



Defense Task Force on Domestic Violence
1401 Wilson Boulevard, Suite 500
Arlington, Virginia 22209-2318

February 25, 2002

Honorable Donald H. Rumsfeld
Secretary of Defense
The Pentagon
Washington, DC 20301

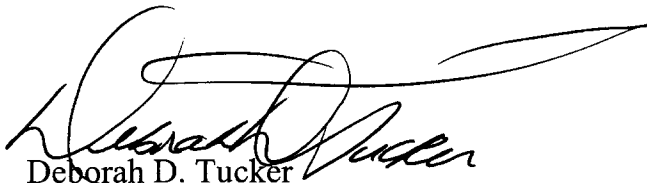
Dear Secretary Rumsfeld:

We are pleased to forward the second report of the Defense Task Force on Domestic Violence. This report is submitted in accordance with the provisions of Section 591, Public Law 106-65, The National Defense Authorization Act for Fiscal Year 2000.

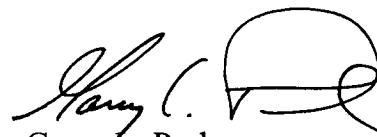
In last year's report, we recommended that you issue a strong policy statement on domestic violence. We were encouraged to see that Deputy Secretary Wolfowitz issued such a policy memorandum on November 19, 2001. Coming on the heels of the very forceful statement issued by President Bush during Domestic Violence Awareness Month in October, a firm foundation has now been established for the continued work of preventing and responding to domestic violence in the military. While statements alone will not stop domestic violence, committed, unequivocal leadership from the top is key to future success and we collectively applaud the Department for this initiative.

During our second year of operation, we fulfilled the statutory mandate that we specifically assess and make recommendations for measures to improve the "prevention and responses to domestic violence at overseas military installations." To that end, members of the Task Force visited selected locations in both the United States European and Pacific Commands. Just as in our previous visits in the Continental United States, we found people overseas who are enthusiastic and truly devoted to helping others. We encountered many of the same issues relating to domestic violence that we had found before, but, as expected, many of the challenges are magnified by being so far from home and in a foreign culture. You will find recommendations specifically pertaining to overseas issues interspersed throughout this year's report.

We very much appreciate the great support and spirit of cooperation and openness we have received from all DoD personnel. This is especially significant in light of the events of September 11th and the ensuing war on terrorism. We have seen no lessening in the commitment of DoD personnel both here in Washington and out in the field and fleet to the task of preventing and responding to domestic violence in the military. During this past year, we have continued and strengthened our collaborative relationships with people in all elements of DoD involved in the struggle against domestic violence. We plan to continue these relationships into our third and final year, and we are convinced that by doing so, the end result of our efforts will be a DoD domestic violence prevention and response program that can serve as a model for our Nation.



Deborah D. Tucker
Co-Chair



Garry L. Parks
Co-Chair

Second
Annual Report
2 0 0 2

DEFENSE
TASK FORCE

on Domestic
Violence

TABLE OF CONTENTS

SECTION I – EXECUTIVE SUMMARY	iii
SECTION II – TASK FORCE BACKGROUND, ORGANIZATION, AND ACTIVITIES	1
Background.....	3
Organization	4
Activities	6
SECTION III – TASK FORCE RECOMMENDATIONS	17
CHAPTER 1 – Community Collaboration – Overview	21
<i>Issue 1.A – Community Collaboration Policies</i>	<i>25</i>
<i>Issue 1.B – Liaison with Civilian Communities</i>	<i>27</i>
<i>Issue 1.C – Civilian Orders of Protection</i>	<i>29</i>
<i>Issue 1.D – Military Protective Orders</i>	<i>31</i>
<i>Issue 1.E – Collaboration Between Military Organizations.....</i>	<i>34</i>
<i>Issue 1.F – Policies for Joint Service Management of Domestic Violence Incidents</i>	<i>36</i>
<i>Issue 1.G – Collaboration Among Military Criminal Investigation Organizations</i>	<i>37</i>
<i>Issue 1.H – Review Unique Overseas Requirements and Pre-Assignment Screening Procedures</i>	<i>38</i>
<i>Issue 1.I – Return of Service Members and/or Families as a Result of an Overseas Domestic Violence Incident(s)</i>	<i>40</i>
<i>Issue 1.J – Multi-Cultural and Cross-Cultural Collaborations</i>	<i>42</i>
<i>Issue 1.K – Review the Enforcement of Civil and Criminal Warrants and Orders on Military Installations</i>	<i>43</i>
<i>Issue 1.L – Incentives to Encourage Civilian Law Enforcement/Judicial Agencies to Establish Partnerships with Military Installations</i>	<i>44</i>
CHAPTER 2 – Education and Training – Overview	45
<i>Issue 2.A – Improve Commanding Officer and Senior Noncommissioned Officer Training</i>	<i>50</i>
<i>Issue 2.B – Military Criminal Justice Training</i>	<i>56</i>

