  - FAP victim advocates
  - Installation chief of police or director of installation security
  - Judge Advocates General or Staff Judge Advocates
- Record what you learn on the community portrait template and make it available for other CCR organizers or team members.
- Discuss and analyze what you have found and its implications for establishing the CCR. Is there a strong response in place to reports of domestic abuse? What kind of further conversations might be needed to build support for the CCR? Are there possible gaps related to victim safety and offender accountability that will need to be addressed?

The community portrait template can be printed as a worksheet to provide a guide for those gathering the information. It has also been designed as an electronic form on which to record the information and share it with the CCR organizers. To navigate and fill in the template form:

1. Use the Tab key to move from field to field. It will land on a grey text box.
2. Enter your notes as you would in any kind of word processing document.
3. If the field in a check box, position the cursor in the box and click.
**NOTE**: To unlock the form and adapt it to local needs, open the forms tool bar (Tools, Customize) and select the “protect form” icon (padlock).
### Community Portrait – Military – Overview

<table>
<thead>
<tr>
<th>Installation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commander (Rank/Name):</td>
</tr>
<tr>
<td>Family Advocacy Program Director:</td>
</tr>
</tbody>
</table>

Describe the installation:  
[Include: branch of service, mission, size, geography, on-base housing and schools, demographics, current deployments, bordering civilian jurisdictions and jurisdiction on base]
<table>
<thead>
<tr>
<th>Type of service (check all that apply)</th>
<th>Notes &amp; comments (e.g., who provides the service, eligibility)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ 24-hour confidential help/crisis line</td>
<td></td>
</tr>
<tr>
<td>☐ Language interpretation services</td>
<td></td>
</tr>
<tr>
<td>☐ Emergency shelter &amp; housing alternatives</td>
<td></td>
</tr>
<tr>
<td>☐ Weekly victim support groups</td>
<td></td>
</tr>
<tr>
<td>☐ Individual counseling</td>
<td></td>
</tr>
<tr>
<td>☐ Advocacy (non-court)</td>
<td></td>
</tr>
<tr>
<td>☐ Assistance with civilian orders for protection (OFP)</td>
<td></td>
</tr>
<tr>
<td>☐ Assistance with military protective orders (MPO)</td>
<td></td>
</tr>
<tr>
<td>☐ Criminal court victim support</td>
<td></td>
</tr>
<tr>
<td>☐ Civil court advocacy</td>
<td></td>
</tr>
<tr>
<td>☐ Culturally-specific services</td>
<td></td>
</tr>
<tr>
<td>☐ Children’s programs</td>
<td></td>
</tr>
<tr>
<td>☐ Teen programs</td>
<td></td>
</tr>
<tr>
<td>☐ Batterer intervention programs</td>
<td></td>
</tr>
<tr>
<td>☐ Other services (list)</td>
<td></td>
</tr>
</tbody>
</table>
### Domestic violence related programs & services available on base – Part 2

**How does the military community address the following issues?**

NOTE: There are likely to be areas of disagreement about the military and civilian responses to domestic violence. This is not the time for debate, but to understand how different partners define issues and shape their responses.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Response/Examples (e.g., How does this happen? Case example that illustrates the response?)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incident Review or Case review</td>
<td></td>
</tr>
<tr>
<td>• Process?</td>
<td></td>
</tr>
<tr>
<td>• Members?</td>
<td></td>
</tr>
<tr>
<td>• Who speaks for the victim?</td>
<td></td>
</tr>
<tr>
<td>Military Protective Orders</td>
<td></td>
</tr>
<tr>
<td>• Process?</td>
<td></td>
</tr>
<tr>
<td>• Distribution?</td>
<td></td>
</tr>
<tr>
<td>• Enforcement?</td>
<td></td>
</tr>
<tr>
<td>Danger or risk assessment</td>
<td></td>
</tr>
<tr>
<td>• Where does it happen? Police, advocates, FAP, hospital?</td>
<td></td>
</tr>
<tr>
<td>• How does it happen?</td>
<td></td>
</tr>
<tr>
<td>Safety planning</td>
<td></td>
</tr>
<tr>
<td>• Who does it?</td>
<td></td>
</tr>
<tr>
<td>• How often?</td>
<td></td>
</tr>
<tr>
<td>• Process?</td>
<td></td>
</tr>
</tbody>
</table>
## Domestic violence related programs & services available on base – Part 2

<table>
<thead>
<tr>
<th>Restricted and unrestricted reporting</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Who can take a report?</td>
<td>--</td>
</tr>
<tr>
<td>• How accessible is the process?</td>
<td>--</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transitional compensation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Who informs the victim?</td>
<td>--</td>
</tr>
<tr>
<td>• Has transitional compensation been extended to any victims? How often? Circumstances?</td>
<td></td>
</tr>
</tbody>
</table>

Collaborating for Safety: Elements & Tools, Appendix 4: Community Portrait – Military
## Reported domestic violence on base

Provide whatever data is available on the reported level of domestic violence on the military installation for as many years as possible. Note sources here:

<table>
<thead>
<tr>
<th>Year:</th>
<th>Year:</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Reported incidents</td>
<td>✓ Reported incidents</td>
</tr>
<tr>
<td>✓ Substantiated incidents</td>
<td>✓ Substantiated incidents</td>
</tr>
<tr>
<td>✓ Substantiated offenders</td>
<td>✓ Substantiated offenders</td>
</tr>
<tr>
<td>M Civilian</td>
<td>M Civilian</td>
</tr>
<tr>
<td>F Civilian</td>
<td>F Civilian</td>
</tr>
<tr>
<td>✓ DV-related arrests</td>
<td>✓ DV-related arrests</td>
</tr>
<tr>
<td>✓ Military protection orders</td>
<td>✓ Military protection orders</td>
</tr>
<tr>
<td>✓ Hot line/crisis line calls (if applicable)</td>
<td>✓ Hot line/crisis line calls (if applicable)</td>
</tr>
<tr>
<td>✓ DV homicides</td>
<td>✓ DV homicides</td>
</tr>
</tbody>
</table>

Notes:
# Law enforcement response on base (police department or installation security)

## Overview

<table>
<thead>
<tr>
<th>Chief’s name and service rank:</th>
<th>In this position since:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of officers:</td>
<td>Military rank</td>
</tr>
</tbody>
</table>

Does the agency have a mission statement regarding its response to domestic violence?  
☐ Yes  Summarize below and/or attach  ☐ No

## Policy

Is there a **mandatory** arrest policy?  
☐ Yes  Summarize below and attach  ☐ No

Is there a **preferred** arrest policy rather than mandatory?  
☐ Yes  Summarize below and attach  ☐ No

## Training

When was the most recent department-wide training related to domestic violence?  

How long was the training?  

Who attended?  

Who conducted the training?  

Topics covered:

## Community Collaboration

Does the department participate in any kind of coordinated response to domestic violence? On –base?  
Civilian CCR?  
☐ Yes  ☐ No

If yes, describe the collaboration:

Who attends?  ☐ Chief  ☐ Supervisors  ☐ Patrol/first responders  ☐ Others

Notes:
<table>
<thead>
<tr>
<th>Family Advocacy Program</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overview</strong></td>
</tr>
<tr>
<td>Family Advocacy Program director:</td>
</tr>
<tr>
<td>Number of victim advocates:</td>
</tr>
<tr>
<td>Do victim advocate advocates have a job description?</td>
</tr>
<tr>
<td>Does the FAP have an order, directive, or mission statement regarding its response to domestic violence?</td>
</tr>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
</tr>
<tr>
<td>Does FAP have written policies or directives that address its response to domestic violence?</td>
</tr>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td><strong>Training</strong></td>
</tr>
<tr>
<td>What type of training do FAP case managers receive related to domestic violence?</td>
</tr>
<tr>
<td>What types of training does FAP provide for the installation?</td>
</tr>
<tr>
<td>For what groups?</td>
</tr>
<tr>
<td>Who conducts the training?</td>
</tr>
<tr>
<td>Topics covered:</td>
</tr>
<tr>
<td><strong>Community Collaboration</strong></td>
</tr>
<tr>
<td>Describe the relationship between FAP Victim Advocates and civilian advocates:</td>
</tr>
<tr>
<td>Does the FAP participate in any kind of coordinated response to domestic violence on-base or in the civilian CCR?</td>
</tr>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>Who attends?</td>
</tr>
<tr>
<td>Notes:</td>
</tr>
</tbody>
</table>
Appendix 5: Community Portrait – Civilian

Instructions

The community portrait tools—for military and civilian communities—will help CCR organizers better understand the players, policies, roles, resources, authority, and response to domestic violence in each community. Gathering basic information about each community is among the first activities when organizing a military-civilian coordinated community response.

Suggested approach to completing the community portrait:

- Use a small work group (two to four people) that includes representation from the civilian and military communities.

- Meet with the director(s) of the local domestic violence advocacy agency or agencies. Tour the domestic violence services agency or agencies.

- Conduct a series of brief interviews with key interveners in order to gather information about different dimensions of the community’s response to domestic abuse. Interviews might include:
  - Chief of police
  - County sheriff
  - Supervisor of patrol officers
  - Domestic violence services agency director
  - Domestic violence victim advocates (including legal advocates)
  - District attorney or any prosecutor specializing in domestic violence cases
  - Probation agents
  - Batterer’s intervention program facilitators
  - Members of any specialized domestic violence response team, if one exists

- Record what you learn on the community portrait template and make it available for other CCR organizers or team members.

- Discuss and analyze what you have found and its implications for establishing the CCR. Is there a strong response in place to reports of domestic abuse? Is a civilian CCR already in place? What kind of further conversations might be needed to build support for establishing a military-civilian CCR? Are there possible gaps related to victim safety and offender accountability that will need to be addressed?

The community portrait template can be printed as a worksheet to provide a guide for those gathering the information. It has also been designed as an electronic form on which to record the information and share it with the CCR organizers. To navigate and fill in the template form:
4. Use the Tab key to move from field to field. It will land on a grey text box.
5. Enter your notes as you would in any kind of word processing document.
6. If the field in a check box, position the cursor in the box and click.

**NOTE:** To unlock the form and adapt it to local needs, open the forms tool bar (Tools, Customize) and select the “protect form” icon (the padlock).
<table>
<thead>
<tr>
<th>Community Portrait – Civilian – Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>City and/or County:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Mayor or other elected official:</td>
</tr>
<tr>
<td>:</td>
</tr>
<tr>
<td>Advocacy Program(s) Director(s)</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>E-mail:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Describe the community:</td>
</tr>
<tr>
<td>[Include: population, economic base and stability, unemployment, culturally distinct communities, and military families living in the community]</td>
</tr>
</tbody>
</table>
## Domestic violence related programs & services available in the community – Part 1
(see Part 2 before completing this section)

<table>
<thead>
<tr>
<th>Type of service (check all that apply)</th>
<th>Notes &amp; comments (e.g., who provides the service, eligibility)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ 24-hour confidential help/crisis line</td>
<td></td>
</tr>
<tr>
<td>☐ Language interpretation services</td>
<td></td>
</tr>
<tr>
<td>☐ Emergency shelter</td>
<td></td>
</tr>
<tr>
<td>☐ Weekly victim support groups</td>
<td></td>
</tr>
<tr>
<td>☐ Individual counseling</td>
<td></td>
</tr>
<tr>
<td>☐ Advocacy (non-court)</td>
<td></td>
</tr>
<tr>
<td>☐ Legal assistance related to orders for protection (OFP)</td>
<td></td>
</tr>
<tr>
<td>☐ Legal assistance related to divorce/custody</td>
<td></td>
</tr>
<tr>
<td>☐ Criminal court victim support</td>
<td></td>
</tr>
<tr>
<td>☐ Civil court advocacy</td>
<td></td>
</tr>
<tr>
<td>☐ Transitional (post-shelter) housing</td>
<td></td>
</tr>
<tr>
<td>☐ Culturally-specific services</td>
<td></td>
</tr>
<tr>
<td>☐ Children’s programs</td>
<td></td>
</tr>
<tr>
<td>☐ Teen programs</td>
<td></td>
</tr>
<tr>
<td>☐ Batterer intervention programs</td>
<td></td>
</tr>
<tr>
<td>☐ Specific outreach and programming for victims from the military community</td>
<td></td>
</tr>
<tr>
<td>☐ Other services (list)</td>
<td></td>
</tr>
</tbody>
</table>
## Domestic violence related programs & services available in the community – Part 2

### How does the civilian community address the following issues?

NOTE: There are likely to be areas of disagreement about the respective civilian and military responses to domestic violence. This is not the time for debate, but to understand how different partners define issues and shape their responses.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Response/Examples (e.g., How does this happen? Case example that illustrates the response?)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Linking victims with advocacy</td>
<td></td>
</tr>
<tr>
<td>Orders for Protection</td>
<td></td>
</tr>
<tr>
<td>• Process?</td>
<td></td>
</tr>
<tr>
<td>• Distribution?</td>
<td></td>
</tr>
<tr>
<td>• Enforcement?</td>
<td></td>
</tr>
<tr>
<td>Danger or risk assessment</td>
<td></td>
</tr>
<tr>
<td>• Where does it happen?</td>
<td></td>
</tr>
<tr>
<td>Police, advocates, prosecutor, other?</td>
<td></td>
</tr>
<tr>
<td>• How does it happen?</td>
<td></td>
</tr>
<tr>
<td>Safety planning</td>
<td></td>
</tr>
<tr>
<td>• Who does it?</td>
<td></td>
</tr>
<tr>
<td>• How often?</td>
<td></td>
</tr>
<tr>
<td>• Process?</td>
<td></td>
</tr>
<tr>
<td>Confidentiality</td>
<td></td>
</tr>
<tr>
<td>Relationship with FAP victim advocates</td>
<td></td>
</tr>
</tbody>
</table>
**Reported domestic violence in the community**

Provide whatever data is available on the reported level of domestic violence in the city and/or county for as many years as possible.

Note sources here:

<table>
<thead>
<tr>
<th>Year</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Reported incidents</td>
<td>✓ Reported incidents</td>
</tr>
<tr>
<td>✓ DV-related arrests</td>
<td>✓ DV-related arrests</td>
</tr>
<tr>
<td>✓ Orders for Protection issued</td>
<td>✓ Orders for Protection issued</td>
</tr>
<tr>
<td>✓ Hot line/crisis line calls</td>
<td>✓ Hot line/crisis line calls</td>
</tr>
<tr>
<td>✓ DV homicides</td>
<td>✓ DV homicides</td>
</tr>
</tbody>
</table>

Notes:
### Law enforcement response in the community - Agency:

**NOTE:** Collect this information for each primary law enforcement jurisdiction in the likely geographical area of the coordinated community response. See Supplemental Forms and Instructions.

#### Overview

Chief or Sheriff’s name:  
In this position since:

Number of officers:

Does the agency have a mission statement regarding its response to domestic violence?  
- Yes  Summarize below and/or attach  
- No

#### Policy

Is there a mandatory arrest policy?  
- Yes  Summarize below and attach  
- No

Is mandatory arrest required by state law?  
- Yes  
- No

Is there a preferred arrest policy rather than mandatory?  
- Yes  Summarize below and attach  
- No

#### Training

When was the most recent department-wide training related to domestic violence?  

How long was the training?  

Who attended?  

Who conducted the training?  

Topics covered:

#### Community Collaboration

Does the department participate in any kind of coordinated response to domestic violence?  
- Yes  
- No

If yes, describe the collaboration:

Who attends?  
- Chief  
- Supervisors  
- Patrol/first responders  
- Others

Notes:
**Victim advocacy program response - Agency:**

**NOTE:** Collect this information for each primary domestic abuse victim advocacy program in the likely geographical area of the coordinated community response. See Supplemental Forms and Instructions.

<table>
<thead>
<tr>
<th><strong>Overview</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Advocacy Program director:</td>
</tr>
<tr>
<td>Number of victim advocates:</td>
</tr>
<tr>
<td>How long has the agency been providing services to victims of domestic abuse? Provide a brief history:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Policy</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>What kinds of advocacy services does the program provide?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Training</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Have advocates received any training specific to domestic violence in the military?</td>
</tr>
<tr>
<td>When?</td>
</tr>
<tr>
<td>Who attended?</td>
</tr>
<tr>
<td>Who conducted the training?</td>
</tr>
<tr>
<td>Topics covered:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Community Collaboration</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Describe the relationship between the advocacy program and military (FAP) victim advocates:</td>
</tr>
<tr>
<td>Does the advocacy program participate in any kind of coordinated response to domestic violence?</td>
</tr>
<tr>
<td>Who attends?</td>
</tr>
</tbody>
</table>

**Notes:**
## Prosecution response in the community - Agency:

**NOTE:** Collect this information for each prosecutor's office in the in the likely geographical area of the coordinated community response. See Supplemental Forms and Instructions.

### Overview

<table>
<thead>
<tr>
<th>Prosecutor's name:</th>
<th>In this position since:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of assistant prosecutors:</td>
<td>Number of victim/witness specialists:</td>
</tr>
</tbody>
</table>

Does the office have a mission statement regarding its response to domestic violence?
- [ ] Yes  Summarize below and/or attach
- [ ] No

### Policy

Is there a mandatory prosecution policy?
- [ ] Yes  Summarize below and attach
- [ ] No

Is there a preferred prosecution policy rather than mandatory?
- [ ] Yes  Summarize below and attach
- [ ] No

What is the policy on issuing no-contact orders in pending criminal cases?

### Training

When was the most recent office-wide training related to domestic violence?

How long was the training?
- [ ] Who attended?

Who conducted the training?

Topics covered:

### Community Collaboration

Does the office participate in any kind of coordinated response to domestic violence?
- [ ] Yes  [ ] No

If yes, describe the collaboration:

Who attends?
- [ ] Chief prosecutor
- [ ] Assistant prosecutor
- [ ] Victim/Witness specialist
- [ ] Others

Notes:
### Probation response in the community - Agency:

**NOTE:** Collect this information for the primary probation office in the in the likely geographical area of the coordinated community response.

#### Overview

<table>
<thead>
<tr>
<th>Chief probation agent’s name:</th>
<th>In this position since:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of probation agents:</td>
<td>Number of specialized domestic violence case agents:</td>
</tr>
</tbody>
</table>

Does the office have a mission statement regarding its response to domestic violence?

- [ ] Yes   Summarize below and/or attach
- [ ] No

#### Policy

Is there specific policy or protocol related to supervision of domestic violence offenders?

- [ ] Yes   Summarize below and attach
- [ ] No

Does the office have a specialized domestic violence offender unit or assignment?

- [ ] Yes   [ ] No

If yes, describe:

#### Training

When was the most recent agency-wide training related to domestic violence?

How long was the training?   Who attended?

Who conducted the training?

Topics covered:

#### Community Collaboration

Does the agency participate in any kind of coordinated response to domestic violence?

- [ ] Yes   [ ] No

If yes, describe the collaboration:

Who attends?

- [ ] Chief probation agent
- [ ] Agents
- [ ] Others

Notes:
### Batterer intervention program response - Agency:

**NOTE:** Collect this information for each primary batterer intervention program (BIP) in the likely geographical area of the coordinated community response. See Supplemental Forms and Instructions.

#### Overview

- **BIP director:**
  - In this position since:
- **Number of BIP facilitators:**
- **How long has the agency been providing batterer intervention programs?**
  - Provide a brief history:

#### Program structure and curriculum

- **Length of program (weeks):**
  - Number of groups or sessions per year:
- **Number of participants per group:**
  - Cost to each participant:
- **Describe sliding fee scale or other options for paying the fee:**
- **Total number of facilitators:**
  - Number of facilitators per group:
- **Describe the BIP’s philosophy and structure. Attach a curriculum outline:**

#### Training

- **How are facilitators trained and prepared?**
- **What specific training do facilitators receive about the dynamics of domestic violence:**
- **Have facilitators received any training specific to domestic violence in the military?**
  - Yes
  - No
  - **When?**
  - **For how long/how many hours?**
  - **Who attended?**
- **Who conducted the training?**
  - **Topics covered:**

#### Community Collaboration

- **Does the BIP participate in any kind of coordinated response to domestic violence?**
  - Yes
  - No
  - If yes, describe the collaboration:
  - **Who attends?**
  - **Notes:**
SUBJECT: Domestic Abuse Involving DoD Military and Certain Affiliated Personnel

References:  
(a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” October 17, 2006  
(c) Under Secretary of Defense for Personnel and Readiness Policy Memorandum, “Notification of Department of Defense-Related Fatalities Due to Domestic Violence or Child Abuse,” March 4, 2005 (hereby canceled)  
(e) through (am) see Enclosure 1

1. PURPOSE

Pursuant to Reference (a), this Instruction:

Enlisted Personnel,” (Reference (l)); USD(P&R) Policy Memorandum, “Establishing Protocols for Law Enforcement and Command Responses to Domestic Violence Involving Military Members on Active Duty,” (Reference (m)); USD(P&R) Policy Memorandum, “Domestic Abuse Identification and Assessment Training for Health Care Providers,” (Reference (n)); and USD(P&R) Policy Memorandum, “Restricted Reporting Policy for Incidents of Domestic Abuse” (Reference (o)).

1.2. Provides guidance for implementing those policies in accordance with section 1562 of title 10, United States Code (U.S.C.) (Reference (p)), and section 534 of Public Law 103-337 (Reference (q)) through a coordinated community response involving multiple offices and agencies at military installations working in coordination with the surrounding civilian community.

2. APPLICABILITY AND SCOPE

2.1. This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

2.2. The provisions of this Instruction are not intended to change or otherwise modify regulations, including DoD Directives and Instructions, concerned with determining misconduct by individuals and the criminal or civil actions available to address such misconduct.

2.3. This Instruction does not create any rights enforceable by any person, organization, or other entity in an administrative proceeding or at law or equity. Failure on the part of personnel to comply with any aspect of these guidelines shall not create any rights or privileges in the persons referenced and shall not operate to provide a defense or other remedy in any proceeding arising under this protocol. This guidance is intended only to improve the internal administration of the Department of Defense.

3. DEFINITIONS

Terms used in the Instruction are defined in Enclosure 2.

4. POLICY

It is DoD policy to:

4.1. Prevent and eliminate domestic abuse in the Department of Defense.
4.2. Provide for the safety of victims; hold abusers appropriately accountable for their behavior; and coordinate the response to domestic abuse with the local community.

5. RESPONSIBILITIES

5.1. The USD(P&R) shall:

5.1.1. Develop and maintain this Instruction and ensure compliance.

5.1.2. Collaborate with the Military Departments to establish procedures and programs consistent with this Instruction.

5.1.3. Maintain a central DoD database of domestic violence incidents that implements the requirements of section 1562 of Reference (p).

5.1.4. Program, budget, and allocate funds and other resources to meet the policy objectives of this Instruction.

5.2. The Deputy Under Secretary of Defense (Military Community and Family Policy) (DUSD(MC&FP)), under the USD(P&R), shall:

5.2.1. Issue standardized guidelines to the Secretaries of the Military Departments for developing a coordinated approach to addressing domestic abuse. These guidelines shall be designed to meet local needs and issued after consultation with healthcare and social programs and law enforcement and criminal investigative organizations serving DoD personnel and their families.

5.2.2. Provide guidance and technical assistance to the Military Departments and the DoD Components in addressing domestic abuse and facilitating the identification and resolution of inter-Component issues and concerns.

5.2.3. Collaborate with Federal and State Agencies that address domestic abuse and serve on related Federal committees and advisory groups.

5.2.4. Review annual reports of fatality reviews submitted by the Military Departments.

5.2.5. Convene an annual DoD Fatality Review Summit to respond to the findings and recommendations of the Military Departments’ fatality review teams.

5.2.6. Monitor compliance with this Instruction and periodically evaluate the DoD response to domestic abuse in collaboration with organizations herein.

5.3. The Inspector General of the Department of Defense shall:

5.3.1. Develop policy for DoD criminal investigative organizations and oversee their investigations of domestic violence.
5.3.2. Oversee domestic violence training in the DoD investigative and law enforcement communities.

5.3.3. Collaborate with the Office of the USD(P&R) as necessary on domestic violence matters.

5.4. The Secretaries of the Military Departments and the Directors of the Defense Agencies and DoD Field Activities shall notify the DUSD(MC&FP) of any DoD-related fatalities known or suspected to result from an act of domestic violence, child abuse, or suicide related to an act of domestic violence or child abuse, using DD Form 2901, “Child Abuse or Domestic Violence Related Fatality Notification.”

5.5. The Secretaries of the Military Departments shall also:

5.5.1. Establish policies and programs consistent with the procedures outlined in section 6 and ensure implementation, monitoring, and evaluation at all levels of military command.

5.5.2. Program, budget, and allocate funds and other resources to meet the policy objectives of this Instruction.

5.5.3. Provide annual education and training to key personnel on the policies and procedures in this Instruction.

5.5.4. Establish regulations implementing a restricted reporting policy for victims of domestic abuse consistent with Enclosure 3.

5.5.5. Establish guidance for commanders and law enforcement, in accordance with paragraphs 6.1. and 6.2., to help reduce the incidence and severity of domestic violence through prompt and effective law enforcement investigation and command action.

5.5.6. To implement sections 4061, 6036, and 9061 of Reference (p), establish multidisciplinary fatality review teams and provide appropriate training for their members, and establish procedures for conducting annual reviews of fatalities known or suspected to result from an act of domestic violence, child abuse, or suicide related to an act of domestic violence or child abuse.

5.5.7. Submit an annual report of fatality reviews conducted within the Military Department to the DUSD(MC&FP) through appropriate proponent offices for domestic violence and child abuse policy.

5.5.8. Issue regulations specifying that persons subject to the Uniform Code of Military Justice (UCMJ) (Chapter 47 of Reference (p)) comply with civilian and military orders of protection and that failure to comply may result in prosecution under the UCMJ.
5.5.9. Implement the Domestic Violence Amendment to the Gun Control Act in accordance with sections 922(d)(9) and 922(g)(9) of title 18, U.S.C. (Reference (r)), as directed in paragraph 6.1.4.

5.5.9.1. Periodically inform military and civilian personnel of the Domestic Violence Amendment to the Gun Control Act (Reference (r)), its consequences, and the requirements as described in paragraph 6.1.4.

5.5.9.2. Issue regulations governing how completed DD Forms 2760, “Qualification to Possess Firearms or Ammunition,” are to be filed and maintained to ensure they are retrievable if needed. (See paragraph 6.1.4.)

5.5.9.3. Issue policies and procedures to ensure compliance with the Domestic Violence Amendment to the Gun Control Act (Reference (r)) with respect to privately owned firearms under Government control or permitted in Government quarters.

5.5.9.4. Issue policies and procedures governing the transfer of firearms and ammunition to individuals in morale, welfare, and recreation activities and other Government-sponsored or sanctioned activities.

6. PROCEDURES

6.1. Commanders’ Role in Responding to Domestic Abuse. Commanders have a vital role in the coordinated community response to domestic abuse. Senior Enlisted Personnel serving in advisory roles to commanders should also be familiar with the requirements of this section.

6.1.1. Commanders shall:

6.1.1.1. Ensure that the alleged military abusers are held accountable for their conduct through appropriate disposition under the UCMJ (Chapter 47 of Reference (p)) and/or administrative regulations, as appropriate.

6.1.1.2. Respond to reports of domestic abuse as they would to credible reports of any other crime and ensure that victims are informed of services available.

6.1.1.3. Beginning with unit-level commanders closest to the accused, be familiar with the responsibilities delineated in section 6.1. If necessary, he/she shall involve his/her next higher superior officer in the chain of command.

6.1.1.4. Ensure that the restricted reporting policy procedures for victims of domestic abuse are fully implemented at the installation level. (See Enclosure 3.)

6.1.1.5. Refer any incident of domestic abuse reported or discovered independent of law enforcement to military law enforcement or the appropriate criminal investigative
organization for possible investigation in accordance with DoD Instruction 5505.3, "Initiation of Investigations by Military Criminal Investigative Organizations" (Reference (s)).

6.1.1.6. Counsel a military suspect about his/her alleged misconduct, but only after referring the incident of domestic abuse to law enforcement for investigation and consulting with the judge advocate general about providing the military suspect his/her Article 31 rights under the UCMJ (Chapter 47 of Reference (p)).

6.1.1.7. Ensure that the victim, alleged abuser, and family members of the victim who are eligible for treatment in a military medical facility (including those eligible on a fee-paying basis) are aware of appropriate medical, mental health, and other assessments, treatment, and referrals, recognizing the needs of a culturally diverse population, including needs for interpreter or translation services.

6.1.1.8. Ensure that those individuals who are not eligible to receive such services and treatment have been referred to the appropriate civilian office, agency, or organization.

6.1.1.9. Ensure safe housing has been secured for the victim as needed.

6.1.1.9.1. The preference is to remove the alleged abuser from the home when the parties must be separated to safeguard the victim.

6.1.1.9.2. If necessary, the alleged abuser will be directed to find alternative housing.

6.1.1.10. Cooperate in making the alleged abuser available to be served with a civilian protection order (CPO) as needed and consistent with service regulations. Obtain a copy of the protection order and review it with the servicing legal office.

6.1.1.11. If the alleged abuser is a civilian:

6.1.1.11.1. Consider requesting the installation/garrison commander to bar the individual from the installation.

6.1.1.11.2. Refer the alleged abuser to the appropriate criminal investigative organization for possible investigation.

6.1.1.11.3. Consult with the servicing civilian personnel office and the servicing legal office when the alleged abuser is a U.S. civil service employee who may be subject to disciplinary action.

6.1.1.12. Provide the victim with information about the Family Advocacy Program (FAP), victim advocate services, legal services, DoD Directive 1030.1 (Reference (t)), DoD Instruction 1342.24 (Reference (u)), and Principal Deputy Under Secretary of Defense for Personnel and Readiness Policy Memorandum, “Duration of Payment for Transitional Compensation for Abused Dependents,” (Reference (v)), as appropriate.
6.1.1.13. Ensure that victim advocacy is provided within a coordinated community response. (See paragraph 6.4.)

6.1.1.14. Ensure that victims of domestic abuse, living on or off the installation, have access to victim advocacy services in accordance with this Instruction 24 hours a day through either personal or telephonic contact; that such services include both immediate and ongoing information and referral assistance; safety planning (see paragraph 6.4.2.6.), and support services; that victims shall be actively involved in all aspects of the development of their safety and service plans; and that victims can make decisions regarding their safety and welfare, including refusal of victim advocacy services.

6.1.1.15. In consultation with FAP staff, ensure a safety plan is prepared and in place, and monitor the victim’s safety.

6.1.1.16. Review each law enforcement investigative report with the servicing legal office to determine appropriate disposition. The commander shall make this determination independent of any clinical determination by the FAP committee as to whether this incident shall be entered into the DoD Component FAP registry of substantiated domestic abuse incidents.

6.1.1.17. Document, as appropriate, that a Service member engaged in conduct that is a dependent-abuse offense when referring such action for court martial and when initiating action to administratively separate, voluntarily or involuntarily, the Service member from active duty so that the family members may apply for transitional compensation benefits (Reference (u)).

6.1.1.18. Consult FAP staff to determine if an alleged abuser is a suitable candidate for clinical intervention services and his/her level of danger to the victim and others.

6.1.1.19. If the Service member is to be returned from deployment early for disciplinary or civilian legal procedures or for relaxation and recreation, regardless of when the abuse occurred, the unit commander shall ensure that the commander at the home station is notified in advance of the early return so that safety precautions can be planned and implemented in consultation with FAP. If the Service member is to be returned from deployment upon the regular schedule for return, the commander at the home station shall ensure that the FAP has planned and coordinated safety precautions.

6.1.1.20. Consult personnel officials to determine if Temporary Duty or Permanent Change of Station (PCS) orders that interfere with completion of any directed intervention services should be canceled or delayed. When Temporary Duty or PCS cannot be canceled or delayed, coordinate efforts with the gaining installation to ensure continuity of services with the FAP/victim advocate, and others regarding intervention for both the alleged abuser and the victim.
6.1.1.21. Document and report command actions through installation law enforcement officials according to DoD Directive 7730.47 (Reference (w)) and DoD 7730.47-M (Reference (x)).

6.1.1.22. Ensure protection of all persons alleged or known to be at risk from domestic abuse by issuing and enforcing an appropriate military protection order (MPO) that is coordinated with those civilian authorities that enforce the protection orders issued by civilian courts. (See paragraph 6.1.2.)

6.1.2. MPOs. A commander:

6.1.2.1. Shall issue and monitor compliance with an MPO when necessary to safeguard a victim, quell a disturbance, or maintain good order and discipline while a victim has time to pursue a protection order through a civilian court, or to support an existing CPO.

6.1.2.2. May issue an MPO to an active duty member only to prohibit the member from contacting or communicating with the protected person or members of the protected person’s family or household and to direct the member to take specific actions that support, or are in furtherance of, the prohibition.

6.1.2.3. May use DD Form 2873, “Military Protective Order” to issue an MPO and shall provide copies of the signed MPO to the Service member who is the subject of the order, the Service member’s local personnel file, and to the protected person (or the custodial parent of the protected person if the protected person is a child.)

6.1.2.4. Shall tailor the terms of the MPO to meet the specific needs of an individual victim.

6.1.2.5. May issue an MPO even if a CPO has already been issued by a judge or magistrate.

6.1.2.5.1. A commander may issue an MPO that is applicable to locations beyond the jurisdiction of the court that issued a CPO, including locations outside of the United States.

6.1.2.5.2. The terms of the MPO should not contradict the terms of a CPO.

6.1.2.5.3. A commander may issue an MPO with terms that are more restrictive than those in the CPO to which the member is subject.

6.1.2.6. May enforce an MPO whether the Service member is on or off of the installation. Violations may be prosecuted under Article 90 of the UCMJ, for Willfully Disobeying a Superior Commissioned Officer or under Article 92, for Failure to Obey Order or Regulation or under Article 134, for conduct prejudiced to good order and discipline in the Armed Forces or of a nature to bring discredit upon the Armed Forces (Chapter 47 of Reference (p)).
6.1.2.7. Should contact the gaining command and recommend that the gaining command issue a new MPO when the Service member is transferred to a new command and an MPO is still necessary to protect the victim(s).

6.1.3. **The Armed Forces Domestic Security Act**

6.1.3.1. Pursuant to the Armed Forces Domestic Security Act (section 1561(a) of Reference (p)), commanders and installation law enforcement personnel shall take all reasonable measures necessary to ensure that a CPO is given full force and effect on all DoD installations within the jurisdiction of the court that issued such order.

6.1.3.2. A commander may establish procedures for registering a CPO on a DoD installation, but failure to register the order shall not be reason for a commander, having knowledge of the order, to fail to give it full force and effect.

6.1.3.3. All persons who are subject to a CPO shall comply with the provisions and requirements of such order whenever present on a military installation.

6.1.3.3.1. Active duty Service members failing to comply with a CPO may be subject to administrative and/or disciplinary action under the UCMJ (Chapter 47 of Reference (p)).

6.1.3.3.2. Civilians failing to comply with a CPO, including DoD civilian employees, may be barred from the installation. DoD civilian employees may also be subject to appropriate administrative or disciplinary action in appropriate circumstances. Prior to taking administrative or disciplinary action, supervisors should consult the servicing legal and civilian personnel offices.

6.1.3.4. Any person who violates a CPO while on a military installation is subject to the imposition of sanctions by the court issuing the order.

6.1.4. **Domestic Violence Misdemeanor (Lautenberg) Amendment to the Gun Control Act.** The following provides procedures for implementing the Lautenberg Amendment to the Gun Control Act (Reference (r)) with regard to both military and civilian personnel.

6.1.4.1. The amendment makes it a felony for any person to sell or otherwise dispose of firearms or ammunition to any person he or she knows or has reasonable cause to believe has been convicted of a “misdemeanor crime of domestic violence.”

6.1.4.2. The amendment prohibits anyone who has been convicted of a misdemeanor crime of domestic violence from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition; or receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. In addition to the Gun Control Act prohibiting anyone convicted of a felony from buying or possessing a firearm, the Lautenberg Amendment additionally prohibits any person convicted of a misdemeanor crime of domestic violence from buying or possessing a firearm.
6.1.4.3. Although the amendment only applies to misdemeanor crimes of domestic violence, it is DoD policy that a “qualifying conviction” also includes a conviction for a “crime of domestic violence” tried by general or special court-martial which otherwise meets the definition of a misdemeanor crime of domestic violence. See Enclosure 2 for the definition of qualifying conviction as used in this Instruction.

6.1.4.3.1. As a matter of DoD policy, a conviction for an offense meeting the definition of a “felony crime of domestic violence” adjudged on or after November 27, 2002 - the date at which the USD(P&R) policy was first issued as a directive-type memorandum (References (d) and (e)) - shall also be considered a qualifying conviction.

6.1.4.3.2. The term “qualifying conviction” does not include summary court-martial conviction, imposition of nonjudicial punishment under Article 15 of the UCMJ (Chapter 47 of Reference (p)), or deferred prosecutions or similar alternative dispositions in civilian courts. The term also does not include a determination by a FAP committee that this incident shall be entered into the DoD Component FAP registry of substantiated child abuse and domestic abuse incidents.

6.1.4.4. The Department of Defense does not construe the amendment to apply to major military weapon systems or “crew served” military weapons and ammunition (e.g., tanks, missiles, aircraft).

6.1.4.5. The actions required by the DoD implementing procedures as described in paragraphs 6.1.4.5.1. and 6.1.4.5.2. also apply outside United States territory.

6.1.4.5.1. Implementing Guidance for Military Personnel. Military personnel shall be periodically informed of the Domestic Violence Amendment to the Gun Control Act (Reference (r)) and the implementation procedures described in paragraphs 6.1.4.5.1.1. through 6.1.4.5.1.9..

6.1.4.5.1.1. Information provided shall include notice that personnel have an affirmative, continuing obligation to inform commanders or supervisors if they have, or later obtain, a qualifying conviction.

6.1.4.5.1.2. Information provided shall also direct that the revised DD Form 2760, which states that any statements made on the form will not be used in prosecution for violating the Gun Control Act (Reference (r)), is available.

6.1.4.5.1.3. All DoD Components shall post notices about the Domestic Violence Amendment and the procedures for implementation in all facilities in which Government firearms or ammunition are stored, issued, disposed of, and transported.

6.1.4.5.1.4. If in implementing this policy, a Military Department chooses to require that all or some of its military personnel certify whether or not they have a qualifying conviction, the DD Form 2760 shall be used for such certifications.
6.1.4.5.1.4.1. Even if certification is not required, DD Form 2760 shall be made available for use by those personnel who come forward to report a qualifying conviction in compliance with their obligation to do so.

6.1.4.5.1.4.2. Use of this form and the protections it affords have been approved in accordance with DoD Directive 5525.7 (Reference (y)).

6.1.4.5.1.5. Military Departments’ procedures otherwise used to discover whether an applicant for military service has a qualifying conviction for a crime of domestic violence shall continue in effect. Individuals with a qualifying conviction shall not be granted a waiver for entrance into military service.

6.1.4.5.1.6. In the case of all members found to have a qualifying conviction, appropriate authority will immediately retrieve all government-issued firearms and ammunition, suspend his/her authority to possess government-issued firearms or ammunition, and advise them to dispose of their privately owned firearms and ammunitions lawfully. These actions shall also be taken if there is reasonable cause to believe a military member has a qualifying conviction.

6.1.4.5.1.7. Consistent with applicable laws and regulations, the Military Departments may promulgate regulations governing permanent adverse personnel actions, including separation, that may be taken with respect to Service members who have a qualifying conviction.

6.1.4.5.1.7.1. Separation of military personnel shall comply with existing statutory military retirement sanctuaries (sections 1176(a), 637(a)(5), 580(a)(4)(C), 12646(e)(1), and 12686 of Reference (p)).

6.1.4.5.1.7.2. A Service member in any of these sanctuaries who has a qualifying conviction and would otherwise be separated under Military Department regulations shall be given meaningful duties that do not involve access to firearms or ammunition until such member is retired upon first attaining eligibility for retirement.

6.1.4.5.1.8. DoD Components may afford military personnel who have a qualifying conviction a reasonable time to obtain an expungement or pardon of the qualifying conviction. If time is granted to a Service member for this purpose, however, DoD Components shall retrieve all Government-owned or issued firearms and ammunition and suspend the Service member’s authority to possess firearms and ammunition until an expungement or pardon is obtained.

6.1.4.5.1.9. If a completed security clearance investigation reveals that a military member has a qualifying conviction, the investigation shall be referred to the requesting DoD Component for action consistent with this Instruction.

6.1.4.5.2. Implementing Guidance for DoD Civilian Personnel. The procedures in paragraphs 6.1.4.5.2.1. through 6.1.4.5.2.13. apply to all DoD appropriated and
nonappropriated fund civilian employees (section 2105 of 5, U.S.C. (Reference (z)), including employees working outside United States territory. It does not apply to foreign nationals employed overseas directly or indirectly by the Department of Defense.

6.1.4.5.2.1. Implementation of the procedures with respect to employees represented by unions shall be accomplished consistent with any labor relations obligations.

6.1.4.5.2.2. Each DoD Component shall identify all DoD civilian employment positions that include duties, activities, or responsibilities covered by the Gun Control Act, including selling or disposing of firearms and ammunitions or receiving, possessing, shipping, or transporting any firearm or ammunition in or affecting interstate or foreign commerce (Reference (r)) (hereafter referred to as “covered positions”). A data element identifying covered and non-covered positions was placed in the legacy Defense Civilian Personnel Data System (DCPDS) in the November 1998 release.

6.1.4.5.2.3. No DoD Component shall employ or retain in a covered position a civilian employee, including a nonappropriated fund employee, whom Component personnel know, or have reasonable cause to believe, has a qualifying conviction.

6.1.4.5.2.4. Each Component shall implement a program to inform its personnel in covered positions of the Domestic Violence Amendment to the Gun Control Act (Reference (r)), its consequences, and the procedures and policy in this Instruction.

6.1.4.5.2.4.1. Information provided shall include notice that personnel in covered positions have an affirmative, continuing obligation to inform their supervisors if they have, or later obtain, a qualifying conviction.

6.1.4.5.2.4.2. Information provided shall also direct that the revised DD Form 2760, which states that any statements made on the form will not be used in prosecution for violating the Gun Control Act (Reference (r)), is available.

6.1.4.5.2.4.3. DoD Components shall also post notices about the Domestic Violence Amendment and the following procedures for implementation in all facilities where firearms or ammunition is stored, issued, disposed of, and transported.

6.1.4.5.2.5. If in implementing this policy, a DoD Component chooses to require that all or some of its covered personnel certify that they do or do not have a qualifying conviction, the DD Form 2760 shall be used for such certifications.

6.1.4.5.2.5.1. Even if certification is not required, DD Form 2760 shall be made available for use by those personnel who come forward to report a qualifying conviction in compliance with their obligation to do so.

6.1.4.5.2.5.2. The form shall be filed on the left side of the employee’s personnel folder.
6.1.4.5.2.6. Each DoD Component shall retrieve Government-issued firearms and ammunition from any DoD employee in a covered position found to have a qualifying conviction and shall suspend the employee’s authority to possess firearms or ammunition. Such action shall also be taken if there is reasonable cause to believe a civilian employee in a covered position has a qualifying conviction.

6.1.4.5.2.7. The absence of a qualifying conviction shall be made a condition of employment for all covered positions.

6.1.4.5.2.8. No individual who has a qualifying conviction may be assigned or detailed into a covered position.

6.1.4.5.2.9. Notice must be provided to individuals applying for covered positions of the prohibition prior to employment in covered positions. Notification shall include an appropriate statement on a vacancy announcement for a covered position.

6.1.4.5.2.10. Individuals may be required to certify on a DD Form 2760 that they do not have a qualifying conviction before selection for, or appointment to, a covered position.

6.1.4.5.2.11. Personnel actions involving incumbents of covered positions having qualifying convictions may be taken in accordance with applicable law, regulations, collective bargaining agreements, and this Instruction. Such personnel actions may include redesigning a position so that it no longer is a covered position, reassigning an employee with a qualifying conviction, or taking an adverse action (e.g., a reduction in grade or removal).

6.1.4.5.2.12. A DoD Component may afford an employee found to have a qualifying conviction a reasonable time to obtain an expungement or pardon of the conviction. During this time, however, the Components shall retrieve all Government-owned or issued firearms and ammunition and suspend the employee’s authority to possess Government-owned or issued firearms and ammunition until an expungement or pardon is obtained.

6.1.4.5.2.13. When initiating a security clearance or suitability investigation on an applicant for, or an incumbent of, a covered position, each DoD Component shall identify the covered position on the request for investigation. If the completed investigation reveals a qualifying conviction, the investigation shall be referred to the requesting DoD Component for an employment suitability determination.

6.1.5. Establishing Memoranda of Understanding. Commanders shall ensure military criminal investigative and law enforcement organizations and legal officials establish formal memorandums of understanding (MOUs), or include in existing MOUs with their counterparts in the local community, procedures for improving information sharing on domestic abuse investigations, arrests, and prosecutions involving military personnel. The information in this section may be adapted to address additional areas of military-civil cooperation to further enhance the coordinated community response to domestic abuse.
6.1.5.1. MOUs between the installation and local civilian agencies/offices may be used to strengthen and formalize procedures for dealing with domestic abuse incidents that occur on or off the installation.

6.1.5.2. MOUs should be crafted to address issues specific to an installation and the communities surrounding it; there are, however, several issues that MOUs should address:

   6.1.5.2.1. A general statement of the purpose of the MOU.

   6.1.5.2.2. An explanation of jurisdictional issues that affect respective responsibilities on and off the installation.

   6.1.5.2.3. Procedures for exchanging information regarding domestic abuse incidents involving active duty Service members and their family members.

   6.1.5.2.4. Designation of the title of the installation office recipient of information from the local civilian office.

   6.1.5.2.5. An understanding with regard to the use of facilities.

   6.1.5.2.6. Meetings between the offices to review cases and MOU procedures.

6.1.5.3. Sample MOUs for use between installation criminal investigative and law enforcement organizations and legal officials, and their counterparts in the local community, are at Enclosures 4 and 5.

6.2. Law Enforcement’s Role in Responding to Domestic Violence. As part of the coordinated community response to domestic abuse, law enforcement and military criminal investigative personnel shall be responsible for investigating reports of domestic violence and assembling evidence indicating whether or not an act, attempted act, or threatened act of non-accidental physical force has occurred, by whom and against whom, and the impact the act has had on the victim in terms of actual or potential physical injury or the fear it creates. Law enforcement personnel shall respond to reports of domestic violence as they would to credible reports of any other crime and shall ensure that victims are informed of available domestic abuse services. This section provides sample protocols for first responders that may be used as guidance in establishing appropriate military law enforcement or military criminal investigative organization responses to domestic violence.

   6.2.1. The law enforcement or criminal investigative officer should attempt to elicit from the dispatcher all relevant information pertaining to the incident.

   6.2.2. Responding law enforcement personnel should approach the scene of a domestic violence incident as one of high risk.
6.2.3. Upon arrival, law enforcement personnel should identify themselves, explain their presence, and request entry to investigate the call. If refused entry, law enforcement personnel should be persistent and seek appropriate legal advice if forced entry is contemplated.

6.2.4. Once inside, law enforcement personnel should establish control by:

   6.2.4.1. Identifying potential weapons in the surroundings.
   6.2.4.2. Separating the victim and the alleged suspect.
   6.2.4.3. Restraining, detaining, or apprehending the alleged suspect as needed.
   6.2.4.4. Assessing injuries, administering first aid, or notifying emergency medical services.
   6.2.4.5. Inquiring about the alleged incident.
   6.2.4.6. Identifying all occupants and witnesses on the premises.
   6.2.4.7. Separating occupants and witnesses from the victim and the alleged suspect and keeping them out of hearing range.

6.2.5. Once control has been established, law enforcement personnel should:

   6.2.5.1. Interview the victim and alleged suspect as fully as circumstances allow.
   6.2.5.2. To the extent possible, attempt to determine the presence of risk factors as outlined in paragraph 6.6.2.
   6.2.5.3. Inquire about any history of abuse or existing protective orders.
   6.2.5.4. Fully investigate all alleged violations of protective orders.
   6.2.5.5. Encourage the victim to seek a medical examination and arrange transport as needed.
   6.2.5.6. Inquire about injuries that are concealed by clothing or otherwise not readily apparent.
   6.2.5.7. Advise the victim to contact law enforcement and arrange for photographs to be taken of other injuries that become apparent in the days following the incident (bruises, for example, might appear several hours after the incident occurred or the following day).

6.2.6. Law enforcement personnel shall immediately notify FAP of the incident to prompt a thorough risk assessment and safety planning.
6.2.7. If the alleged suspect has fled the scene, attempt to get information about potential whereabouts.

6.2.8. Law enforcement personnel should interview any witnesses as fully and as soon as circumstances allow.

6.2.9. Law enforcement personnel should interview children in a manner appropriate to their age and apparent developmental level.

6.2.10. Law enforcement personnel should collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence substantiating the victim’s injuries and crime scene, and evidentiary articles, such as weapons or torn/bloodied articles of clothing.

6.2.11. Law enforcement personnel should follow established law enforcement procedures pertaining to apprehension (for military personnel) and detention (for civilians). Law enforcement personnel should:

   6.2.11.1. Comply with training on whether advisement of rights under the 5th Amendment of the Constitution of the United States (Reference (aa)) or Article 31 of the UCMJ (Chapter 47 of Reference (p)) is required.

   6.2.11.2. Detain and turn over civilian suspects to DoD or local law enforcement personnel having arrest authority for further disposition.

   6.2.11.3. Comply with any applicable MOUs in terms of information sharing and cooperating with civilian law enforcement agencies. (See paragraph 6.1.5.)

6.2.12. Law enforcement personnel should seek appropriate legal advice if seizure of firearms not directly tied to the incident is contemplated. (See paragraph 6.1.2. pertaining to MPOs and paragraph 6.1.4. pertaining to the Lautenberg Amendment to the Gun Control Act.)

6.2.13. If the victim has a CPO, law enforcement personnel shall take all reasonable measures necessary to ensure that a CPO is given full force and effect. (See paragraph 6.1.3. on the Armed Forces Domestic Security Act.)

   6.2.13.1. An installation may have procedures in place for registering a CPO, but failure to register the order shall not be reason for law enforcement personnel, having knowledge of the order, to fail to give it full force and effect.

   6.2.13.2. Law enforcement personnel shall cooperate with civilian law enforcement agencies to ensure that alleged violations of CPOs are investigated.

6.2.14. If apprehension or detention is not authorized, law enforcement personnel should explain to the victim the reasons why apprehension or detention is not going to occur.
6.2.15. Whether or not apprehension or detention occurs, law enforcement personnel should not leave the scene of the incident until the situation is fully under control and the likelihood of further violence has been eliminated.

6.2.15.1. Law enforcement personnel shall inform the victim of the availability of local shelter facilities, services offered through FAP, victim advocate and other domestic abuse services, and procedures for obtaining a protective order.

6.2.15.2. If the victim desires to take advantage of the shelter option, law enforcement personnel are obliged to stand by as belongings are gathered for the stay at the shelter and to arrange transport to the shelter, as needed.

6.2.16. Law enforcement personnel shall promptly complete a detailed written report of the investigation and forward a copy to the alleged suspect’s commander or when the alleged suspect is a civilian, to the local law enforcement authorities in accordance with local law enforcement requirements and procedures.

6.3. **Judge Advocate’s (JA) Role in Responding to Domestic Violence.** As part of the coordinated community response to domestic abuse, JAs have an integral role in ensuring that victims are protected from further harm and advising commanders concerning the appropriate disposition of domestic violence offenses. JAs assigned defense counsel responsibilities should receive training appropriate for their role.

6.3.1. **Available Services.** JAs must ensure that victims are informed of services available to victims of domestic violence, such as the Victim Witness Assistance Program (Reference (t)) and the Transitional Compensation Program (Reference (u)).

6.3.2. **Response to Domestic Violence Allegations.** JAs are responsible for providing timely, informed advice to commanders regarding the response to domestic violence allegations. When advising the responsible commander regarding their response to incidents of domestic abuse, JAs shall consult with FAP and victim advocates when considering lethality risk factors. (See paragraph 6.6.2.)

6.3.3. **Issuance of MPOs.** JAs are responsible for advising commanders, when requested, regarding the appropriateness of issuing an MPO against an alleged military abuser. (See paragraph 6.1.2.)

6.3.4. **Armed Forces Domestic Security Act.** JAs shall advise the responsible commander and law enforcement personnel regarding the implications of the Armed Forces Domestic Security Act (section 1561(a) of Reference (p)). (See paragraph 6.1.3.)

6.3.5. **The Domestic Violence Misdemeanor Amendment (Lautenberg) to the Gun Control Act.** JAs shall advise the responsible commander and law enforcement personnel in all matters relating to the Domestic Violence Misdemeanor Amendment (Lautenberg) to the Gun Control Act (Reference (r)). (See paragraph 6.1.4.)
6.3.6. Negotiating MOUs with Civilian Offices and Agencies. SJAs shall advise the responsible commander regarding the appropriate scope and content of MOUs with civilian law enforcement agencies and district attorney’s offices. (See paragraph 6.1.5.)

6.3.7. Prosecution of Domestic Violence Cases. When prosecuting domestic violence cases, JAs are responsible for working with command, law enforcement, victim advocates and others.

6.3.7.1. JAs shall advise the responsible commander of the appropriate and effective response to domestic violence, taking into account the results of risk assessments conducted by FAP and/or victim advocates. (See paragraph 6.6.2.)

6.3.7.2. JAs shall advise law enforcement personnel, as appropriate, regarding scene investigation and evidence gathering to facilitate successful prosecution of domestic violence incidents, and the appropriate scope and content of law enforcement reports of domestic violence incidents.

6.3.8. JAs shall advise health care providers, victim advocates and victim advocate supervisors on whether an exception to restricted reporting exists.

6.4. Victim Advocacy

6.4.1. General Requirements

6.4.1.1. Execution of victim advocate duties must be conducted in a manner consistent with the victim’s election of restricted or unrestricted reporting.

6.4.1.2. Victims of domestic abuse who are eligible to receive military medical treatment, including those eligible on a fee-paying basis, shall have access to both immediate and ongoing victim advocacy services.

6.4.1.3. Victims who are not eligible to receive military medical treatment shall be offered FAP assessment and safety planning services and referral to civilian support services for all follow-on care.

6.4.1.4. If copies of safety plans are retained by victim advocates, they shall be kept by the victims’ name or personnel identifier in an appropriate Privacy Act system of records in accordance with DoDD 5400.11 and D 5400.11-R (References (ab) and (ac)).

6.4.2. Advocacy to Individual Victims – Initial Response and Safety Planning. The domestic abuse victim advocate shall:

6.4.2.1. Ensure that the victim understands that communication with the victim advocate is voluntary.
6.4.2.2. Inform the victim of both restricted and unrestricted reporting options pursuant to Enclosure 3 of this Instruction.

6.4.2.3. Ascertain the victim’s immediate needs.

6.4.2.4. Encourage the victim to seek medical consultation/examination.

6.4.2.5. Assess the situation for imminent danger of life-threatening physical harm to the victim or another person, considering the existence and frequency of the risk factors in section 6.6.2. If law enforcement has been involved, they should be consulted to determine the presence of the risk factors in section 6.6.2. If imminent danger of life-threatening physical harm to the victim or another person exists, the victim advocate shall immediately consult with a health care provider. If a victim has elected the restricted reporting option (see Enclosure 3 of this Instruction), command or law enforcement will still be notified if, based on the assessment, there is a good faith belief that there is a serious and imminent threat to the health or safety of the victim or another person.

6.4.2.6. Discuss an initial safety plan and, with the active participation of the victim, develop a plan in accordance with the safety plan, DD Form 2893, “Victim Advocate Safety Plan.” Ensure that the victim understands that establishing a written safety plan is voluntary. All victims, including victims who are not eligible for military medical care, shall be provided a copy of the initial safety plan. A copy of the safety plan shall be retained by the victim advocate only when the victim is eligible for military medical care and will continue to see the advocate. In all other instances, a copy shall not be retained. The victim advocate shall inform a victim whose plan is retained by the victim advocate that the plan will be kept in a record and where the record will be located. The victim advocate shall also inform the victim that the purpose of maintaining a record is to enable the victim and the victim advocate to continue their discussion of the victim’s safety, to develop the safety plan more fully, and to record services provided to the victim.

6.4.2.6.1. Victim advocates shall attempt to periodically review the victim’s safety plan with the victim.

6.4.2.6.2 Prior to closure of the victim advocacy case file, the victim advocate shall attempt to assess the victim’s need for additional or ongoing safety measures or clinical case staffing.

6.4.2.7. Ensure victims are aware of the legal actions available to promote their safety.

6.4.2.8. Offer victims information, as appropriate, regarding local resources for immediate safety and long-term protection and support; workplace safety; housing; childcare; legal services; clinical resources; medical services; chaplain resources; transitional compensation; and other military and civilian support services.
6.4.2.9. Facilitate victim contact with military and civilian resources, as appropriate, including shelter and safe housing resources.

6.4.3. **Advocacy to Individual Victims – Ongoing Assistance.** The domestic abuse victim advocate shall:

   6.4.3.1. Ensure that FAP, law enforcement, and the command are aware of the victim’s safety plan if the victim has elected the unrestricted reporting option.

   6.4.3.2. Maintain follow-up contact with the victim as appropriate.

   6.4.3.3. Develop a safety plan with the victim, if one has not already been completed, and review it periodically with the eligible victim. (See section 6.4.2.)

   6.4.3.4. Support the victim in decision making by providing relevant information and discussing available options.

   6.4.3.5. Assist the victim with prioritizing actions and establishing short- and long-term goals.

   6.4.3.6. Support the victim in advocating on her or his own behalf.

   6.4.3.7. Provide the victim comprehensive information and referral on relevant local military and civilian resources, the National Domestic Violence Hotline (1-800-799-SAFE) and Military OneSource (1-800-342-9647).

   6.4.3.8. Assist the victim in gaining access to service providers and victim support resources that can help the victim explore future options and prioritize actions.

   6.4.3.9. Assist the victim in contacting appropriate military and civilian legal offices for personal legal advice and assistance specific to the victim’s circumstances or case, including the filing for CPOs or MPOs. The victim advocate shall not provide legal advice.

   6.4.3.10. Consult and work with the Victim/Witness Liaison assigned when the military is involved in the investigation or disposition of an offense punishable under the UCMJ in accordance with Victim and Witness Assistance Procedures (Reference (ad)).

   6.4.3.11. Advise the victim of FAP clinical resources.

   6.4.3.12. Advise the victim of the impact of domestic abuse on children and offer referrals for assessments of the physical and mental health of involved children.

   6.4.3.13. Accompany the victim to appointments and civilian and military court proceedings, as appropriate and when requested by the victim.
6.4.3.14. Provide the victim’s spouse with basic information about the Transitional Compensation Program if the active duty abuser is being or may be separated from the Service due to dependent abuse and refer the victim to the Victim/Witness Liaison.

6.4.3.15. When a victim spouse decides to relocate away from the active duty abuser, provide the victim with basic information and eligibility requirements pertaining to the shipment of household goods and a vehicle at government expense according to section 406(h) of title 37 U.S.C. (Reference (ae)).

6.4.4. **FAP meetings.** The victim advocate shall:

6.4.4.1. Attend and participate in those portions of FAP meetings in which supportive services (including safety) and clinical treatment for the domestic abuse victim, and for any children living in the victim’s home, are discussed, and only when the victim has given a signed authorization. Such meetings include FAP clinical case consultation meetings.

6.4.4.2. Collaborate with other providers of supportive services and clinical treatment to the domestic abuse victim, and for any children living in the victim’s home, to ensure that the needs of the victim and such children are met.

6.4.4.3. Only disclose information pertaining to the victim to such victim, and pertaining to any children living in the victim's home to the non-abusing parent of any such children, in accordance with Reference (ac) and DoD Component implementing guidance.

6.4.4.4. Not attend those portions of FAP meetings in which assessment and clinical treatment for the alleged abuser are discussed.

6.4.5. **Systems Advocacy.** All domestic abuse responders shall promote a coordinated community response for the prevention of domestic abuse and for intervention when domestic abuse occurs. As a systems advocate, the victim advocate shall promote a coordinated community response for the prevention of domestic abuse and for intervention when domestic abuse occurs. However, these functions should not occur at the expense of providing direct service and support to victims. As a systems advocate, the victim advocate shall:

6.4.5.1. In collaboration with the victim advocate supervisor and FAP, conduct an ongoing assessment of the consistency and effectiveness of the Domestic Abuse Victim Advocate Program at the victim advocate’s installation.

6.4.5.2. Collaborate with other agencies and activities to improve system response to, and support of, victims.

6.4.5.3. Advocate for victim services that involve the victim in the decision-making process.

6.4.5.4. Collaborate with military and civilian law enforcement and criminal investigative units in the establishment of protocol and procedures to ensure: (1) notification of
the victim advocate when such units are notified of a domestic abuse incident; (2) collaboration on safety planning and safety measures; and (3) ongoing training of military and civilian law enforcement personnel on the victim advocate’s role.

6.4.5.5. Collaborate with the DoD-sponsored Medical Treatment Facility (MTF) and Dental Treatment Facility (DTF) in the establishment of protocol and procedures to ensure notification of a victim advocate for all incidents of suspected or reported domestic abuse, and the provision of ongoing training of medical/dental facility personnel on the victim advocate role.

6.4.5.6. Establish liaison with FAP intervention and prevention staff.

6.4.5.7. Establish liaison with civilian victim resources.

6.4.5.8. Actively participate as a member of the installation Family Advocacy Committee (FAC) in the development, implementation, and evaluation of installation domestic abuse policies and procedures, including MOUs, victim services contracts, and Inter-Service Support Agreements.

6.4.6. Education/Training and Public Awareness. Education, training, and public awareness are important victim advocate functions. However, these functions should not occur at the expense of providing direct service and support to victims. The victim advocate shall:

6.4.6.1. Assist in educating command and installation personnel on domestic abuse and victim advocate services.

6.4.6.2. Provide briefings on victim advocacy services to active duty personnel, the civilian spouses of active duty personnel, and DoD civilians when the latter are eligible to receive military medical treatment.

6.4.6.3. Assist in training military first responders, including law enforcement and MTF/DTF personnel, command personnel, and chaplains.

6.4.6.4. Assist in training civilian service providers about military victim issues, resources, and services.

6.4.6.5. Participate in developing and implementing public awareness campaigns on victim rights and advocacy services.

6.4.6.6. Assist in planning events for National Domestic Violence Awareness Month.

6.4.6.7. As authorized by his/her supervisor or commander, participate in private sector domestic abuse councils.

6.5. Health Care Provider’s (HCP) Role in Responding to Domestic Abuse. HCPs have a critical role in identifying and assessing victims of domestic abuse. They may be the first
individuals to come into contact with a victim after a domestic abuse incident. It is essential that all health care providers understand domestic abuse and are aware of their role in responding to and reporting incidents.

6.5.1. **Screening**

6.5.1.1. Prior to screening, the health care provider must inform the patient of the limits of confidentiality, to include the Restricted Reporting policy at Enclosure 3, and of all reporting requirements, to include state laws and DoD and Service regulations, and must make all required reports.

6.5.1.2. Adult patients and parents/caregivers of children in pediatric care should be asked about current and past domestic abuse victimization if during screening, the provider suspects abuse.

6.5.1.3. HCPs should screen patients in private, without any friend, relative, spouse, child (unless under the age of 3) or partner in the room. Appropriate safety measures must be considered if the HCP believes the alleged abuser is present.

6.5.1.4. Interpreters (not relatives or friends of the patients) should be used whenever necessary and appropriate.

6.5.1.5. If a patient reports no current or past abuse, but the HCP has reason to believe that abuse may be occurring, the health care provider shall provide the patient with basic information about resources on the installation or in the civilian community.

6.5.2. **Assessment**

6.5.2.1. The initial assessment shall occur immediately following a disclosure of domestic abuse and shall be repeated or expanded upon during follow-up appointments.

6.5.2.2. When a patient discloses current abuse, the assessment should include, at a minimum, relevant risk factors in paragraph 6.6.2. Additionally, the HCP should ask the patient if the alleged abuser is in the MTF and the extent to which his/her physical/mental health is impacted by the abuse.

6.5.2.3. HCPs shall determine if the patient has already reported the abuse to an official agency and/or has made a restricted report to a specified individual.

6.5.3. **Intervention.** HCPs should provide basic referrals for patients to appropriate services, such as FAP, victim advocacy services, the National Domestic Violence Hotline (1-800-799-SAFE) and Military OneSource (1-800-342-9647).

6.5.4. **Documentation**
6.5.4.1. Documentation should be completed by a health care provider who is authorized to record information in patient records. Documentation should include:

6.5.4.1.1. Patient statements, recorded to accurately reflect the patient’s own words.

6.5.4.1.2. Relevant history, including current and past incidents of abuse and their effects on the patient’s health.

6.5.4.1.3. Detailed results of physical examinations, both described in writing and noted accurately on a body map.

6.5.4.1.4. Photographs when possible and with the consent of the patient.

6.5.4.1.5. Results of any laboratory or diagnostic procedures.

6.5.4.1.6. Results of assessment, intervention, and referrals.

6.5.4.1.7. Patient’s selection of a reporting option.

6.5.4.2. If the patient does not disclose domestic abuse, the HCP shall document in the record that screening was conducted but the patient disclosed no abuse. If the provider suspects abuse even though the patient did not so disclose, the provider should document those concerns in the medical record (e.g., “physical findings are not congruent with history or description,” “patient presents with indicators of domestic abuse”) and also document any physical findings suggesting domestic abuse. Notifications in such instances should be made in accordance with DoD and Military Service policy.

6.6. FAP Responsibilities. In accordance with DoDD 6400.1, DoD 6400.1-M, and DoD 6400.1-M-1 (References (af), (ag), and (ah)), the FAP shall have primary responsibility for public awareness and education programs in the military community, for ensuring that each reported incident is assessed for risk of further domestic abuse, for ensuring that victims of domestic abuse receive a clinical assessment and supportive services, as appropriate, and for ensuring that domestic abusers receive a clinical assessment, treatment as appropriate, and ongoing treatment monitoring.

6.6.1. In conducting public awareness and education programs in the military community, the FAP shall coordinate with local civilian domestic abuse programs and with national and state civilian domestic abuse public awareness and education programs, modifying informational materials as appropriate for the military community.

6.6.2. Each incident of domestic abuse shall be assessed for risk whether or not violence was used in the incident in question. Risk assessment should include at a minimum, the existence and frequency of the following risk factors:

6.6.2.1. Access to the victim.
6.6.2.2. Victimization patterns have increased in severity or frequency.

6.6.2.3. Alleged abuser has threatened, attempted, or has a plan to kill the victim or his/her children.

6.6.2.4. Alleged abuser has threatened, attempted, or has a plan to commit suicide.

6.6.2.5. Alleged abuser has strangled the victim.

6.6.2.6. Alleged abuser has used a weapon, threatened to use a weapon, or has access to a weapon that may be used against the victim.

6.6.2.7. Victim has sustained serious injury during the abusive incidents.

6.6.2.8. History of law enforcement involvement regarding domestic abuse or other criminal behavior.

6.6.2.9. Victim has a restraining order or protection order against the alleged abuser.

6.6.2.10. Violation of a protection order by alleged abuser.

6.6.2.11. Victim is estranged, separated, or attempting to separate from the alleged abuser. Does he/she have a place to go?

6.6.2.12. Alleged abuser has stalked the victim.

6.6.2.13. Alleged abuser exhibits obsessive behavior, extreme jealousy, extreme dominance, rage, agitation, or instability.


6.6.2.15. Alleged abuser has forced sex on the victim.

6.6.2.16. Alleged abuser isolates the victim.

6.6.3. Clinical assessment and supportive services shall be offered to victims of domestic abuse on a voluntary basis. The FAP shall provide the victim with basic information about FAP and the availability of victim advocacy services on the installation or in the civilian community.

6.6.4. FAP shall conduct clinical assessments of alleged domestic abusers or make appropriate referrals for assessment by civilian providers.
6.6.5. If, as a result of the clinical assessment and the commander’s disciplinary action or the outcome of civilian criminal proceedings, it is appropriate to provide treatment to the alleged domestic abuser, FAP shall provide appropriate treatment in accordance with FAP guidelines or make appropriate referrals for clinical treatment by civilian providers.

6.6.6. To the extent possible, FAP shall monitor the treatment of the alleged abuser and shall promptly report violations of treatment rules to the commander or the appropriate civilian authority.

6.6.7. To the extent possible, FAP shall ensure that at periodic intervals both the victim and the alleged abuser are assessed to determine the risk of re-abuse.

6.7. Chaplains. Chaplains provide unique services to the military community and to victims and alleged abusers in domestic abuse situations.

6.7.1. Victims and alleged abusers are entitled to the protections of privileged communications with a chaplain that may be protected under the Military Rules of Evidence or applicable statutes and regulations. The restricted reporting policy (see Enclosure 3) is in addition to the current protections afforded privileged communications with a chaplain under the UCMJ, and does not alter or affect those protections.

6.7.2. In recognition of this special relationship, chaplains shall be trained on the policies and procedures in this Instruction as well as military Service-specific domestic abuse policies and privileged communications.

6.7.3. Upon learning of an incident of domestic abuse, chaplains shall provide basic referrals to appropriate services, such as FAP, victim advocacy services, the National Domestic Violence Hotline (1-800-799-SAFE) and Military OneSource (1-800-342-9647).

6.8. Continuous monitoring. Clinical treatment of a person who committed domestic abuse cannot by itself ensure that domestic abuse will cease. A coordinated community approach to continuous monitoring of an abuser is required to reduce the risk of further domestic abuse. Continuous monitoring is the collective responsibility of commanders, FAP clinicians, military law enforcement personnel, installation SJAs, victim advocates, chaplains, HCPs and numerous civilian community agencies, including criminal and family court judges, court probation officials, victim witness liaisons, domestic abuse treatment providers, child protective services agencies, and battered women’s shelters.

6.9. Fatality Notification and Fatality Review

6.9.1. Notification of DoD-Related Fatalities. The Military Departments and Defense Agencies/DoD Field Activities shall notify the DUSD(MC&FP) of any DoD-related fatality known or suspected to have resulted from an act of domestic violence, child abuse, or suicide related to an act of domestic violence or child abuse.
6.9.1.1. Information concerning such fatalities shall be submitted on DD Form 2901 by fax at the number provided on the form.

6.9.1.1.1. Information contained on DD Form 2901 must be coordinated with the criminal investigative organization or law enforcement agency having jurisdiction over the investigation prior to submission.

6.9.1.1.2. The name of the victim(s) and alleged abuser(s) shall not be included in item 25 of DD Form 2901.

6.9.1.2. The DUSD(MC&FP) shall retain the information in items 1 through 8 of DD Form 2901 for 2 calendar years after receipt. This information will be used to ascertain whether the appropriate Military Department has conducted the required fatality review. All remaining items on DD Form 2901 will be retained for 2 weeks after receipt to ensure that the appropriate Military Department has documented the fatality for future fatality reviews.

6.9.2. Review of DoD-Related Fatalities. The Military Departments shall conduct multidisciplinary, impartial reviews of each fatality known or suspected to have resulted from an act of domestic violence, child abuse, or suicide related to an act of domestic violence or child abuse. A fatality shall only be reviewed under this Instruction when all criminal proceedings have been completed.

6.9.2.1. Each Military Department shall establish and train a fatality review team.

6.9.2.1.1. The team shall be multidisciplinary, with representatives from organizations responsible for intervening with victims and abusers. At a minimum, FAP, the medical treatment facility, the SJA, law enforcement, and criminal investigative organization shall be represented.

6.9.2.1.2. The team may include appropriate civilian representatives. In such case it shall comply with the requirements of DoD Directive 5105.4 (Reference (ai)).

6.9.2.2. The team shall meet regularly in closed sessions to review fatalities for the purpose of identifying trends and patterns that may assist in developing policy recommendations that promote more effective prevention efforts and earlier and more effective interventions.

6.9.2.2.1. Team operating procedures shall be flexible enough to accommodate informal approaches that facilitate the team’s work, including meeting on an ad hoc basis, dispensing with routine meeting minutes, and conducting preliminary reviews without benefit of key information (i.e., police report, autopsy report, or record of trial).

6.9.2.2.2. The team shall conduct a system review of each identified case by determining which organizations had contact with the deceased; what services, if any, were offered; the quality of those services; the timeline of these critical events; and whether better or different services might have prevented the death of the deceased.
6.9.2.3. Fatality review teams shall:

6.9.2.3.1. Comply with the requirements of Reference (ac) and any state law that protects the confidentiality of the identities of individuals; and

6.9.2.3.2. Protect the confidentiality of the deliberations and internal team documents pursuant to DoD 5400.7-R (Reference (aj)) or under any relevant state law.

6.9.2.3. Each Military Department, through its proponent offices for domestic violence and child abuse, shall forward an “Annual Report Of Fatalities” to the DUSD(MC&FP). The report shall, at a minimum, include:

6.9.2.3.1. An executive summary;

6.9.2.3.2. Information on:

6.9.2.3.2.1. The victims’ sex, age, race/ethnicity, pay grade (if applicable), injuries, autopsy findings, household/family information (without identifying data), and significant medical and mental health history;

6.9.2.3.2.2. Manner of death: the legal classification, whether natural, suicide, homicide, accidental or undetermined;

6.9.2.3.2.3. The assailants’ sex, age, race/ethnicity, pay grade (if applicable), and household/family information (without identifying data), prior police record, restraining order violations, and significant medical and mental health history;

6.9.2.3.2.4. Whether there had been previous violence between the victim and assailant or a previous suicide attempt, and if so, a description of such previous violence or suicide attempt;

6.9.2.3.3. Policies and practices reviewed as a result of the fatality;

6.9.2.3.4. SJA verified military and/or civilian legal dispositions of cases involving homicide;

6.9.2.3.5. System interventions and failures, if any, within the Department of Defense;

6.9.2.3.6. A discussion of significant findings; and

6.9.2.3.7. Recommendations for systemic changes, if any, within the respective Military Department.

6.9.2.4. The annual report shall be due 24 months following the end of the fiscal year in which fatalities that are the subject of the report occur, and have a due date of September 30.
6.9.2.5. Within 12 months of receiving the initial fatality review reports, and annually thereafter, the DUSD (MC&FP) shall conduct a DoD fatality review summit to respond to the findings and recommendations from the Military fatality review teams.

7. TRAINING

In addition to providing education and training to key personnel on the policies and procedures in this Instruction, the Secretaries of the Military Departments shall provide periodic, mandatory training on the topics provided in paragraphs 7.1 through 7.5 to all military personnel. To the extent possible, education and awareness activities should also target family members. The Military Departments will determine the appropriate staff to deliver this training and the venue.

7.1. Dynamics of domestic abuse.

7.2. DoD policy and Military Service-specific domestic abuse policies and procedures.

7.3. Common misconceptions associated with domestic abuse.

7.4. Beliefs, attitudes and cultural issues associated with domestic abuse.

7.5. Military and civilian domestic abuse resources.

8. INFORMATION REQUIREMENTS

8.1. The annual report to the USD(P&R) of domestic violence and child abuse fatality reviews referred to in paragraph 6.9.2. has been assigned Report Control Symbol (RCS) DD-P&R(A)2175.

8.2. The reports to the DUSD(MC&FP) of DoD-related fatalities due to domestic violence or child abuse referred to in paragraph 6.9.1. have been assigned RCS DD-P&R(Q)2052.

8.3. Reporting instructions and data elements for the “DoD Domestic Violence Database” referred to in paragraph 5.1.3. are contained in DoD 7730.47-M (Reference (x)). The information requirements for such data has been assigned RCS DD-P&R(M)1973 under DoD Directive 7730.47 (Reference (w)).

8.4. These reporting requirements have been assigned according to DoD 8910.1-M (Reference (ak)).

8.5. The Safety Plan referred to in this Instruction is exempt from licensing according to paragraph C4.4.2 of Reference (ak).
9. **EFFECTIVE DATE**

This Instruction is effective immediately.

Michael L. Dominguez  
Principal Deputy

Enclosures- 5  
E1. References  
E2. Definitions  
E3. Restricted Reporting for Incidents of Domestic Abuse  
E4. Memorandum of Understanding Between the Installation Law Enforcement Office and Local Civilian Law Enforcement Agencies  
E5. Memorandum of Understanding Between the Installation Staff Judge Advocate and the Local District Attorney’s Office
E1. ENCLOSURE 1

REFERENCES, continued

(e) Under Secretary of Defense for Personnel and Readiness Memorandum, “Policy for Implementation of Domestic Violence Misdemeanor Amendment to the Gun Control Act for Civilian Personnel,” November 27, 2002 (hereby canceled)

(f) Under Secretary of Defense for Personnel and Readiness Memorandum, “Domestic Abuse Victim Advocate Program,” February 17, 2005 (hereby canceled)

(g) Under Secretary of Defense for Personnel and Readiness Policy Memorandum “Military Protective Orders (MPOs),” March 10, 2004 (hereby canceled)


(j) Principal Deputy Under Secretary of Defense for Personnel and Readiness Policy Memorandum, “Domestic Violence Prosecution Training,” March 18, 2002 (hereby canceled)


(m) Under Secretary of Defense for Personnel and Readiness Policy Memorandum, “Establishing Protocols for Law Enforcement and Command Responses to Domestic Violence Involving Military Members on Active Duty,” October 22, 2004 (hereby canceled)

(n) Under Secretary of Defense for Personnel and Readiness Policy Memorandum, “Domestic Abuse Identification and Assessment Training for Health Care Providers,” February 6, 2004 (hereby canceled)

(o) Under Secretary of Defense for Personnel and Readiness Policy Memorandum, “Restricted Reporting Policy for Incidents of Domestic Abuse,” January 22, 2006 (hereby canceled)

(p) Sections 580(a)(4)(C), 637(a)(5), 1059, 1076, 1176(a), 1561(a), 1562, 1588, 4061, 6036, 9061, 12646(e)(1), 12686, and Chapter 47 of title 10, United States Code


(r) Section 922(d)(9) and 922(g)(9) of title 18, United States Code

(s) DoD Instruction 5505.3, “Initiation of Investigations by Military Criminal Investigative Organizations,” June 21, 2002


(v) Principal Deputy Under Secretary of Defense for Personnel and Readiness Policy Memorandum, “Duration of Payment for Transitional Compensation for Abused Dependants,” June 14, 2004
(z) Section 2105 of title 5, United States Code
(ad) DoD Instruction 1030.2, “Victim and Witness Assistance Procedures,” June 4, 2004
(ae) Section 406(h) of title 37, United States Code
(am) DoD 6025.18-R, “DoD Health Information Privacy Regulation,” January 2003
E2. ENCLOSURE 2

DEFINITIONS

E2.1. Adult. For the purposes of this Instruction, an adult is a person who has either attained the age of 18 years of age or is married.

E2.2. Advocacy Services. Services that are offered to victims of domestic abuse with the goal of increasing victim safety and autonomy. Services shall include, but not necessarily be limited to, responding to victims’ emergency and ongoing safety concerns and needs, providing information about programs and services available to victims and their children in both the civilian and military communities, and providing victims with ongoing support and referrals.

E2.3. Ammunition. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “ammunition” means ammunition or cartridge cases,primers,bullets,or propellant powder designed for use in any firearm. However, it does not include ammunition for major military weapon systems or “crew served” military weapons systems.