<i>Issue 2.C</i> – Setting the Climate for Effective Prevention of Domestic Violence through a General Awareness Campaign	58
<i>Issue 2.D</i> – Standardize Education and Training Programs for Chaplains	63
<i>Issue 2.E</i> – Forensic Medical Training on Domestic Violence for Healthcare Personnel in the First Responder Role	69
CHAPTER 3 – Offender Accountability – Overview	71
<i>Issue 3.A</i> – Criminality	75
<i>Issue 3.B</i> – Case Management	79
<i>Issue 3.C</i> – Fatality Reviews	82
<i>Issue 3.D</i> – Tracking and Data Collection	89
<i>Issue 3.E</i> – Civilian Offenders	92
CHAPTER 4 – Victim Safety – Overview	95
<i>Issue 4.A</i> – Provisions for Legal Consultation and Referral for Victims of Domestic Violence	99
<i>Issue 4.B</i> – Removal of Service Member Victims from Housing following a Domestic Violence Incident	101
<i>Issue 4.C</i> – Confidential Resource for Victims	103
<i>Issue 4.D</i> – Services to Victims of Domestic Violence	105
<i>Issue 4.E</i> – Partial Entitlement for Travel and Shipment of Household Goods for Victims of Domestic Violence	108
<i>Issue 4.F</i> – Victim Safety Planning	110
<i>Issue 4.G</i> – Transitional Compensation	123
<i>Issue 4.H</i> – Provisions for Safe Shelter for Victims of Domestic Violence	127
CHAPTER 5 – Program Management – Overview	131
<i>Issue 5.A</i> – Definition	133
Dissenting View on <i>Issue 5.A</i> – Definition	135
<i>Issue 5.B</i> – Confidentiality	137
<i>Issue 5.C</i> – Case Review Committee	140
<i>Issue 5.D</i> – Overseas Family Advocacy Services for DoD Civilians and Contractors	144
SECTION IV – PREVENTION AND RESPONSES TO DOMESTIC VIOLENCE AT OVERSEAS INSTALLATIONS	147

Section I

Executive Summary



BACKGROUND

In October 1999, the Defense Task Force on Domestic Violence (DTFDV) was chartered by Congress (Public Law (P.L.) 106-65) as a three-year effort to assist the Secretary of Defense in preventing domestic violence in the military whenever possible and responding more effectively when it does occur. The Task Force was originally scheduled to end in October 2002. However, Task Force members were not appointed until March 2000 and did not meet until April 2000. Thus, in the Fiscal Year 2002 National Defense Authorization Act, the termination date of the DTFDV was specified as April 24, 2003. This extension will allow Task Force members adequate time to prepare three thorough annual reports to the Secretary of Defense on the issues involved in preventing and responding to domestic violence in the military.

REVIEW OF INITIAL REPORT

Section 591 (e), P.L. 106-65 requires that “The task force shall submit to the Secretary [of Defense] an annual report on its activities and on the activities of the military departments to respond to domestic violence in the military.” The statute further states, “. . .the Secretary [of Defense] shall submit the [Task Force] report and the Secretary’s evaluation of the report to the Committees on Armed Services of the Senate and House of Representatives.”

In the letter of transmittal of his evaluation of the initial report of the DTFDV, Deputy Secretary of Defense Paul Wolfowitz expressed support for the vast majority of the 68 recommendations contained in the report. The full text of his letter of transmittal is at Attachment A to this Executive Summary. The DTFDV was encouraged by the overwhelmingly positive comments of the Deputy Secretary of Defense. However, the Task Force maintains its commitment to all recommendations contained in the initial report including the three with which the Department of Defense (DoD) disagrees. To that end, our response to the three issues in question is contained in Attachment B to this Executive Summary.

In an effort to reach the widest possible audience and to tap into all sources of information on “best practices” in dealing with domestic violence, the Task Force sent out copies of the initial report to over 180 groups around the country known for their expertise in various aspects of domestic violence. In his cover letter to the heads of these groups, the Executive Director wrote, “We continue to seek input from a variety of knowledgeable sources that will ultimately facilitate the accomplishment of our charge from Congress. To that end, I am asking if you would review our report and provide me any specific additions, deletions, or further recommendations that we should consider. Our intent remains to provide the Secretary of Defense with recommendations that, when implemented, will increase victim safety and access to support as well as hold offenders accountable for their actions.”

The DTFDV was encouraged by the overwhelmingly positive comments of the Deputy Secretary of Defense.

While only one group has responded formally to date, the Task Force will continue this practice with the second year report in the hope of garnering additional input.

In this second year report, issues that were carried forward from the initial report, and further developed or expanded, are clearly identified and are cross-referenced back to the initial report. A copy of the Executive Summary of the Task Force’s initial report is included in this report as Attachment C to this Executive Summary.

OVERVIEW OF SECOND YEAR

As the DTFDV completes its second year, the members were encouraged by the recent issuance of two strongly worded policy statements – one from the President of the United States and the other from the Deputy Secretary of Defense. A copy of each of these statements

is attached as Attachments D and E, respectively, to this Executive Summary. We recognize that policy pronouncements alone will not eliminate the tragedy of domestic violence from our society in general or in the military in particular. However, for highly structured organizations such as the DoD, strong leadership from the top is key to success in any endeavor, and the elimination of domestic violence in the military is no exception.

Such statements of policy on the issue of domestic violence provide a firm foundation for the continued work of groups such as the DTFDV to eliminate the scourge of domestic violence from the military.

During our second year of operation, it has become increasingly clear that we do not have all the answers, nor is there a “silver bullet” that we can recommend to the Secretary of Defense that will guarantee the end of domestic violence in the military. Domestic violence is a complex social issue that does not lend itself to easy answers or

“cookie cutter” solutions in the military or civilian communities. However, it should be noted that our recommendations represent the collective thinking of all 24 members who, as a group, have great expertise in various areas of domestic violence, the law, and the military.

OVERSEAS SITE VISITS

Section 591 (b) (9), P.L. 106-65 specifically charges the DTFDV to assess and recommend measures to improve the “Prevention and responses to domestic violence at overseas military installations.” In its initial report, the DTFDV stated, “Time and distance precluded members from conducting any research or making any comments on the prevention of and response to domestic violence at overseas military installations. Members are scheduled to visit components in the European Command in May 2001, and they will visit elements of the Pacific Command

We recognize that policy pronouncements alone will not eliminate the tragedy of domestic violence from our society . . . for highly structured organizations such as the DoD, strong leadership from the top is key to success in any endeavor, and the elimination of domestic violence in the military is no exception.

in August 2001. Thus, next year's report [second year report] will contain information about DoD's response to domestic violence in overseas areas." The Task Force did, in fact, visit overseas commands as indicated above. Specific information on those site visits is contained in Section II of this report. Recommendations geared to overseas commands are contained throughout Section III of this report and are recapped in Section IV.

During the overseas site visits, Task Force members found the same dedication and hard work in preventing and responding to domestic violence, as well as many of the same challenges and issues found at stateside installations. However, any shortfall in resources overseas, whether it be funding shortages or position vacancies, was found to be much more difficult to deal with due to the general lack of host nation resources outside the U.S. military community. In each country visited, the DTFDV also questioned what effect, if any, the local Status of Forces Agreement (SOFA) might have for good or ill in dealing with issues of domestic violence. Initially, in many locations, the general perception of installation commanding officers, law enforcement, and other personnel was that "the SOFA" prevented an effective response to domestic violence specifically hampering the ability to collaborate with civilian resources. In reality, the Task Force found this not to be the case. Therefore, while no recommendations regarding possible SOFA changes were made, the need to clarify that SOFAs do not prohibit or prevent community collaboration must be briefed to overseas commands.