E2.4. Categories of Support Available. Victims of domestic abuse who are eligible to receive military medical treatment, to include on a fee-paying basis, shall have access to both immediate and ongoing victim advocacy services. This support includes treatment and services at military treatment facilities and TRICARE services, as well as all services listed in this Instruction. Other victims are eligible for services consistent with their status.

E2.5. Child Abuse. The physical or sexual abuse, emotional abuse, or neglect of a child by a parent, guardian, foster parent, or by a caregiver, whether the caregiver is intrafamilial or extrafamilial, under circumstances indicating the child’s welfare is harmed or threatened. Such acts by a sibling, other family member, or other person shall be deemed to be child abuse only when the individual is providing care under express or implied agreement with the parent, guardian, or foster parent.

E2.6. Civilian Protection Order. For the purposes of this instruction in implementation of the Armed Forces Domestic Security Act,a CPO includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceedings so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

E2.7. Covered Communication. For the purposes of restricted reporting, an oral, written or electronic communication of personally identifiable information related to a domestic abuse
incident made by a victim to the victim advocate, the supervisor of victim advocates, or to a healthcare provider, for the purposes of receiving medical care or information, referral to service providers, advice, or safety planning. It includes a record relating to such a communication (including statements, notations or reports) but does not include statistical data that does not identify an individual.

E2.8. Crime of Domestic Violence. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “crime of domestic violence” means an offense that has as its factual basis, the use or attempted use of physical force, or threatened use of a deadly weapon; committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victims.

E2.9. Destructive device. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “destructive device” means (a) any explosive, incendiary, or poison gas bomb, grenade, mine, or any such rocket having a propellant charge of more than four ounces, or any such missile having an explosive or incendiary charge of more than one-quarter ounce, or any device similar to any of the devices described in the preceding clauses; (b) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in (a) or (b) and from which a destructive device may be readily assembled. Provided, however, that the term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon nor shall include any device, although originally designed as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

E2.10. Dispose. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “dispose” means to exercise control over, to direct or to assign for use, or to alienate, bargain away, bestow, convey, exchange, give away, or transfer by authority.

E2.11. DoD Civilian Employee. An employee of the Department of Defense who is a U.S. citizen and paid from appropriated, non-appropriated, revolving, or trust funds. The terms “civilian employee” and “employee” do not include military personnel.

E2.12. DoD-related Fatality. The death of

E2.12.1. A member of a Military Department on active duty;

E2.12.2. A current or former dependent of a member of a Military Department on active duty; or
E2.12.3. A current or former intimate partner who has a child in common or has shared a common domicile with a member of a Military Department on active duty.

E2.13. Domestic Abuse. Domestic violence or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person of the opposite sex who is:

E2.13.1. A current or former spouse.

E2.13.2. A person with whom the abuser shares a child in common; or

E2.13.3. A current or former intimate partner with whom the abuser shares or has shared a common domicile.

E2.14. Domestic Violence. An offense under the United States Code, the Uniform Code of Military Justice, or State law involving the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is:


E2.14.2. A person with whom the abuser shares a child in common; or

E2.14.3. A current or former intimate partner with whom the abuser shares or has shared a common domicile.

E2.15. Family Advocacy Committee (FAC). The policy making, coordination, recommending, and overseeing body for the installation FAP.

E2.16. Family Advocacy Program (FAP). A program designed to address prevention, identification, evaluation, treatment, rehabilitation, follow-up, and reporting of family violence. FAPs consist of coordinated efforts designed to prevent and intervene in cases of family distress, and to promote healthy family life.

E2.17. Felony crime of domestic violence. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “felony crime of domestic violence” is a “crime of domestic violence” that is classified as a felony under State or Federal law (generally, a crime punishable by a term of imprisonment that exceeds one year).

E2.18. Firearm. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “firearm” means (a) any weapon (including a starter gun) which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; and (c) any firearm muffler or firearm silencer; or (d) any destructive device. However, it does
not include major military weapons systems or “crew served” military weapons (tanks, missiles, aircraft)

E2.19. Health care provider. Those individuals who are employed or assigned as healthcare professionals, or are credentialed to provide health care services (including clinical social workers), at a military medical or military dental treatment facility, or a military family support center, or who provide such care at a deployed location or in an official capacity. This term includes military personnel, DoD civilian employees or DoD contractor personnel.

E2.20. Homicide. The killing of one person by another, whether lawfully or unlawfully. When death is determined to be homicide, it is a death that results from intentional or grossly reckless behavior of another person or persons. The term is not synonymous with murder or other crimes, which is a legal determination. The term includes both criminal actions and excusable incidents (e.g., self-defense, law enforcement, and combat actions).

E2.21. Interstate or foreign commerce. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “interstate or foreign commerce” includes commerce between any place in a state and any place outside of that state, or within any possession of the United States or the District of Columbia, but such term does not include commerce between places within the same state but through any place outside of that state.

E2.22. Misdemeanor crime of domestic violence. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “misdemeanor crime of domestic violence” is a “crime of domestic violence” that is classified as a misdemeanor under State or Federal law (generally, a crime punishable by a maximum term of imprisonment that is one year or less).

E2.23. Possession. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “possession” includes both “active possession” and “constructive possession,” whether authorized or unauthorized. Active possession of a firearm or ammunition exists when the firearm or ammunition is in the immediate possession of the person. Constructive possession exists when a person does not have actual possession but instead knowingly has the power and at a given time to exercise dominion and control over the firearm or ammunition, either directly or through others. Possession need not be exclusive but may be joint with others.

E2.24. Qualifying Conviction. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “qualifying conviction” applies to any of the following:

E2.24.1. A State or Federal conviction for a misdemeanor crime of domestic violence.

E2.24.2. A State or Federal conviction for a felony crime of domestic violence adjudged on or after November 27, 2002, as first established by USD(P&R) Directive-Type Memorandum (References (d) and (e)).
E2.24.3. Any general or special court-martial conviction for a Uniform Code of Military Justice offense that otherwise meets the elements of a crime of domestic violence, even though not classified as a misdemeanor or felony.

A person shall not be considered to have a qualifying conviction unless the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel and, if entitled to have the case tried by jury or before court-members, the case was actually tried by a jury or court members or the person知道自己 and intelligently waived the right to have the case tried by a jury or court members, and;

A person shall not be considered to have a qualifying conviction if the conviction has been expunged or set aside, or the convicted offender has been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess, or receive firearms.

E2.25. Reasonable cause. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “reasonable cause” means that there is reliable information that a reasonable, prudent person would rely on which makes it more likely than not that the individual has a qualifying conviction.

E2.26. Receive. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “receive” means to obtain, to take, to accept, to acquire, or to come into possession of.

E2.27. Restricted reporting. A process allowing an adult victim of domestic abuse, who is eligible to receive military medical treatment, including civilians and contractors who are eligible to receive military healthcare outside the Continental United States on a reimbursable basis, the option of reporting an incident of domestic abuse to a specified individual without initiating the investigative process or notification to the victim’s or alleged offender’s commander. Additional explanation and guidance is provided in Enclosure 3.

E2.28. Safety Planning. A process whereby a victim advocate, working with a domestic abuse victim, creates a plan, tailored to that victim’s needs, concerns, and situation, that will help increase the victim’s safety and help the victim to prepare for, and potentially avoid, future violence.

E2.29. Ship. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “ship” means the transportation, or the effecting of transportation, without limitation as to the means or facilities used or with respect to the person to whom any shipment is made.

E2.30. Suicide related to an act of domestic violence or child abuse. A person’s intentional taking of his or her own life; (1) that is known or is reasonably suggested by the circumstances to have some connection with an act of domestic violence or child abuse he or she recently committed; or (2) that is known or is reasonably suggested by the circumstances to have some
connection with a recent act of domestic violence or child abuse in a DoD-related context in which he or she was the victim.

E2.31. Transport. For purposes of this Instruction with regard to implementing the Domestic Violence Amendment to the Gun Control Act (Reference (r)), the term “transport” means to move, convey, carry, by any means, or to deliver or receive for the purpose of movement or conveyance.

E2.32. Unrestricted reporting. A process allowing a victim of domestic abuse to report an incident using current reporting channels, e.g. chain of command, law enforcement or criminal investigative organization, and Family Advocacy Program for clinical intervention. Additional explanation and guidance is provided in Enclosure 3.

E2.33. Victim Advocate. An employee of the Department of Defense, a civilian working under contract for the Department of Defense, or a civilian providing services by means of a formal memorandum of understanding between a military installation and a local victim advocacy service agency, whose role is to provide safety planning services and comprehensive assistance and liaison to and for victims of domestic abuse, and to educate personnel on the installation regarding the most effective responses to domestic abuse on behalf of victims and at-risk family members. The advocate may also be a volunteer military member, a volunteer civilian employee of the Military Department, or staff assigned as collateral duty.

E2.34. Victim and Witness Assistance Program (VWAP). A program established by References (t) and (ad) that assists victims and witnesses of crimes punishable under the Uniform Code of Military Justice from initial contact with the program through investigation, prosecution, and confinement.
RESTRICTED REPORTING FOR INCIDENTS OF DOMESTIC ABUSE

E3.1. Victims of domestic abuse shall be protected, treated with dignity and respect, and provided support, advocacy, and care. DoD policy also strongly supports effective command awareness and prevention programs, and law enforcement and criminal justice activities that will maximize accountability and prosecution, as appropriate, of perpetrators of domestic abuse. To achieve these dual objectives, DoD policy prefers that personnel report suspected domestic abuse incidents promptly to activate both victims’ services and accountability actions. However, a requirement that all domestic abuse incidents be reported can represent a barrier for victims hoping to gain access to medical and victim advocacy services without command or law enforcement involvement. The Department of Defense recognizes the potential impact of restricted reporting on investigations and a commander’s ability to hold perpetrators accountable, and this policy decision presents the judgment that such risks have been carefully considered but were outweighed by the overall interest in providing domestic abuse victims this form of support.

E3.2. This enclosure provides guidelines for restricted reporting of incidents of domestic abuse, as defined in Enclosure 2, and implements regulations required by section 585 of Public Law 106-65 (Reference (al)). The magnitude of this change requires extensive, in-depth training for DoD personnel and specialized training for commanders, senior enlisted personnel, victim advocates, criminal investigators, law enforcement personnel, FAP personnel, chaplains, healthcare providers, and legal personnel.

E3.3. Restricted reporting is limited to adult victims of domestic abuse. Restricted reporting is defined in Enclosure 2.

E3.4. Domestic abuse often goes unreported in society at large. Although the victim’s decision to report the incident is a crucial step toward holding the offender accountable following a domestic abuse incident, it can have potential serious consequences for the safety and welfare of the victim and other family members. When domestic abuse is reported to military and/or civilian authorities who fail to take appropriate action, the abuse may recur and escalate. In the military community, a victim is usually concerned that reporting will have immediate repercussions on the military career of the family-member offender, and thus affect the family’s financial welfare. The result is that this potential impact may often deter the victim from seeking care at all or reporting the domestic abuse incident. Commanders have a responsibility to ensure community safety and due process of law, but they must also recognize the importance of protecting the safety and well-being of victims and other family members. A system that affords victims access to medical and victim advocacy services without immediate command or law enforcement involvement may encourage victims to feel more comfortable and safe about reporting domestic abuse.
E3.5. In order to address these competing interests, adult victims of domestic abuse incidents will now have two reporting options: unrestricted reporting and restricted reporting. Regardless of whether the victim elects restricted or unrestricted reporting, confidentiality of medical information will be maintained in accordance with DoD 6025.18-R (Reference (am)).

**E3.5.1. Unrestricted Reporting.** Victims of domestic abuse who want to pursue an official command or criminal investigation of an incident should use current reporting channels, e.g., chain of command, FAP, or law enforcement. Upon notification of a reported domestic abuse incident, victim advocacy services and FAP clinical services will be offered to the victim. Additionally, at the victim’s request, the healthcare provider, in coordination with criminal investigators, shall conduct any forensic medical examination deemed appropriate. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

**E3.5.2. Restricted Reporting**

**E3.5.2.1.** In cases where an adult victim instead elects restricted reporting, and discloses information to either a victim advocate, victim advocate supervisor or healthcare provider, the victim advocate, victim advocate supervisor and healthcare provider may not disclose covered communications, as defined in Enclosure 2, to either the victim’s or offender’s commander or to law enforcement either within or outside the Department of Defense, except as provided in the exceptions in E.3.5.3. To the extent that Sexual Assault Response Coordinators are assigned domestic abuse responsibilities, they may have access to domestic abuse restricted reporting information.

**E3.5.2.2.** For purposes of command responsibility and the gathering of accurate data, the victim advocate or his/her supervisor is responsible for reporting information concerning domestic abuse incidents, without information that could reasonably lead to personal identification of the victim or alleged offender, to command officials at the next FAC meeting following receipt of information about the alleged domestic abuse incident, or as directed by the commander responsible for convening the FAC. This will give the commander a clearer picture as to the number and type of domestic abuse incidents within the command, and enhance the commander’s ability to provide an environment that is safe and contributes to the well-being and mission-readiness of all of its Service members.

**E3.5.2.3.** Restricted reporting is intended to give adult victims additional time, while benefiting from receiving relevant information and support, to make more informed decisions about reporting the domestic abuse incident to the appropriate commander. A victim who receives appropriate care and treatment, and is provided an opportunity to make an informed decision about reporting to law enforcement or command and the possibility of a criminal investigation, is more likely to develop increased trust that his or her needs are of primary concern, and therefore decide to report the domestic abuse incident to the appropriate commander or law enforcement.

**E3.5.2.4.** Restricted reporting allows an adult victim of domestic abuse to disclose the details of his or her abuse to specifically identified individuals and receive medical treatment and
Victim advocacy services without requiring that notice be provided to the alleged offender’s commander, or to the criminal investigative organization. Victims of domestic abuse who desire restricted reporting under this policy must report the abuse to one of the following specified individuals:

E3.5.2.4.1. A victim advocate;
E3.5.2.4.2. A healthcare provider, as defined in Enclosure 2; or
E3.5.2.4.3. The supervisor of a victim advocate.

E3.5.2.5. The supervisor of a victim advocate will assure the assignment of a victim advocate to assist the victim.

E3.5.2.6. HCPs will initiate the appropriate care and treatment, and will report the domestic abuse only to a victim advocate or his/her supervisor, unless otherwise permitted by this Instruction or required for any of the reasons enumerated in section E3.5.3. Additionally, in connection with an incident of domestic abuse, at the victim’s discretion/request, the HCP, if appropriately trained and/or supervised, shall conduct any forensic medical examination deemed appropriate. The forensic component includes gathering information from the victim for the medical forensic history, an examination, documentation of biological and physical findings, collection of evidence from the victim, and follow-up as needed to document additional evidence. The HCP will transfer the forensic evidence, via proper evidence chain of custody procedures, to an activity designated by the Secretary of the Military Service to receive that evidence.

E3.5.2.6.1. In the absence of a DoD HCP trained to conduct an examination of this nature, the victim will be appropriately referred for the forensic medical examination.

E3.5.2.6.2. If the victim elects to receive medical care at a civilian facility, regulations governing the release of medical information at that facility apply. To the extent possible, victims should be aware of this.

E3.5.2.7. If the victim advocate is the first contact with the victim, he/she will notify his or her supervisor as soon as possible. The victim advocate will contact the victim and provide the victim accurate information about the process of restricted reporting, as compared to unrestricted reporting, and victim advocacy services.

E3.5.2.8. The victim will acknowledge in writing his or her understanding that restricted reporting may limit the government’s ability to prosecute the alleged offender in a domestic abuse incident and an understanding of the reasons DoD policy favors unrestricted reporting.

E3.5.2.9. Consistent with current policy regarding privileged communications, victims may also report the abuse to a chaplain. Although a report to a chaplain is not a restricted report under this policy, it is a communication that may be protected under the Military Rules of Evidence or applicable statutes and regulations. The restricted reporting process does not affect
any privilege recognized under the Military Rules of Evidence. This restricted reporting policy is in addition to the current protections afforded privileged communications under the UCMJ, and does not alter or affect those protections.

E3.5.3. Exceptions to Confidentiality and Restricted Reporting and Limitations on Use

E3.5.3.1. In cases in which a victim elects restricted reporting, the prohibition on disclosing covered communications to the following persons or entities will be suspended when disclosure would be for the following reasons:

E3.5.3.1.1. Named individuals when disclosure is authorized by the victim in writing.

E3.5.3.1.2. Command officials or law enforcement when necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person.

E3.5.3.1.3. FAP and any other agencies authorized by law to receive reports of child abuse or neglect when, as a result of the victim’s disclosure, the victim advocate or healthcare provider has a reasonable belief that child abuse has also occurred. However, disclosure will be limited only to information related to the child abuse.

E3.5.3.1.4. Disability Retirement Boards and officials when disclosure by a healthcare provider is required for fitness for duty for disability retirement determinations, limited to only that information which is necessary to process the disability retirement determination.

E3.5.3.1.5. Supervisors of the victim advocate or healthcare provider when disclosure is required for the supervision of direct victim treatment or services.

E3.5.3.1.6. Military or civilian courts of competent jurisdiction when a military, Federal, or State judge issues a subpoena or order for the covered communications to be presented to the court or to other officials or entities when the judge orders such disclosure.

E3.5.3.1.7. To other officials or entities when required by Federal or State statute or applicable U. S. international agreement.

E3.5.3.2. Healthcare providers may also convey to the victim’s commander, if applicable, information on any possible adverse duty impact related to an active duty victim’s medical condition and prognosis in accordance with DoD 6025.18-R (Reference (am)). Such circumstances, however, do not otherwise warrant an exception to policy, and therefore the specific details of the domestic abuse incident will still be treated as covered communication and may not be disclosed.

E3.5.3.3. If the victim advocate or healthcare provider believes that disclosure is warranted or required pursuant to one of the exceptions, when time permits, the victim advocate or healthcare provider shall first consult with his or her supervisor and servicing legal office or staff judge advocate prior to disclosure. When there is uncertainty or disagreement on whether
an exception applies, the matter will be brought to the attention of the installation commander for decision.

E3.5.3.4. The victim advocate or healthcare provider must also make every reasonable effort to provide the affected victim advance notice of the intention to disclose a covered communication, with a description of the information to be disclosed, the basis for disclosure, and the individual, group, or agency to which it will be disclosed. The disclosure will be limited to information necessary to satisfy the purpose of the disclosure in the event the disclosure is made under the authority of one of the stated exceptions. Further disclosure will not be made unless the domestic abuse victim authorizes the disclosure in writing.

E3.5.4. Improper disclosure of covered communications, improper release of medical information, and other violations of this policy are prohibited and may result in discipline under the UCMJ, loss of privileges, and/or other adverse personnel or administrative actions.

E3.5.5. In the event that information about a domestic abuse incident is disclosed to the commander or FAP, from a source independent of the restricted reporting avenues, law enforcement or the appropriate criminal investigative organization shall also be notified. FAP shall intervene with the family and conduct all appropriate assessments and provide all appropriate treatment. Additionally, a victim’s disclosure of his or her domestic abuse to persons other than those covered by this policy may result in an investigation of the allegations by law enforcement and clinical intervention from FAP. Consistent with current policy, commanders acquiring information under these circumstances about a domestic abuse incident shall immediately notify law enforcement and FAP.

E3.6. This policy does not create any actionable rights for the alleged offender or the victim, nor constitute a grant of immunity for any actionable conduct by the alleged offender or the victim, nor create any form of evidentiary or testimonial privilege. Covered communications that have been disclosed to persons other than those specified to receive them under the protections of this restricted reporting policy, even if disclosed improperly or inadvertently, may be used in administrative, non-judicial, or judicial disciplinary proceedings.
E4. ENCLOSURE 4

SAMPLE MEMORANDUM OF UNDERSTANDING BETWEEN THE INSTALLATION LAW ENFORCEMENT OFFICE AND LOCAL CIVILIAN LAW ENFORCEMENT AGENCIES

(INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency

1. PURPOSE: To establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction and coordination of efforts and assets between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency in domestic abuse cases involving active duty military personnel and their family members.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. (See United States v. Caceres, 440 U.S. 741, 1979.)

A. [Insert paragraph here defining response and investigation jurisdiction for the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency.]

3. RESPONSIBILITIES:

A. The (CITY, COUNTY, or STATE) Law Enforcement Agency agrees to perform the following actions:

(1) When responding to or investigating domestic abuse cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active duty Service member, and subject to (2) below, the responding officer(s) will note on the top of the incident/investigation report “Copy to the (INSTALLATION) Installation Law Enforcement” and the designated Records personnel will ensure the copy is forwarded.

(2) When responding to or investigating domestic abuse cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim’s consent to forward a copy of the
incident/investigation report to the (INSTALLATION) Law Enforcement Office so that it can be provided to the victim’s commander. If the victim so consents, the responding officer(s) will note on the top of the incident/investigation report “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall note in the body of the incident/investigation report that the victim did not consent to forwarding the report to the Installation Law Enforcement Office and shall not direct Records personnel to forward the report.

(3) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civilian protection order (CPO) issued by a court of competent jurisdiction, the responding officer(s) will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active Service member, and subject to (4) below, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. [This paragraph may not be necessary if the installation has an MOU with the local court specifying that the court will forward copies of such CPOs to the installation.]

(4) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civilian protection order (CPO), the responding officer(s) will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim’s consent to forward a copy of the CPO to the (INSTALLATION) Installation Law Enforcement Office. If the victim so consents, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall not request that a copy of the CPO be forward to the Installation Law Enforcement Office.

(5) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall designate an employee from Records who will be directly responsible for forwarding copies of incident/investigation reports and CPOs to the (INSTALLATION) Installation Law Enforcement Office when directed to do so by notations at the top of the reports or CPOs. The employee shall also be responsible for receiving and processing of MPOs forwarded from the (INSTALLATION) Installation Law Enforcement Office.

(6) When the (CITY, COUNTY, or STATE) Law Enforcement Agency becomes aware of a violation of a term or provision of a Military Protective Order (MPO), the responding officer(s) shall notify the designated representative from the (INSTALLATION) Installation Law Enforcement Office of the violation.
(7) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall provide the (INSTALLATION) Installation Law Enforcement Office with an area for Installation Law Enforcement investigators to conduct interviews of active duty Service members and their family members who are involved in domestic abuse incidents.

(8) The (CITY, COUNTY, or STATE) Law Enforcement Agency will, when appropriate, conduct joint investigations with the (INSTALLATION) Installation Law Enforcement Office if incidents of domestic abuse involve active duty Service members and their family members.

(9) When the victim in a domestic abuse incident has been identified as an active duty Service member or a Service member's family member, the (CITY, COUNTY, or STATE) Law Enforcement Agency responding officer(s) shall provide the victim with basic information, acquired from the Installation Law Enforcement Office (below), about installation resources available to domestic abuse victims.

(10) As new law enforcement officers begin duty with the (CITY, COUNTY, or STATE) Law Enforcement Agency, their immediate supervisor will provide them with copies of this MOU and basic instruction for effectuating the provisions of this MOU.

B. The (INSTALLATION) Installation Law Enforcement Office agrees to perform the following actions:

(1) The (INSTALLATION) Installation Law Enforcement Office shall designate an individual to act as liaison to the (CITY, COUNTY, or STATE) Law Enforcement Agency and to receive copies of incident/investigation reports stemming from an incident occurring off of the installation and CPOs involving active duty Service members and their family members.

(2) Upon receipt of a copy of an incident/investigation report stemming from incidents occurring off of the installation or a CPO involving an active duty Service member and his/her family member, the (INSTALLATION) Installation Law Enforcement Office shall immediately notify the Service member’s commander.

(3) When the (INSTALLATION) Installation Law Enforcement Office receives a copy of an MPO issued by a Service member’s commander, and if that Service member is living off of the installation, the (INSTALLATION) Installation Law Enforcement Office shall forward a copy of the MPO to the (CITY, COUNTY, or STATE) Law Enforcement Agency with jurisdiction over the area in which the Service member resides.

(4) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, STATE, OR COUNTY) Police Department with an area for Police
Department officers or investigators to conduct interviews of active duty Service members and their family members who are involved in domestic abuse incidents.

(5) The (INSTALLATION) Installation Law Enforcement office will, when appropriate, conduct joint investigations with the (CITY, COUNTY, or STATE) Law Enforcement Agency if incidents of domestic abuse involve active duty Service members and their family members.

(6) The (INSTALLATION) Installation Law Enforcement Office will assist the (CITY, COUNTY, or STATE) Law Enforcement Agency when investigating cases that occurred off base by providing information such as medical records, service records, and incident/investigation reports from incidents occurring under the jurisdiction of the Installation Law Enforcement Office in accordance with the provisions of the Privacy Act, 5 USC 552a.

(7) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, COUNTY, or STATE) Law Enforcement Agency with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic abuse victims.

(8) [Insert a paragraph here stating proper installation procedure for responding to domestic abuse incidents occurring on the installation involving civilian alleged offenders.]

(9) As new personnel begin duty with the (INSTALLATION) Installation Law Enforcement office, their immediate supervisor will provide them with copies of this MOU and basic instructions on implementing the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.

B. Effective execution of this agreement can only be achieved through continuing communication and dialog between the parties. It is the intent of this MOU that channels of communication will be used to resolve questions, misunderstandings or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) Installation Law Enforcement Office and from the (CITY, COUNTY, or STATE) Law Enforcement Agency shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to share information regarding reciprocal investigations.
SAMPLE MEMORANDUM OF UNDERSTANDING BETWEEN THE INSTALLATION STAFF JUDGE ADVOCATE AND THE LOCAL DISTRICT ATTORNEY’S OFFICE

(INSTALLATION) Staff Judge Advocate (SJA) and
(COUNTY/CITY) District Attorney’s (DA) Office

1. PURPOSE: To establish written procedures concerning the exchange of information, case investigation and prosecution, and coordination of efforts and assets between the (INSTALLATION) SJA and the (COUNTY/CITY) DA in domestic abuse cases involving active duty military personnel assigned to the (INSTALLATION) and their family members.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance documenting an agreement for general support between the (INSTALLATION) SJA and the (COUNTY/CITY) DA. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. (See United States v. Caceres, 440 U.S. 741, 1979).

A. [Insert paragraph here defining jurisdiction for both the (INSTALLATION) SJA and (COUNTY/CITY) DA.]

3. RESPONSIBILITIES:

A. The (COUNTY/CITY) DA agrees to perform the following actions:

   (1) When the victim in a domestic abuse incident has been identified as an active duty Service member or a family member of such a member, the (COUNTY/CITY) DA shall provide the victim with basic information, acquired from the Installation SJA (below), about (INSTALLATION) resources available to domestic abuse victims.

   (2) When investigating or prosecuting domestic abuse cases, the (COUNTY/CITY) District Attorney (DA) shall determine whether the alleged offender is an active duty Service member assigned to (INSTALLATION). If the alleged offender is an active duty member assigned to (INSTALLATION), the DA shall contact the (INSTALLATION) SJA to inform the SJA of the pending investigation or prosecution. Upon request, the DA shall forward copies of relevant police reports, civil protection orders, and any orders specifying pre-trial conditions to the SJA.

   (3) When investigating a domestic abuse case involving an active duty member assigned to (INSTALLATION) who is alleged to be the offender, the DA shall
consult with the SJA with respect to prosecution of the individual under the appropriate state law or under the Uniform Code of Military Justice (UCMJ).

(4) During the course of the DA’s investigation or prosecution of a crime of domestic abuse allegedly committed by an active duty Service member assigned to (INSTALLATION), the DA shall keep the SJA informed of the status of the case through regular contacts. The DA shall notify the SJA specifically of any changes in confinement status or pre-trial release conditions.

(5) When, after consultation, the SJA and the DA have determined that the alleged offender will be subject to procedures under the UCMJ, the DA shall cooperate during the investigation and disciplinary action to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

(6) As new attorneys begin working in the (COUNTY/CITY) DA, their immediate supervisor will provide them with copies of this MOU and basic instruction for executing the provisions of this MOU.

B. **The (INSTALLATION) SJA agrees to perform the following actions:**

(1) The (INSTALLATION) SJA shall provide the (COUNTY/CITY) DA with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic abuse victims.

(2) When investigating a domestic abuse case involving an active duty member assigned to (INSTALLATION) who is alleged to be the offender, the SJA shall, in cases where the state has jurisdiction, consult with the local DA to determine whether the individual will be prosecuted under the appropriate state law or whether the command will pursue disciplinary action under the UCMJ.

(3) Upon request, the SJA shall forward copies of relevant police incident reports and military protection orders to the DA.

(4) When, after consultation, the DA and the SJA have decided that the alleged offender will be prosecuted under state law, the SJA shall cooperate during the investigation and prosecution to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

(5) As new personnel begin duty with the (INSTALLATION) SJA, their immediate supervisor will provide them with copies of this MOU and basic instructions on executing the provisions of this MOU.

4. **EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:**
A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.

B. Effective execution of this agreement can only be achieved through continuing communication and dialog between the parties. It is the intent of this MOU that communication will be used to resolve questions, misunderstandings or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) SJA and from the (COUNTY/CITY) DA’s Office shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to review and revise provisions of this MOU.
Understanding the Military Response to Domestic Violence

Tools For Civilian Advocates

By Judith E. Beals
May 2, 2003

Updated by Patricia Erwin, PhD
January 23, 2007
“When civilian advocates don’t understand the military, it just strengthens the power and control that make it so hard for victims to get help. In my case, a knowledgeable advocate, working in partnership with a military advocate, would have made all the difference. Please, please, use this handbook, and become part of the solution, for the sake of so many others like me who are still out there...”

C.M., Survivor

“Wherever you work as a civilian advocate, you are bound to meet military victims of domestic violence who need your help. Use this handbook to expand your toolbox of options for supporting their journey to safety, justice and healing.”

William Riley, Administration on Children and Families
U. S. Department of Health and Human Services

“Our ability to end domestic violence depends, above all, on building a coordinated community response to the needs of every survivor. By using this handbook effectively, civilian advocates can build the strong, informed partnerships that are essential to ending domestic violence in military families. I urge you to do so.”

Diane Stuart, Director, Office on Violence Against Women
U. S. Department of Justice
Mission
The mission of the Battered Women's Justice Project is to promote systemic change within community organizations and government agencies engaged in the civil and criminal justice response to domestic violence that creates true institutional accountability to the goal of ensuring safety for battered women and their families. To this end, BWJP undertakes projects on the local, state, national, and international levels.

About the author
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June, 2007
# Table of Contents

## Introduction
- Preface ................................................................. 3
- Why This Handbook? .................................................. 4
- How Do I Use This Handbook? ................................. 6

## 1 The Lay of the Land: Background Information
- Structure ........................................................................ 9
- Service Member Data ................................................... 12
- Risk Factors For Domestic Violence ............................... 13
- Prevalence Data .......................................................... 13
- Institutional Challenges ................................................ 14
  - Reporting Options .................................................... 14
  - Fear of Career Consequences ................................... 15

## 2 The Foundation: Advocacy Principles and Victim Rights .......... 17

## 3 The Building Blocks: Overview of Military Response Systems
- Military Response Systems ........................................... 19
  - Unrestricted Report .................................................. 20
  - Restricted Report ..................................................... 21
- Overlap with Civilian Response Systems ....................... 22
  - Cooperative Relationships and Memoranda of Understanding ........................................ 22
  - Jurisdictional Issues .................................................. 22

## 4 Tools for Advocacy
- Your Role as an Advocate ........................................... 25
- Where to Start: Assessing Needs ................................. 26
- Deciding Whether to Report ........................................ 26
  - Increased Violence/Retaliation by the Batterer .......... 27
  - Active Duty Batterer Will Face Adverse Career Consequences or be Discharged .......... 29
## TABLE OF CONTENTS

Understanding the Military Response to Domestic Violence: Tools for Civilian Advocates

- Batterer Won't be Held Accountable ................................................................. 30
- Adverse Career Consequences for Active Duty Victim ............................... 32
- If the Victim Decides to Make an Unrestricted Report ................................. 32
- If the Victim Decides to Make a Restricted Report ........................................... 33
- Civilian Options/Tools ..................................................................................... 35
  - Safety Planning ............................................................................................. 35
  - Civil Protective Orders ................................................................................ 35
  - Divorce and Custody .................................................................................... 37
- Military Options ............................................................................................... 38
  - Confidential and Other Resources ............................................................... 38
  - Military Law Enforcement .......................................................................... 39
  - Family Advocacy/Military Social Service Programs .................................... 40
  - The FAP Committee .................................................................................... 42
  - Military Protective Orders ........................................................................... 43
  - Options for Batterer Accountability and Intervention .................................... 44
  - Military Housing/Shelter ............................................................................ 46
  - Relocation Assistance ................................................................................ 47
  - Transitional Compensation ......................................................................... 48
  - Other Financial Issues .................................................................................. 49
- Special Circumstances ..................................................................................... 50
  - Immigration Issues ....................................................................................... 50
  - Victims Stationed Overseas ......................................................................... 51

### 5 Strengthening the Structure: Systems Advocacy

- Keeping Coordinated ...................................................................................... 53
- Proactive Role .................................................................................................. 55
- Responsive Role .............................................................................................. 55

### 6 Filling Your Toolbox: Resources and Contact Information

- My Toolbox ....................................................................................................... 59
  - Installation Contact Sheet ........................................................................... 60
  - Needs/Safety Assessment:
    - Supplemental Questions for Military Victims of Domestic Violence ....  61
    - Safety Checklist (supplemental form) ..................................................... 65
- Additional Military Resources .......................................................................... 66
- Additional Civilian Resources ......................................................................... 67

## Appendix

- Contents ............................................................................................................ 69
- Military Acronyms .......................................................................................... 71
- Handbook Assessment Form .......................................................................... 74
- Memoranda from Department of Defense ....................................................... 71

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2
Introduction

Preface

This handbook is designed for you, the civilian advocate working with military victims of domestic violence – both active duty victims and partners of active duty service members. It will help you respond to the uniquely challenging needs of this population of survivors.

Whether you work or volunteer in a shelter, state coalition, government or law enforcement agency, hospital, faith-based organization or other civilian setting, this handbook presumes that you are familiar with the dynamics of domestic violence, and that you are, already, working with survivors to help them build lives free from violence and abuse. It also presumes that you are familiar with civilian response systems in your state and community, and that you have already created a toolbox of strategies tailored to meet local needs.

This handbook is designed to enhance your skills – to expand your toolbox – so that you are able to work with survivors who are associated with the armed services. Think of yourself as building an extension to your existing warehouse of information and options. The foundation is already there, grounded in the empowerment principles of the domestic violence movement and in the knowledge of resources available in your local community. But you’ll need extra building materials to work effectively with military-related victims. We’ll provide general directions and guidance to assist you in building your toolbox. For the most part, however, you’ll need to fill your toolbox yourself. This will depend not only on your community, but on the resources, culture, and leadership of your local military installation and the branch of service with which you are dealing. It will also change as the military response systems to domestic violence evolve and as the mission of the military services fluctuate over time.

In many cases throughout this handbook victims are referred to as “she/her.” Statistics and research show that the majority of victims of domestic violence are women. At the same time, we acknowledge that some men are abused by women.
INTRODUCTION

Understanding the Military Response to Domestic Violence: Tools for Civilian Advocates

Why this Handbook?

The Need . . .

There are approximately 3.4 million military personnel stationed in the United States and abroad. That's more than the population of many of our states! Of this number, approximately 1.4 million are active duty, with the remainder DoD and Coast Guard Ready Reserves. There are an estimated 1.9 million family members of the active duty members, with over one-third of active duty members identifying as married with children or as a single parent.

Among this population are victims and survivors of domestic violence – women, men, and children living with the daily reality of emotional, physical, and sexual abuse. The dynamics and impact of domestic violence are no different in the military context. However, characteristics of military life and culture such as these can make some military families particularly vulnerable:

• Economic dependence is increased due to the relative job security of the military (despite periods of down-sizing), and the availability of services provided by the military (housing assistance, day care, health care, formal support services) are highly valued benefits for many young families.

• Frequent family separation and reunification due to deployments and field exercises often requires the assumption of new roles for the partner left at home, usually the wife. Upon reunification, issues may arise related to this role reversal. Long separations can foster distrust between the couple and uncertainty about their future. Children born during deployments or shortly after the service member leaves can also place a great deal of stress on military families.

• The regular rotation of service members and their families, often to locations with unfamiliar cultures, may isolate victims from familiar support systems.

• It is an expectation of the military that service members will be held responsible for the behavior of their spouses and children. This cultural norm could be used as a rationale to exercise abusive power and control tactics with family members. 1

• Access to weapons has been shown to be a significant risk factor in domestic violence homicides. 2

Military life, with its powerful control over the lives of service members, presents unique challenges for victims in need of help. Unlike the civilian world, where clear institutional boundaries exist between one's employer and the intervening doctor, judge, social worker, and advocate, the military system is, for the most part, seamless. 3 Imagine if in the civilian world that calling a local shelter or confiding in your

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2 J. Campbell, et al., Risk Factors for Femicide in Abusive Relationships. Results from a Multi-Site Case Control Study (NI, R01#DA/AA1156, 2002).

3 One exception to this is civilian law enforcement agencies in which officers often face internal examination for criminal violations, including domestic violence.
doctor automatically caused your batterer’s employer to find out about his acts of violence and abuse. The risk of retaliation is obvious and frightening. Of even greater concern to many military-related victims is the fear that if the abuse is reported, the batterer will lose his job or otherwise face adverse career consequences, possibly leaving the victim and her children impoverished and without housing or health care.

In fact, military social service and justice systems can be very responsive to the needs of domestic violence victims. However, to civilians, these systems may appear unapproachable. Not only are the institutional practices unfamiliar, they differ to some degree among the four branches of the armed services and even among installations. As within any community, the protocols that guide the military response on a given installation may vary dramatically depending on the resources, formal and informal relationships that exist on a particular installation, and the extent to which collaborative relationships exist with the surrounding civilian community.

It’s Time to Work Together . . .

In the past, civilian and military response systems to domestic violence have usually operated independently of each other. Each response grew out of a different historical context, applied different theoretical frameworks, and operated under different sets of mandates. Most civilian advocates have lacked basic information about the military system, making it a mystery, fostering skepticism or even distrust.

Fortunately this disconnect between the military and civilian response is changing. There are a number of reasons for this:

- Public awareness about domestic violence within military families is rising.
- Increasingly, civilian advocates are called on to assist victims who are civilian partners of active-duty members or active-duty members themselves.
- A significant increase in the number of military victim advocates has meant more contact with civilian counterparts.
- Increasing numbers of military families are living off the installation, making it more likely they will access civilian resources.
- There are some populations of survivors – especially unmarried partners and victims of same-sex battering – for whom military domestic violence services are generally not available.
- Some survivors desire a level of confidentiality that military services may not be able to provide.

In addition, a recent Department of Defense study illustrated that in those communities where civilian advocates have contact with military victim advocates and on-installation resources, the civilian advocates are more aware of the services available to military-related victims. Consequently their attitudes about the military community
– and its response – are more favorable than those who have no knowledge of such services. 4

At the same time, military response systems are rapidly changing. Since the first iteration of this manual, the Department of Defense has issued more than 10 additional directive-type memoranda related to domestic violence. Also,

• Each of the services has strengthened its protocols for protecting victims and holding batterers accountable.

• In 1999 the Department of Defense, under a mandate from Congress, created a Task Force on Domestic Violence that included both military experts and strong leadership from the civilian domestic violence movement. This Task Force made nearly 200 recommendations for improving the military response to domestic violence. Many of these recommendations have now been implemented, including alternative reporting options for victims, expansion of victim advocacy services, and enhanced civilian-military cooperation. However, strong civilian advocacy and expanded civilian/military partnerships are essential to ensure that the Department of Defense continues to make domestic violence prevention and intervention a priority.

• Most recently and significantly, military victim advocacy services have been greatly expanded across all of the services and overseas, and all military victim advocates are trained on the importance of civilian-military partnerships.

• Finally, the Department of Defense has launched two separate military-civilian Coordinated Community Response (CCR) demonstration projects to help promulgate best practices for all military-civilian communities in setting up such partnerships. Naval Air Station Jacksonville (NAS JAX) has entered into a groundbreaking Memorandum of Understanding (MOU) encompassing a broad array of military and civilian agencies and is now moving into further implementation issues. The army installation at Fort Campbell, Kentucky is also moving into the second stage of implementation after a comprehensive assessment of both military and civilian services and the needs of victims.

How Do I Use This Handbook?
The U.S. military is a large, complex, hierarchical institution. While this handbook provides a broad overview, it cannot begin to describe all the differences in policy and practice among the different branches of the armed services or among different military installations in different states or even countries. The ONLY way to become an effective advocate for military victims is to get to know your local military installation, how it operates, and who the players are. So, if you do nothing else, call up your local installation and start getting to know the Family Advocacy Program (FAP) staff and victim advocates (where available). Nothing will be as helpful as building relationships and creating allies within the system. Get to know people you can call with questions and concerns.

Beyond building relationships, use this handbook actively; build your own toolkit for working with military survivors. Here’s how:

- Gain basic familiarity with military response systems (read this handbook). For updates to the handbook and recent changes in military policy, visit www.bwjp.org.

- Learn everything you can about military resources in your community:
  1. Visit the Family Advocacy Program at your local installation. Ask FAP to do an in-service training for your staff.
  2. Review relevant Web sites and printed materials for your local installation and service.
  3. Find out what relationships and agreements (e.g., Memoranda of Understanding) currently exist between military and civilian response systems in your community. Sample MOUs are available in the Appendix of this handbook.
  4. Understand the roles of the military victim advocates, law enforcement personnel, and commanding officers. Memoranda describing these roles is located in the Appendix of this handbook.
  5. Think about what else is needed to help military-related victims and start building allies.

To find your local installation and FAP contact information, visit: http://www.militaryinstallations.dod.mil/ismart/MHF_MI/isw/home.jsp

Build your toolkit by completing the “Advocacy Tips” sections in “Tools for Advocates” and using the materials in “Filling Your Toolkit.”

- Continually add your own new tools and materials to this handbook.
- Construct your own set of best practices through experience and ongoing collaboration.

As an advocate, you are already skilled at working with differing, ever-changing, and inconsistent systemic responses within your community. A firm understanding of local practices and strong relationships are the keys to successful systems advocacy. These are the same skills you’ll need as you begin to work with military response systems.

This handbook is available on-line at www.bwjp.org, and will be updated on a regular basis to reflect new military policies implemented as a result of the Task Force’s recommendations. Please visit the Web site for recent updates and give us your feedback. A “Handbook Assessment” form is included in the Appendix, or you can email us at csponsler@bwjp.org. Thank you!
CHAPTER 4 The Building Blocks: Overview of Military Response Systems
The Lay of the Land: Background Information

To start building your toolkit, you first need a sense of the terrain. Here’s a brief snapshot of the four branches of the military and some background on military members and their families:

**Structure**

The United States Armed Forces are comprised of four service branches – the Air Force, Army, Marine Corps, and Navy. (The U.S. Coast Guard is part of the U.S. Department of Homeland Security.) Members of the National Guard and the Reserves are not subject to military domestic violence response systems unless they have been called into active duty through a presidential order.

Although all of the services report to the secretary of defense, who sets overall policy, they are largely distinct from each other.

**TIP:** To learn more about each of the Services, visit:

- **ARMY:** [www.army.mil](http://www.army.mil)
- **AIR FORCE:** [www.af.mil](http://www.af.mil)
- **NAVY:** [www.navy.mil](http://www.navy.mil)
- **MARINE CORPS:** [www.usmc.mil](http://www.usmc.mil)
- **DEPARTMENT OF DEFENSE:** [www.militaryhomefront.dod.mil/service/fap](http://www.militaryhomefront.dod.mil/service/fap)

Since 2001, the Department of Defense (DoD) has issued several directive-type memoranda for all branches of the military in regard to the appropriate response to incidents of domestic violence committed by or against active-duty service members or their family members, as well as protocol for training key interveners and suggested collaborations between military and civilian communities. Each branch of the armed forces is tasked with producing “implementing instructions” which amplify these memoranda and create service-specific implementation guidance to describe the application of the response in detail for their soldiers, airmen, marines, or sailors. The “subject” line of each memorandum is as follows (in chronological order of issuance):

- Department of Defense Instruction Number 1342.24 – Transitional Compensation for Abused Dependents (May 23, 1995)
- Deputy Secretary of Defense Memorandum: Domestic Violence (November 19, 2001)
- Assistant Secretary of Defense Memorandum: Enlistment Waivers for Domestic Violence-Related Convictions (January 22, 2002)
- Under Secretary of Defense Memorandum: Domestic Abuse Response and Intervention Training for Commanding Officers and Senior Enlisted Personnel (February 3, 2004)
- Under Secretary of Defense Memorandum: Domestic Abuse Identification and Assessment Training for Health Care Providers (February 6, 2004)
- Department of Defense Per Diem, Travel and Transportation Allowance Committee Memorandum: Uniformed Travel Determination – MAP 55-03 – Travel and Transportation for Dependents Relocating for Reasons of Personal Safety (FY04 DAA)
- Under Secretary of Defense Memorandum: Military Protective Orders (March 10, 2004)
- Department of Defense Instruction Number 1030.2: Victim and Witness Assistance Procedures (June 4, 2004)
- Under Secretary of Defence Memorandum: Duration of Payment for Transitional Compensation for Abused Dependents (June 14, 2004)
- Under Secretary of Defense Memorandum: Establishing Protocols for Law Enforcement and Command Responses to Domestic Violence Involving Military Members on Active Duty (October 2, 2004)
- Under Secretary of Defense Memorandum: Domestic Abuse Victim Advocate Program (February 17, 2005)
- Deputy Secretary of Defense Memorandum: Restricted Reporting Policy for Incidents of Domestic Abuse (January 22, 2006)
Copies of each memorandum can be found in the Appendix of this manual. They may also be retrieved from http://www.dtic.mil/whs/directives/.

Given that each service has its own specific implementing instructions for DoD memoranda, the U.S. Marine Corps, Navy, Army, and Air Force each have somewhat distinct practices and procedures for responding to, intervening in, and “treating” domestic abuse cases. Nonetheless, there are some basic tenets of response which all branches are instructed to follow.

You can expect **commonality** in:

- Benefits entitlements.
- Applicability of federal law, including the Uniform Code of Military Justice (UCMJ), the Victims’ Rights and Restitution Act, and legal remedies under the Violence Against Women Act (VAWA).
- Existence of a Family Advocacy Program (FAP) (though the method of service delivery may differ).
- Victim Advocacy Services.

There are **differences** among the services as they relate to:

- Institutionalized protocols and operating procedures for responding to domestic violence.
- Provision of services to families and victims.
- Housing policies and procedures.
- Types of outreach and prevention programs.

Although a great deal of standardization has taken place, the options available to a military-related victim of domestic violence will depend to a significant extent on which service of the military is responsible for taking action. This is due not only to the differing missions of the various services, but also to the size of the installations, what training has been afforded to personnel, and what resources are available either locally or service-wide. Also, do not assume that it is always going to be the service with which the active duty member is affiliated that will respond to the case. This is because increasingly some installations are housing multiple services, either temporarily or permanently. For example, where an army post also houses Marine Corps units, the Army will provide social services to both Marine Corps and army families affiliated with the installation. With regard to disciplinary action, however, it is the individual service member’s commander, in this example the Marine Corps, who will make the decisions.
NOTE: As you begin to work with military response systems, you are bound to confront an alphabet soup of acronyms. To help you out, we’ve included a list of the major ones in the Appendix. You’ll need it!

Each military service has its own rank structure for both enlisted personnel and officers, although some of them are the same across services. Don’t be embarrassed – ASK, DON’T GUESS – what to call someone. In a pinch, use “sir” or “ma’am.”

To give you a sense of who you are dealing with, here is some background on service members, as well as some information about risk factors and institutional barriers particular to the military system. All of these figures are drawn from the most recent DoD report on military demographics.5

Service Member Data
A 2005 Demographics report is available on Military Homefront website.

- The U.S. Army is the largest of the services (494,291 members), followed by the Navy (368,211), the Air Force (372,611), and the Marine Corps (177,020).

- The total number of active duty military personnel in 2004 was 30.4% smaller than it was in 1990.

- Most active duty military personnel are men (85%).

- Almost half of active-duty personnel are 25 or younger, and overall, almost 80% are 35 years old or younger.

- A little over half (52.9%) of active-duty personnel report being married, with 6.8% of these in dual-military marriages.

- One-third of married service members have children – almost 6% report being single parents – with the largest group of children (471,883) between the ages of birth and 5 years, and almost that many (385,435) between the ages of 6 and 11 years.

- At the time of this report, approximately 84% of active-duty members were assigned to the U.S. and its territories, 8% to Europe, and 7% to East Asia.

- The states with the most military personnel (in order) are California, Virginia, Texas, North Carolina, Georgia, Florida, Washington, Hawaii, South Carolina, and Kentucky.

5 2004 Demographic Report.
Military wives (i.e., wives of active-duty service members) earn less and are less likely to be employed than their civilian counterparts.6

A majority (56%) of U.S. military personnel and their families live off-installation in civilian settings.

On average, military personnel are required to change locations (i.e., move) about once every three years. This is called a Permanent Change of Station or PCS in military lingo.

**Risk Factors for Domestic Violence**

- A high percentage of military personnel have prior histories of family violence. Among navy recruits, 54% of women and 40% of men witnessed parental violence prior to enlistment.7

- The military population is concentrated in the ages of highest risk for interpersonal violence (20-40).8

- Constant mobility and geographic separation isolate victims by cutting them off from family and support systems.9

- Higher-than-average unemployment/underemployment rates for military spouses leave them economically dependent on service members.10

- Deployments and reunification create unique stresses on military families.11

**Prevalence Data**

Efforts to accurately compare victimization rates in military vs. civilian communities are generally problematic and inconclusive. Regardless, domestic violence is recognized as a serious problem by the Department of Defense (DoD).

- In FY 2005, approximately 16,000 incidents of spouse abuse were reported to the Family Advocacy Program. Of these, 8,306 – or 52% - were “substantiated.” (You’ll find out what that means later.) Among cases substantiated by the services:12
  - The abuser was an active duty military member in 63% of the cases and identified as a civilian spouse of an active duty member in the remaining 37% of cases.

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10 Ibid.
11 Ibid.
• The victim was active duty 45% of the time and a civilian spouse in the remaining cases.

• FAP reported 11 spouse abuse fatalities in FY 2005, including two cases where one of the parties had had previous contact with FAP.

In addition to FAP statistics, the DoD also commissioned a study of its Victim Advocacy Pilot Project, which included advocates from all four armed services. According to the study, of those victims seeking services from victim advocates:

• 73% were civilian, 26% were active-duty enlisted, and 1% were officers.

• 84% of victims were married, and the remaining clients were dating (7%), separated (7%), or divorced (2%).

• According to the victims' self-reports, 77% of the cases involved physical abuse, 23% were emotional or verbal only, and 6% involved sexual abuse.

• In 33% of the physical abuse cases, the victim reported being injured.

**NOTE:** DoD statistics reflect domestic violence reported to FAP, and how the services' FAPs assessed these cases. They should not be considered reflective of the scope and demographics of victimization within military marriages. Nevertheless, it is important to recognize (perhaps contrary to assumptions) that active-duty military women (and men) are sometimes battered by their civilian or military spouses, and that men are sometimes the victims of violence perpetrated by their active-duty or civilian wives. Beginning in FY 2007, FAP began collecting data on domestic abuse allegedly perpetrated by former spouses and by current and former intimate partners of the opposite sex.

**Institutional Challenges**

Military-related victims remain hidden for the same reasons as other victims of domestic violence (shame, isolation, victim blaming, financial concerns, etc.). However, the unique nature of the military services adds other barriers to reporting abusive behaviors with which civilian survivors are not often confronted. One such barrier is a lack of 100% confidential advocacy services – though gains have been made in this area – and the other is fear of career consequences for either the service member victim or the service member assailant.

**Reporting Options**

The U.S. military is built upon the foundation of the commander's “need to know” everything about the safety and well-being of military personnel and their family member in order to continually assess the service members’ fitness
for duty and any potential impact on “mission readiness.” However, the DoD has made a critical exception to this “need to know” for domestic-violence victims (as well as active-duty sexual assault victims), giving each individual the option of either making a “restricted” or “unrestricted” report. The full memorandum explaining this policy is included in the Appendix, but in brief, these reports are as follows:

- **Unrestricted Report**
  This option is for victims wishing the military chain-of-command to know of an incident and to have an investigation and assessment of the case conducted by law enforcement, the Family Advocacy Program (FAP), the command, and others. An unrestricted report generates a series of mandated actions, for example, if a victim advocate is the first to receive the report, she/he must report it to FAP, the command, etc.

- **Restricted Report**
  This allows victims of abuse to report to specific individuals within the military systems, including victim advocates and health care providers (such as FAP clinical social workers and providers in an OB/GYN clinic), the details of the abuse without that person having to report it further. There are exceptions to this policy, so it does not convey to military victim advocates the same level of confidentiality that many civilian advocates have. In addition, if a restricted report comes to be known to the command or FAP by a source other than the restricted report, it will be fully investigated as if it were an unrestricted report.

Each Military Service must develop its own implantation guidance for restricted reporting; be sure to have a copy so you can know what to advise military-related victims.

Regardless of the path the victim chooses, either unrestricted or restricted, many victims remain wary of reliance upon the military system to help them. They understand that they are completely dependent upon the military system, but are reticent to divulge all aspects of their personal lives to representatives of that system. Strong alliances between military victim advocates and civilian advocates will help to provide a vital bridge to victims who may initially be too afraid to turn to the military for support.

One of the key reasons many victims avoid turning to the military is fear of career consequences, either for themselves, if they are the victim, or for their service member partner. This fear may be heightened by an abusive partner threatening a victim that he/she will lose his/her job if the victim reports.

**Fear of Career Consequences**

When an unrestricted report of domestic violence is made, the service member’s supervisor – his or her commander – will be among those who automatically learn about the allegation. Fear of negative career consequences is the primary
disincentive to reporting domestic violence in the military. This is due both to the fact most spouses do not want to negatively impact a partner's career, such as chances for promotion, but also because it often directly affects them in terms of housing, economic support, and other supportive services. In addition, active-duty victims may fear they will be perceived as “weak” and unsuitable for career advancement. Moreover, both victims and offenders fear that any involvement by military response systems will blemish the service member's career, even if the allegations are not substantiated. As “weak” and unsuitable for career advancement. Civilian victims of active duty offenders fear that the batterer will lose his job, placing the family in economic jeopardy. Moreover, both victims and offenders fear that any involvement by military response systems will blemish the service member's career, even if the allegations are not substantiated.

14 Sullivan, et al., 2005 VA DoD Pilot Project Study.
No one deserves to be abused. The use of violence against an intimate partner is always unacceptable, except in situations of self-defense.

“Domestic violence will not be tolerated in the Department of Defense . . . Commanders at every level have a duty to prevent domestic violence, protect victims, and hold those who commit it accountable.” Deputy Secretary of Defense Paul D. Wolfowitz, November 19, 2001. (See Appendix.)

Every aspect of the response to domestic violence must be victim-centered, grounded in the victim’s right to safety, autonomy, and self-determination.

Perpetrators of domestic violence are fully and solely responsible for their actions. There’s no excuse for domestic violence.

The responsibility for holding perpetrators accountable rests with the system, not the victim.

Domestic-violence policies and practices must be continually reviewed and monitored by community members from the diverse cultural and language backgrounds being served.

A consistent Coordinated Community Response is required to fully support the needs of victims.

Victim advocacy, both military and civilian based, is a cornerstone to ensuring victim safety and autonomy.

“Domestic violence will not be tolerated in our military communities. It is criminal, it hurts individuals, ruins families, weakens communities, undermines readiness, and is contrary to the institutional values of the Armed Forces.” Undersecretary of Defense, David S.C. Chu, October 2006. (See Appendix.)
Although there are some differences in the way each of the services responds to domestic violence cases, there is a general overall response system that can be outlined here for unrestricted reports of domestic violence involving active-duty service members.

**Military Response Systems**

The military response to domestic violence, like the civilian response, includes both a social service component and an enforcement/discipline component. However, there are key differences, including:

- **The Restricted versus Unrestricted Reporting Policy**  Although this new policy gives victims a better option of being able to report without mandatory notification to command and law enforcement, there are still exceptions to the policy which require victim advocates to report the abuse to authorities.

- **The Family Advocacy Program (FAP)**  At each installation, FAP is tasked with preventing, identifying, assessing, and treating domestic abuse. In most cases, military victim advocates are housed within the FAP offices. Other FAP staff may include clinical social workers as well as prevention and outreach specialists.

- **The Installation Command (CO)**  The installation CO has the overall responsibility for the response to domestic violence on the installation, including FAP, any military law enforcement, housing issues, etc. In many ways, an installation CO is similar to the mayor of a city or town – the buck stops with him or her!

- **The Service Member’s Command and Batterer Accountability**  The commanding officer (CO) alone can decide whether to order a member to counseling or take disciplinary action. The latter also represents a significant difference from the civilian community, as disciplinary action can range in the military from administrative in nature (i.e. documenting the behavior in the service member’s record book) to several degrees of military court martial.
CHAPTER 3 The Building Blocks: Overview of Military Response Systems

Unrestricted Report
In general, the military response system to unrestricted domestic violence reports involves four phases:

PHASE 1: Reporting and Immediate Actions  An unrestricted report of domestic violence can originate through military or civilian law enforcement, victim advocates, medical personnel housed on military bases, FAP, the victim or offender, command or others such as coworkers, neighbors, friends, etc. Once an unrestricted report is made to any official entity, the military response mandates a series of cross-reports. For example, if an unrestricted report were made to a military victim advocate, she would then report the incident to FAP. Then, depending upon installation-specific guidelines, either the advocate or an FAP counselor would make the additional reports to the service member’s command and to law enforcement. Simply put, whoever receives the unrestricted report first is supposed to forward the report to the other two interveners. Also, many installations have reporting agreements with civilian law enforcement agencies. These reporting agreements generally cover how to handle civilians who are abusive on-installation (depending upon jurisdictional issues), and reports of domestic violence that originate off-installation that involve active-duty members. The Department of Defense has established as policy that formal Memoranda of Understanding (MOUs) be developed between installations and local jurisdictions, including specifically civilian and military law enforcement agencies. (See the Appendix for an example.)

During this stage, a military victim advocate will work with the identified victim to ascertain immediate safety issues. As part of this step, the advocate will also work with the command to determine the need for a Military Protective Order (MPO) in the case. See DoD policy guidance and sample MPO in the Appendix of this handbook.

MPOs cannot be enforced by civilian law enforcement, but they do apply to the active-duty member wherever he or she is; it is violation of a command order to violate the MPO, and the active-duty member can be disciplined under the Uniform Code of Military Justice for such violation. Victims should document any and all violations.

PHASE 2: Investigation and Assessment  This is a two-part process. If law enforcement determines an investigation is warranted, or if command requests it, military law enforcement will conduct any follow-up investigation that is required. This may be done by the police, military investigators (Criminal Investigations Division (CID), Naval Criminal Investigative Services (NCIS), Office of Special Investigations (OSI)), or command. (In a case of an unrestricted, reported sexual assault case, the investigative branch of military law enforcement will always be involved.) Concurrently, FAP staff are tasked with conducting a clinical assessment of both the alleged offender and the victim regarding the history and the reported incident of domestic violence. The active-duty member is usually
required to participate in the assessment process by his/her command; however, civilians (both victims and abusers) have the option of whether or not to participate. In most cases, it can be helpful for the victim to let FAP know about the history of abuse. If a victim does not want to talk to a counselor, she can relay information through the victim advocate as an alternative.

PHASE 3: Findings and Recommendations  Once the investigation and assessments are complete, the information gathered is presented to a review board. The Army, Marine Corps, and Navy convene a multi-disciplinary FAP committee, which may include law enforcement personnel, command representatives, FAP representatives and legal representatives. Victim advocates and counselors may attend based on service and installation policies.

The goal of the FAP committee is to determine if abuse happened in the incident reported. The committee can make one of three decisions: substantiated abuse, unsubstantiated abuse, or find the incident unsubstantiated/unresolved. In substantiated cases, the committee will make recommendation to the service member's command (if that who was substantiated against) for clinical follow-up services. Depending on the severity of abuse and danger to the victim, this can include:

- **Victim Protection**  possible continuation of the MPO, relocation of the victim, monetary support, etc.

- **Services and Treatment**  for both victims and offenders, such as continued advocacy services for the victim, military-based batterer intervention program for the offender, one-on-one counseling, etc.

**Restricted Report**

In general, the military response system to a restricted report involves only a single phase.

When a victim decides to make a restricted report of domestic violence, she must make the report to specific personnel on the installation: the victim advocate, victim advocate supervisor, or a health care provider which may include FAP clinical social workers. If a victim first reports to a clinical social worker or other health care provider, she will be referred to a victim advocate. The victim advocate will do safety planning with the victim and discuss the victim’s immediate and long-term needs. A military-related victim may make both restricted and unrestricted reports.

**NOTE:** It is important to remember that if a victim makes a restricted report and it becomes known to a mandated reporter such as law enforcement or the command, the report automatically becomes an unrestricted report.
Overlap with Civilian Response Systems

There is—and needs to be—tremendous overlap between military and civilian response systems as they relate to victims and offenders. Here’s what you need to know:

Cooperative Relationships and Memoranda of Understanding

Increasingly, civilian communities located near military installations either have, or are developing, Memoranda of Understanding (MOUs) with the installation for responding to domestic violence incidents involving military personnel. These agreements generally cover law enforcement response, prosecution, protective orders, shelter, and information sharing. Some communities utilize liaison personnel to facilitate coordination and information sharing. Others have not yet taken these steps. In collaboration with the Department of Justice (DOJ), Office of Violence Against Women (OVW), two installations are currently proceeding as demonstration sites for a military-civilian Coordinated Community Response (CCR) – the Fort. Campbell, Kentucky (U.S. Army) and Jacksonville, Florida (several U.S. Navy installations). In addition, the DoD has issued a memorandum outlining the need for MOUs between civilian and military communities, including sample MOUs, which are included in the Appendix.

Jurisdictional Issues

Questions of jurisdiction can be confusing. Some installations are under exclusive federal jurisdiction while others have both local and federal jurisdiction (concurrent). Also, in some installations certain areas are solely under federal jurisdiction while other areas are under concurrent jurisdiction. Find out which type of jurisdiction governs the installation with which you are working. A key person to help you in your understanding of jurisdictional issues will be the judge advocate general (JAG) officer (an attorney) for the base. Each installation commander has a JAG office and the staff here will be critical if you ever want to pursue an MOU between the military installation and your civilian community.

Besides getting to know the JAG, the most important things to remember are:

a) Advocacy and Social Services

Jurisdictional issues NEVER stand in the way of your obligation to provide services. You SHOULD offer to provide shelter, counseling, and other services, regardless of perceived jurisdictional issues or whether the victim is receiving services on the installation. State and federal law prohibit discrimination on the basis of military status. Oftentimes, a victim will need services from multiple access points in order to have his or her needs met.

b) Protective Orders

Even if a Military Protective Order (MPO) has been issued, a victim should always consider pursuing a civil protection order (CPO) in the civilian jurisdiction. A CPO is enforceable both on and off the installation, as well as in all 50 U.S. states. Furthermore, a CPO may last longer than an MPO and can often include orders concerning custody and financial support.
Under the Armed Forces Domestic Security Act issued in 2003 (see Appendix), CPOs are given the same force and effect on a military installation as in the civilian jurisdiction of the court that issued the order. However, the Act’s definition of a CPO does not include a support or child custody order issued pursuant to state divorce and child custody laws except to the extent that such an order is entitled to full faith and credit enforcement under other federal law. CPOs within the Act’s scope include civilian protection orders that pertain to the conduct of government civilian employees, government contractors, members of the National Guard or Reserve who are not on active duty, and family members of all of these. Consult a JAG as to whether CPO provisions that restrict access to firearms are enforceable. Provisions pertaining to personally owned firearms are clearly included, but provisions that purport to restrict access to firearms issued by the military may not be enforceable. This may be relevant if the subject of the CPO works in law enforcement on a military installation and customarily carries a firearm during duty hours without restrictions or supervision.

A government civilian employee who violates a civilian protection order while on a military installation is subject to appropriate administrative or disciplinary action by the military authorities. A government civilian employee, government contractor, member of the National Guard or Reserve not on active duty, or family member who violates a civilian protection order while on a military installation may be barred from the installation. A civilian judge who issued the civil protection order may impose sanctions on any person who violated the order while on the military installation.

If the alleged assailant is an active-duty member, an MPO can also be sought. As stated earlier, the MPO follows the service member regardless of where s/he is, either on or off installation, and even outside the U.S., so long as the service member remains assigned within the command that issued the MPO. However, an MPO cannot be enforced by civilian law enforcement, so in most cases it is beneficial for a victim of domestic violence to pursue a civilian restraining order as well as an MPO. Also, MPOs are generally short-term in nature. Some of the services recommend a total duration of no more than 10 days following the initial incident.

Whenever possible, seek both. Don’t let jurisdictional concerns prevent you from accessing all the safety and protective measures at your disposal. If questions arise, seek legal advice both on and off the installation.

c) Criminal Enforcement

Service members can potentially be prosecuted in a local, county, or state court, in federal court, and/or through the military justice system for a variety of crimes. Civilians generally cannot be prosecuted through the military criminal justice system for acts committed within the U.S. If a civilian is arrested or commits a crime on an exclusively federal jurisdiction, the responsibility for pursuing any criminal action falls to the U.S. attorney’s office. If a service member is prosecuted for a domestic violence-related incident, it is important to work with the prosecutor to ensure that the domestic violence aspect of the crime remains in the charges so that a victim eligible for transitional compensation will receive
it if the prosecution is successful. Victims ineligible for transitional compensation may nevertheless be eligible for state or federal crime-victim compensation, depending on the jurisdiction that prosecuted the case.

d) Soldiers and Sailors Relief Act
Under the Soldiers and Sailors Civil Relief Act (SSCRA), service members can sometimes avoid responding to criminal charges and civil lawsuits (including divorce and custody actions as well as domestic violence protective order actions) if they are deployed or if the proceeding is not in the state where the installation is located. The SSRA also makes it easier to obtain a divorce and custody determination outside of the family’s home state. If questions arise, get legal advice. Commanders who are aware that the legal proceeding concerns the safety of another person usually do not concur with the service member’s request for a postponement or change to a different jurisdiction.
Your Role as an Advocate

Your role as an advocate is:

- To listen, and to understand the full range of concerns and needs facing the person with whom you are speaking or meeting.
- To offer accurate information and an informed understanding of the options available to the victim.
- To actively support the victim in choosing her/his own path to safety.
- Where appropriate, to clear the path and remove obstacles confronting the victim by advocating on the victim’s behalf with systems and individuals that will impact the quality of response.
- To constantly work to improve systems so that they will be more responsive to future victims.

As a civilian advocate, your role is uniquely important because you are in a position to offer this support confidentially. It is not firmly settled in law that a victim advocate with confidentiality under state law or a federal grant program has total confidentiality in a military court martial or federal criminal prosecution. There are complex issues of constitutional rights for defendants and federal-state relationships that require careful analysis and balancing.

- Explain the scope of your confidentiality policies, as well as your role, to the person you are assisting.

- Never take action yourself without the victim’s consent. If the victim requests that you share information with anyone else, be sure to obtain a signed release that clearly states the scope of information you are authorized to share. If your agency does not already have a standard release form, seek legal guidance in crafting one.
If the victim is or will be utilizing military response systems, your role as a civilian advocate is uniquely challenging. Your ability to directly influence the military response will be limited. For example, even with the victim’s consent, you are unlikely to have direct access to command or military law enforcement. Your primary interactions are likely to be with FAP personnel and military victim advocates. These individuals are in the best position to advocate internally for the victim. Developing strong internal allies is critical to your success.

Where to Start: Assessing Needs
Use the needs and safety assessment tools adopted by your agency or program. Supplement them with additional questions to find out:

1. If active duty, what is the victim’s rank? What is the rank of his/her partner? Do they live in military housing? How long have they been in the service?
2. Are there any upcoming deployments or returns from deployment?
3. What does the victim want (if anything) in terms of a military response?
4. Has the victim reported the abuse to anyone at the installation? What exactly did s/he report? To whom? What happened?

NOTE: The section entitled “My Toolbox” (see page 61.) includes a suggested “NEEDS/SAFETY ASSESSMENT: SUPPLEMENTAL QUESTIONS FOR MILITARY VICTIMS OF DOMESTIC VIOLENCE” as well as the DoD directive-type memo, “Domestic Violence Victim Advocate Program,” which includes a sample safety plan used by military victim advocates.

Deciding Whether to Report
Some victims will come to you because they want the violence to stop, but are unsure or concerned about the consequences of reporting to the military victim advocate, FAP, military law enforcement, or the command. Your first and perhaps most important role will be to help a victim make an informed choice about how to proceed. This decision is a central component of safety planning.

Make sure you understand the difference between restricted and unrestricted reports so you explain this to military victims. Ask a military victim advocate to do an inservice training for your agency.
Below, we’ve listed some of the major concerns victims are likely to voice. Keep in mind that:

- Determining whether these fears are real or perceived will depend on a wide range of factors, including:
  1. Severity of abuse/violence.
  2. Sensitivity and training of installation personnel.
  3. What the particular commander thinks about issues of domestic violence.
  4. Rank and performance of service member (whether victim or abuser).

- There are clear safety benefits as well as risks to reporting. The victim must understand both in order to make an informed decision.

- Generalities and “official policy” are of limited value in separating fact from fiction about the implications of reporting. To help a survivor sort this out, you need relationships with installation personnel within FAP – someone to whom you can present a hypothetical scenario and know that you’ll get the “real deal” on what’s likely to happen. Most installations now have an on-base victim advocate or an advocate who is part-time at the installation; build relationships first so you can use this person as a resource for these hypothetical situations.

**REMEMBER:** While your role is to help the victim sort through these issues, there is seldom a clear answer to be found and no guarantees in how the system will actually respond.

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**Increased Violence/ Retaliation by the Batterer:**

“My active duty partner is hurting me. I’m afraid that if I report, his commander will find out, and I’ll be beaten even worse for ratting on him.”

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**What You Need to Know:**

All victims face increased risks when they take action to end the violence. These risks may be amplified in the military context because of:

**Restricted/Unrestricted Reporting** There is no outright confidentiality in the military system. The armed services do now provide victims the option of restricted reporting. There are exceptions to this policy, such as in cases of a serious and
imminent threat to the victim or another party, if the allegation may affect an active-duty member’s fitness for duty (related to Disability Retirement Boards), cases in which the victim discloses that the alleged abuser has also abused her child, or in cases where a judge or other court official issues a subpoena for the covered communication. Because of this, civilian advocates should discuss the consequences of reporting to the military fully with the victim and/or consider having her speak about these issues with a military victim advocate before she decides upon making a report.

Potential Consequences

**To the Batterer**  A service member who is convicted of misdemeanor domestic violence by a civilian criminal court, or of that crime’s military equivalent by a general or special court martial – is subject to the Lautenberg Amendment of the Federal Gun Control Act, and so loses his/her ability to possess firearms. Active duty personnel may be reassigned to a duty position where the use of firearms is not required or, in most cases, separated from the service.

**To the Victim**  If a service member is reduced in rank or possibly his/her position in the military, the victim’s economic well-being may also be severely impacted, as her access to base housing, medical services, and other support may be lost. When a service member “loses” rank, this will be accompanied by a pay cut, which can negatively affect overall family finances, particularly if there are children involved.

**Exploring This Further:**

- Carefully assess danger using safety and lethality assessment tools that have been tailored to the military context.
- Talk about safety planning and options for getting both military and civilian protective orders when the report is made.
- Understand and explain housing and sheltering options.

**NOTE:** The Department of Defense issued guidelines in 2004 stating that commanders “shall issue MPOs when necessary to safeguard victims, quell disturbances, and maintain good order and discipline while victims have time to pursue protection orders through the civilian courts . . . .” Civilian advocates should check with their local installations to learn the particular guidelines in place at that service and installation. Also, have a copy of the MPO form on file so victims can see what it looks like.
Active Duty Batterer Will Face Adverse Career Consequences or be Discharged:

“I have young kids and no job. If I report, my spouse will be discharged and we’ll have nothing.”

What You Need to Know:

- DoD studies confirm that although this fear is the primary deterrent to reporting domestic violence, it is in fact more a perception than a reality. At present, few service members are actually discharged due to domestic violence. The exact numbers of service personnel facing discharge or other adverse career consequences (e.g., loss of assignment or promotion) is unknown, as no universal tracking system exists at this time.

- If a military member is convicted of a misdemeanor domestic-violence offense (in a civilian court, military special court, or general court martial), a federal law known as the Lautenberg Amendment requires that the offender be denied access to firearms. For certain service members, this means s/he may be reassigned or separated from the service. It is more likely that a male marine or soldier in the army will be separated, since the expectation for those services is that every male active-duty member can be a warrior in combat.

- The definition of “firearm” under Lautenberg does not include other major weapons systems and equipment, e.g., missiles, tanks, etc.15

Exploring This Further:

- Explore the sources of the victim’s fears about her partner’s career. Often-times, the batterer will maximize this fear to threaten the victim and secure her/his silence.

- Make sure you, as a civilian advocate, understand the different levels of non-judicial and judicial punishment that can be applied to a service member and how such measures are recorded, either in a service record or a medical record. For example, in some services one of the lowest forms of “official” non-judicial punishment is what is called a “Page 9.” It is called this because adverse events such as domestic violence or other issues are recorded on page 9 in a service member’s record book. Get to know the policies of the service with which you are working; the installation judge advocate is a great resource for this and may even be able to provide training. Once you have this knowledge, you can explain it to victims and help

15 For more information on Lautenberg, see DTFDV, Initial Report, pp. 41-42.
inform their decisions on whether to make a report and whether it should be restricted or unrestricted.

- As previously mentioned, understand and explain the Lautenberg Amendment. (Be aware, however, that within the military, most domestic violence is handled through disciplinary action that does not invoke the Lautenberg Amendment.) The DoD directive-type memo regarding application of the Lautenberg Amendment is included in the Appendix to this handbook.

- Explain options for financial support if a report is made, e.g., through terms of a CPO. Also, explain transitional compensation for victims who are spouses of active-duty personnel if charges are filed in the case either through the military or civilian courts. The military victim advocate is an excellent resource for information about transitional compensation and each service and the DoD can provide brochures to help explain how a victim’s case can become eligible. This is important for civilian victim advocates to know, particularly if a case is being prosecuted in the civilian courts. In some jurisdictions, cases may be pled down from a domestic violence charge to disorderly conduct; in cases where the defendant is military, this may disqualify the victim for transitional compensation.

**Batterer Won’t be Held Accountable:**

“If I report, nothing will happen. They only care about their service member, and no one will believe me.”

**What You Need to Know:**

- Commanders have broad discretion in deciding to take any action against a service member, and the degree to which the importance of the service member’s skills and performance (to the military mission and his/her potential for future service) will factor into the decision. Some victims report that they have discussed their abuse with their partners’ supervisor and they wonder why nothing has happened to hold him/her accountable. Often the service member’s direct supervisor is not the commanding officer, but simply someone with a higher rank than her partner and not usually a person in a position to make any decisions. Find out who the person in the unit is who is authorized to make decisions regarding personnel and get his/her name, rank, and contact information.

- Sometimes the victim does not clearly identify specific acts of physical or sexual violence, but only discusses the abuse in generalities like “things are not going well/ he scares me/ last month we had an incident/ he has been
mean to me.” When reporting abuse, the victim should provide specific information about the abuse, including, if possible, dates and what happened during the incident, e.g., type of violence used.

Per DoD policy (see the memorandum in the Appendix), all commanding officers and senior enlisted personnel are now required to receive domestic violence training, including required annual training. In addition, officers and senior enlisted personnel must familiarize themselves with local resources within 90 days of taking on a new command. The latter includes familiarity with local shelter services. Civilian victim advocates should ensure that up-to-date materials are available through the FAP and coordinate with the military victim advocate to help make all commanders aware of the range of civilian services available.

**Exploring This Further:**

- Who, if anyone, has the victim talked to about the issue to date? If s/he has, what was the response? Is the abuser friends with the person to whom s/he reported?

- Explore what the victim knows about the abuser's overall level of support from his/her supervisor and/or commander. Does s/he have performance problems? Does s/he have unique skills for the military mission?

- It may seem that the service member has support from his/her immediate supervisor, but someone higher up in her/his partner's chain of command may take a stronger view on issues of domestic violence. Try and determine if the victim has ever spoken to any senior enlisted personnel in the unit or the executive officer (XO) or commanding officer (CO) about the issue.

- Discuss command options that will not necessarily impact the member's duty obligations – e.g., batterer's intervention, MPOs. Also, explain that a responsive commander may actually have extra leverage over a highly valued/skilled member, who has much more to lose in terms of his/her career.

- Discuss hypothetical scenarios with military victim advocates who can provide valuable insight regarding the likely response from the military system.

- Visit Military Homefront to view the Web-based training for commanding officers to get an understanding of the protocol they are expected to follow.
Adverse Career Consequences for Active Duty Victim:

“I’m active duty, and I’m being beaten at home. If I report, I’ll be perceived as weak and my career will be over.”

What You Need to Know:

Active-duty victims face unique challenges and many fear for their own military career if they are identified as being a “victim.” Shame and fear of exposure – the primary impediments to any victim seeking help – are exacerbated for active-duty victims who are expected to be “able to handle anything.” If the victim-blaming is coming from the person with greatest influence over your professional advancement, the risks are real. Further, recent research indicates that for some active-duty victims, the fear that everyone in the unit will know what is happening with them is another impediment to reporting.

Exploring This Further:

- Explore the relationship/history between the victim and her/his direct supervisor and/or commander. Is s/he likely to have support?
- Explore information about the batterer. Is s/he civilian or military, and, if military, is s/he senior or junior to the victim? Has the batterer had other problems with the command?
- Be sure the victim understands that the DoD’s and the service’s official policies on domestic violence make clear that domestic violence is not to be tolerated and that commanders are expected to take action, including MPOs.
- Talk about the benefits and limitations of both restricted and unrestricted reporting with the active-duty victim.

If the Victim Decides to Make an Unrestricted Report...

After considering both the risks and benefits, the victim may choose to make an unrestricted report of domestic violence to military authorities.

What You Need to Know:

- The victim can report/disclose abuse to FAP, military law enforcement, medical personnel, or command. As discussed earlier, make sure the report of abuse is specific and is reported high enough in the chain-of-command to ensure a response. It may be a good idea to first consult with the on-base victim advocate to determine the best strategy for reporting.
• The FAP staff will want to interview both parties to obtain information about the “incident” and about the history of abuse in the relationship. Participation in this assessment process is voluntary for the civilian victim. However, once the victim has decided to report the incident (or the incident has been reported by another agency/party) participation in the assessment process is the only means for the victim to present her/his side of the story to the committee which makes determinations about abuse. FAP staff (particularly victim advocates) can assist victims with additional safety planning, offer information about their rights and benefits, and facilitate access to other on-base services. In addition, FAP and you, as the civilian advocate, can ensure the victim has ongoing confidential advocacy services both in the local area and in another part of the country to which she may relocate.

• Once an unrestricted report is made, military directives will control the sequence of events and who is notified. A victim who says “I want him to get help, but I don’t want command to find out” should be advised that once an unrestricted report is made, each intervener, e.g., law enforcement, command, medical, and FAP, are all obligated to report to one another.

Advocacy Tips:

• With an unrestricted report, the victim is more likely to get a favorable response if s/he makes a timely report of a specific incident of abuse or violence (as opposed to a more generalized report) and there is some type of documentation or corroboration – pictures, witnesses, medical reports, a log, etc. If the incident has just occurred, it is critical to involve the law enforcement response as soon as possible in order to document injuries, take statements, and have officers interview any available witnesses.

• Help clear the path for the victim by providing contact information within FAP that will be most helpful. Advise her/him to remain in contact with an FAP social worker or victim advocate and to request immediate notification of updates, e.g., issuance of MPO, CRC determination, disciplinary proceedings, etc. This is a critical safety issue.

• Always engage in careful and ongoing safety planning when the victim is considering reporting. (Use the “SAFETY CHECKLIST” sheet in the Appendix). But remember: safety planning is a process, not just a piece of paper. Talk to the victim frequently about her/his safety plan, what has changed, what has not, and how safe she is feeling.

If the Victim Decides to Make a Restricted Report...

After considering both the risks and benefits, the victim may choose to make a restricted report of domestic violence to specific personnel on the installation, such as the victim advocate or identified health care providers, including clinical social workers.
What You Need to Know:

- The victim can make a restricted report of domestic violence to identified individuals upon an installation. However, a restricted report does not guarantee the same level of confidentiality as a report to a civilian advocate. There are situations in which, even if a victim wants a report to remain restricted, an advocate or counselor may determine that a serious threat is imminent to the health or safety of the victim (or others) and an unrestricted report must be made. In any case where the advocate or counselor believes an exception applies, the advocate or counselor must seek guidance from his/her supervisor and the JAG. If there is uncertainty or disagreement as to whether the exception applies, the installation commander must be notified and will make the decision. In cases where a victim advocate or her/his supervisor determine a previously restricted report must be disclosed, every reasonable effort must be made to notify the victim and tell him/her what is being disclosed and to whom.

- Even in cases where a victim has made a restricted report, if someone else such as law enforcement or others reports the same incident, the entire report becomes unrestricted.

- A victim may have had previous unrestricted reports and still make a restricted report.

- A victim who makes a restricted report is entitled to both victim advocacy and medical services.

- Both current and former spouses and current and former intimate partners of the opposite sex of military personnel can make restricted reports and are entitled to receive victim advocacy and medical services to the extent that they are eligible for military benefits.

In jurisdictions where medical personnel are mandatory reporters of domestic violence, civilian victim advocates should consult with military victim advocates and the installation JAG to determine if the military medical personnel can take restricted reports.

Advocacy Tips:

- Strategize with the victim about what to do if a restricted report turns into an unrestricted report, or if the victim later decides to make it an unrestricted report. What are the safety implications for the victim? Any children?

- Keep in touch with the on-base victim advocate, working as a team to ensure all possible measures are in place to protect the victim.

- Encourage the victim to document the incident in case she later decides to report. S/he may take photographs, keep a written journal of incidents with details, or tell a trusted friend.
Tools for Advocacy

CHAPTER 4

Civilian Options/Tools
Your existing toolbox of civilian options is available for you to use whether or not the victim reports the abuse. These tools include:

Safety Planning

What You Need to Know:

Safety planning will differ, depending on whether the victim plans to leave or stay. It will also differ depending on whether the victim is active-duty military or civilian.

Advocacy Tips:

- Always do safety planning.

- Use your existing safety planning tools and supplement them with military-specific information. Pay attention to:
  
  - Identifying fears/concerns related to deployments and returns, new duty assignments at the same installation, or permanent change of station (called a PCS) to a new installation. (For example, ask, “When are you most afraid?”)
  
  - Providing key contact information to the victim, both on and off-installation.
  
  - Listing and collecting additional key documents, including passports and military ID cards.
  
  - Military and Civilian Protective Orders.

NOTE: The section “My Toolbox” includes supplemental questions to include in your “NEEDS/SAFETY ASSESSMENT” and “SAFETY CHECKLIST” forms.

Civilian Protective Orders (CPO)

What You Need to Know:

- If either the victim or offender lives off-installation, or if an incident of abuse took place off-installation, the local civilian court has jurisdiction to issue a civilian protective order (CPO); in other cases, check with your local legal advocates to determine a victim’s eligibility to pursue a civilian order.
• A CPO is subject to the full faith and credit provisions of the Violence Against Women Act (VAWA) and is enforceable in any state in the country.

• Under a new law known as the “Armed Forces Domestic Security Act,” CPOs are also enforceable on military property.\(^\text{16}\) Included in the Appendix is a memo outlining the DoD implementation of the Armed Forces Domestic Security Act (AFDSA). In short, the DoD states that:

  • CPOs will have the same force effect on a military installation as it has within the jurisdiction of the court which issued it; a civilian judge may impose sanctions against any civilian or active-duty service member who violated the order while on the military installation;

  • Installations may establish procedures for registering such orders, but are not required to do so, and the fact that a civilian order is not so registered cannot be used as an excuse not to enforce it;

  • Commanders may issue MPOs which are more restrictive than the civilian restraining order and which may be applicable beyond the jurisdiction of the civilian court, including locations outside of the United States;

  • Violations of any order issued to active-duty personnel can be prosecuted under the Uniform Code of Military Justice (UCMJ).

**Advocacy Tips:**

• If the victim obtains a CPO, consider if, how, and when the military installation will be notified, and engage in appropriate safety planning. Contact the military victim advocate to determine; if the installation has an agreement in place with the local Court which results in all CPO’s against military members being automatically sent to the installation (This may influence her desire to obtain a CPO), and if the installation has a process for registering the CPO.

• If the victim obtains both a CPO and an MPO, try to ensure that the provisions are consistent with each other (e.g., if children are protected by the MPO, they should also be protected by the CPO). Pay special attention to provisions concerning access to firearms. Consider the need for the MPO to be more restrictive if the victim or abuser will be traveling out of the court’s jurisdiction, e.g., overseas.

• If the victim is moving, ensure that s/he brings the CPO with her/him and registers it per local procedures in the new location (if it is safe to do so).

\(^{16}\) P.L. 107-311 (enacted 12/02/02).
Divorce and Custody

What You Need to Know:

- Divorce and child custody are private civil matters, governed by state law in the filer’s state of permanent residence. Given the mobility of military families, jurisdictional issues can present a challenge. However, the Soldiers and Sailors Civil Relief Act (SSCRA) makes it easier for military members to engage in legal proceedings outside of their home states.

- Military lawyers (judge advocates general or “JAGs”) may be available for limited consultation (but not representation) on divorce and custody matters. Whether this assistance is available will depend on the service and installation. If such assistance is available, counsel will only consult with the first party to seek assistance.

- Generally, upon separation or divorce, civilian family members will be required to vacate military housing within 30 days. If the military member vacates housing sooner (i.e., relocates to barracks), the home must generally be vacated within 30 days of the service member’s relocation. If the victim can demonstrate to the commander that she needs to move for reasons of “personal safety” due to dependent abuse prior to separation or divorce, the military will cover the costs of her transportation. The military will pay the cost of shipping the victim’s household goods and personal vehicles if the property has been divided by agreement with the service member or a court order.

- The Uniformed Services Former Spouse Protection Act (USFSPA) determined that military retirement, pay, and benefits can be considered marital property upon divorce. The USFSPA establishes a ceiling relative to the distribution of military retirement pay and benefits; distribution system; and eligibility for commissary, ID cards, health care benefits, etc.

- Upon divorce, a non-military spouse may lose military IDs and health care benefits, depending on years of service during the marriage. Children may be able to keep health benefits even if they remain in the custody of the civilian spouse.

Advocacy Tips:

- Identify a domestic violence attorney who is familiar with laws of your state, and, if possible, familiar with military related family law, including the Soldiers and Sailors Civil Relief Act, the USFSPA, the Transitional Compensation Program etc. Possible resources include Legal Aid, a volunteer attorney program, or the local bar association. Don’t get just any attorney!
• If the victim and abuser have children and he sues for legal custody, she needs an attorney. The victim can bring her own suit or try an emergency custody order. Consider having passports turned over if there is a concern of a flight risk.

• Gather resources about divorce and custody from the JAG office, FAP and civilian sources, e.g., Miles Foundation.

Military Options
Involving military response systems has numerous advantages – added leverage against the offender if s/he is a service member and the availability of services. It also has risks, as discussed earlier. Above all, victims need to know what is likely to happen if military response systems are activated. (Of course, as in the civilian world, there is no guarantee that things will always happen as they are supposed to happen.)

Remember, your role will consist primarily of:

• Providing information to the victim about military options.

• Supporting the victim’s self-advocacy with military personnel.

• Working with FAP personnel, as requested and authorized by the victim, to ensure they have the necessary information to achieve the results desired by the victim.

Confidential and Other Resources

What You Need to Know:

• Victim advocates, victim advocate supervisors, and health care professionals (including clinical social workers) are all authorized to take restricted reports on domestic violence cases. As stated earlier, however, there are exceptions to the restricted reporting policy under which a report taker would have to disclose the abuse.

• A communication intended to be confidential that is made to a military chaplain as a formal act of religion or as a matter of conscience in the chaplain’s capacity as a spiritual advisor is privileged under the military rules of evidence. Depending on their level of understanding about domestic violence, military chaplains may be a source of information and support to victims.
Advocacy Tips:

- Learn about the installation’s chaplaincy services. (Don’t assume the chaplain’s knowledge of domestic violence issues or understanding of confidentiality issues. Check this out before making referrals.)

- Find out about the availability of victim advocates on the installation and implementation of restricted reporting on the installation. Some services differ on the interpretation of when a restricted report has to be disclosed; know this before you recommend any actions to a victim.

- Discuss with FAP personnel whether there is an option for the victim to consult with them without making a report. If not, find out if there are ways for you to present hypothetical scenarios to a contact on the installation in order to help a victim decide whether to access installation services.

Military Law Enforcement

What You Need to Know:

- In most cases, if an incident occurs on the installation, military law enforcement personnel will respond to the scene. In some cases, however, civilian police may respond if housing is located in an area where there is an agreement for the local police to do so. However, military law enforcement may be the first responders if the incident occurs in military housing located in a civilian community.

- Some military law enforcement personnel may not have domestic violence training and may not be versed in predominant/dominant aggressor issues or in evidenced-based domestic violence prosecutions (photographs, excited utterances, defensive vs. offensive wounds, etc.).

- In many communities, there is an information-sharing relationship between the military security office, sometimes called the provost marshal’s office (PMO), which oversees security issues for the installation and the local civilian police department. These relationships may be formalized through a Memorandum of Understanding (MOU) and cover such issues as jurisdiction, what happens if a military member is arrested in the civilian community, etc.

NOTE: See the section below on “Strengthening the Structure: Systems Advocacy” for information on DoD language regarding suggested MOUs between civilian and military law enforcement agencies.
The Uniform Code of Military Justice (UCMJ) does not classify crimes as misdemeanors or felonies but does authorize an increased maximum punishment based on the circumstances of the offense. Assaults that would be similar in seriousness to gross misdemeanors or felonies in the civilian system (sexual assault, use of weapons, broken bones, etc.) may be investigated by plainclothes military investigators in the CID, NCIS, or OSI.

Advocacy Tips:

- Determine the law enforcement agencies who respond to different locations on your local installation. Check with both the civilian police and the military law enforcement (or the JAG) to get the best information. Check to see if there are any existing MOUs that cover jurisdictional issues or information sharing and, if possible, obtain copies.

- Determine if military victim advocates are responding to the scene with law enforcement or are available 24/7. Ask them about the extent of military law enforcement training on domestic violence, evidence collection, interviewing, etc.

- See the next section on Systems Change to determine ways of including military law enforcement in local police training on domestic violence issues. Military law enforcement officers are often eager to learn additional information about policing, especially those who plan on pursuing a career in law enforcement upon leaving the military.

- Find out if the local installation has a process for conducting follow-up investigations and who conducts these. Talk with the victim to ensure that both military law enforcement response and investigation are adequately documenting and bringing forward facts and circumstances of the domestic violence incidents. Also work with victims to ensure that this information is included at other points in the process (e.g., through victim advocates, FAP at CRC, etc.).

- Advocate with the military victim advocate to allow an advocate to sit in on any interviews with the victim by law enforcement investigators; check with state laws and with the JAG to help bolster your case for a victim's right to have a support person present.

Family Advocacy/Military Social Service Programs

What You Need to Know:

- The Family Advocacy Program (FAP) has a major role in addressing abuse in military families. The role of FAP is to prevent abuse, work with command to quickly protect victims when abuse occurs, treat
abusers, and support victims. Each installation with command-sponsored families has an FAP to provide services in the areas of prevention (e.g., public awareness campaigns), identification, assessment, and treatment and support.

- FAP reports to command. FAP communications are not confidential. Allegations of domestic violence and the FAP responses will be reflected in a service member’s FAP case records.

- FAP provides services to active-duty members and to family members who hold military ID cards. FAP services are available to active-duty victims and perpetrators whether or not they are married to their partners.

- An unmarried civilian partner of an active-duty abuser cannot generally access FAP services but can be referred to appropriate civilian services by the victim advocate on the installation.

- FAP services vary among the services and between installations. They may include outreach, victim advocacy, parenting classes, New Parent Support Program (NPSP), couples counseling, stress and anger management classes, support groups, batterer’s intervention, etc. Other social services exist outside of FAP (e.g., through a Family Center). Any active-duty service member or military family member can access these services.

- In addition, military communities have nonprofit charitable relief organizations (e.g., Navy Marine Corps Relief Society, Army Emergency Relief, etc.) that provide food, financial support, and other services to military families.

To find information on each Service’s FAP, visit:
www.militaryhomefront.dod.mil/troops/fap

Advocacy Tips:

- Learn everything you can about all social services on the installation with which you’ll be working, including:
  
  - Domestic violence services provided by the FAP for both victims and abusers.
  
  - Social services that may be useful to persons seeking help with issues other than domestic violence, e.g., new spouse programs, financial planning programs, etc.
  
  - The response to reports of domestic abuse.
  
  - The availability of victim advocates, including any 24/7 responses.
CHAPTER 4

The FAP Committee

What You Need to Know:

- An FAP committee is a multidisciplinary group convened by FAP to decide whether to “substantiate” an allegation of domestic violence, and, if an allegation is substantiated, to recommend supportive services for the adult victim and children and treatment options for the offender.

- It is not the role of the FAP Committee to recommend disciplinary or prosecutorial enforcement action. A commander may take such action at any time – before, during, or after the FAP committee meets.

- FAP will present a case to the committee after an unrestricted report of a domestic violence incident by the victim, offender, military or civilian law enforcement, command, or a medical provider. Prior to an FAP committee meeting, an FAP social worker (case manager) will generally gather relevant law enforcement, medical, and other reports and conduct separate clinical assessments with both the victim and offender.

- The FAP committee generally includes the FAP social worker, the service member’s commander (or representative), and other relevant law enforcement, legal, and medical representatives. In the FAP committee process, the victim advocate may be present as well, although s/he generally does not have the right to vote. The alleged victim and offender are not present nor are their attorneys, though they may be permitted to submit a prepared statement.

- The FAP committee members vote on whether to “substantiate” an allegation of domestic violence (i.e., determine that it occurred) after the FAP social worker has presented a report and other participants have offered their input, including supporting documentation such as police reports or medical reports. If the case is not substantiated, it may be designated as “unsubstantiated” or “unsubstantiated/unresolved” and it is closed (though services may still be offered). If it is substantiated, most FAP committees then classify the abuse as “mild,” “moderate,” or “severe” in accordance with service guidelines. FAP committee substantiation determinations are NOT legal findings. However, substantiation will usually be reflected in the service member’s records.

If the case is substantiated, the FAP committee will recommend intervention or support services for each family member as appropriate and will forward these recommendations to the service member’s commander. The intervention plan is likely to include counseling, batterers’ intervention, support groups for the victim, and services for children exposed to domestic violence.
Advocacy Tips:

- The FAP committee process can have a profound impact on how a batterer is held accountable. If the case is going to the FAP committee, work with the victim to ensure that FAP personnel have all the necessary information (including, e.g., information about civilian protective orders and prior history of abuse). If it is authorized, ensure that the victim is represented by a military victim advocate at the FAP committee. (The FAP social worker’s role is to present the results of his/her assessment, not advocate for the victim.)

- If authorized by the victim, work with FAP personnel and the victim advocate to craft a meaningful and practical intervention plan that includes protection and services for the victim and children and mandated intervention for the batterer. Beware of “couples counseling” or joint offender/victim programs.

- As stated, the command investigation of a domestic violence incident takes place independently of the FAP committee process. You should be aware of what is happening with this process and, when requested by the victim, advocate for discipline/enforcement action through the military chain of command. Make sure to work with your military victim advocate or FAP staff when doing so.

Military Protective Orders (MPO)

What You Need to Know:

- A military protective order (MPO) is similar to a temporary restraining order issued by a civilian court. An MPO can be a powerful deterrent for some abusers because violation of an MPO is equivalent to disobeying a direct order. Within the military environment, disobeying a direct order is a serious infraction and is prosecutable under the Uniform Code of Military Justice. An MPO is issued by the commanding officer of the suspected service member abuser. As outlined in the Appendix, DoD instructions state that commanders “shall” issue written MPOs on the form contained in the Appendix (DD Form 2873). Because an MPO is not subject to requirements of due process (notice, hearing, etc.), nor is it issued by a neutral and detached magistrate, it does not meet the requirement for full faith and credit enforcement. MPOs are generally of short duration (not more than 10 days) but may be extended, in which case the commander may give the suspected abuser an opportunity to be heard. MPOs should be recorded on the blotter (the military police log).

- MPOs generally include provisions to prohibit contact or communication with the victim, to vacate military housing (if appropriate), and/or
CHAPTER 4 Tools for Advocacy

stay away from certain designated areas. They may include other provisions as well, such as surrendering any personal firearms or attending counseling.

- MPOs can only be issued against active-duty members. If the abuser is a civilian spouse, the installation commander or his representative can issue an order barring the individual from the base. (NOTE: This may get complicated if the civilian spouse works on the installation.)

- MPOs are enforceable by and at the discretion of the command. They are NOT enforceable by a civilian court. An MPO is not transferable (i.e. if the service member is transferred to another command, the MPO is no longer binding).

Advocacy Tips:

- Working within the military system, find out the service-specific and installation-specific guidelines surrounding MPOs. Although DoD has mandated written MPOs, this may not be the case at every installation. Encourage the victim to pursue a written MPO that s/he may keep. Work with FAP and the military victim advocate to accomplish this.

- If the victim seeks an MPO, be sure it covers all relevant issues (stay away, removal to barracks, etc.) and that it is very specific so there is no room for confusion. MPOs are not a substitute for civilian protective orders that are judicially enforceable. Ideally the victim should have both, and they should contain consistent provisions. Pursue the civilian protection order as soon as possible after the incident. Some courts may wrongly interpret a time delay as an indication that the victim is not afraid and therefore does not need a civil protection order. Or, if the victim waits several months to pursue a civilian order, the court may decide the incident occurred too long ago.

Options for Batterer Accountability and Intervention

What You Need to Know:

The command is responsible for disciplinary or punitive action against an active-duty member and has complete discretion as to what action, if any, to pursue. Some commanders will await the outcome of the CRC/CRB before pursuing action, but they do not need to do so. The options include:

- **MPOs**  Violations of an MPO are punishable by the command (described above).

- **Administrative action**  A commander may initiate or take administrative action in addition to or in lieu of other actions under the UCMJ. Possible actions include counseling (such as treatment), reprimand and similar actions, exhortation, extra military instruction, the administrative withholding of privileges, or some combination of these.
Actions that may significantly affect the service member’s career include negative information in efficiency reports, administrative reduction for inefficiency, rehabilitation and reassignment, career field reclassification, reclassification of security level and personnel reliability, financial liability for misconduct, and being barred from reenlistment. The commander can also initiate administrative separation from the service.

- **Treatment** Whether by recommendation of the CRC/CRB or as part of a disciplinary action, the batterer may be ordered to attend one or more FAP or civilian treatment programs as one form of administrative action. These programs could include batterers’ intervention, parenting classes, or possibly anger management classes. If attendance interferes with the service member’s duty obligations, the commander will decide which obligation takes priority.

- **Non-judicial punishment (NJP)** An NJP is an administrative action that may involve demotion in rank, loss of pay, or extra work assignments. An “Article 15” is a specific form of NJP that results in a written reprimand that becomes part of the service member’s service record. NJPs do not, in themselves, lead to separation from the service and do not constitute “convictions” for purposes of the Lautenberg amendment. Most domestic violence cases at the level of misdemeanors are handled through NJPs.

- **Prosecution under the UCMJ** Currently, only the most severe cases of domestic violence are prosecuted under the Uniform Code of Military Justice (UCMJ). UCMJ actions differ in important ways from civilian prosecutions, with the command having control over the entire proceeding, and judge advocates general (JAGs) serving as both prosecutors and defense counsel. The outcome may include a general or special court-martial, with punishments that range from incarceration or forfeiture of pay to dismissal of charges or discharge from the military.

Advocacy Tips:

- Whenever treatment options are being considered, work with the victim to ensure that s/he understands her own expectations and the possible outcomes of any treatment. In particular, discuss any potential risks and dangers of anger management and any form of “couples counseling” or mixed victim/offender groups that may be recommended by the FAP.

- Updating any safety plans and discussing current options is critical whenever disciplinary or enforcement action is being pursued against an abuser.

- If UCMJ action is pursued, have the victim consult with the JAG officer about her/his rights. Find out if a Victim/Witness Assistance Program advocate is able to meet with and support the victim or if the mili-
tary domestic violence advocates can play any role in supporting her. (NOTE: Victim/Witness Assistance Program advocates are associated with the JAG office to provide support to victims solely through the UCMJ process. Their role is limited to this, and therefore, different from the role of military domestic violence victim advocates.)

- If the service member may be administratively discharged or court-martialed, ensure that the papers state “dependent abuse” as a basis so that a spouse who is a victim can qualify for transitional compensation (see below for more details).

**Military Housing/Shelter**

*What You Need to Know:*

- Military housing is a privilege conferred on the service member. If the service member is discharged or ordered to barracks, or if the couple legally separates, a civilian spouse and family members will generally be required to move out of military housing within 30 days.

- Instructions for each of the services make clear that, following a domestic violence incident in military housing when separation is warranted, removal of the primary offender is generally the appropriate course of action regardless of whether this individual is active-duty or civilian. In other words, if the offender is the service member, s/he should be ordered to the barracks. If the offender is nonmilitary, s/he should be ordered off the installation. Children should not be left in the care of a suspected offender.

*Advocacy Tips:*

- If sheltering is required for the safety of the victim and the victim’s children, some commands will place the victim in billeting (guest quarters) for a limited period of time. Only two installations have shelters and both of those are outside the continental U.S. (OCONUS).

- Engage in careful safety planning regarding any separation. If confidential sheltering is required and the civilian shelter is not available or appropriate, advocate for safe billeting on the installation. (The Appendix includes a “SAFETY CHECKLIST.”)

- If the victim needs more than 30 days to move out of military housing, seek an extension. You may get some flexibility, particularly if there are safety concerns. At some military installations, military advocates have developed specific guidelines to deal with domestic violence cases with the housing magistrate.

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Relocation Assistance

For some civilian victims and their children, moving away from the service member will be the best course of action. However, the expense of moving, especially from overseas locations, can present a formidable barrier.

What You Need to Know:

- Until recently, family members living in the U.S. could only get relocation entitlements—personal travel expenses and shipment of household goods (HHG)—in conjunction with the active duty member through a permanent change of station (PCS), separation, retirement, etc. However, recent guidelines allow for “dependent relocation for personal safety” when the member has committed abuse against a dependent spouse or child.

Under the new regulations (see the Appendix), a service member's spouse and/or dependent children may request “relocation for personal safety.” There are several requirements to qualify for relocation assistance under this new regulation, including:

- The member must have committed a “dependent-abuse offense” against the spouse or another dependent of the service member;

- The dependent's safety must be identified as “at risk,” and the dependent must have engaged in safety planning;

- Relocation is advisable and in the best interests of the service member or member's dependents and the U.S. government.

- If all of these requirements are met, the dependent is entitled to reimbursement for transportation to a site within the U.S., or, if the victim is a foreign national, to their country of origin.

- One major restriction to the policy is that household goods (HHG) and personal vehicles (POV) may only be authorized for transportation by order of a civilian court (giving possession to the dependent) or by written agreement of the service member because the military does not have a counterpart to a family court and commanders do not have authority to assign personal property.

- The relocation must be approved by a service-designated official.

- Family members residing overseas are considered “sponsored” by the command and the service member. Joint Federal Travel Regulations (JFTR) permit relocation assistance for the Early Return of Dependents (ERD) for unspecified reasons, but this entitlement must generally be requested by the service member.
Advocacy Tips:

- If the victim is seeking to relocate separate from the active-duty member, help her/him to document any dependent-related abuse, such as a CPO or a police report. Ensure that the victim is willing to make an unrestricted report and understands the risk and safety issues before doing so.

- Work with the military victim advocate and FAP to document safety planning and counseling provided to the victim/dependent and to help make the determination that the victim’s safety is at risk and relocation is advisable.

- If possible, seek prior agreement on division of household goods before relocation. Otherwise, the victim may have to leave certain items behind.

- Create a safety plan regarding any plan for separation or relocation.

Transitional Compensation (TC)

What You Need to Know:

The Transitional Compensation Program provides financial and other support to victims of domestic violence (including sexual violence against family members) and their dependents. Benefits levels are set by law and are updated every year. For FY 2003, benefits are $950/month for a spouse, and $240/month for each dependent child in the care of the spouse. Children who live separately from the spouse (e.g., with a foster parent or legal guardian) are currently eligible for approximately $400/month. In addition to cash payments, eligible spouses and dependents are entitled to continuation of their medical and dental benefits (“TRICARE”), as well as commissary (groceries) and exchange (other goods and products) privileges.

- In order to qualify for TC, the victim must demonstrate that:
  
  - The service member is administratively separated from active duty and the documented basis for discharge includes dependent abuse, OR the service member is convicted by court-martial of a dependent-abuse offense and is either separated from active duty after such conviction or is sentenced to forfeiture of all pay and allowances.

  - The victim was married to and residing in the home of the now-separated service member when the offense occurred.

  - The service member has served at least 30 days on active duty.

  - TC is available for a minimum of 12 months and a maximum of 36 months. Entitlement begins either:
• on the date the administrative separation is initiated, or

• on the date the court-martial sentence is adjudged, or

• if there was a pretrial agreement providing for disapproval or suspension of the dismissal, discharge, or forfeiture of all pay and allowances, on the date the court-martial sentence with such a provision is approved.

• Entitlement to TC is forfeited if the spouse receiving payments remarries, begins living with the abusive service member again, or if the domestic violence conviction is reduced to a lower punishment or the administrative separation is revoked.

• Dependent children not living with the service member or spouse may be eligible for TC even if the spouse is not initially eligible or later becomes ineligible.

**Advocacy Tips:**

• **Always** discuss the potential availability of TC. Be sure the victim understands the limitations on eligibility.

• When eligibility for TC is a possibility, work with FAP to ensure that the service member’s discharge papers or court martial clearly states “dependent abuse” as at least one of the reasons for adverse action. Without this documentation, the victim will not be entitled to benefits even if domestic violence was among the factors for administrative discharge or court martial.

• Be aware that if the court-martial conviction included a pretrial agreement between the prosecution and the defendant on the sentence, it can take months for the sentence to be approved. Explore other options for support in the short-term.

**Other Financial Issues**

**What You Need to Know:**

• Military ID cards provide access to discounted food and clothing (commissary and exchange privileges) and to the military health system (“TRICARE”). Both the spouse and children are entitled to military ID cards which must be periodically updated.

• Children may be entitled to keep military health care benefits even if the service member does not have custody. They must be enrolled in the Defense Eligibility Enrollment System (DEERS).

• If the military member destroys or removes a victim’s military ID card,
the military member may be punished, and the card can be replaced. Military victim advocates and FAP can assist with replacement.

- Military service regulations require service members to provide “adequate support” to their family members. The amount varies, depending on whether there is a court order or agreement between the parties, and on guidance provided by the particular service, which is generally available through the installation's legal office.

**Advocacy Tips:**

- If the victim is being financially abused, work with the military victim advocate and/or FAP personnel to enforce her/his military rights.

- Use all civilian tools at your disposal, such as orders under a CPO, food stamps, WIC, Victim Compensation Programs, food lockers, military and civilian charitable relief societies, etc.

- Encourage the victim to make copies of all important documents.

**Special Circumstances**

**Immigration Issues**

**What You Need to Know:**

- A significant number of U.S. service members marry non-U.S. citizens. Foreign-born spouses are dependent on the U.S. service member to file a petition on the spouse’s behalf before relocating to the U.S. In an abusive relationship, the batterer can use this power as a threat, both before and after relocating to the U.S, to silence non-citizen family members.

- Under VAWA, battered immigrant women may “self-petition” to gain lawful permanent residence in the U.S. if they meet VAWA guidelines. This information is not widely known by immigrant victims or by the military community.

**Advocacy Tips:**

- Immigration issues require special attention. Find an attorney who can provide specialized help for these issues, e.g., the Immigrant Women Project (NOWLDEF) and the National Immigration Project (National Lawyer’s Guild).
• Don’t assume that military personnel (FAP, JAGs, commanders, etc.) understand VAWA as it relates to battered immigrant women. You may need to educate them or work with the military victim advocate to educate them. Consider working with the military advocate to arrange for a training on the issue by a civilian attorney for military interveners.

Victims Stationed Overseas

What You Need to Know:

• Domestic violence victims may become more vulnerable when the family moves overseas. Apart from issues of isolation, there are likely to be fewer services available both on and off-installation.

• If the family will live off the installation (“living on the economy”), the victim may or may not be protected under the laws of the host country (and the country may or may not take prosecution of batterers seriously). The applicability of foreign laws to U.S. military members and families is governed by complex international agreements called Status of Forces Agreements (SOFAs).

• Civilians (government employees, civilian contractors, and family members) who accompany the military overseas and commit a felony can be prosecuted in a federal court in the U.S. if the host nation declines to prosecute. Make sure the victim provides specific details of the offense so that it is clear whether a felony was committed. Service members who commit crimes can always be prosecuted under the UCMJ whether the incident occurred on or off the installation, even if the host nation declines to prosecute.

• Military family members are neither entitled nor required to relocate overseas with service members. This a privilege granted by the command. Families with histories of domestic violence may be screened out for overseas relocation because of increased vulnerability and reduced access to services.

• Under the new regulation outlined above (see Appendix), a service member’s spouse and/or dependent children may request “relocation for personal safety.” For victims located overseas, the same requirements apply as to those in the U.S. However, if a dependent victim is located at a station overseas, the military may authorize the victim to transport one personal vehicle that is in either the dependent’s or service member’s name for her/his personal use.
For information about domestic violence service providers overseas, visit: [http://www.militaryhomefront.dod.mil/portal/page/itc/MHF/MHF_DETAIL_1?section_id=20.80.500.270.0.0.0.0.0&content_id=168004](http://www.militaryhomefront.dod.mil/portal/page/itc/MHF/MHF_DETAIL_1?section_id=20.80.500.270.0.0.0.0.0&content_id=168004)

**Advocacy Tips:**

- If a victim faces the prospect of relocation overseas, discuss options for remaining in the U.S. (or if the victim is active duty, for leaving the spouse in the U.S.).

- If the victim will be moving overseas, investigate civilian service/sheltering options in the host country. Understand and explain options/limitations for Early Return of Dependents (ERD) if this becomes necessary.
Keeping Coordinated

The best way to support military victims in your community is to build a Coordinated Community Response by bringing together the many players who have a role in the response system. Ideas include:

- Cross-train advocacy staff. Offer to provide training to FAP, and invite FAP and military victim advocates to train your staff.

- Ensure that your community domestic violence Coordinating Council or Task Force includes military representation.

- Work toward the creation of MOUs between installation personnel and your program or civilian law enforcement and prosecutors’ offices. In January 2004, the Department of Defense issued guidelines on setting up just such an MOU between military and civilian law enforcement and prosecutors.

- In its directive to the field, the DoD says such MOUs are needed because of staff turnover on installations, the nature of multiple jurisdictions often surrounding a single military installation, and the fact that many civilian agencies have not yet developed specific procedures for when an alleged offender is an active-duty member.

- DoD says the MOU between military and civilian law enforcement should address the following issues:
  - Statement of the purpose of the MOU.
  - Explanation of jurisdictional issues, including the response and investigation of incidents occurring on and off the installation.
  - Procedures for responding to incidents on an installation that involve a civilian alleged offender (in exclusive federal jurisdictions, this may involve
CHAPTER 5  Strengthening the Structure: Systems Advocacy

the U.S. Attorney’s Office).

- Procedures for sharing information throughout the course of an investigation, as well as sharing information related to restraining orders (both military and civilian).

- Provision of information to victims regarding services available.

- Although DoD has not yet issued guidance, MOUs can also be established between non-profit domestic violence shelters/programs and the military and could include:
  - General statement of purpose.
  - Outline of procedures for cross-referrals.
  - Understandings and commitments regarding confidentiality of client information.
  - Commitments to cross-training and joint outreach efforts.
  - Provisions for compensation/support to the shelter from the installation for services provided to military victims.

- Convene a monthly roundtable of military domestic violence responders – military and civilian police, shelter and FAP staff, medical providers, civilian prosecutors and JAGs, and command staff. This can either be the starting point for a Memorandum of Understanding (MOU) or the means of ensuring that it remains a living document. Rotate meeting places and include a short training by the host organization.

- Create collaborative outreach materials for victims.

- Coordinate Domestic Violence Awareness Month activities. Show visible support for each other’s efforts on behalf of victims.

Advocacy Tips:

- Before embarking on an MOU, be sure to involve all of the right participants. Reach out to your military counterparts and brainstorm on who needs to be involved. Set up a schedule to meet individually with key individuals first before setting up a large group meeting. Have both civilian and military attorneys involved from the get-go – you’ll need them!

- Differences are bound to arise. Keep conversations respectful, grounded in the goal of providing the best possible response to victims, and recognize differences in roles.

- Never breach victim confidentiality.
NOTE: Each victim, and each set of responses, offers lessons for systems improvement. It is your role to continually work to improve these systems for the benefit of future victims.

Proactive Role
An ounce of prevention is worth a pound of cure. We cannot stress enough the importance of building open, trusting relationships with personnel on the installation and of pursuing all of the “Keeping Coordinated” suggestions discussed above. The military is part of YOUR community; it is your responsibility to ensure that victims and service providers within the Department of Defense know who the civilian service providers are and what options are available to victims outside the gates.

The Department of Defense has made significant strides in the last few years to address both the individual and systemic needs of victims of spouse abuse. Take advantage of this! Reach out to and support military victim advocates who face challenges that are both similar to and different than yours.

Responsive Role
The U.S. military is a hierarchical system. Your effectiveness in supporting victims through systems change will be enhanced by developing strong, supportive relationships on the installation. Solving or addressing all issues related to abuse by active-duty service members will require going through the chain-of-command.

What You Need to Know:

- **Respect is highly valued in this system.** Military members expect to be addressed formally with recognition of their rank.

- The actions of command and FAP staff are governed by their institutional practices and written policies – being aware of these is critical to your success.

Advocacy Tips:

- Ask the rank of the person with whom you are speaking and use it. Do not call Major Bob Thomas “Bob” unless he tells you to do so. Instead, address him as “Major Thomas.”

- As an advocate, start your communication with the military victim advocate, the FAP case manager, the FAP manager (FAPM), or FAP officer (FAPO). You can reach these people by calling the installation and asking to be directed to the Family Advocacy Program. These staff can assist you in communicating with the offender’s command. Be polite, direct, and succinct.

- If you do not understand why a particular action is being taken, request
a copy of the policy or seek other guidance from FAP. (For example, if an active-duty victim is directed to move out of military housing, request a copy of the order and review the related service policies that strongly advise against this.)

- You may need to contend with many levels of command. To do so you’ll want to know the name of the direct supervisor of the person with whom you are speaking. Be sure to ask for this information at the end of every conversation so you know where to go next if you do not get the desired result or information you’ve requested.

- Just as you would not go straight to the mayor if a police dispatcher acted inappropriately, do not try to “leapfrog” the military chain-of-command. It is not advisable to approach the base commander or chief-of-staff unless you run into a brick wall at lower levels. When you have exhausted your other options, it is time to call the commander or his/her staff. Explain your role, your title, and who you work for. An attorney or JAG officer may return your call. When given the opportunity, you need to be able to explain what you have done so far, the type of assistance you are seeking, and with whom you have already spoken. Do not guess at any of this. Keep detailed notes that you can refer to during these conversations.

The reports of the Defense Task Force on Domestic Violence are an excellent source of information about Service policies. Visit: www.dtic.mil/domesticviolence

- If you continue to face obstacles within a particular installation, it may be appropriate to direct your concerns to Service Family Advocacy Program, i.e.:

  **US Army FAP:** 703-681-7396/93  
  **US Navy FAP:** 901-874-4355  
  **US Air Force FAP:** 210-536-2031/32  
  **US Marine Corps:** 703-784-9546

You may also contact:

  **DoD FAP:** 703-602-4990  
  **Inspector General:** (within each Service)
For assistance and support with systems advocacy, we suggest contacting:

- **Battered Women’s Justice Project:** 800-903-0111, ext. 1
- **The Miles Foundation:** 203-270-7861
- **National Center on Domestic And Sexual Violence:** 512-407-9020

Complete contact information is in “Additional Civilian Resources” on page 67.
My Toolbox

Now you’ve got the building materials - it’s time to get to work! Below, we’ve included three tools:

1. Installation Contact Sheet
3. Safety Checklist for Emergency Exit (Supplemental Form)

In the Appendix, you’ll find:

4. Resource and Contact Information
5. Military Acronyms
6. Model MOU (included in the Appendix)
7. Sample MPO
8. DoD Policies referenced throughout this handbook

After meeting with Family Advocacy Program staff on the installation or visiting Military Homefront or individual service Web sites, add the following:

9. Brochures and Outreach Materials
10. The “Memorandum Of Understanding” (MOU) if one exists
11. Service and Installation-specific Protocols and Policies

Now, consider creating new tools, including:

12. Joint Military/Civilian Outreach Materials
13. Cross-Training Materials

Other ideas:

14. _________________________________________________________
15. _________________________________________________________
16. _________________________________________________________
17. _________________________________________________________

As you gather these tools, remember that building your response plan is an integrative process. Your efforts will be strengthened by joining in true partnership with builders of military response systems. Only by working together will we fully meet the needs of military survivors of domestic violence. Good luck!
# Installation Contact Sheet

<table>
<thead>
<tr>
<th>Military Installation:</th>
<th>Tel:</th>
<th>Email:</th>
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<tbody>
<tr>
<td>Address:</td>
<td></td>
<td></td>
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<tr>
<td>Main Command:</td>
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<tr>
<td>Tenant Commands:</td>
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<tr>
<td>Installation Website:</td>
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<tr>
<td>Service Website(s)</td>
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</tbody>
</table>

## Contacts:

<table>
<thead>
<tr>
<th>Role</th>
<th>Name:</th>
<th>Tel:</th>
<th>E-mail:</th>
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<tbody>
<tr>
<td>Commanding Officer:</td>
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<tr>
<td>FAP Manager:</td>
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<tr>
<td>Victim Advocate:</td>
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<td>Military Law Enforcement:</td>
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<td>Housing:</td>
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<td>Chaplain:</td>
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<td>Benefits:</td>
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<tr>
<td>Medical Treatment Facility:</td>
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<td>Legal office:</td>
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<tr>
<td>Immigration:</td>
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</tbody>
</table>

## Installation Resources/Programs:

1. Contact:                         Tel:                  E-mail:  
2. Contact:                         Tel:                  E-mail:  
3. Contact:                         Tel:                  E-mail:  
4. Contact:                         Tel:                  E-mail:  
5. Contact:                         Tel:                  E-mail:  

## Other tools:

1. 
2. 
3. 
4.  

*(From “Understanding the Military Response to Victims of Domestic Violence: Tools for Civilian Advocates,” The Battered Women’s Justice Project)*
NOTE: Use your existing needs/safety assessment tools. This form should be used for supplemental purposes, and not to replace existing tools.

CLIENT NAME: _________________________________  SAFE CONTACT INFO: _________________________________

ADVOCATE: ___________________________________  MIL INSTALLATION: _________________________________

DATE: ______________________________________

BACKGROUND INFORMATION

A. Victim Information

1. Are you active duty or civilian? Former / retired?

2. If active duty:
   - Service:
   - Rank:
   - Position:
   - CO (name and contact info):
   - Direct Supervisor (name/info):
   - Expected tour of duty:
   - Any orders to PCS?
   - Anticipated upcoming deployment? yes / no
   - If yes, when & where?

3. If civilian, are you employed? yes / no
   - Employer:

4. Drivers license/access to car:

5. Do you have an updated military ID card?

6. Are you receiving financial support from the abuser? Describe:

7. If not a U.S. citizen, what is your immigration status?

(From “Understanding the Military Response to Victims of Domestic Violence: Tools for Civilian Advocates,” The Battered Women’s Justice Project)
B. Abuser Information

1. Is your partner active duty / civilian? Former / retired?

2. If active duty:
   - Service
   - Rank
   - Position
   - CO (name and contact info)
   - Direct Supervisor (name/info)
   - Expected tour of duty
   - Any orders to PCS?
   - Anticipated upcoming deployment? yes / no
   - If yes, when & where?
   - Any returns from deployment in next six months?

3. If civilian, is the abuser employed? yes / no
   - Employer:

C. Housing

1. Are you living on or off the installation?

2. If living off the installation, are you in military or civilian housing?

3. Address:

D. Children

1. Do you have children? yes / no

2. Are they dependents of the service member? yes / no

3. Age(s) of child(ren)

2. Do the children have updated military ID cards? yes / no

3. Are the children enrolled in DEERS (Defense Enrollment Eligibility System)? yes / no

4. Where are the children in school/daycare?
RESPONSE TO DATE

A. Civilian Response

1. Have civilian police been called to respond? yes / no
   When?
   What happened?
   Did police notify anyone at the installation? yes / no
   Who? What happened?

2. Do you have a civilian restraining/protective order? yes / no

3. Are you receiving any other civilian services? yes / no
   What services?
   Contact info

4. Pending legal proceedings:
   Criminal:
   Civil (divorce, CPO)

B. Military Response

1. Have military police been called to respond? yes / no
   When?
   What happened?

2. Have you reported domestic violence to anyone on the installation? yes / no
   If so, to whom?
   When?
   What happened?

3. Are you accessing services on base? yes / no
   If yes, what services?
   Name of FAP social worker or other contact

4. Have you obtained a Military Protective Order?

5. Pending disciplinary or UCMJ actions?
SAFETY ASSESSMENT/NEEDS

A. Safety Assessment

1. What is the batterer’s access to weapons?
2. What is the batterer’s relationship with his/her supervisor and/or CO? What do you know about them?
3. Do you see a relationship between the partner’s use of violence and his/her work assignments or deployments?

B. Needs/Goals

Short-term (immediate) needs/goals:
1.
2.
3.

Medium-term goals:
1.
2.
3.

Long-term goals:
1.
2.
3.
SAFETY CHECKLIST FOR EMERGENCY EXIT
SUPPLEMENTAL FORM FOR MILITARY VICTIMS OF DOMESTIC VIOLENCE

NOTE: Use your existing checklist for documents the victim will need for an emergency exit. This form should be used for supplemental purposes, and not to replace existing tools. As with all safety plans, remind the victim that this plan is only a guideline, she should always follow her best instincts in a dangerous situation. Most documents can be replaced, lives cannot.

CONTACT INFORMATION

CIVILIAN CONTACTS

Civilian Victim Advocate (confidential)
Name: ____________________________
Tel: ______________________________
e-mail: ___________________________

Civilian Police
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

Hotline (confidential)
Tel: ______________________________

Shelter (confidential)
Tel: ______________________________
e-mail: ___________________________

School
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

Day Care
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

Legal
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

Friend
Name: ____________________________
Tel: ______________________________
e-mail: ___________________________

Other
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

MILITARY CONTACTS

Family Advocacy Program
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

Military Victim Advocate
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

Military Police
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

MCIQ Detachment
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

CO/ Command representative
Name: ____________________________
Tel: ______________________________
e-mail: ___________________________

Chaplain (confidential)
Name: ____________________________
Tel: ______________________________
e-mail: ___________________________

Medical Treatment Facility
Contact: __________________________
Tel: ______________________________
e-mail: ___________________________

DOCUMENTS

___ Military ID cards
   (yours and children’s)
___ Copy of Leave and
   Earnings Statement
   (LES)
___ Social Security cards
   (yours and children’s)
___ Health cards
   (yours and children’s)
___ Health records
   (yours and children’s)
___ Birth certificates/mar-
   riage license
___ Drivers license/keys
___ Passports
___ Green card/ work
   permit
___ Military Protective
   Orders
___ Civilian Protective
   Orders
___ Other

(From “Understanding the Military Response to Victims of Domestic Violence: Tools for Civilian Advocates,” The Battered Women’s Justice Project)
CHAPTER 6  Filling Your Toolbox: Resources and Contact Information

ADDITIONAL MILITARY RESOURCES

Contacts:

Department of Defense
Family Advocacy Program
4000 Defense Pentagon
Room 5A726
Washington, DC 20301-4000
703-602-4990

Army Family Advocacy Program
HQ DA, FMWR Command
Department of the Army
4700 King St., 4th Floor
Alexandria, VA 22302-4418
703-681-7396/93

US Navy Family Advocacy Program
Navy Personnel Command P661
Department of the Navy
5720 Integrity Drive
Millington, TN 38055-6610
901-874-4355

US Air Force Family Advocacy Program
AFMOA/SG300
2664 Flight Nurse, Building 801
Brooks AFB, TX 78235-5135
210-536-2031/32

US Marine Corps
HQMC M&RA (MRO)
3280 Russell Road
Quantico, VA 22134-5009
703-784-9546
ADDITIONAL CIVILIAN RESOURCES

Contacts:

Asian & Pacific Islander Institute on Domestic Violence
450 Sutter Street, Suite 600
San Francisco, CA 94108
415-954-9988
www.apiahf.org

Battered Women’s Justice Project
2104 4th Ave. So., Suite B
Minneapolis, MN 55404
Domestic Violence/Criminal & Civil Justice & Military Issues
800-903-0111 Ext. 1
Defense Issues
800-903-0111 Ext. 3
www.bwjp.org

Center for the Prevention of Sexual and Domestic Violence
2400 North 45th St., Suite 10
Seattle, WA 98103
206-634-1903
www.cpsdv.org

Family Violence Prevention Fund
383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133
415-252-8900
www.endabuse.org

Legal Momentum’s Immigrant Women Program (IWP)
1101 14th St.
Suite 300
Washington, DC 20005  202-326-0040
202-842-2032
iwp@legalmomentum.org
www.legalmomentum.org

Institute on Violence in the African American Community (IDVAAC)
University of Minnesota
School of Social Work
290 Peters Hall
1404 Gortner Ave.
St. Paul, MN 55108-6142
612-624-9201
877-643-8222

Domestic Violence Resource Network

National Resource Center on Domestic Violence
PCADV
6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
800-537-2238
www.nrcdv.org

Health Resource Center on Domestic Violence
FVPF
383 Rhode Island St., Suite 304
San Francisco, CA 94103-5133
800-313-1310
www.endabuse.org

Resource Center on Domestic Violence: Child Protection and Custody
Family Violence Department
NCJFCJ
PO Box 8970
Reno, NV 89507
800-527-3223
www.ncjfcj.org

Native Resource Center to End Violence Against Native Women
Cangleska, Inc/Sacred Circle
722 Saint Joseph St.
Rapid City, SD  57701
877-733-7623
www.sacred-circle.com
The Miles Foundation
P.O. Box 423
Newtown, CT 06470-0423

National Center on Domestic and Sexual Violence
7800 Shoal Creek Blvd., Suite 120-N
Austin, TX 78757
512-407-9020
www.ncdsv.org

National Coalition Against Domestic Violence
1120 Lincoln St., Suite 1603
Denver, CO 80203
303-839-1852
www.ncadv.org

National Clearinghouse on Abuse in Later Life
WCADV
307 South Paterson St., Suite 1
Madison, WI 53703
608-255-0539
www.ncall.us/

National Clearinghouse for the Defense of Battered Women
125 South 9th St., Suite 302
Philadelphia, PA 19107
215-351-0010

National Domestic Violence Hotline
1-800-799-7233
1-800-787-3244 (TTY)

National Sexual Assault Hotline
1-800-656-4673

National Immigration Project of the National Lawyers Guild
14 Beacon Street, Suite 602
Boston, MA 02108
617-227-9727
www.nationalimmigrationproject.org

National Latino Alliance for the Elimination of Domestic Violence
PO Box 672
Triborough Station
New York, NY 10035
1-800-342-9908
www.dvalianza.org

National Network to End Violence Against Immigrant Women
C/o Family Violence Prevention Fund
383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133
415-252-8900

Women Helping Battered Women
802-658-1996
800-228-7395 (tollfree in VT)
www.whbw.org

Links/ Publications:


Appendix

Contents

Military Acronyms ........................................................................................................ 71

Handbook Assessment Form ......................................................................................... 74

Memoranda from the Department of Defense:

Department of Defense Instruction Number 1342.24 – Transitional Compensation for Abused Dependents (May 23, 1995) ................................................................. 75

Deputy Secretary of Defense Memorandum: Domestic Violence (November 19, 2001) 83

Assistant Secretary of Defense Memorandum: Enlistment Waivers for Domestic Violence-Related Convictions (January 22, 2002) ......................................................... 85


Under Secretary of Defense Memorandum: Implementation of the Armed Forces Domestic Security Act (November 1, 2003) .............................................................. 98

Under Secretary of Defense Memorandum: Establishing Domestic Violence Memoranda of Understanding Between Military and Local Civilian Officials (January 29, 2004) .............................................................................................. 100

Under Secretary of Defense Memorandum: Domestic Abuse Training for Chaplains (January 29, 2004) ................................................................................................. 112

Under Secretary of Defense Memorandum: Domestic Abuse Response and Intervention Training for Commanding Officers and Senior Enlisted Personnel (February 3, 2004) ................................................................................................. 117
Under Secretary of Defense Memorandum: Domestic Abuse Identification and Assessment Training for Health Care Providers (February 6, 2004) ........................................ 123

Department of Defense Per Diem, Travel and Transportation Allowance Committee Memorandum: Uniformed Travel Determination – MAP 55-03 – Travel and Transportation for Dependents Relocating for Reasons of Personal Safety (FY04 DAA) ........................................................................................................ 128

Under Secretary of Defense Memorandum: Military Protective Orders (March 10, 2004) ........................................................................................................................................ 132

Department of Defense Instruction Number 1030.2: Victim and Witness Assistance Procedures (June 4, 2004) ........................................................................................................................................ 137

Under Secretary of Defence Memorandum: Duration of Payment for Transitional Compensation for Abused Dependents (June, 14, 2004) ........................................................................ 160

Under Secretary of Defense Memorandum: Clarifying Guidance Concerning the DD Form 2873, Military Protective Order (July 14, 2004) ........................................................................ 161

Under Secretary of Defense Memorandum: Establishing Protocols for Law Enforcement and Command Responses to Domestic Violence Involving Military Members on Active Duty (October 22, 2004) ........................................................................ 163

Under Secretary of Defense Memorandum: Domestic Abuse Victim Advocate Program (February 17, 2005) ........................................................................................................................................ 171

Deputy Secretary of Defense Memorandum: Restricted Reporting Policy for Incidents of Domestic Abuse (January 22, 2006) ........................................................................................................ 191
**Definitions of Military Acronyms**

This list of acronyms refers to those you will find in this document. The meaning of other military acronyms can be found at this Website: [www-lib.iupui.edu/subjectareas/gov/military.html](http://www-lib.iupui.edu/subjectareas/gov/military.html).

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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| CO | Commanding Officer  
An officer who lawfully exercises authority over subordinates by virtue of rank or assignment. |
| CONUS | Continental United States  
Military installations that are located in the continental United States. |
| CPO | Civil Protection Order  
A civil remedy issued by a civilian court providing various forms of relief for victims of domestic abuse. |
| CRB | Central Registry Board  
Air Force specific multi-disciplinary group of military and civilian practitioners that meet to hear information about incidents of domestic violence and child abuse, and make a determination about substantiation of abuse. |
| DEERS | Defense Enrollment Eligibility Reporting System  
A computerized database of military sponsors, families and others worldwide who are entitled under the law to TRICARE (health) benefits. [www.tricare.mil/](http://www.tricare.mil/) |
| DoD | Department of Defense  
The mission of the Department of Defense is to provide the military forces needed to deter war and to protect the security of our country. The department's headquarters is at the Pentagon. |
| DTFDV | Defense Task Force on Domestic Violence  
A group of military and civilian representatives assigned to assess the DoD response to domestic violence and to make recommendations for improvements. |
| ERD | Early Return of Dependents  
Early return of Dependents is authorized transportation of a service member's dependents and shipment of household goods at government expense because of official or personal situations which justify such authorization. |
| FAP | Family Advocacy Program  
Military support and services program to assist family members who are experiencing abuse. It also convenes a multi-disciplinary committee of military and civilian practitioners that meet to hear information about incidents of domestic violence and child abuse, make a determination about substantiation of abuse, and provide recommendations for treatment for the abuser and support services for the family. These recommendations are given to the command. |
FAPO  Family Advocacy Program Officer
An officer assigned to work on issues of family abuse in the Marine Corps who may be assigned to the FAP program. Called the FAP Manager (FAPM) in the Army, the Family Advocacy Representative (FAR) in the Navy, and the Family Advocacy Officer (FAO) in the Air Force.

JAG  Judge Advocate General
Military attorney

JFTR  Joint Federal Travel Regulation
Regulations that govern conditions and allowances for all government travel, including relocation of service members and their families.

LES  Leave and Earnings Statement
A monthly statement for service members, documenting how much they earned for basic pay and pay for special assignments; what allowances they received for food, housing, and clothing; as well as what deductions were taken out of their pay for allotments, child support, insurance, and taxes.

MCIO  Military Criminal Investigative Organization
An installation detachment of military law enforcement personnel in plain-clothes who investigate reports of crimes that would be felonies in the civilian community. They are the Army Criminal Investigative Division (CID), Naval Criminal Investigative Service (NCIS) for the Navy and Marine Corps, and the Air Force Office of Special Investigations (AFOSI).

MP  Military Police
Service members in the Army and Marine Corps who are trained and assigned as law enforcement personnel. They are first responders in the military community and are called Security Forces (SF) in the Air Force.

MPO  Military Protective Order
A direct order from a commander to a service member providing relief similar to a civilian protective order, but only enforceable on the military installation.

NJP  Non-Judicial Punishment
Disciplinary action initiated by command, not a trial, no lawyers involved. May result in reprimand, loss of pay, restriction, confinement to quarters, etc.

PCS  Permanent Change of Station
A transfer to a new duty station at least 50 miles from the service member's current assignment.

PMO  Provost Marshal's Office
The office that oversees the military police department.

SECDEF  Secretary of Defense
The principal defense policy advisor to the President of the United States
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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
<th>Website/Link</th>
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<tbody>
<tr>
<td>SOFA</td>
<td>Status of Forces Agreement</td>
<td><a href="http://www.fm/jcn/compact/sofa.html">www.fm/jcn/compact/sofa.html</a></td>
</tr>
<tr>
<td>SSCRA</td>
<td>Soldiers and Sailors Civil Relief Act</td>
<td><a href="http://www.defenselink.mil/specials/Relief_Act_Revision/">www.defenselink.mil/specials/Relief_Act_Revision/</a></td>
</tr>
<tr>
<td>TC</td>
<td>Transitional Compensation</td>
<td></td>
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</tbody>
</table>

- **SOFA**
  - Status of Forces Agreement
  - [www.fm/jcn/compact/sofa.html](http://www.fm/jcn/compact/sofa.html)
  - Governs jurisdictional issues regarding US forces in other countries.

- **SSCRA**
  - Soldiers and Sailors Civil Relief Act
  - [www.defenselink.mil/specials/Relief_Act_Revision/](http://www.defenselink.mil/specials/Relief_Act_Revision/)
  - This act can delay all civil court actions for service members, such as divorces, foreclosures and bankruptcy.

- **TC**
  - Transitional Compensation
  - Provides financial support to abused family members to reduce victim disincentives to reporting abuse and to remove the threat of financial retribution.

- **UCMJ**
  - Uniform Code of Military Justice
  - Congressionally-enacted Code of Military Criminal Law applicable to all military members worldwide.

- **USSPA**
  - Uniformed Services Former Spouse Protection Act
  - Recognizes the right of State Courts to distribute military retired benefits to a spouse under certain circumstances.

- **VAWA**
  - Violence Against Women Act
  - [www.usdoj.gov/ovw/](http://www.usdoj.gov/ovw/)
  - An Act creating and combining federal laws with assistance to states to fight violence against women.
Handbook Assessment/Feedback Form

NAME: _____________________________________

ORGANIZATION: ______________________________

TELEPHONE: _________________________________

EMAIL: _____________________________________

DATE: _____________________________________

1. How are you using the Handbook?

2. What is most helpful about the Handbook?

3. What did you find unhelpful or problematic? (Please be as specific as possible.)

4. Suggestions for future changes:

5. Information/strategies/materials you would like to share with other advocates (please attach or enclose):

6. Other feedback/suggestions:

7. Are you interested in receiving training?

Please return this form to:
Battered Women’s Justice Project
2104 4th Avenue South, Suite B
Minneapolis, MN 55404
800-903-0111, ext. 1
cponsler@bwjp.org
SUBJECT: Transitional Compensation for Abused Dependents

(b) Sections 801-940, 860(c), 1059, 1077, and 1408(h) of title 10, United States Code  
(c) Sections 1311(a)(1), 1311(b), and 1313 of title 38, United States Code

1. PURPOSE

This Instruction:

1.1. Supersedes reference (a).

1.2. Implements policy, assigns responsibilities, and prescribes procedures under 10 U.S.C. Sec. 1059 (reference (b)) for the payment of monthly transitional compensation to dependents of members separated for dependent abuse.

2. APPLICABILITY AND SCOPE

This Instruction applies to:

2.1. The Office of the Secretary of Defense and the Military Departments (including Coast Guard when it is operating as a Service in the Navy).

2.2. Dependents of members of the Armed Forces who have been on active duty for more than 30 days and who, after November 29, 1993, are:
2.2.1. Separated from active duty under a court-martial sentence resulting from a dependent-abuse offense;

2.2.2. Administratively separated from active duty if the basis for separation includes a dependent-abuse offense; or

2.2.3. Sentenced to forfeiture of all pay and allowances by a court-martial which has convicted the member of a dependent-abuse offense.

3. DEFINITIONS

3.1. Dependent-Abuse Offenses. A dependent-abuse offense is conduct by an individual while a member of the Armed Forces on active duty for a period of more than 30 days that involves abuse of the then-current spouse or a dependent child of the member and that is a criminal offense defined by 10 U.S.C. Secs. 801-940 (reference (b)) or other criminal code applicable to the jurisdiction where the act of abuse is committed. The term "involves abuse of the then-current spouse or a dependent child" means that the criminal offense is against the person of that spouse or a dependent child. Crimes that may qualify as "dependent-abuse offenses" are ones such as sexual assault, rape, sodomy, assault, battery, murder, and manslaughter. (This is not an exhaustive or exclusive listing of dependent-abuse offenses, but is provided for illustrative purposes only.)

3.2. Dependent Child. An unmarried child, including an adopted child or a stepchild, who was residing with the member at the time of the dependent-abuse offense, and who is:

3.2.1. Under 18 years of age;

3.2.2. Eighteen years of age or older and is incapable of self-support because of a mental or physical incapacity that existed before the age of 18 and who is (or, when a punitive or other adverse action was carried out on the member, was) dependent on the member for over one-half of the child's support; or

3.2.3. Eighteen years of age or older, but less than 23 years of age, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense and who is (or, when a punitive or other adverse action was carried out on the member, was) dependent on the member for over one-half of the child's support.
3.3. **Member.** The term "member" includes "former member," where appropriate.

3.4. **Spouse.** The term "spouse" means a dependent spouse and, where appropriate, includes "former spouse."

4. **POLICY**

It is DoD policy to make monthly payments of transitional compensation and provide other benefits described herein for dependents of members who are separated for dependent abuse.

5. **RESPONSIBILITIES**

5.1. The Assistant Secretary of Defense for Force Management Policy shall develop, publish, and maintain this Instruction and ensure compliance.

5.2. The Secretaries of the Military Departments shall appoint representatives to coordinate requests for transitional compensation, to approve requests, forward them to the Defense Finance and Accounting Service (DFAS), and notify DFAS of any action that affects payment of transitional compensation.

5.3. The Under Secretary of Defense (Comptroller)/Chief Financial Officer shall ensure that DFAS shall process payment requests forwarded by Service representatives.

6. **PROCEDURES**

6.1. **Recipients of Payments.** Payments shall be made to dependents described in paragraphs 2.2.1. or 2.2.2., above, as follows:

   6.1.1. If the member was married when the offense occurred, payment shall be made to that spouse.

   6.1.2. If there is a spouse who is ineligible to receive payment because of remarriage (under paragraph 6.3.1., below), cohabitation (under paragraph 6.3.2., below), or active participation (under paragraph 6.3.3., below), payments shall be made to each dependent child of the member who does not reside in the household of the member or the spouse.
6.1.3. If there is no eligible spouse for reasons other than those in paragraphs 6.3.1. through 6.3.3., below (for example, because the member had no dependent spouse or the spouse has died), payments shall be made to the dependent children of the member who do not reside in the household of the member.

6.1.4. For paragraphs 6.1.2. and 6.1.3., above, status as a "dependent child" is determined as of the date on which the member is convicted of the offense or as of the date of the member's administrative separation, whichever is applicable.

6.1.5. If a recipient is incapable of handling his or her own affairs, payments may be made only to a court-appointed guardian. For a dependent child under 18 years of age, payments may be made only to a court-appointed guardian or a natural parent (who is not a spouse of the member), if the natural parent legally has custody of the dependent child.

6.2. Payments

6.2.1. Commencement and Duration

6.2.1.1. Payment shall commence on the date: the person acting under 10 U.S.C. Sec. 860(c) (reference (b)) approves the court-martial sentence that includes a dismissal, dishonorable discharge, or bad-conduct discharge; or the member's commander starts administrative separation action. The duration of payments shall be 36 months except, if, as of the starting date of payment, the unserved portion of the member's obligated active duty service is less than 36 months, the duration of payment shall be the greater of the unserved portion or 12 months.

6.2.1.2. No payment shall be made for any period before November 30, 1993.

6.2.1.3. For enlisted members, the "obligated active duty service" shall be the time remaining on their terms of enlistment. For officers, the "obligated active duty service" shall be indefinite unless an officer has a date of separation established, then it shall be the time remaining until the date of separation.

6.2.2. Amount

6.2.2.1. Monthly payments to a spouse shall be at the rate in effect for the payment of dependency and indemnity compensation under 38 U.S.C. Sec. 1311(a)(1) (reference (c)). If the spouse has custody of a dependent child or children
of the member, the amount of monthly compensation to the spouse shall be increased for each child by the amount in effect under 38 U.S.C. Sec. 1311(b) (reference (c)). If there is no eligible spouse, compensation paid to a dependent child or children under 6.1.2. or 6.1.3., above, shall be paid in equal shares at the rate in effect under 38 U.S.C. Sec. 1313 (reference (c)).

6.2.2.2. Payments shall be prorated for months when payments start or stop in the middle of a month.

6.2.2.2.1. When paying children, if the payment amount does not divide evenly, the youngest child shall receive the odd cent.

6.2.2.2.2. If recipient dies, arrears of pay shall not be paid.

6.2.3. Cessation of Payments

6.2.3.1. Any payment of transitional compensation that has started under paragraph 6.2.1., above, shall stop effective as of the first day of the first month following the month in which the Secretary concerned notifies a recipient in writing that payment of transitional compensation shall cease because of subparagraph 6.2.3.1.1. or 6.2.3.1.2., below.

6.2.3.1.1. The member is sentenced by a court-martial to receive punishment that includes a dismissal, dishonorable discharge, or bad conduct discharge as a result of a conviction by a court-martial for a dependent-abuse offense and such punishment is remitted, set aside, or mitigated to a lesser punishment that does not include any such punishment.

6.2.3.1.2. The administrative separation of a member from active duty is proposed on a basis that includes a dependent-abuse offense and the proposed administrative separation is disapproved by competent authority under applicable regulations.

6.2.3.2. The recipient shall not be required to repay amounts of transitional compensation received before the effective date of cessation determined under subparagraph 6.2.3.1., above (except as necessary to recoup any amount that was erroneous when paid).

6.3. Forfeiture Provisions

6.3.1. Remarriage. If a spouse receiving payments remarries, payments
terminate as of the date of the remarriage. Payment shall not be renewed if such remarriage is terminated. If the payments to the spouse terminate due to remarriage and there is a dependent child not living in the same household as the spouse or member, payments shall be made to the dependent child, as in paragraph 6.1.2., above.

6.3.2. Cohabitation

6.3.2.1. If the member resides in the same household as the spouse or dependent child to whom compensation is otherwise payable under this Instruction, payment shall terminate as of the date the member begins residing in such household.

6.3.2.2. Once terminated under subsection 6.3.2.1., above, payment shall not be resumed.

6.3.2.3. Compensation paid in accordance with this Instruction before the member resides in the household shall not be recouped.

6.3.3. Active Participant. If the victim was a dependent child, and the spouse has been found by competent authority designated by the Secretary concerned to have been an active participant in the conduct constituting the criminal offense or to have actively aided or abetted the member in such conduct against that dependent child, the spouse, or dependent child living with the spouse shall not be paid transitional compensation.

6.3.4. Annual Certification. The spouse must notify the DFAS within 30 days of the date of remarriage or the date the member begins residing in the same household as the spouse or dependent child. The spouse (or if applicable, the individual receiving payments under paragraph 6.1.5., above) shall annually certify to DFAS on a Certificate of Eligibility (COE) that he or she has not remarried and has not been cohabitating with the member. Dependent children (or if applicable, the individual receiving payments under paragraph 6.1.5., above) shall annually certify via the COE process that they are not cohabitating with the member or ineligible spouse.

6.4. Coordination of Benefits. A spouse may not receive payments under both sections 1059 and 1408(h) of 10 U.S.C. (reference (b)). If a spouse is otherwise eligible for both, the spouse must elect which to receive.

6.5. Source of Funds. Transitional compensation must be paid from operations and maintenance funds.

6.6. Application Procedures. An individual must initiate a request through a
Service-appointed representative. The Service representative shall coordinate the collection of information necessary to determine the validity of the claim, the recipient(s), and duration of payments using DD Form 2698, "Application for Transitional Compensation." The Service representative shall approve payment and forward the application to DFAS at the following address:

DFAS-DE/FRB
6760 East Irvington Place
Denver, CO 80279-6000

Facsimile numbers:
DSN: 926-4667
COMM: (303) 676-4667

The DFAS point of contact is DFAS-DE/FRBS, at DSN: 926-4514 or COMM: (303) 676-4514.

6.7. Commissary and Exchange Benefits

6.7.1. Recipients are also entitled to use commissary and exchange stores while receiving their payments. They are allowed the same commissary and exchange privileges as a dependent of a member of the Armed Forces on active duty for a period of more than 30 days.

6.7.2. If a recipient eligible or entitled to use the commissary and exchange stores under paragraph 6.7.1., above, is also eligible or entitled under another law, eligibility and entitlement shall be determined under the other law and not paragraph 6.7.1., above.

6.8. Medical Benefits

6.8.1. A dependent of a member who has been separated from a Uniformed Service due to a dependent-abuse offense may receive medical or dental care in facilities of the Uniformed Services or through the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). Receipt of the medical or dental care is subject to the limitations in paragraphs 6.8.2. and 6.8.3., below.

6.8.2. Eligible dependents of a member who receives a dishonorable or bad-conduct discharge, is dismissed as a result of a court-martial, or is administratively separated from a Uniformed Service as a result of a dependent-abuse
offense are entitled to medical or dental care for problems associated with the abuse. Entitlement to such care is limited to a period of one year following the member's separation from the Uniformed Service, and eligibility will be granted only upon request to the Secretary of the Military Department concerned. The determination of whether an offense involved abuse of a dependent shall be made by the Secretary of the Military Department concerned.

6.8.3. Eligible dependents of a member who is retirement eligible, but who loses eligibility for retired pay because of dependent-abuse misconduct, may receive medical and dental care in accordance with section 1408(h) of 10 U.S.C. (reference (b)).

7. EFFECTIVE DATE:

This Instruction is effective immediately.

[Signature]

F. Parq
Principal Deputy Under Secretary of Defense
For Personnel and Readiness
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT
OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT
OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Domestic Violence

Domestic Violence will not be tolerated in the Department of Defense (DoD). In Fiscal Year 2000, more than 10,500 physical and/or sexual assaults of a spouse were substantiated in the DoD Family Advocacy Program, with more than 5,200 active duty personnel identified as the alleged perpetrators.

Domestic violence is an offense against the institutional values of the Military Services of the United States of America. Commanders at every level have a duty to take appropriate steps to prevent domestic violence, protect victims, and hold those who commit it accountable.

Therefore, I call upon the leaders at all levels in the Department of Defense to make every effort to:

- provide timely information to new personnel and family members, to include lists of locally available military and civilian resources to prevent domestic violence, procedures for responses to reports of domestic violence, and information about the DoD Transitional Compensation Program;
- improve coordination between military and civilian community agencies that provide the first response to domestic violence issues and incidents, especially through negotiated agreements;
• increase protection to victims through coordinated enforcement of civilian orders of protection affecting military personnel on DoD installations and military protective orders issued by commanding officers; and

• update and standardize education and training programs on domestic violence for commanding officers, senior noncommissioned officers, and personnel with law enforcement, health care, and legal responsibilities, to ensure those programs contain information on how to prevent domestic violence, how to recognize when it has occurred, and how to take action to protect victims and to hold offenders accountable as appropriate.
MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE AIR FORCE (MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Enlistment Waivers for Domestic Violence-Related Convictions

In its initial report, the Defense Task Force on Domestic Violence (DTFDV) recommended that DoD review the appropriateness of enlistment waivers granted to individuals convicted of “domestic violence-related” offenses. The DTFDV found that some waivers have been granted in the case of convictions for offenses involving domestic violence in a broad sense, but falling outside the definition of domestic violence used in the domestic violence amendment to the Gun Control Act and DoD’s interim policy implementing that amendment. For example, waivers have been granted in the case of convictions for violence against siblings.

The DTFDV did not substantiate any waivers granted in violation of DoD’s interim policy, which prohibits the entrance into military service of anyone with a misdemeanor conviction for a crime of domestic violence. The term “crime of domestic violence” as used in the Act and the interim policy is an offense that has, as an element, the use or attempted use of physical force, or threatened use of a deadly weapon; committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victims.

I do not want to restrict Service authority to grant accession waivers in the case of convictions for offenses outside the coverage of DoD’s interim policy implementing the domestic violence amendment to the Gun Control Act. Rather, the purpose of this memorandum is to bring the DTFDV’s recommendation to your attention and suggest that you may want to review your Service’s accession waiver procedures to ensure that waivers are granted only in appropriate cases. In light of the consequences of a domestic violence conviction committed after an individual enters military service, it may not be prudent to grant waivers in the case of convictions for crimes that are not technically domestic violence, but are similar.

Charles S. Abell
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DEFENSE FIELD ACTIVITIES

SUBJECT: Department of Defense (DoD) Policy for Implementation of Domestic Violence Misdemeanor Amendment to the Gun Control Act for Military Personnel

This directive-type memorandum establishes DoD policy for implementing the domestic violence amendment to the Gun Control Act of 1968 (18 U.S.C. §§ 922(d)(9) and (g)(9)) for military personnel. It supersedes the memorandum of October 22, 1997, on this subject that provided interim DoD policy. DoD Components shall take all reasonable and necessary steps to implement this policy with regard to military personnel. For the purposes of this policy, the DoD Components include the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the DoD Field Activities, and all other organizational entities of the Department of Defense.

The domestic violence amendment makes it a felony for any person to sell or otherwise dispose of firearms or ammunition to any person whom he or she knows or has reasonable cause to believe has been convicted of a "misdemeanor crime of domestic violence" (18 U.S.C. § 922(d)(9)). The amendment also prohibits anyone who has been convicted of a misdemeanor crime of domestic violence from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition; or receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce (18 U.S.C. § 922(g)(9)). (See attachment for definition of terms used in this memorandum.)

The law applies to misdemeanor crimes of domestic violence only. For purposes of this memorandum, however, a "qualifying conviction" also includes a conviction for a "crime of
domestic violence" tried by general or special court-martial which otherwise meets the definition of a misdemeanor crime of domestic violence. Further, as a matter of DoD policy, a conviction for an offense meeting the definition of a "felony crime of domestic violence" adjudged on or after the date of this memorandum shall be considered a qualifying conviction for purposes of this memorandum. The term "qualifying conviction" does not include summary court-martial convictions, imposition of nonjudicial punishment (Article 15, UCMJ), or deferred prosecutions or similar alternative dispositions in civilian courts.

Each Military Department shall implement a program to periodically inform its military personnel of the domestic violence amendment to the Gun Control Act, its consequences, and this policy. Information provided shall include notice that personnel have an affirmative, continuing obligation to inform commanders or supervisors if they have, or later obtain, a qualifying conviction and that the revised DD Form 2760 (attached), which states that any statements made on the form will not be used in a prosecution for violating the Gun Control Act, is available. All DoD components shall post notices about the domestic violence amendment and DoD implementing policy in all facilities in which Government firearms or ammunition are stored, issued, disposed of, and transported.

If in implementing this policy a Military Department chooses to require that all or some of its military personnel certify whether or not they have a qualifying conviction, the DD Form 2760 shall be used for such certifications. Even if certification is not required, DD Form 2760 shall be made available for those personnel who come forward to report a qualifying conviction in compliance with their obligation to do so. The use of this form and the protections it affords have been approved in accordance with Section E of the 1984 Memorandum of Understanding Between the Departments of Justice and Defense Relating to the Investigation and Prosecution of Certain Crimes (see DoD Directive 5525.7). Each Military Department shall issue regulations governing how completed forms are to be filed and maintained to ensure they are retrievable if needed.

The Military Departments' procedures to discover whether an applicant for military service has a qualifying conviction for a crime of domestic violence shall continue in effect. Individuals with such convictions shall not be granted a waiver for entrance into military service.

In the case of all members found to have a qualifying conviction, appropriate authority will immediately retrieve all Government-issued firearms and ammunition, suspend the member's authority to possess government issued firearms or ammunition, and advise them to dispose of their privately owned firearms and ammunition lawfully. These actions shall also be taken if there is reasonable cause to believe a military member has a qualifying conviction.

Consistent with applicable law and regulations, the Military Departments may promulgate regulations governing permanent adverse personnel actions, including discharge, that may be taken with respect to service members who have a qualifying conviction. Separation of military personnel shall comply with existing statutory military retirement sanctuaries (See 10 U.S.C. § 1176(a)(regular and reserve members); 10 U.S.C. § 637(a)(5)(regular officers); 10 U.S.C. § 580(a)(4)(C)(regular warrant officers); 10 U.S.C. § 12646(e)(1)(reserve commissioned officers); 10 U.S.C. § 12686 (reserves on active duty). A service member in any of these
sanctuaries who has a “qualifying conviction” and would otherwise be separated under Military Department regulations shall be given meaningful duties that do not entail access to firearms or ammunition until they are retired upon first attaining eligibility.

DoD Components may afford military personnel who have qualifying convictions a reasonable time to obtain an expungement or pardon of the qualifying conviction. If time is granted to a service member for this purpose, however, DoD Components shall retrieve all Government-owned or issued firearms and ammunition and suspend the service member’s authority to possess firearms and ammunition until an expungement or pardon is obtained.

Military Departments shall issue policies and procedures to ensure compliance with the domestic violence amendment to the Gun Control Act with respect to privately owned firearms under Government control or permitted in Government quarters. Policies and procedures shall also be issued governing the transfer of firearms and ammunition to individuals in morale, welfare, and recreation activities and other Government-sponsored or sanctioned activities.

If a completed security clearance investigation reveals that a military member has a qualifying conviction, the investigation shall be referred to the requesting DoD component for action consistent with this policy.

The actions required by this memorandum apply outside United States territory as a matter of policy. The Department has not construed the amendment to apply to major military weapon systems or “crew served” military weapons and ammunition (tanks, missiles, aircraft, etc.).

The Military Departments are requested to forward copies of their implementing instructions or regulations not later than 120 days from the date of this memorandum.

This memorandum is effective immediately. A DoD Directive or Instruction incorporating the substance of this memorandum will be issued within 120 days.

David S. C. Chu

Attachments:
As stated
DEFINITION OF KEY TERMS

DoD IMPLEMENTATION OF DOMESTIC VIOLENCE AMENDMENT

For purposes of the DoD policy to implement the domestic violence amendment to the Gun Control Act of 1968, the following definitions shall apply:

- The term “firearm” means (A) any weapon (including a starter gun) which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; and (C) any firearm muffler or firearm silencer; or (D) any destructive device. However, it does not include major military weapons systems or “crew served” military weapons (tanks, missiles, aircraft, etc.).

- The term “destructive device” means (A) any explosive, incendiary, or poison gas bomb, grenade, mine, or any such rocket having a propellant charge of more than four ounces, or any such missile having an explosive or incendiary charge of more than one-quarter ounce, or any device similar to any of the devices described in the preceding clauses; (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled. Provided, however, that the term “destructive device” shall not include any device which is neither designed nor redsigned for use as a weapon nor shall include any device, although originally designed as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device.

- The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm. However, it does not include ammunition for major military weapon systems or “crew served” military weapon systems.

- The term “possession” includes both “active possession” and “constructive possession,” whether authorized or unauthorized. Active possession of a firearm or ammunition exists when the firearm or ammunition is in the immediate possession of the person. Constructive possession exists when a person does not have actual possession but instead knowingly has the power and at a given time to exercise dominion and control over the firearm or ammunition, either directly or through others. Possession need not be exclusive but may be joint with others.

- The term “reasonable cause” means that there is reliable information that a reasonable, prudent person would rely on which makes it more likely than not that the individual has a qualifying conviction.

- The term “receive” means to obtain, to take, to accept, to acquire, or to come into possession of.
• The term "dispose" means to exercise control over, to direct or to assign for use, or to alienate, bargain away, bestow, convey, exchange, give away, or transfer by authority.

• The term "transport" means to move, convey, carry, by any means, or to deliver or receive for the purpose of movement or conveyance.

• The term "ship" means the transportation, or the effecting of transportation, without limitation as to the means or facilities used or with respect to the person to whom any shipment is made.

• The term "interstate or foreign commerce" includes commerce between any place in a state and any place outside of that state, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same state but through any place outside of that state.

• The term "crime of domestic violence" means an offense that has as its factual basis, the use or attempted use of physical force, or threatened use of a deadly weapon; committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent or guardian of the victims.

• The term "misdemeanor crime of domestic violence" is a "crime of domestic violence" that is classified as a misdemeanor under State or Federal law.

• The term "felony crime of domestic violence" is a "crime of domestic violence" that is classified as a felony under State or Federal law.