CONCLUSION

Section 591 (e) (3), P.L. 106-65 requires that "Each subsequent annual report shall include the following: (A) A detailed discussion of the achievements in responses to domestic violence in the Armed Forces. (B) Pending research on domestic violence. (C) Any recommendations for actions to improve the responses of the Armed Forces to domestic violence in the Armed Forces that the task force considers appropriate." This report contains 86 recommendations for improvement to the DoD's prevention of and response to domestic violence in the military. In our initial report, the Task Force provided an extensive description of completed, pending, and recommended DoD research relating to domestic violence. In our third year, the Task Force will provide additional recommendations regarding domestic violence research with the DoD. With regard to achievements in responses to domestic violence in the Armed Forces, the Task Force included an overview and analysis of the efforts of the Military Services to respond to domestic violence, as well as a description of barriers to the implementation of those efforts. That section, in the February 28, 2001 report, was a preliminary evaluation and an initial installment on the statutory requirement. Ongoing collaboration between the Task Force, the DoD program manager, and the Service program managers has yielded the birth of an evolving paradigm shift in responding to domestic violence in the military. In the third year report, we will provide a detailed discussion of achievements in response to domestic violence in the Armed Forces that grow out of this shift.

As the DTFDV enters its third and final year, we are both encouraged by what we have accomplished and awed by the challenges that lay ahead. Accomplishments include, a major DoD policy pronouncement by the Deputy Secretary of Defense and almost complete agreement with the recommendations contained in our initial report.

These accomplishments are made even more significant when viewed in terms of the events of September 11th that could have easily distracted the DoD from any issue other than the war on terrorism. We are confident that with the continued spirit of cooperation existing between the DTFDV and the policy and program managers in the DoD, we will be successful in our final year's efforts to make meaningful, achievable, and lasting recommendations to the Secretary of Defense for improvement in the area of domestic violence in the military. Our two overarching goals remain improving victim safety and ensuring that offenders are held properly accountable. Even though the DTFDV has two workgroups and two chapters in this report committed to these two principles, it should be noted that all workgroups consider the impact of every recommendation on victim safety and offender accountability.

Our two overarching goals remain improving victim safety and ensuring that offenders are held properly accountable.



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

NOV 19 2001

The Honorable Bob Stump
Chairman, Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to transmit to you the initial report of the Defense Task Force on Domestic Violence, as authorized by Section 591 of P.L. 106-65, the National Defense Authorization Act of FY 2000. The members of the Task Force were appointed in March 2000, and their dedication to the mission of the Task Force produced a comprehensive strategic plan for the Department of Defense within one year.

Also enclosed is my evaluation of the report, as required by Section 591(e) of the law. The law also requires the Department to include information on the incidents of domestic violence involving members of the armed forces. This data is being collected and to preclude delaying this report, will be forwarded under separate cover.

I support 57 of the 68 recommendations contained in the report. Four of the recommendations will require further study. We take no position with respect to four recommendations because they are directed to the Congress and the Task Force. Finally, we do not support three recommendations. The Department will begin work immediately on the recommendations. Many will be completed in 2002 and others will require more intensive development. We expect the majority to be completed by 2005.

Sincerely,

A handwritten signature in black ink, reading "Paul Wolfowitz", is positioned below the word "Sincerely,".

Enclosures:
As stated

cc: The Honorable Ike Skelton
Ranking Member

DoD RESPONSE TO INITIAL REPORT OF THE DTFDV

On November 19, 2001, Deputy Secretary of Defense Paul Wolfowitz transmitted to the Chairmen of the Senate and House Armed Services Committees the DoD response to recommendations in the initial report of the DTFDV. A copy of his letter of transmittal precedes this attachment at Attachment A.