• The term "qualifying conviction" applies to any of the following: (1) a State or Federal conviction for a "misdemeanor crime of domestic violence;" (2) a State or Federal conviction for a "felony crime of domestic violence" adjudged on or after the date of this memorandum, and (3) any general or special court-martial conviction for a Uniform Code of Military Justice offense which otherwise meets the elements of a "crime of domestic violence," even though not classified as a misdemeanor or felony.

A person shall not be considered to have a qualifying conviction unless the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel and, if entitled to have the case tried by jury or before court-members, the case was actually tried by a jury or court members or the person knowingly and intelligently waived the right to have the case tried by a jury or court members, and;

A person shall not be considered to have a qualifying conviction if the conviction has been expunged or set aside, or the convicted offender has been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess, or receive firearms.
QUALIFICATION TO POSSESS FIREARMS OR AMMUNITION

PRIVACY ACT STATEMENT

AUTHORITY: 18 U.S.C. 922(g)(9); E.O. 9297.

PRINCIPAL PURPOSES: To obtain information to determine if you have been convicted of a crime of domestic violence which would disqualify you from possessing firearms or ammunition. You have the right to see the information concerning you and to correct any information which is inaccurate.

ROUTINE USES: This system of records may be used by Federal, State, and local government agencies to determine whether individuals are qualified to receive firearms or ammunition.

DISCLOSURE: Mandatory for all personnel who are required to certify. Failure to provide the information may result in termination or retirement.

SECTION I - INSTRUCTIONS

An amendment to the Gun Control Act of 1968 (18 U.S.C. 922(g)) makes it a felony for anyone who has been convicted of a misdemeanor crime of domestic violence to ship, possess, or receive firearms or ammunition. It is a felony for any person to sell or otherwise dispose of a firearm to any person so convicted.

The Department of Defense has, by policy, expanded the prohibitions contained in Title 18 Section 922(g)(9) to those military or civilian personnel who have felony convictions for crimes of domestic violence. Convictions of crimes of domestic violence do not include summary court-martial convictions, the imposition of nonjudicial punishment (Article 15, UCMJ), or deferred prosecutions (or similar alternative dispositions) in civilian courts. Furthermore, a person shall not be considered as having committed a "crime of domestic violence" for purposes of the firearms restriction of the Gun Control Act unless all of the following elements are present:

(1) the person was convicted of a crime;
(2) the offense has as its factual basis the use or attempted use of physical force, or threatened use of a deadly weapon;
(3) the convicted offender was at the time of the offense:
   a. a current or former spouse, parent, or guardian of the victim;
   b. a person with whom the victim shared a child in common;
   c. a person who was cohabiting with or has cohabited with the victim as a spouse, parent, or guardian;
   d. a person who was similarly situated to a spouse, parent, or guardian of the victim;

(4) the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel;
(5) if waived to have the case tried by jury, the case was actually tried by jury and the person knowingly and intelligently waived the right to have the case tried by jury;
(6) the conviction has not been expunged or set aside, or the convicted offender has not been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess, or receive firearms.

If you have ever received a domestic violence conviction: (1) you may not possess any firearm or ammunition; and (2) you must return any Government-issued firearm or ammunition to your commander or immediate supervisor, and (3) you must take steps to relinquish possession of any privately owned firearms or ammunition. Furthermore, previously issued authorization to possess a firearm or ammunition is revoked.

If you have any questions, or you are uncertain if you have such a conviction, you may wish to contact a legal assistance attorney, a facility or a private attorney, at your own expense.

SECTION II - QUALIFICATION INQUIRY

(Complete and return to your commander or immediate supervisor within 10 days of receipt)

1. HAVE YOU EVER BEEN CONVICTED OF A CRIME OF DOMESTIC VIOLENCE AS DESCRIBED ABOVE? (Initial and date)

YES NO I DON'T KNOW (Provide explanation or reason)

2. IF YOU ANSWERED "YES" TO THE FIRST QUESTION, PROVIDE THE FOLLOWING INFORMATION WITH RESPECT TO THE CONVICTION:

a. COURT/JURISDICTION

b. DOCKET/CASE NUMBER

c. STATUTE/CHARGE

d. DATE SENTENCED (YYYYMMDD)

3. CERTIFICATION. I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, and complete, and made in good faith. I understand that false or fraudulent information provided herein may be grounds for criminal and/or administrative proceedings to include (if civilian) adverse action, up to and including removal, and (if military) disciplinary action under the Uniform Code of Military Justice. I further understand that I have a continuing obligation to inform my Commander or Supervisor should I be convicted of a crime of domestic violence in the future.

a. NAME (Last, First, Middle Initial)
b. RANK/GRADEC. SOCIAL SECURITY NUMBER
d. ORGANIZATION
e. SIGNATURE
f. DATE SIGNED (YYYYMMDD)

DD FORM 2760, DEC 2002 PREVIOUS EDITION IS OBSOLETE
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DEFENSE FIELD ACTIVITIES

SUBJECT: Department of Defense (DoD) Policy for Implementation of Domestic Violence Misdemeanor Amendment to the Gun Control Act for DoD Civilian Personnel

This memorandum establishes DoD policy for implementing the domestic violence amendment to the Gun Control Act of 1968 (18 U.S.C. § 922(d)(9) and (g)(9)) for DoD civilian employees and supersedes the memorandum of November 21, 1997, on this subject that provided interim DoD policy. DoD Components shall take all reasonable and necessary steps to implement this policy with regard to civilian personnel. For the purposes of this policy, the DoD Components include the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities of the Department of Defense.

The domestic violence amendment makes it a felony for any person to sell or otherwise dispose of firearms or ammunition to any person whom he or she knows or has reasonable cause to believe has been convicted of a “misdemeanor crime of domestic violence” (18 U.S.C. § 922(d)(9)). The amendment also prohibits anyone who has been convicted of a misdemeanor crime of domestic violence from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition; or receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce (18 U.S.C. § 922(g)(9)). Definitions for the terms used in this memorandum are attached.

The law applies to “misdemeanor crimes of domestic violence” only. For purposes of this memorandum, however, a “qualifying conviction” also includes a conviction for a “crime of
domestic violence” tried by general or special court-martial which otherwise meets the definition of a misdemeanor crime of domestic violence. Further, as a matter of DoD policy, a conviction for an offense meeting the definition of a “felony crime of domestic violence” adjudged on or after the date of this memorandum shall be considered a qualifying conviction for purposes of this memorandum. The term “qualifying conviction” does not include summary court-martial convictions, imposition of nonjudicial punishment (Article 15, UCMI), or deferred prosecutions (or similar alternative dispositions) in civilian courts.

This policy applies to all DoD appropriated and nonappropriated fund civilian employees as defined in 5 U.S.C. § 2105, including employees working outside United States territory. It does not apply to foreign nationals employed directly or indirectly by DoD.

Each DoD Component shall identify all DoD civilian employment positions that include duties, activities, or responsibilities covered by the Gun Control Act, including selling or disposing of firearms and ammunition (18 U.S.C. § 922(d)), or receiving, possessing, shipping, or transporting any firearm or ammunition in or affecting interstate or foreign commerce (18 U.S.C. § 922(g)) (hereinafter referred to as “covered positions”). It is DoD policy that, consistent with 18 U.S.C. § 922, no DoD Component shall employ or retain in a covered position a civilian employee, including a nonappropriated fund employee, whom Component personnel know, or have reasonable cause to believe, has a qualifying conviction. A data element identifying covered and non-covered positions was placed in the legacy Defense Civilian Personnel Data System (DCPDS) in the November 1998 release.

Each DoD Component shall implement a program to inform its personnel in covered positions of the domestic violence amendment to the Gun Control Act, its consequences, and DoD implementing policy. Information provided shall include notice that personnel in covered positions have an affirmative, continuing obligation to inform their supervisors if they have, or later obtain, a qualifying conviction and that the revised DD Form 2760 (attached), which states that any statements made on the form will not be used in a prosecution for violating the Gun Control Act, is available. The use of this form and the protections it affords have been approved by the Department of Justice. DoD Components shall also post notices about the domestic violence amendment and DoD implementing policy in all facilities where firearms or ammunition are stored, issued, disposed of, and transported.

If in implementing this policy a DoD Component chooses to require that all or some of its covered personnel certify that they do or do not have a qualifying conviction, the DD Form 2760 shall be used for such certifications. Even if certification is not required, DD Form 2760 shall be made available for those personnel who come forward to report a qualifying conviction in compliance with their obligation to do so. The form shall be filed on the left side of the employee’s personnel folder.

Each DoD Component shall retrieve Government-issued firearms and ammunition from any DoD employee in a covered position found to have a qualifying conviction and shall suspend the employee’s authority to possess firearms or ammunition. Such action shall also be taken if there is reasonable cause to believe a civilian employee in a covered position has a qualifying conviction.
The absence of a qualifying conviction shall be made a condition of employment for all covered positions. No individual who has a qualifying conviction may be assigned or detailed into a covered position. DoD Components shall establish procedures to provide notice to individuals applying for covered positions of the prohibition prior to employment in covered positions. Notification shall include an appropriate statement on a vacancy announcement for a covered position. Individuals may be required to certify on a DD Form 2760 that they do not have a qualifying conviction before selection for, or appointment to, a covered position.

Personnel actions involving incumbents of covered positions having qualifying convictions may be taken in accordance with applicable law, regulations, collective bargaining agreements, and this memorandum. They may include such actions as redesigning a position so that it no longer is a covered position, reassigning an employee with a qualifying conviction, or taking an adverse action (e.g., a reduction in grade or removal).

A DoD Component may afford an employee found to have a qualifying conviction a reasonable time to obtain an expungement or pardon of the conviction. During this time, however, the Components shall retrieve all Government owned firearms and ammunition and suspend the employee’s authority to possess firearms and ammunition until an expungement or pardon is obtained.

When initiating a security clearance or suitability investigation on an applicant for or incumbent of a covered position, each DoD component shall identify the covered position on the request for investigation. If the completed investigation reveals a qualifying conviction, the investigation shall be referred to the requesting DoD component for an employment suitability determination.

DoD Components will take all reasonable and necessary steps to fully implement this policy. DoD Components will forward copies of implementing instructions or regulations no later than 120 days from the date of this memorandum.

Implementation of this memorandum with respect to employees represented by unions shall be accomplished consistent with any labor relations obligations.

This memorandum is effective immediately, and remains in force until superseded. The guidance in this memorandum will be incorporated into pertinent DoD issuances.

David S. C. Chu

Attachments:
As stated
DEFINITION OF KEY TERMS

DoD IMPLEMENTATION OF DOMESTIC VIOLENCE AMENDMENT

For purposes of the DoD policy to implement the domestic violence amendment to the Gun Control Act of 1968, the following definitions shall apply:

- The term “firearm” means (A) any weapon (including a starter gun) which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; and (C) any firearm muffler or firearm silencer; or (D) any destructive device. However, it does not include major military weapons systems or “crew served” military weapons (tanks, missiles, aircraft, etc.).

- The term “destructive device” means (A) any explosive, incendiary, or poison gas bomb, grenade, mine, or any such rocket having a propellant charge of more than four ounces, or any such missile having an explosive or incendiary charge of more than one-quarter ounce, or any device similar to any of the devices described in the preceding clauses; (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled. Provided, however, that the term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon nor shall include any device, although originally designed as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

- The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm. However, it does not include ammunition for major military weapon systems or “crew served” military weapons systems.

- The term “possession” includes both “active possession” and “constructive possession,” whether authorized or unauthorized. Active possession of a firearm or ammunition exists when the firearm or ammunition is in the immediate possession of the person. Constructive possession exists when a person does not have actual possession but instead knowingly has the power and at a given time to exercise dominion and control over the firearm or ammunition, either directly or through others. Possession need not be exclusive but may be joint with others.

- The term “reasonable cause” means that there is reliable information that a reasonable, prudent person would rely on which makes it more likely than not that the individual has a qualifying conviction.

- The term “receive” means to obtain, to take, to accept, to acquire, or to come into possession of.
- The term “dispose” means to exercise control over, to direct or to assign for use, or to alienate, bargain away, bestow, convey, exchange, give away, or transfer by authority.

- The term “transport” means to move, convey, carry, by any means, or to deliver or receive for the purpose of movement or conveyance.

- The term “ship” means the transportation, or the effecting of transportation, without limitation as to the means or facilities used or with respect to the person to whom any shipment is made.

- The term “interstate or foreign commerce” includes commerce between any place in a state and any place outside of that state, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same state but through any place outside of that state.

- The term “crime of domestic violence” means an offense that has as its factual basis, the use or attempted use of physical force, or threatened use of a deadly weapon; committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victims.

- The term “misdemeanor crime of domestic violence” is a “crime of domestic violence” that is classified as a misdemeanor under State or Federal law.

- The term “felony crime of domestic violence” is a “crime of domestic violence” that is classified as a felony under State or Federal law.

- The term “qualifying conviction” applies to any of the following: (1) a State or Federal conviction for a “misdemeanor crime of domestic violence;” (2) a State or Federal conviction for a “felony crime of domestic violence” adjudged on or after the date of this memorandum, and (3) any general or special court-martial conviction for a Uniform Code of Military Justice offense which otherwise meets the elements of a “crime of domestic violence,” even though not classified as a misdemeanor or felony.

A person shall not be considered to have a qualifying conviction unless the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel and, if entitled to have the case tried by jury or before court-members, the case was actually tried by a jury or court members or the person knowingly and intelligently waived the right to have the case tried by a jury or court members, and;

A person shall not be considered to have a qualifying conviction if the conviction has been expunged or set aside, or the convicted offender has been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess, or receive firearms.
### QUALIFICATION TO POSSESS FIREARMS OR AMMUNITION

**AUTHORITY:** 18 U.S.C. 922(g)(3); E.O. 9387.

**PRIVACY ACT STATEMENT**

**PRINCIPAL PURPOSE(S):** To obtain information to determine if you have been convicted of a crime of domestic violence which would disqualify you from shipping, transporting, possessing or receiving either Government-issued or private firearms or ammunition and to determine if new, current, reclassification, denial or other administrative action is warranted. Your Social Security Number is solicited solely for purposes of verifying your identity.

**ROUTINE USE(S):** To the Department of Justice so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers, manufacturers or dealers) to determine whether individuals are qualified to receive or possess firearms and ammunition.

**DISCLOSURE:** Mandatory for all personnel who are required to certify. Failure to provide the information may result in (1) military only) the imposition of criminal or administrative penalties for failing to obey a lawful order, and (2) (civilian only) the imposition of administrative penalties, to include removal from Federal service. However, neither your answers nor information or evidence gained by reason of your answers can be used against you in any criminal prosecution for a violation of Title 18, United States Code, Section 922(g)(9), including military only) physicians under the Uniform Code of Military Justice, based on a violation of Section 922(g)(9), for conduct which occurred prior to the completion of this form. The answers you furnish and any information resulting therefore, however, may be used against you in a criminal or administrative proceedings if you knowingly and willfully provide false statements or information.

#### SECTION I - INSTRUCTIONS

An amendment to the Gun Control Act of 1968 (18 U.S.C. 922) makes it a felony for anyone who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. It is also a felony for any person to sell or otherwise dispose of a firearm to any person so convicted.

The Department of Defense has, by policy, expanded the prohibitions contained in Title 18 Section 922(g)(9) to those military or civilian personnel who have felony convictions for crimes of domestic violence. Convictions of crimes of domestic violence do not include summary court-martial convictions, the imposition of nonjudicial punishment (Article 15, UCMJ), or deferred prosecutions or similar alternative dispositions in civilian courts. Furthermore, a person shall not be considered as having committed a 'crime of domestic violence' for purposes of the firearms restriction of the Gun Control Act unless all of the following elements are present:

1. The person was convicted of a crime;
2. The offense has as its factual basis the use or attempted use of physical force, or threatened use of a deadly weapon;
3. The convicted offender was at the time of the offense:
   a. A current or former spouse, parent or guardian of the victim;
   b. A person with whom the victim shared a child in common;
   c. A person who was cohabiting with or has cohabited with the victim as a spouse, parent, or guardian;
   d. A person who was similarly situated to a spouse, parent, or guardian of the victim;
4. The convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel;
5. If indicted to have the case tried by jury, the case was actually tried by jury or the person knowingly and intelligently waived the right to have the case tried by jury;
6. The conviction has not been expunged or set aside, or the convicted offender has not been pardoned for the offense or has had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess, or receive firearms.

If you have ever received a domestic violence conviction: (1) you may not possess any firearm or ammunition; and (2) you must return any Government-issued firearm or ammunition to your commander or immediate supervisor; and (3) you must take steps to relinquish possession of any privately owned firearms or ammunition. Furthermore, any previously issued authorization to possess a firearm or ammunition is revoked.

If you have any questions, or you are uncertain if you have such a conviction, you may wish to contact a legal assistance attorney, if eligible, or a private attorney, at your own expense.

#### SECTION II - QUALIFICATION INQUIRY (Complete and return to your commander or immediate supervisor within 10 days of receipt)

1. **HAVE YOU EVER BEEN CONVICTED OF A CRIME OF DOMESTIC VIOLENCE AS DESCRIBED ABOVE?** (Initial and date)
   - **YES**
   - **NO**
   - **I DON'T KNOW** (Provide explanation or reason)

2. **IF YOU ANSWERED “YES” TO THE FIRST QUESTION, PROVIDE THE FOLLOWING INFORMATION WITH RESPECT TO THE CONVICTION:**
   - **a. COURT/JURISDICTION**
   - **b. DOCKET/CASE NUMBER**
   - **c. STATUTE/CHARGE**
   - **d. DATE SENTENCED (YYYYMMDD)**

3. **CERTIFICATION:** I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, complete, and made in good faith. I understand that false or fraudulent information provided herein may be grounds for criminal and/or administrative proceedings, to include (for civilians) adverse action, up to and including removal, and (for military) disciplinary action under the Uniform Code of Military Justice. I further understand that I have a continuing obligation to inform my Commander or Supervisor should I be convicted of a crime of domestic violence in the future.
   - **a. NAME (Last, First, Middle initial)**
   - **b. RANK/GRADE**
   - **c. SOCIAL SECURITY NUMBER**
   - **d. ORGANIZATION**
   - **e. SIGNATURE**
   - **f. DATE SIGNED (YYYYMMDD)**

*DD FORM 2760, DEC 2002 PREVIOUS EDITION IS OBSOLETE.*
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DEFENSE FIELD ACTIVITIES

Subject: Implementation of the Armed Forces Domestic Security Act

This directive-type memorandum implements Public Law 107-311, the Armed Forces Domestic Security Act (codified at 10 U.S.C. § 1561a), which states that a civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

Under the Act, a civilian order of protection “includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.”

Commanders and installation law enforcement personnel shall take all reasonable measures necessary to ensure that a civilian order of protection is given full force and effect on all DoD installations as such order has within the jurisdiction of the court that issued such order.

Procedures for registering a civilian order of protection on a DoD installation may be established, but failure to register the order shall not be reason for a commander or law enforcement personnel, having knowledge of the order, to fail to give it full force and effect.
To further the interests of good order and discipline, a commander may issue a military order of protection to a military member that is more restrictive than the civilian order of protection to which the member is subject, or that is applicable at locations beyond the jurisdiction of the court that issued such order, to include locations outside the United States.

All persons who are subject to a civilian order of protection shall comply with the provisions and requirements of such order whenever present on a military installation. Any person who fails to do so may be subject to administrative and/or disciplinary action, as appropriate and may be barred from the installation.

All orders of protection issued to military personnel must be enforceable under the Uniform Code of Military Justice (UCMJ). Accordingly, the Secretaries of the Military Departments shall issue regulations specifying that persons subject to the UCMJ shall comply with civilian and military orders of protection and that failure to comply with either may be prosecuted under Article 92, UCMJ, for failure to obey a lawful order or regulation, as well as any other UCMJ offense applicable.

A DoD civilian employee who violates a civilian order of protection while on a military installation is subject to appropriate administrative or disciplinary action and may be barred from the installation.

Any person who violates a civilian order of protection while on a military installation is subject to the imposition of sanctions by the court issuing the order.

This memorandum is effective immediately. A DoD directive implementing this policy shall be issued within 180 days.

David S. C. Chu
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Establishing Domestic Violence Memoranda of Understanding Between Military and Local Civilian Officials

This directive-type memorandum provides guidance for establishing key and essential coordination between military and local civilian officials with respect to domestic violence. Attachments 1 and 2 provide guidance and sample formats for establishing memoranda of understanding with civilian law enforcement officials and district attorneys, respectively. The attachments can also be adapted to address additional areas of civil-military cooperation.

It is the policy of the DoD that law enforcement and legal officials, at military installations, shall seek to establish formal memoranda of understanding with their counterparts in the local community to improve information sharing on domestic violence investigations, arrests, and prosecutions involving military personnel.

This memorandum is effective immediately. A DoD Directive incorporating the contents of this memorandum shall be issued within 180 days.

David S. C. Chu

Attachments:
As stated
Attachment 1

Developing a Memorandum of Understanding Between the Installation Law Enforcement Office and Local Civilian Law Enforcement Agencies

When domestic violence incidents occur on the installation, military entities, such as the Law Enforcement Office, the Family Advocacy Program (FAP), and the medical treatment facility (MTF), have established procedures mandating notifications, sharing of information and specific steps to take in responding to these incidents. However, active duty Service members and their families often live in civilian communities surrounding their installations. When an incident occurs in the civilian community, local law enforcement generally responds, conducts the investigation, and prepares the incident report.

Although some installation law enforcement offices have developed working relationships with their civilian law enforcement counterparts, these informal relationships can be difficult to maintain due to staff turnover, especially within the installation law enforcement office. Installations are often surrounded by multiple jurisdictions, making it even more difficult to maintain open and regular communications with numerous local law enforcement agencies. Furthermore, the civilian local law enforcement agency may not have a formal internal policy dictating steps to take when either the victim or the alleged offender is an active duty member.

Given these obstacles to successful informal working relationships and procedures, a Memorandum of Understanding (MOU) between the installation and local civilian law enforcement agencies can improve the sharing of information and strengthen and formalize procedures for dealing with domestic violence incidents that occur off the installation. MOUs can be used to clarify jurisdictional issues for the investigation of incidents, to define the mechanism whereby local law enforcement reports involving active duty members will be forwarded to the appropriate installation law enforcement office, to encourage the local law enforcement agency to refer victims of domestic violence to the installation FAP office or victim advocate, and, generally, to foster cooperation and collaboration between the installation and local civilian agencies.

Although MOUs can be crafted to address issues specific to an installation and the communities surrounding it, there are several issues that MOUs should address:

- A general statement of the purpose of the MOU.
- An explanation of jurisdictional issues that affect respective responsibilities for responding to and investigating incidents occurring on and off of the installation. (This section should also address jurisdictional issues that arise when a civilian order of protection is violated on military property, see Section 1561a of title 10, United States Code.)
- Procedures for responding to a domestic violence incident that occurs on the installation involving a civilian alleged offender.
• Procedures for transmitting incident/investigation reports of domestic violence involving active duty Service members from local civilian law enforcement agencies to the installation law enforcement office.

• Procedures for transmitting civilian protection orders (CPOs) involving active duty Service members from local law enforcement agencies to the installation law enforcement office. [If the installation has an MOU with the local court responsible for issuing protection orders, the installation can, alternatively, include procedures for transmitting copies of those orders to the installation law enforcement office in that MOU.]

• Designation of the title of the installation law enforcement recipient of such information from the local law enforcement agency.

• Procedures for transmitting military protection orders (MPOs), from the installation law enforcement office to the local civilian law enforcement agency with jurisdiction over the area in which the Service member resides. [Although the local civilian law enforcement agency will not be able to enforce the MPO, it can contact the installation law enforcement office when it learns of a violation.]

• Designation of the title of the local law enforcement agency recipient of domestic violence and CPO information from the installation law enforcement office.

• Respective responsibilities for providing information to domestic violence victims regarding installation resources when either the victim or the alleged offender is an active duty member.

• Sharing of information and facilities during the course of an investigation.

• Regular meetings between the local civilian law enforcement agency and the installation law enforcement office to review cases and MOU procedures.

The following sample Memorandum of Understanding contains provisions that could be used or modified by installations to meet specific needs. Since both jurisdictional issues and installation standing procedures on dealing with civilians alleged to have committed offenses on the installation vary widely, this sample does not include specific provisions on those two areas.
Memorandum of Understanding Between
(INSTALLATION) Installation Law Enforcement Office and
(CITY, COUNTY, or STATE) Law Enforcement Agency

1. PURPOSE: To establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction and coordination of efforts and assets between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency in domestic violence cases involving active duty military personnel and their family members.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. See United States v. Caceres, 440 U.S. 741 (1979).

A. [Insert paragraph here defining response and investigation jurisdiction for the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency.]

3. RESPONSIBILITIES:

A. The (CITY, COUNTY, or STATE) Law Enforcement Agency agrees to perform the following actions:

(1) When responding to or investigating domestic violence cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active duty Service member, the responding officer(s) will note on the top of the incident/investigation report “Copy to the (INSTALLATION) Installation Law Enforcement” and the designated Records personnel will ensure the copy is forwarded.

(2) When responding to or investigating domestic violence cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim’s consent to forward a copy of the incident/investigation report to the (INSTALLATION) Law Enforcement Office so that it can be provided to the victim’s commander. If the victim so consents, the responding officer(s) will note on the top of the incident/investigation report “Copy to the (INSTALLATION) Installation Law
Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall note in the body of the incident/investigation report that the victim did not consent to forwarding the report to the Installation Law Enforcement Office and shall not direct Records personnel to forward the report.

(3) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civil protection order (CPO) issued by a court of competent jurisdiction, the responding officer(s) will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active Service member, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. [This paragraph may not be necessary if the installation has an MOU with the local court specifying that the court will forward copies of such CPOs to the installation.]

(4) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civil protection order (CPO), the responding officer(s) will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim’s consent to forward a copy of the CPO to the (INSTALLATION) Installation Law Enforcement Office. If the victim so consents, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall not request that a copy the CPO be forward to the Installation Law Enforcement Office.

(5) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall designate an employee from Records who will be directly responsible for forwarding copies of incident/investigation reports and CPOs to the (INSTALLATION) Installation Law Enforcement Office when directed to do so by notations at the top of the reports or CPOs. The employee shall also be responsible for receiving and processing military protection orders (MPOs) forwarded from the (INSTALLATION) Installation Law Enforcement Office.

(6) When the (CITY, COUNTY, or STATE) Law Enforcement Agency becomes aware of a violation of a term or provision of an MPO, the responding officer(s) shall notify the designated representative from the (INSTALLATION) Installation Law Enforcement Office of the violation.

(7) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall provide the (INSTALLATION) Installation Law Enforcement Office with an area for Installation Law Enforcement investigators to conduct interviews of active duty
Service members and their family members who are involved in domestic violence incidents.

(8) The (CITY, COUNTY, or STATE) Law Enforcement Agency will, when appropriate, conduct joint investigations with the (INSTALLATION) Installation Law Enforcement Office if incidents of domestic violence involve active duty Service members and their family members.

(9) When the victim in a domestic violence incident has been identified as an active duty Service member or a family member of one, the (CITY, COUNTY, or STATE) Law Enforcement Agency responding officer(s) shall provide the victim with basic information, acquired from the Installation Law Enforcement Office (below), about installation resources available to domestic violence victims.

(10) As new law enforcement officers begin duty with the (CITY, COUNTY, or STATE) Law Enforcement Agency, their immediate supervisor will provide them with copies of this MOU and basic instruction for effectuating the provisions of this MOU.

B. The (INSTALLATION) Installation Law Enforcement Office agrees to perform the following actions:

(1) The (INSTALLATION) Installation Law Enforcement Office shall designate an individual to act as liaison to the (CITY, COUNTY, or STATE) Law Enforcement Agency and to receive copies of incident/investigation reports stemming from an incident occurring off of the installation and CPOs involving active duty Service members and their family members.

(2) Upon receipt of a copy of an incident/investigation report stemming from incidents occurring off of the installation or a CPO involving an active duty Service member and his/her family member, the (INSTALLATION) Installation Law Enforcement Office shall immediately notify the Service member’s Command.

(3) When the (INSTALLATION) Installation Law Enforcement Office receives a copy of an MPO from a Service member’s Command, and if that Service member is living off of the installation, the (INSTALLATION) Installation Law Enforcement office shall forward a copy of the MPO to the (CITY, COUNTY, or STATE) Law Enforcement Agency with jurisdiction over the area in which the Service member resides.

(4) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, STATE, OR COUNTY) Police Department with an area for Police Department officers or investigators to conduct interviews of active duty Service members and their family members who are involved in domestic violence incidents.
(5) The (INSTALLATION) Installation Law Enforcement office will, when appropriate, conduct joint investigations with the (CITY, COUNTY, or STATE) Law Enforcement Agency if incidents of domestic violence involve active duty Service members and their family members.

(6) The (INSTALLATION) Installation Law Enforcement Office will assist the (CITY, COUNTY, or STATE) Law Enforcement Agency when investigating cases that occurred off base by providing information such as medical records, Service records, and incident/investigation reports from incidents occurring under the jurisdiction of the Installation Law Enforcement Office in accordance with the provisions of the Privacy Act, 5 USC 552a.

(7) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, COUNTY, or STATE) Law Enforcement Agency with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic violence victims.

(8) [Insert a paragraph here stating proper installation procedure for responding to domestic violence incidents occurring on the installation involving civilian alleged offenders.]

(9) As new personnel begin duty with the (INSTALLATION) Installation Law Enforcement office, their immediate supervisor will provide them with copies of this MOU and basic instructions on effectuating the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.

B. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of this MOU that channels of communication will be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) Installation Law Enforcement Office and from the (CITY, COUNTY, or STATE) Law Enforcement Agency shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to share information regarding reciprocal investigations.
Attachment 2

Developing a Memorandum of Understanding Between the Installation Staff Judge Advocate and the Local District Attorney’s Office

In many domestic violence cases involving Service members and their families, there is overlapping criminal jurisdiction. For an offense committed off the installation by a military member, the local District Attorney (DA) and the military both have jurisdiction to prosecute the case, but only the DA has jurisdiction over offenses committed by a civilian family member. In the case of offenses committed on the installation, the command always has jurisdiction over military personnel, and depending on the installation, the local DA will either share jurisdiction over military personnel with the command and over civilian personnel with the U.S. Attorney or have no jurisdiction over military personnel and civilians. When the local DA has no jurisdiction on an installation, only the U.S. Attorney may prosecute civilians who commit offenses there. When there is overlapping jurisdiction, who prosecutes a particular case or class of cases is a matter of formal or informal agreement.

While some installations have entered into formal agreements with local DAs on exercising overlapping criminal jurisdiction, others have only developed informal working relationships. These informal relationships can be difficult to maintain due to staff turnover. Installations are often surrounded by multiple jurisdictions, making it even more difficult to maintain open and regular communications with numerous local district attorney offices. Furthermore, these civilian agencies may not have a formal internal policy dictating steps to take when either the victim or the alleged offender is an active duty member.

Given these obstacles to successful informal working relationships and procedures, a formal Memorandum of Understanding (MOU) between the installation staff judge advocate (SJA) and local DA’s office can improve the sharing of information and strengthen procedures for dealing with domestic violence incidents, MOUs can be used to:

1. clarify jurisdictional issues for the investigation and prosecution of incidents,
2. define the mechanism whereby local law enforcement reports, civilian protection orders (CPOs) or court orders defining pre-trial conditions for active duty members will be forwarded on to the appropriate installation SJA, and,
3. foster cooperation and collaboration between the installation and local civilian agencies.

Although MOUs can be crafted to address issues specific to an installation and the communities surrounding it, there are several issues that MOUs should address:

- A general statement of the purpose of the MOU.
- An explanation of jurisdictional issues that affect respective responsibilities for investigating and prosecuting incidents occurring on and off of the installation.
- Procedures for transmitting police reports, CPOs and orders defining pretrial conditions from the district attorney to the SJA regarding domestic violence incidents involving active duty service members.

- Designation of the title of the installation legal office (such as the SJA) recipient of such information from the local DAs office.

- Procedures for providing, upon request, a history of domestic violence incidents involving specific active duty Service members to the DAs office.

- Exchange information and facilities during the course of an investigation and prosecution.

- Regular meetings between the DA and the SJA to review cases and MOU procedures.

The following sample Memorandum of Understanding contains provisions that could be used or modified by installations to meet specific needs. Since both jurisdictional issues and installation standing procedures on dealing with civilians alleged to have committed offenses on the installation vary widely, this sample does not include specific provisions on those two points.
Memorandum of Understanding Between
(INSTALLATION) SJA and
(COUNTY/CITY) District Attorney’s Office

1. PURPOSE. To establish written procedures concerning the exchange of information, case investigation and prosecution, and coordination of efforts and assets between the (INSTALLATION) SJA and the (COUNTY/CITY) District Attorney (DA) in domestic violence cases involving active duty military personnel assigned to the (INSTALLATION) and their family members.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) SJA and the (COUNTY/CITY) DA. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. See United States v. Caceres, 440 U.S. 741 (1979).

A. [Insert paragraph here defining jurisdiction for both the (INSTALLATION) SJA and (COUNTY/CITY) DA.]

3. RESPONSIBILITIES:

A. The (COUNTY/CITY) DA agrees to perform the following actions:

(1) When the victim in a domestic violence incident has been identified as an active duty Service member or a family member of one, the (COUNTY/CITY) DA shall provide the victim with basic information, acquired from the Installation SJA (below), about (INSTALLATION) resources available to domestic violence victims.

(2) When investigating or prosecuting domestic violence cases, the (COUNTY/CITY) DA shall determine whether the alleged offender is an active duty Service member assigned to (INSTALLATION). If the alleged offender is an active duty member assigned to (INSTALLATION), the DA shall contact the (INSTALLATION) SJA to inform the SJA of the pending investigation or prosecution. Upon request, the DA shall forward copies of relevant police reports, civil protection orders, and any orders specifying pre-trial conditions to the SJA.

(3) When investigating a domestic violence case involving an active duty Service member assigned to (INSTALLATION) who is alleged to be the offender, the DA shall consult with the SJA with respect to prosecution of the individual under the appropriate state law or under the Uniform Code of Military Justice (UCMJ).
During the course of the DA’s investigation or prosecution of a crime of domestic violence allegedly committed by an active duty service member assigned to (INSTALLATION), the DA shall keep the SJA informed of the status of the case through regular contacts. The DA shall notify the SJA specifically of any changes in confinement status or pre-trial release conditions.

When, after consultation, the SJA and the DA have determined that the alleged offender will be subject to procedures under the UCMJ, the DA shall cooperate during the investigation and disciplinary action to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

As new attorneys begin working in the (COUNTY/CITY) DA, their immediate supervisor will provide them with copies of this MOU and basic instruction for executing the provisions of this MOU.

B. The (INSTALLATION) SJA agrees to perform the following actions:

1. The (INSTALLATION) SJA shall provide the (COUNTY/CITY) DA with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic violence victims.

2. When investigating a domestic violence case involving an active duty member assigned to (INSTALLATION) who is alleged to be the offender, the SJA shall, in cases where the state has jurisdiction, consult with the local DA to determine whether the individual will be prosecuted under the appropriate state law or whether the command will pursue disciplinary action under the UCMJ.

3. Upon request, the SJA shall forward copies of relevant police incident reports and military protection orders to the DA.

4. When, after consultation, the DA and the SJA have decided that the alleged offender will be prosecuted under state law, the SJA shall cooperate during the investigation and prosecution to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

5. As new personnel begin duty with the (INSTALLATION) SJA, their immediate supervisor will provide them with copies of this MOU and basic instructions on executing the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days’ notice to the other party.
B. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of this MOU that communication will be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) SJA and from the (COUNTY/CITY) DA’s Office shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to review and revise provisions of this MOU.
MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Domestic Abuse Training for Chaplains

Reference: DepSecDef Memo dated November 19, 2001, Subject: Domestic Violence

This directive-type memorandum assigns responsibilities and prescribes procedures for domestic abuse (as defined in Attachment 1) training requirements for chaplains.

Chaplains provide unique services to the military community and for victims and alleged offenders in domestic abuse situations. Victims and alleged offenders are entitled to the protections of privileged communications with the chaplain. In recognition of this special relationship based on such privileged communication, chaplains should have specialized training that will assist them in understanding their role in the military environment where support for victims and appropriate accountability by offenders are important policy objectives. To achieve this training requirement, each military department shall ensure that chaplains of that military department receive specialized training that is appropriate for domestic abuse situations and, at a minimum, covers the subjects listed in Attachment 2.

Military departments shall provide the specialized training required during all chaplain officer basic courses and at periodic continuing professional military education update opportunities. Each military department shall establish training policies and develop training procedures that comply with the requirements of this memorandum. The Offices of the Armed Forces Chaplain Board and Family Advocacy Program shall be consulted and provide guidance on training curriculum development that is consistent with the subjects listed in Attachment 2.
This memorandum is effective immediately. A DoD issuance implementing this domestic abuse training policy shall be released within 180 days.

[Signature]

David S. C. Chu

Attachments:

As stated
ATTACHMENT 1

DEFINITIONS

Domestic abuse is (1) domestic violence or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person of the opposite sex who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

Domestic Violence. An offense under the United States Code, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.
ATTACHMENT 2

DOMESTIC ABUSE TRAINING OUTLINE FOR CHAPLAINS

I. Dynamics of Domestic Abuse
   • Defining Domestic Abuse
     o DoD definition
     o Examples of the range of domestic abuse incidents
     o Isolated incidents
     o Patterns of behavior
       • Physical
       • Sexual
       • Psychological
     o Tactics of abusers
       • Economics
       • Children
       • Coercion and threats
       • Intimidation and isolation
     o Impact on the victim (isolated incident as well as more chronic and potentially lethal)
     o Effects on children
     o Common misconceptions regarding domestic abuse in the military
     o Possible punitive and administrative sanctions resulting from an incident of domestic abuse
     o Understanding the role and responsibilities of DoD law enforcement and criminal investigative organizations
   • Beliefs, Attitudes, Culture Issues

II. DoD/Military Department/Service Policy

III. Victim Safety
    A. Needs of victim
    B. Victim safety plan
    C. Victim advocates
    D. Shelter policy
    E. Commanding officer responsibilities
    F. Chaplain responsibilities
      • Return from deployment issues
      • Violence acknowledgement during counseling
    G. Transitional compensation
H. Particular needs of immigrant victims
   I. Civilian and military protective orders

IV. Effective Offender Intervention
   A. Intervention staff responsibilities
   B. Commanding officer responsibilities
   C. Chaplain responsibilities

V. Family Advocacy Program Overview
   • Collaborative role

VI. Privilege and Confidentiality
   A. Implications when domestic violence and child abuse/neglect co-occur
   B. Alternatives for intervention when chaplain is not released from privilege communication

VII. Spirituality and Domestic Violence

VIII. Resource Support
   • Handouts
     • Listing of chaplains with expertise in dealing with domestic violence
     • Listing of supportive clergy in local area

IX. Statistics (for reference purposes only)
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Domestic Abuse Response and Intervention Training for Commanding Officers and Senior Enlisted Personnel

Reference: DepSecDef Memo dated November 19, 2001, Subject: Domestic Violence

This directive-type memorandum assigns responsibilities and prescribes procedures for domestic abuse (as defined in Attachment 1) training requirements for commanding officers and senior enlisted personnel serving in advisory roles to command.

Domestic abuse that constitutes domestic violence conduct (as defined in Attachment 1) is an offense under the Uniform Code of Military Justice. Commanding officers and senior enlisted personnel have a pivotal role in responding to domestic abuse incidents and ensuring that victims are safe and offenders are held appropriately accountable. Commanding officers and senior enlisted personnel need to be aware of their roles and responsibilities and the risks of failing to respond appropriately to domestic abuse incidents.

Each military department shall require that all commanding officers and senior enlisted personnel at all levels receive training covering, at a minimum, the subjects listed on the outline at Attachment 2. Training can be delivered at command and senior enlisted schools, as well as through distance learning and web-based training as appropriate. Annual follow-up training is required for personnel while serving as commanding officers or senior enlisted advisors to commanding officers. Additionally, commanding officers and senior enlisted advisors must familiarize themselves with installation domestic violence services and resources within 90 days of assuming command or being assigned to the senior enlisted billet as an advisor to command.
Military Departments shall issue training policies and procedures to ensure compliance with this memorandum. Proponent offices for the Family Advocacy Program are available to provide consultation on curriculum development based on the attached outline.

This memorandum is effective immediately. A DoD issuance implementing this domestic abuse training policy shall be released within 180 days.

Attachments: 
As stated

David S. C. Chu
ATTACHMENT I

DEFINITIONS

Domestic Abuse is (1) Domestic violence or (2) A pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person of the opposite sex who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

Domestic Violence: An offense under the United States Code, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.
ATTACHMENT 2
Outline of Essential Domestic Abuse Subject Areas

DOMESTIC ABUSE TRAINING OUTLINE FOR COMMANDING OFFICERS AND SENIOR NONCOMMISSIONED OFFICERS (SNCO) IN ADVISORY ROLES TO COMMANDING OFFICERS

I. Dynamics of Domestic Abuse

- Defining domestic abuse
  - DoD definition
  - Examples of the range of domestic abuse incidents
  - Isolated incidents
  - Patterns of behavior
  - Tactics of abusers (isolated incident as well as more chronic and potentially lethal)
  - Impact on the victim (isolated incident as well as more chronic and potentially lethal)
  - Effects on children

- Common misconceptions in the military
  - Causes vs. risk factors or disinhibitors
    - Stress
    - Alcohol
    - Deployment Stress is a cause of domestic violence
  - Females in the military are as violent as males in relationships
  - Military rates of domestic violence are higher than civilian rates

- Beliefs, attitudes, culture issues

II. DoD/Service Policy

- Deputy Secretary of Defense Memorandum, Subject: Domestic Violence, November 19, 2001
- DoD Instruction 1315.7 (Personnel Assignments)
- DoD Instruction 1342.24 (Transitional Compensation)
- Service policy

III. What Every Commanding Officer Should Know

1. Role of the victim advocate

   - Confidentiality & exceptions
   - Safety planning and shelter policy
   - Immediate notification requirements in death cases
2. Ensuring victim safety

- Knowledge of civilian and military protective orders – instruction on issuance
- Awareness and understanding of the immigration provisions of the Violence Against Women Act (VAWA) (Public Law 103-322, Subtitle G)
- Awareness and understanding of the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922) (g) (9)
- Awareness and understanding of the Armed Forces Domestic Security Act
- Do's and don'ts

3. Initial response to alleged instances of domestic abuse

- Making a factual determination
  - Investigate independently of Case Review Committee/Family Maltreatment Case Management Team
  - Differentiate between aggression, self defense, and retaliation
  - Range of potential options when determining an appropriate disposition
  - Factors commanding officers need to consider when deciding an appropriate disposition for an offense
- Retention consideration when the offender commits a subsequent substantiated offense
- Intervention
  - First offense, low risk, low severity
  - First offense, higher risk and/or higher severity incident
- Understanding the role and responsibilities of DoD law enforcement and criminal investigative organizations
  - Potential criminal investigation
  - Command interference

4. Personnel assignment issues

- Inform gaining command of a substantiated case prior to offender’s PCS, when appropriate.
- Seek support of personnel officials to delay or cancel any orders that would interfere with full implementation of command action

5. Responding to an incident when the offender is a civilian

6. OCONUS-specific issues – increased responsibility of command leadership
7. Monitoring the offender’s progress in treatment


IV. Prevention/Intervention Resources

- Family Advocacy Program overview
- Victim Advocate Program
  - Chaplain
    - DoD/Service policy on privileged communication to clergy
- Family Center
- Other programs

V. Other Resources

- Legal Assistance Program
- Transitional Compensation Program
- Victim Witness Assistance Program (VWAP)
- Resources in the local community
  - Domestic violence program
  - Shelter
  - Social Services
  - National Domestic Violence Hotline/local hotline, if available
  - Legal assistance/aid agencies
  - Courts
  - Law enforcement

VI. Resources for System Improvement

- Family Advocacy Committee
- FAP technical assistance from major command & Service HQ
- Inspector General reviews
- Fatality review
UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000
FEB - 6 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
ASSISTANT SECRETARY OF DEFENSE (HEALTH AFFAIRS)
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Domestic Abuse Identification and Assessment Training for Health Care Providers

(b) DoD 6400.1-M, “Family Advocacy Program Standards and Self-Assessment Tool,” August 1992
(c) Deputy Secretary of Defense Memorandum, “Domestic Violence,” November 19, 2001

This directive-type memorandum assigns responsibilities and prescribes training requirements, under the authority of reference (a) and consistent with references (b) and (c), regarding domestic abuse (as defined in Attachment 1) for DoD health care providers.

Health care providers have a critical role in identifying and assessing victims of domestic abuse. They may be the first individuals to come into contact with a victim after a domestic abuse incident. It is essential that all health care providers understand domestic abuse and are aware of their role in responding to and reporting incidents.

Each military department shall require all health care providers to receive training that covers subjects listed in the outline at Attachment 2 as appropriate for their responsibilities. Certain core topics shall be addressed in all training: dynamics of domestic abuse, identification and assessment of abuse, documentation of injuries, and victim safety strategies when interacting with the abuser. The military departments shall issue training policy and procedures to ensure compliance with this memorandum. The Office of the Assistant Secretary of Defense (Health Affairs) and the Office of the Deputy Under Secretary of Defense (Military Community and Family Policy/Family Advocacy Program) shall, upon request, provide consultation and coordination on curriculum development based on the attached outline.

This memorandum is effective immediately. It shall be converted into a DoD issuance within 180 days.

Attachments:
As stated

David S. C. Chu
ATTACHMENT 1

DEFINITIONS

Domestic abuse is (1) domestic violence or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person of the opposite sex who is: (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common domicile.

Domestic Violence is an offense under the United States Code, the Uniform Code of Military Justice, or state law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common domicile.

Health care provider is someone who provides direct health care services to military health system beneficiaries in military medical treatment facilities.
ATTACHMENT 2

DOMESTIC ABUSE TRAINING OUTLINE FOR HEALTH CARE PROVIDERS

I. What is Domestic Abuse?
   • Defining domestic abuse
      o DoD definition
      o Examples of the range of domestic abuse incidents
      o Isolated incidents
      o Patterns of behavior
      o Safety and lethality factors
      o Tactics of abusers (isolated incident as well as more chronic and potentially lethal)
      o Impact on the victim (isolated incident as well as more chronic and potentially lethal)
      o Effects on children
   • Common misconceptions about domestic abuse
      o Causes vs. risk factors or disinhibitors
         ▪ Stress
         ▪ Alcohol
         ▪ Deployment
      o Misconception - Females in the military are as violent as males in relationships
      o Misconception - Military rates of domestic violence are higher than civilian rates
   • Beliefs, attitudes, culture issues

II. DoD/Service Policy

III. General Overview of FAP

IV. Identification and Assessment
   • Guiding principles
      o Victim safety
      o Respect for victims and protecting their autonomy
      o Holding abusers accountable by taking action
      o Acknowledging the need to make changes in the health care system response to domestic abuse
   • Barriers to an effective response
APPENDIX

Understanding the Military Response to Domestic Violence: Tools for Civilian Advocates

- Presentation of domestic abuse victims in the health care setting
  - Injuries
  - Medical presentations
  - Obstetrical or gynecological presentations
  - Psychiatric presentations
  - What to do when the abuser is present

- Identification of abuse
  - Routine screening
  - How to ask
  - What to do if the practitioner suspects abuse but the patient does not acknowledge abuse

- Learning that your patient is an abuser
  - Medical records or written referrals as a source of information for practitioners
  - Reports from victim or children
  - Reports by third parties
  - Self-reports
  - Observation of behaviors
  - Observation of the effects of abusive behavior on the abuser or victim

- Assessment
  - Addressing immediate safety needs коordinating with the Victim Advocate and FAP
  - Chief complaint/medical history
  - Physical exam and preservation of evidence
  - Expanded primary care assessment
  - Suicide and homicide assessment
  - Mental health assessment

V. Documentation of Injuries
- Medical record
- Body map
- Photographs
- Labs, x-ray, imaging

VI. Intervention
- Providing information about domestic abuse
- Contacting FAP/reporting requirements
- Referrals
  - Understanding the role and responsibilities of DoD law enforcement and criminal investigative organizations in domestic abuse situations
    - Potential criminal investigations
VII. Victim Safety Strategies when Interacting with the Abuser

- Keeping victim information confidential
- Never talking to the abuser about domestic abuse in front of the victim
- Taking care in how domestic abuse is discussed with the abuser
- Responding appropriately when the abuser displays anger, resists or rejects the discussion

VIII. Legal Obligations

- Applicable state laws requiring reporting
- Duty to warn

IX. Crisis Intervention when Patient is the Abuser

- Duty to warn
- Legal recourses and mandatory reporting
- Separation strategies
- Strategies to diffuse the crisis

X. Other Interventions when the Patient is the Abuser

- Discussing options
- Making appropriate referrals
- Follow-up process

XI. Safety Strategies for the Staff

- Coordination with security personnel
- Incorporating staff safety issues into regular trainings

XII. Resources/Coordinating Efforts
PER DIEM, TRAVEL AND TRANSPORTATION ALLOWANCE COMMITTEE
HOFFMAN BUILDING 1, ROOM 836
2461 EISENHOWER AVENUE, ALEXANDRIA, VA 22331-1300

PDTATAC/tlw

24 February 2004

UNIFORMED TRAVEL DETERMINATION

TO: SEE DISTRIBUTION

SUBJECT: MAP 55-03 -- Travel And Transportation For Dependents Relocating For Reasons Of Personal Safety (FY04 DAA)


2. The Committee Chair has approved the attached changes to the Joint Federal Travel Regulations, Vol. 1, (JFTR), made in MAP Item 55-03, for publication.

3. This determination is an advance notice of the changes to the JFTR. You are requested to disseminate this determination to the appropriate offices within your Service.

4. These changes are scheduled to appear in JFTR change number 208, dated 1 April 2004.

5. This determination is effective on 24 February 2004, when it was approved by the Chairman.

S. W. Westbrook
Director

Attachment:
Rev 10

Hard Copy Distribution:
MAP Item file

E-Mail Distribution:
MAP Members GSA-3FT PMO-DTS
T&T Branch HRSIC GSA-OGP(MTT)
U5205 TRAVEL AND TRANSPORTATION FOR DEPENDENTS RELOCATING FOR PERSONAL SAFETY

A. General

1. The member’s spouse or the parent/court-appointed guardian of a dependent child may request relocation for personal safety and may be authorized travel and transportation under this paragraph if it is determined by the Service-designated official that:
   
a. The member has committed a dependent-abuse offense against a dependent of the member;
   
b. A safety plan and counseling have been provided to the dependent;
   
c. The dependent’s safety is at risk; and
   
d. Dependent relocation is advisable.

2. Dependent(s) relocation must be in the best interest of the:
   
a. Member or member’s dependents, and
   

B. Definitions

1. Dependent Child. For the purposes of this paragraph, the following are considered dependents of the member:
   
a. Dependents/acquired dependents as defined in Appendix A; and
   
b. A member’s unmarried child who was transported to the member’s PDS at Government expense and who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member while the member was serving at that station.

2. Dependent-abuse Offense. A dependent-abuse offense is conduct by a member (as defined in 10 USC §1059(c) on active duty for more than 30 days that involves abuse of the spouse/dependent child.

C. Restriction. HHG/POV transportation may be authorized only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the HHG/POV to the member’s spouse/dependent.

D. Authorization

1. When an order directing a member’s PCS has not been issued, or when it has been issued but cannot be used as authority for the transportation of the member’s dependents, baggage, and HHG; transportation may be authorized for the member’s dependents, baggage, and HHG from the PDS to the designated relocation site in the U.S., or its possessions, or if the dependents are foreign nationals to the country of the dependents’ origin.

2. Transportation-in-kind, transportation reimbursement, or MALT plus a per diem, is authorized for the dependent(s).

3. If the member’s PDS is OCONUS, transportation may be authorized for one POV that is owned/leased by the member/dependent and is for the personal use of the member’s dependent.

4. Transportation of HHG in non-temporary storage to the designated relocation site may be authorized.
E. Reimbursement. 1AW 27 USC §406(h)(4)(A), all monetary payments, except DLA, are paid directly to the dependent(s) instead of the member.

U5240  DEPENDENT TRAVEL UNDER UNUSUAL/EMERGENCY CIRCUMSTANCES
A. ******

H. Travel and Transportation for Dependents Relocating for Personal Safety. See par. U5205

U5370  HHG TRANSPORTATION UNDER UNUSUAL/EMERGENCY CIRCUMSTANCES
A. ******

K. HHG Transportation for Dependents Relocating for Personal Safety. See par. U5205.

U5455  POV TRANSPORTATION UNDER UNUSUAL OR EMERGENCY CIRCUMSTANCES
A. ******

F. POV Transportation for Dependents Relocating for Personal Safety. See par. U5205.

U5905  HHG TRANSPORTATION

NOTE 1: For dependent travel ICW early return of dependents see par. U5900.

NOTE 2: For HHG transportation for dependents relocating for personal safety see par. U5920.

U5910  POV TRANSPORTATION

NOTE: For POV transportation for dependents relocating for personal safety see par. U5920.

A. ******

U5920  TRAVEL AND TRANSPORTATION FOR DEPENDENTS RELOCATING FOR PERSONAL SAFETY

A. General

1. The member’s spouse or the parent/court appointed guardian of a dependent child may request relocation for personal safety and may be authorized travel and transportation under this paragraph if it is determined by the Service-designated official that:

   a. The member has committed a dependent-abuse offense against a dependent of the member;
   b. A safety plan and counseling have been provided to the dependent;
   c. The dependent’s safety is at risk; and
   d. Dependent relocation is advisable.

2. Dependent(s) relocation must be in the best interest of the:

   a. Member or member’s dependents, and
B. Definitions

1. Dependent Child. For the purposes of this paragraph, the following are considered dependents of the member:
   a. Dependents/acquired dependents as defined in Appendix A; and
   b. A member's unmarried child who was transported to the member's PDS at Government expense and who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member while the member was serving at that station.

2. Dependent-abuse Offense. A dependent-abuse offense is conduct by a member (as defined in 10 USC §1059(c)) on active duty for more than 30 days that involves abuse of the spouse/dependent child.

C. Restriction. HHG/POV transportation may be authorized only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the HHG/POV to the member's spouse/dependent.

D. Authorization

1. When an order directing a member's PCS has not been issued, or when it has been issued but cannot be used as authority for the transportation of the member's dependents, baggage, and HHG; transportation may be authorized for the member's dependents, baggage, and HHG from the PDS to the designated relocation site in the U.S., or its possessions, or if the dependents are foreign nationals to the country of the dependents' origin.

2. Transportation-in-kind, transportation reimbursement, or MALT plus a per diem, is authorized for the dependent(s).

3. If the member's PDS is OCONUS, transportation may be authorized for one POV that is owned/leased by the member/dependent and is for the personal use of the member's dependent.

4. Transportation of HHG in non-temporary storage to the designated relocation site may be authorized.

E. Reimbursement. 1AW 37 USC §406(h)(4)(A), all monetary payments, except DLA, are paid directly to the dependent(s) instead of the member.
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Military Protective Orders (MPOs)

This directive-type memorandum establishes Department of Defense policy and
assigns responsibility for the issuance of MPOs barring active duty military members
from having contact with specified individuals against whom they are alleged, or are
confirmed, to have committed an act of domestic violence or child abuse, as defined in
Attachment 1.

It is Department of Defense policy that every appropriate effort be made to protect
victims of abuse from further harm. Commanding officers shall issue MPOs when
necessary to safeguard victims, quell disturbances, and maintain good order and
discipline while victims have time to pursue protection orders through the civilian courts,
or support existing civilian orders of protection. DD Form 2873 (Attachment 2) shall be
used to issue MPOs. Commanding officers shall provide copies of signed MPOs in
accordance with the distribution list set forth at the end of DD Form 2873.
This memorandum is effective immediately. A Department of Defense publication implementing this policy shall be issued within 180 days.

David S. C. Chu

Attachments:
As stated
ATTACHMENT 1

DEFINITIONS

DOMESTIC VIOLENCE. An offense under the United States Code, the Uniform Code of Military Justice, or state law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

CHILD ABUSE. The physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. It does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.
# MILITARY PROTECTIVE ORDER

**PRIVACY ACT STATEMENT**

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.


**PRINCIPAL PURPOSE(S):** Information from this form will be used to document commanding officers' orders and members' understanding thereof to avoid all manner of contact with specified individuals, against whom members are alleged, or are confirmed to have committed, domestic violence or child abuse, as stipulated in the terms and conditions of the orders.

**ROUTINE USES:** Any release of information contained in this system of records outside of DoD will be compatible with the purposes for which the information is being collected and maintained. The DoD "Blanket Routine Uses" set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

**DISCLOSURE:** Voluntary; however, failure to provide or verify personal identifying information may compromise commanding officers' ability to protect victims of domestic violence and child abuse, or to hold members accountable for their actions.

## 1. SERVICE MEMBER

<table>
<thead>
<tr>
<th>a. RANK</th>
<th>b. LAST NAME</th>
<th>FIRST NAME</th>
<th>MI</th>
</tr>
</thead>
</table>

| c. SSN | d. DATE OF BIRTH (YYYYMMDD) | e. SSN | d. DATE OF BIRTH (YYYYMMDD) |

<table>
<thead>
<tr>
<th>f. TELEPHONE (incl. area code)</th>
<th>g. INSTALLATION</th>
</tr>
</thead>
</table>

| h. CURRENT RESIDENCE: STREET (incl. apartment number) | i. CURRENT RESIDENCE: STREET (incl. apartment number) |

| CITY | STATE | ZIP CODE |

## 2. PROTECTED PERSON (Important: see NOTE)

| a. RANK | b. LAST NAME | FIRST NAME | MI |

| c. SSN | d. DATE OF BIRTH (YYYYMMDD) | e. SSN | d. DATE OF BIRTH (YYYYMMDD) |

<table>
<thead>
<tr>
<th>f. TELEPHONE (incl. area code)</th>
<th>g. INSTALLATION</th>
</tr>
</thead>
</table>

| h. CURRENT RESIDENCE: STREET (incl. apartment number) | i. CURRENT RESIDENCE: STREET (incl. apartment number) |

| CITY | STATE | ZIP CODE |

## NOTE:

Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.

## 3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER

## 4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:

a. Civil protection order issued (Date - YYYYMMDD) in Court, County, State of

b. Order issued (Date - YYYYMMDD) in Court, County, State of

DD FORM 2873, FEB 2004
5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that [initial applicable portions):

- a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.

- b. The above-named service member shall remain at all times and places at least [distance] feet away from the above-named protected person and members of the protected person’s family or household including, but not limited to, residences and workplaces. Members of the protected person’s family or household include:

- c. The above-named service member will vacate the military residence shared by the parties located at:

- d. Until further notified, the above-named service member will be provided temporary military quarters at:

- e. The above-named service member will attend the following counseling:

- f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.

- g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.

- h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.

- i. Other specific provisions of this order:

6. DURATION: The terms of this order shall be effective until [expiry date], unless sooner rescinded.

ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.

- a. COMMANDING OFFICER’S SIGNATURE

- b. DATE (YYYYMMDD)

7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.

- a. SERVICE MEMBER’S SIGNATURE

- b. DATE (YYYYMMDD)

DISTRIBUTION:

- Service member’s immediate command
- Protected person (Custodial parent of protected child)
- Service member
- Provost Marshal/Security Officer/Criminal Investigative Organization

DD FORM 2873 (BACK), FEB 2004
Department of Defense

INSTRUCTION

NUMBER 1030.2
June 4, 2004

SUBJECT: Victim and Witness Assistance Procedures

References: (a) DoD Instruction 1030.2, "Victim and Witness Assistance Procedures," December 23, 1994 (hereby canceled)
(b) DoD Directive 1030.1, "Victim and Witness Assistance," April 13, 2004
(c) Chapter 47 of title 10, United States Code, "Uniform Code of Military Justice"
(d) Sections 10601-10607 of title 42, United States Code
(e) through (h), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues reference (a) to implement policy, assign responsibilities, and prescribe procedures under reference (b) to assist victims and witnesses of crimes committed in violation of reference (c).

1.2. Implements reference (d), sections 1512-1514 of title 18, United States Code, DoD 5400.7-R, and sections 113 (note), 1058, 1059 and 1408 of title 10, United States Code (references (e) through (g)) by providing guidance on assisting victims and witnesses of crime from initial contact through investigation, prosecution, and confinement.

1.3. Establishes annual reporting requirements on assistance provided to victims and witnesses of crime.
2. **APPLICABILITY**

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

3. **DEFINITIONS**

Terms used in this Instruction are defined in enclosure 2.

4. **POLICY**

4.1. This Instruction implements policy established in reference (b).

4.2. This Instruction is not intended to, and does not, create any entitlement, cause of action, or defense in favor of any person arising out of the failure to accord to a victim or a witness the assistance outlined in this Instruction. No limitations are hereby placed on the lawful prerogatives of the Department of Defense or its officials.

5. **RESPONSIBILITIES**

5.1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall:

5.1.1. Develop overall policy for victim and witness assistance and monitor compliance with this Instruction.

5.1.2. Approve procedures developed by the Secretaries of the Military Departments that implement this Instruction and are consistent with section 6., below.

5.1.3. Change, reissue, or amend this Instruction, as required.

5.1.4. Ensure the Defense Manpower Data Center assists in formulating a data collection mechanism to track and report victim notifications from initial contact through investigation, prosecution, confinement, and release.
5.1.5. Establish an interdisciplinary Victim and Witness Assistance Council.

5.1.5.1. The Council shall provide a forum for the exchange of information, consider victim and witness assistance policies, and provide liaison with the Department of Justice Office for Victims of Crime.

5.1.5.2. The membership of the Council shall be selected from members of the Armed Forces and other DoD employees having expertise in the disciplines and professions addressed in subparagraph 5.2.6., below. The Council shall meet quarterly or at the call of the chair.

5.2. The Secretaries of the Military Departments and the Heads of the DoD Components shall:

5.2.1. Ensure compliance with this Instruction and establish policies and procedures to implement the victim and witness assistance program within their Component.

5.2.2. Designate the Component responsible official, as defined in enclosure 2, for the victim and witness assistance program, who shall report annually to the USD(P&R) using DD Form 2706, "Victim and Witness Assistance Annual Report" (enclosure 8).

5.2.3. Provide for the assignment of personnel in sufficient numbers to enable those programs identified in 10 U.S.C. 113 note (reference (g)) to be carried out effectively.

5.2.4. Designate a central repository for confinee information, as defined in item E2.1.1. of enclosure 2, for each Military Service, and establish procedures to ensure victims who so elect are notified of changes in inmate status.

5.2.5. Establish an interdisciplinary Victim and Witness Assistance Council in each Military Department to develop policy recommendations and facilitate coordination between the Department's victim and witness assistance program and its victim advocacy program.

5.2.6. Establish a Victim and Witness Assistance Council, when practicable, at each military installation, to ensure victim and witness service providers follow an interdisciplinary approach. These providers may include law enforcement personnel, criminal investigators, chaplains, family advocacy personnel, emergency room personnel, family service center personnel, equal opportunity personnel, judge advocates, unit commanding officers, corrections personnel, and other persons designated by the Secretaries of the Military Departments.
5.2.7. Establish a training program to ensure the providers listed in subparagraph 5.2.6., above, receive instruction to assist them in complying with this Instruction.

5.2.8. Ensure that local responsible officials are designated. The local responsible official (also referred to as Victim/Witness Coordinator or Victim/Witness Liaison) shall coordinate the effort to ensure that systems are in place at the installation level to provide information on available benefits and services, assistance in obtaining those benefits and services, and other services required in section 6., below. The local responsible official may delegate the duties as appropriate, but retains responsibility to coordinate the delivery of required services. To coordinate the delivery of services, the local responsible official may use an interdisciplinary approach involving the various service providers listed in subparagraph 5.2.6., above.

5.2.9. Establish oversight procedures to ensure establishment of an integrated support system capable of providing the services outlined in section 6., below. Such oversight could include coverage by Military Service or organizational Inspectors General, staff assistance visits, surveys, and status reports.

5.3. The Inspector General of the Department of Defense shall oversee the development of investigative policy and perform appropriate oversight reviews of the management of the victim and witness assistance program by the DoD criminal investigative organizations. This is not intended to substitute for the routine managerial oversight of the program provided by the DoD criminal investigative organizations, the USD(P&R), the Heads of the DoD Components, the Component responsible officials, or the local responsible officials.

6. PROCEDURES

6.1. Initial Information and Services to be Provided to Victims and Witnesses. At the earliest opportunity after identification of a crime victim or witness, the local responsible official, law enforcement officer, or criminal investigation officer shall provide the following services to each victim and witness, as appropriate: The DD Form 2701, "Initial Information for Victims and Witnesses of Crime," (enclosure 3) or computer-generated equivalent shall be used as a handout to convey basic information and points of contact and shall be recorded on the appropriate form authorized for use by the particular Service. This serves as evidence that the officer notified the victim or witness of his or her statutory rights. The following services shall also be provided by the local responsible official or designee:

6.1.1. Information about available military and civilian emergency medical and social services, victim advocacy services for victims of domestic violence and sexual assault, and, when necessary, assistance in securing such services.
6.1.2. Information about restitution or other relief a victim may be entitled to under references (d) and (e), or other applicable laws, and the manner in which such relief may be obtained.

6.1.3. Information to victims of intra-familial abuse offenses on the availability of limited transitional compensation benefits and possible entitlement to some of the active duty member's retirement benefits under 10 U.S.C. 1058, 1059, 1408 (reference (g)) and DoD Instruction 1342.24 (reference (h)).

6.1.4. Information about public and private programs that are available to provide counseling, treatment, and other support, including available compensation through Federal, State, and local agencies.

6.1.5. Information about the prohibition against intimidation and harassment of victims and witnesses, and arrangements for the victim or witness to receive reasonable protection from threat, harm, or intimidation from a suspected offender and from people acting in concert with or under the control of the suspected offender.

6.1.6. Information concerning military and civilian protective orders, as appropriate.

6.1.7. Information about the military criminal justice process, the role of the victim or witness in the process, and how the victim or witness can obtain additional information concerning the process and the case.

6.1.8. If necessary, assistance in contacting the people responsible for providing victim and witness services and relief.

6.2. Information to be Provided During Investigation of a Crime. If the victim or witness has not already received the DD Form 2701 from law enforcement officials, it shall be used by investigators as a handout to convey basic information and points of contact. The date it is given to the victim or witness is reportable and shall be recorded on the appropriate form authorized for use by the particular Service. This serves as evidence that the officer notified the victim or witness of his or her statutory rights. Law enforcement investigators and criminal investigators shall inform all victims and witnesses, as appropriate, of:

6.2.1. The status of the investigation of the crime, to the extent providing such information does not interfere with the investigation.

6.2.2. The arrest of the suspected offender.

6.2.3. A decision not to pursue further investigation.
6.3. **Information and Services to be Provided Concerning the Prosecution of a Crime**

6.3.1. If applicable, the following shall be provided by Government trial counsel or designee to victims and witnesses:

6.3.1.1. Consultation concerning the decision not to prefer charges against the suspected offender.

6.3.1.2. Consultation concerning the disposition of the offense if other than a court-martial.

6.3.1.3. The decision to pursue court-martial charges against the suspected offender. The DD Form 2702, "Court-Martial Information for Victims and Witnesses," (enclosure 4) shall be used as a handout to convey basic information about the court-martial process. The date it is given to the victim or witness is reportable and shall be recorded on the appropriate form authorized for use by the particular Service.

6.3.1.4. Notification of the initial appearance of the suspected offender before a judicial officer at a pretrial confinement hearing or at an Article 32, Uniform Code of Military Justice (UCMJ), investigation (10 U.S.C. 832, reference (c)).

6.3.1.5. Notification of the release of the suspected offender from pretrial confinement.

6.3.1.6. Consultation concerning the decision to refer or not to refer the charges against the suspected offender to trial by court-martial.

6.3.1.7. Explanation of the court-martial process upon referral to trial.

6.3.1.8. Prior to the actual court-martial, assistance in obtaining available services such as transportation, parking, child care, lodging, and courtroom translators or interpreters that may be necessary to allow the victim or witness to participate in court proceedings.

6.3.1.9. During the court proceedings, provide a private waiting area out of the sight and hearing of the accused and defense witnesses. In the case of proceedings conducted aboard ship or in a deployed environment, provide a private waiting area to the greatest extent practicable.

6.3.1.10. Notification of the scheduling, including changes and delays, of each investigation pursuant to Article 32, UCMJ (reference (c)), and each court proceeding the victim is entitled to or required to attend. Upon request of a victim or witness whose absence from work or inability to pay an account is caused by the crime or cooperation in the investigation or prosecution, the employer or creditor of the victim or
witness shall be informed of the reasons for the absence from work or inability to make timely payments on an account. This requirement does not create an independent entitlement to legal assistance or a legal defense against claims of indebtedness.

6.3.1.11. Consultation concerning any decision to dismiss charges or to enter into a pretrial agreement.

6.3.1.12. Notification of the disposition of the case, to include the acceptance of a plea of "guilty," the rendering of a verdict, or the withdrawal or dismissal of charges.

6.3.1.13. Notification to victims of the opportunity to present to the court at sentencing, in compliance with applicable law and regulations, a statement of the impact of the crime on the victim, including financial, social, psychological, and physical harm suffered by the victim.

6.3.1.14. After court proceedings, take appropriate action to ensure that property of a victim or witness held as evidence is safeguarded and returned as expeditiously as possible.

6.3.1.15. Notification of the offender's sentence and general information regarding minimum release date, parole, clemency, and mandatory supervised release, if applicable.

6.3.2. Except for information that is releasable under paragraph 6.2. and subparagraph 6.3.1., requests for information relating to the investigation and prosecution of a crime (e.g., investigative reports and related documents) from a victim or witness shall be processed in accordance with DoD 5400.7-R (reference (f)). The local responsible official may authorize release of a copy of the record of trial without cost to a victim when necessary to lessen the physical, psychological, or financial hardships suffered as a result of a criminal act.

6.3.3. Any consultation or notification required by subparagraph 6.3.1. may be limited to avoid endangering the safety of a victim or witness, jeopardizing an ongoing investigation, disclosing classified or privileged information, or unduly delaying the disposition of an offense. Although the victim's views should be considered, this Instruction is not intended to limit the responsibility or authority of the Military Service or the Defense Agency officials to act in the interest of good order and discipline.

6.4. Information and Services to be Provided Upon Order to Confinement. The following services shall be provided by the Government trial counsel or designee to victims and witnesses upon sentencing of an offender to confinement in a court-martial: The DD Form 2703, "Post-Trial Information for Victims and Witnesses," (enclosure 5) shall be used as a handout to convey basic information about the post-trial process. The date it is given to the victim or witness is reportable and shall be recorded.
on the appropriate form authorized for use by the particular Service. When appropriate, the following shall be provided to victims and witnesses:

6.4.1. General information regarding convening authority action, the corrections process, information about work release, furlough, probation, parole, mandatory supervised release, or other forms of release from custody, and eligibility for each.

6.4.2. Specific information regarding the election to be notified of changes in inmate status. The DD Form 2704, "Victim/Witness Certification and Election Concerning Inmate Status," (enclosure 6) shall be used for victims and appropriate witnesses (those who fear harm by the offender) to elect to be notified of changes in the offender's status in confinement. For all cases resulting in a sentence to confinement, the DD Form 2704 shall be completed and forwarded to the Service central repository, the gaining confinement facility, the local responsible official, and the victim or witness, if any. The date it is given to the victim or witness is reportable and shall be recorded on the appropriate form authorized for use by the particular Service. Do not allow the inmate access to DD Forms 2704 or 2705 or attach a copy of the forms to any record to which the confinee has access. Doing so could endanger the victim or witness. The DD Forms 2704 and 2705 are exempt from release under reference (f).

6.5. Information and Services to be Provided Upon Entry into Confinement Facilities. The victim and witness assistance coordinator at the military confinement facility shall:

6.5.1. On entry of an offender into post-trial confinement, obtain the DD Form 2704 to determine victim or witness notification requirements. If the form is unavailable, ask the Service central repository whether any victim or witness has requested notification of changes in inmate status in the case.

6.5.2. When a victim or witness has requested notification of changes in inmate status on the DD Form 2704, and that status changes as listed in subparagraphs 6.5.2.1. through 6.5.2.6., below, use the DD Form 2705, "Victim and Witness Notification of Changes in Inmate Status," (enclosure 7) to notify the victim or witness. The date it is given to the victim or witness is reportable and shall be recorded on the appropriate form authorized for use by the particular Service to comply with the reporting requirement in subparagraph 6.6.1.5. Provide the earliest possible notice of:

6.5.2.1. The scheduling of a clemency or parole hearing for the inmate.

6.5.2.2. The transfer of the inmate from one facility to another.

6.5.2.3. The escape (and subsequent return to custody), work release, furlough, or any other form of release from custody of the inmate.
6.5.2.4. The release of the inmate to parole supervision.

6.5.2.5. The death of the inmate, if the inmate dies while in custody.

6.5.2.6. A change in the scheduled release date of more than 30 days from the last notification due to a disposition or disciplinary and adjustment board.

6.5.3. Make reasonable efforts to notify all victims and witnesses who have requested notification of changes in inmate status of any emergency or special temporary home release granted an inmate.

6.5.4. On transfer of an inmate to another military confinement facility, forward the DD Form 2704 to the gaining facility, with an information copy to the Service central repository.

6.5.5. Annually report the status of victim and witness notification requests to the Service central repository as required by section 7., below.

6.6. Reporting Procedures

6.6.1. To comply with the requirements of references (d), (e), and (g), the Component responsible official shall submit an annual report using the DD Form 2706 (enclosure 8) to the following address: The Under Secretary of Defense for Personnel and Readiness, Attention: Legal Policy Office, 4000 Defense Pentagon, Washington, DC 20301-4000. The report shall be submitted by March 15 for the preceding calendar year and shall address the assistance provided victims and witnesses of crime. The report shall include the following:

6.6.1.1. The number of victims and witnesses who received a DD Form 2701 from law enforcement or criminal investigations personnel.

6.6.1.2. The number of victims who received a DD Form 2702 from Government trial counsel or designee.

6.6.1.3. The number of victims and witnesses who received a DD Form 2703 from Government trial counsel or designee.

6.6.1.4. The number of victims and witnesses who elected via the DD Form 2704 to be notified of changes in inmate status.

6.6.1.5. The number of victims and witnesses who were notified of changes in inmate status by the confinement Victim Witness Assistance Coordinators via the DD Form 2705 or a computer-generated equivalent.
6.6.1.6. The cumulative number of inmates in each Service for whom victim witness notifications must be made by each Service's confinement facilities. These numbers are derived by totaling the number of inmates with victim or witness notification requirements at the beginning of the year, adding new inmates with the requirement, and then subtracting those confinees who were released, deceased, or transferred to another facility (Federal, State, or sister Service) during the year.

6.6.2. The Office of the USD(P&R) shall consolidate all reports submitted pursuant to paragraph 6.6., above, and submit an annual report to the Office for Victims of Crime, Department of Justice.

7. INFORMATION REQUIREMENTS

The annual reporting requirement in subparagraph 6.6.1., above, has been assigned Report Control Symbol DD-P&R(A)1952.

8. EFFECTIVE DATE

This Instruction is effective immediately.

Enclosures - 8
- E1. References, continued
- E2. Definitions
- E3. Sample DD Form 2701
- E4. Sample DD Form 2702
- E5. Sample DD Form 2703
- E6. Sample DD Form 2704
- E7. Sample DD Form 2705
- E8. Sample DD Form 2706

David S. C. Chu
Under Secretary of Defense
(Personnel and Readiness)
E1. ENCLOSURE 1

REFERENCES, continued

(e) Sections 1512-1514 of title 18, United States Code
(g) Sections 113 (note), 1058, 1059 and 1408 of title 10, United States Code
E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Central Repository. A Military Service headquarters office designated by the Secretary for each Military Department to serve as a clearing-house of information on inmate status and to collect and report data on the delivery of victim and witness assistance including notification of inmate status changes.

E2.1.2. Component Responsible Official. Person designated by the Head of each DoD Component who coordinates, implements, and manages the Victim and Witness Assistance Program established by this Instruction.

E2.1.3. Confinement Facility Victim and Witness Assistance Coordinator. A staff member at a military confinement facility who notifies victims and witnesses of changes in inmate status and annually reports the number of those notifications to the Military Service central repository.

E2.1.4. Local Responsible Official. Person designated by the Component responsible official who is responsible for identifying victims and witnesses of crime and for coordinating the delivery of services described in this Instruction through an interdisciplinary approach. The position or billet of the local responsible official shall be designated in writing in accordance with Service regulation. The local responsible official may delegate responsibilities under this Instruction as provided in subparagraph 5.2.8., above.

E2.1.5. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of reference (c), (or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD Components). Such individuals shall include, but are not limited to, the following:

E2.1.5.1. Military members and their family members.

E2.1.5.2. When stationed outside the continental United States, DoD civilian employees and contractors, and their family members. This designation makes services available to them that are not available to DoD civilian employees, contractors, and their family members in stateside locations, such as medical care in military medical facilities.

E2.1.5.3. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court or the Component responsible official, or designee.
E2.1.5.4. For a victim that is an institutional entity, an authorized representative of the entity. Federal Departments and State and local agencies, as entities, are not eligible for services available to individual victims.

E2.1.6. **Witness.** A person who has information or evidence about a crime within the investigative jurisdiction of a DoD Component who provides that knowledge or evidence to a DoD Component. When the witness is a minor, that term includes a family member or legal guardian. The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.
E3. ENCLOSURE 3

SAMPLE DD FORM 2701

If You Need Additional Assistance:
In regard to the status of the investigation, contact the investigator below:

David F. Smith

(Rank)  
(999) 123-4567

In regard to other assistance available, contact the command Victim/Witness Responsible Official, or the person identified below:

Robert Jones

(Rank)  
(122) 456-7890

In regard to the prosecution, contact the legal office below:

Eric Prosecute

(Rank)  
(122) 345-6789

In regard to compensation for medical or other expenses, contact the state office for Crime Victim Compensation:

Sara Hedo

(Rank)  
(777) 777-7777

Please notify these offices of any changes of address or telephone number. For further information on crime issues, see the DoD Victim and Witness Assistance Council website at: <http://vod.mil/vac>
Initial Information
For Victims and Witnesses of Crime

Introduction: We are concerned about the problems often experienced by victims and witnesses of crime. We know that as a victim or witness, you may experience anger, frustration, or fear as a result of your experience. The officer responsible for Victim/Witness Assistance at your installation can help.

We have prepared this brochure to help you deal with the problems and questions which often surface during an investigation and to provide you with a better understanding of how the military criminal justice system works. Your continued assistance is always needed and appreciated.

A criminal investigation can be both complex and lengthy and may involve several agencies, some federal and some local. If you request, you will be kept informed of the status of your case by the investigator handling your case. His or her name is on the back of this brochure.

If You Are Threatened Or Harassed. If anyone threatens you or you feel that you are being harassed because of your cooperation with this investigation, contact the investigator or the Victim/Witness Responsible Officer (VWO) involved. It is a crime to threaten or harass a victim or witness.

If You Were Insured. If you do not have insurance to pay the cost of your medical or counseling bills, or related expenses, the state Crime Victim Compensation program may be able to assist. The telephone number for this office is on the back of this brochure.

If You Were a Victim of Spousal or Child Abuse or Sexual Assault. For your safety, you may want a restraining order, or temporary shelter. For information about these steps or about counseling services, call the Victim/Witness Responsible Official. If the offender is convicted or discharged for abusing you or your children, you may be eligible for "transitional compensation" benefits. Contact your prosecution identified on the back of this brochure for further information.

Restitution. If an individual is arrested and prosecuted in federal court, you may be eligible for restitution. Restitution is court-ordered payment to you as a victim of crime. It is made by the offender for any out-of-pocket expenses caused by the crime. Restitution cannot be ordered as a sentence in a military court-martial, but it can be used as a condition of a pretrial agreement to plead guilty to an offense, or as a condition of community service.

If Property Was Stolen. If your property was stolen, we hope to recover it as part of our investigation. If we do, we will notify you and return it to you as quickly as possible. Sometimes property needs to be held as evidence for trial. We will return your property once it is no longer needed as evidence.

If You Need Assistance With Your Employer or Command. If you have problems at work because of the crime or the investigation, we can contact your employer or Commanding Officer to discuss the importance of your role in the case.

If An Arrest Is Made. If you ask, you will be notified if a suspect is arrested. Since criminal defendants may be released before trial, you may ask for a restraining order to protect you from the suspect.

Trial. Once an offense has been referred for trial, you will be contacted by the military trial counsel (prosecutor) or the Assistant U.S. Attorney assigned to handle your case, as appropriate. Each command and U.S. Attorney has a Victim/Witness Responsible Officer to help answer your questions and deal with your concerns during the prosecution. You have the right to be consulted at key stages in the trial and will be informed of these rights by trial counsel.

Confidentiality. If the accused is sentenced to confinement (prison), you have a right to notification of changes in the offender's status. Use a DD Form 2704, "Victim/Witness Certification and Election Concerning Inmate Status," to request that the confinement facility notify you of parole hearings, escape, release, or death of the offender.

The Emotional Impact of Crime. Many victims and witnesses are emotionally affected by the crime. Although everyone reacts differently, victims and witnesses report some common behaviors, such as...
E4. ENCLOSURE 4

SAMPLE DD FORM 2702

Sentencing.
In this phase, the judge or members (jury) decide the appropriate type and amount of punishment. The Trial Counsel may call witnesses to show aggravating factors concerning the offense. The defense may call witnesses to show the offense may be less serious than otherwise indicated. You may be asked to return to the witness stand and testify as to how the crime has affected you. This may include the emotional, physical and financial suffering you experienced.

Punishment.
The court-martial ends when the judge reads the sentence to the accused. Normally, any confinement ordered begins at the time the sentence is announced. Other parts of the sentence, such as forfeitures of pay and reduction in rank, take effect after the "revoking authority", usually a senior officer, takes "action" on the case. This generally occurs within two to three months, but can take longer in more complex cases.

If the accused is sentenced to prison, you have additional rights to notification of any changes in the inmate's status. These will be explained to you by the Trial Counsel or a designated representative.

If the offender is convicted or discharged for abusing you or your children, you may be eligible for "transitional compensation" benefits. Contact the Trial Counsel for an application (DD Form 2707) and for further information.

Your Participation
You may choose to participate in the trial at several stages. You may ask to be:
- notified of and be present at all public court proceedings;
- consulted on pre-trial confinement of accused and release of accused from pre-trial confinement;
- contacted about the proposed dismissal of any and all charges;
- consulted on decision not to prosecute;
- contacted regarding the proposed terms of any negotiated plea;
- consulted on proposed terms of any pre-trial agreement;
- notified of the acceptance of a guilty plea, to present to the court evidence on sentencing;
- informed about the conviction, sentencing, and imprisonment of the accused.

Points of Contact
Victim/Witness Responsible Official
Robert Jones
(Phone) 1234-567890
(Telephone number)

Trial Counsel
Eric Presivative
(Phone) 1234-567890
(Telephone number)

For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <http://www.mil/wac>

DD FORM 2702, MAY 2004
Court-Martial Information
For Victims and Witnesses of Crime

Introduction
The Department of Defense is concerned about the problems often experienced by victims and witnesses of crime. We know that as a victim or witness, you may feel anger, confusion, frustration, or fear as a result of your experience and then feel added frustration in the course of the trial. The information in this booklet will explain the criminal justice procedures, and your role as a witness.

In the military, a prosecutor is called the Trial Counsel. The Trial Counsel's office will make every effort to keep you informed of the times and places you may be needed. However, it is not unusual for court dates to change several times before the trial. It is very important to keep the Trial Counsel informed of your current address and telephone number.

Pretrial Conference
You will be asked to speak with the Trial Counsel handling the case at least once before you testify. The Trial Counsel will answer any questions you may have at this time, and will tell you what will be expected of you as a witness.

Article 32 Hearing
Serious crimes are dealt with in a "preliminary" court martial which includes an "Article 32" hearing. Similar to a grand jury hearing, an Article 32 hearing is the preliminary investigation into the charges to determine if there are reasonable grounds to believe the accused committed the crimes charged. In the Article 32 hearing, testimony is given to an investigating officer (IO), rather than a judge or jury. You may have to appear at the hearing and testify under oath regarding what you know about the charges. After the Article 32 hearing, the IO recommends whether to "refuse" (send) the case to trial. In less serious cases, the preliminary hearing is not required and cases are referred to a Special Court-Martial.

Court-Martial
This is the trial of the accused. It generally has two parts: findings (guilty or not guilty) and sentencing (punishment). In the findings phase, the accused has the right to choose whether a military judge sits alone or a panel of "members" (jury) will decide whether the accused is guilty of any offenses.

Testimony
If you testify, you will be placed under oath and asked questions by the Trial Counsel, and, in most cases, cross-examined by the Defense Counsel. Usually, counsel for both sides will have spoken to you prior to testifying so there will be very few surprises. If you have concerns about embarrassing questions that could be asked, tell the Trial Counsel before trial.

Preparation When Testifying
- "Be Prepared... Be ready. Cross-examiners are trained professionals."
- "Tell the Truth. Honesty is the best policy."
- "Speak Clearly and Loudly. Everyone in the courtroom must be able to hear what you have to say. No gum chewing."
- "Don't Guess or Speculate. If you don't know, say you don't know. Give positive, definite answers when you remember positively.""Be Courteous. Answer politely and address the judge as "Your Honor."
- "Don't Lose Your Temper. Stay calm."

Closing Argument
After all evidence is received by the court, each side makes a closing argument. After argument, the judge or members will adjourn to deliberate on the issue of guilt or innocence. If there is a finding of "not guilty," the accused is released and the court-martial process ends. If there is a finding of "guilty," the trial immediately goes to the sentencing phase.
APPENDIX

Understanding the Military Response to Domestic Violence: Tools for Civilian Advocates

DODI 1030.2, June 4, 2004

E5. ENCLOSURE 5

SAMPLE DD FORM 2703

Your Rights As A Victim

As a victim of a crime, you have the following rights under the Victim's Rights and Restitution Act of 1980 (Public Law No. 101-547):

- To be treated with fairness and with respect for your dignity and privacy;
- To be reasonably protected from the accused;
- To be notified of court proceedings;
- To be present at all public court proceedings related to the offense, unless the court determines that your testimony would be materially affected if you heard other testimony at trial;
- To confer with the attorney for the Government (Trial Counsel) in the case;
- To receive available restitution;
- To receive information about the conviction, sentencing, imprisonment, parole eligibility and release of the accused;
- To be offered assistance in understanding and complying with civil protective orders, alimony, custody, visitation, child support or spousal support orders,
- To be offered assistance in seeking legal counsel;
- To be offered assistance in applying for victim compensation from state agencies;
- To be advised of, and, if appropriate, to be provided with, a list of appropriate assistance services available in your community.

Points of Contact:

Service Central Repository

Mike Hendler
(202) 234-5678

Confinement Facility

Alan Goodman
(800) 234-5678

Service Censorship and Parole Board

Gerald Powers
(703) 234-5678

Other

Sara Helen, State Compensation

For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <http://vaw.mil/wac>
Post-Trial Information
For Victims and Witnesses of Crime

Introduction
The brochure details the post-trial process and your rights in that process. Most important is your right to be notified of changes in the confinement status of the offender in your case.

Location of Confinement Facility
The victim and witness assistance program does not deal with the revocation of the confinement. If the accused is convicted of any offense, the court martial will sentence the accused. If the sentence includes confinement, the accused, now called an "inmate," is usually taken immediately to jail. If there is a confinement facility at the installation where the trial was held, the inmate will be held there temporarily.

Depending on the security level of the inmate, he/she may be assigned to various work details around the installation. If the inmate's period of confinement is minimal, and there are adequate facilities on the installation, the inmate may serve the entire sentence at the installation. If there is no confinement facility at the installation, the facility is not adequate to house the inmate, or the sentence is at excess of what is handed at the installation, he/she will be taken to a regional confinement facility. The inmate may later be transferred to other facilities available.

Converting Authority Action
The other parts of the sentence (i.e., forfeitures of pay, reduction in rank) will not be effective until the "converting authority," usually a senior officer, takes "action" on it, generally within 6 to 9 months. The converting authority may disapprove the findings, disapprove or reduce any part of the sentence, or approve or reduce any part of the sentence. The converting authority cannot increase any part of the sentence.

You have the right to submit a statement to the converting authority on how you feel about the inmate receiving clemency. You can ask the Trial Counsel about this right.

Clemency and Parole Consideration
Military Inmates are eligible for parole consideration when they have completed 1/3 of their confinement, and every year thereafter. You may make a statement to the Clemency and Parole Board on how the crime affected you. The statement may be on audio or video tape or in writing and may be sent to the Service Clemency and Parole Board at the address on the back of this page.

A personal appearance before the Board may also be permitted.

Notification Rights
You have the right to be notified in writing of the following changes in the inmate's status:

1. Transfer to another facility, parole, escape, release from confinement, or death while in confinement
2. If the inmate is released on temporary home leave (for example, to visit a dying parent), the confinement facility will make every effort to notify you in advance.

How To Exercise Your Rights
If you want to exercise these rights, and be notified of the dates of any clemency or parole hearings, and changes in the inmate's status, you must fill out DD Form 2704, "Victim/Witness Certification and Election Concerning Inmate Status." You MUST notify the Service Central Repository of all addresses and telephone number changes if you want to receive notices. This information will be kept confidential.

Points of Contact
From now on, your points of contact will be on confinement facility or the Service Central Repository, date on the back of this page. Please call if you have any questions.
APPENDIX

Understanding the Military Response to Domestic Violence: Tools for Civilian Advocates

DODI 1030.2, June 4, 2004

E6. ENCLOSURE 6

SAMPLE DD FORM 2704

<table>
<thead>
<tr>
<th>VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING INMATE STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(This form is exempt from Freedom of Information Act release.)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>PRIVACY ACT STATEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRINCIPAL PURPOSES: To inform victims and witnesses of their post-trial rights; to determine whether the victim or witness of a crime elects to be notified of changes in the confinement status of a convicted criminal offender, and to record the election by the victim or witness of their desire to be notified about subsequent changes in inmate status.</td>
</tr>
<tr>
<td>ROUTINE USES: None.</td>
</tr>
<tr>
<td>DISCLOSURE: Voluntary; however, failure to provide identifying information will prevent the corrections facility from notifying victim or witness of changes in a criminal offender’s status.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION I - ADMINISTRATIVE INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation: Luke AFB</td>
</tr>
<tr>
<td>City: Anytown</td>
</tr>
<tr>
<td>State: AZ</td>
</tr>
<tr>
<td>ZIP Code: 12345-6789</td>
</tr>
<tr>
<td>Incident Number: 1212121212</td>
</tr>
<tr>
<td>Organizational Identifier (ORI): 999999999</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION II - CERTIFICATION OF NO VICTIM OR WITNESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Complete this section only if there are no victims or witnesses who are entitled to notification under the Victim’s Rights and Restitution Act of 1990, and DoD Instruction 1030.2.)</td>
</tr>
</tbody>
</table>

| As representative for the Government in the court-martial case of United States v. |
| Perpetrator, John Q. |
| Name of accused (Last, first, middle initial) |
| 123-456-7890 |
| Convicted number |
| Self-explanatory |
| [Court-martial convening order number, date, and issuing command] |

I certify that this case does not involve a victim or witness entitled to receive information about the confinement status of the defendant as required by the Victim’s Rights and Restitution Act of 1990 (Public Law 101-647; 104 Stat. 4820).

<table>
<thead>
<tr>
<th>Prosecutor, Case</th>
</tr>
</thead>
<tbody>
<tr>
<td>20040106</td>
</tr>
<tr>
<td>(Signature of person certifying)</td>
</tr>
<tr>
<td>(Date) (YYYYMMDD)</td>
</tr>
<tr>
<td>(Grade and title)</td>
</tr>
<tr>
<td>(Typed name [Last, first, middle initial])</td>
</tr>
<tr>
<td>Capt, USAF, Chief of Military Justice</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION III - CERTIFICATION OF ADVICE TO VICTIM(S) AND WITNESS(ES)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Complete this section when there are victims or witnesses entitled to notification.)</td>
</tr>
</tbody>
</table>

| I certify that on this date I personally notified the victim(s) and witness(es) in the court-martial case of United States v. |
| Perpetrator, John Q. |
| Name of accused (Last, first, middle initial) |
| 123-456-7890 |
| Convicted number |
| Self-explanatory |
| [Court-martial convening order number, date, and issuing command] |

whose sentence included confinement, of their right under the Victim’s Rights and Restitution Act of 1990 (Public Law 101-647, 104 Stat. 4820), to receive information about the status of the inmate, to include length of sentence, anticipated earliest release date, likely place of confinement, the possibility of transfer, and the right to receive notification of a new place of confinement. I advised of the possibility of parole or clemency with an explanation of these terms. Additionally, I advised of the right to prior notification of the inmate’s parole hearings, release from confinement, escape and death.

I advised that to receive notification of the inmate’s transfer, parole hearings, and release from confinement, the victim or witness must provide the information required in Section IV of this form. I advised all victims and witnesses that if they elect to terminate or reinstate notifications, or if they change their address listed above, they must contact the Military Service Central Repository listed in Section V.

<table>
<thead>
<tr>
<th>Prosecutor, Case</th>
</tr>
</thead>
<tbody>
<tr>
<td>20040106</td>
</tr>
<tr>
<td>(Signature of person providing notification)</td>
</tr>
<tr>
<td>(Date) (YYYYMMDD)</td>
</tr>
<tr>
<td>(Grade and title)</td>
</tr>
<tr>
<td>(Typed name [Last, first])</td>
</tr>
<tr>
<td>Capt, USAF, Chief of Military Justice</td>
</tr>
</tbody>
</table>

DD FORM 2704, MAR 1999

PREVIOUS EDITION IS OBSOLETE.
### SECTION IV - ELECTION TO BE NOTIFIED

The victim(s) and witness(es) listed below have elected the right to receive information about changes in the status of the inmate by initialing the "Yes" block. If the inmate is transferred, they understand that they will be notified of the address of the new confinement facility. They also understand that if they move or their telephone number changes, they must notify the confinement facility of the new address or telephone numbers in order to be notified.

**LIST ALL VICTIMS AND WITNESSES INVOLVED IN THE CASE.** (Indicate whether a victim or witness by entering "V" or "W" in the appropriate column. Those who elect to be notified of inmate-status changes should initial in the "Yes" column; otherwise initial the "No" column.)

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>TELEPHONE NUMBER</th>
<th>V OR W</th>
<th>NOTIFY</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Last, First, Middle Initial)</td>
<td>(Street, Apartment No., City, State, ZIP Code)</td>
<td>(Include Area Code)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Johnson, Mary A.</td>
<td>1234 Main St., Branson, IA 12345-6789</td>
<td>W(123) 456-7890 H(123) 456-1234</td>
<td>V</td>
<td>MAJ</td>
</tr>
</tbody>
</table>

### SECTION V - DISTRIBUTION

**ADDRESSES (Include 9-digit ZIP Code and telephone number.)**

**MILITARY SERVICE CENTRAL REPOSITORY**

self-explanatory

**LOCAL CONFINEMENT FACILITY (Name and address)**

self-explanatory

**LAW ENFORCEMENT/SPECIAL INVESTIGATION**

self-explanatory

**VICTIM/WITNESS (Include name will receive a copy with all other victim/witness addresses blocked out.)**

Mary A. Johnson  
1234 Main St.  
Branson, IA 12345-6789

DD FORM 2704 (BACK), MAR 1999
### E7. ENCLOSURE 7

**SAMPLE DD FORM 2705**

<table>
<thead>
<tr>
<th>Victim/Witness Notification of Inmate Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>(This form is exempt from Freedom of Information Act release.)</td>
</tr>
</tbody>
</table>

#### SECTION I - DISTRIBUTION

1. **To:** (Victim or Witness)  
   Johnson, Mary A.  
2. **From:** (Victim/Witness Assistance Coordinator at Confinement Facility)  
   Smith, Lynda D.  
3. **NAME (Last, First, Middle Initial):**  
   Johnson, Mary A.  
4. **Street Address (Include apartment no.):**  
   123 Main St, Apt 4  
5. **City:**  
   Anytown  
6. **State:**  
   CA  
7. **ZIP Code:**  
   90210  
8. **Telephone Number (Include area code):**  
   (123) 456-7890

#### SECTION II - INMATE STATUS

1. **Inmate Name (Last, First, Middle Initial):**  
   Perpetrator, John Q.  
2. **Register Number:**  
   Assigned by the facility  
3. **Minimum Release Date:**  
   19970601  
4. **Maximum Release Date:**  
   19981215

#### SECTION III - RELEASE ELIGIBILITY

1. **Inmate is Initially Eligible to be Considered for Restoration and Clemency on (YYYYMMDD):**  
   20230101  
2. **Inmate is Scheduled to Meet a Service Clemency and Parole Board for Restoration and Clemency on (YYYYMMDD):**  
   20230201

#### SECTION IV - CHANGE IN INMATE STATUS

1. **Inmate was Approved for:**  
   Clemency  
2. **Parole On (YYYYMMDD):**  
   20230301

#### SECTION V - CLEMMENCY/PAROLE APPROVAL

1. **Inmate's Sentence Has Been Changed As Follows:**

#### SECTION VI - RELEASE

1. **Inmate is Being Released on (YYYYMMDD):**  
   20230401  
2. **Inmate's Release is Under No Community Supervision:**

#### SECTION VII - INMATE ESCAPED

1. **Inmate Escaped Date of Escape:**  
   20230401

#### SECTION VIII - PLANNED RELEASE DESTINATION

1. **Inmate was Transferred to Another Correctional Facility on (YYYYMMDD):**  
   20230501

#### SECTION IX - OTHER

1. **Release Program Began On (YYYYMMDD):**  
   20230601  
2. **Release on Temporary Home Parole from (YYYYMMDD) to (YYYYMMDD):**  
   19950101  
   19950125

#### SECTION X - VICTIM/WITNESS ASSISTANCE COORDINATOR

1. **Name (Last, First, Middle Initial):**  
   Smith, Lynda D.  
2. **Rank:**  
   M Sgt  
3. **Signature:**  
   [Signature]

---

DD FORM 2705, DEC 94
### E8. ENCLOSURE 8

**SAMPLE DD FORM 2706**

<table>
<thead>
<tr>
<th>ANNUAL REPORT ON VICTIM AND WITNESS ASSISTANCE</th>
<th>REPORT CONTROL SYMBOL</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOD-P&amp;R(A)1952</td>
<td></td>
</tr>
</tbody>
</table>

This report summarizes delivery of services to victims and witnesses as prescribed by the Victim and Witness Protection Act of 1987 (18 USC 1512) and the Victim’s Rights and Restitution Act of 1990 (42 USC 10601-10607). It is submitted annually in accordance with DoD Instruction 1030.2.

#### 1. REPORTING OFFICE
Component Responsible Office

#### 2. REPORTING PERIOD

<table>
<thead>
<tr>
<th>a. FROM</th>
<th>b. TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 1996</td>
<td>December 31, 1997</td>
</tr>
</tbody>
</table>

#### 3. DURING THE REPORTING PERIOD, OUR LAW ENFORCEMENT, SPECIAL INVESTIGATION, TRIAL COUNSEL, AND RELATED OFFICES ASSISTED:

- **a. UPON INITIAL CONTACT:**
  
<table>
<thead>
<tr>
<th>Number of Crime Victims</th>
<th>Number of Witnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>11600</td>
<td>12300</td>
</tr>
</tbody>
</table>
  
  Crime victims and witnesses were informed of their rights to assistance (DD Form 2701).

- **b. UPON REFERRAL TO COURT-MARTIAL:**
  
<table>
<thead>
<tr>
<th>Number of Crime Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>9450</td>
</tr>
</tbody>
</table>
  
  Crime victims were informed of their consultation rights in courts-martial (DD Form 2702).

- **c. UPON SENTENCING TO CONFINEMENT:**
  
<table>
<thead>
<tr>
<th>Number of Crime Victims</th>
<th>Number of Witnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>6942</td>
<td>6296</td>
</tr>
</tbody>
</table>
  
  Crime victims and witnesses were informed of their right to be notified of changes in the confinee’s status in prison (i.e., escape, parole, death) (DD Form 2703).

- **d. ONCE INFORMED OF THEIR RIGHT TO BE NOTIFIED OF CHANGES IN THE CONFINEE’S STATUS:**
  
<table>
<thead>
<tr>
<th>Number of Crime Victims</th>
<th>Number of Witnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>4432</td>
<td>6324</td>
</tr>
</tbody>
</table>
  
  Crime victims and witnesses, using the DD Form 2704, elected to be notified of confinee status changes.

#### 4. DURING THE REPORTING PERIOD:

<table>
<thead>
<tr>
<th>Number of Confinee Status Changes</th>
<th>Number of Notification Letters</th>
</tr>
</thead>
<tbody>
<tr>
<td>452</td>
<td>575</td>
</tr>
</tbody>
</table>

Confinee status changes resulted in notification letters (DD Form 2705) being sent from our confinement facilities.

#### 5. AS OF DECEMBER 31, 1997

Our confinement facilities reported the cumulative total of Service confinees for whom they must make victim or witness notifications as follows:

- **[Army]** 50
- **[Navy]** 50
- **[Air Force]** 50
- **[Marines]** 50
- **[Coast Guard]** 5
- **[Other]** 5

#### 6. DOD COMPONENT RESPONSIBLE OFFICIAL

- **a. NAME (Last, First, Middle Initial)**
  self-explanatory

- **b. SIGNATURE**

- **c. DATE SIGNED (YYYYMMDD)**

DD FORM 2706, DEC 94 (EG)
MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY
(MANPOWER AND RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE NAVY
(MANPOWER AND RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE AIR FORCE
(MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Duration of Payment for Transitional Compensation for Abused Dependents

Reference: DoDI 1342.24, “Transitional Compensation for Abused Dependents,”
May 23, 1995

Due to legislative changes contained in the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136) and other policy updates, the referenced instruction is in the coordination process for revision and reissuance. Since P.L. 108-136, §572(b)(2) specifically requires policy pertaining to the duration of transitional compensation payments to be established within 6 months of the law’s enactment, the following will be effective immediately: “the duration of payments of transitional compensation for abused dependents shall be a period of not less than 12 months and not more than 36 months, as established in policies prescribed by the Secretary concerned, but when the unserved portion of the member’s obligated active duty service, as of the starting date of payment, is greater than 12 months and less than or equal to 36 months, the duration of payment shall be no less than the unserved portion.”

The revised instruction will incorporate this policy.

[Signature]
Charles S. Abell
Principal Deputy
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Clarifying Guidance Concerning the DD Form 2873, Military Protective Order

The DD Form 2873, Military Protective Order (MPO) will be revised due to concerns with its use and dissemination. Until the revised form is distributed, neither the Service member’s nor the protected person’s social security number, date of birth, telephone number, or current residence are to be entered on the form. Information regarding the unit and installation of the protected person may not be entered on the form when such information, if known to the Service member, could endanger the protected person.

Distribution of the form shall be limited to the Service member, the Service member’s local personnel file, and if authorized or otherwise justified, to the protected person. No further distribution is authorized.

Because the MPO shall be filed in a Privacy Act system of records, disclosure of the MPO form to the protected person may only be made if authorized. It has been determined that the Army and the Navy currently have an established routine use (RU) for their respective records systems that will permit release, but that the Air Force and the Marine Corps do not. Until the Air Force and Marine Corps establish RUs, release potentially can be justified under the Freedom of Information Act exception to the Privacy Act. Or as an alternative justification, it can possibly be argued that the MPO constitutes a dual record, both about the Service member and about the protected person, whose purpose can only be realized if the protected person is made aware of the restrictions being imposed on the member. However, in the absence of an RU, it is strongly encouraged that disclosures to protected persons only be made in coordination with Service privacy officials and supporting counsel.
MPOs shall be destroyed six (6) months after the order expires. Once the form is revised, action must be taken to destroy any paper stockpiles of the current form as their use will no longer be authorized. The revised MPO should be available not later than July 30th in an electronic format on official Defense Web sites.

Charles S. Abell
Principal Deputy
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Establishing Protocols for Law Enforcement and Command Responses to Domestic Violence Involving Military Members on Active Duty

This directive-type memorandum and the attached sample protocols provide guidance for establishing law enforcement and command responses to domestic violence involving an active duty military member as either the abuser or the victim. Each Military Service shall establish Service-specific guidance based upon the protocols to help reduce the incidence and severity of domestic violence through prompt and effective law enforcement investigation and command action.

Law enforcement personnel shall be responsible for investigating reports of domestic violence and assembling evidence indicating whether or not an act, attempted act, or threatened act of non-accidental physical force has occurred, by whom and against whom, and the impact the act has had on the victim in terms of actual or potential physical injury or the fear it creates (see Attachment 1).
Commanding officers shall be responsible for ensuring that military abusers are held to account for their criminal conduct through appropriate disposition under the Uniform Code of Military Justice and/or administrative regulations, as appropriate (see Attachment 2).

This memorandum is effective immediately. A DoD issuance implementing this policy shall be issued within 180 days.

David S. C. Chu

Attachments:
As stated
Attachment 1

Sample Protocol for Law Enforcement Response to Domestic Violence

Purpose

To establish an effective law enforcement response to domestic violence.

Policy

Law enforcement personnel shall respond to reports of domestic violence as they would to credible reports of any other crime. Law enforcement personnel shall further ensure that alleged victims are informed of services available to victims of domestic violence.

Scope

These guidelines apply to any act of domestic violence involving a military member on active duty either as the abuser or as the victim. Acts of domestic violence constitute chargeable offenses under the United States Code, the Uniform Code of Military Justice, or state law involving the use, attempted use, or threatened use of force or violence, or a violation of a lawful order of protection against (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common residence.

Dispatcher Responsibilities

1. Upon receiving a domestic violence call, the dispatcher should attempt to elicit from the caller and any accessible law enforcement records as much of the following information as possible:

   - The nature of the alleged incident.
   - The address or specific location of the alleged incident.
   - A telephone number where the caller can be reached.
   - Whether firearms or other weapons were involved in the incident or are otherwise present in the home or location.
   - Whether an ambulance is needed.
   - Whether the alleged suspect is present. If not, the alleged suspect’s description, direction of flight, and mode of travel.
   - Who else is present at the scene, their involvement in the alleged incident, and their relationship to the parties.
   - Whether there have been previous domestic violence incidents involving the parties.
   - Whether there is a protective order in effect involving the parties.

2. The dispatcher should then relay the information to the responding law enforcement personnel either in person or via a secure radio network.
First Responder Responsibilities

1. Responding law enforcement personnel should approach the scene of a domestic violence incident as one of high risk.

2. Upon arrival, law enforcement personnel should identify themselves, explain their presence, and request entry to investigate the call. If refused entry, be persistent. Seek appropriate legal advice if a forced entry is contemplated.

3. Once inside, law enforcement personnel should establish control by:
   - Identifying potential weapons in the surroundings.
   - Separating the alleged victim and the alleged suspect.
   - Restraining, detaining, or apprehending the alleged suspect as needed.
   - Assessing injuries, administering first aid, or notifying emergency medical services.
   - Inquiring about the alleged incident.
   - Identifying all occupants and witnesses on the premises.
   - Separating occupants and witnesses from the alleged victim and the alleged suspect and keeping them out of hearing range.

4. Once control has been established, interview the alleged victim and suspect as fully as circumstances allow.

5. Ensure the alleged victim’s safety and privacy by interviewing the alleged victim in an area apart from the alleged suspect, witnesses, and occupants. Be sure to inquire about any history of abuse or existing protective orders. Fully investigate all orders violations. Encourage the alleged victim to seek a medical examination and arrange transport as needed. Inquire about injuries that are concealed by clothing or otherwise not readily apparent. Advise the alleged victim to contact law enforcement and arrange for photographs to be taken of other injuries that become apparent in the days following the incident.

6. If the alleged suspect has fled the scene, attempt to get information about potential whereabouts.

7. Interview any witnesses as fully and as soon as circumstances allow.

8. Interview children in a manner appropriate to their age.

9. Collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence substantiating the victim’s injuries and crime scene, and evidentiary articles that substantiate the incident.

10. Follow established law enforcement procedures pertaining to apprehension (for military personnel) and detention (for civilians). Comply with training on whether advisement of rights under the 5th Amendment of the U.S. Constitution or Article 31 of the Uniform Code of Military
Justice is required. Civilian suspects should be detained and turned over to DoD or local law enforcement personnel having arrest authority for further disposition.

11. Seek appropriate legal advice if seizure of firearms not directly tied to the incident is contemplated.

12. If apprehension or detention is not authorized, explain to the alleged victim the reasons why apprehension or detention is not going to occur.

13. Whether or not apprehension or detention occurs, law enforcement personnel should not leave the scene of the incident until the situation is fully under control and the likelihood of further violence has been eliminated. Law enforcement personnel should inform the alleged victim of the availability of local shelter facilities, victim advocate and other domestic violence services, and procedures for obtaining a protective order. If the alleged victim desires to take advantage of the shelter option, law enforcement personnel are obliged to stand by as belongings are gathered for the stay at the shelter and arrange transport, as needed.

14. A detailed written report of the investigation should be promptly completed and a copy forwarded to the suspect’s commanding officer or provided to local law enforcement authorities when the alleged suspect is a civilian in accordance with DoD or local law enforcement requirements and procedures.

Disclaimer

This guidance is intended only to improve the internal administration of the Department of Defense. It does not create any rights enforceable by any person, organization, or other entity in an administrative proceeding or at law or equity. Failure on the part of law enforcement personnel to comply with any aspect of these guidelines shall not create any rights or privileges in the persons referenced and shall not operate to provide a defense or other remedy in any proceeding arising under this protocol.
Attachment 2

Sample Protocol for Commanding Officer Response to Domestic Violence

Purpose

To establish an effective command response to domestic violence.

Policy

Commanding officers shall respond to reports of domestic violence as they would to credible reports of any other crime, and ensure that alleged victims are informed of services available to victims of domestic violence. Commanding officers at all levels, beginning with unit-level commanders closest to the accused, shall be familiar with the responsibilities delineated below. If a particular responsibility is beyond a commander’s capabilities, he/she shall involve his/her next higher in the chain of command.

Scope

These guidelines apply to any act of domestic violence involving a military member on active duty as either the abuser or the victim. Acts of domestic violence constitute chargeable offenses under the United States Code, the Uniform Code of Military Justice, or state law involving the use, attempted use, or threatened use of force or violence, or a violation of a lawful order of protection against (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common residence.

Commanding Officer Responsibilities

1. Upon receiving a report of domestic violence, commanders shall counsel a military suspect about his/her alleged misconduct, but only after providing the military suspect his/her Article 31 rights under the Uniform Code of Military Justice.

2. Refer any incident of domestic violence reported or discovered independent of law enforcement to law enforcement for formal investigation.

3. Secure safe housing for the alleged victim as needed.

4. Direct the alleged abuser to alternative housing as needed.

5. Consider issuing a military protection order, as necessary, and monitor compliance as needed.

6. Cooperate in making the alleged abuser available to be served with a civilian protection order as needed. Obtain a copy of the protection order and review it with the legal office.
7. If the alleged abuser is a civilian, consider requesting that the installation commander bar the individual from the installation.

8. If the alleged abuser is a civil service employee, consult with the servicing civilian personnel office as the employee may be subject to disciplinary action.

9. Provide the alleged victim with information about victim advocate services, legal services, the Victim Witness Assistance Program, and transitional compensation as needed.

10. Monitor the alleged victim’s safety.

11. Review each law enforcement investigative report with the installation legal office to determine if punitive and/or administrative action is warranted, and the level of appropriate disposition in accordance with the Uniform Code of Military Justice and/or administrative regulations.

12. Consult Family Advocacy Program (FAP) staff to determine if an abuser is a suitable candidate for intervention services.

13. Consult personnel officials to determine if Temporary Duty or Permanent Change of Station (PCS) orders that interfere with the completion of any directed intervention services should be cancelled or delayed.

14. Document command actions and report such actions through installation law enforcement officials for inclusion in the Defense Incident Based Reporting System.

**Garrison or Installation Commanding Officer Responsibilities**

In addition to assisting unit-level commanders with the responsibilities above, garrison or installation commanders will:

1. Establish, oversee, and provide authority for the installation Family Advocacy Program.

2. Ensure 24-hour-a-day capability to report and respond to domestic violence calls.

3. Require investigation of every reported incident of domestic violence.

4. Ensure that all programs and organizations with roles in responding to domestic violence have the necessary protocols and procedures in place to execute their responsibilities.

5. Institute and participate in the installation Family Advocacy Committee.

6. Direct installation law enforcement and legal officials to seek formal memoranda of understanding with their local civilian counterparts to enhance information sharing regarding domestic violence investigations, arrests, and prosecutions involving military personnel.
Disclaimer

This guidance is intended only to improve the internal administration of the Department of Defense. It does not create any rights enforceable by any person, organization, or other entity in an administrative proceeding or at law or equity. Failure on the part of a commander to comply with any aspect of these guidelines shall not create any rights or privileges in the persons referenced and shall not operate to provide a defense or other remedy in any proceeding arising under this protocol.
MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT
OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Domestic Abuse Victim Advocate Program

References: (a) Section 534 of the National Defense Authorization Act for
Fiscal Year 1995, P.L. 103-337

(b) DoD Directive 5400.11, “DoD Privacy Program,” December 13,
1999

(c) DoDD 1030.1, “Victim and Witness Assistance,” April 13, 2004

(d) DoDI 1030.2, “Victim and Witness Assistance Procedures,” June
4, 2004

This directive-type memorandum assigns responsibilities and establishes
procedures for the Domestic Abuse Victim Advocate Program in the Department of
Defense (DoD). Operative terms are defined in Attachment 1.

It is DoD policy that victims of domestic abuse, whether living on or off the
installation, shall have access to victim advocacy services in accordance with the protocol
at Attachment 2. The Military Departments shall ensure that advocacy services are
available to victims twenty-four hours a day through either personal or telephonic
contact, and shall include both immediate and ongoing information and referral assistance, safety planning, and support services. Victims of domestic abuse who are eligible to receive military medical treatment, to include on a fee-paying basis, shall have access to both immediate and ongoing victim advocacy services. This includes treatment and services at military treatment facilities and Tricare services, as well as all services listed in Attachment 2. Victims who are not eligible to receive military medical treatment shall receive safety planning services only and shall be referred to civilian support services for all follow-on care. If safety plans are retained by victim advocates, they shall be kept by the victims’ name or personal identifier in an appropriate Privacy Act system of records (reference (b)).

Providing increased protection to victims through ongoing safety planning with victim advocates (see Attachment 3) and a coordinated community response are critical to domestic abuse prevention and intervention efforts. It is also important that victims be actively involved in all aspects of the development of their safety and service plans, and that they be afforded the right to make decisions regarding their safety and welfare, including the right to refuse victim advocacy services.

This memorandum is effective immediately. A DoD issuance implementing the Domestic Abuse Victim Advocate Program shall be issued within 180 days.

David S. C. Chu

Attachments:
As stated
ATTACHMENT 1

DEFINITIONS

ADVOCACY SERVICES. Services that are offered to victims of domestic abuse with the goal of increasing victim safety and autonomy. Services shall include, but not necessarily be limited to, responding to victims' emergency and ongoing safety concerns and needs, providing information about programs and services available to victims and their children in both the civilian and military communities, and providing victims with ongoing support and referrals.

CATEGORIES OF SUPPORT AVAILABLE. Victims of domestic abuse who are eligible to receive military medical treatment, to include on a fee-paying basis, shall have access to both immediate and ongoing victim advocacy services. This support includes treatment and services at military treatment facilities and Tricare services, as well as all services listed in the Domestic Abuse Victim Advocate Protocol. Victims who are not eligible to receive military medical treatment shall receive safety planning services only and shall be referred to civilian support services for all follow-on care.

DOMESTIC ABUSE. Domestic abuse is (1) domestic violence or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty when such violence or abuse is directed toward a person of the opposite sex who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

DOMESTIC VIOLENCE. An offense under the United States Code, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or the violation of a lawful order issued for the protection of a person of the opposite sex, who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common, or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

SAFETY PLANNING. A process whereby a victim advocate, working with a domestic abuse victim, creates a plan, tailored to that victim's needs, concerns and situation, that will help increase the victim's safety and help the victim to prepare for, and potentially avoid, future violence.

VICTIM ADVOCATE. An employee of the Department of Defense, a civilian working under contract for the Department of Defense, or a civilian providing services via a formal memorandum of understanding between the installation and a local victim advocacy service agency, whose role is to provide safety planning services and
comprehensive assistance and liaison to and for victims of domestic abuse, and to educate personnel on the installation regarding the most effective responses to domestic abuse on behalf of victims and at-risk family members.

VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP). A program established by DoD Directive 1030.1, “Victim and Witness Assistance” and DoD Instruction 1030.2, “Victim and Witness Assistance Procedures” that assists victims and witnesses of crimes punishable under the Uniform Code of Military Justice from initial contact with the program through investigation, prosecution, and confinement. Under this program, an installation level Victim/Witness Coordinator or Liaison shall be designated to ensure that the rights of victims are protected. Advocacy services are not provided through this program.
ATTACHMENT 2

DOMESTIC ABUSE VICTIM ADVOCATE PROTOCOL

2.1. VICTIM ADVOCATE PROGRAM. Domestic abuse victim advocates provide
to victims of domestic abuse a resource for immediate and ongoing information and referral
assistance, safety planning, and support services. Victims who are eligible to receive
medical treatment shall have access to both immediate and ongoing support.
Vicxms who are not eligible to receive medical treatment shall receive only
referral information on civilian support services. In partnership with military and civilian
service providers, victim advocates also promote a coordinated community response to
the prevention of and intervention in domestic abuse.

2.2. ADVOCACY TO INDIVIDUAL VICTIMS

2.2.1. Initial Response. The domestic abuse victim advocate shall:

2.2.1.1. Ensure the availability of 24-hour victim advocacy services either
through personal or telephonic contact.

2.2.1.2. Ensure that the victim understands that talking to the victim advocate is
voluntary.

2.2.1.3. Inform the victim that victim advocates are mandated to report domestic
abuse to the Family Advocacy Program.

2.2.1.4. Ascertain the victim's immediate needs.

2.2.1.5. Encourage the victim to seek medical consultation/examination.

2.2.1.6. Assess for imminent danger of life-threatening physical harm to the
victim or another person. Law enforcement shall be notified if there is a threat of
imminent danger, or of any criminal activity against the victim or another person.

2.2.1.7. Seek immediate consultation from a credentialed medical provider as
defined in reference (c) when there is an imminent danger of life-threatening physical
harm to the victim or another person for facilitation of further assessment and continued
safety planning.

2.2.1.8. Discuss an initial safety plan and, with the active participation of the
victim, develop a plan in accordance with the safety plan, DD Form ___, at Attachment
3. Victims who are not eligible for military medical care will be provided a copy of the
initial safety plan. A copy of the safety plan shall be retained by the victim advocate only when victims are eligible for military medical care and will continue to see the advocate. In all other instances, a copy shall not be retained. A victim whose plan is retained shall be informed by the victim advocate that the plan will be kept in a record and where the record will be located. The victim shall also be informed that the purpose of maintaining a record is to enable the victim and the victim advocate to continue their discussion of the victim’s safety, to develop the safety plan more fully, and to record services provided to the victim.

2.2.1.9. Ensure victims are aware of the legal actions available to promote their safety.

2.2.1.10. Offer victims information, as appropriate, regarding: local resources for immediate safety and long-term protection and support, workplace safety, housing, childcare, legal services, clinical resources, medical services, chaplain resources, transitional compensation, and other military and civilian support services.

2.2.1.11. Facilitate victim contact with military and civilian resources, as appropriate.

2.3. **ONGOING ASSISTANCE** The domestic abuse victim advocate shall:

2.3.1. When requested by the victim, or when the victim has provided consent, collaborate with the Family Advocacy Program (FAP), law enforcement, and the command to ensure that they are aware of the victim’s safety plan.

2.3.2. Maintain follow-up contact with the victim as appropriate.

2.3.3. Develop a safety plan with the victim, if one hasn’t already been completed, and review it periodically with the victim.

2.3.4. Support the victim in decision-making by providing relevant information and discussing available options.

2.3.5. Assist the victim with prioritizing actions and establishing short and long-term goals.

2.3.6. Support the victim in advocating on her or his own behalf.

2.3.7. Provide the victim comprehensive information and referral on relevant local military and civilian resources, the National Domestic Violence Hotline, and Military OneSource.
2.3.8. Assist the victim in gaining access to service providers and victim support resources that can help the victim explore future options and prioritize actions.

2.3.9. Assist the victim in contacting appropriate military and civilian legal offices for personal legal advice and assistance specific to the victim's circumstances or case, including the filing for civilian or military protective orders. The victim advocate shall not provide legal advice, but can provide general information on the civil or criminal legal process.

2.3.10 Consult and work with the Victim/Witness Liaison assigned when the military is involved in the investigation or disposition of an offense punishable under the Uniform Code of Military Justice (UCMJ).

2.3.11. Advise the victim of FAP clinical resources.

2.3.12. Advise the victim of the impact of domestic violence on children and offer referrals for assessments of the physical and mental health of involved children.

2.3.13. Accompany the victim to appointments and civilian and military court proceedings, as appropriate and when requested by the victim.

2.4. ONGOING SAFETY PLANNING

2.4.1. Safety planning is an essential step in addressing the victim's immediate and long-term safety concerns. The safety planning process helps a victim explore options and prioritize actions. If children are involved, the process also explores their safety and emotional needs and the resources available to address those needs. Safety plans should be periodically reviewed with the victim.

2.4.2. In assessing the risk of imminent harm to the victim and the potential for escalation of violence, the victim advocate should weigh the existence and frequency of the following risk factors:

2.4.2.1. Victimization patterns have increased in severity or frequency.

2.4.2.2. Abuser has threatened or attempted to kill the victim or his/her children.

2.4.2.3. Abuser has threatened or attempted suicide.

2.4.2.4. Abuser has choked the victim.

2.4.2.5. Abuser has used a weapon or threatened to use a weapon against the victim.
2.4.2.6. Victim has sustained serious injury during the abusive incidents.

2.4.2.7. Police have had prior contact with the abuser regarding domestic abuse.

2.4.2.8. Victim has a restraining order or order of protection against the abuser.

2.4.2.9. Victim is estranged, separated, or attempting to separate from the abuser.

2.4.2.10. Abuser has stalked the victim.

2.4.2.11. Abuser exhibits obsessive behavior, extreme jealousy, or extreme dominance.

2.4.2.12. Abuser abuses drugs or alcohol.

2.4.2.13. Abuser has forced sex on the victim.

2.4.3. Prior to closure of the victim advocacy case file, the victim advocate should contact the victim to assess the need for additional or ongoing safety measures.

2.5. FAP CASE REVIEW COMMITTEE (CRC) The victim advocate shall:

2.5.1. Attend all CRC meetings involving the victim to represent the victim's needs.

2.5.2. Collaborate with other CRC team members to ensure the victim's needs are met.

2.6. SYSTEM ADVOCACY

2.6.1. The victim advocate is responsible for promoting a coordinated community response for the prevention of domestic abuse and intervention when domestic abuse occurs. As a system advocate, the victim advocate shall:

2.6.1.1. Conduct an ongoing assessment of the consistency and effectiveness of the Domestic Abuse Victim Advocate Program at the victim advocate's installation.

2.6.1.2. Collaborate with other agencies and activities to improve system response to, and support of, victims.

2.6.1.3. Advocate for victim services that involve the victim in the decision-making process.
2.6.1.4. Collaborate with military and civilian law enforcement and criminal investigative units to establish a protocol and procedures to ensure: (1) availability of a victim advocate 24 hours a day for all incidents of suspected or reported domestic abuse occurring on or off the installation involving either active duty military personnel or DoD civilians eligible to receive military medical treatment, (2) collaboration on safety planning and safety measures, and (3) ongoing training of military and civilian law enforcement personnel on the victim advocate role.

2.6.1.5. Collaborate with the DoD sponsored Medical Treatment Facility (MTF) and Dental Treatment Facility (DTF) to establish a protocol and procedures to ensure availability of a victim advocate 24 hours a day for all incidents of suspected or reported domestic abuse, and ongoing training of medical/dental facility personnel on the victim advocate role.

2.6.1.6. Establish liaison with FAP intervention and prevention staff.

2.6.1.7. Establish liaison with civilian victim resources.

2.6.2. The victim advocate shall be a member of the installation Family Advocacy Committee (FAC). As a member of the FAC, the victim advocate shall participate in the development, implementation, and evaluation of installation domestic abuse policies and procedures, including Memoranda of Understanding (MOUs), victim services contracts, and Inter-Service Support Agreements.

2.7. EDUCATION/TRAINING AND PUBLIC AWARENESS

The victim advocate shall:

2.7.1. Assist in educating command and installation personnel on domestic violence and victim advocate services.

2.7.2. Provide briefings on victim advocacy services to active duty personnel, the civilian spouses of active duty personnel, and DoD civilians when the latter are eligible to receive military medical treatment.

2.7.3. Assist in training military first responders, including law enforcement and MTF/DTF personnel, command personnel, and chaplains.

2.7.4. Assist in training civilian service providers about military victim issues, resources and services.
2.7.5. Participate in development and collaboration of public awareness campaigns on victim rights and advocacy services.

2.7.6. Assist in planning events for Domestic Violence Awareness Month.

2.7.7. Participate in private sector domestic abuse councils.
ATTACHMENT 5

PRIVACY ACT

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.


PRINCIPAL PURPOSE: The information on this form will be used to provide victims of domestic violence with a plan for increasing their personal safety and to prepare victims for steps to take if further abuse or violence occurs.

ROUTINE USE(S): None

DISCLOSURE: Voluntary. However, failure to provide the information may make it more difficult to develop a comprehensive safety plan.

SAFETY PLAN

Name: ____________________

Date: ____________________

Review dates: ____________________

The following represents my plan for increasing my safety and preparing in advance for the possibility of further abuse or violence. Although I do not have control over my abuser’s behavior, I do have a choice about how to respond to him/her and how to best get my children and myself to safety.
Some of the things I can do are:

1. **Increasing my overall safety.** I may not always be able to avoid violent incidents. In order to increase my safety, I may use a variety of strategies.

   I can use some or all of the following strategies:

   A. If I decide to leave, I will ____________________________
      (I will practice how to get out safely. What doors, windows, elevators, stairwells or fire escapes would I use?)

   B. I can keep my personal belongings (purse, car keys, etc.) ready and put them ____________________________ in order to leave quickly.

   C. I can tell ____________________________ about the violence and request they call the military or civilian police if they hear suspicious noises coming from my house. I can also tell ____________________________ about the violence and request they call the military or civilian police if they hear suspicious noises coming from my house.

   D. I can teach my children how to use the telephone to contact the police and the fire department, and how to report violence or other problems.

   E. I will use ____________________________ as my code word with my children or my friends so they can call for help.

   F. If I have to leave my home, I will go ____________________________
      (I should decide this even if I don’t think there will be a next time.)
      If I cannot go to the location above, then I can go to ____________________________
      or ____________________________

   G. I can also teach some of these strategies to some/all of my children.

   H. When I expect we are going to have an incident, I will try to move to a space that is lowest risk, such as ____________________________
      (I will try to avoid incidents in the bathroom, garage, and kitchen, near weapons or in rooms without access to an outside door.)

   I. I will use my judgment and intuition. If the situation is very serious, I can give my abuser what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.
2. Protecting myself during an incident or if planning to leave. If I am planning to leave, I should do so without telling my abuser face-to-face. If I have to leave quickly (during an incident), I WILL JUST LEAVE. I will not talk with my abuser about it. If I am going to leave at another time, I will leave when my abuser is not home and communicate with him/her later by phone or letter from a safe place.

3. Safety when preparing to leave. I may decide to leave the residence I share with my abuser. I must have a careful plan for leaving in order to increase my safety. My abuser might strike out and become more violent if he/she believes that I am leaving the relationship.

I can use some or all of the following safety strategies:

A. I will leave money and an extra set of keys with __________________________ so I can leave quickly.

B. I will keep copies of important documents or keys at __________________________.

C. I will open a savings account by (date) __________________ to increase my independence. I will use __________________ as the mailing address so that the monthly statement is not sent to my home.

D. Other things I can do to increase my independence include: __________________________
   __________________________
   __________________________

E. The domestic violence program's hotline number is __________________________.
   I can seek shelter by calling this hotline.

F. I can keep change for phone calls on me at all times. I understand that if I use my telephone credit card, the following month the telephone bill will tell my abuser those numbers that I called before or after I left. To keep my telephone communication confidential, I must either use coins or a pre-paid phone card or I might get a friend to permit me to use his/her telephone credit card for a limited time when I first leave.

G. I will check with __________________________ and __________________________ to see who would be able to let me stay with them or lend me some money.

H. I can leave extra clothes with __________________________.
I. I will not tell my abuser face-to-face that I am leaving, or I will leave without talking with my abuser.

J. I will sit down and review my safety plan every ______ in order to plan the safest way to leave the residence. (Domestic violence advocate or friend) ____________________________ has agreed to help me review this plan.

K. I will rehearse my escape plan and, as appropriate, practice it with my children.

4. Items to take when leaving. If I decide to leave my abuser, it is important to take certain items with me. I may also want to give an extra copy of papers and an extra set of clothing to a friend just in case I have to leave quickly.

Items with dots on the following list are the most important to take. If there is time, I might take the other items or store them somewhere outside my home so I can get to them easily.

These items might best be placed in one location, so that if we have to leave in a hurry, I can grab them quickly. When I leave, I should take:

- Identification for myself
- Military Identification Card
- Children’s birth certificates
- My birth certificate
- Passports
- Social Security number for myself, the DoD sponsor, and my children
- Money
- Checkbook, ATM (Automatic Teller Machine) card
- Credit cards
- Keys—house/car/office
- Driver’s license and registration
- Medications
- Work permits
- Green card
- Divorce papers/custody papers
- Medical records
- Lease/rental agreements, mortgage payment book
- Bank books
- School and vaccination records
- Insurance papers
• Address book
• Pictures
• Jewelry
• Children’s favorite toys and/or blankets
• Small saleable items (not abuser’s property)

5. Safety in my own residence. If I no longer reside with my abuser or if I have my own residence, there are many things that I can do to increase my safety in my own residence. Depending on my residence, it may not be possible to do all the measures that are listed here or to do them all at once, but I will take all of them into consideration to protect my safety.

Safety measures I can use include:

A. I can change the locks on my doors and windows as soon as possible.
B. I can replace wooden doors with steel/metal doors.
C. I can install security systems including additional locks, window bars, poles to wedge against doors, an electronic system, etc.
D. I can purchase rope ladders to be used for escape from second floor windows.
E. I can install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
F. I can install an outside lighting system that lights up when a person is coming close to my house.
G. I will teach my children how to use the telephone to make a collect call to me and to ______________________ (friend/clergy person/other) in the event that my abuser takes the children.
H. I will tell people who take care of my children which people have permission to pick up my children and that my abuser is not permitted to do so. The people I will inform about pick-up permission include:
   ________________________ (school),
   ________________________ (day care staff),
   ________________________ (babysitter),
   ________________________ (SundaySchool/religious school teacher),
   ________________________ (Teacher), and
   ________________________ (Others)
I. I can inform ______________________ (neighbor),
_____________________________ (pastor/religious leader), and
___________________________ (friend)
that my abuser no longer resides with me and they should call the military or
civilian police if he/she is observed near my residence.

6. Safety with a protection order. My abuser should obey protection orders, but I
can never be sure. I recognize that I may need to ask the military or civilian
police, the courts, and the military commanding officer to enforce my protection
order.

The following are some steps that I can take to help the enforcement of my
protection order:

A. I will keep my protection order at (location)

B. I will always keep a copy of my protection order with me. If I change
purses/wallets, that’s the first thing that should go in.

C. I will give a copy of my protection order to military and civilian police
departments in the community where I work, in those communities where I
usually visit family or friends, and in the community where I live.

D. There may be a county registry of protection orders that all police departments
can call to confirm a protection order. I will check to make sure that my order
is in the registry. The telephone number for the county registry of protection
orders is _______________________.

E. For further safety, if I often visit other counties, I might file my protection
order with the court in those counties. I will register my protection order in the
following counties: ______________________ and ______________________.

F. I can call the domestic violence program if I am not sure about B., C., or D.
above or if I have some problem with my protection order.

G. I will inform my employer, my clergy person, my closest friends, and
_____________________________ that I have a protection order in effect.

H. If my abuser destroys my protection order I can get another copy by going to
_____________________________ located at ______________________.
If my abuser violates my protection order, I can call the police and report a violation, contact my attorney, call my advocate, and/or advise the court of the violation.

I. If law enforcement does not help, I can contact my advocate or attorney and will file a complaint with the chief of the law enforcement department.

J. I can also file a private civil complaint in the jurisdiction in the U.S. where the violation occurred. I can charge my abuser with a violation of the protection order. (I can also ask if the jurisdiction where the violation occurred permits the filing of private criminal complaints.) I can call the domestic violence advocate to help me with this.

7. Safety on the job and in public. I must decide if and when I will tell others that my abuser is abusive and that I may be at continued risk. Friends, family and co-workers can all offer protection. I should carefully consider which people to invite to help secure my safety.

I might do any or all of the following:

A. I can inform my boss, the security supervisor, military commanding officer, senior enlisted advisor, and __________ at work of my situation.

B. I can ask ______________________ to help screen my telephone calls at work.

C. When leaving work, I can ________________________________

D. When driving home, if problems occur, I can ________________________________

E. If I use public transit, I can ________________________________

F. I can use different grocery stores and shopping malls to conduct my business and shop at hours that are different than those when I was residing with my abuser.

G. I can use a different bank and take care of my banking at hours different from those I used when residing with my abuser.

H. I can also ________________________________.
8. Safety and drug or alcohol use. Many people use alcohol. Many use mood-altering drugs. Some drugs are legal; others are not. The Department of Defense has a zero-tolerance policy for active duty members with regard to the use of illegal drugs, and there are Federal and State criminal laws addressing the use of illegal substances. Therefore, I should carefully consider the potential costs to my family and me if someone in my family is using illegal drugs. But beyond this, the use of any alcohol or other drugs can reduce my awareness and ability to act quickly to protect myself from my abuser. Alcohol or drug use may also affect the way my abuser responds to different situations. Therefore, in the context of drug or alcohol use, I need to make specific safety plans.

If drug or alcohol use has occurred in my relationship with my abuser, I can enhance my safety by some or all of the following:

A. If I am going to use alcohol, I can do so in a safe place and with people who understand the risk of violence and are committed to my safety.

B. I can also ____________________________

C. If my abuser is using, I can ____________________________

D. I might also ____________________________

E. To safeguard my children, I might ____________________________ and ____________________________

9. Safety and my emotional health. The experience of being battered and verbally degraded by abusers is usually exhausting and emotionally draining. The process of building a new life for myself takes much courage and incredible energy.

To conserve my emotional energy and resources and to avoid hard emotional times, I can do some of the following:

A. If I feel down and ready to return to a potentially abusive situation, I can ____________________________

B. When I have to communicate with my abuser in person or by telephone, I can ____________________________
C. I can try to use “I can…” statements with myself and to be assertive with others.

D. I can tell myself: “______________________________” whenever I feel others are trying to control or abuse me.

E. I can read _______________________________ to help me feel stronger.

F. I can call ________________________________ and ________________________________ as other resources to be of support to me.

G. Other things I can do to help me feel stronger are ________________________________, and ________________________________.

H. I can attend workshops and support groups at the domestic violence program or ________________________________ to gain support and strengthen my relationships with other people.

I SHOULD NOT KEEP THIS PLAN WITH ME. I SHOULD DISCUSS WITH MY VICTIM ADVOCATE WHERE AND WITH WHOM THIS PLAN WILL BE KEPT.

I SHOULD DETACH THE PHONE LISTING BELOW AT THE DOTTED LINE AND KEEP IT WITH ME.

PHONE LIST
DETACH AT DOTTED LINE AND KEEP WITH YOU AT ALL TIMES

Telephone numbers I need to know:
• National Domestic Violence Hotline – 1-800-799SAFE
• Police Department – home
• Police Department – school
• Police Department – work
• Military Police
• Commanding Officer/Senior Enlisted Advisor
• Family Advocacy Program Office
• Chaplain
• Domestic Violence Hotline
• Domestic Violence Program/Advocate
• County Registry of Protective Orders
• Work Number
• Supervisor’s home number
• Clergy person
• Attorney
• School/Daycare
• Doctor
• Friend
• Family Member
• Military One Source—from the U.S.: 800-342-9647; overseas: 484-530-5747
• Other
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Restricted Reporting Policy for Incidents of Domestic Abuse

References:
(b) Under Secretary of Defense for Personnel and Readiness Policy Memorandum, “Domestic Abuse Victim Advocate Program,” signed February 17, 2005
(d) DoD 6025.18-R, “DoD Health Information Privacy Regulation,” January 2003

The DoD is committed to ensuring victims of domestic abuse are protected, treated with dignity and respect, and provided support, advocacy, and care. DoD policy also strongly supports effective command awareness and prevention programs and law enforcement and criminal justice activities that will maximize accountability and prosecution of perpetrators of domestic abuse. To achieve these dual objectives, DoD policy prefers that personnel report suspected domestic abuse incidents promptly to activate both victims’ services and accountability actions. However, a requirement that all domestic abuse incidents be reported can represent a barrier for victims hoping to gain access to medical and victim advocacy services without command or law enforcement involvement.
This directive-type memorandum establishes Department of Defense (DoD) guidelines for restricted reporting of incidents of domestic abuse, as defined in Attachment 1, and implements regulations required by Section 585 of Public Law 106-65 (reference (a)). This policy reflects consideration of factors set forth in Section 585(b) of Public Law 106-65 through the deliberations of the Defense Task Force on Domestic Violence, its recommendations, and review and consideration of such recommendations by the Military Departments and the Under Secretary of Defense for Personnel and Readiness. For the purposes of this policy, restricted reporting is limited to adult victims of domestic abuse. Restricted reporting is defined as allowing a victim of domestic abuse, who is eligible to receive military medical treatment, including civilians and contractors who are eligible to receive military healthcare outside the Continental United States on a reimbursable basis, the option of reporting an incident of domestic abuse to specified individuals without initiating the investigative process or notification to the victim’s or alleged offender’s commander. This option provides domestic abuse victims access to medical care and to victim advocacy services, as defined in Attachment 1, as provided under the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) Policy Memorandum, “Domestic Abuse Victim Advocate Program,” (reference (b)).

Domestic abuse often goes unreported in society at large. Although the victim’s decision to report the incident is a crucial step towards holding the offender accountable following a domestic abuse incident, it can have potential serious consequences for the safety and welfare of the victim and other family members. When domestic abuse is reported to military and or civilian authorities who fail to take appropriate action, the abuse may recur and escalate. In the military community, a victim is usually concerned that reporting will have immediate repercussions on the military career of the family-member offender, and thus affect the family’s financial welfare. The result is that this potential impact may often deter the victim from seeking care at all or reporting the domestic abuse incident. Commanders have a responsibility to ensure community safety and due process of law, but they must also recognize the importance of protecting the safety and well-being of victims and other family members. A system that affords victims access to medical and victim advocacy services without immediate command or law enforcement involvement can encourage victims to feel more comfortable and safe about reporting domestic abuse.

In order to address these competing interests, adult victims of domestic abuse incidents will now have two reporting options, which are discussed below: unrestricted reporting and restricted reporting. Regardless of whether the victim elects restricted or unrestricted reporting, confidentiality of medical information will be maintained in accordance with DoD 6025.18-R, “DoD Health Information Privacy Regulation,” (reference (d)).

Unrestricted Reporting: Victims of domestic abuse who want to pursue an official investigation of an incident should use current reporting channels, e.g., chain of
command, Family Advocacy Program (FAP), or law enforcement (reference (c)). Upon notification of a reported domestic abuse incident, victim advocacy services and FAP clinical services will be offered to the victim. Additionally, at the victim’s discretion/request, the healthcare provider shall conduct any forensic medical examination deemed appropriate. Details regarding the incident will be limited to only those persons who have a legitimate need to know.

Restricted Reporting: In cases where an adult victim instead elects restricted reporting, the victim advocate and healthcare providers may not disclose covered communications, as defined in Attachment 1, to either the victim’s or offender’s commander or to law enforcement either within or outside the DoD, except as provided in the exceptions below. However, for purposes of command responsibility and the gathering of accurate data, the victim advocate or his/her supervisor is responsible for reporting information concerning domestic abuse incidents, without information that could reasonably lead to personal identification of the victim or alleged offender, to command officials at the next Family Advocacy Committee (FAC) meeting following receipt of information about the alleged domestic abuse incident, or as directed by the commander responsible for convening the FAC. This will give commanders a clearer picture as to the number and type of domestic abuse incidents within their command, and enhance the commanders’ ability to provide an environment that is safe and contributes to the well-being and mission-readiness of all of its Service members.

Restricted reporting is intended to give adult victims additional time, while benefiting from receiving relevant information and support, to make more informed decisions about reporting the domestic abuse incident to the appropriate commanders and possibly participating in a criminal investigation. A victim who receives appropriate care and treatment, and is provided an opportunity to make an informed decision about reporting to law enforcement or command and the possibility of a criminal investigation, is more likely to develop increased trust that his or her needs are of primary concern, and therefore decide to report the domestic abuse incident to the appropriate commander or law enforcement.

Restricted reporting allows an adult victim of domestic abuse to disclose the details of his or her abuse to specifically identified individuals and receive medical treatment and victim advocacy services without requiring that notice be provided to the alleged offender’s commander or law enforcement. Victims of domestic abuse who desire restricted reporting under this policy must report the abuse to one of the following specified individuals: a victim advocate or healthcare provider, as defined in Attachment 1; or the supervisor of a victim advocate. The supervisor of a victim advocate will assure the assignment of a victim advocate to assist the victim.

Healthcare providers will initiate the appropriate care and treatment, and will report the domestic abuse only to a victim advocate or his/her supervisor. Upon receipt
APPENDIX

Understanding the Military Response to Domestic Violence: Tools for Civilian Advocates

of a report, the victim advocate will notify his or her supervisor as soon as possible if the supervisor is not already aware of the report. The victim advocate will contact the victim and provide the victim accurate information about the process of restricted reporting, as compared to unrestricted reporting, and victim advocacy services. The victim will acknowledge in writing his or her understanding that restricted reporting may limit the government's ability to prosecute the alleged offender in a domestic violence incident and an understanding of the reasons DoD policy favors unrestricted reporting.

Additionally, in connection with an incident of domestic violence, at the victim's discretion/ request, the healthcare provider, if appropriately trained and/or supervised, shall conduct any forensic medical examination deemed appropriate. In the absence of a DoD healthcare provider trained to conduct an examination of this nature, the victim will be appropriately referred for the forensic medical examination. If the victim elects to receive medical care at a civilian facility, regulations governing the release of medical information at that facility apply.

The Inspector General of the Department of Defense, in coordination with the Assistant Secretary of Defense (Health Affairs), shall establish, within 30 days from the date of this memorandum, guidelines for the collection and preservation of evidence, with non-identifying information about the victim and alleged offender, under the restricted reporting process. To the extent possible, the guidelines should be the same as those being developed for collecting and preserving sexual assault evidence under the sexual assault restricted reporting program.

Consistent with current policy regarding privileged communications, victims may also report the abuse to a chaplain. Although a report to a chaplain is not a restricted report under this policy, it is a communication that may be protected under the Military Rules of Evidence or applicable statutes and regulations. The restricted reporting process does not affect any privilege recognized under the Military Rules of Evidence. This restricted reporting policy is in addition to the current protections afforded privileged communications with a chaplain, and does not alter or affect those protections.

Exceptions to Confidentiality and Restricted Reporting and Limitations on Use. In cases in which a victim elects restricted reporting, the prohibition on disclosing covered communications to the following persons or entities will be suspended when disclosure would be for the following reasons:

- Named individuals when disclosure is authorized by the victim in writing.
- Command officials or law enforcement when necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person.
• FAP and any other agencies authorized by law to receive reports of child abuse or neglect when, as a result of the victim's disclosure, the victim advocate or healthcare provider has a reasonable belief that child abuse has also occurred. However, disclosure will be limited only to information related to the child abuse.

• Disability Retirement Boards and officials when disclosure by a healthcare provider is required for fitness for duty for disability retirement determinations, limited to only that information which is necessary to process the disability retirement determination.

• Supervisors of the victim advocate or healthcare provider when disclosure is required for the supervision of direct victim treatment or services.

• Military or civilian courts of competent jurisdiction when a military, Federal, or State judge issues a subpoena for the covered communications to be presented to the court or to other officials or entities when the judge orders such disclosure; or to other officials or entities when required by Federal or State statute or applicable U. S. international agreement.

Healthcare providers may also convey to the victim's commander, if applicable, any possible adverse duty impact related to an active duty victim's medical condition and prognosis in accordance with reference (d). Such circumstances however, do not otherwise warrant an exception to policy, and therefore the specific details of the domestic abuse incident will still be treated as covered communication and may not be disclosed.

If the victim advocate or healthcare provider believes that disclosure is warranted or required pursuant to one of the exceptions listed above, the victim advocate or healthcare provider shall first consult with his or her supervisor and servicing legal office prior to disclosure. When there is uncertainty or disagreement on whether an exception applies, the matter will be brought to the attention of the installation commander for decision. The victim advocate or healthcare provider must also make every reasonable effort to provide the affected victim advance notice of the intention to disclose a covered communication, with a description of the information to be disclosed, the basis for disclosure, and the individual, group or agency to which it will be disclosed. The disclosure will be limited to information necessary to satisfy the purpose of the disclosure in the event the disclosure is made under the authority of one of the exceptions stated above. Further disclosure will not be made unless the domestic abuse victim authorizes the disclosure in writing.
Improper disclosure of covered communications, improper release of medical information, and other violations of this policy are prohibited and may result in discipline under the Uniform Code of Military Justice, loss of credentials, and/or other adverse personnel or administrative actions.

In the event that information about a domestic abuse incident is disclosed to the commander or FAP, from a source independent of the restricted reporting avenues, law enforcement shall also be notified and conduct investigations when appropriate. FAP shall intervene with the family and conduct all appropriate assessments and provide all appropriate treatment. Additionally, a victim’s disclosure of his or her domestic abuse to persons other than those covered by this policy may result in an investigation of the allegations by law enforcement and clinical intervention from FAP. Consistent with current policy, commanders acquiring information under these circumstances about a domestic abuse incident shall immediately notify law enforcement and FAP.

This policy does not create any actionable rights for the alleged offender or the victim, nor constitute a grant of immunity for any actionable conduct by the alleged offender or the victim, nor create any form of evidentiary or testimonial privilege. Covered communications that have been disclosed to persons other than those specified to receive them under the protections of this restricted reporting policy, even if disclosed improperly or inadvertently, may be used in administrative, nonjudicial, or judicial disciplinary proceedings against the alleged offender or the victim.

The DoD recognizes the potential impact of restricted reporting on investigations and a commander’s ability to hold perpetrators accountable, and this policy decision represents the judgment that such risks have been carefully considered but were outweighed by the overall interest in providing domestic abuse victims this form of support. This directive-type memorandum supersedes all regulatory and policy guidance within the Department of Defense not expressly mandated by law that is inconsistent with its provisions or would preclude its execution.

This memorandum provides the framework for restricted reporting. The magnitude of this change requires extensive, in-depth training for DoD personnel and specialized training for commanders, senior enlisted personnel, victim advocates, investigators, law enforcement personnel, FAP personnel, chaplains, healthcare providers, and legal personnel.

All Military Services shall submit a copy of their proposed implementing guidance conforming to this policy not later than 60 days from the date of this memorandum. My point of contact for this action is Mr. Michael Hoskins, Director, Family Violence Policy Office, at (703) 588-0871.
To ensure consistent application across the Military Services, this restricted reporting policy will be effective 90 days from the date of this memorandum. Final implementation of this policy is contingent on approval of Military Department and Service policies consistent with the requirements outlined in this memorandum.

[Signature]

1-22-06
ATTACHMENT I

DEFINITIONS

ADULT. For purposes of this memorandum, an adult is a service member or a person who is not a service member who has either attained the age of eighteen years of age or is married.

COVERED COMMUNICATION. An oral, written or electronic communication of personally identifiable information related to a domestic abuse incident made by a victim to the victim advocate, the supervisor of victim advocates, or to a healthcare provider, for the purposes of receiving medical care or information, referral to service providers, advice, or safety planning. It includes a record relating to such a communication (including statements, notations or reports) but does not include statistical data that does not identify an individual.

DOMESTIC ABUSE. Domestic abuse is (1) domestic violence or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty when such violence or abuse is directed toward a person of the opposite sex who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

DOMESTIC VIOLENCE. An offense under the United States Code, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or the violation of a lawful order issued for the protection of a person of the opposite sex, who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common, or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

HEALTHCARE PROVIDER. For the purposes of this policy, this term applies to those individuals employed or assigned as healthcare professionals, or are credentialed to provide health care services (including clinical social workers), at a military medical or military dental treatment facility, or a military family support center, or who provide such care at a deployed location or in an official capacity. This term includes military personnel, DoD civilian employees or DoD contractor personnel.

VICTIM ADVOCACY SERVICES. Services that are offered to victims of domestic abuse with the goal of increasing victim safety and autonomy. Services shall include, but not necessarily be limited to, responding to victims’ emergency and ongoing safety concerns and needs, providing information about programs and services available to victims and their children in both the civilian and military communities, and providing victims with ongoing support and referrals.
VICTIM ADVOCATE. An employee of the Department of Defense, a civilian working under contract for the Department of Defense, or a civilian providing services via a formal memorandum of understanding between the installation and a local victim advocacy service agency, whose role is to provide safety planning services and comprehensive assistance and liaison to and for victims of domestic abuse, and to educate personnel on the installation regarding the most effective responses to domestic abuse on behalf of victims and at-risk family members. The advocate may also be a volunteer military member, a volunteer civilian employee of the Military Department, or staff assigned as a collateral duty.
At a Glance
Military Resource Handbook
For Virginia’s Sexual and Domestic Violence Centers
Virginia Sexual & Domestic Violence Action Alliance

Mission Statement

The Virginia Sexual and Domestic Violence Action Alliance is a diverse group of individuals and organizations that believe that ALL people have the right to a life free of violence.

We recognize that sexual and domestic violence are linked to other forms of oppression, which disproportionately affect women, children and other marginalized people, harming individuals, families and societies as a whole.

We will use our diverse and collective voice to create a Virginia free from sexual and domestic violence—inspiring others to join and support values of equality, respect and shared power.

Committee Members for this project:

Sexual and Domestic Violence Program/Center Representation: Marcy Wright (Transitions Family Violence Services), Cherie Stone (Laurel Shelter), Shannon Minor (Laurel Shelter), Tiffany Speas (Laurel Shelter), Winter Freeman (Help and Emergency Response), David Delehanty (Fairfax Victim Assistance Network), Chana Ramsey (The James House), Jane Clayborne (The James House), Jeanne Jennings (Transitions Family Violence Services), Becky Lee (YWCA Women’s Advocacy Services), Peggy Sullivan (ACTS/Turning Point), Robin Bledsoe (Avalon: A Center for Women and Children), Shawna Gray (The Center for Sexual Assault Survivors), Jeanette Kippenhan (Response: Sexual Assault Support Services of the YWCA).

Department of Social Services: Bill Gandel (Prince George Co.), Lenora Jones-Elliott (Richmond).

Co-Executive Directors of the Alliance: Jeanine Beiber, Ruth Micklem and Kristi VanAudenhove
Alliance Staff for this project: Arlene Vassell-Richards, Darlene Ward, Sherrie Goggans.

Funding for this project was made available through a grant from Virginia Department of Criminal Justice Services. Points of view in this documents are those of the author and do not necessarily represent the official positions or policies of the Virginia Department of Criminal Justice Services.
Introduction

This resource kit has been designed for civilian advocates working with active duty members, spouses, partners and family members who have experienced or been exposed to sexual and/or domestic violence.

The resource kit is the product of a military and civilian committee that worked diligently to identify and address the needs of this population of survivors.

The dynamics and impact of sexual and domestic violence are no different with this population, but certain aspects of military life and culture will affect your response as an advocate.

Unlike the civilian world, reporting a spouse/partner for domestic violence can automatically cause his/her employer to be notified about his/her acts of abuse and could result in the termination of their job or other negative career consequences. This could increase the risk of retaliation, putting a survivor at greater risk. Survivors in military families are typically isolated from family members and may lack that vital support system. Also, this population of survivors tends to worry about losing housing and health care for the family if the perpetrator is providing the benefits.

It is important to also realize that not only is the military culture and life different than the civilian world, but protocols and practices differ among the services and possibly among the installations. The kit was not designed to identify and address these differences; it was designed to help advocates navigate the military system to advocate for survivors.

Due to mandates from Congress and increased public awareness of domestic and sexual violence in the military, civilian advocates and military advocates are developing great partnerships to enhance the services offered to this population. We encourage you to contact your local installation and get to know the victim advocates working in the Family Advocacy Program and the Sexual Assault Response Team; these are the people that can address your questions and concerns related to military systems.

As an advocate, you already have the basic skills necessary to work with this growing population, use this kit to enhance those skills.
# Table of Contents

## Introduction

1. Military installations in Virginia

5. Code of Virginia §18.2-57.4: Reporting findings of assault and battery to military family advocacy representatives.

## Domestic and Sexual Violence in the Military

7. Reports of Sexual Assault in all Military Divisions

9. Domestic Violence in the Military-NCADV

11. Military Power and Control Wheel

12. Military Acronyms

## Department of Defense Policies on Sexual and Domestic Violence

15. DoD Sexual Assault Policy

17. DoD Family and Domestic Violence Policy

20. DoD Directives 1030.1 Victim Witness Assistance/Victim Rights

## Restricted and Unrestricted Reporting

22. DoD Confidentiality Policy - Military Victims of Sexual Assault

24. Sexual Violence Reporting Policy

28. DoD Domestic Violence Reporting Policy

## Services for military members, spouses, partners and family members who have experienced domestic and sexual violence

30. Advocacy Worksheet

32. Family Support Centers

34. Family Advocacy Programs

35. Sexual Assault Services

## Military/Civilian Collaboration

36. Regional Listing-Virginia Military Installations, Domestic and Sexual Violence Programs

45. Developing a Memorandum of Understanding between an Installation and Domestic Violence Program

## Safety Planning with victims of domestic and sexual violence

48. What is Safety Planning/Safety Assessment?

50. Sample Safety Plan/Assessment

## Helpful Resources
Table of Contents (continued)

Additional Resources and Articles (in a separate folder on this CD)

- Defense Task Force on Domestic Violence Report
- DoD Task Force Report on Care for Victims of Sexual Assault
- Connections-Military Culture and Sexual Assault Victims
- DoD-Domestic Violence Reporting Policy (brochure)
- National Capitol Region-Sexual Assault Prevention & Response (brochure)
- The Military Response to Victims of Domestic Violence-Tools for Civilian Advocates-Battered Women’s Justice Project (BWJP)
- Lessons Learned-Military/Civilian Domestic Violence Collaboration
- Victim Advocate Safety Plan
List of all Virginia installations

National Pollution Funds Center, Arlington
Marine Corps Base Quantico
Henderson Hall, Arlington
Fort Myer, Arlington

Fort Belvoir, Alexandria
Telecommunications and Information Systems Command
USCG Navigation Center
National Maritime Center

Naval Surface Warfare Center, Dahlgren Division

Fort A.P. Hill, Caroline County
Wallops Island Surface Combat Systems Center

Yorktown Naval Weapons Station
USCG Training Center Yorktown

Langley AFB, Hampton
USCG Hampton Roads
Finance Center, Training Quota Management Center, Chesapeake
Fort Monroe, Hampton
Fort Eustis, Newport News
Fort Story, Virginia Beach

Barn Neck Fleet Combat Training Center Atlantic, Virginia Beach
Little Creek Naval Amphibious Base, Norfolk
Naval Support Activity Norfolk, Northwest Annex

Oceana NAS, Virginia Beach
Portsmouth Naval Medical Center
Norfolk NS
Army  (For Fort Lee Petersburg, please refer to Prince George County)

Navy
Coast Guard

National Guard

Virginia Air National Guard Address
VaANG Base Directory
100 Falcon Rd
Sandston VA 23150-2526
The Air National Guard Readiness Center
3500 Fetchet Avenue
Andrews AFB MD 20762-5157

Virginia Army National Guard Address
The National Guard Bureau
1411 Jefferson Davis Highway
Arlington VA 22202-3231

The Army National Guard Readiness Center
111 S. George Mason Drive
Arlington VA 22204
§ 18.2-57.4. Reporting findings of assault and battery to military family advocacy representatives.

If any active duty member of the United States Armed Forces is found guilty of a violation of § 18.2-57.2 or § 18.2-57.3, the court shall report the conviction to family advocacy representatives of the United States Armed Forces.

(2004, c.681.)

§ 18.2-57.2. Assault and battery against a family or household member; penalty.

A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.

B. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, or (v) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an emergency protective order shall not be required.

D. The definition of “family or household member” in § 16.1-228 applies to this section.

§ 18.2-57.3. Persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge.

When a person who is no younger than 18 years of age or who is considered an adult at the time of the proceeding and who has not previously been convicted of any offense under this article or under any statute of the United States or of any state or any ordinance of any local government relating to assault and battery against a family or household member or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to a violation of § 18.2-57.2, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on local community-based probation upon terms and conditions.
As a term or condition, the court may, where assessment or evaluation services are available, require the accused to be assessed or evaluated and, based on the results of the assessment or evaluation, require the accused to enter an education or treatment program or services indicated by the assessment or evaluation, if available. The court, when assessment or evaluation services are not available, may require education or treatment services such as, in the opinion of the court, may be best suited to the needs of the accused.

The court shall require the person entering such education or treatment program or services under the provisions of this section to pay all or part of the costs of the program or services, including the costs of any assessment, evaluation, testing, education and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

Following the finding of facts that would justify a finding of guilt, the court may order the defendant be placed with a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if such a services agency is available. As a condition of local community-based probation, if available, the court shall require the accused to successfully complete all treatment and/or education programs or services required by the assessment or evaluation and to be of good behavior during the period of supervised probation and for a period of not less than two years following the completion of probation. The court shall order the defendant to be of good behavior for a period of not less than two years following the finding of facts that would justify a finding of guilt when no supervised probation is ordered.