As stated previously in this section, the DTFDV was encouraged by the overwhelmingly receptive comments by the Deputy Secretary of Defense. However, we would like to respond to the three issues with which the DoD disagrees.

Issue 3.f – Tracking and Data Collection

This issue can be found on page 59 of the initial report of the DTFDV dated February 28, 2001. In *Issue 3.f*, the DTFDV made four recommendations. The DoD agreed with two of the recommendations and disagreed with the two shown below.

That the DoD –

- ▶ Study whether or not DIBRS [Defense Incident-Based Reporting System] can or should eventually replace the FAP [Family Advocacy Program] central registry.
- ▶ Expand the required reporting elements of the FAP database to temporarily capture Section 594 data should DIBRS be delayed in becoming fully operational.

In its response, DoD stated:

“DIBRS and the Services’ FAP Central Registries, from which the DoD Central Registry contains limited data elements, serve fundamentally different purposes: law enforcement and clinical treatment, respectively. DTFDV recommendations below [in Issue 3.G] underscore those differences in purpose. Using the FAP database for law enforcement data collection purposes will significantly degrade the perception of the FAP as a program that provides clinical assistance to troubled families.”

DTFDV Comments Regarding DoD Response

The DTFDV believes that access to the domestic violence data to be included in DIBRS is fundamentally important to achieve the goals stated in the domestic violence policy memorandum issued by the Deputy Secretary of Defense on November 19, 2001. Therefore, the DTFDV urges the DoD to fully implement DIBRS at the earliest possible date.

Issue 4.b – Removal of Service Member Victim from Housing following a Domestic Violence Incident

This issue can be found on page 69 of the initial report of the DTFDV dated February 28, 2001. In *Issue 4.B*, the DTFDV made a recommendation regarding removal of service member victims from housing following a domestic violence incident, and the DoD disagreed with that portion of the recommendation that pertained to identification of a “primary aggressor” by law enforcement first responder personnel. That portion of the DTFDV recommendation is as follows:

That the DoD –

- ▶ Ensure the paramount and overarching goal of victim safety is achieved by the identification of the “primary aggressor” by law enforcement first responders that will necessitate specialized training in domestic violence; but will significantly enhance their ability to identify the real victim.

In its response, DoD stated:

“DoD disagrees with the requirement . . . that law enforcement first responders identify a “primary aggressor” and the “real victim.” DoD notes that there are couples in which each person periodically has resorted to violence and abusive behavior (excluding situations of self-defense). These couples may require both additional law enforcement investigation past the initial response and an in depth clinical assessment from the FAP or clinical service provider.”

DTFDV Comments Regarding DoD Response

The intent of the second part of the recommendation in *Issue 4.B* is to ensure that DoD law enforcement first responders are trained to do a thorough evidence-based investigation of every incident of domestic violence. A portion of this investigation is being able to assess what is self-defense, who is the primary/predominant aggressor and who should be removed from the house. The law enforcement response is often the first step in responding to a domestic violence incident and is critical in setting the tone for how the command and Family Advocacy Program personnel view the incident and for shaping an appropriate system response to the incident.

The DTFDV recognizes that it is not possible to identify a primary/predominant aggressor in every case of domestic violence. However, law enforcement first responders should be trained to make every effort to identify a primary/predominant aggressor whenever possible. The concept of primary/predominant aggressor was introduced into domestic violence policing in the early 1980s to differentiate between one who abuses his/her partner and one who reacts to being abused. Violence used to abuse and violence used in reaction to being abused pose significantly different public safety risks.

The failure to identify a primary/predominant aggressor and focus only on – who was violent first – to determine who the perpetrator is can result in labeling as a perpetrator a victim who may have been abused over time. This further results in minimization of the violence, failure to take appropriate actions to protect the victim and hold the offender accountable, and re-victimization of the victim. Dual arrests without a determination of the primary/predominant aggressor often results in a victim of ongoing abuse being arrested or substantiated as an offender for essentially fighting back and thus becoming more vulnerable to the offender’s intimidation, coercion, and use of violence. Another consequence is that a victim who has had this experience is unlikely to call law enforcement when other incidents occur in the future.