The court shall, unless done at arrest, order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

Upon violation of a term or condition of supervised probation or of the period of good behavior, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings. As such, no charges dismissed pursuant to this section shall be eligible for expungement under § 19.2-392.2.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of § 18.2-308.

Note to Advocates:
• Please inform survivors that this will be done prior to conviction
• Please check with your local court clerks to find out the appropriate reporting process
• Virginia Codes: http://legis.state.va.us
Domestic Violence & Sexual Violence in the Military
# Reports of Sexual Assault in All Military Divisions

<table>
<thead>
<tr>
<th></th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
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<tbody>
<tr>
<td>Total DOD-report sexual assaults</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>901</td>
<td>1,012</td>
</tr>
<tr>
<td>Soldiers on active duty</td>
<td>473,879</td>
<td>482,176</td>
<td>479,591</td>
<td>518,320</td>
<td>620,812</td>
</tr>
<tr>
<td>Female soldiers on active duty</td>
<td>167,350</td>
<td>169,205</td>
<td>172,970</td>
<td>212,266</td>
<td>215,022</td>
</tr>
<tr>
<td>Incidents per 100,000 total services members</td>
<td>139</td>
<td>154</td>
<td>159</td>
<td>151</td>
<td>132</td>
</tr>
</tbody>
</table>

Sources of data: Department of Defense (DOD). The DOD defines sexual assault as rape, forcible sodomy, assault with intent to commit rape or sodomy, indecent assault or intent to commit any of those offenses.

---Ms., Fall 2004
Domestic Violence in the Military

• In 2002, there were more than 18,000 incidents of spousal abuse reported to the Department of Defense’s Family Advocacy Program.1 84% of these incidents involved physical abuse.2

• Domestic violence victims in military communities are most likely to be women (66% of cases identified female victims)3 and the civilian spouses of active duty personnel (62% of abusers are on active military duty).4

• Among active duty military women, 30% reported an adult lifetime prevalence of intimate partner abuse, while 22% reported intimate partner violence during military service.5

• Domestic Violence homicides in the military community from 1995-2001 include: 54 in the Navy or Marine Corps; 131 in the Army; 32 in the Air Force.6

• In 2002, 24% of women surveyed by the Defense Department reported experiencing sexual harassment in the forms of crude/offensive behavior, unwanted sexual attention, and/or sexual coercion.7

• Although data is hard to obtain, it is apparent that relatively few military personnel are prosecuted or administratively sanctioned on charges stemming from domestic violence.8

• The Department of Defense (DOD) divides the severity of abuse into three categories: severe physical abuse, moderate physical abuse, and mild physical abuse. The DOD severity definitions are inconsistent with commonly “characterizations” of domestic violence. A DOD prerequisite to be categorized as severe physical abuse is major physical injury requiring inpatient medical treatment or causing temporary or permanent disability or disfigurement. A strangulation case in the civilian community is considered very dangerous, whereas in the Department of Defense, it might be defined to be mild or moderate abuse. As a result 69% of domestic violence cases reported in FY99 were mild and only 6% were classified as severe.9

• In a 2001 Department of Defense memo on the subject of domestic violence, Deputy Defense Secretary Paul Wolfowitz declared, “domestic violence will not be tolerated in the Department of Defense.” He made clear that “commanders at every level have a duty to take appropriate steps to prevent domestic violence, protect victims and hold those who commit it accountable.”10 In spite of this memo, the rates of moderate and severe spousal abuse have increased between FY 1997-2001 (23% to 36% for moderate, 2% to 7% for severe). Mild spousal abuse, on the other hand, has decreased (72% to 57%).11
Domestic Violence in the Military (cont’d)

- According to Defense Secretary Donald Rumsfeld, “Domestic violence is a pervasive problem that transcends all ethnic, racial, gender and socioeconomic boundaries, and it will not be tolerated in the Department of Defense. Domestic violence destroys individuals, ruins families and weakens our communities.”

2 Ibid.
3 U.S. Department of Defense, Family Advocacy Program Data, FY02.
4 “Child and Spouse Abuse Data,” (FY97-01).

From The National Coalition Against Domestic Violence. www.ncadv.org
MILITARY POWER AND CONTROL WHEEL

VIOLENCE

physical

sexual

USING COERCION AND THREATS:
Telling her, “If you report me, you’ll lose your income, base housing, the kids, be deported. Threatening her with firearms. Saying, “Do what I tell you or I’ll get you.”

USING EMOTIONAL ABUSE:
Ignoring her when you return from work or deployment. Trivializing her concerns. Telling her people think she’s crazy. Telling her she’s a bad wife, mother, lover. Putting her down publicly. Accusing her of ruining your career.

MINIMIZING, DENYING, AND BLAMING:
Saying she’s lying to “get” you. Claiming she provoked it by playing around, getting drunk, not shutting up, or not doing what you told her. Blaming the violence on job stress or alcohol.

CLAIMING MILITARY/MALE PRIVILEGE:
Using her dependent wife status or cultural/religious traditions to keep her in line. Keeping all legal documents in your name. Saying you’re the CO and the family is your troops. Taking over as head of the household post-deployment.

USING ECONOMIC ABUSE:
Leaving no allotments during deployment. Not sharing pay or financial records. Telling her what she can buy. Preventing her from getting a checking account, credit cards, a job, or schooling.

USING ISOLATION:
Controlling access to her military I.D. card, family, friends, information, base/command functions, telephone, transportation, or English lessons. Living off-base to lessen her contact with others.

USING CHILDREN:
Refusing to help with the child(ren). Threatening to get custody. Telling the child(ren) she’s a bad mother. Getting the child(ren) to disrespect her. Threatening to hurt the child(ren) if she doesn’t comply.

USING INTIMIDATION:
Telling her you’re trained to kill and maim. Controlling her with stares, looks, and gestures. Playing with or cleaning your weapons around her. Hurting pets. Destroying her property.

USING INTIMIDATION:
Controlling access to her military I.D. card, family, friends, information, base/command functions, telephone, transportation, or English lessons. Living off-base to lessen her contact with others.

Produced and distributed by:
NATIONAL CENTER
on Domestic and Sexual Violence
4612 Shoal Creek Blvd. • Austin, Texas 78756
512.407.9020 (phone and fax) • www.ncdsv.org

Developed from:
Domestic Abuse Intervention Project
202 East Superior Street
Duluth, MN 55802
218.722.4134

Military Resource Handbook Page 11
Virginia Sexual & Domestic Violence Action Alliance
## Military Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIT</td>
<td>Advanced Individualized Training</td>
</tr>
</tbody>
</table>
| CO      | Commanding Officer  
An officer who lawfully exercises authority over subordinates by virtue of rank or assignment. |
| CPO     | Civil Protection Order  
A civil remedy providing various forms of relief for victims of abuse. |
| CRC     | Case Review Committee  
A multi-disciplinary group of military practitioners that meet to hear information about incidents of domestic violence and child abuse, make a determination about substantiation of abuse, and provide recommendations for treatment for the abuser and support services for the family. These recommendations are given to the command. |
| DEERS   | Defense Enrollment Eligibility Reporting System  
A computerized database of military sponsors, families and others world-wide who are entitled under the law to TRICARE (health) benefits. |
| DoD     | Department of Defense  
The mission of the Department of Defense is to provide the military forces needed to deter war and to protect the security of our country. The department’s headquarters is at the Pentagon. |
| DTFDV   | Defense Task Force on Domestic Violence  
A group of military and civilian representatives assigned to assess the DoD response to domestic violence and make recommendations for improvements. |
| ERD     | Early Return of Dependents  
Early Return of Dependents is authorized transportation of a service member’s dependents and shipment of household goods shipment at government expense….because of official or personal situations which justify such authorization. |
| FAP     | Family Advocacy Program  
Military support and services program to assist family members who are experiencing abuse. |
| FAPO    | Family Advocacy Program Officer  
An officer assigned to work on issues of family abuse, may be assigned to the FAP program. |
| JAG     | Judge Advocate General  
Military Attorney |
**Military Acronyms (continued)**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>JFTR</td>
<td>Joint Federal Travel Regulation Regulations that govern conditions and allowances for all government travel, including relocation of service members and their families.</td>
</tr>
<tr>
<td>LES</td>
<td>Leave and Earnings Statement A monthly statement for service members, documenting how much they earned for basic pay and pay for special assignments; what allowances they received for food, housing, and clothing; as well as what deductions were taken out of their pay for allotments, child support, insurance and taxes.</td>
</tr>
<tr>
<td>MP</td>
<td>Military Police Service members who are trained as law enforcement officers.</td>
</tr>
<tr>
<td>MPO</td>
<td>Military Protective Order A direct order from a commander to a service member providing relief similar to a civilian protective order, but only enforceable on the military installation.</td>
</tr>
<tr>
<td>NJP</td>
<td>Non-Judicial Punishment Disciplinary action initiated by command, not a trial, no lawyers involved. May result in reprimand, loss of pay, restrictions, confinement to quarters, etc.</td>
</tr>
<tr>
<td>OSI</td>
<td>Office of Special Investigation</td>
</tr>
<tr>
<td>PCS</td>
<td>Permanent Change of Station A transfer to a new duty station at least 50 miles from your current assignment.</td>
</tr>
<tr>
<td>PMO</td>
<td>Provost Marshal’s Office The office that oversees the military police department.</td>
</tr>
<tr>
<td>SAPRO</td>
<td>Sexual Assault Prevention and Response Office SAPRO serves as the single point of accountability for Department of Defense (DoD) sexual assault policy.</td>
</tr>
<tr>
<td>SARC</td>
<td>Sexual Assault Response Coordinator</td>
</tr>
<tr>
<td>SAPR</td>
<td>Sexual Assault Prevention and Response Program</td>
</tr>
<tr>
<td>SAVI</td>
<td>Sexual Assault Victim Intervention Program The program offers a standardized, consistent, victim-sensitive system to prevent and respond to sexual assault Navy-wide.</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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</tbody>
</table>
| SECDEF  | Secretary of Defense  
The principal defense policy advisor to the President of the United States. |
| SF      | Security Forces |
| SOFA    | Status of Forces Agreement  
Governs jurisdictional issues regarding US forces in other countries. |
| SSCRA   | Soldiers and Sailors Civil Relief Act  
This act can delay all civil court actions for service members, such as divorce proceedings, foreclosures and bankruptcy. |
| TC      | Transitional Compensation  
Provides financial support to abused family members to reduce victims disincentives to reporting abuse and to remove the threat of financial retribution. |
| UCMJ    | Uniform Code of Military Justice  
Congressional Code of Military Criminal Law applicable to all military members worldwide. |
| USSPA   | Uniformed Services Former Spouse Protection Act  
Recognizes the right of State Courts to distribute military retired benefits to a spouse under certain circumstances. |
| VA      | Victim Advocate |
| UVA     | Uniformed Victim Advocate  
The UVA provide resources for immediate and ongoing Intervention and support to victims of sexual assault. |
| VAWA    | Violence Against Women Act |
Department of Defense Policies on Sexual and Domestic Violence
DoD Sexual Assault Policy

Definition: This policy memorandum provides a clear Department-wide definition of sexual assault. Previous reports identified considerable in-Service confusion about the difference between sexual assault and sexual harassment. For training and educational purposes, this memorandum provides definitions of the terms “Sexual Assault” and “Other Sex-Related Offenses.” When combined with the current definition of “Sexual Harassment,” these definitions will eliminate confusion and uncertainty about which actions constitute which offense. This clarity will ultimately contribute to increasing offender accountability and the ability of the commander to take appropriate action. These elements will have a substantial impact on creating a culture of prevention and an environment that increases the effectiveness of the Department’s education, counseling and management initiatives.

Response Capability: This policy memorandum establishes immediate response capability for each report of sexual assault in all locations, including deployed locations, to ensure timely access to appropriate victim services. This policy also includes designation and responsibilities of Sexual Assault Response Coordinators and Victim Advocates, and adoption of guidelines for rapid response, including identification of first responders, requisite training for personnel, and the manner for conducting case management. Program reviews showed it was difficult to ascertain the level and timeliness of support services offered to a victim of sexual assault, the extent of commander’s actions to safeguard victims or the final disposition of the case. Through the Sexual Assault Response Coordinator and the conduct of case management, the Department will ensure system accountability and victim access to quality services as needed.

Collaboration: This policy memorandum directs local commanders to establish Memoranda of Understanding (MOU), between their installation and local community service organizations and other Military Services to facilitate enhanced, optimum responses to sexual assault victims. At many locations, military treatment facilities have limited resources to provide specialized, expert medical and supportive care for victims of sexual assault. MOUs between military and civilian service providers and other Military Services offer a wide-range of support that include victim advocacy services, sexual assault examiner services, local hospitals and/or rape crisis centers, law enforcement services, and counseling services. These services might not be accessible without these agreements.

Collateral Misconduct: This policy memorandum provides critical prioritization of the level of offense the victim may have committed, allowing a victim of sexual assault to access care without fear of repercussions for collateral misconduct at the time of disclosure. A victim’s fear of punishment is one of the most significant barriers to reporting sexual assault. Many sexual assaults involve circumstances where the victim may have participated or engaged in some form of misconduct, (i.e. underage drinking or other alcohol-related offenses, adultery, fraternization or other violations). To the extent possible, commanders should delay the determination of disciplinary actions for a victim’s collateral misconduct related to the circumstances of an alleged sexual assault until the investigation and final disposition of the sexual assault case is completed.
DoD Family & Domestic Violence Policy

In 1984, Department of Defense (DoD) Directive 6400.1 established the Family Advocacy Program (FAP) to address family violence in military families. The FAP consists of coordinated efforts designed to prevent, identify, report and treat all aspects of child abuse and neglect and domestic abuse. The DoD FAP recommends policy and program guidance to assist the Military Service FAPs, which are available locally at installations with command-sponsored families. The Service FAPs have a major role in addressing family violence at the local level through outreach, prevention and intervention efforts. Because abuse can take many forms and some forms of abuse can be much more severe than other forms, FAP provides a wide range of services geared towards the specific needs of families. FAP staff works closely and collaboratively with military command, military law enforcement personnel, medical staff, family center personnel and chaplains, as well as civilian organizations and agencies, to prevent family violence and help troops and families develop healthier relationships.

Family Advocacy Program Goals:

- Promote the prevention, early identification, reporting, and treatment of child abuse and neglect and domestic abuse.
- Strengthen family functioning in a manner that increases the competency and self-sufficiency of military families.
- Preserve families in which abuse has occurred without compromising the health, welfare, and safety of the victims.
- Collaborate with state and local civilian social service agencies.
- Provide effective treatment for all family members when appropriate.

Above information from: http://www.defenselink.mil/fapmip/

Defense Task Force on Domestic Violence

Section 591 (a) of the National Defense Authorization Act for Fiscal Year 2000 (NDAA FY 2000), P.L. 106-65, required that the “Defense Task Force on Domestic Violence... submit to the Secretary of Defense a long-term plan (referred to as a ‘strategic plan’) for means by which the Department of Defense may address matters relating to domestic violence within the military more effectively.”

Over the three year period from 2001-2003, the Defense Task Force on Domestic Violence (DTFDV) examined the responses to both offenders and victims, made recommendations for improvement of systems and collaboration with civilian groups, and reported annually to Congress. The DTFDV provided an annual report each of the three years and developed a recommended Strategic Plan for the Secretary of Defense.

Key Points from Reports of the DTFDV

The DTFDV was charged by Congress to make recommendations to the Secretary of Defense for measures to improve the Department’s response to domestic violence in the following areas:

- Victim safety programs
- Offender accountability
- Climate for effective prevention of domestic violence
Family & Domestic Violence Policy (cont’d)

- Coordination and collaboration among all military organizations with responsibility or jurisdiction with respect to domestic violence
- Coordination between military and civilian communities with respect to domestic violence
- Research priorities
- Data collection and case management and tracking
- Curriculum and training for military commanding officers
- Prevention and response to domestic violence at overseas military installations
- Other issues identified by the DTFDV relating to domestic violence in the military

In its three annual reports, the DTFDV made some 200 specific recommendations pertaining to the issues above. In its responses to the first two reports, the DoD agreed with the vast majority of the recommendations for improvement. While all of the Task Force’s recommendations are valid and each will result in improvement of DoD’s prevention of and/or response to domestic violence, there are nine points listed as key to DoD’s Strategic Plan. If implemented by the DoD as recommended by the Task Force, these key points will have the most lasting, significant, and positive effect on the prevention of and response to domestic violence in the military. First and foremost, the Department of Defense should:

Demand a culture shift that...
- Does not tolerate domestic violence
- Moves from victims holding offenders accountable to the system holding offenders accountable
- Punishes criminal behavior

Supporting this culture shift are the following additional key points:
- Establish a Victim Advocate Program with provisions for nondisclosure to enhance victim safety and provide a well-defined, distinct program where victims can receive the advocacy, support, information, options, and resources necessary to address the violence in their lives without a requirement for mandatory reporting.
- Implement the proposed Domestic Violence Intervention Process Model with the following protocols: (1) Victim Advocate Protocol, (2) Commanding Officer’s Protocol/Guidelines, (3) Law Enforcement Protocol, and (4) Offender Intervention Protocol. The Intervention Process Model and the amplifying protocols provide both a graphic and narrative description of the recommended intervention process with specific guidance for those components of the system most often responding to domestic violence. Additional protocols are recommended for other professionals who play a role in intervention and prevention.
- Replace the Case Review Committee (CRC) with the Domestic Violence Assessment and Intervention Team (DVAIT) and separate substantiation decisions from clinical decisions to enhance victim safety and support commanding officers in ensuring offender accountability and intervention.
- Enhance system and command accountability and include a fatality review process as one on-going mechanism for identifying policy and system deficiencies with a goal of increasing accountability throughout the system, reducing domestic violence, and preventing future fatalities.
Family & Domestic Violence Policy (cont’d)

- Implement DoD-wide training and prevention programs that encompass not only general awareness training, but also include specific training for commanding officers and senior noncommissioned officers, law enforcement personnel, healthcare personnel, and chaplains.

- Hold offenders accountable in keeping with the Deputy Secretary of Defense November 19, 2001 memorandum that highlighted the non-tolerance of domestic violence and challenged the Military Departments and commanding officers to intensify their efforts to prevent domestic violence.

- Strengthen local military and civilian community collaboration in preventing and responding to domestic violence.

- Evaluate results of domestic violence prevention and intervention efforts, using that information to further improve these efforts.

Above information adapted from The Defense Task Force on Domestic Violence, Third Year Report 2003.
Victim and Witness Assistance

DoD Directive 1030.1
Effective April 13, 2004

- Provides assistance to victims and witnesses of crimes from initial contact through investigation, prosecution, and confinement, without infringing on the constitutional rights of an accused.
- The role of crime victims & witnesses in the criminal justice process should be protected.
- Particular attention should be paid to victims of serious, violent crime, including child abuse, domestic violence and sexual misconduct.
- Law enforcement and legal personnel directly engaged in the detection, investigation, or prosecution of crimes, shall ensure that victims are accorded their rights.

Victims' Rights:
A crime victim has the right to:
- Be treated with fairness and respect for the victim’s dignity and privacy.
- Be reasonably protected from the accused offender.
- Be notified of court proceedings.
- Be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
- Confer with the attorney for the Government in the case.
- Receive available restitution.
- Be provided information about the conviction, sentencing, imprisonment, and release of offender.

5. RESPONSIBILITIES
5.1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall:

5.1.1. Develop overall policy for victim and witness assistance and monitor compliance with this Directive
5.1.2. Approve procedures developed by the Secretaries of the Military Departments that implement this Directive
5.1.3. Maintain a Victim and Witness Assistance Council to provide a forum for the exchange of information and the consideration of victim and witness policies, and provide a liaison with the Department of Justice Office for Victims of Crime.
5.1.4. Ensure the Defense Manpower Data Center assists in formulating a data collection mechanism to track and report victim notifications from initial contact through investigation, prosecution, confinement, and release.

5.3. The Secretaries of the Military Departments and the Heads of the Other DoD Components shall:
5.3.1. Ensure compliance with this Directive and establish policies and procedures to implement this program within their Component.

5.3.2. Designate the “Component Responsible Official,” as defined in item E 1.1.2. of enclosure 1.

5.3.3. Maintain a central repository, as defined in item E1.1.1. of enclosure 1, for each Military Service, to ensure that victims shall be notified of changes in a confinee’s status.

5.3.4. Ensure that a multi-disciplinary approach is followed by victim and witness service providers, including law enforcement personnel, criminal investigators, chaplains, family advocacy personnel, emergency room personnel, family service center personnel, judge advocates, unit commanding officers, corrections personnel, and other persons designated by the Secretaries of the Military Departments; and ensure that those providers receive training to assist them in complying with this Directive.

5.3.5. Establish procedures to ensure that local installation responsible officials provide victim and witness services as required in reference (e) at the installation level through coordination with the representatives identified in paragraph 5.3.4., above.
Restricted and unrestricted reporting
DoD Confidentiality Policy
Military Victims of Sexual Assault

(note: these policies apply to victims of sexual assault who are military members.)

Understanding DoD’s Confidentiality Policy
DoD’s Confidentiality policy permits victims of sexual assault to report the crime to specified individuals who can then ensure the victim receives medical care, treatment and counseling without notifying command or law enforcement officials. Covered individuals include the Sexual Assault Response Coordinator (SARC); Victim Advocates (VA); healthcare providers; and chaplains. For purposes of public safety and command responsibility, the SARC will notify the installation commander that an assault has occurred and provide details that will not identify the victim. See the Department of Defense Directive 6495.01, Sexual Assault Prevention and Response Program for complete details.

This policy provides victims some personal space and time, and increased control over the release and management of their personal information. This hopefully empowers them to seek relevant information and support to make more informed decisions about participating in the criminal investigation. Jurisdictions with similar policies have found that confidentiality actually leads to increased reporting rates. Even if the victim chooses not to pursue an official investigation, this additional reporting avenue gives commanders a clearer picture of the sexual violence within their command, and enhances a commander’s ability to provide an environment which is safe and contributes to the well-being and mission-readiness of all of its members.
Sexual Violence Reporting Policy
Restricted and Unrestricted Reporting

(note: these policies only apply to victims of sexual assault who are military members)

Sexual Assault is the most under reported crime in our society and in the military.

While the Department of Defense prefers complete reporting of sexual assaults to activate both victims’ services and law enforcement actions, it recognizes that some victims desire only medical and support services and no command or law enforcement involvement. The Department believes its first priority is for victims to be protected, treated with dignity and respect, and to receive the medical treatment, care and counseling that they deserve. Under DoD’s Confidentiality Policy, military victims of sexual assault have two reporting options- Restricted reporting and Unrestricted reporting. Military retirees, dependents, and other civilian victims currently may use only Unrestricted reporting.

Restricted Reporting
Restricted reporting allows a sexual assault victim to confidentially disclose the details of his or her assault to specified individuals and receive medical treatment and counseling, without triggering the official investigative process. Service members who are sexually assaulted and desire restricted reporting under this policy may only report the assault to the SARC, VA or a HCP. However, consistent with current policy, they may also report the assault to a chaplain. Although a report to a chaplain is not a restricted report under this policy or the provisions of this Directive, it is a communication that may be protected under the Military Rules of Evidence (MRE) or applicable statutes and regulations. The restricted reporting process does not affect any privilege recognized under the MRE. This Directive and its policy on restricted reporting is in addition to the current protections afforded privileged communications with a chaplain, and does not alter or affect those protections.

Healthcare providers will initiate the appropriate care and treatment, and report the sexual assault to the SARC in lieu of reporting the assault to law enforcement or the command. Upon notification of a reported sexual assault, the SARC will immediately assign a VA to the victim. The assigned Victim Advocate will provide accurate information on the process of restricted/vic?unrestricted reporting.

At the victim’s discretion/request an appropriately trained healthcare provider shall conduct a sexual assault forensic examination (SAFE), which may include the collection of evidence. In the absence of a DoD provider, the service member will be referred to an appropriate civilian facility for the SAFE.

Who May Make A Restricted Report
Restricted reporting is available at this time only to military personnel of the Armed Forces and the Coast Guard. Military personnel include members on active duty and members of the Reserve component (Reserve and National Guard) provided they are performing federal duty (active duty training or inactive duty training and members of the National Guard in Federal (Title 10) status). Members of the Reserve Component not performing Federal duty are not eligible. Retired members of any component are not eligible. Dependents are not eligible. DoD civilian employees are not eligible.
Example Restricted Reporting

- Service Member Smith arrives at the base medical emergency room and reports she has been sexually assaulted. Healthcare providers immediately notify the SARC and begin any appropriate emergency medical treatment.

- The SARC assigns a VA to assist Service Member Smith. The VA meets Service Member Smith at the hospital and explains the Unrestricted/Restricted Reporting options and the processes associated with each, to include applicable pros/cons.

- Service Member Smith elects the Restricted Reporting option.

- Service Member Smith is asked if she would like a forensic examination, and she agrees.

- The VA advises the Healthcare Provider that Service Member Smith has elected the Restricted Reporting option and would like a SAFE.

- Forensic evidence of the assault is collected and preserved in a non-personally identifying manner.

- The Healthcare Provider determines and schedules follow-up medical treatment as appropriate.

- The VA advises the SARC that Service Member Smith has elected the Restricted Reporting option.

- Within 24 hours of Service Member Smith’s restricted report, the SARC will inform the Senior Commander that an assault has occurred, and provide the Commander with non-identifying personal information/details related to the sexual assault allegation. This information includes: rank; gender; age; race; service; date; time and/or location. Information is disclosed in a manner that preserves the victim’s anonymity. Careful consideration of which details to include is of particular significance at installations or other locations where there are a limited number of minority females or female officers assigned.

- The Senior Commander may notify the Criminal Investigators. However, no criminal investigation will be initiated unless originated from another source or the victim elects to come forward via unrestricted reporting. The Senior Commander identifies trends and takes appropriate measures (i.e. increased security patrols, enhanced education and training, enhanced environmental and safety measures) to prevent further sexual assaults.

- The SARC maintains information regarding the number of sexual assaults for both unrestricted and restricted reports. Restricted report numbers will be included in the annual report. The SARC will also capture trends and perform trend analysis. SARC awareness of trends will be a first line of defense against a potential serial assailant. The SARC can at any time return to Service Member Smith to ask if she is willing to reconsider her restricted reporting decision given the potential of a serial offender.

- The VA maintains communication and contact with the victim as needed for continued victim support.
Considerations when Electing a Restricted Reporting Decision

Benefits

• You receive appropriate medical treatment, advocacy, and counseling.
• Provides some personal space and time to consider your options and to begin the healing process.
• Empowers you to seek relevant information and support to make more informed decisions about participating in the criminal investigation.
• You control the release and management of your personal information.
• You decide whether and when to move forward with initiating an investigation.

Limitations

• Your assailant remains unpunished and capable of assaulting other victims.
• You cannot receive a military protective order.
• You will continue to have contact with your assailant, if he/she is in your organization or billeted with you.
• Evidence from the crime scene where the assault occurred will be lost, and the official investigation, should you switch to an unrestricted report, will likely encounter significant obstacles.
• You will not be able to discuss the assault with anyone, to include your friends, without imposing an obligation on them to report the crime. The only exceptions would be chaplains, designated healthcare providers, your assigned victim advocate, and the sexual assault response coordinator.
• You will be ineligible to invoke the collateral misconduct provision of the Department’s sexual assault policy in the event that your command learns that you had been engaged in some form of misconduct at the time you were assaulted.

Unrestricted Reporting

This option is recommended for victims of sexual assault who desire medical treatment, counseling and an official investigation of the crime. When selecting unrestricted reporting, you should use current reporting channels, e.g. chain of command, law enforcement or report the incident to the Sexual Assault Response Coordinator (SARC), or request healthcare providers to notify law enforcement. Upon notification of a reported sexual assault, the SARC will immediately assign a Victim Advocate (VA). At the victim’s discretion/request, the healthcare provider shall conduct a sexual assault forensic examination (SAFE), which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.
Unrestricted Reporting Example

- Service Member Smith arrives at the base medical emergency room and reports she has been sexually assaulted. Healthcare providers immediately notify the Sexual Assault Response Coordinator (SARC) and begin administration of any emergency medical treatment as appropriate.

- The SARC assigns a Victim Advocate (VA) to assist Service Member Smith. The VA meets Service Member Smith at the hospital, explains the Unrestricted/Restricted Reporting options and processes associated with each to include applicable pros/cons.

- Service Member Smith elects the Unrestricted Reporting option.

- The VA immediately notifies the appropriate Criminal Investigative Service and the victim's unit commander.

- Criminal Investigators arrive and begin the investigation.

- Service Member Smith is asked if she would like a SAFE, and she agrees.

- The VA advises the Healthcare Provider that Service Member Smith has elected the Unrestricted Reporting option and would like a SAFE.

- Forensic evidence of the assault is collected by healthcare providers, and at its conclusion, criminal investigators take chain of custody.

- The Healthcare Provider determines and schedules follow-up medical treatment as appropriate.

- The VA advises the SARC that Service Member Smith has elected the Unrestricted Reporting option.

- In addition to any current existing channels of notification, within 24 hours of Service Member Smith’s Unrestricted report, the SARC will inform the Senior Commander that an assault has occurred, and provide the Commander with the details of the assault.

- The SARC maintains information regarding the number of sexual assaults for both unrestricted and restricted reports. Restricted report numbers will be included in the annual report. The SARC will also capture trends and perform trend analysis.

- The VA maintains communications and contact with victim as needed for continued victim support.

From: [www.sapr.mil](http://www.sapr.mil)
DoD Domestic Violence Reporting Policy
Unrestricted and Restricted Reporting Options

(note: these policies apply to victims of domestic abuse who are military members as well as those who are the spouses, family members, or intimate partners of military members)

The DoD is committed to ensuring victims of domestic abuse are protected, treated with dignity and respect, and provided support, advocacy and care.

DoD policy also strongly supports effective command awareness and prevention programs as well as law enforcement and criminal justice activities that will maximize accountability and prosecution of perpetrators of domestic abuse.

To achieve these dual objectives, DoD policy prefers that personnel report suspected domestic abuse incidents promptly to activate both victims’ services and accountability actions.

However, a requirement that all domestic abuse incidents be reported can represent a barrier for victims hoping to gain access to medical and victim advocacy services without command or law enforcement involvement.

In order to address these competing interests, adult victims of domestic abuse incidents now have two reporting options: unrestricted reporting and restricted reporting.

Unrestricted Reporting
Victims of domestic abuse who want to pursue an official investigation of an incident should use current reporting channels, e.g., chain of command, Family Advocacy Program (FAP), or law enforcement. Upon notification of a reported domestic abuse incident, victim advocacy services and FAP clinical services will be offered to the victim.

Additionally, at the victim’s discretion/request, the healthcare provider will conduct any forensic medical examination deemed appropriate. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

Restricted Reporting
Restricted reporting allows an adult victim of domestic abuse to disclose the details of his or her abuse to specifically identified individuals and receive medical treatment and victim advocacy services without requiring that notice be provided to the victim’s or alleged offender’s commander or law enforcement.

Victims of domestic abuse who desire restricted reporting under this policy must report the abuse to one of the following specified individuals: a victim advocate, a victim advocate supervisor or healthcare provider.

Additionally, a victim’s disclosure of his or her domestic abuse to persons other than those covered by this policy may result in an investigation of the allegations by law enforcement and clinical intervention from FAP.
DoD Domestic Violence Reporting Policy
(continued)

Exceptions to Confidentiality and Restricted Reporting and Limitations on Use

• Information regarding restricted reporting may be disclosed to the following persons or entities for the following reasons:

  • Named individuals when disclosure is authorized by the victim in writing

  • Command officials or law enforcement when necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person

  • FAP and any other agencies authorized by law to receive reports of child abuse or neglect when, as a result of the victim’s disclosure, the victim advocate or health care provider has a reasonable belief that child abuse also occurred. However, disclosure will be limited to only information related to the child abuse.

  • Disability Retirement Boards and officials when disclosure by a healthcare provider is required for fitness for duty for disability retirement determinations, limited to only that information which is necessary to process the disability retirement determination

  • Supervisors of the victim advocate or healthcare provider when disclosure is required for the supervision of direct victim treatment or services.

  • Military or civilian courts of competent jurisdiction when a military, Federal or State judge issues a subpoena for the covered communications to be presented to the court of to other officials or entities when the judge orders such disclosure; or to other officials or entities when required by Federal or State statute or applicable J.S. international agreement.

Adapted from a brochure published by the National Domestic Violence Hotline, www.ndvh.org.
Services for military members, spouses, partners and family members who have experienced domestic and sexual violence
Advocacy Worksheet

Services possibly available to active military members, spouses, partners and family members who have experienced domestic and/or sexual violence

Note: use this worksheet as a guide to determine what services your client is eligible to receive. Call your local family support center and family advocacy program for additional information and support.

<table>
<thead>
<tr>
<th>Services</th>
<th>Advocate Notes</th>
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<tr>
<td>Restricted Reporting</td>
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<td>Unrestricted Reporting</td>
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<td>Medical Exam</td>
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<td>Victim Advocate Services</td>
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Family Support Centers

Active military bases have a Navy Fleet and Family Support Center, Marine Corps Community Service Center, Air Force Family Service Center or Army Community Service Center. Although names vary, most of the services are the same*. Centers are staffed by trained human services professionals and volunteers. All programs are free of charge.

Services offered by these service centers may include:

Financial Management Assistance
Professional counseling available regarding financial management including budget preparation, understanding the LES, investing, debt management, and credit management.

Relocation Services
This program offers assistance to military members and their families in relocating from one installation to another. Provides useful and interesting information regarding local community and travel. Operates loan locker for basic necessities and SITES program (web-based information on world-wide military installations).

Exceptional Family Member Program
Maintain and provide up-to-date information for families who have a special need family member. Information includes local special education programs and medically-related services available aboard base and in the community.

Information and Referral
This is the place to start if you are not sure of what you need. Will provide general assessment of situation or problem and make appropriate referrals to needed resources.

Career Resource Center
Seminars, classes, testing, and individual counseling available for vocational and career development. Provides information on local employment opportunities and educational programs. Service members and spouses are eligible for services.

Individual and Family Counseling
Professional counselors will provide confidential short-term counseling services, information, and referrals. Life skills classes and groups are generally offered.

Family Advocacy Program
Assistance is provided for situations involving child abuse, child neglect, or spouse abuse. Classes and groups geared toward preventing family problems are generally offered. Confidential victim advocacy is generally offered.

Retired Affairs
Provides benefits information for veterans.
Family Support Centers (continued)

Spiritual Help
Often in times of stress, it is best to get spiritual support. Take advantage of military chaplains and enlisted religious support personnel, who are there to help and serve military members and other authorized personnel.

Emergency Transportation
Food, rent, and utilities. Help when disaster strikes. Personal needs when pay is delayed. Essential vehicle repairs.

Education loans for family members
Visiting nurse for mothers of newborns, and housebound retirees. Layettes for qualified families and “Budget for Baby” classes. Budget counseling. Thrift shop.

Legal Assistance
Active duty members, activated Reserve and Guard members, and their family members are eligible to seek legal aid and assistance from any military installation where there is a legal assistance office. A Legal Assistance Officer provides counseling and assistance with personal legal problems, claims services, and trial defense services. Legal advice and assistance available. Wills, powers of attorney, and bills of sale. Domestic relations (adoption, separation, nonsupport) Change of name, notarizations, civil rights, depositions. Citizenship, immigration, and passports. Damage to personal property. Referral to civilian lawyers when appropriate.

*The services provided by Family Support Centers vary widely from one base to another. It is important for community advocates to collaborate with the Family Support Centers on the bases in their services areas to determine availability of services.
Family Advocacy Program

The Family Advocacy Program (FAP) is a Department of Defense (DoD) mandated program responding to domestic violence in military families. It includes prevention, identification of abuse, reporting, intervention, and follow-up in cases of child abuse/neglect and intimate partner violence.

The FAP Goals are:
- Prevent abuse and neglect in military families
- Facilitate victim safety and protection
- Ensure offender accountability
- Provide education and counseling
- Advise and support Commands on family violence issues
- Determine community accountability/appropriate response

FAP Services* include:
- Assessments of all reports of abuse and neglect
- Safety and risk assessments when abuse/neglect are reported
- Formal determinations for all reports
- Skill building educational workshops designed to strengthen families, address family conflicts, and enhance interpersonal skills (e.g., Parenting in the Military Family, Enhancing Stepfamilies, Couples Workshop, Building Effective Anger Management Skills, New Parent Support Program, Stress Management, Conflict Management, Personal Communication)
- Training for military members, including Child Abuse and Spouse Abuse Prevention and Awareness

*The services provided by Family Advocacy Programs vary widely from one base to another. It is important for community advocates to collaborate with the FAPs on the bases in their services areas to determine availability of FAP services.
Sexual Assault Services

The services provided by the military’s family support centers and family advocacy programs are available to military members and their families. Those services include individual and family counseling as well as referrals to community-based services, including Sexual Assault Crisis Centers.

Additionally, the military has a Victim Advocacy Program, mandated to provide information, guidance, and support to victims of sexual violence. They will respond to reports of incidents of sexual assault 24/7. The general responsibilities are to:

• Provide emotional support
• Advise victims of their rights
• Explore options and resources
• May accompany and support victims through medical and legal proceedings
• Link victims to military and civilian resources and services

Sexual Assault of Military Members

The Department of Defense has mandated that there be a Sexual Assault Response Coordinator (SARC) available to coordinate services for military members who report sexual assault. The responsibilities of the SARC are to assure that Victim Advocacy services as well as any other services that victims may want/need made available. They will also assist victims to understand their options for restricted and unrestricted reporting.
Military/Civilian collaboration
# Regional Listing - Military Installations and Domestic and Sexual Violence Agencies

**Military One Source** - 1-800-342-9646  
**Virginia Sexual & Domestic Violence Action Alliance** - 1-800-838-8238

## Key
- ACS: Army Community Service  
- FAP: Family Advocacy Program  
- FFSC: Fleet and Family Support Center  
- AFSC: Airman and Family Readiness Center  
- M&FS: Marine and Family Service  
- MCCS: Marine Corps Community Service  
- SACC: Sexual Assault Crisis Center  
- DVP: Domestic Violence Program  
- Dual: Domestic and Sexual Assault Program

### NORTHERN VIRGINIA

#### Military Bases

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<thead>
<tr>
<th>Military</th>
<th>Base</th>
<th>Address</th>
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<tbody>
<tr>
<td>Army</td>
<td>Fort Belvoir</td>
<td>Building 210, 5820 21st Street, Fort Belvoir, VA 22060</td>
<td>703-805-3980</td>
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<td></td>
<td></td>
<td>ACS</td>
<td></td>
</tr>
<tr>
<td>Army</td>
<td>Fort Myer</td>
<td>Building 201, Fort Myer, VA 22211-1199</td>
<td>703-696-3510</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ACS/FAP</td>
<td></td>
</tr>
<tr>
<td>Marine Corps</td>
<td>Henderson Hall</td>
<td>Arlington, VA 22214</td>
<td>703-614-7200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M&amp;FS</td>
<td></td>
</tr>
<tr>
<td>Marine Corps</td>
<td>Base Quantico</td>
<td>Building 2034, Barnett Avenue Quantico, VA 22134</td>
<td>703-784-2570</td>
</tr>
<tr>
<td></td>
<td></td>
<td>FAP</td>
<td></td>
</tr>
<tr>
<td>Navy</td>
<td>NSA, South Potomac</td>
<td>Building 214, NSWCDD Dahlgren, VA 22448</td>
<td>540-653-1839</td>
</tr>
</tbody>
</table>

#### Domestic and Sexual Violence Agencies

<table>
<thead>
<tr>
<th>Agency</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault Response &amp; Awareness</td>
<td>421 King Street, Suite 400, Alexandria, VA 22314</td>
<td>703-838-5030</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SACC</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DUAL</td>
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### Regional Listing (continued)

<table>
<thead>
<tr>
<th>Organization</th>
<th>Phone</th>
<th>Address</th>
<th>City, State ZIP Code</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairfax Victim Assistance Network</td>
<td>703-704-6355</td>
<td>8350 Richmond Hwy., Ste 507</td>
<td>Fairfax, VA 22309</td>
<td>DUAL</td>
</tr>
<tr>
<td>ACTS Turning Point</td>
<td>703-221-4460</td>
<td>P.O. Box 74</td>
<td>Dumfries, VA 22026</td>
<td>DVP</td>
</tr>
<tr>
<td>Alexandria Domestic Violence Program</td>
<td>703-838-4911</td>
<td>421 King Street, Suite 400</td>
<td>Alexandria, VA 22314</td>
<td>DVP</td>
</tr>
<tr>
<td>Doorways for Women and Families</td>
<td>703-237-0881</td>
<td>P.O. Box 100185</td>
<td>Arlington, VA 22210</td>
<td>DVP</td>
</tr>
<tr>
<td>Sexual Assault Victims Advocacy Svc</td>
<td>703-497-1192</td>
<td>P.O. Box 4783</td>
<td>Woodbridge, VA 22194</td>
<td>SACC</td>
</tr>
<tr>
<td>Response, Inc.</td>
<td>540-459-5599</td>
<td>P.O. Box 287</td>
<td>Woodstock, VA 22664</td>
<td>DUAL</td>
</tr>
<tr>
<td>Warren Co. Council on Domestic Viol.</td>
<td>540-635-9194</td>
<td>P.O. Box 1831</td>
<td>Front Royal, VA 22630</td>
<td>DUAL</td>
</tr>
<tr>
<td>LAWS Sexual Assault Services</td>
<td>703-771-9020</td>
<td>105 East Market Street</td>
<td>Leesburg, VA 20176</td>
<td>DUAL</td>
</tr>
<tr>
<td>Shelter for Abused Women</td>
<td>540-667-6466</td>
<td>P.O. Box 14</td>
<td>Winchester, VA 22604</td>
<td>DUAL</td>
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### TIDEWATER/RICHMOND

**Military Bases**

<table>
<thead>
<tr>
<th>Branch</th>
<th>Location</th>
<th>Phone Numbers</th>
</tr>
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<tbody>
<tr>
<td>Navy</td>
<td></td>
<td>1-800-372-5463 757-444-NAVY (Only Tidewater area)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1213 Mahone Avenue, Building 9023</td>
</tr>
<tr>
<td>Army</td>
<td>Fort Lee</td>
<td>804-734-7585 ACS/FAP</td>
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## Regional Listing (continued)

<table>
<thead>
<tr>
<th>Branch</th>
<th>Location</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>Fort Eustis</td>
<td>601 Hines Circle&lt;br&gt;Fort Eustis, VA 23604</td>
<td>757-878-0901</td>
</tr>
<tr>
<td>Army</td>
<td>Fort Monroe</td>
<td>Building 206, 96 Stillwell Road&lt;br&gt;Fort Monroe, VA 23651</td>
<td>757-788-3878</td>
</tr>
<tr>
<td>Army</td>
<td>Fort Story</td>
<td>517 Solomons Road&lt;br&gt;Fort Story, VA 23459</td>
<td>757-422-7311</td>
</tr>
<tr>
<td>Navy</td>
<td>NAS Oceana</td>
<td>Building 531, 1986 Laser Rd. Suite 1&lt;br&gt;Virginia Beach, VA 23460</td>
<td>757-433-2555</td>
</tr>
<tr>
<td>Navy</td>
<td>Dam Neck Annex</td>
<td>2073 Tartar Avenue, Building 585&lt;br&gt;Virginia Beach, VA 23461</td>
<td>757-492-6342</td>
</tr>
<tr>
<td>Navy</td>
<td>Northwest Annex</td>
<td>4504 Relax Rd., Building 374&lt;br&gt;Chesapeake, VA 23322</td>
<td>757-421-8770</td>
</tr>
<tr>
<td>Navy</td>
<td>NAB, Little Creek</td>
<td>1450 D. Street, Building 3129&lt;br&gt;Norfolk, VA 23521</td>
<td>757-462-7563</td>
</tr>
<tr>
<td>Navy</td>
<td>Naval Station Norfolk</td>
<td>1221 Bellinger Blvd., Building U-111&lt;br&gt;Norfolk, VA 23551</td>
<td>757-444-2230</td>
</tr>
<tr>
<td>Navy</td>
<td>Naval Weapon Station</td>
<td>1949 Von Steuben Drive&lt;br&gt;Newport News, VA 23691</td>
<td>757-887-4606</td>
</tr>
<tr>
<td>Navy</td>
<td>SCSC, Wallops Island</td>
<td>7928 14th Street, Suite 102&lt;br&gt;Norfolk, VA 23505-1219</td>
<td>757-444-2230</td>
</tr>
<tr>
<td>Air Force</td>
<td>Langley AFB</td>
<td>45 Pine Road&lt;br&gt;Langley AFB, VA 23665</td>
<td>757-764-2427</td>
</tr>
<tr>
<td>Air Force</td>
<td>Langley AFB</td>
<td>127 Dodd Blvd, Building 441&lt;br&gt;Langley AFB, VA 23665</td>
<td>757-764-7272</td>
</tr>
<tr>
<td>Air Force</td>
<td>Langley AFB</td>
<td>45 Neally Avenue&lt;br&gt;Langley AFB, VA 23665</td>
<td>757-764-3990</td>
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## Regional Listing (continued)

### Domestic and Sexual Violence Centers/Programs

<table>
<thead>
<tr>
<th>Center Name</th>
<th>Phone Number</th>
<th>Address details</th>
<th>City, State ZIP Code</th>
<th>Agency Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transitions</td>
<td>757-722-2261</td>
<td>P.O. Box 561, Hampton, VA 23669</td>
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<td>DVP</td>
</tr>
<tr>
<td>YWCA Women in Crisis Program</td>
<td>757-625-4248</td>
<td>5215 Colley Avenue, Norfolk, VA 23508</td>
<td></td>
<td>DVP</td>
</tr>
<tr>
<td>Eastern Shore Coal. Ag. Dom. Viol.</td>
<td>757-787-1329</td>
<td>P.O. Box 3, Ononock, VA 23417</td>
<td></td>
<td>DVP</td>
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<tr>
<td>Genieve Shelter</td>
<td>757-925-4365</td>
<td>1548C Holland Road, Suffolk, VA 23434</td>
<td></td>
<td>DVP</td>
</tr>
<tr>
<td>Help and Emergency Response, Inc.</td>
<td>757-485-3384</td>
<td>P.O. Box 2187, Portsmouth, VA 23702</td>
<td></td>
<td>DVP</td>
</tr>
<tr>
<td>Samaritan House</td>
<td>757-631-0710</td>
<td>P.O. Box 2400 #226, Virginia Beach, VA 23450</td>
<td></td>
<td>DVP</td>
</tr>
<tr>
<td>Center for Sexual Assault Survivors</td>
<td>757-599-9844</td>
<td>11101 Warwick Blvd. Ste. 2A, Newport News, VA 23601</td>
<td></td>
<td>SACC</td>
</tr>
<tr>
<td>AVALON</td>
<td>757-258-5022</td>
<td>P.O. Box 1079, Williamsburg, VA 23187</td>
<td></td>
<td>DUAL</td>
</tr>
<tr>
<td>Laurel Shelter</td>
<td>804-684-5552</td>
<td>P.O. Box 23, Gloucester, VA 23061</td>
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<td>DUAL</td>
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<tr>
<td>Response Sexual Assault Support Svcs</td>
<td>757-623-2115</td>
<td>5215 Colley Avenue, Norfolk, VA 23508</td>
<td></td>
<td>SACC</td>
</tr>
<tr>
<td>Hanover Safe Place</td>
<td>804-752-2728</td>
<td>629-A North Washington Hwy. Ashland, VA 23005</td>
<td></td>
<td>DUAL</td>
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<tr>
<td>Safe Harbor</td>
<td>804-249-9470</td>
<td>P.O. Box 17996, Richmond, VA 23226</td>
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### CENTRAL VIRGINIA/BLUE RIDGE

#### Domestic and Sexual Violence Centers/Programs

<table>
<thead>
<tr>
<th>Services to Abused Families</th>
<th>540-825-8891</th>
<th>P.O. Box 402</th>
<th>Culpeper, VA 22701</th>
<th>DVP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault Resource Agency</td>
<td>434-295-7273</td>
<td>P.O. Box 6880</td>
<td>Charlottesville, VA 22906</td>
<td>SACC</td>
</tr>
<tr>
<td>Shelter for Help in Emergency</td>
<td>434-963-4676</td>
<td>P.O. Box 3013</td>
<td>Charlottesville, VA 22903</td>
<td>DVP</td>
</tr>
<tr>
<td>Sexual Assault Response Crisis Line of Central VA. Inc.</td>
<td>434-947-7422</td>
<td>P.O. Box 3074</td>
<td>Lynchburg, VA 24503</td>
<td>SACC</td>
</tr>
<tr>
<td>SAVVI Crisis Center</td>
<td>540-349-7720</td>
<td>P.O. Box 3159</td>
<td>Warrenton, VA 20188</td>
<td>SACC</td>
</tr>
<tr>
<td>New Directions</td>
<td>540-635-9062</td>
<td>P.O. Box 3069</td>
<td>Staunton, VA 24402</td>
<td>DUAL</td>
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<tr>
<td>Organization</td>
<td>Phone Number</td>
<td>Address</td>
<td>City, State, Zip Code</td>
<td>Type</td>
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<tr>
<td>Collins Center</td>
<td>540-432-6430</td>
<td>P.O. Box 1473</td>
<td>Harrisonburg, VA 22803</td>
<td>SACC</td>
</tr>
<tr>
<td>First Step</td>
<td>540-434-0295</td>
<td>129 Franklin Street</td>
<td>Harrisonburg, VA 22801</td>
<td>DVP</td>
</tr>
<tr>
<td>CHOICES, Council on Domestic Viol.</td>
<td>540-743-4414</td>
<td>216 West Main Street</td>
<td>Luray, VA 22835</td>
<td>DUAL</td>
</tr>
<tr>
<td>Project Horizon</td>
<td>540-463-7861</td>
<td>120 Varner Lane</td>
<td>Lexington, VA 24450</td>
<td>DUAL</td>
</tr>
<tr>
<td>Southside Center for Viol. Prevention</td>
<td>434-292-1077</td>
<td>P.O. Box 563</td>
<td>Farmville, VA 23901</td>
<td>DUAL</td>
</tr>
<tr>
<td>Bedford Domestic Violence Services</td>
<td>540-587-0995</td>
<td>P.O. Box 783</td>
<td>Bedford, VA 24523</td>
<td>DVP</td>
</tr>
<tr>
<td>Amherst Co. Comm. Ag. Dom. Viol.</td>
<td>434-946-0300</td>
<td>P.O. Box 1157</td>
<td>Amherst, VA 24521</td>
<td>DVP</td>
</tr>
<tr>
<td>Rappahannock Council Ag. Dom. Viol.</td>
<td>540-373-9372</td>
<td>P.O. Box 1007</td>
<td>Fredricksburg, VA 22402</td>
<td>DVP</td>
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<tr>
<td>Rappahannock Council Ag. Sex. Assault</td>
<td>540-371-1666</td>
<td>P.O. Box 1007</td>
<td>Fredricksburg, VA 22402</td>
<td>SACC</td>
</tr>
<tr>
<td>YWCA Domestic Viol. Prevention Ctr.</td>
<td>434-528-1041</td>
<td>626 Church Street</td>
<td>Lynchburg, VA 24504</td>
<td>DVP</td>
</tr>
<tr>
<td>Citizens Against Family Violence, Inc.</td>
<td>276-632-8701</td>
<td>P.O. Drawer 352</td>
<td>Martinsville, VA 24114</td>
<td>Dual</td>
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## Regional Listing (continued)

### SOUTHWEST/ROANOKE REGION

<table>
<thead>
<tr>
<th>Domestic and Sexual Violence Centers/Programs</th>
<th>Phone Number</th>
<th>Address</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault Response &amp; Awareness</td>
<td>540-345-7273</td>
<td>Roanoke, VA 24016</td>
<td>SACC</td>
</tr>
<tr>
<td>The Burrell Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safehome Systems, Inc.</td>
<td>540-965-3237</td>
<td>Covington, VA 24426</td>
<td>DUAL</td>
</tr>
<tr>
<td>People, Inc.’s Domestic Viol. Program</td>
<td>276-619-2249</td>
<td>Abingdon, VA 24210</td>
<td>DVP</td>
</tr>
<tr>
<td>People, Inc.</td>
<td>276-889-8477</td>
<td>Lebanon, VA 24266</td>
<td>DUAL</td>
</tr>
<tr>
<td>Crisis Center</td>
<td>276-466-2218</td>
<td>Bristol, VA 24203</td>
<td>SACC</td>
</tr>
<tr>
<td>Family Crisis Services</td>
<td>276-988-5583</td>
<td>N.Tazewell, VA 24630</td>
<td>DUAL</td>
</tr>
<tr>
<td>Family Crisis Support Services</td>
<td>276-679-7240</td>
<td>Norton, VA 24273</td>
<td>DUAL</td>
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<tr>
<td>Abuse Alternatives</td>
<td>423-652-9093</td>
<td>Bristol, TN 37620</td>
<td>DVP</td>
</tr>
<tr>
<td>Franklin County Family Resource Ctr.</td>
<td>540-483-5088</td>
<td>Rocky Mount, VA 24151</td>
<td>DVP</td>
</tr>
<tr>
<td>Hope House of Scott County, Inc.</td>
<td>276-386-1373</td>
<td>Gate City, VA 24251</td>
<td>DVP</td>
</tr>
<tr>
<td>Family Resource Center</td>
<td>276-625-0219</td>
<td>Wytheville, VA 24382</td>
<td>DUAL</td>
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</table>
Regional Listing (continued)

Women's Resource Center  540-639-9592
P.O. Box 477
Radford, VA 24143  DUAL

Turning Point  540-345-0400
815 Salem Avenue, SW
Roanoke, VA 24016  DVP

Total Action Against Poverty  540-345-6781
Women's Resource Center  P.O. Box 2868
Roanoke, VA 24001  DUAL
Developing a Memorandum of Understanding Between an Installation and a Civilian Domestic Abuse Shelter

A formal Memorandum of Understanding (MOU) that clearly defines the roles and responsibilities of the installation and the civilian shelter ensures that an installation is able to protect, and provide services for, victims of domestic abuse and their children. (If a shelter requires that the installation pay fees for the services the shelter will provide, a contract, as opposed to an MOU, would be the appropriate vehicle.) An MOU should outline referral procedures and define the exact services that the shelter will provide for military victims of domestic abuse.

Such an MOU shall address, at a minimum, the following:

1) A general statement of the purpose of the MOU.
2) An outline of procedures for referrals to the shelter by military agencies and first responders/law enforcement personnel.
3) An outline of procedures for referrals to military agencies by the shelter.
4) An explanation of the services that the shelter will provide to victims of domestic abuse who are eligible to receive military medical treatment and their children.
5) Training for shelter staff about the services offered to victims of domestic abuse who are eligible to receive military medical treatment and their children on the installation.
6) Training for relevant installation personnel about the services offered by the shelter for victims of domestic abuse.
7) Whether, and to what extent, communications between shelter staff and victims of domestic abuse will be held confidential.

The following Sample Memorandum of Understanding contains provisions that could be used or modified by installations to meet specific needs. Provisions can be added or subtracted depending on the services that the shelter will be providing to victims and their children.

Memorandum of Understanding Between (INSTALLATION) and (DOMESTIC VIOLENCE SHELTER)

1. PURPOSE: To establish a written agreement between (INSTALLATION) and (DOMESTIC VIOLENCE SHELTER) defining procedures for the coordination of emergency shelter, safe housing, victim advocacy services, support, and referral services for victims of domestic violence who are eligible for military medical treatment.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU provides guidance and documents an agreement for general support between (INSTALLATION) and (DOMESTIC VIOLENCE SHELTER).
3. RESPONSIBILITIES:

A. The (INSTALLATION) agrees to the following provisions:
   (1) When responding to or investigating domestic violence cases or providing medical or other services for domestic violence victims, personnel from the Provost Marshal Office (PMO), Family Advocacy Program (FAP) personnel, and medical treatment facility (MTF) personnel shall provide victims of domestic violence with basic referral information for (DOMESTIC VIOLENCE SHELTER), including telephone/hotline number and a general description of the shelter, support and victim advocacy services offered by that organization.

   (2) When a victim of domestic violence determines that he/she would like to seek shelter at (DOMESTIC VIOLENCE SHELTER) or meet with (DOMESTIC VIOLENCE SHELTER) staff regarding other victim advocacy services, transportation to the shelter shall be arranged, when necessary, by law enforcement personnel from the PMO.

   (3) (INSTALLATION) will work with FAP to publicize resources available through the (DOMESTIC VIOLENCE SHELTER) and how victims can access those services.

   (4) FAP will provide training to (DOMESTIC VIOLENCE SHELTER) staff, as needed, on the resources available to victims of domestic violence through FAP and through other programs and agencies located on (INSTALLATION).

   (5) Access will be provided to (INSTALLATION) for (DOMESTIC VIOLENCE SHELTER) staff providing services to military victims of domestic violence.

B. (DOMESTIC VIOLENCE SHELTER) agrees to the following provisions:
   (1) When (DOMESTIC VIOLENCE SHELTER) receives a referral from (INSTALLATION) at the request of a victim, or when (DOMESTIC VIOLENCE SHELTER) identifies a victim of domestic violence as an individual eligible for military medical treatment, (DOMESTIC VIOLENCE SHELTER) will provide the same services to that victim as it provides to all other clients, in accordance with the victim’s wishes and needs. Services provided by (DOMESTIC VIOLENCE SHELTER) include: [A detailed list of specific services offered by the shelter can be inserted here.]

   (2) When (DOMESTIC VIOLENCE SHELTER) receives a referral from (INSTALLATION) or when (DOMESTIC VIOLENCE SHELTER) identifies a victim of domestic violence as an individual eligible for military medical treatment, (DOMESTIC VIOLENCE SHELTER) staff shall provide that victim with information regarding FAP and other resources available to victims of domestic violence on (INSTALLATION). (DOMESTIC VIOLENCE SHELTER) staff shall also inform victims that they are not excused from work related responsibilities, or, if an active duty member, from duty or from complying with unit recall notification policies while staying at (DOMESTIC VIOLENCE SHELTER).

   (3) (DOMESTIC VIOLENCE SHELTER) staff will work with FAP to train
Memorandum of Understanding (continued)

base staff, including, but not limited to, personnel from the PMO, FAP and MTF, on resources available through the (DOMESTIC VIOLENCE SHELTER) and how victims can access those services.

4. PRIVACY INTERESTS

A. The (DOMESTIC VIOLENCE SHELTER) shall not disclose the victim’s identity and/or specifics about the victim’s circumstances to (INSTALLATION) personnel, including, but not limited to, FAP staff or the PMO, without the written consent of the victim, unless otherwise required to do so by state or federal law. A victim must sign a “Release of Information Form” prior to the exchange of any information regarding that victim. Once the “Release of Information” form has been signed, information shall be exchanged for the purposes of referral, treatment and intervention planning and coordination efforts.

B. The victim’s identity and/or specifics about the victim's circumstances shall not be disclosed by (INSTALLATION) personnel, including, but not limited to, FAP staff or the PMO, to the (DOMESTIC VIOLENCE SHELTER) without the written consent of the victim, unless otherwise required to do so by state or federal law. A victim must sign a “Release of Information Form” prior to the exchange of any information regarding that victim. Once the “Release of Information” form has been signed, information shall be exchanged for the purposes of referral, treatment and intervention planning and coordination efforts.

C. Copies of original signed “Release of Information” forms shall be kept on file with the initiating organization and a copy will be transmitted to the receiving party.

D. (DOMESTIC VIOLENCE SHELTER) shall provide non-identifying statistical information to (INSTALLATION) regarding the victims to whom it provides services on a (PERIODIC) basis.

5. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.

B. Effective execution of this agreement can be achieved only through continuing communication and dialogue between the parties. It is the intent of this MOU that channels of communication will be used to resolve questions, misunderstandings or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) and (DOMESTIC VIOLENCE SHELTER) shall meet, as necessary and appropriate, to share information regarding individual cases after having received signed “Release of Information” forms from the victims and to generally discuss and review quality of services provided to victims.

Adapted from U.S. Department of Defense, Washington, D.C.

Military Resource Handbook Page 47
Virginia Sexual & Domestic Violence Action Alliance
Safety planning with victims of domestic and sexual violence
What is Safety Planning/Safety Assessment?

Safety Planning is thinking and acting in a way that can increase your safety and the safety of your loved ones.

Sexual assault victim advocacy represents a philosophy of working with individuals and institutions to ensure that victims receive appropriate services based on their articulated needs. This philosophy also assures that community and governmental bodies are responsive to victims’ needs. Advocates help ensure that interventions that affect victims focus on promoting victim safety and well-being.

What to do in Case of a Sexual Assault

- Get to a safe place if possible. If you live on this base, this may mean leaving and going to a family member, friend, church or shelter.
- Call a friend or family member to be with you.
- Call the police, a crime has been committed.
- Ask responding representative to explain restricted reporting and Un-Restricted reporting.
- Do not bathe douche or change clothes. You may be destroying legal evidence, regardless of whether you pursue legal action or not.
- Go to a hospital emergency department for medical care. This can be done without police intervention, if that is your choice.
- Write down as much as you can remember about the circumstance of the assault and the identity of your assailant.
- Seek the counseling and legal assistance from a rape treatment center. The counselor there can help you deal with the consequences of an assault.
- Call a Sexual Assault Crisis Center if you want someone to go with you to the hospital or to talk to the police, if you live on the base you would need to call the Family Advocacy Program.

Options and Decisions

As a crime victim, you will have questions. What should you do? Generally speaking, a sexual assault victim has three choices:

- Not to report the crime to the police.
- Report the crime to SART.
- Report the crime to the police with the intent of prosecuting the offender.

Only the sexual assault victim can make this decision. Talking with someone who can give immediate support and information, such as a sexual assault crisis counselor, a victim/witness advocate, this person may help you make your decision. Be aware of “Restricted and Un-restricted” reporting. If you tell a friend, you may not be able to maintain a restricted report.
Sample Safety Plan/Assessment
* Supplemental questions for military victims of domestic violence*

NOTE: Use your existing safety assessment tools. This form is meant to be a supplement, not a replacement for existing tools.

Client Name: ______________________ Safe Contact Info: __________________________

Military Installation: ____________________________________________________________

Date: ______________ Active Duty or Civilian? _____________________

If civilian, are you employed? _______ Employer: _________________________________

Are you receiving financial support from the abuser? _______

Are you legally married to the abuser? __________ Are you a U.S. citizen, what is your immigration status? _________________________________________________

- Do you have a drivers license/access to a car?
- Do you have an up-dated military ID card for self and children?
- Do you have your passport?
- Do you have the birth certificates for self and children?
- Do you have your green card/work permit?
- Do you have your Civilian Protective order?
- Do you have your Health records/Cards

Military Response
1. Have military police been called to respond? ______________________________

When? ________________________________________________________________________

What was their response? _______________________________________________________

_______________________________________________________________________________

2. Was anyone at the installation notified? _______ Who? ______________________

What was the response? ________________________________________________________

_______________________________________________________________________________

3. Are you accessing services on base? ______________________________

If yes, what services? ___________________________________________________________

4. Do you have a military protective order? ______________________________

(Always provide victim with a copy of the Protective Order)
Sample Safety Plan (continued)

Civilian Response
1. Have civilian police been called to respond? _______________________________
   When? __________________________________________________________________
   What was their response? ________________________________________________
   ______________________________________________________________________

2. Was anyone at the installation notified? ______ Who? _________________________
   What was the response? ________________________________________________
   ______________________________________________________________________

3. Do you have a civilian restraining/protective order? ________________________

4. Are you receiving any other civilian services? _____________________________
   What services? __________________________________________________________
   Contact Info: ___________________________________________________________________

If the perpetrator is your spouse/partner and active duty, things you may need to consider?
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

(From “The Military Response to Victims of Domestic Violence: Tools for Civilian Advocates; The Battered Women’s Justice Project)
Helpful resources
Helpful Resources

**Military One Source**
1-800-342-9647 (Available 24/7)
www.militaryonesource.com

**Air Force One Source**
1-800-707-5784

**Military Homefront---Supporting our Troops and their families**
(Housing, medical/dental, legal matters, parenting, relocation, etc.)
www.militaryhomefront.dod.mil

**Military Benefits**
http://militarybenefits.com

**U.S. Department of Defense (DoD)**
www.dod.mil
www.defenselink.mil/

**U.S. Department of Defense Sexual Assault Prevention and Response**
www.sapr.mil

**Department of Defense Dictionary of Military Terms**
www.dtic.mil/doctrine/jel/doddict

**U.S. Department of Defense, Web Report**
Domestic Violence: “Love shouldn’t hurt.”
www.defenselink.mil/specials/domesticviolence/

**Defense Technical Information Center**
www.dtic.mil/

**Army Sexual Assault Prevention and Response Program**
http://www.sexualassault.army.mil

**Navy Sexual Assault Victim Intervention**
http://www.persnet.navy.mil
Helpful Resources (continued)

Marine Corps Community Services
http://www.usmc-mccs.org/
U.S. Coast Guard
www.uscg.mil

U.S. Air Force Family Advocacy Program
https://www.airforcefap.org/home.asp

Department of Justice-Office for Victims of Crime
http://www.ojp.usdoj.gov/ovc

National Center on Domestic and Sexual Violence
www.ncdsv.org

National Sexual Violence Resource Center (NSVRS)
www.nsvrc.org

National Domestic Violence Hotline
www.ndvh.org

Violence Against Women Online Resources
www.vaw.umn.edu

The Miles Foundation
(Provides comprehensive services to victims of violence associated with the military)
http://hometown.aol.com/milesfdn/myhomepage/

EX-POSE—National non-profit organization
(Group of ex-wives of active duty military members who advocate for current and ex-spouses of military members)
www.ex-pose.org
703-941-5844
The Blueprint is dedicated to all people whose bodies bear the marks of this injustice and to those who are committed to altering the conditions that give rise to this devastating form of violence.

Adapted from the Saint Paul Blueprint for Safety
The Saint Paul Domestic Abuse Intervention Project (SPIP) was the primary advocacy advisor to the Blueprint, with contributions from Rebecca McLane and Melissa D’Cruz, in particular. SPIP conducted focus groups and individual interviews with women from diverse communities and backgrounds who generously shared their stories about the impact of criminal justice system practices on their lives. Advocates from the following agencies also attended focus groups conducted by SPIP or provided consultations to the Blueprint writers:

- Alexandra House
- Anna Marie’s Alliance
- Asian Women United of Minnesota
- Battered Women’s Justice Project
- Battered Women’s Legal Advocacy Project
- Breaking Free
- Bridges to Safety
- Casa de Esperanza
- Cornerstone/Day One
- Domestic Abuse Project
- Hope Center
- Houston County Women’s Resources
- Minnesota Coalition for Battered Women
- Project Peace
- Rape and Crisis Center
- Shelter House
- Sojourner Project
- Someplace Safe
- Tubman Family Alliance
- Women of Nations

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- Someplace Safe
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- Women of Nations

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We are proud to convey to you the collective work of ten agencies that took up the challenge to write a blueprint for every Minnesota community struggling with the destruction caused by violence in our homes. Our work was made possible by the generous support of the Minnesota Legislature. The “Saint Paul Blueprint for Safety” is limited in that it addresses the roles and functions of criminal justice practitioners only. It is expansive in that it goes beyond what any community has yet been able to fully achieve.

When writing policies and protocols for so many agencies we often heard people say, “Well, this isn’t a policy it’s just what we do” or, “No need to write that down; everybody knows to do that.” Indeed, over ninety percent of what is in the Blueprint is done by at least some practitioners some of the time. The Blueprint is the only document like it in the country, however, for two reasons. First, it is written as one document, with a chapter for each agency and each chapter inextricably linked to the whole. It is not a collection of good policies, but a collective policy. Second, the Blueprint operates on three levels simultaneously: on the level of (1) what victims need to be safe, (2) what practitioners need from each other to do their jobs, and (3) what is required by each worker and agency to hold the offender accountable.

Crafting the Blueprint was no small feat; implementing it will require even more commitment on the part of agencies, their leaders, and the countless practitioners that make up this massive entity called the criminal justice system. That commitment begins with a reading of the Blueprint that is motivated by a good faith attempt to make it come alive and realize its very ambitious goal: namely, to fulfill Saint Paul’s commitment to reducing homicide and making our homes places of refuge rather than incubators for more suffering, crime, and violence. The Blueprint envisions a response that holds that every victim is worth fighting for and every abuser must be held to account. We hope that the Blueprint inspires other Minnesota communities to make a similar commitment to its goals and process of review and change.

We are grateful for the opportunity to have created the Blueprint and humbled by the prospects of what now lies ahead to fully implement its promise.

Sincerely,

Chief John Harrington
Saint Paul City Attorney John Choi
Becoming a Blueprint Community

The Minnesota legislature has made The Blueprint for Safety (Blueprint) available to all Minnesota communities. The Blueprint is just that—a set of plans. Most of them are based on practices already tried and tested in many Minnesota cities and towns. The Blueprint’s contribution is its meticulous attention to the details of interagency case processing that often proves to be the place where fatal errors occur. Across the country, we have learned the hard way that when agencies do not coordinate their interventions on multiple levels of information gathering and sharing, nor use sound intervention approaches, tragedy occurs. Most deaths that appear to have been preventable are usually not the result of an individual mistake; rather, it is because we, as an entire system, were unable to connect the dots and act in a unified and strategically sound way.

To be a Blueprint Community essentially requires two commitments:

1. To recreate the Saint Paul experience of agency leaders, practitioners, and victim advocates collaborating to write each participating agency’s policies and protocols. This multi-agency writing process attends to all the details of moving a case from one processing step to the next, so that each person who touches the case is positioned to act in ways that protect victims from ongoing abuse and holds offenders accountable. This means that no community can simply cut and paste these policies into a local document. At the same time, no community is burdened with starting from a blank slate. Just as the contractor, who uses a generic blueprint, makes specific site adaptations to the configuration of the lot, soil conditions, homeowner’s budget, and local building codes, so will local jurisdictions have slightly different versions of these basic policies and protocols. The time, research, and debate that went into this document (like the architect’s blueprint) will greatly reduce the time and effort local communities will need to write their own policies and protocols addressing the very unique crime of domestic violence.

2. To adhere to the foundational principles described in the Blueprint. The six principles discussed in Chapter 1 are the glue that philosophically holds together this approach to domestic violence cases. They are fundamental to the Blueprint concept. We do not mean to imply other approaches will not work; rather, that the term Blueprint Community means something specific. To be a Blueprint Community means that the major criminal justice agencies have agreed that the six foundational principles should guide the intervention work at each step of case processing. Differences that arise about how to undertake cases or policy and procedural language, should be resolved in a way that is consistent with these six principles.
How should a community start the process?

1. The first step is to determine if there is sufficient political will among the criminal justice system agencies to take on such a project. Unless the leadership in law enforcement, prosecution, probation, and the bench are all committed to a cohesive approach to these cases, the Blueprint will never become a reality in that community. It is best to wait until all the core agency leaders are on board, than to foist a project onto one or more reluctant agencies. The latter approach may result in producing a form of resistance that a Blueprint Community agrees to put aside.

2. The advocacy program and agency leaders need to agree on a central role for advocates to comment on and help shape policies and protocols, even though the Blueprint does not have a set of policies and procedures for advocates. Advocates should not be seen as a part of the system nor be expected to engage in a case management role. Please review the companion piece, The Distinct and Vital Role of a Legal System Advocate. For those communities who do not have an advocacy program, The Minnesota Coalition for Battered Women (Jowen@MCBW.org) can help them find this key resource.

3. Next, determine who will coordinate the effort. There needs to be at least one agreed upon person or agency in the community who will act as the point person for organizing the project. In Minnesota, there are a number of organizations that can assist jurisdictions wanting to become a Blueprint Community. Assistance can range from helping an inter-agency group get started, to helping a community through the entire process.

4. Next, hold an exploratory readiness meeting between senior representatives of the major agencies and a spokesperson from another Blueprint Community to obtain a briefing on the scope, demands, and benefits of such a project.

5. If the decision is to go forward, then form a working committee to adapt and implement the Blueprint in your community. That committee, which needs representatives from each agency, will need to read the Blueprint, adapt the policies, protocols and supplemental material to their local community, and then ensure the Blueprint is implemented. (See Using the Blueprint, page 16).

6. Be inclusive. Not only does the Blueprint approach call on agencies to work together to map out procedures and protocols, it also calls for the inclusion of people in the community that are most impacted by such public policies. If certain populations are overrepresented in the local criminal justice system, representatives of those communities should be meaningfully consulted during the planning process.

7. Build into the implementation plan a way to sustain the vision of the Blueprint reforms. Any successful effort to implement a Blueprint approach will require a long term commitment. A person or organization should be authorized and adequately resourced to monitor and actively sustain an ongoing effort. Avoid policy drift; think sustainability.

[1] Consulting organizations include Praxis International (email: Blueprint@praxisinternational.org), The Minnesota Coalition for Battered Women (email: Jowen@MCBW.org) and The Battered Women’s Justice Project (BWJP) (email: technicalassistance@BWJP.org).

Table of Contents

Chapter 1
Foundations of Effective Intervention 1

Chapter 2
911 Emergency Communications Center 19

Chapter 3
Law Enforcement 31

Chapter 4
County Sheriff’s Office 55

Chapter 5
Prosecuting Attorney’s Office 61

Chapter 6
Victim/Witness Services Division 83

Chapter 7
County Probation and Bail Evaluation 89

Chapter 8
The Bench and Court Administration 117

Chapter 9
Endnotes 131
Chapter 1

Foundations
Foundations of Effective Intervention

Minnesota has long been regarded as a leader in the national efforts to end intimate partner violence. In 1974, Women’s Advocates was one of the first shelters to open in the country and became a model for the thousands of shelters to open in the next three decades. The Domestic Abuse Project in Minneapolis was among a handful of batterers’ programs to open in the early 1980s and remains a leader in the field of abuser treatment. Duluth was the site of the first interagency intervention project and in 1982 was the first city to mandate its law enforcement officers to arrest in domestic abuse cases. It has won international acclaim for its pioneering work in interagency collaboration. Beginning in the 1970s, the Minnesota Legislature has consistently produced what is considered one of the country’s most comprehensive bodies of domestic violence legislation. All eleven tribes and every region of the state have advocacy programs for victims of domestic violence. The Minnesota Coalition for Battered Women is a strong voice for victims in every major public policy making area affecting victims of battering. Programs in Olmsted County are collaborating with child protection agencies to find ways to help victims of battering and their children recover from the destructive impact of battering on the parent-child relationship. New initiatives are exploring how to work most effectively on behalf of children when domestic abuse leads to divorce.

It is therefore not surprising that the next generation of innovation comes from the collaborative work of community groups, advocates, leaders in the criminal justice system, and the state legislature. In 2007, the Minnesota Legislature awarded a grant to the City of Saint Paul to write a comprehensive plan integrating the knowledge gleaned from thirty years of research, demonstration projects, and practice into a “blueprint” for city and county agencies responding to misdemeanor and felony assaults. There are two versions of the Blueprint, one specifically for the City of Saint Paul and this one for any communities to use as a template or guide to create their own customized version. Both documents are based on Minnesota law and legal terminology. The Blueprint for Safety (Blueprint) is the result of conversations and consultation with community members, practitioners, advocates, victims, defense attorneys, researchers, agency leaders, and experts in confronting this crime both locally and nationally. In the end, the leadership of the core intervening agencies and the district court bench create a successful Blueprint Community. Such leadership is the basis for any community’s effort to confront this devastating form of violence.

The Blueprint is anchored in six foundational principles we have identified as essential characteristics of intervention that maximize safety for victims of domestic violence and holds offenders accountable while offering them opportunities to change.

1. Adhere to an interagency approach and collective intervention goals
2. Build attention to the context and severity of abuse into each intervention
3. Recognize that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders
4. Ensure **sure and swift** consequences for continued abuse

5. Use the power of the criminal justice system to **send messages of help and accountability**

6. Act in ways that reduce **unintended consequences and the disparity of impact** on victims and offenders

Endnotes highlighting research findings, academic literature, and intervention models supportive of these foundational elements can be found in Chapter 9.

**1. Interagency approach and collective goals**

Processing a single domestic violence related case involves five levels of government and over a dozen intervening agencies. Hundreds of practitioners might touch these cases every day. An effective response, meaning one that leads to an end to the violence, requires **solid coordination** across and among the many practitioners involved, as well as a strong **system of accountability**. Practitioners are committed to the mission, function, and goals of their respective agencies, but in an interagency approach they are simultaneously accountable to the victim on whose behalf we intervene, to the offender with whom we intervene, and to others intervening in the case. This interagency approach requires a **system of communication** in which each practitioner receives and relays information in ways that make it possible for everyone to act with the best knowledge of the case. The legal system is structured to assign distinct roles with specific powers to create a system of checks and balances that prevents the misuse of State power. That system is the backbone of our justice system. That doesn’t mean however, that practitioners in these various roles should not attempt to agree on some shared assumptions about risk management, deterrence and safety. In fact, the absence of a cohesive approach often thwarts the possibility of justice in these cases. Finally, an effective interagency response requires a **commitment to excellence** by each intervening agency and practitioner, as well as a **commitment to challenge one another and actively engage in resolving disagreements**. When so many agencies are involved in case processing there will be differences, arguments, and unmet expectations; this is not the problem. The problem arises when there is no ongoing structured way to resolve those conflicts. Interagency approaches succeed when everyone focuses on a shared goal that is centered on the needs of the victims and families harmed by the violence and brutality.

The criminal court process demands a high level of coordination to carry out the dozens of case processing steps involved in the response. The criminal codes, rules of evidence and procedure, case law, administrative forms and processes, calendars and schedules, data bases, and information sharing protocols dictate how interagency collaboration is organized. This Blueprint provides additional structure by introducing coordinating elements designed specifically to enhance approaches to domestic violence related cases:

- In a criminal domestic violence case that involves over one hundred institutional steps, the Blueprint creates **written policies** for each core processing point. Beginning with
If a victim of battering thinks she’s in grave danger, she should be taken seriously. A victim’s perception of danger is a powerful predictor of risk.

– Multiple studies (Chapter 9)
Domestic violence is a broad category that has come to include many kinds of behaviors within relationships between family and other household members. It jumbles together vastly different actions: from throwing a shoe at a partner who gambled away $1000, to strangling a woman until she loses consciousness because she wants out of the relationship. It groups together slapping someone on the arm with head-butting. The term domestic violence focuses attention on specific acts of violence toward a family member and obscures the context of that violence, which often includes ongoing coercion, intimidation, and emotional harm.

What has been largely submerged under the category of domestic violence is battering: a term recognized, defined, and brought to public attention in the 1970s by advocates responding to the realities of sustained abuse in women’s lives, primarily by their intimate partners. Battering came to describe an ongoing pattern of coercion, intimidation, and emotional abuse, reinforced by the use and threat of physical or sexual violence. As laws were enacted to protect victims of battering and hold batterers accountable, the term “domestic violence” was adopted both to be inclusive of cases where a male is the victim and to emphasize the place where the abuse is occurring, the home. Every act of violence by one person against another that occurred in the setting of the home came to have the same meaning; that is, all violence involving family members became acts of domestic violence. Laws passed with battering in mind were applied to teenagers hitting their parents, to one brother hitting another, to a husband strangling his wife, and to that wife scratching her husband in response. Slogans like “zero tolerance for violence in the home” hindered critical reflection about the differences between these acts of violence.