Research shows that more than 50 percent of victims of domestic violence use violence against their abusers at least once. Most victims who use force do so more than once. This does not mean that the two parties are engaging in “mutual combat.” In almost all cases of domestic violence the following apply:

- ▶ one party is using violence as a pattern of coercion and intimidation, and the other is reacting to that violence.
- ▶ one person is far less able to stop the violence against her/him.
- ▶ one person is suffering greater injuries, greater levels of fear, and greater degrees of anxiety.

While some situations may involve a double assault, rarely does the violence result in mutual damage. Arresting both parties and treating them as if they were doing the same thing has shown to be an ineffective and sometimes dangerous intervention. Therefore, in determining a primary/predominant aggressor, the law enforcement first responder is being asked to determine which offender is the most dangerous or dominant in their use of force and to take that person into custody or remove them from the scene.

During site visits, members have observed that law enforcement first responders throughout DoD are not familiar with the primary/predominant aggressor concept. For the most part, at best, they only go as far as identifying who became violent first in a specific incident, and at worst, they see their role as just breaking up the fight and letting someone else sort it out. There is no attempt to gather the following additional data by assessing:

- ▶ who is fearful of whom
- ▶ who acted in self-defense
- ▶ to whom the evidence points
- ▶ the harm done, severity and extent of injury

- ▶ relative size and comparative strength of the people involved
- ▶ likelihood of each to cause future injury
- ▶ who, if left unrestrained, would likely cause the greater degree of fear and harm to the other
- ▶ history of previous incidents
- ▶ information from witness statements (including children).

The determination of the primary/predominant aggressor should not be based on the following:

- ▶ who started the argument that preceded the violence
- ▶ who is being more obnoxious
- ▶ who said the meaner thing or made the more insulting remark
- ▶ who is the more drunk or under the influence of drugs when the officers arrive
- ▶ who threw the first blow.

In addition, the majority of DoD law enforcement first responders did not appear to be trained to determine whether injuries are the result of self-defense. Using force to defend oneself is not a criminal act as long as the force is used in self-defense. With this in mind, it is critical for responding officers to conduct a self-defense/predominant aggressor investigation to ensure proper enforcement of the law.

The DoD response that “there are couples in which each person periodically has resorted to violence and abusive behavior (excluding situations of self-defense). These couples may require both additional law enforcement investigation past the initial response and an in-depth clinical assessment from the FAP or clinical service provider” appears to dismiss the validity of the primary/predominant aggressor concept totally. The term primary/predominant aggressor refers to the person who was more aggressive or assaultive throughout the incident and who has caused the more fear and intimidation against the other as opposed to the more limited determination of who committed the first physical act. This concept applies to all incidents of domestic violence including situations where both partners resort to violence.

DoD’s focus on clinical assessment as a way of making a determination regarding a domestic violence incident highlights the inclination to blur the boundaries between the law enforcement and clinical responses to domestic violence. If domestic violence is seen as a clinical problem, such as a relationship problem, then the violence is minimized and the offender is less likely to be held accountable legally or even administratively. A clinical

assessment is not necessary to determine if an assault has been committed. The well-trained law enforcement first responder can determine the nature and severity of physical acts of violence, describing in a police report the use of force, the resulting injury, and any use of self-defense by any party.

Clinical assessments are not to determine what happened at the scene of a domestic violence incident. . . .they are for assessing the individual's understanding of his or her own behavior, the behavior of those around them, the impact of behavior on themselves and others, as well as the possible involvement of related issues or other concerns affecting the suitability for treatment or counseling services, such as mental illness, alcohol or drug abuse and so on.

DoD comments also reinforce an observation by the Task Force that there is an unintended inclination to minimize the severity of domestic violence incidents. There seems to be a widespread belief that the majority of cases of domestic violence in DoD are those in which both partners engage in a low level of violence. DoD statistics reflect that the majority of cases are determined to be a low level of violence, and this is accurate based on the current DoD definitions used to define severity. For example, a person can be strangled, but as long as she/he is not hospitalized overnight, this would not be considered, by existing definitions, to be a severe case in DoD. However, strangulation cases are very dangerous and have high potential for lethality. Although the Task Force recognizes that there are low-level violence cases in DoD, the current definitions of severity are out of step with common accepted practice, thus causing the validity of the statistics involving the level of severity to be called into question.