We have learned that applying a single treatment to such a broad range of human interactions and behaviors inhibits meaningful intervention for victims and perpetrators. For example, grouping all acts of violence together, regardless of intent and context, leads us to treat a battered woman or a teenage child who reacts to abuse with violence (albeit illegally) the same as the person who dominates his partner through a pattern of fear, coercion and violence. Placing all acts of relationship violence into a single category of “misdemeanor domestic violence” or “felony domestic violence” can distort our understanding of who is doing what to whom, and who needs what level of protection from whom. For victims of battering, such misunderstandings are not benign and they can have fatal effects, as analysis of intimate partner homicide confirms.

Our challenge is to make visible all that we can possibly know about the full scope of abuse occurring in a relationship.
sented too many due process and safety traps. Instead, we have built differentiation into each step of the process, supported by intense attention to gathering, documenting, disseminating, and building on new information over a period of time and frequent, ongoing contact with offenders and victims. This differentiation will allow us to accomplish the Minnesota Legislature’s charge to design a system that tailors interventions to the specifics of a case and accounts for the unique aspects and different levels of violence and abuse that offenders use and to which victims are subjected.

This process of differentiation is not new to the Blueprint. The Minnesota Legislature recognized the need for differentiation over a decade ago when it discouraged dual arrests even when evidence existed to arrest both parties in a domestic abuse–related case. Instead, the law encouraged officers to arrest the predominant aggressor. It also gave prosecutors the ability to respond to the ongoing nature of this crime by allowing but not requiring enhancements for repeat offenders. This powerful discretionary tool permits prosecutors to respond to the specifics of a case in new ways.

To respond to domestic violence without inadvertently causing further harm requires differentiating who is doing what to whom, and with what impact. The Blueprint directs practitioners to gather information that illuminates both the pattern of abuse and the specific acts being committed. Policies and protocols then propose different interventions based on the circumstances, frequency, and severity of abuse.

### 3. A patterned crime requiring continuing engagement

A domestic violence crime is rarely fully resolved with the first intervention. For those offenders who have much to lose by criminal justice intervention, a single legal action may be enough to jolt them out of thinking that violence is an effective way of dealing with their relationship. For another group of offenders who batter, the violence will not stop or decrease significantly in severity until there are repeated interventions. There is a small but volatile group with long and violent criminal histories for whom sanctions have little or no impact. If the violence is caused by mental illness, brain trauma, or similar factors, multiple and very specific interventions may be necessary.

With the clear exception of stalking, most domestic violence–related criminal interventions focus on a single event of violence. But most practitioners charged with intervening in domestic violence cases understand that these single acts of violence are usually part of a patterned use of coercion, intimidation, and the use or threat of violence—namely, battering. As such, the relationship is characterized by a “continuing” set of violent actions committed over time and in countless situations. Interventions to process one assault look different than interventions intended to stop the continued use of abuse and violence. The Blueprint is designed to do both: to process the “event of a crime” in a manner that confronts and stops the pattern of abuse and violence.
This dual approach to intervention has important implications for an interagency approach. First, we must be prepared to link seemingly isolated incidents into a more coherent picture of behavior and complexity of risk and safety for any one victim. Second, we must all see our shared task and function as reaching beyond the processing of that single event to stopping future abuse. Without significant change on the part of the offender, the coercion and violence is likely to continue and may escalate in severity and frequency.

The patterned nature of battering means that our contact with a victim or offender will likely continue for an extended period of time. This extended contact provides the opportunity to build relationships that reinforce safety and accountability in more lasting ways. If a victim is reluctant or refuses to participate in a prosecution and court intervention at a given point, how we treat her or him will shape the possibilities for a future partnership. As an investigator explained:

> If I treat her with respect and let her know I'm concerned the first time I meet her, when it happens again she is more likely to take my call, or even call me. If I get frustrated and angry because I need her in order to get to him and I throw up my hands, saying 'fine, you want to live that way go ahead,' then I'm just one more person slapping her in the face.

As two patrol officers noted:

> What I do and say the first time we go out on a case sets the tone for what the next officer faces. If she's hostile and in my face and

I treat her with respect and let her know we are here for her and her kids when they need us, the next officer (or maybe even the one after that) will be dealing with a different person...

Let's just put it this way, I'm not the one getting bashed up and pushed around and treated like an animal, so I'm in a better position to extend that hand. It might take two or three of us and different calls, but eventually most women get to a point where the police aren't the enemy and then they want to work together...

To produce a more meaningful and individualized response we must collaborate with victims in ways that acknowledge the nature of domestic violence as a patterned offense. This means:

- Wherever possible, minimize the victim’s need to confront the offender.
- Protect the victim from retaliation when using information that she or he has provided.
- Treat each interaction with the victim as an opportunity to build collaboration over multiple interventions (even when a victim starts out hostile to those interventions).
- Stay mindful of the complex and often dangerous implications of a victim’s collaboration with interveners.
- Be aware that the fundamental purpose of battering, which characterizes the majority of domestic violence criminal cases, is to control what the victim says, thinks, feels, and does.
- Engage in a dialogue with the victim rather than treating her or him as a data point.
The Blueprint uses interagency policies, protocols, case processing procedures, and information sharing to (a) maximize the ability of the state to gain a measure of control over a domestic violence offender; (b) use that control to intervene quickly when there are new acts of violence, intimidation or coercion; and (c) shift the burden of holding the offender accountable for violence or abuse from the victim to the system.

- Avoid unintentionally reinforcing the abuser’s actions: offer a clear alternative to messages that the victim is crazy, at fault, unbelievable, and unable to make decisions, and that the abuser is unstoppable.[11]

4. Sure and swift consequences

In the criminal justice field, it is widely believed that sure and swift punishment is more important than severe punishment. Research into domestic violence shows this to be particularly true in confronting this crime. Evidence suggests that building sure and swift consequences into the infrastructure of case processing can reduce recidivism in some cases and the severity of ongoing abuse in others.[12]

The national data is encouraging, although day-to-day work in the criminal justice system can leave many practitioners frustrated and skeptical that the changes made over the past several decades have not reduced violence.

Batterers tend to push against any boundary set for them.[13] The clearer we are about what behavior is and is not acceptable, the more likely the abuser is to live within those boundaries. Each policy and administrative protocol in the Blueprint, from the initial law enforcement contact through case closure, is designed with the goal of sure and swift consequences in mind, but also with the recognition that sometimes intervention goals can conflict. For example, if a probationer is arrested for assaulting his former partner, that new case may take months to resolve. The decision to pursue an immediate probation violation for committing a new offense is weighed against the possibility that the violation hearing might pose problems for the new case, which carries a more substantial and enhanced penalty. A prosecutor might prefer to wait for the new conviction to avoid such complications. However, waiting might result in the defendant having free license to harass the victim, particularly if the defendant is aware that all new cases will be rolled together and treated as one in the end. One course of action—pursuing the probation violation—reinforces swift consequences. The other course of action—pursuing an enhanced gross misdemeanor—may reinforce more substantial consequences. The Blueprint policies and protocols address these dilemmas, sometimes with a mandate requiring practitioners to take certain actions, sometimes with a set of guiding principles or procedures, and sometimes with a training memo suggesting how to weigh the different outcomes.

The Blueprint uses interagency policies, protocols, case processing procedures, and information sharing to (a) maximize the ability of the state to gain a measure of control over a domestic violence offender; (b) use that control to intervene quickly when there are new acts of violence, intimidation or coercion; and (c) shift the burden of holding the offender accountable for violence or abuse from the victim to the system.

5. Messages of help and accountability
The single greatest obstacle to the criminal justice system’s effective intervention in battering cases is the degree of psychological and physical control the abuser has over the victim.\(^{14}\) Batterers rely on the power they have over the victim to shield them from legal interventions. Therefore, the ability to work with a victim of battering hinges on her/his belief that (a) our intervention will counteract that power, (b) we understand the reality of living with battering, (c) we have a collaborative approach to working with her or him, and (d) we are here to help, however long it takes.

The State, and by extension the practitioners who represent it, has a powerful influence over people. The messages given to victims, offenders, and children at each point of intervention can have a deterrent effect or, alternatively, can fail to deter and therefore act as an opening for more violence.\(^ {15}\)

Consider two linchpin characteristics of battering cases involving heterosexual men.\(^ {16}\) First is the batterer’s sense of entitlement to his actions. His partner is the target of his violence not so much because of what she did as who she is. Research has shown that a cognitive behavioral approach that challenges the abuser’s belief systems about his rights and entitlements in intimate relationships is more effective than any other rehabilitation approach.\(^ {17}\) That approach can begin with the dispatcher and responding officer. If every intervening practitioner is coherently and consistently “on-message” the path to a rehabilitation program will be well-worn before a batterer enters his first group. This cannot happen when each practitioner offers his or her distinct and often competing message about what lies at the root of the problem and what will fix it.

Effective interventions with an offender who is a batterer are respectful, but also clear and consistent that there will be a consequence every time the offender violates a sanction or requirement. This consequence will be sure and swift and it will be linked to what the person chose to do. For a man who batters a female partner, a previously absent message will now suddenly be very clear: he will be held accountable for the harm he has caused. Offenders need to know that the system is coordinated, the players speak to each other, and they cannot successfully play one off against the other. Most importantly, batterers have to see that the violence, coercion, and intimidation are the focus of the state’s intervention, and not the victim’s behavior. In this specific respect, there is no neutrality available to law enforcement officers, prosecutors, or judges; every message either challenges an abuser’s sense of entitlement or reinforces it.

The second linchpin characteristic of battering is the batterer’s domination of the victim—not only physically, but often economically, socially, emotionally, psychologically, and legally.\(^ {18}\) The practitioner who talks to the victim in terms of, “Look what happened: he hit you once, he’ll hit you again,” misses the complex nature of batterers’ domination of their victims and the far-reaching implications of that domination on the lives of women and their children. The abuser’s messages to his partner are often linked to her cultural, economic, religious, or spiritual identity.\(^ {19}\) “No one will believe you…no one will help you…
they all know you’re crazy… you’re disgracing the clan (or family)… they’ll take your kids… a good (Native, African American, Christian, Hmong, Jewish) woman doesn’t shame her husband this way… what about the things you’ve done: your drinking, your visits to the shrink?… everyone knows you’re bipolar… I’m a (cop, minister, lawyer, doctor, hero in this town, stable businessman), who would believe you over me?… think of the family… the children need a father, you’re taking that away.”

Our messages to a victim need to be cognizant of the relentlessly destructive messages she has been told and on some level has come to believe. As interveners, every action we take and every statement we make can and should be aimed at an efficient, consistent, coherent, clear message that strips the abuser of his most powerful weapon: his message that “they can’t and won’t help you.”[20]

Two caveats require attention here. First, not all cases of domestic violence involve heterosexual men battering women. Some involve gay men battering their partners. People with significant mental health problems may assault partners outside of the context of battering. Similarly, a small percentage of drug addicted domestic violence offenders do stop abusing their partners when they stop using drugs. Victims of battering who fight back illegally do not fit the profile we have described above. There are also women who batter their partners—primarily in lesbian relationships, but sometimes, though rarely, in heterosexual relationships. While cases involving battering by men are the vast majority processed in the criminal justice system, when practitio-

ners encounter cases that do not involve men battering women, they need to adjust their interventions accordingly.

The second caveat is a reminder that in the courtroom the offender is presumed innocent until proven guilty. Practitioners relay messages at every point of contact with the offender and victim. Most of those points of contact are pre-conviction. Practitioners must walk a fine line between presuming guilt and being helpful and clear with suspects and victims.

Practitioners have the opportunity to counteract the messages associated with a batterer’s defense for the violence.[21] A batterer (i.e., someone who engages in a continuous pattern of violence and abuse) has basically seven defenses, each with a supporting message. Those messages are (a) I didn’t do it; someone else did, (b) the victim is lying, (c) it was an accident, (d) it was self-defense, (e) it can’t be proved, (f) yes, I did it, but you’d do it too in my situation; have you met her? or (g) I did it, but the officer messed up; they can’t convict. Batterers do not even need to present these defenses when they can rely on their victims to be unavailable to counter or challenge the defenses. Most abusers discourage victims’ participation and reinforce the message that interveners cannot or will not help. Sometimes they do this in blatantly illegal ways; other times they rely on their power over the victim to protect them. Our pressure on a victim to cooperate and the protection we can offer is matched and often overpowered by the pressures a batterer can apply and the consequences he or she can impose for that cooperation.
The Blueprint is imbedded with a set of messages that, if coordinated across practitioners and intervening agencies, can contribute to lower recidivism, increased engagement with victims, and less resistance from abusers to the state’s role in confronting the abuse. The Blueprint extends messages of help: to protect victims and to provide offenders with opportunities for change. It also extends messages of accountability: individual accountability for the harm caused by battering; interagency accountability in building and sustaining an effective collective response; and intervention’s accountability to ensuring protection for victims and fair, respectful treatment of offenders.

6. Reducing unintended consequences of interventions and the disparity of impact

We do not all experience the world in the same way. People’s social realities are constructed by differences in class, age, race and ethnicity, immigration status, sexual orientation, history, privilege, and many other aspects of culture and identity. As a result, we do not all experience battering in the same way, or the actions of intereners, or the impact of policies. An effective domestic violence intervention accounts for the realities of peoples’ unique circumstances and social standing. For example, our interventions must address the relationship between violence and poverty, homelessness, gender, and race. Our interagency approach must reduce rather than emphasize the disparity between groups of people with different social realities. Reducing disparity requires us to find ways to sustain compassion for the people we encounter. Working in and around the criminal legal system in general—and responding to domestic violence in particular—is stressful, demanding work. We are constantly dealing with aspects of peoples’ lives that are harmful, chaotic, and cruel. It is far too easy for a corrosive cynicism to set in that dismisses those before us as unworthy of help and attention, and diminishes the kind of problem-solving that fosters safety and accountability on both an individual and a systemic level.

Almost every practitioner in the system can cite a case where everyone did his or her job and every policy was followed, but the outcome of the case was neither just nor protective of the victim. In these familiar cases, the poor outcome is as much due to failures in our intervention strategies as it is about specific abusers. Effective intervention cannot be a blanket, one-dimensional response. Truly implementing the concept of equal treatment under the law requires thoughtful legal interventions that produce just outcomes. Under what circumstances should we adjust for the impact of policy and practice on peoples’ different social realities? Whenever possible, the Blueprint introduces ways in which practitioners can reduce the level of disparity produced by their interventions.

Conclusion

The Blueprint incorporated input from hundreds of experts, beginning with dozens of victims of abuse who attended focus groups and pinpointed specific ways that interventions could better promote their safety. These experts also included 911 call takers and dispatchers, Sheriff’s Department warrant officers and jail staff, law enforcement officers, prosecutors, probation agents,
and judges. Community-based advocates and advocates located in the County Attorney’s office weighed in on the design. We consulted with a national team of researchers and deliberated nearly every line of the Blueprint with supervisors from each participating agency. The level of collaboration in the process demonstrates why Minnesota has long been considered a leader in the national movement to end the most common form of violence in our society.

The Minnesota Coalition for Battered Women began tracking domestic violence–related homicides in 1989. They report this grim tally: at least 454 women have been murdered by a suspected, alleged, or convicted perpetrator who was a current or former husband, boyfriend, intimate partner, or household or family member. \(^{[23]}\) They have been shot, stabbed, strangled, and beaten to death, often with great brutality and often in the presence of or during an attack against their children as well. Unreported are the countless “near homicides”—non-fatal thanks to prompt medical attention—and the even greater number of people who endure ongoing and daily coercion, intimidation, and violence with devastating impact.

In the past thirty years we have come a long way to building working relationships, alliances, and collaboration among advocates, law enforcement, prosecutors, probation agents, and other interveners, both with one another and with victims. These relationships have produced a far more intentional and effective approach to community intervention in what was once considered a private crime. This effort has significantly reduced intimate partner homicides overall and introduced options for victims of domestic violence that were unheard of in our parents’ and grandparents’ time. It has meant that women, who are most often the victims of domestic violence, live for far shorter periods of time in an abusive relationship, as do their children.

We have learned that each encounter between someone living with this violence and a practitioner in the “system” is an opportunity to interrupt the actions and patterns that sustain battering. The Blueprint organizes us to present a cohesive set of messages to victims and perpetrators. To adult victims: (a) we’re here to help when you’re ready for that help; (b) the violence is not your fault and you are not responsible for the perpetrator’s actions; and (c) I’m concerned for your safety—by working together we have the best chance of stopping the violence. To children: (a) you haven’t done anything wrong—it’s not your fault; (b) we want everyone to be okay (safe) and we’re here to help you and your family; and (c) we won’t hurt your father or mother. To perpetrators: (a) the violence must stop—there is help for you to do that and there will be consequences if you don’t; (b) this arrest (or prosecution or probation) is a result of your actions and not the actions of others; and (c) this is an opportunity for you to change, to reject the violence and repair the harm you have caused, and we can help you do that. In its structure and content, the Blueprint prepares agencies and practitioners across the criminal legal system to carry these messages with one voice.
In our grandparents’ generation women had few options for finding safety from battering. There were no organized shelters or religious or community support systems challenging the abuser (although informal confrontations occurred in many communities). Law Enforcement was expected to calm the situation down and leave. All but the most serious assaults were screened out of the system and the few arrests that occurred were rarely prosecuted. That all changed with the opening of the first shelter for battered women in 1974 and the first interagency intervention project in 1980. The last thirty-five years have seen enormous changes in the state’s response to intimate partner violence. For the first time in history, the state’s obligation to protect its citizens was applied to “wives.”

In any society, widespread use of violence, aggression, and coercion in families is a cultural phenomenon. Such violence is rooted in unjust social structures which the criminal justice system alone cannot unravel. The criminal justice system plays two important roles in reducing violence in families, however, by (1) enforcing laws which criminalize a once accepted cultural practice (similar to the legal system’s impact on drinking and driving, child labor, sexual harassment in the workplace, and exposure to secondhand smoke); and by (2) stopping individual abusers from doing more harm. It is one of many institutions that convey social norms and reign in unacceptable behavior. It strives to accomplish this in domestic violence by responding with sure and swift consequences to those whose battering makes the home a place of fear rather than a place of refuge.

For almost three decades advocates have raised the voice of concern that too little is being done to stop the violence. Researchers have sent mixed messages about what works and what does not work. Organized opposition to reform has grown. As one criminal court judge shared with a colleague:

_I’ve always thought that in domestic violence cases I could be the only person in the courtroom—no defendant, no victim, no attorneys; not a clerk or deputy in sight, not a motion to rule on or decision to make—and still I’d be absolutely sure I was doing something wrong._

The judge’s frustrations are shared by many in the criminal justice system. Intimate partner violence is a complex type of crime. The offender’s control over the victim can make effective intervention incredibly difficult and time-consuming in a resource-starved institution. The good news is that our overall strategy of using the legal system to stop the violence has made a difference, particularly in homicide rates. Spousal homicides overall dropped by 46% between 1976 and 2004.\[1\] The number of black males killed by their partners dropped an astounding 82%, black females by 56%, and white males by 55%. Between 1976 and 1992 there was also a 48% drop in severe violence.\[24\] Battered women and their children face a very different reality today than did our grandmothers.

Yet few in the “system” are comforted by these statistics when law enforcement calls and courtroom calendars are still overflowing with domestic violence–related cases. The Blueprint proposes the next level of change. It rests on years of experience in inter-
agency coordination; research on arrests, sentencing, and treatment of batterers; statistical trends; and a year-long process of interagency negotiation in Saint Paul. The policies and protocols are designed to guide every practitioner to do everything possible each time a person reaches out to this mammoth institution for help. Each assumption underlying the Blueprint is supported by research. The Blueprint is an attempt to integrate what we have collectively come to understand as best practices in the criminal justice system response to domestic violence. Those assumptions include:

- When work is coordinated across agencies and within agencies, the overall capacity to protect is increased.
- The action of one practitioner is strengthened by the cumulative effect of coordinated actions across the criminal justice system.
- When the system is organized to treat a case as part of an ongoing pattern of criminal activity rather than a singular event, outcomes improve.
- Interagency coordination is strengthened when information is organized around common risk markers that are uniformly collected and shared. Not all domestic violence is the same. Interventions for cases where coercion, intimidation, and control create the context for violent acts are different than when this context is absent (e.g., cases of mental illness, isolated events, victims of abuse reacting).
- Sending clear and consistent messages of offender accountability and victim safety can reduce the violence.
- Not all domestic violence is the same; interventions differ when coercion, intimidation, and control create the context for violent acts.
- Whenever possible we must shift the burden of confrontation from the victim to the intervening practitioner.
- Danger and repeat violence from the perpetrator can be anticipated when certain actions and behaviors are visible.
- It is important for every act of aggression by the offender to be met with sure and swift consequences.
- Intervention policies and protocols should be adapted to diminish unintended consequences that adversely affect marginalized populations.

Archbishop Desmond Tutu tells us that justice demands three things: that (1) the truth be told, (2) the harm be repaired to whatever extent humanly possible, and (3) the conditions that gave rise to the injustice be changed. The Blueprint envisions and builds a path to all three for those subjected to violence, aggression, and coercion in their intimate relationships and families.
Practitioners’ Guide to Risk and Danger in Domestic Violence Cases

This is an abbreviated list of factors related to risk and danger in domestic violence. Most of the research is based on violence toward women, which reflects the majority of cases coming into the criminal justice system and the majority of research. These indicators suggest one of the following likely outcomes without effective intervention: the violence will (1) probably continue, (2) escalate, and/or (3) become lethal.

Using this risk guide
- Each Blueprint protocol includes specific instructions for documenting and responding to risk. Practitioners should also read the related training memo and participate in the Blueprint training on risk and danger.
- Elicit and document the risk factors contained in this guide. Whenever possible, talk with the victim; engage in a discussion about danger rather than just asking if these things have happened. Victim perceptions and interpretations are important.
- Communicate risk factors to other intervening practitioners in a timely manner.
- Be attentive to the factors in a given case; use experience, common sense, and training to make judgments about the level of danger that both the offender and the set of circumstances pose.
- Adjust the response to each case based on the level of risk and dangerousness.
- Protect the victim from retaliation when soliciting or using safety and risk information.
- Link victims with risk factors to an advocate.
- Stay alert; the level and type of risk will likely change over time and as circumstances change. Determining and managing risk is an ongoing process.
- A victim’s attempt to terminate the relationship is a major change that poses increased risk.
- Victims’ perceptions of high danger are typically accurate; their perceptions of low danger are often not.

Acts or threats of violence associated with risk & lethality:
Factors listed in italics are particularly associated with lethal violence.
- Stalking
- Strangulation; attempts to “choke”
- Threats to kill the victim
- Threats to kill that the victim believes or fears
- Threats to kill that are conveyed to others
- Threats of suicide
- Forced sex or pressuring for sex even when separated
- Serious injury to the victim
- Carries, has access to, uses, or threatens with a weapon
- Violence outside of the home
- Aggression toward intereners
- Threats to family, coworkers, victim’s new partner
- Animal abuse or killing pets
- Damages victim’s property
- Violent during pregnancy or shortly after birth
- Hostage-taking; restraint
- Acts exhibiting extreme hostility toward the victim

Coercion
Violence with a pattern of coercion is a serious marker of high risk violence. Coercion may be displayed as control of children, finances, or activities; sexual aggression; intimidation; hurting pets; or isolating the victim from support systems.
### Risk is higher when the violence is accompanied by:
- An increase in frequency, severity, or type of violence over recent months
- Almost daily impairment by alcohol or drugs
- The victim attempting a permanent break
- Estrangements, separations, and reunions
- Failure of prior interventions to affect the offender
- A victim who expresses fear of threats to kill
- A victim making no attempt to leave despite severe abuse
- Prior arrests, law enforcement calls, and/or protection order(s)
- Isolation of victim (physical or social)
- A victim seeking outside help in the past year
- A victim has a child who is not the offender's
- An abuser leaves before law enforcement arrive; eludes warrants

### Homicide-Suicide (for male offenders) accounts for 27-32% of the lethal domestic violence incidents.

<table>
<thead>
<tr>
<th>Predominant risk markers include: guns, patterns of estrangement and reunion and offender's poor mental health. Additional risk markers may include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Obsession or jealousy</td>
</tr>
<tr>
<td>• Alcohol impairment (23 to 38% of perpetrators)</td>
</tr>
<tr>
<td>• History of domestic violence</td>
</tr>
<tr>
<td>• Suicide attempts or threats</td>
</tr>
<tr>
<td>• Personality disorder</td>
</tr>
<tr>
<td>• Depression of offender (46%)</td>
</tr>
</tbody>
</table>

### Women who kill male partners

<table>
<thead>
<tr>
<th>Predominant risk markers include: severe, increasingly frequent, and recent violence by male partner against the defendant; a defendant who is isolated and has few social resources. Additional risk markers may include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Access or prior use of weapons</td>
</tr>
<tr>
<td>• More than 10 violent incidents in the last year at the hands of the person killed</td>
</tr>
<tr>
<td>• Prior law enforcement intervention in one or more domestic violence calls in past year</td>
</tr>
<tr>
<td>• Prior strangulation by person killed</td>
</tr>
<tr>
<td>• Traditional relationship (married, children, lengthy relationship)</td>
</tr>
<tr>
<td>• Trapped and isolated in violent relationship</td>
</tr>
<tr>
<td>• Defendant sought help</td>
</tr>
</tbody>
</table>

(Note: The absence of any of these factors such as “defendant sought help” should not lead to a conclusion that there is no risk. These are not absolute correlations.)


Using the Blueprint and Supplement

The Blueprint envisions a system in which each practitioner is tuned in to what others can and will likely do when intervening in domestic violence cases. It encourages practitioners to act as a collection of agencies organized around common goals and philosophies. We therefore recommend one reading of the Blueprint from start to finish, rather than going only to the section that is specific to your agency or role.

The Blueprint is organized around a common framework, “Foundations of Effective Intervention,” articulated in Chapter 1, and policies and protocols for each key point of intervention, from 911 to probation and the bench (Chapters 2 through 7 and guidelines for the bench in Chapter 8). Chapter 9 includes the endnote references to research, academic literature, and intervention models cited throughout the Blueprint, along with additional commentary.

The chapters addressing the areas of criminal justice system intervention all have the same structure: a framework statement that provides an overview of key aspects of the specific agency and practitioner roles in responding to domestic violence cases, followed by one or more policies and related protocols. Readers will find some repetition in content as the protocols further articulate and define the broad policy language.

The appendices and training memos referenced throughout the Blueprint are included in a supplement that is available to download, along with the Blueprint itself, at:

- Praxis International: www.praxisinternational.org

The Saint Paul Domestic Abuse Intervention Project (SPIP) has produced a companion piece, The Distinct and Vital Role of a Legal and System Advocate, available via its website (www.stpaulblueprintspip.org) that we recommend reading in order to understand how to work with independent advocacy programs in an interagency approach to intervention.

For updates on this Blueprint, and its supplemental materials, please send your email address to Blueprint@praxisinternational.org.

When a batterer combines threats or force (coercion) with control, such as “micro-regulating” and “micro-surveillance,” the result is entrapment.

– E. Stark (2007)
Copying the Blueprint

Two questions commonly asked regarding the use of this document are:

(1) Can the Blueprint be copied?

(2) Can the Blueprint be altered?

The answer to question (1) is yes, absolutely. The answer to (2), however, is both yes and no. Any jurisdiction wishing to implement these policies and protocols are encouraged to use and adapt any or all of the language in Chapters 2-8, which contain actual sample polices and protocols. However, some parts of the Blueprint are not intended to be altered. This includes the six principles articulated in the foundational narrative (see Chapter One), since they are essential to the Blueprint’s meaning, as well as a few of the training memos which need to be precise, and are clearly marked as such. Communities outside of Minnesota will have to make changes based on state law and terminology, such as, Order for Protection (OFP), which will need to be altered. When making the cover to your local Blueprint, it would be greatly appreciated if the phrase, “Adapted from the Saint Paul Blueprint for Safety” is included.

Feel free to contact the authors by emailing Blueprint@praxisinternational.org to answer any questions regarding the use of these materials.

A victim’s decision to use the criminal justice system in the future was connected to financial dependence on the perpetrator, safety from abuse during prior interventions, and previous support from practitioners.

The Department of Defense Instruction on domestic abuse includes guidelines and templates for developing memoranda of understanding among key partners in a military-civilian CCR. See *Elements & Tools* Appendix 6, DoD Instruction 6400.06, section 6.1.5 and enclosures 4 and 5.

The templates illustrate the types of agreements that participants in a military-civilian coordinated community response develop in order to define and guide their respective roles and work together. At the same time, specific details will vary according to local needs and participation in the CCR. The memoranda of understanding developed in the two demonstration project sites, Fort Campbell and Jacksonville, along with a third example from Hampton Roads illustrate this kind of necessary variation.

- Appendix 11: MOU – Jacksonville Demonstration Project
- Appendix 12: MOU – Fort Campbell Demonstration Project
- Appendix 13: MOU – Hampton Roads

The following annotated versions of the DoD sample memoranda of understanding note questions and factors to consider in adapting and implementing each MOU to local conditions.

Sample 1: Military and civilian law enforcement response  
(DoD Instruction Enclosure 4)

Sample 2: Military and civilian legal or prosecutorial response  
(DoD Instruction Enclosure 5)

One of the first decisions to make will be whether to establish individual memoranda between different interveners—such as one MOU between law enforcement first responders and another separate agreement between prosecutorial/legal interveners, as illustrated in the DoD samples—or whether to develop a single agreement that includes all key military and civilian entities. A single MOU that addresses the roles and expectations of all partners can serve as a means of reinforcing interagency coordination and responsibility and the crucial linkages between all points of intervention. Under a single, unifying MOU, separate letters or memoranda of agreement can then be used to address particular issues or technical questions involving specific agencies, such as the way in which referrals will be made or how advocates will be notified by first responders at the scene.
Sample 1

SAMPLE MEMORANDUM OF UNDERSTANDING BETWEEN THE
INSTALLATION LAW ENFORCEMENT OFFICE AND LOCAL CIVILIAN LAW
ENFORCEMENT AGENCIES

(INSTALLATION) Installation Law Enforcement Office and
(CITY, COUNTY, or STATE) Law Enforcement Agency

Commentary

Clearly identifying all signatories to the MOU reinforces the breadth of the coordinated community response and the expectation of participation by and a role for each entity.

1. PURPOSE: To establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction and coordination of efforts and assets between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency in domestic abuse cases involving active duty military personnel and their family members.

Commentary

What terminology will the MOU use to define its scope? Domestic abuse? Domestic violence? Consider preceding the statement of purpose with a clear definition that sets forth the kinds of actions where intervention can be expected by signatories to the MOU. For example:

*For purposes of this Memorandum of Understanding, “domestic violence” includes physical harm; bodily injury; assault; the infliction of fear of imminent physical harm, bodily injury or assault; terrorist threats; criminal sexual conduct; or interference with an emergency call between family or household members. It also includes violations of orders for protection and harassment restraining orders obtained by one family or household member against another and to crimes that are committed by one family or household member against another, such as damage to property; taking children or threatening to take children; harming or threatening to harm pets or other animals; damaging property; attempting to break in; stealing cars or other property, and other crimes.*

How expansive will your statement of purpose be? Will it directly address the CCR’s goals of strengthening safety for victims and perpetrator accountability? Articulating the intent and breadth of the military-civilian response early in the MOU helps set a base of common understanding about the purpose of the CCR. The statement of purpose can be expanded to emphasize victim safety as primary. It can set expectations for linkages within and between civilian and military interveners and call attention to the key areas that will be addressed in the MOU. For example:
To effectively counter the effects of domestic violence on victims, children, and military readiness, the civilian and military signatories to this MOU will coordinate all efforts, from the first response to a domestic violence incident through its investigation and referral to prosecutors. Future violence can be deferred by intervention from the state criminal justice system and military system if the response is quick, clear, consistent, and linked to a network of services for victims and sanctions for offenders. This Memorandum is written with the primary goal of enhancing victim safety and, secondarily, increasing accountability for the offender. The parties recognize that for the linkages and coordination efforts established in this Memorandum to operate effectively in cases of domestic violence, the basic coordination efforts between civilian and military law enforcement and civilian prosecutors and military legal must occur routinely.

Will the statement of purpose call attention to the specific areas of response addressed in the MOU? For example:

Specific areas addressed in the MOU include: (a) increasing the flow and effective exchange of information between civilian and military agencies; (b) increasing information available to victims about both the military and civilian response systems, including access to confidential services; (c) coordinating on-base investigations and jurisdictional issues for cases involving alleged civilian and military offenders; (d) facilitating service of civilian protection orders and exchange of civilian protection orders and military protective orders (MPOs) between relevant agencies; and (e) coordinating offender prosecution and accountability efforts.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. (See United States v. Caceres, 440 U.S. 741, 1979.)

A. [Insert paragraph here defining response and investigation jurisdiction for the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency.]

Commentary

Jurisdiction features prominently in developing a joint military-civilian coordinated community response. This section provides a standard acknowledgement and reassurance that the MOU does not alter existing jurisdiction. A separate section on jurisdiction may be warranted, particularly when there is concurrent jurisdiction and an active role by civilian law enforcement in conducting the investigation, both on and off base, regardless of whether the alleged offender is military or civilian. In such situations the MOU might include the following kinds of provisions:

All domestic violence offenses that occur in areas of concurrent jurisdiction, regardless of whether the
Building a Military-Civilian CCR, Appendix 10: Adapting the MOU Templates

alleged offender is military or civilian, will be referred to [County] Sheriff for investigation.

The decision to accept or decline jurisdiction shall be made promptly by all law enforcement authorities to this agreement to ensure that items of evidentiary value are not lost or destroyed. If investigative jurisdiction of a case involving a civilian offender is declined, the case shall be reviewed by the designated Special Assistant United States Attorney for potential prosecution in federal court. If investigative jurisdiction of a case involving a military offender is declined, the case shall be returned to the service member’s command for processing under the Uniform Code of Military Justice and service regulations.

Assumption of investigative jurisdiction and prosecution by [State] authorities in no way bars the commanding officer’s inherent authority to take administrative measures permitted by law and regulation, such as issuing Military Protective Orders to active duty Service members and barring civilian offenders from the installation.

The general section of an MOU (or another location) can also be a place to acknowledge that modifications in existing procedures and protocols may be necessary in order to fully implement the coordinated community response and expectations of the MOU. When the MOU includes the broad CCR as a whole, rather than only the civilian and military law enforcement response, CCR organizers can use the memorandum of agreement as a more flexible means of making changes, without having to anticipate or include every provision in the main body of the MOU.

Existing procedures, protocols, and standard operating procedures (SOPs) shall be revised as necessary in order to fully implement this MOU. The parties agree to fully coordinate such changes with signatories and other affected parties. In addition, Memorandums of Agreement (MOAs) between two or more parties to this MOU may be utilized to provide detailed guidelines for implementation.

3. RESPONSIBILITIES:

A. The (CITY, COUNTY, or STATE) Law Enforcement Agency agrees to perform the following actions:

(1) When responding to or investigating domestic abuse cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active duty Service member, and subject to (2) below, the responding officer(s) will note on the top of the incident/investigation report “Copy to the (INSTALLATION) Installation Law Enforcement” and the designated Records personnel will ensure the copy is forwarded.

(2) When responding to or investigating domestic abuse cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim’s consent to
forward a copy of the incident/investigation report to the
(INSTALLATION) Law Enforcement Office so that it can be provided to
the victim’s commander. If the victim so consents, the responding officer(s)
will note on the top of the incident/investigation report “Copy to the
(INSTALLATION) Installation Law Enforcement Office” and the
designated Records personnel will ensure the copy is forwarded. If the victim
does not consent, the responding officer(s) shall note in the body of the
incident/investigation report that the victim did not consent to forwarding
the report to the Installation Law Enforcement Office and shall not direct
Records personnel to forward the report.

Commentary

This section sets the expectation that civilian law enforcement officers will obtain the
victim’s consent before forwarding a copy of the incident/investigation report or a civilian
protection order to installation (see highlighted text). In order for a victim of domestic
abuse to make an informed decision as possible about restricted or unrestricted reporting
in the military setting, she or he needs to know that contact with civilian law enforcement
will not automatically result in a report to the installation. Victims of ongoing coercion and
violence face many difficult decisions and challenges in attempting to secure safety for
themselves and their children. Requiring victim consent before sharing reports and orders
with the military installation helps maximize a victim’s options in determining what course
of action might best reinforce safety. A victim may be turning to the civilian sector for help
and protection because it is not the military setting. Consent is important for victims who
are family members of active-duty service members, and even more important for victims
who are themselves service members.

(3) When the (CITY, COUNTY, or STATE) Law Enforcement Agency
receives a copy of a temporary or permanent civilian protection order (CPO)
issued by a court of competent jurisdiction, the responding officer(s) will
ascertain whether the alleged offender is an active duty Service member. If
the alleged offender is an active Service member, and subject to (4) below,
the responding officer(s) will note on the top of the CPO “Copy to the
(INSTALLATION) Installation Law Enforcement Office” and the
designated Records personnel will ensure the copy is forwarded. [This
paragraph may not be necessary if the installation has an MOU with the
local court specifying that the court will forward copies of such
CPOs to the installation.]

(4) When the (CITY, COUNTY, or STATE) Law Enforcement Agency
receives a copy of a temporary or permanent civilian protection order (CPO),
the responding officer(s) will ascertain whether the victim is an active duty
Service member. If the victim is an active duty Service member, the
responding officer(s) will seek the victim’s consent to forward a copy of the
CPO to the (INSTALLATION) Installation Law Enforcement Office. If the
victim so consents, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Record personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall not request that a copy of the CPO be forward to the Installation Law Enforcement Office.

(5) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall designate an employee from Records who will be directly responsible for forwarding copies of incident/investigation reports and CPOs to the (INSTALLATION) Installation Law Enforcement Office when directed to do so by notations at the top of the reports or CPOs. The employee shall also be responsible for receiving and processing of MPOs forwarded from the (INSTALLATION) Installation Law Enforcement Office.

(6) When the (CITY, COUNTY, or STATE) Law Enforcement Agency becomes aware of a violation of a term or provision of a Military Protective Order (MPO), the responding officer(s) shall notify the designated representative from the (INSTALLATION) Installation Law Enforcement Office of the violation.

(7) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall provide the (INSTALLATION) Installation Law Enforcement Office with an area for Installation Law Enforcement investigators to conduct interviews of active duty Service members and their family members who are involved in domestic abuse incidents.

(8) The (CITY, COUNTY, or STATE) Law Enforcement Agency will, when appropriate, conduct joint investigations with the (INSTALLATION) Installation Law Enforcement Office if incidents of domestic abuse involve active duty Service members and their family members.

(9) When the victim in a domestic abuse incident has been identified as an active duty Service member or a Service member's family member, the (CITY, COUNTY, or STATE) Law Enforcement Agency responding officer(s) shall provide the victim with basic information, acquired from the Installation Law Enforcement Office (below), about installation resources available to domestic abuse victims.

(10) As new law enforcement officers begin duty with the (CITY, COUNTY, or STATE) Law Enforcement Agency, their immediate supervisor will provide them with copies of this MOU and basic instruction for effectuating the provisions of this MOU.
**Commentary**

This list of responsibilities that civilian law enforcement agrees to fulfill as part of the coordinated community response addresses key aspects of practice that help link and coordinate the civilian and military responses, such as prompt transmittal of arrest and incident reports and civilian protection orders (with victim consent), a designated point of contact to facilitate the sharing of such records, joint investigations, assistance in obtaining installation records related to a civilian investigation, and linking victims with resources available on the installation.

The provision that officers provide victim resource information could be expanded beyond what is available via the installation to link victims with confidential resources in the civilian community as well.

A military-civilian CCR may want to expand on the responsibilities included in this section to address other aspects of the civilian law enforcement response. For example:

- **Develop a standardized protocol for dispatch response to domestic violence 911 calls in order to better assess caller safety and provide background information to the responding officers. Provide training on the protocol to dispatch personnel.**

- **Develop and implement training for responding officers that specifically addresses coordinated community response and the response to and investigation of domestic violence. Such training will include evidence collection, thorough documentation of excited utterances, response to children at the scene, indicators of strangulation, and identification of stalking. It will be delivered via a team-training model that includes a law enforcement officer, prosecutor, and community domestic violence advocate as the team.**

**B. The (INSTALLATION) Installation Law Enforcement Office agrees to perform the following actions:**

1. The (INSTALLATION) Installation Law Enforcement Office shall designate an individual to act as liaison to the (CITY, COUNTY, or STATE) Law Enforcement Agency and to receive copies of incident/investigation reports stemming from an incident occurring off of the installation and CPOs involving active duty Service members and their family members.

2. Upon receipt of a copy of an incident/investigation report stemming from incidents occurring off of the installation or a CPO involving an active
duty Service member and his/her family member, the (INSTALLATION) Installation Law Enforcement Office shall immediately notify the Service member’s commander.

(3) When the (INSTALLATION) Installation Law Enforcement Office receives a copy of an MPO issued by a Service member’s commander, and if that Service member is living off of the installation, the (INSTALLATION) Installation Law Enforcement office shall forward a copy of the MPO to the (CITY, COUNTY, or STATE) Law Enforcement Agency with jurisdiction over the area in which the Service member resides.

(4) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, STATE, OR COUNTY) Police Department with an area for Police Department officers or investigators to conduct interviews of active duty Service members and their family members who are involved in domestic abuse incidents.

(5) The (INSTALLATION) Installation Law Enforcement office will, when appropriate, conduct joint investigations with the (CITY, COUNTY, or STATE) Law Enforcement Agency if incidents of domestic abuse involve active duty Service members and their family members.

(6) The (INSTALLATION) Installation Law Enforcement Office will assist the (CITY, COUNTY, or STATE) Law Enforcement Agency when investigating cases that occurred off base by providing information such as medical records, service records, and incident/investigation reports from incidents occurring under the jurisdiction of the Installation Law Enforcement Office in accordance with the provisions of the Privacy Act, 5 USC 552a.

(7) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, COUNTY, or STATE) Law Enforcement Agency with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic abuse victims.

(8) [Insert a paragraph here stating proper installation procedure for responding to domestic abuse incidents occurring on the installation involving civilian alleged offenders.]

(9) As new personnel begin duty with the (INSTALLATION) Installation Law Enforcement office, their immediate supervisor will provide them with copies of this MOU and basic instructions on implementing the provisions of this MOU.
Commentary

The military installation law enforcement responsibilities listed here largely mirror those of their civilian counterparts. Again, the emphasis is on aspects of practice that coordinate a joint military-civilian response. One difference in the language is the absence of references to obtaining victim consent. If the provisions of the MOU are being followed, civilian law enforcement reports pertaining to active duty service members should reach the military installation only after victim consent has been established. Reports made directly to installation law enforcement are considered unrestricted reports and victim consent would not have to be obtained to forward the information to the service member's command.

Where there is concurrent military-civilian jurisdiction on an installation, there could be an agreement that the civilian entity takes on the investigation, regardless of whether or not the suspect is a service member. For example:

In all cases of domestic violence occurring on [Military Installation] in areas of concurrent jurisdiction, the [Military Installation Department of Security] will request that [County Sheriff] assume investigative responsibilities, regardless of whether the alleged offender is a civilian or active duty Service member

Considerable discussion and negotiation would most likely precede such an agreement.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.

B. Effective execution of this agreement can only be achieved through continuing communication and dialog between the parties. It is the intent of this MOU that channels of communication will be used to resolve questions, misunderstandings or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) Installation Law Enforcement Office and from the (CITY, COUNTY, or STATE) Law Enforcement Agency shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to share information regarding reciprocal investigations.
Commentary

Build in a process and expectation that the MOU will be reviewed and that the parties involved agree to “stay at the table,” i.e., they agree to the kind of ongoing communication and willingness to problem-solve and address misunderstandings, as well as adapt the MOU to new questions that arise.
Sample 2

SAMPLE MEMORANDUM OF UNDERSTANDING BETWEEN THE INSTALLATION STAFF JUDGE ADVOCATE AND THE LOCAL DISTRICT ATTORNEY’S OFFICE

(INSTALLATION) Staff Judge Advocate (SJA) and
(COUNTY/CITY) District Attorney's (DA) Office

Commentary

Like the MOU in Sample 1, this memorandum provides a framework for coordination, in this case between civilian and military entities with prosecutorial-type functions under state law and the Uniform Code of Military Justice, respectively. The MOU sets expectations for practice, including: information-sharing, facilitating witness interviews, and overall cooperation and assistance in conducting investigations and pursuing legal remedies.

1. PURPOSE: To establish written procedures concerning the exchange of information, case investigation and prosecution, and coordination of efforts and assets between the (INSTALLATION) SJA and the (COUNTY/CITY) DA in domestic abuse cases involving active duty military personnel assigned to the (INSTALLATION) and their family members.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance documenting an agreement for general support between the (INSTALLATION) SJA and the (COUNTY/CITY) DA. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. (See A. [Insert paragraph here defining jurisdiction for both the (INSTALLATION) SJA and (COUNTY/CITY) DA.]

3. RESPONSIBILITIES:

A. The (COUNTY/CITY) DA agrees to perform the following actions:

(1) When the victim in a domestic abuse incident has been identified as an active duty Service member or a family member of such a member, the (COUNTY/CITY) DA shall provide the victim with basic information, acquired from the Installation SJA (below), about (INSTALLATION) resources available to domestic abuse victims.

(2) When investigating or prosecuting domestic abuse cases, the (COUNTY/CITY) District Attorney (DA) shall determine whether the alleged offender is an active duty Service member assigned to (INSTALLATION). If the alleged offender is an active duty member assigned to (INSTALLATION), the DA shall contact the (INSTALLATION) SJA to inform the SJA of the pending investigation or
prosecution. Upon request, the DA shall forward copies of relevant police reports, civil protection orders, and any orders specifying pre-trial conditions to the SJA.

(3) When investigating a domestic abuse case involving an active duty member assigned to (INSTALLATION) who is alleged to be the offender, the DA shall consult with the SJA with respect to prosecution of the individual under the appropriate state law or under the Uniform Code of Military Justice (UCMJ).

**Commentary**

In a CCR where investigation of domestic violence offenses is referred to civilian law enforcement in areas of concurrent jurisdiction (see the commentary following section 3B in Sample 1), MOU provisions that address prosecution will reflect the civilian agency as the lead prosecuting authority. For example:

*The State Attorney will be the primary prosecuting agency for all cases in which [County Sheriff] assumes investigative jurisdiction under this MOU. Should it become necessary to drop charges or not proceed with a case against an active duty Service member, the State Attorney will promptly notify the [Military Installation Legal Office] for possible prosecution/disposition under the Uniform Code of Military Justice.*

(4) During the course of the DA’s investigation or prosecution of a crime of domestic abuse allegedly committed by an active duty Service member assigned to (INSTALLATION), the DA shall keep the SJA informed of the status of the case through regular contacts. The DA shall notify the SJA specifically of any changes in confinement status or pre-trial release conditions.

(5) When, after consultation, the SJA and the DA have determined that the alleged offender will be subject to procedures under the UCMJ, the DA shall cooperate during the investigation and disciplinary action to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

(6) As new attorneys begin working in the (COUNTY/CITY) DA, their immediate supervisor will provide them with copies of this MOU and basic instruction for executing the provisions of this MOU.

**B. The (INSTALLATION) SJA agrees to perform the following actions:**

(1) The (INSTALLATION) SJA shall provide the (COUNTY/CITY) DA with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic abuse victims.

(2) When investigating a domestic abuse case involving an active duty member assigned to (INSTALLATION) who is alleged to be the offender, the SJA shall, in cases where the state has jurisdiction, consult with the local DA to determine
whether the individual will be prosecuted under the appropriate state law or whether the command will pursue disciplinary action under the UCMJ.

(3) Upon request, the SJA shall forward copies of relevant police incident reports and military protection orders to the DA.

(4) When, after consultation, the DA and the SJA have decided that the alleged offender will be prosecuted under state law, the SJA shall cooperate during the investigation and prosecution to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

(5) As new personnel begin duty with the (INSTALLATION) SJA, their immediate supervisor will provide them with copies of this MOU and basic instructions on executing the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.

B. Effective execution of this agreement can only be achieved through continuing communication and dialog between the parties. It is the intent of this MOU that communication will be used to resolve questions, misunderstandings or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) SJA and from the (COUNTY/CITY) DA’s Office shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to review and revise provisions of this MOU.
**Commentary**

Establishing a process and expectation that there will be ongoing review, communication, and commitment is an aspect of sustainability.

Whether a CCR is guided by a series of one-to-one memoranda of understanding between individual agencies, such as Samples 1 and 2 illustrate, or by a single MOU including all partner agencies (e.g., the Jacksonville and Fort Campbell demonstration site MOUs), additional agreements would be developed to address the roles and responsibilities of other CCR partners. Likely partners, and one corresponding example of possible MOU language, include:

- **Military installation’s Family Advocacy Program**
  
  Designate a point of contact at the installation to receive information from the [Batterer’s Intervention Program] and [State Probation Office] regarding compliance with court orders, conditions of release, sentencing and progress and completion of court-ordered batterer’s intervention programs by active duty Service members.

- **Civilian domestic violence victim advocacy organization**
  
  Provide a designated victim advocate as a liaison to the [Military Installation] Family Advocacy Program (FAP) to assist in providing services to active duty and family members who are victims of domestic violence. The designated advocate will receive specific training in the military resources available to victims of domestic violence. In coordination with the FAP, the designated advocate will provide services to identified active duty and family member victims seeking confidential victim advocacy services.

- **Probation agency**
  
  Provide information regarding active-duty Service members’ compliance with court orders, conditions of release, and sentencing to the designated point of contact at the [Military Installation] FAP.

- **Court agency responsible for administration of civilian order for protection process**
  
  Implement procedures to ascertain whether an application for a temporary or permanent injunction involves an active duty Service member, either as the respondent or the petitioner. As part of the process, ascertain whether the petitioner in the case consents to providing a copy of the injunction to the Service member’s command.

- **Batterer intervention program**
  
  Provide information on the progress and completion of court-ordered batterer’s intervention program by active-duty Service members to the designated point of contact at the [Military Installation] FAP.
Appendix 11

MEMORANDUM OF UNDERSTANDING AMONG
ÈCOMMANDER, NAVY REGION SOUTHEAST
ÈCOMMANDING OFFICER, NAS JACKSONVILLE
ÈCOMMANDING OFFICER, NS MAYPORT
ÈSTATE ATTORNEY FOR THE FOURTH JUDICIAL CIRCUIT
ÈCITY OF JACKSONVILLE, FOR ITSELF AND ITS COMMUNITY
ÈSERVICES DEPARTMENT
ÈJACKSONVILLE SHERIFF’S OFFICE
ÈNAVY CRIMINAL INVESTIGATIVE SERVICE
ÈCLERK OF THE CIRCUIT AND COUNTY COURTS, IN AND FOR DUVAL COUNTY
ÈSALVATION ARMY, PROBATION SERVICES/BATTERERS INTERVENTION
ÈHUBBARD HOUSE, INC.

1. PURPOSE: To effectively counter the effects of domestic violence on victims, children, and military readiness, the civilian and military communities of Duval County will coordinate all efforts from the first response to a domestic violence incident through its investigation, case disposition and treatment. Future violence can be deterred by intervention from the state criminal justice system and military system if the response is quick, clear, consistent and linked to a network of services for victims and sanctions for offenders. This Memorandum is written with the primary goal of enhancing victim safety and, secondarily, increasing accountability for the offender. The parties recognize that for the linkages and coordination efforts established in this Memorandum to operate effectively in cases of domestic violence, the basic coordination efforts between civilian and military law enforcement and civilian prosecutors and military Judge Advocates must occur routinely. Specific areas addressed are: increasing the flow and effective exchange of information between civilian and military agencies; increase information available to victims on both the military and civilian response systems, including access to confidential services; coordinating on-base investigative and jurisdiction responsibilities for cases involving civilian and military alleged offenders; facilitate service of civilian protection orders and exchange of civilian protection orders and military protective orders (MPOs) between relevant agencies; coordination of offender prosecution/accountability efforts.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the state or federal governments. Existing procedures, protocols and standard operating procedures (SOPs) may need to be revised in order to fully implement this
Appendix 11

MOU. The parties agree to fully coordinate such changes with other effected parties. In addition, Memoranda of Agreement (MOAs) between two or more parties to this MOU may be utilized to provide detailed arrangements for implementation of this MOU. This MOU is intended exclusively to provide guidance for a coordinated community response to domestic violence and agreement for general law enforcement support between the two naval installations located in Duval County, Florida, and the undersigned state, county and local agencies. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. See United States v. Caceres, 440 U.S. 741 (1979).

3. JURISDICTION:

A. Concurrent state and federal jurisdiction exists at Naval Air Station Jacksonville, Yellow Water Navy Housing Complex, OLF Whitehouse, and Ribault Bay Housing Complex. The Johnson Housing Complex is in an area of proprietary jurisdiction in which only state law applies. Concurrent jurisdiction exists on most of Naval Station Mayport. As a result, both state and federal law applies to most Navy property in Duval County.

B. This Memorandum of Understanding does not apply to offenses that are solely cognizable as offenses under the Uniform Code of Military Justice (UCMJ), nor does it apply to administrative or security investigations. In addition, Navy Security authorities shall retain their inherent authority to maintain the installation’s security without interference.

All misdemeanor domestic violence offenses that occur in areas of concurrent jurisdiction, regardless of whether the alleged offender is military or civilian, will be referred to the JACKSONVILLE SHERIFF’S OFFICE (JSO) for investigation.

Naval Criminal Investigative Service (NCIS) is the lead agency for the investigation of all felony offenses occurring on naval installations, which includes all felony domestic violence offenses. As required, such NCIS investigations will be coordinated with INSTALLATION SECURITY and JSO.

C. The decision to accept or decline jurisdiction shall be made promptly by all law enforcement authorities to this
agreement to ensure that items of evidentiary value are not lost or destroyed. If investigative jurisdiction of a case involving a civilian offender is declined by JSO, following investigation by NCIS or installation Security as appropriate, the case shall be reviewed by the cognizant Special Assistant United States Attorney (SAUSA) for potential prosecution in federal court. If investigative jurisdiction of a case involving a military offender is declined, the case shall be returned to the service member’s command for processing under the UCMJ and service regulations.

D. Assumption of investigative jurisdiction and prosecution by state authorities in no way bars the commanding officer’s inherent authority to take administrative measures permitted by law and regulation, such as issuing Military Protective Orders to active duty Service members and barring civilian offenders from the installation.

4. RESPONSIBILITIES:

A. The JACKSONVILLE SHERIFF’S OFFICE agrees to perform the following action:

1. The JACKSONVILLE SHERIFF’S OFFICE (JSO) will continue to provide a copy of the arrest or incident report of known active duty service members to a NAS JACKSONVILLE SECURITY Department representative for further dissemination. JSO will explore more effective methods of ascertaining and recording when a domestic violence offender or victim is an active duty service member.

2. When responding to or investigating domestic violence cases, JSO will, in accordance with Florida law, upon written request of a victim of domestic violence maintain as confidential the home and employment telephone number, the home and employment address, and personal assets of that victim. In such cases, JSO will NOT provide a copy of the arrest/incident report to the NAS JACKSONVILLE SECURITY Department representative.

3. When JSO receives a temporary or permanent civil protection order (CPO) issued by a court of competent jurisdiction, JSO may effect service of the CPO on active duty service members and civilians residing or working on the installation by contacting the Naval Station Mayport Command Judge Advocate’s Office or the Naval Air Station,
Appendix 11

Jacksonville Security Department Detective Division, as appropriate.

4. JSO will continue to ensure prompt availability of all arrest/incident reports involving known active duty service members to a NAS JACKSONVILLE SECURITY Department representative. JSO will also establish a protocol for receiving and processing military protection orders (MPOs) forwarded from local Navy commands.

5. JSO will document violations of a term or provision of a MPO in an arrest or incident report, as appropriate, and make them available in accordance with the above procedures to the designated representative of NAS JACKSONVILLE SECURITY Department.

6. JSO will, when appropriate, conduct joint investigations with the Installation Security Department for misdemeanor-level on-base domestic violence incidents and with Navy Criminal Investigative Service (NCIS) for felony-level and off-base domestic violence incidents involving active duty service members and their family members.

7. For all offenses, including domestic violence, under investigation by JSO, assistance in obtaining information such as medical records, service records, and incident/investigation reports from incidents occurring under the jurisdiction of the Installation Security Department will be provided by NCIS or the Installation Judge Advocate, in accordance with applicable laws and regulations.

8. When the victim in a domestic violence incident has been identified as a family member of an active duty service member or the victim is an active duty service member, JSO shall provide the victim with basic information, to be incorporated into existing JSO domestic violence victim assistance pamphlets, about resources available on Navy installations to domestic violence victims and access to confidential resources in the civilian community.

9. To the extent permitted by time and budgetary constraints, provide necessary domestic violence training for first responders concentrating on the areas of proper
documentation of excited utterances, presence of children, and strangulation cases.

10. The procedural requirements of this MOU shall, as appropriate, be incorporated into the written directives of the JSO.

B. The NAS JACKSONVILLE and NS MAYPORT SECURITY Departments (INSTALLATION SECURITY Departments) agree to perform the following actions:

1. The NAS JACKSONVILLE SECURITY Department shall designate an individual to act as liaison to the JACKSONVILLE SHERIFF’S OFFICE and to obtain copies of arrest/incident reports and CPOs involving active duty service members and their family members.

2. Upon obtaining a copy of an arrest/incident report or a CPO involving an active duty service member and his/her family member from JSO, the designated point of contact/liaison at NAS JACKSONVILLE SECURITY Department shall immediately notify, and provide a copy of the report to, the service member’s command, if located at NAS Jacksonville, or via the Mayport Command Judge Advocate’s office if a tenant command of that installation. Copies of the arrest/incident report will also be provided to the installation Family Advocacy Program (FAP).

3. When the designated point of contact at NAS JACKSONVILLE SECURITY Department receives a copy of an MPO from a service member’s Command, and if that service member is living off of the installation, a copy of the MPO will be forwarded to JSO in accordance with procedures established by that agency.

4. The INSTALLATION SECURITY Departments, will, when appropriate, conduct joint investigations with JSO for on-base misdemeanor domestic violence incidents, including providing assistance with gaining access to and interviewing active duty service members and their family members.

5. In all cases of misdemeanor domestic violence occurring on NAS Jacksonville or NS Mayport in areas of concurrent jurisdiction, the INSTALLATION SECURITY Department will request that JSO assume investigative responsibilities, regardless of whether the alleged offender is a civilian or
active duty service member. The INSTALLATION SECURITY Department will contact NCIS to assume investigative jurisdiction for felony-level domestic violence offenses.

6. Develop a standardized response protocol for dispatch personnel when responding to domestic violence 911 calls in order to better assess caller safety. Provide training on this protocol to military dispatch personnel.

7. Develop and implement domestic violence training for first responders in accordance with the Coordinated Community Response report prepared by the Battered Women's Justice Project, concentrating on the areas of proper documentation of excited utterances, presence of children, and strangulation cases.

8. As new personnel begin duty with the INSTALLATION SECURITY Departments, they will receive copies of this MOU and basic instruction for effectuating the provisions of this MOU.

C. The STATE ATTORNEY for the Fourth Judicial Circuit agrees to perform the following actions:

1. When the victim in a domestic violence incident has been identified as an active duty service member or a family member of an active duty service member, the STATE ATTORNEY’s victim advocate will ensure that the victim has been provided with basic information, acquired from the CNRSE Community Support/Installation Family Advocacy Program (CS/FAP), regarding resources available on Navy installations for domestic violence victims and also providing information on how to access confidential resources in the civilian community.

2. The STATE ATTORNEY will be the primary prosecuting agency for all cases in which JSO assumes investigative jurisdiction under this MOU. Should it become necessary, for whatever reason, to drop charges or not go forward with a case against an active duty service member, the STATE ATTORNEY agrees to promptly notify the appropriate INSTALLATION LEGAL office for possible prosecution/disposition under the Uniform Code of Military Justice (UCMJ).

3. Upon request, the STATE ATTORNEY agrees, consistent with applicable provisions of state law, to provide copies
of relevant police reports, civil protection orders, orders specifying pre-trial conditions, and other case material to the INSTALLATION LEGAL office.

4. The STATE ATTORNEY agrees to consider and promptly review requests received from Navy commands to assume prosecution of the case under the UCMJ. The INSTALLATION LEGAL office will assist local commands with the processing of such requests and ensure that all such requests are coordinated with the CNRSE SJA or his successor.

5. When, after consultation, the STATE ATTORNEY and the appropriate Navy command have determined that the alleged offender will be subject to procedures under the UCMJ, the STATE ATTORNEY shall cooperate during the investigation and disciplinary action to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

6. As new attorneys begin working in the STATE ATTORNEY's office, their immediate supervisor will provide them with copies of this MOU and basic instruction for executing the provisions of this MOU.

D. The NAS Jacksonville and NS Mayport Legal Offices (INSTALLATION LEGAL) agree to perform the following actions:

1. The INSTALLATION LEGAL Office will assist JSO when investigating cases involving active duty service members by providing information such as medical records, service records, and incident reports in accordance with the provisions of the Privacy Act, 5 USC 522a, and the Health Insurance Portability and Accountability Act (HIPAA).

2. When the STATE ATTORNEY is prosecuting a case involving an active duty service member, the INSTALLATION LEGAL Office shall cooperate during the investigation and prosecution to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

3. The INSTALLATION LEGAL office will receive case status reports from the STATE ATTORNEY's office, including notices of cases in which the charges have been dropped or prosecution by the STATE ATTORNEY has ceased, for forwarding to the service member's command for appropriate action.
4. In accordance with the Armed Forces Domestic Security Act, the INSTALLATION LEGAL office will receive copies of civilian protection orders, both from Florida and from out-of-state, from victims wishing to register such orders with the installation for enforcement purposes. The INSTALLATION LEGAL office will provide copies of such orders to INSTALLATION SECURITY and the command of the effected service member.

5. The INSTALLATION LEGAL office will assist local commands with the processing of requests to the STATE ATTORNEY's office for the Navy to assume jurisdiction of a case involving an active duty service member defendant under the UCMJ instead of state law. All such requests will be coordinated with the CNRSE SJA or his successor.

6. As new personnel begin duty with the INSTALLATION LEGAL Offices, their immediate supervisor will provide them with copies of this MOU and basic instruction on executing the provisions of this MOU.

E. The NAVAL CRIMINAL INVESTIGATIVE SERVICE (NCIS) agrees to perform the following actions:

1. Assume investigative jurisdiction for all felony-level domestic violence offenses occurring on NAS Jacksonville and NS Mayport.

2. Coordinate and assist as necessary with off-base investigations conducted by JSO of domestic violence offenses involving active duty service members.

F. The CNRSE COMMUNITY SUPPORT (CS) and INSTALLATION FAMILY ADVOCACY PROGRAMS (FAP) agree to perform the following actions:

1. Develop an informational brochure providing basic information regarding resources available on Navy installations for domestic violence victims and also providing information on how to access confidential resources in the civilian community. This brochure is to be distributed by the JACKSONVILLE SHERIFF'S OFFICE and STATE ATTORNEY's office when the victim in a domestic violence incident has been identified as a family member of an active duty service member or the victim is an active duty service member.
Appendix 11

2. Coordinate the production of such informational brochure, especially the opportunity to review information on confidential resources available in the civilian community, with HUBBARD HOUSE.

3. Designate a point of contact at each Installation FAP to receive information from the Batterer’s Intervention Program, Misdemeanor Probation and Department of Corrections Felony Probation regarding compliance with court orders, conditions of release, sentencing and progress and completion of court-ordered Batterer’s Intervention programs by active duty service members.

4. Provide timely updates as appropriate to local-area commands based on information received from agencies in paragraph three, above.

G. The SALVATION ARMY and HUBBARD HOUSE BATTERER’S INTERVENTION PROGRAMS, and MISDEMEANOR PROBATION agree to perform the following actions:

1. As applicable, provide to the designated point of contact at each Installation FAP information regarding compliance with court orders, conditions of release, sentencing, and progress and completion of court-ordered Batterer’s Intervention programs by active duty service members.

H. The CLERK OF THE CIRCUIT AND COUNTY COURTS’ OFFICE in and for Duval County (CLERK OF COURT) agrees to perform the following actions:

1. The CLERK OF COURT will implement procedures to ascertain whether an application for a temporary or permanent protection order involves an active duty service member, either as the alleged offender or the alleged victim.

2. The CLERK OF COURT will provide the above information to JSO for use in effecting service.

3. When a petitioner for a protection order has been identified as a family member of an active duty service member or is an active duty service member victim, CLERK OF
COURT shall provide the petitioner with basic information, acquired from the Navy Family Advocacy Program/CNRSE Community Support office (above), about resources available on Navy installations to domestic violence victims and access to confidential resources in the civilian community.

I. COMMUNITY SERVICES DEPARTMENT, VICTIM SERVICES DIVISION, CITY OF JACKSONVILLE, agree to perform the following actions:

1. Provide appropriate services to victims of domestic violence who are active duty military and their families through the Victim Services Division. This includes information and referral, crisis counseling, therapy and support groups, court advocacy and accompaniment, forensic examinations for sexual assault victims, emergency financial assistance, assistance in completing Florida Victim Compensation applications, InVEST (Intimate Violence Enhanced Services Team), and elderly and disabled mobile outreach services.

J. HUBBARD HOUSE, INC., Jacksonville's certified domestic violence center agrees to perform the following actions:

1. Provide a designated victim advocate as a liaison to the installation Family Advocacy Programs to assist in the provision of services to active duty and family members that are victims of domestic violence. The designated advocate will receive specific training in the military resources available to active duty and family member victims of domestic violence. In coordination with the installation Family Advocacy Programs, the designated advocate will provide service to identified family members and active duty members seeking confidential victim advocate services.

2. Along with the CNRSE Community Support and installation Family Advocacy programs, develop an information brochure providing information to active duty and family member victims of domestic violence about resources available through the military and civilian community.

3. Liaison with the installation Family Advocacy Programs regarding any emergent needs or requirements of military-related victims of domestic violence, either active duty
Appendix 11

victims or victims that are family members of active duty service members.

4. Hubbard House, Inc. will provide domestic violence relocation certification assistance to active duty and family members that are victims of domestic violence seeking relocation assistance through the Office of the Attorney General.

5. Provide training and technical assistance, as needed, to all parties to this Memorandum of Understanding.

5. IMPLEMENTATION:

A. Implementation of this Memorandum of Understanding will begin as soon as it is signed by all parties to the MOU.

B. A Military-Civilian Domestic Violence Implementation Council will meet quarterly during the first year of the MOU implementation. The first meeting of the Council will be no more than thirty (30) days after the MOU is signed by all parties.

C. The purpose of the Council is to review MOU implementation, provide additional guidance on necessary protocols or procedures to be developed, and provide a high-level collaborative body to resolve issues arising during implementation.

D. Each party to the MOU will appoint a member to the Council who is familiar with the subject of the MOU and who has direct access to decision-making authority.

6. EFFECTIVE ADMINISTRATION, CONSTRUCTION, AND EXECUTION OF THIS MOU:

A. This MOU Shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other parties. The parties understand and agree that this Memorandum of Understanding is not a binding contract and must not be interpreted as such.

B. After the completion of the MOU implementation period discussed above, the parties agree that ongoing administration and routine review of procedures and
processes should occur as part of the already-extant Domestic Violence Intervention Project (DVIP) that meets in the civilian community. The Commanding Officers of NAS Jacksonville and NS Mayport agree to provide a military liaison to DVIP and that this liaison will have direct access to the requisite decision makers on each installation.

C. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. Furthermore, it is fully expected and intended that the implementation of this MOU will require additional agreements and protocols to be negotiated between the parties. It is the intent of this MOU that all available channels of communication will be used to accomplish the implementation of this MOU as well as resolve questions, misunderstandings, or issues of an ongoing nature without waiting for a regularly scheduled meeting of the Military-Civilian Domestic Violence Implementation Council or the Domestic Violence Intervention Project (DVIP).
Signed this 9th day of November, 2005:

RADM A. E. BROWN, USN
Commander, Navy Region
Southeast

CAPT E. W. DOBSON, Jr. USN
Commanding Officer, Naval Air
Station, Jacksonville

CAPT C. P. KING, USN
Commanding Officer, Naval
Station, Mayport

CAROL KISTARDT
Special Agent In Charge,
Naval Criminal Investigative
Service, Mayport Field Office

J. J. PRESTON
The Salvation Army, A Georgia Corporation For
The Salvation Army, Probation
Services and Batterer's
Intervention

ELLEN SILER
Hubbard House, Inc.

DANIEL A. KLEMAN
Chief Administrative Officer,
City of Jacksonville for
itself and its Community
Services Department

HARRY SHORSTEIN
State Attorney, Fourth
Judicial Circuit

JOHN RUTHERFORD
Jacksonville Sheriff's Office

JIM FULLER
Clerk of Court
Appendix 11

DEPARTMENT OF THE NAVY
NAVAL STATION MAYPORT (32228-0112)
NAVAL AIR STATION, JACKSONVILLE (32212-0002)
JACKSONVILLE, FL

NS MAYPORT
2201
Ser 00/

NAS JAX
2201
Ser 000/ 245
18 DEC 2006

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDING OFFICER, NAVAL STATION MAYPORT,
COMMANDING OFFICER, NAVAL AIR STATION JACKSONVILLE,
AND
HUBBARD HOUSE, INC.

Subj: MEMORANDUM OF AGREEMENT

1. Purpose: The purpose of this Memorandum of Agreement (hereinafter MOA) is to delineate an agreement among the subscribing officials and representatives of the Commanding Officer, Naval Station Mayport (hereinafter NS Mayport), Commanding Officer, Naval Air Station Jacksonville (hereinafter NAS Jacksonville) and the Hubbard House, Inc. regarding the availability of twenty-four hour assistance to active duty servicemembers and dependents who are victims of domestic violence in the greater Jacksonville area. Although twenty-four hour assistance is currently available to all individuals in the greater Jacksonville area through Hubbard House, Inc. this agreement’s goal is to ensure those providing the assistance are trained regarding military specific issues and resources available through the U.S. Navy.

2. Background: The U.S. Navy currently provides victim advocate services to active duty servicemembers and dependents under the Family Advocacy Program. These services are available during normal business hours Monday-Friday. Hubbard House, Inc. provides victim services twenty-four hours a day seven days a week through a crisis hotline and shelter services. It is a not-for-profit organization that serves victims reported by the Jacksonville Sheriff's Office and surrounding areas.

3. Responsibilities: To ensure an effective partnership between NS Mayport, NAS Jacksonville and Hubbard House, Inc. the following terms outline the responsibilities of each party to this agreement:
Appendix 11

Subj: MEMORANDUM OF AGREEMENT

NS Mayport/NAS Jacksonville Responsibilities:

a. Military Victim Advocates will coordinate with Hubbard House, Inc. Victim Advocates for training on military specific issues and availability of services through the U.S. Navy. Training will include, but is not limited to, the availability of counseling, funding, Transitional Compensation, medical care, dental care, housing and military protective orders.

b. Share information regarding on-going cases involving active duty military or dependents with Hubbard House, Inc. employees in a need to know status. When required, military victim advocates will ensure that all applicable releases have been signed prior to sharing any information.

c. When appropriate, military victim advocates will coordinate any necessary referrals/interventions involving active duty service members or dependents with Hubbard House, Inc. personnel.

Hubbard House, Inc. Responsibilities:

a. Hubbard House, Inc. victim advocates will coordinate and provide training and technical assistance for the Family Advocacy Program. Training may include but is not limited to, lethality assessments, safety planning, dynamics of domestic violence, empowerment-based service delivery, sexual assault, human trafficking, and civilian supportive services. Hubbard House, Inc. will coordinate with military victim advocates for training on handling cases involving victims that are either active duty servicemembers or dependents.

b. Share information regarding on-going cases of domestic violence involving active duty military service members or dependents with military victim advocates. Hubbard House, Inc. victim advocates will ensure all applicable releases have been signed prior to sharing any information.

c. When appropriate, and with required signed releases of information, Hubbard House, Inc. victim advocates will coordinate any necessary referrals/interventions involving active duty service members or dependents with the appropriate military installation Family Advocacy Program personnel.
Appendix 11

Subj: MEMORANDUM OF AGREEMENT

d. Hubbard House will assist the military victim advocates in facilitating relocation assistance for dependents of active duty military members.

4. Points of Contact:

NAVSTA Mayport:
- Ms. Janice Rand, Family Advocacy Representative.
  (904) 270-6600 x111 Janice.Rand@navy.mil.

- Ms. Olivia Duffy, Victim Advocate.
  (904) 270-6600 x147 Olivia.Duffy.ctr@navy.mil

NAS Jacksonville:
- Myrna Wilson, Family Advocacy Representative.
  (904) 542-2766 x122 Myrna.Wilson@navy.mil

- Ms. Amy Sulzmann, Victim Advocate.
  (904) 542-2766 x131 Amy.Sulzmann.ctr@navy.mil

Hubbard House, Inc.:
- Telisha Allen, Military/Civilian Liaison

- Ana Martinez-Mullen, Specialized Services Coordinator
  (904) 630-3634 acpdbvjax@hotmail.com

- Gail Patin, Chief Operating Officer
  (904) 354-0076 x333 coo@hhhouse.fdn.com

5. Effective Period: This agreement shall become effective upon the date endorsed by the last approving official. This agreement will remain in effect until NS Mayport, NAS Jacksonville or Hubbard House, Inc. terminates the agreement by providing written notice of termination to the other signatories. Notice of termination must be received at least thirty days prior to the date of intent to terminate.

C. P. KING

E. W. DOBSON, JR.

ELLEN SILER
Appendix 11

Resource Guide for Victims of Domestic Violence

Duval County=Jacksonville, Fl.
Clay County=Orange Park, Middleburg and Green Cove Springs, Fl.
Camden County=Kingsland, Woodbine and St Mary’s, Ga.

Protection

<table>
<thead>
<tr>
<th>Base Security:</th>
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</thead>
<tbody>
<tr>
<td>NAS Jacksonville</td>
<td>(904) 542-2661/2662</td>
</tr>
<tr>
<td>Naval Station Mayport</td>
<td>(904) 270-5583</td>
</tr>
<tr>
<td>Kings Bay</td>
<td>(912) 673-2001</td>
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<td>Police:</td>
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<tr>
<td>Jacksonville Sheriff’s Office</td>
<td>(904) 630-0500</td>
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<td>Clay County Sheriff’s Office</td>
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<tr>
<td>Orange Park Police</td>
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<tr>
<td>Camden County Sheriff’s Office</td>
<td>(912) 576-5335</td>
</tr>
<tr>
<td>Kingsland Police Department</td>
<td>(912) 729-8254</td>
</tr>
<tr>
<td>NCIS:</td>
<td></td>
</tr>
<tr>
<td>NAS Jacksonville</td>
<td>(904) 542-3334</td>
</tr>
<tr>
<td>Naval Station Mayport</td>
<td>(904) 270-7435</td>
</tr>
<tr>
<td>Kings Bay</td>
<td>(912) 673-2148</td>
</tr>
</tbody>
</table>

Victim Services

| NAS Jacksonville                        | (904)542-2766 131/116 |
| Naval Station Mayport                   | (904) 270-6600 x 1736  |
| Kings Bay                               | (912) 573-4512 x 2383  |
| Victim Services Center (Jacksonville)   | (904) 630-6300  |
| I.N.V.E.S.T (Jacksonville)              | (904) 588-0200  |
| State Attorney’s Office (Jacksonville)  | (904) 630-2400  |
| Clay County Courthouse                  | (904) 278-3643  |
| Camden County Court Advocate            | (912) 882-7585  |

Fleet and Family Support Center/Family Advocacy

| NAS Jacksonville                        | (904) 542-2766  |
| Naval Station Mayport                   | (904) 270-6600  |
| Kings Bay                               | (912) 573-4512  |

Domestic Violence Shelter

| Hubbard House (Jacksonville)            | (904) 354-3114 or 1-800-500-1119 |
| Quigley House (Clay County)             | (904) 284-0061 or 1-800-339-5017 |
| Camden House (Kings Bay)                | (912) 882-7858 or 1-800-334-2836 |
| National Domestic Violence Hotline      | 1-800-799-SAFE (7233) |

Fleet and Family Support Center

Revised 7/08
Appendix 11

Resource Guide for Victims of Domestic Violence

Duval County=Jacksonville, Fl.
Clay County=Orange Park, Middleburg and Green Cove Springs, Fl.
Camden County=Kingsland, Woodbine and St Mary's, Ga.

Protection

Base Security:

NAS Jacksonville
Naval Station Mayport
Kings Bay

(904) 542-2661/2662
(904) 270-5583
(912) 673-2001

Police:

Jacksonville Sheriff’s Office
Clay County Sheriff’s Office
Orange Park Police
Camden County Sheriff’s Office
Kingsland Police Department

(904) 630-0500
(904) 264-6512
(904) 264-2475/5555
(912) 576-5335
(912) 729-8254

NCIS:

NAS Jacksonville
Naval Station Mayport
Kings Bay

(904) 542-3334
(904) 270-7435
(912) 673-2148

Victim Services

NAS Jacksonville
Naval Station Mayport
Kings Bay
Victim Services Center (Jacksonville)
I.N.V.E.S.T (Jacksonville)
State Attorney’s Office (Jacksonville)
Clay County Courthouse
Camden County Court Advocate

(904) 542-2766
(904) 270-6600 x 1736
(912) 573-4512 x 2383
(904) 630-6300
(904) 588-0200
(904) 630-2400
(904) 278-3643
(912) 882-7585

Fleet and Family Support Center/Family Advocacy

NAS Jacksonville
Naval Station Mayport
Kings Bay

(904) 542-2766
(904) 270-6600
(912) 573-4512

Domestic Violence Shelter

Hubbard House (Jacksonville)
Quigley House (Clay County)
Camden House (Kings Bay)
National Domestic Violence Hotline

(904) 354-3114 or 1-800-500-1119
(904) 284-0061 or 1-800-339-5017
(912) 882-7858 or 1-800-334-2836
1-800-799-SAFE (7233)
MEMORANDUM OF UNDERSTANDING

April 12, 2005

among the partners in the

Military/Civilian Coordinated Community Response Demonstration Project

Fort Campbell, United States Army Post
The Sanctuary, Inc. of Hopkinsville, Kentucky
Legal Aid Society of Clarksville, TN

And

Collaborative Partners of
Mayor of Clarksville, TN
Mayor of Montgomery County, TN
Clarksville Police Department, TN
Montgomery County Sheriff’s Office, TN
Montgomery County District Attorney General’s Office
for the 19th Judicial District, TN
TN Public Defender Office
Montgomery County Circuit Court, TN
Montgomery County General Sessions Court, TN
Montgomery County Chancery Court, TN
Montgomery County Probation Services, TN
The Safehouse, Clarksville, TN
Rape and Sexual Abuse Center, Clarksville, TN
Centerstone Mental Health Center, TN
Montgomery County Humane Society, TN

And

Mayor of Hopkinsville, KY
Christian County Judge Executive’s Office, KY
Christian County Commonwealth Attorney, KY
Christian County Attorney, KY
Christian County District Court, KY
Christian County Family Court, KY
Christian County Sheriff’s Office, KY
Hopkinsville Police Department, KY
Pennyroyal Center, KY
And

Mayor of Oak Grove, KY
Oak Grove Police Department, KY

With

Battered Women’s Justice Project – Criminal Justice Office, a program of Minnesota Program Development, Inc. (BWJP) and National Center on Domestic and Sexual Violence (NCDSV) enter into this Memorandum of Understanding to carry out the activities outlined below to implement the Project.

I. GENERAL

A. Purpose. The goal of the Military/Civilian Coordinated Community Response Demonstration Project is to create a model for coordinating the response of civilian and military agencies to domestic violence cases involving military personnel that enhance victim safety and autonomy, take the necessary procedural and systemic steps to end the violence and address systemic shortcomings, and provide safety and support to children exposed to violence in these families.

B. Applicability. This CCR Demonstration Project is a collaborative effort of the Office on Violence Against Women (OVW) of the Department of Justice (DOJ) and the Office on Family Policy, Department of Defense (DOD). This project is funded by the OVW, DOJ Grants to Encourage Arrest Programs. OVW, DOJ and DOD have contracted with the BWJP and NCDSV to provide technical assistance for the project.

II. PROCESS

The Military/ Civilian CCR Demonstration Project will include the following activities over the anticipated 12-18 months of the Project:

A. Coordination. The Project Director (Connie Sponsler Garcia of BWJP) will support the Demonstration Project Coordinator (Deborah D. Tucker of NCDSV) who will work closely with the local military and civilian CCR Coordinators and Agency Representatives to conduct a comprehensive review of existing military and civilian procedures in handling domestic violence cases to identify existing coordination practices between the two systems.

B. Mapping Phase. Interviews and observations of both military and civilian practitioners will be coordinated by the CCR Project Director and the Demonstration Project Coordinator with their invited consultants with legal and law enforcement expertise. The CCR Project Director and Demonstration Project Coordinator will consult with the military and civilian CCR Coordinators locally to recruit
representatives from the local partners to assist with the institutional mapping process. Areas to be examined include, but are not limited to:

1. Law Enforcement: Initial response to reported domestic violence cases, predominant aggressor determination, evidence documentation in military and civilian police reports, process for follow-up investigation, and for communication with other partners.

2. Process and linkages to ensure victim access to confidential advocacy services, military advocacy services, legal advocacy, medical services, shelter and follow-up support.

3. Assessment of risk and safety planning throughout the intervention by military and civilian agencies. When is this information shared? What is the process?

4. Processing and disposition of cases through the local criminal justice systems and the corresponding military processing and disposition of reported cases.

5. Full Faith and credit issues in civil court, policies/directives for service and enforcement of civilian protective orders on installation.

6. Civilian sector communication with command, victim, offender and other relevant and appropriate parties regarding case disposition.

7. Batterers intervention options for cases handled on-post, and for those who receive court-mandated services off-post. Policy and practice related to follow-up regarding offender's attendance and performance, progress towards treatment goals and ongoing communication with commands; communication with victims regarding safety issues.

8. Communication among FAP, commands and any other appropriate installation agencies including the Judge Advocate General (JAG), Criminal Investigation Division (CID), the New Parent Support Program (NPSP), Substance Abuse Counseling (SAC), the Medical Treatment Facility (MTF) and any other identified agencies as well as civilian agencies (shelters, legal advocates, battering intervention, alcohol and drug abuse treatment, therapy, etc.) regarding specific case disposition.

9. Working relationship among all military agencies involved in installation response.
10. Working relationship among installation leadership, city and county agencies, and community services regarding the overall Coordinated Community Response to Domestic Violence.

C. **Assessment Phase.** A team of local military and civilian partners, the Assessment Team, will review the systems’ maps, identify procedures for more effective coordination between the military and civilian system’s responses, identify additional resources, technical assistance or trainings needed to support the implementation of the coordinated plan, and create an initial work plan. The Assessment Team will report the “findings and recommendations” of the assessment and mapping process.

D. **Implementation Phase.** The primary partners will determine the appropriate applicant to submit a proposal to OVW, DOJ requesting funds to support the identified implementation strategies.

E. **Miscellaneous.**

1. Throughout the project, the Demonstration Project Coordinator (Debby Tucker of NCDSV) and the CCR Project Director (Connie Sponsler Garcia of BWJP) will assist the local team as needed.

2. Note that Coordinated Community Response training will be provided by BWJP and NCDSV at on-site at no cost for key military and civilian personnel who will be working on implementation of the recommendations.

**III. ROLES AND RESPONSIBILITIES**

A. **Services Provided by BWJP Project Director and NCDSV Demonstration Project Coordinator.**

1. **Planning via phone and e-mail consultations.** Assistance to the CCR Coordinators locally in determining: scope of assessment, preliminary mapping, schedule of observations and interviews, selection of text and documents to be reviewed, selection of policies to be reviewed, selection of individuals to serve as Team members (attend the training and participate in text analysis), and development of preliminary timeline for all tasks in the Project.

2. **Site Visits – 5-7 two-day consultations.** Assistance in determining community readiness, interview key local practitioners, begin process of mapping the system, identify relevant texts for analysis and consult on optimum audit team membership.

3. **Text Analysis –Initial Review.** Analysis of at least 30 local law enforcement reports in Hopkinsville, Oak Grove and Clarksville as well as 30 domestic violence incident reports generated by Fort Campbell’s MPs will be performed.

4. **CCR training – 3 days.** Three day training for team members which will focus on cross-training of the military and civilian responders and interveners as well as...
introduce “best practices and emerging issues” when responding effectively to domestic violence.

5. **Video and Teleconferences.** Upon request and/or as needed.

6. **Technical assistance.** Via phone and email upon request and/or as needed.

7. **Safety Audit and Text Analysis.** Assessment of the implementation of recommendations.

9. **Miscellaneous.** The text analysis of the Military Police and local law enforcement reports will be repeated to determine if or how they have been successfully implemented. The Project Director and the Demonstration Project Coordinator will present findings of second text analysis and facilitate the Audit Team in assessing and developing further recommendations.

B. **Services Provided by Fort Campbell.**

1. **General.** Fort Campbell Army Post Garrison Commander will select a Fort Campbell CCR Coordinator and Military POC (this may be 1 or 2 people) who will work cooperatively with the Civilian CCR Coordinators, the BWJP Project Director and the Demonstration Project Coordinator (NCDSV) to organize and direct the activities of the project’s implementation on-site.

2. Provide information about departmental policies, practices, and forms to the local CCR Coordinator for use by the Mapping Team.

3. Facilitate interviews and observations by civilians with practitioners as needed.

4. As possible, make arrangements for civilian members of Mapping Team to conduct interviews and observations on the installation.

5. Provide at least 30 randomly selected domestic violence incident reports generated by MPs.


7. Appoint additional military representative(s) to serve on the Mapping and Implementation Teams as needed.

C. **Services Provided by Sanctuary of Hopkinsville and Legal Aid of Clarksville.**

1. **General.** Sanctuary of Hopkinsville and Legal Aid of Clarksville will each hire a local CCR Coordinator who will work together and serve as the liaison to the CCR Project Director (BWJP) and the Demonstration Project Coordinator (NCDSV).
2. The CCR Coordinators will read the “Domestic Violence Safety and Accountability Audit Manual” and attend the Domestic Violence Safety and Accountability training when next offered in Duluth, MN.

3. Organize and convene the Mapping Team, and consequent Implementation Team, staff all meetings, and prepare written minutes.

4. Coordinate the mapping activities and collection of all data.

5. Coordinate interviews and observations.

6. Prepare written report and recommendations, with assistance from the Project Director and Demonstration Project Coordinator.

D. Services Provided by Local Police Agencies.

1. General. The Sheriff’s Departments in Christian County, KY and Montgomery County, TN, along with the Police Departments in Hokinsville, Oak Grove, and Clarksville will provide randomly selected DV arrest and incident reports to be analyzed by BWJP and NCDSV. Specific conditions for this information sharing will be outlined in a separate MOU.

2. Appoint representatives to serve on Mapping and Implementation Teams.

E. Services Provided by All Other Parties. All other partners by entering into this memorandum of understanding agree to:

1. Appoint a staff representative to serve on the Mapping and Implementation Teams as needed.

2. Provide information about departmental policies, practices and forms to the local CCR Coordinator for use by the Mapping Team.

3. Facilitate interviews and observations with practitioners as needed.

IV. FINANCIAL & RESOURCE COMMITMENT

A. It is anticipated that funds will be made available by OVW, DOJ in order that key recommendations resulting from the mapping process will be implemented.

B. BWJP will provide initial funding of $25,000 to ensure the designation of a local CCR Coordinator through a sub-contract with The Sanctuary, Inc. of Hopkinsville, Kentucky, Legal Aid Society of Middle Tennessee, and the Cumberlands of Clarksville, Tennessee.
Appendix 12

Coordinators of the
Military / Civilian Coordinated Community Response
Demonstration Project
entering into partnership with
Clarksville, TN and Hopkinsville, KY Organizations
April 12, 2005

MG Thomas R. Turner II
Fort Campbell and 101st Airborne (Air Assault)

Helen Kinton
Executive Director
Sanctuary, Inc.

Patricia Mock
Managing Attorney
Legal Aid of Middle TN and the Cumberlands

Connie Sponsler Garcia
Training Audit Coordinator
Battered Women’s Justice Project

Deborah D. Tucker
Executive Director
National Center on Domestic and Sexual Violence

Signatures to MOU, April 12, 2005
MEMORANDUM OF UNDERSTANDING (MOU)

BETWEEN

Cities of
Chesapeake, Hampton, Newport News, Norfolk,
Portsmouth, Suffolk and Virginia Beach

Military Branches of the
Army, Air Force, Coast Guard, and Navy/Marine Corps

And

Participating Private, Non-Profit, and Community Agencies
(Effective March 21, 2006)

1. BACKGROUND: The parties to this MOU recognize that family violence, which includes spouse abuse, partner abuse, and the abuse and neglect of children by their caretakers, is a serious social, public health, and criminal justice problem that requires a coordinated response by public and private agencies and organizations, including not only the parties to this agreement, but also neighbors, communities, faith-based organizations and employers. That response needs to include prevention services aimed at addressing and resolving the causes of family violence; intervention services aimed at immediately responding to, stopping, and, where appropriate, imposing punishment for acts of family violence when they occur, and providing immediate safety, shelter and care for victims; and treatment, rehabilitative and monitoring services to help families, including both victims and offenders, recover and heal from acts of family violence in a manner that will reduce the chance of repeated acts of violence.

2. PURPOSE: The purpose of this MOU is to establish a framework through which the agencies, organizations and staffs of the participating parties can collaborate to develop and maintain coordinated prevention, intervention, treatment, rehabilitation and monitoring services to address and reduce family violence in this region. Key components of this effort will be the development of enhanced and timely communication among the agencies, organizations and staffs of the participating parties, particularly in individual cases requiring immediate intervention to protect family members, and the development of strategies to effectively share resources.

3. SHARING OF INFORMATION: The parties recognize that their various agencies, organizations and staffs are often providing services to the same families. In addition, the military branches and the civilian parties have their own prevention, intervention and treatment services, and their own military and criminal justice services and procedures, which may simultaneously be involved with the same families in regard to the same incidents. A key goal of the work done under this MOU will be to enhance communication among the participating parties and their agencies, organizations and staffs, so that, to the extent permitted by law, the parties will work to share information about families reported to them at the beginning of their involvement with those families, and will strive to coordinate their responses in order to maximize the effectiveness of their services. In addition, in those situations in which authorization from the family members, or the order of a court, is required to enable these agencies and organizations to communicate about particular families, staffs of the participating agencies and organizations will be trained and oriented to seek the necessary authorization or order to allow the sharing of information that is needed for coordination of services.
4. ACTION PLAN AND GOALS: It is an overall goal of the participating parties to develop a common, agreed-upon approach to preventing and responding to family violence throughout the Region, including developing standard communication procedures and protocols among the participating parties as part of the effort to reduce family violence. Reaching that goal, and the multiple individual goals that must be reached to make the larger goal achievable, will require a wide range of coordinating and training activities among service providers, military and criminal justice authorities, and the leadership of the participating parties. The action plan for those entities is as follows:

Human Services and Military Family Services entities will work together with the goal of accomplishing the following:

- Establish and provide ongoing updated education and training for human services providers
- Identify staff within each participating human services agency who will be responsible for family violence awareness and training for staff within that agency, and who will be the point of contact for participating, and sharing information about, these regional family violence efforts
- Develop a description of best practices and recommended polices and practices to encourage a consistent approach to family violence among agencies throughout the region
- Review current and proposed legislation regarding family violence, and make recommendations regarding legislative changes to enhance prevention, intervention and treatment efforts in regard to family violence
- Ensure support of and participation on military and civilian multi-disciplinary teams by appropriate human services agencies
- Participate in cross-training with other organizations and entities
- Encourage ongoing training for staff within participating agencies on updated information related to family violence

Military and Civilian Prevention and Treatment entities will work together with the goal of accomplishing the following:

- Standardize Batterer Intervention Programs (BIP), including a description of best clinical practices and the standard length of program participation
- Help schools and higher education to include instruction on family violence and prevention in Family Life Education and health curricula
- Standardize Health Insurance Portability and Accountability Act (HIPAA) compliant procedures for timely release of information as needed to coordinate treatment, prevention, and enforcement
- Promote community resource information exchange within the Family Violence professional community and establish a forum for raising systemic issues
- Establish protocols for reporting and sharing information in emergency situations, in compliance with applicable laws and regulations
- Participate in cross-training with other organizations and entities
- Encourage ongoing training for staff within participating agencies on updated information related to family violence
Appendix 13

Civilian and Military Victim Advocate and Shelter entities will work together with the goal of accomplishing the following:

- Assist victims in accessing appropriate available services and/or shelter
- Participate in cross-training with other organizations
- Encourage ongoing training for staff within participating agencies on updated information related to family violence
- To the extent that resources allow, arrange for provision of transportation for all victims in imminent danger to a place of safety
- Establish a Memorandum of Understanding consistent with the Department of Defense requirements (See Attachment 1)

City Managers and Military Leadership (Commanding Officers) entities will work together with the goal of accomplishing the following:

- Navy Region Mid-Atlantic to appoint Joint Military Court Liaisons
- Establish Peninsula and Southside procedures for communication flow and referrals to Army, Navy/Marine Corps, Air Force and Coast Guard for respective cities' courts and police, to the extent authorized by law
- Identify key points of contact for each city and/or military branch
- Support the integration of a Regional Response to Family Violence

Commonwealth Attorneys/Military Legal Heads, Chiefs of Police/Military Police Heads, Juvenile and Domestic Court Service Units, and Adult Court Service entities will work together with the goal of accomplishing the following:

Improve communication internally and in reference to prosecution and services

- Utilize the Navy Region Mid-Atlantic template for receiving reports from area and civilian law enforcement agencies of military member arrests and military related victim information
- Establish similar procedures and/or educate each jurisdiction on established protocols between military and civilian legal systems
- Standardize procedures for the timely release of police records for coordinating safety interventions
- Coordinate with medical field to improve investigatory outcomes
- Promote Family Violence training to magistrates
- Establish a Memorandum of Understanding consistent with the Department of Defense requirements (See Attachment 2)

5. EFFECTIVE DATE: This agreement will become effective upon signature of all of the participating cities and military branches. Interested private, non-profit, and community agencies can become parties to this agreement at or after the effective date of the agreement through the signature of their director or designee.
6. REVIEW: This MOU will be reviewed annually. Requests for modification of the terms of this MOU may be initiated by a participating party at any time and will be effective upon approval of all parties.

7. DISPUTES: Any disputes will be resolved through discussions involving all the parties.

8. TERMINATION: This agreement may be terminated by any participant with thirty (30) days written notice to the other participants.

9. OBLIGATIONS; THIRD PARTIES: This MOU is intended exclusively to provide guidance and serve as an agreement for general support among the participating parties. It is a planning document and does not impose a legal duty of any kind on any of the participating parties. Nothing contained herein creates or extends any right, privilege, or benefit of any kind to any person or entity.
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Establishing Domestic Violence Memoranda of Understanding Between Military and Local Civilian Officials

This directive-type memorandum provides guidance for establishing key and essential coordination between military and local civilian officials with respect to domestic violence. Attachments 1 and 2 provide guidance and sample formats for establishing memoranda of understanding with civilian law enforcement officials and district attorneys, respectively. The attachments can also be adapted to address additional areas of civil-military cooperation.

It is the policy of the DoD that law enforcement and legal officials, at military installations, shall seek to establish formal memoranda of understanding with their counterparts in the local community to improve information sharing on domestic violence investigations, arrests, and prosecutions involving military personnel.

This memorandum is effective immediately. A DoD Directive incorporating the contents of this memorandum shall be issued within 180 days.

David S. C. Chu

Attachments:
As stated
Appendix 13

Attachment 1

**Developing a Memorandum of Understanding Between the Installation Law Enforcement Office and Local Civilian Law Enforcement Agencies**

When domestic violence incidents occur on the installation, military entities, such as the Law Enforcement Office, the Family Advocacy Program (FAP), and the medical treatment facility (MTF), have established procedures mandating notifications, sharing of information and specific steps to take in responding to these incidents. However, active duty Service members and their families often live in civilian communities surrounding their installations. When an incident occurs in the civilian community, local law enforcement generally responds, conducts the investigation, and prepares the incident report.

Although some installation law enforcement offices have developed working relationships with their civilian law enforcement counterparts, these informal relationships can be difficult to maintain due to staff turnover, especially within the installation law enforcement office. Installations are often surrounded by multiple jurisdictions, making it even more difficult to maintain open and regular communications with numerous local law enforcement agencies. Furthermore, the civilian local law enforcement agency may not have a formal internal policy dictating steps to take when either the victim or the alleged offender is an active duty member.

Given these obstacles to successful informal working relationships and procedures, a Memorandum of Understanding (MOU) between the installation and local civilian law enforcement agencies can improve the sharing of information and strengthen and formalize procedures for dealing with domestic violence incidents that occur off the installation. MOUs can be used to clarify jurisdictional issues for the investigation of incidents, to define the mechanism whereby local law enforcement reports involving active duty members will be forwarded to the appropriate installation law enforcement office, to encourage the local law enforcement agency to refer victims of domestic violence to the installation FAP office or victim advocate, and, generally, to foster cooperation and collaboration between the installation and local civilian agencies.

Although MOUs can be crafted to address issues specific to an installation and the communities surrounding it, there are several issues that MOUs should address:

- A general statement of the purpose of the MOU.
- An explanation of jurisdictional issues that affect respective responsibilities for responding to and investigating incidents occurring on and off of the installation. This section should also address jurisdictional issues that arise when a civilian order of protection is violated on military property. *See Section 1561a of title 10, United States Code.*
- Procedures for responding to a domestic violence incident that occurs on the installation involving a civilian alleged offender.
Appendix 13

- Procedures for transmitting incident/investigation reports of domestic violence involving active duty Service members from local civilian law enforcement agencies to the installation law enforcement office.

- Procedures for transmitting civilian protection orders (CPOs) involving active duty Service members from local law enforcement agencies to the installation law enforcement office. [If the installation has an MOU with the local court responsible for issuing protection orders, the installation can, alternatively, include procedures for transmitting copies of those orders to the installation law enforcement office in that MOU.]

- Designation of the title of the installation law enforcement recipient of such information from the local law enforcement agency.

- Procedures for transmitting military protection orders (MPOs), from the installation law enforcement office to the local civilian law enforcement agency with jurisdiction over the area in which the Service member resides. [Although the local civilian law enforcement agency will not be able to enforce the MPO, it can contact the installation law enforcement office when it learns of a violation.]

- Designation of the title of the local law enforcement agency recipient of domestic violence and CPO information from the installation law enforcement office.

- Respective responsibilities for providing information to domestic violence victims regarding installation resources when either the victim or the alleged offender is an active duty member.

- Sharing of information and facilities during the course of an investigation.

- Regular meetings between the local civilian law enforcement agency and the installation law enforcement office to review cases and MOU procedures.

The following sample Memorandum of Understanding contains provisions that could be used or modified by installations to meet specific needs. Since both jurisdictional issues and installation standing procedures on dealing with civilians alleged to have committed offenses on the installation vary widely, this sample does not include specific provisions on these two areas
Appendix 13

Memorandum of Understanding Between
(INSTALLATION) Installation Law Enforcement Office and
(CITY, COUNTY, or STATE) Law Enforcement Agency

1. PURPOSE: To establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction and coordination of efforts and assets between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency in domestic violence cases involving active duty military personnel and their family members.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. See United States v. Caeares, 440 U.S. 741 (1979).

A. [Insert paragraph here defining response and investigation jurisdiction for the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency.]

3. RESPONSIBILITIES:

A. The (CITY, COUNTY, or STATE) Law Enforcement Agency agrees to perform the following actions:

1. When responding to or investigating domestic violence cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active duty Service member, the responding officer(s) will note on the top of the incident/investigation report “Copy to the (INSTALLATION) Installation Law Enforcement” and the designated Records personnel will ensure the copy is forwarded.

2. When responding to or investigating domestic violence cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim’s consent to forward a copy of the incident/investigation report to the (INSTALLATION) Law Enforcement Office so that it can be provided to the victim’s commander. If the victim so consents, the responding officer(s) will note on the top of the incident/investigation report “Copy to the (INSTALLATION) Installation Law Enforcement Office.”
Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall note in the body of the incident/investigation report that the victim did not consent to forwarding the report to the Installation Law Enforcement Office and shall not direct Records personnel to forward the report.

(3) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civil protection order (CPO) issued by a court of competent jurisdiction, the responding officer(s) will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active Service member, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. [This paragraph may not be necessary if the installation has an MOU with the local court specifying that the court will forward copies of such CPOs to the installation.]

(4) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civil protection order (CPO), the responding officer(s) will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim’s consent to forward a copy of the CPO to the (INSTALLATION) Installation Law Enforcement Office. If the victim so consents, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall not request that a copy the CPO be forwarded to the Installation Law Enforcement Office.

(5) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall designate an employee from Records who will be directly responsible for forwarding copies of incident/investigation reports and CPOs to the (INSTALLATION) Installation Law Enforcement Office when directed to do so by notations at the top of the reports or CPOs. The employee shall also be responsible for receiving and processing military protection orders (MPOs) forwarded from the (INSTALLATION) Installation Law Enforcement Office.

(6) When the (CITY, COUNTY, or STATE) Law Enforcement Agency becomes aware of a violation of a term or provision of an MPO, the responding officer(s) shall notify the designated representative from the (INSTALLATION) Installation Law Enforcement Office of the violation.

(7) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall provide the (INSTALLATION) Installation Law Enforcement Office with an area for Installation Law Enforcement investigators to conduct interviews of active duty
Appendix 13

Service members and their family members who are involved in domestic violence incidents.

(8) The (CITY, COUNTY, or STATE) Law Enforcement Agency will, when appropriate, conduct joint investigations with the (INSTALLATION) Installation Law Enforcement Office if incidents of domestic violence involve active duty Service members and their family members.

(9) When the victim in a domestic violence incident has been identified as an active duty Service member or a family member of one, the (CITY, COUNTY, or STATE) Law Enforcement Agency responding officer(s) shall provide the victim with basic information, acquired from the Installation Law Enforcement Office (below), about installation resources available to domestic violence victims.

(10) As new law enforcement officers begin duty with the (CITY, COUNTY, or STATE) Law Enforcement Agency, their immediate supervisor will provide them with copies of this MOU and basic instruction for effectuating the provisions of this MOU.

B. The (INSTALLATION) Installation Law Enforcement Office agrees to perform the following actions:

(1) The (INSTALLATION) Installation Law Enforcement Office shall designate an individual to act as liaison to the (CITY, COUNTY, or STATE) Law Enforcement Agency and to receive copies of incident/investigation reports stemming from an incident occurring off of the installation and CPOs involving active duty Service members and their family members.

(2) Upon receipt of a copy of an incident/investigation report stemming from incidents occurring off of the installation or a CPO involving an active duty Service member and his/her family member, the (INSTALLATION) Installation Law Enforcement Office shall immediately notify the Service member’s Command.

(3) When the (INSTALLATION) Installation Law Enforcement Office receives a copy of an MPO from a Service member’s Command, and if that Service member is living off of the installation, the (INSTALLATION) Installation Law Enforcement Office shall forward a copy of the MPO to the (CITY, COUNTY, or STATE) Law Enforcement Agency with jurisdiction over the area in which the Service member resides.

(4) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, STATE, OR COUNTY) Police Department with an area for Police Department officers or investigators to conduct interviews of active duty Service members and their family members who are involved in domestic violence incidents.
Appendix 13

(5) The (INSTALLATION) Installation Law Enforcement office will, when appropriate, conduct joint investigations with the (CITY, COUNTY, or STATE) Law Enforcement Agency if incidents of domestic violence involve active duty Service members and their family members.

(6) The (INSTALLATION) Installation Law Enforcement Office will assist the (CITY, COUNTY, or STATE) Law Enforcement Agency when investigating cases that occurred off base by providing information such as medical records, Service records, and incident/investigation reports from incidents occurring under the jurisdiction of the Installation Law Enforcement Office in accordance with the provisions of the Privacy Act. 5 USC 552a.

(7) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, COUNTY, or STATE) Law Enforcement Agency with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic violence victims.

(8) [Insert a paragraph here stating proper installation procedure for responding to domestic violence incidents occurring on the installation involving civilian alleged offenders.]

(9) As new personnel begin duty with the (INSTALLATION) Installation Law Enforcement office, their immediate supervisor will provide them with copies of this MOU and basic instructions on effectuating the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.

B. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of this MOU that channels of communication will be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) Installation Law Enforcement Office and from the (CITY, COUNTY, or STATE) Law Enforcement Agency shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to share information regarding reciprocal investigations.
Appendix 13

Attachment 2

Developing a Memorandum of Understanding Between the Installation Staff Judge Advocate and the Local District Attorney’s Office

In many domestic violence cases involving Service members and their families, there is overlapping criminal jurisdiction. For an offense committed off the installation by a military member, the local District Attorney (DA) and the military both have jurisdiction to prosecute the case, but only the DA has jurisdiction over offenses committed by a civilian family member. In the case of offenses committed on the installation, the command always has jurisdiction over military personnel, and depending on the installation, the local DA will either share jurisdiction over military personnel with the command and over civilian personnel with the U.S. Attorney or have no jurisdiction over military personnel and civilians. When the local DA has no jurisdiction on an installation, only the U.S. Attorney may prosecute civilians who commit offenses there. When there is overlapping jurisdiction, who prosecutes a particular case or class of cases is a matter of formal or informal agreement.

While some installations have entered into formal agreements with local DAs on exercising overlapping criminal jurisdiction, others have only developed informal working relationships. These informal relationships can be difficult to maintain due to staff turnover. Installations are often surrounded by multiple jurisdictions, making it even more difficult to maintain open and regular communications with numerous local district attorney offices. Furthermore, these civilian agencies may not have a formal internal policy dictating steps to take when either the victim or the alleged offender is an active duty member.

Given these obstacles to successful informal working relationships and procedures, a formal Memorandum of Understanding (MOU) between the installation staff judge advocate (SJA) and local DA’s office can improve the sharing of information and strengthen procedures for dealing with domestic violence incidents. MOUs can be used to:

1. clarify jurisdictional issues for the investigation and prosecution of incidents,
2. define the mechanism whereby local law enforcement reports, civilian protection orders (CPOs) or court orders defining pre-trial conditions for active duty members will be forwarded on to the appropriate installation SJA, and,
3. foster cooperation and collaboration between the installation and local civilian agencies.

Although MOUs can be crafted to address issues specific to an installation and the communities surrounding it, there are several issues that MOUs should address:

- A general statement of the purpose of the MOU.
- An explanation of jurisdictional issues that affect respective responsibilities for investigating and prosecuting incidents occurring on and off of the installation.
Appendix 13

- Procedures for transmitting police reports, CPOs and orders defining pretrial conditions from the district attorney to the SJA regarding domestic violence incidents involving active duty service members.

- Designation of the title of the installation legal office (such as the SJA) recipient of such information from the local DAs office.

- Procedures for providing, upon request, a history of domestic violence incidents involving specific active duty Service members to the DAs office.

- Exchange information and facilities during the course of an investigation and prosecution.

- Regular meetings between the DA and the SJA to review cases and MOU procedures.

The following sample Memorandum of Understanding contains provisions that could be used or modified by installations to meet specific needs. Since both jurisdictional issues and installation standing procedures on dealing with civilians alleged to have committed offenses on the installation vary widely, this sample does not include specific provisions on those two points.
Appendix 13

Memorandum of Understanding Between
(INSTALLATION) SJA and
(COUNTY/CITY) District Attorney's Office

1. PURPOSE: To establish written procedures concerning the exchange of information, case investigation and prosecution, and coordination of efforts and assets between the (INSTALLATION) SJA and the (COUNTY/CITY) District Attorney (DA) in domestic violence cases involving active duty military personnel assigned to the (INSTALLATION) and their family members.

2. GENERAL: This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdictions vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) SJA and the (COUNTY/CITY) DA. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. See United States v. Cerros, 440 U.S. 741 (1979).

A. [Insert paragraph here defining jurisdiction for both the (INSTALLATION) SJA and (COUNTY/CITY) DA.]

3. RESPONSIBILITIES:

A. The (COUNTY/CITY) DA agrees to perform the following actions:

1) When the victim in a domestic violence incident has been identified as an active duty Service member or a family member of one, the (COUNTY/CITY) DA shall provide the victim with basic information acquired from the Installation SJA (below), about (INSTALLATION) resources available to domestic violence victims.

2) When investigating or prosecuting domestic violence cases, the (COUNTY/CITY) DA shall determine whether the alleged offender is an active duty Service member assigned to (INSTALLATION). If the alleged offender is an active duty member assigned to (INSTALLATION), the DA shall contact the (INSTALLATION) SJA to inform the SJA of the pending investigation or prosecution. Upon request, the DA shall forward copies of relevant police reports, civil protection orders, and any orders specifying pre-trial conditions to the SJA.

3) When investigating a domestic violence case involving an active duty Service member assigned to (INSTALLATION) who is alleged to be the offender, the DA shall consult with the SJA with respect to prosecution of the individual under the appropriate state law or under the Uniform Code of Military Justice (UCMJ).
(4) During the course of the DA’s investigation or prosecution of a crime of domestic violence allegedly committed by an active duty service member assigned to (INSTALLATION), the DA shall keep the SJA informed of the states of the case through regular contacts. The DA shall notify the SJA specifically of any changes in confinement status or pre-trial release conditions.

(5) When, after consultation, the SJA and the DA have determined that the alleged offender will be subject to procedures under the UCMJ, the DA shall cooperate during the investigation and disciplinary action to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

(6) As new attorneys begin working in the (COUNTY/CITY) DA, their immediate supervisor will provide them with copies of this MOU and basic instruction for executing the provisions of this MOU.

B. The (INSTALLATION) SJA agrees to perform the following actions:

(1) The (INSTALLATION) SJA shall provide the (COUNTY/CITY) DA with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic violence victims.

(2) When investigating a domestic violence case involving an active duty member assigned to (INSTALLATION) who is alleged to be the offender, the SJA shall, in cases where the state has jurisdiction, consult with the local DA to determine whether the individual will be prosecuted under the appropriate state law or whether the command will pursue disciplinary action under the UCMJ.

(3) Upon request, the SJA shall forward copies of relevant police incident reports and military protection orders to the DA.

(4) When, after consultation, the DA and the SJA have determined that the alleged offender will be prosecuted under state law, the SJA shall cooperate during the investigation and prosecution to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.

(5) As new personnel begin duty with the (INSTALLATION) SJA, their immediate supervisor will provide them with copies of this MOU and basic instructions on executing the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.
Appendix 13

B. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of this MOU that communication will be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.

C. Personnel from the (INSTALLATION) SJA and from the (COUNTY/CITY) DA’s Office shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to review and revise provisions of this MOU.
Appendix 13

In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

MILITARY LEADERS

Rear Admiral F.R. Ruehe  
Commander Navy Region Mid-Atlantic  
U.S. Navy

Date

Lieutenant Colonel Paul S. Patterson  
Camp Commander  
Headquarters and Service Company  
U.S. Marine Corps Forces, Command

Date

Colonel Ronnie T. Ellis  
Garrison Commander  
U.S. Army  
Fort Eustis and Fort Story

Date

Captain T.R. Cahill  
Commanding Officer  
Integrated Support Command Portsmouth  
U.S. Coast Guard

Date

Brigadier General Burton M. Field  
Commander, 1st Fighter Wing  
Langley Air Force Base  
U.S. Air Force

Date
Appendix 13

In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

HONORABLE ELECTED OFFICIAL

Honorable Joe S. Frank
Mayor, City of Newport News

Honorable Paul D. Fraim
Mayor, City of Norfolk

31 March 2006
Date

31 March 2006
Date

Honorable James W. Holly, III
Mayor, City of Portsmouth

Honorable Dalton S. Edge
Mayor, City of Chesapeake

31 March 2006
Date

31 March 2006
Date
In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

HONORABLE ELECTED OFFICIAL

[Signature]
Honorable Linda T. Johnson
Mayor, City of Suffolk

[Date]
November 16, 2006
In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

HONORABLE ELECTED OFFICIAL

Honorable Meyera E. Oberndorf
Mayor, City of Virginia Beach

Honorable Ross A. Kearney, II
Mayor, City of Hampton

21 March 2006
Date

21 March 2006
Date

Honorable Bobby L. Ralph
Mayor, City of Suffolk

21 March 2006
Date
In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF VIRGINIA BEACH DISTINGUISHED SIGNERS

Ms. Carolyn McPherson  
Executive Director  
Samaritan House

Dr. Terry Jenkins  
Director  
Virginia Beach Human Services

Chief A. M. Jacocks, Jr.  
Chief of Police

Mr. Harvey Bryant  
Commonwealth’s Attorney

3-21-06  
Date

3-17-06  
Date

March 21, 2006  
Date
Appendix 13

In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF PORTSMOUTH DISTINGUISHED SIGNERS

Mr. Earle Mobley
Commonwealth’s Attorney

Date

Chief Edward Long
Chief of Police

Date

Mr. James Oliver, Jr.
City Manager

Date

Ms. Amanda Wimberley
Director,
Community Corrections and Pretrial Services

Date

March 21, 2006

March 21, 2006
Appendix 13

In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF PORTSMOUTH DISTINGUISHED SIGNERS

Sandra C. Becker
Ms. Sandra C. Becker
Executive Director
Help and Emergency Response, Inc.

3/21/06
Date

Ronnie Gehring
Mr. Ronnie Gehring
Executive Director
Friends of the Portsmouth Juvenile Court

3/28/06
Date

Reynold W. Jordan, Jr.
Mr. Reynold W. Jordan, Jr.
Director,
Department of Social Services

Mar 21, 2006
Date
Appendix 13

In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF SUFFOLK DISTINGUISHED SIGNERS

Mr. Phil Ferguson
Commonwealth’s Attorney

Mr. Leonard Horton
Director
Suffolk Department of Human Services

4/3/06
Date

3/21/06
Date

Mr. David Taylor
Community Corrections Program
5th Judicial District

Dr. Val Livingston
Director
Genieve Shelter

March 29, 2006
Date

3/21/06
Date

Chief W.A. Freeman
Chief of Police

4/3/06
Date
In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF NORFOLK DISTINGUISHED SIGNERS

Ms. Betty Wade Coyle  
Executive Director  
Prevent Child Abuse Hampton Roads

3/21/06
Date

Mr. Edward Welp  
President and CEO  
Child and Family Services of Eastern Virginia

3/21/06
Date

Ms. Cheryl Marks  
Executive Director,  
YWCA South Hampton Roads

Date

Dr. Marvin Feit  
Dean, School of Social Work,  
Norfolk State University

March 21, 2006
Date

Mr. John R. Doyle, III  
Commonwealth’s Attorney

Date

March 30, 2006
In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF NORFOLK DISTINGUISHED SIGNERS

Ms. Regina Williams  
City Manager

Ms. Lauri Hogge  
Director, Child Abuse Program,  
Children's Hospital of the King's Daughters

March 30, 2006  
Date

March 21, 2006  
Date

Mr. N. Clark Earle  
Director,  
Department of Human Services

Chief Bruce P. Marquis  
Chief of Police

March 21, 2006  
Date

March 21, 2006  
Date
Appendix 13

In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF CHESAPEAKE DISTINGUISHED SIGNERS

Dr. Wanda Barnard Bailey  
Deputy City Manager

Ms. Patricia Strathmann  
Assistant Director  
Victim Witness Program

March 21, 2006  
Date

March 21, 2006  
Date

Ms. Nancy Parr  
Commonwealth’s Attorney

Chief Richard Justice  
Chief of Police

March 31, 2006  
Date

March 31, 2006  
Date

Ms. Doris "Cookie" Palacios  
Director, Department of Human Services

March 21, 2006  
Date
In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF NEWPORT NEWS DISTINGUISHED SIGNERS

Mr. Randy Hildebrandt
City Manager

Mr. Howard Gwynn
Commonwealth’s Attorney

4/20/06
Date

4-20-06
Date

Ms. Crystal Skeeter-Davis
Executive Director
Center for Sexual Assault Survivors

Chief Charles Jordan
Chief of Police

4/13/06
Date

Date

Chief James D. Fox
Chief of Police

3.21.06
Date
In witness whereof, the parties hereunto have executed this Memorandum of Understanding.

CITY OF HAMPTON DISTINGUISHED SIGNERS

Ms. Marcy Wright
Executive Director
Transitions Family Violence Services

Mr. Walter B. Credle
Director
Department of Social Services

March 21, 2006

Ms. Carla Krump
Director
Hampton Victim-Witness Program

Chief Charles Jordan
Chief of Police

March 21, 2006
Appendix 14: Military-Civilian CCR – Work Plan Template and Sample

Note: This template can be developed using a word processing or spreadsheet program. See the following page for sample entries.

<table>
<thead>
<tr>
<th>[Name] Military-Civilian Coordinated Community Response to Domestic Violence – Work Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date plan established:</td>
</tr>
<tr>
<td>Date of this progress report:</td>
</tr>
<tr>
<td>Goal / Change</td>
</tr>
<tr>
<td>Target Date</td>
</tr>
<tr>
<td>Lead Agency</td>
</tr>
<tr>
<td>Progress &amp; challenges</td>
</tr>
<tr>
<td>Action since last update</td>
</tr>
</tbody>
</table>

Expand as needed
Sample Work Plan

The sample illustrates how a work plan can be used to track implementation of the CCR’s goals. Goals will change over time as they are completed and revised. Checking in and updating the work plan at regular intervals will help the CCR stay on track. In the early stages of a CCR, reviewing the work plan frequently, such as three-month intervals, will help the collaborating partners move forward, identify challenges, and keep the CCR from getting stuck at one stage of implementation. Maintaining and updating the work plan is the responsibility of the coordinator/coordination agency, in consultation with CCR members and work groups.

In this jurisdiction, a centerpiece of the coordinated community response is that the civilian law enforcement authority—the county sheriff’s office—is authorized to respond to, arrest, and investigate domestic violence crimes that occur on the installation.

NOTE: A complete work plan for a military-civilian CCR is likely to have far more goals than the few included in this illustration.

| Military-Civilian Coordinated Community Response to Domestic Violence – Work Plan |
|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| **Goal / Change** | **Target Date** | **Lead Agency** | **Progress & Challenges** |
| In all cases of misdemeanor domestic violence occurring on Installation in areas of concurrent jurisdiction, Installation Police (IP) will request that County Sheriff’s Office (SO) assume investigative responsibilities, regardless of whether the alleged offender is a civilian or active-duty service member. IP and Installation Legal will assume investigative jurisdiction for felony-level domestic violence offenses. | May 1, 2009 | Installation Police | Completed | Goal was major focus in developing MOU. |
| Installation Police will assist Sheriff’s Office in investigating cases involving active duty service members by providing information such as medical records, service records, and incident reports, in accordance with provisions of federal Privacy Act and HIPAA. | May 1, 2009 | Installation Police | Completed | Anticipate that IP liaison with SO will coordinate ongoing requests for assistance. Needed to establish process by which SO could obtain expedited assistance as necessary in specific cases. |
| Sheriff’s Office (SO) will provide a copy of the arrest or incident report of known active-duty service members to Installation Police | May 1, 2009 | Sheriff’s Office | Pending | Deputies need additional training to |
### Military-Civilian Coordinated Community Response to Domestic Violence – Work Plan

<table>
<thead>
<tr>
<th>Goal / Change</th>
<th>Target Date</th>
<th>Lead Agency</th>
<th>Progress &amp; Challenges</th>
<th>Action since last update</th>
</tr>
</thead>
</table>
| Liaison for dissemination to Family Advocacy Program (FAP) and Installation Legal. |             |                   | help them more readily ascertain when a domestic violence offender or victim is an active-duty service member, particularly in incidents occurring outside of the installation. No one was assigned the specific responsibility of reviewing SO reports and relaying them to a designated IP liaison. IP liaison appointed in April was deployed in late July. | members to IP liaison.  
  - New IP liaison should be in place as of September 15, 2009. Pending this replacement, designated SO supervisor is faxing incident reports to IP chief officer.  
  - Training is being planned to address identification of service member-involved DV. Anticipate adding a 4-hour module to annual in-service training for SO deputies and supervisors in 2010. |
| In accordance with state law, upon the written request of a victim of domestic violence the Sheriff’s Office will maintain as confidential the home and employment telephone number, the home and employment address, personal assets, and any personal identifying information. In such cases, the SO will not provide a copy of the arrest/incident report to Installation Police. | May 1, 2009 | Sheriff’s Office  | Completed  
  - Needed to add training component to familiarize officers with revised Victim Information Form |  
  - Completed revision of Victim Information Form to include victim’s written request for confidentiality  
  - Conducted roll call trainings for all shifts in early August to review changes to form and process for victim to request confidentiality of information.  
  - Included deputies and civilian records personnel in training. |
| Installation Police will designate an individual to act as liaison to the Sheriff’s Office and obtain copies of arrest/incident reports and protection orders involving active-duty service members and their family members. | May 1, 2009 | Installation Police | Pending  
  - IP liaison appointed in April was deployed in late July. |  
  - New IP liaison has been assigned and will assume duties on September 15, 2009. |
| Military and civilian law enforcement agencies will develop a standardized response protocol on assessing caller safety for emergency dispatch (911) personnel to use when responding to domestic violence calls. | January 1, 2010 | Installation Police, Sheriff’s Office | Pending  
  - Need to develop written policies and protocols; nothing was in place specific to domestic violence calls. |  
  - Joint work group of military and civilian emergency dispatch personnel and police first responders was formed in May 2009 and has been meeting biweekly.  
  - Draft protocol currently under review by military and civilian agencies. |
<table>
<thead>
<tr>
<th>Goal / Change</th>
<th>Target Date</th>
<th>Lead Agency</th>
<th>Progress &amp; Challenges</th>
<th>Action since last update</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCR partners will establish an advocacy outreach center for military victims, located in Municipality, adjacent to Installation, and jointly staffed by military and civilian advocates.</td>
<td>December 1, 2009</td>
<td>Advocacy Outreach Work Group, representing:</td>
<td>Pending</td>
<td>• Established a survivors’ advisory group to assist in locating the center and designing programming.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Civilian Advocacy Program</td>
<td>Finding suitable space has been difficult. Rents have been high. The survivors’ advisory group that is assisting with the planning has raised safety concerns about several possible locations. Developing joint working agreement (Memorandum of Agreement) between installation and civilian advocacy program delayed because of turnover in Installation Legal due to deployments. Concerns have emerged over understanding of restricted and unrestricted reporting options and how that information will be clearly conveyed to victims.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Installation FAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Installation Legal</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• County Legal Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Civilian Advocacy Program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CCR partners will provide specialized domestic violence investigation and response training to military and civilian police first responders, using an interagency team approach. The training will include specific attention to risk assessment and to improving investigation of strangulation and stalking.</td>
<td>December 31, 2009</td>
<td>Training Work Group, representing:</td>
<td>Pending</td>
<td>• Installation Legal signed off on curriculum on August 15, 2009.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Installation Police</td>
<td>Anticipated completing all initial training in 2009, but learned that training calendar for civilian officers had already been set. Also, needed to obtain instructor certification by state law enforcement training and certification agency. Took longer than anticipated to develop curriculum and select training team. Delay in Installation Legal reviewing draft curriculum.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Sheriff’s Office</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Installation Legal</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• County Prosecutor</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Civilian Advocacy Program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation Command will revise the current Command Policy Letter #5: Response to</td>
<td>May 1, 2009</td>
<td>Installation Command</td>
<td>Completed</td>
<td>• Completed July 1, 2009</td>
</tr>
</tbody>
</table>

**Notes:**
- **Pending** indicates ongoing work or tasks.
- **Completed** indicates tasks that have been finished.

*Building a Military-Civilian CCR: Appendix 14: Work Plan Template and Sample*
<table>
<thead>
<tr>
<th>Goal / Change</th>
<th>Target Date</th>
<th>Lead Agency</th>
<th>Progress &amp; Challenges</th>
<th>Action since last update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Abuse to reflect recommendations of the CCR regarding jurisdiction in domestic violence cases, installation-civilian coordination, the order for protection process, strengthening communication between Command and FAP, and improving services to military victims.</td>
<td></td>
<td>Installation Legal</td>
<td>Coordinated revision and release with announcements regarding jurisdiction and investigation.</td>
<td></td>
</tr>
<tr>
<td>Consistent with state law, County Prosecutor will provide copies of relevant police reports, civil protection orders, pretrial release conditions, and other case material to Installation Legal, in cases involving active-duty service members.</td>
<td>May 1, 2009</td>
<td>County Prosecutor</td>
<td>Pending</td>
<td>• Awaiting governor’s appointment of a new prosecutor to fill unexpired term. Once appointment is made, CCR Leadership Team and Coordinator will meet with new prosecutor.</td>
</tr>
<tr>
<td>Installation FAP will designate a point of contact to receive information from the Batterer’s Intervention Program and from State Probation and Parole regarding compliance with court orders, conditions of release, sentencing, and progress and completion of court-ordered BIP by active-duty service members.</td>
<td>December 1, 2009</td>
<td>Installation FAP</td>
<td>Completed</td>
<td>• FAP point of contact was appointed in April 2009. • Agreements and protocols in place at the end of August 2009.</td>
</tr>
</tbody>
</table>
Appendix 15: Essential Agreements in a Military-Civilian Coordinated Community Response

Agreements to help manage the work of the CCR:

- Memorandums of Understanding that address:
  - Purpose
  - Goals
  - Roles
  - Responsibilities and actions
  - Jurisdiction
- Strategic plan
- Individual work plans for intervening agencies, military and civilian
- Mechanics of day-to-day operations:
  - Meeting frequency and process
  - Confidentiality
  - Information sharing
  - Coordinator’s role and responsibilities

Policies and protocols related to intervention in reported domestic abuse involving active-duty service members or their families:

- Overarching:
  - Danger assessment [See the “Practitioners’ Guide to Risk and Danger in Domestic Violence Cases,” included in Elements & Tools, Appendix 9, “Foundations of Effective Intervention”]
  - Access to advocacy
  - Confidentiality
  - Restricted and unrestricted reporting
  - Information sharing
  - Monitoring implementation of policies and protocols
- 911 emergency calls and dispatch
- Law enforcement patrol response on-scene
- Law enforcement follow-up investigation
- Pretrial release conditions and monitoring
- Prosecution charging, disposition, and trials
- Victim/witness assistance
- Presentence investigation
- Probation conditions and monitoring
- Batterer intervention
- Emergency medical response

---

This packet provides basic information about planning and conducting community focus group discussions, particularly with battered women. It includes a planning guide and checklist, sample questions and facilitator’s notes, and sample flyers.

Planners and facilitators will need to adapt this material to reflect the setting and needs of a military-civilian coordinated community response. The following considerations are particularly important when planning and conducting focus groups with victims of domestic abuse involving a service member.

1. Confidentiality
   Participants must be able to speak freely and openly. No one’s identity should be shared with or otherwise reach the involved service member’s command.

2. Neutral location
   Avoid conducting the focus group in a facility on the installation. Provide transportation if necessary so that participants living on base can participate.

3. Victims who are active duty service members
   Confidentiality is doubly important. For an active duty service member who is a victim of abuse, speaking up can often have significant negative repercussions.

4. Gender-distinct groups
   A mixed-gender focus group increases the likelihood that victims of abuse will be in the same place as perpetrators of abuse and less likely to speak freely and openly about their experiences.

5. Informed consent
   Participants in any focus group should know that their participation is voluntary and that no personally identifying information will be shared outside of the focus group, as illustrated in the sample consent form.
6. Support to victims

Sharing experiences with domestic abuse can be difficult and unsettling, particularly for victims of ongoing coercion, intimidation, and violence. Have an experienced support person available during and immediately following the group, along with information about where and how to obtain ongoing advocacy and support.
Focus Group Informed Consent Form

I agree to participate in the ### Military-Civilian Coordinated Community Response focus group discussion about domestic abuse involving active duty service members.

My identity and the identity of any service member or others involved will remain confidential and will not be reported in any way to the command.

The facilitators will not use my name or personal identifying information in anything that is written about this focus group.

My participation is voluntary; I do not have to answer questions or speak unless I chose to.

I agree to respect the privacy of the people who participate in this focus group. I will not share any identifying information or details about the discussion outside of this group.

If I have any questions about the focus group, I can call ### at ### or e-mail ####.

I have read and understood the information above, and I have had all my questions answered to my satisfaction. I voluntarily agree to participate in this focus group discussion.

___________________________   ___________________________
Date      Signature or Initials
Focus Group Planning Guide

NOTE: This planning guide was developed for Engage to Protect – Training Guide 4: Informing the Practice of Supervised Visitation, Praxis International, 2009; used and adapted with permission. The information is broadly applicable to focus groups examining many aspects of peoples’ experiences with domestic abuse and can be readily adapted to the needs of a military-civilian coordinated community response.

What is a focus group?

A focus group is a planned, structured small group interview on a specific topic. Participants with shared experiences or roles, such as women who have been battered or child welfare workers, offer their perceptions, views, and experiences on the selected topic. The discussion and interaction among the group members is a valuable component. This group process helps move the dialogue from the person and individual experience to systems and the community.

All agencies and programs working with those experiencing domestic violence can benefit from two kinds of focus groups:

1. “Community” focus groups with those participating receiving services or intervention such as victims of violence, children, and perpetrators. Community focus groups involve those who are the focus of some aspect of intervention in domestic violence cases. They help clarify how different groups experience intervention or services. They can help identify the gaps between what those experiencing domestic violence need and what the intervention or services provide.

2. “Practitioner” focus groups with those who work in intervening systems, such as focus groups with police officers or Command. A practitioner focus group can act as a kind of think tank.

NOTE: Planning and logistics for community focus groups, particularly with battered women, are more involved than what is required for practitioner focus groups. For example, stipends, child care, and safety are not typically considerations in practitioner focus groups, nor is on-site and follow-up support for victims. While much of this guide applies to both settings, adjust the recommendations in this guide accordingly when organizing and conducting practitioner focus groups.

Why use focus groups?

Focus groups can be a useful tool for supervised visitation programs to learn about different communities’ perceptions of domestic violence, impact of criminal justice intervention or military intervention, and post-separation issues Focus groups can help provide insight into the following aspects of intervention:

- Where additional relationships and community building may need to improve
- Where gaps in safety or accountability exist
- How services might be strengthened
Who should participate?

To help determine the type and number of focus groups, ask:

- Who makes up the population of your community? Conduct focus groups that represent the entire community. Consider whether it would be more appropriate, more comfortable, and safer for participants to attend focus groups with like populations.
- Who needs to have a voice in services for victims and children in your community?
- Are there different legal jurisdictions within service area with different ways in which systems respond or work together? Consider holding separate focus groups in each jurisdiction.
- Is your community spread out geographically? Are there isolated areas or areas that are not easily accessible via public transportation? Is it primarily a rural community, urban, or a mix? How will you hold focus groups in the communities where participants live?
- What systems, organizations, or groups are your key partners?
- What systems, organizations, or groups are barriers to providing services in your community? Where has resistance to support and services for battered women been the strongest?
- Who do you want to talk with or otherwise involve in conducting focus groups? Such a list might include women, men, and children using community services; victims and their advocates; faith communities; judges and court staff; Command and FAP staff, batterer intervention programs; social service organizations; mental health programs and private therapists; law enforcement; and Child Protection.

Recruiting participants

- Determine the specific “qualifications” for each focus group. Who do you want to hear from?
- Determine whether your board of directors or community partners would be useful in recruiting participants.
- Determine who in the community has the best connections with those you want to hear from. While flyers and similar notices can be useful, a personal connection is often the best avenue to reaching participants.
- Be creative in using flyers and similar notices. Use places and formats that are frequented by or familiar to those whose participation you are seeking. For example, if you want to talk with battered women who may not be connected with the local domestic violence program, consider posting flyers in pediatricians’ offices, gynecologists’ offices, hair and nail salons, Laundromats, and neighborhood centers.
- Be aware of safety issues when recruiting victim/survivors. Consult with battered women’s advocates to determine how prominently to use language such as “domestic violence” in flyers or other notices, or whether to disclose or advertise the location of the group.
- Conduct separate groups for victim/survivors and perpetrators.
Be aware that holding a group with participants that work together professionally can limit honest and open responses. Participants can be reluctant to appear critical of one another.

Ask to use the time at the beginning or end of an existing meeting, such as a women’s support group in a domestic violence program or a staff meeting in a family court services agency.

Be aware of the bias in your selection, such as recruiting only parents who have expressed satisfaction with center services.

Remember that no one individual can represent an entire race, culture, gender, geographical area, or sexual orientation.

For community focus groups, offer stipends or other incentives, food, and childcare and transportation (or reimbursement).

Facilitator qualifications

Select facilitators who:
- Understand domestic violence issues
- Have experience conducting focus groups (if possible)
- Have group facilitation experience and skills
- Can conduct the interview in an unbiased fashion
- Reflect the culture and identity of those they are interviewing

Select facilitators who can conduct groups in a way that:
- Obtains concrete information about the area of inquiry
- Does not defend current practices
- Does not suggest or impose certain kinds of responses
- Allows a free-flowing yet targeted discussion

Planning and logistics

Determine how you will take notes and who will do it (a facilitator cannot lead the discussion and take notes). A separate note taker with a laptop and good keyboard skills can provide a detailed account of the discussion. Audio or video recordings might be useful in some settings, but can also interfere with participants’ comfort levels and inhibit discussion. They also require clear permission from each participant to record their voice and/or image.

Arrange for childcare, if necessary. Provide child care in the same facility as the group so that parents are readily available to their children. Providing child care in the same facility helps address child care licensing medical release issues.

Contact all participants in advance to review the purpose of the focus group, explain the safety and confidentiality measures that will be in place, and reconfirm their attendance.

Confirm the day, time, location, and offered stipend or incentive with each participant. Be cautious when contacting victims of battering about the group. Ask her if it is okay and safe for her to talk before you begin a conversation.

Provide cash stipends to community focus group participants, whenever possible. While gift cards or gas cards can be used, providing a significant cash stipend (e.g., $50) acknowledges the importance of participants’ taking time to share their experiences. For women living with battering, in particular, such a cash stipend reflects respect for their contributions and can help counter the experience of battering, i.e., the ways in which batterers use access to money as a tactic of coercion.
Inform participants in advance if you will be recording the focus group via audio or video. This might make a difference in an individual’s willingness to participate.

- Arrange for any needed transportation.
- Slightly over-recruit the number of participants you would like. Someone is bound not to show up or have a last minute conflict.
- Anticipate accommodating and providing stipends to more participants than expected.
- Limit the number of observers (e.g., center staff or community partners, focus group team members), if any, to one or two. Observers can distract and inhibit participants’ comfort in sharing information.
- Check the room arrangement: size, tables, seating, temperature, and background noise.
- Set up flip charts or newsprint if needed.
- Arrive early to post signs directing participants to the room, make any necessary changes in the room arrangement, and greet participants.
- Prepare the on-site child care space with any necessary activities, toys, snacks.
- Bring all of the refreshments and necessary utensils and paper goods.
- Prepare name tags or table tents. First names or no names might be most appropriate with victims or immigrant groups.
- Bring any offered stipends or incentives.
- Arrange for advocacy and support to be available during and after focus groups with victims of battering.

**Facilitator preparation and role**

- Anticipate how you will deal with problems with group interaction, such as a dominant participant or when the discussion veers too far off the topic.
- Decide on a few (e.g., three to five) key questions that will help the group provide the most meaningful information. Anticipate any additional follow-up questions that may be needed.
- Avoid a long list of questions. You want to open and guide the discussion, not limit it to answering a laundry list of ten or twenty questions.
- Prepare to introduce the focus group and ask questions without relying heavily on written notes.
- Greet participants as they arrive.
- Pay attention to the group dynamics and conversation during pre-session time. Make any necessary changes based on this information.
- Provide a clear introduction that explains who you are, the topic and purpose of the focus group, what is expected of participants, and how the information they provide will be used.
- Review the confidentiality agreement with participants and any agreement to record the discussion; obtain signatures.
- Review all of the ground rules of the focus group, including the right to pass on a question or leave the focus group at any time.
- Listen. Your role is to guide the discussion, not to share your personal opinions or point of view.
- Avoid comments during the discussion that indicate agreement with a particular point of view.
Be alert for participants that may try to dominate the conversation, come across as experts, are shy, or ramble.
Listen for inconsistent remarks and probe for understanding or clarification.
Pay attention to vague comments and provide time for understanding or clarification when needed.
Pay attention to the time. Be respectful of participants’ time and start and stop as promised.
Pay attention to those who may need support/advocacy during or after the discussion.
Close with a brief summary and a sincere thank-you.
Be alert to participants’ comments and discussion after the focus group’s formal conclusion.

Note-taker preparation and role

Confirm the method with the focus groups organizer/facilitator: laptop; audio or video recording (with or without a transcript).
Review and sign the confidentiality agreement.
Decide with the facilitator who will introduce you.
Explain to participants that you are taking notes of the discussion and that the notes will not refer to participants by name. Be clear about how the notes will be used.
Audio or video recordings: Participants should have been informed in advance that the focus group would be recorded. Explain how the recording will be made and used. Obtain each participant’s permission to be recorded.
Remain silent during the group. Your role is to track the discussion, not engage in the conversation or share your point of view or opinion.
Sit in a location that is not disruptive to the group discussion, but where you can clearly hear the conversation.
If working on a laptop, save the notes frequently.
Review the notes with the facilitator immediately following the group in order to fill in missing pieces or gaps.
Make a backup copy of the notes.
Prepare a brief summary of key points as soon as possible.
Provide a detailed electronic copy of your notes to the facilitator as soon as possible. Make any changes recommended by the facilitator.
Sample Focus Group Ground Rules

1. This focus group is voluntary. Your participation will not impact the services you receive. Your name will not be used in any notes or future discussion of this group.

2. Each participant agrees to hold in confidence the identity of other participants. You agree not to share any comments you hear or situations you observe while participating in the group.

3. We would like to hear from every participant, but you can decide not respond to any question.

4. Each person can leave the group for any reason and at anytime.

5. A support person is available during and immediately following the group. [Provide details of who the support person is and how to contact them]. On-going support is available by contacting [insert contact information].

Sample Consent Form

_________________, the Focus Group Leader has explained the purpose of the focus group. I agree to participate in the focus group. I understand that my name will not be used in anything that is written or stated about this project. My agreement to participate in the focus group is voluntary. I can change my mind and say no at any point and excuse myself from the group.

If I have any questions about the group or the project I can contact _____ [name and title], at _____ [phone number].

I further understand and give my consent to allow note taking of the focus group. I understand that the note taking will only be used to help remember what was discussed in the group. Identifying names or statements will not be used in any notes captured.

____________________________________    ______________________
Printed Name of Focus Group Participant   Date

_____________________________________
Signature of Focus Group Participant

_____________________________________
Signature of Focus Group Leader

Building a Military-Civilian CCR: Appendix 16: Focus Groups
Sample agreement for visitation center staff and community partners involved in reviewing and debriefing focus groups

**Focus Group Team Confidentiality Agreement**

To ensure clear professional boundaries and protect the privacy of individuals participating in the focus groups, the focus group team agrees to the following:

1. The information collected during the focus groups is strictly intended only for informing supervised visitation and safe exchange practices.
2. The focus group team agrees that it will not speculate about the identity of any particular focus group participant.
3. Team members who observe a focus group will not record any personal identifying information in their notes or disclose any personal information in the debriefing sessions. They will maintain the confidentiality of each person and situation they may come in contact with.
4. The facilitator will obtain consent to the discussion and note taking from all focus group participants prior to the start of the discussion.

________________________________________
Signature of Focus Group Team Member

________________________________________
Date

Please return the signed original form to X
{Name, Address, Phone, Fax, and E-mail}
### Planning Checklist: Focus Groups with Battered Women

<table>
<thead>
<tr>
<th>Plan for:</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SAFETY</strong></td>
<td></td>
</tr>
<tr>
<td>□ What will our flyers, letters, etc., say?</td>
<td></td>
</tr>
<tr>
<td>□ Where and how will we recruiting participants?</td>
<td></td>
</tr>
<tr>
<td>□ What are the safety considerations for specific communities?</td>
<td></td>
</tr>
<tr>
<td>□ How will we know what each participant needs?</td>
<td></td>
</tr>
<tr>
<td>□ How will we know whether it is safe to call or send a letter?</td>
<td></td>
</tr>
<tr>
<td><strong>RECRUITMENT</strong></td>
<td></td>
</tr>
<tr>
<td>□ Will we use a flyer?</td>
<td></td>
</tr>
<tr>
<td>□ Where will we post it? How can we best reach participants?</td>
<td></td>
</tr>
<tr>
<td>□ What kind of personal, word-of-mouth contacts will we make?</td>
<td></td>
</tr>
<tr>
<td>□ What agencies and individuals will we contact?</td>
<td></td>
</tr>
<tr>
<td>□ How will we reach culturally distinct communities?</td>
<td></td>
</tr>
<tr>
<td>□ How will we build in enough time to recruit participants?</td>
<td></td>
</tr>
<tr>
<td>□ How many focus groups will we conduct?</td>
<td></td>
</tr>
<tr>
<td><strong>COMPENSATION</strong></td>
<td></td>
</tr>
<tr>
<td>□ Participants’ stipend: Cash? Other? Transportation: Reimbursed? Provided?</td>
<td></td>
</tr>
<tr>
<td>□ Childcare: Stipend? Provided on site?</td>
<td></td>
</tr>
<tr>
<td>□ Food for adults and children?</td>
<td></td>
</tr>
<tr>
<td><strong>LOGISTICS</strong></td>
<td></td>
</tr>
<tr>
<td>□ Any safety concerns with space?</td>
<td></td>
</tr>
<tr>
<td>□ Any privacy concerns with space?</td>
<td></td>
</tr>
<tr>
<td>□ Space physically accessible?</td>
<td></td>
</tr>
<tr>
<td>□ Easy to reach? Public transportation?</td>
<td></td>
</tr>
<tr>
<td>□ Parking?</td>
<td></td>
</tr>
<tr>
<td>□ Enough tables and chairs?</td>
<td></td>
</tr>
<tr>
<td>□ Space for meal/food?</td>
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<td>□ Electricity for tape recorder?</td>
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<td>□ How provide support and advocacy on site?</td>
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<td>□ How will we take notes and/or record?</td>
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<td>□ How will we provide interpreters?</td>
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<td><strong>FACILITATORS</strong></td>
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<td>□ Do facilitators reflect the communities we want to learn from?</td>
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<td>□ How will facilitators be prepared or trained?</td>
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<td>□ What questions or areas of discussion will guide the facilitator?</td>
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Guiding Questions & Facilitator's Cues

Assessing [Our Community Response] to Domestic Abuse
Battered Women’s Focus Group

**Asking questions:** Read the examples as cues to the facilitator, as reminders of paths you might want to follow or should be listening for in the discussion. Caution: Do not get so tied to the questions that you miss the insights that participants’ will provide.

• Who are we?

• Why this focus group? Women as “co-researchers:” help us know more about what is happening in our community. Help us figure out:
  
  • What’s working well
  • Impact of different systems: i.e., 911 – law enforcement – jail/booking
  • What to look for, listen for as we proceed with our assessment
  • Who else to talk with

• **Comments confidential; not to be shared outside of the room**

  1. How many of you have had contact with 911 because your partner was scaring or hurting you?

     What did the call taker do that was helpful? Kinds of questions?
     Did the call-taker do anything that made things worse, more dangerous?

  2. How many of you have had contact with the police – law enforcement – because your partner was scaring or hurting you?

     What did the officer/s do that was helpful?
     Did the officers do anything that made things worse, more dangerous?

  3. If your partner was arrested and taken to the jail, did the jail contact you to let you know when he would be released? How and when?

  4. What should we ask about, look for/listen for in conducting our assessment?
Focus Groups: Older Women’s Experiences with Interpersonal Violence

Asking questions: Read the examples as cues to the facilitator, as reminders of paths you might want to follow or should be listening for in the discussion. Caution: Do not get so tied to the questions that you miss the insights that participants’ will provide.

Group One: Intimate Partners

1. What has been the most helpful to you in dealing with your husband or former husband’s abusive behavior? Why has this been helpful?

2. Who has attended marriage or couples’ counseling with their husband?
   a. Why?
   b. Whose idea was it?
   c. What effect did it have on his behavior?
      i. Did his harmful or hurtful behavior (1) decrease? (2) stay the same? (3) increase?

3. Has your husband ever attended any kind of counseling for his abusive behavior? [e.g., Batterers’ Intervention Program, individual counseling]
   a. NO: Why not?
      i. Would that be or have been helpful to you?
      ii. Why?
   b. YES: Was it in a group with other men or was he by himself?
      i. Did he go voluntarily or because a court ordered him to go?
      ii. What did you hope would happen as a result of this counseling?
      iii. What happened?
      iv. Did his harmful or hurtful behavior 1) decrease? 2) stay the same? 3) increase?

4. What would you like to see happen for your husband? What kind of services should be available?

Group Two: Mothers of Adult Children

1. What has been the most helpful to you in dealing with your son or daughter’s (or other family member’s) abusive behavior? Why has this been helpful?

2. Has your son or daughter ever attended any kind of counseling because of his or her harmful or hurtful behavior?
   a. NO: Why not?
      i. Would that be or have been helpful to you?
      ii. Why?
   b. YES: Was it in a group with other men or was he by himself?
      i. Did he go voluntarily or because a court ordered him to go?
      ii. What did you hope would happen as a result of this counseling?
      iii. What happened?
      iv. Did his harmful or hurtful behavior 1) decrease? 2) stay the same? 3) increase?

3. There is a special relationship and connection between a mother and her child. How does this influence the decisions you make about your son or daughter?

4. What would you like to see happen for your son or daughter? What kind of services should be available?
Using Scenarios in Focus Group Discussions

NOTE: Facilitators adapted the following scenarios for the communities they were working in, in order to make them more culturally meaningful. The adaptations and findings from the project are published in Violence Against Women: Focus Groups with Culturally Distinct and Underserved Communities, Jane Sadusky & Jennifer Obinna, December 2002, Rainbow Research, Inc. To obtain a copy, contact saduskyj@charter.net.

Asking questions: Read the examples as cues to the facilitator, as reminders of paths you might want to follow or should be listening for in the discussion. Caution: Do not get so tied to the questions that you miss the insights that participants’ will provide.

Domestic Abuse Scenario 1

Daisy and Edward have been married for seven years. They live in an apartment that is on the floor above Edward’s parents. Daisy’s mother and sister live in another part of the state. When Daisy does something that upsets Edward, such as forgetting to iron his shirt or not having the evening meal ready at six o’clock, he squeezes her arm and shouts loudly into her ear, saying things like “you are stupid, you are always forgetting, you are too slow.”

• What should Daisy do? Why should she do this?
• Would your response be different if Daisy and Edward have children?
• What would Daisy really do? Why would she do this?
• If she told her family, how would they react? Would she be likely to tell her family? Why or why not?
• If she told Edward’s family, how would they react? Would she be likely to tell them? Why or why not?
• Where could Daisy turn for help about Edward’s behavior?
  o Advocates from a domestic abuse agency
  o Domestic abuse shelter
  o Hospital
  o Clinic doctor or nurse
  o Police
  o Courts
  o Counselor or therapist
  o Religious or spiritual advisor
• What would be most helpful to Daisy?
• What kind of help should be available, but isn’t? Who should provide it?
• What should happen to Edward?
Domestic Abuse Scenario 2

In addition to squeezing Daisy’s arm and yelling into her ear, Edward has started grabbing her by the hair. Tonight he comes home to find that Daisy has not even started the meal. She apologizes and tells him that his mother had needed some medicine from the drug store, which made her late. Edward slaps her, then grabs her hair and shouts into her ear: “Your job is here, making dinner, not running errands.” He then overturns the kitchen table, breaking the plates and glasses that Daisy had set down.

- What should Daisy do? Why should she do this?
- Would your response be different if Daisy and Edward have children?
- What would Daisy really do? Why would she do this?
- If she told her family, how would they react? Would she be likely to tell her family? Why or why not?
- If she told Edward’s family, how would they react? Would she be likely to tell them? Why or why not?
- Where could Daisy turn for help about Edward’s behavior?
  - Advocates from a domestic abuse agency
  - Domestic abuse shelter
  - Hospital
  - Clinic doctor or nurse
  - Police
  - Courts
  - Counselor or therapist
  - Religious or spiritual advisor

- What would encourage her from calling the police?
- What would discourage her from calling the police?
- What would happen if a neighbor called the police? How would Daisy react? How would Edward react?
- What would be most helpful to Daisy?
- What kind of help should be available, but isn’t? Who should provide it?
- What should happen to Edward?
Focus Group Facilitator’s Notes: Introductions

✓ Introduce facilitator, note taker, and any observers

✓ Explain project and Informed Consent form; collect signed forms
   Emphasize: participation is voluntary and confidential

✓ Explain process for collecting compensation at the end of discussion

✓ Why we are here: We want to know more about the experience of women whose husbands or boyfriends have been threatening, abusive, or violent toward them.

✓ I’ll be asking about your experience . . . and your recommendations for change

   No right or wrong answers . . . be candid . . . we want to hear negative and positive comments . . . it’s OK if you disagree with each other

✓ Ground rules for all focus groups:
   - All comments are confidential
   - Use first name only during discussion
   - One person speaks at a time
   - No names attached to comments in the report
   - Names of participants not shared with anyone else

✓ To ensure accurate notes, we’d like to tape record the discussion. Once notes checked, I will destroy the tape. If anyone is uncomfortable with being taped, we’ll keep it off.

Any objections?
Is it OK to turn the tape recorder on? Feel free to say No.

✓ The session lasts about 90” . . . I want to hear from everyone . . . apologize in advance if I need to interrupt you to move on to another person or question

✓ Any questions before we begin?

✓ So that we get more comfortable with each other, let’s go around the table and introduce ourselves. Please give your first name only, and tell us your favorite . . . (flower, food, television show, etc). [Or use another kind of brief “ice breaker.”]
Has a Domestic Abuse Complaint or Family Argument put you in contact with:
The Police? ~ The District Attorney’s Office? ~ A Crisis Shelter?

We would like your input!

~ What would make the “The System” more helpful?
~ Were the Police and Courts sensitive to your needs?

-is conducting a study to determine how the police and courts can better
serve and protect women who are victims of domestic abuse.

Your opinions & experiences matter!

We are looking for women to participate in a 2-hour focus group discussion. You will be paid $50
for your time (and for childcare and transportation, if necessary). [A focus group is a discussion
with 7 to 10 people about their views and experiences of a topic. Our local researcher, [Name], will
lead the discussion.]

➢ When: Tuesday, March 13, 2001
    6:00 – 8:00 pm (Meal provided)
➢ Where: Warner Park Community Center
    1650 Northport Drive
    Our City

If Interested: Please return the attached postage-paid card and we’ll get back to you with more information.

Questions? Please call the local researcher, [Name] at [Number].

This is an independent research project. ALL INFORMATION WILL BE
CONFIDENTIAL and will not be shared with anyone from the district attorney’s office, the
police department or any other community agency.
EXAMPLE
Have you experienced Domestic violence or abuse?

Join us for a Focus group and earn $50!

We would like your input! Please help us answer these questions:

~ Where can women turn when they’ve been threatened or hurt?
~ What would help with domestic abuse or sexual abuse?
~ Who could be most helpful?

______________________________ is trying to learn more about violence against women. They want to hear from women across the state, in many different communities.

Your opinions & experiences matter!

We are looking for women to participate in a 2-hour focus group discussion. You will be paid $50 for your time (and for childcare and transportation, if necessary). [A focus group is a discussion with 7 to 10 people about their views and experiences of a topic. Jacquelyn Hunt, from Madison will lead the discussion.]

➢ When: Thursday, October 3, 2002
   5:00 – 7:00 pm (Snack provided)
➢ Where: Joining Forces for Families Center, Sun Prairie

To Register for the Focus Group: Please call the local focus group leader,[Name] at [Number]

Questions? Please call the local focus group leader, [Name] at [Number]

ALL INFORMATION WILL BE CONFIDENTIAL. No one will be identified by name in any reports. No one’s name will be shared with any other agency.
Mothers using the Safe Havens Visitation Center: We need your help!

Please join us for a focus group discussion and earn $50

The [City] Safe Havens center is part of a national project studying how supervised visitation and exchange can meet the needs of children and adults in the safest, most respectful ways.

As part of that project, the center and two other organizations, Praxis International (Duluth, MN) and the National Council of Juvenile and Family Court Judges (Reno, NV), want to learn more about how parents and children end up using supervised visitation. We want to know: How does someone 1) find out about supervised visitation, 2) make a decision about whether or not to use it, 3) tell the court about that decision, and 4) locate and get to a center if they want to or are directed to use supervised visitation.

To help answer these questions, we’d appreciate your help with a focus group discussion. Your participation is confidential. The center staff will not be present during the group and will not know who attends. No one will be identified by name in any notes.

What is a focus group? A discussion with several people (usually 6 to 10) about a specific topic. In this group we want to learn about how you came to use supervised visitation.

When? 6:00 to 8:00 pm on Wednesday, October 5, 2005

Where? City Library, 222 2nd Ave N, Our City in the Small Meeting Room.

Compensation and expenses: In appreciation of your time and participation, you’ll receive $50 in cash. Transportation and/or childcare costs can be reimbursed as needed (the Praxis representative will discuss this with you when she calls to confirm your participation)

To register:
- Complete the registration form below
- Tear off the form, put it in the attached envelope, & seal the envelope
- Put the envelope in the box provided in the waiting room
- Someone from Praxis will call you to confirm your participation by October 3rd

Thank You

Questions about the focus group? Ask the Safe Havens staff; or call [Name] at Phone # [She works with Praxis]

Your name: ______________________________________

☐ I’ll attend the focus group on October 5th
☐ I won’t attend, but Praxis can call and talk with me about supervised visitation

Best telephone number to reach me and/or leave a message: (      ) ____________________
Important Additional Information for Navy Families

Military Protective Order
A Military Protective Order (MPO) is issued by the commanding officer of the active duty service member to protect a victim of domestic abuse or child abuse and to control the behavior of the alleged abuser. Violation of an MPO is disobedience of a direct order and can result in proceedings under the Uniform Code of Military Justice. MPOs are not enforceable in civilian courts, so victims can also consider filing for a civil injunction for protection.

Navy Relocation Program
The Navy Relocation Program may be available to a victim of domestic violence who is a dependent of active duty personnel. This program arranges for relocation for personal safety and may authorize payment of expenses for travel and transportation.

Navy Reporting Options

Restricted Reporting
Restricted reporting allows an adult victim of domestic violence to disclose the details of the abuse to specifically identified individuals with the Navy and receive medical treatment and victim advocacy services without requiring that notice be provided to the victim’s or alleged offender’s commander or to law enforcement. Victims who wish restricted reporting must report the abuse to one of the following specified individuals: a victim advocate, a victim advocate supervisor, or healthcare provider.

Unrestricted Reporting
Victims of domestic violence who want to pursue an official investigation should report to chain of command, Family Advocacy Program (FAP), or law enforcement. Upon notification of a reported domestic violence incident, victim advocacy services and FAP clinical services will be offered to the victim.

For information on reporting options, contact:
NAS Jacksonville (904) 542-2766
Naval Station Mayport (904) 270-6600

This brochure is a publication of the Military/Civilian Coordinated Community Response Demonstration Project in Jacksonville, Florida, a collaborative effort to create guidelines to coordinate the response of civilian and military agencies in domestic violence cases involving military personnel. The project was supported by Grant No. 2003-WT-AX-K055 awarded by the Office on Violence Against Women, U.S. Department of Justice.
**Finding an Advocate**

A domestic violence advocate is someone whose primary interest is the safety and protection of victims of domestic violence. Navy families have domestic violence advocacy resources in both the civilian and Navy communities.

Locally, civilian services are provided by Hubbard House, and Navy services are provided by Fleet and Family Support Centers at the Naval Installations of Naval Air Station Jacksonville and Naval Station Mayport.

> **Once I found out that help was available and that I was not alone, I knew that I no longer had to live in fear.** -Sharon, Survivor

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**Hubbard House**

Hubbard House is a comprehensive domestic violence center that provides safe emergency shelter and other advocacy services to victims of domestic violence and their children in Duval and Baker Counties. All Hubbard House services are **confidential** and free to victims of domestic violence. Hubbard House provides a wide range of services that aim to strengthen every aspect of a victim’s safety and well-being.

**Hubbard House Services**

- Emergency shelter at a confidential location
- 24-hour telephone hotline
- Advocates knowledgeable about domestic violence in the military
- Safety planning
- Children and youth programs
- Outreach support groups
- Designated walk-in locations
- Emergency response teams
- Referrals to community resources
- Assistance applying for victim compensation
- Court advocacy
- Batterers’ intervention
- Community education

Contact Information for Hubbard House:

**24-HOUR HOTLINE:**
(800) 500-1119 or (904) 354-3114
TTY: (904) 354-3958

**Hubbard House Outreach Center:**
(904) 400-6300

Walk-in help is available at the Outreach Center in Jacksonville at 6629 Beach Boulevard Monday - Friday from 8:30 a.m. to 4:30 p.m.

Web site: [www.hubbardhouse.org](http://www.hubbardhouse.org)

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**Fleet and Family Support Center**

**Navy Victim Advocate Program**

The Navy Victim Advocate Program provides services to victims of domestic violence. Although Navy victim advocates cannot provide totally confidential services, there are many ways that they can be helpful. Services include:

- Support, safety planning, and crisis intervention
- Assistance obtaining military protective orders and civilian injunctions
- Accompaniment to court hearings, legal proceedings, and investigative interviews
- Victim rights information
- Referrals to military and civilian resources
- Transportation to medical, legal, and counseling appointments
- Liaison for the victim with commands and community agencies

Under the restricted reporting option (see back panel), victim advocacy assistance can be provided without a report being made to command. The Family Advocacy Program (described below) does not have to be involved with the victim/family in order for a victim to receive services from a Navy victim advocate.

**For more information, call:**
NAS Jacksonville (904) 542-2766
Naval Station Mayport (904) 270-6600

**Navy Family Advocacy Program**

The Family Advocacy Program (FAP) has a major role in addressing family violence in military families. **The role of FAP is to prevent abuse, work with command to protect victims when abuse occurs, and provide support to victims and rehabilitation for offenders.** An initial screening is conducted by FAP to determine eligibility and the appropriateness of referral for FAP services and is an integral part of safety planning and crisis intervention.