The DTFDV maintains that victim safety is significantly enhanced by the identification of the primary/predominant aggressor by law enforcement first responders. However, they need specialized training in domestic violence to enable them to conduct rigorous evidence-based investigations that will provide commanders and FAP with accurate information that they can use to determine the appropriate action to take in response to a domestic violence incident. Therefore, it is recommended that DoD reconsider the response regarding primary/predominant aggressors.

INITIAL REPORT EXECUTIVE SUMMARY

Overview

Domestic Violence is an offense against the institutional values of the Military Services of the United States of America. It is an affront to human dignity, degrades the overall readiness of our armed forces, and will not be tolerated in the Department of Defense (DoD). Thus, doing everything possible to prevent incidents of domestic violence within our military communities, and dealing effectively with both victims and offenders when incidents do occur, is not only the right thing to do, it is a military necessity. Taking care of all members of the military family is an institutional value crucial to the success of America's armed forces and is one of the most important jobs of commanding officers and leaders at every level. Providing a safe and wholesome environment for military families is a key quality of life objective.

As the nation's largest employer, the DoD sponsors the largest "employer-based" domestic violence prevention and intervention program in the country. This provides the DoD with a unique opportunity to contribute substantively to the nation's overall effort in this area. The DoD has already made a significant commitment of manpower and financial resources to address the problem of domestic violence, but, like civilian communities, the DoD can and must continue to improve its response to this national problem.

Defense Task Force on Domestic Violence

In order to assist the DoD in improving its response to domestic violence, Congress, in the National Defense Authorization Act for Fiscal Year 2000, Public Law 106-65, Section 591, required the Secretary of Defense to establish the Defense Task Force on Domestic Violence (DTFDV). The DTFDV was established to study the issue of domestic violence in the military and to make recommendations for measures to improve the DoD response to the problem in the following areas:

- ▶ Ongoing victim safety programs
- ▶ Offender accountability
- ▶ Climate for effective prevention of domestic violence
- ▶ 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

- ▶ Curricula and training for military commanding officers
- ▶ Prevention and response to domestic violence at overseas military installations
- ▶ Other issues identified by the Task Force relating to domestic violence within the military.

Section 591 (e) of Public Law 106-65, requires that the findings and recommendations of the Task Force be submitted to the Secretary of Defense in an annual report. This report fulfills the requirement of that section of the statute. Further, within 90 days of receipt, the law requires that the Secretary of Defense forward a copy of this report along with his evaluation to the Committees on Armed Services of the Senate and the House of Representatives.

The Task Force is composed of 24 members whom were appointed in March 2000 by then Secretary of Defense William Cohen. Twelve members were appointed from the Military Services (Army, Navy, Air Force, and Marine Corps) and an equal number from outside the DoD. Non-DoD members are all subject matter experts and were appointed from other federal departments and agencies, from state and local agencies, and from the private sector.

The overall goal of the Task Force is to provide the Secretary of Defense with recommendations that will be useful in enhancing existing programs for preventing and responding to domestic violence, and, where appropriate, to suggest new approaches to addressing the issue. In accomplishing its goal, the Task Force hopes to help make the DoD's Family Advocacy Programs and the entire military community response to domestic violence even better than it is today.

In fulfilling the Congressional mandate, the Task Force is looking at the entire spectrum of domestic violence issues, including not only the Family Advocacy Program, but also the roles of and responses from command, law enforcement, legal, medical, and chaplains. The Task Force is taking a snapshot of what currently exists, both in terms of domestic violence policy at the headquarters level as well as domestic violence prevention and intervention practices at various installations. At the initial meeting of the Task Force in April 2000, information gathering was identified as the first step. Much information has been gathered, and the Task Force is now ready to offer initial recommendations for how we believe the DoD can improve its response to domestic violence.

The Task Force believes that domestic violence is best dealt with by having a consistent, coordinated community response. This approach clearly communicates to potential offenders, as well as to those who have already offended, that domestic violence is not acceptable, will not be tolerated, and that there are consequences for such behavior. This consistent, coordinated approach seems to fit perfectly into the military community. In order to be most effective, however, every element of the response system, from law enforcement to medical to the command, must be "singing off the same sheet of music." It is important for everyone associated with the military to know what domestic violence is, the dynamics of domestic violence including risk factors, the effects on victims, or children who witness acts of domestic violence, and the consequences for offenders.

In order to make the best use of its time and talents, the Task Force organized itself into four standing workgroups and one ad hoc workgroup to address special interest items such as definition and confidentiality issues. The four standing workgroups were established to deal with the following topics:

- ▶ Community Collaboration
- ▶ Education and Training
- ▶ Offender Accountability
- ▶ Victim Safety.

While the efforts of all workgroups are crucial to making sound recommendations to the Secretary of Defense for prevention and improvement of response to domestic violence, the issue of victim safety was viewed as paramount by the Task Force and recommendations to improve victim safety can be found throughout this report. The Task Force hopes that the end result of every element of the report will be better prevention of domestic violence incidents and the increased safety of victims when violence does occur or is threatened.

Workgroup Summaries

Community Collaboration

The Community Collaboration Workgroup is responsible for addressing coordination and collaboration among all military organizations in relation to domestic violence, as well as for coordination between military and civilian communities.

During this first year of operation, the Community Collaboration Workgroup made findings and recommendations in four major areas.

- ▶ The standard guidelines issued by the Secretary of Defense and by Service Secretaries for the negotiation of agreements with civilian organizations and authorities concerning acts of domestic violence involving members of the Armed Forces.
- ▶ The coordination between military and civilian community agencies that respond to domestic violence issues and incidents.
- ▶ The enforcement and effectiveness of civilian orders of protection affecting military personnel on DoD installations.
- ▶ The procedures used to issue military protective orders (MPOs) by commanding officers.

Education and Training

The Education and Training Workgroup is responsible for reviewing and making recommendations for the improvement of training for commanding officers in the Armed Forces. The Workgroup expanded its charter to encompass reviewing and analyzing curricula and training for senior noncommissioned officers (SNCOs), Family Advocacy Program (FAP) staff, and “first responder”^{*} personnel. The workgroup concluded that all education and training efforts need a strong focus on victim safety and offender accountability.

During this first year of operation, the Education and Training Workgroup made findings and recommendations in seven major areas.

- ▶ Whether or not current education and training programs for commanding officers provide state-of-the-art information for the prevention and appropriate response to domestic violence.
- ▶ Whether or not current education and training programs for SNCOs provide state-of-the-art information for responding to and working toward the prevention of domestic violence.
- ▶ Whether or not the Military Services routinely provide consistent, high-quality military criminal justice training on domestic violence.
- ▶ Whether or not military members are sufficiently aware of the existence and consequences of the Lautenberg Amendment.
- ▶ Whether or not DoD healthcare facilities conduct domestic violence awareness education for all staff, ensure screening for domestic violence, and mandate the use of standardized protocols for patient interviews.
- ▶ The climate for the effective prevention of and response to domestic violence in the military.
- ▶ Awareness and understanding within the DoD of the Transitional Compensation Program.

Offender Accountability

The Offender Accountability Workgroup is responsible for evaluating and recommending measures to improve individual offender accountability and program accountability. The overarching goal of the Offender Accountability Workgroup is to contribute to the development of an overall strategic plan to improve the DoD’s response to domestic violence by delineating specific recommendations for improving dispositions and case management, as well as data collection, tracking, and evaluation.

^{*} First responders are personnel who arrive at the scene of a domestic violence incident shortly after it occurs, such as law enforcement personnel, medical personnel, chaplains, command representatives, etc.

During this first year of operation, the Offender Accountability Workgroup made findings and recommendations in seven major areas.

- ▶ Current DoD assessment of criminality in domestic violence incidents.
- ▶ DoD policy on the granting of enlistment waivers to individuals convicted of domestic violence crimes.
- ▶ DoD policy on discharging individuals convicted of charges stemming from acts of domestic violence.
- ▶ DoD management of domestic violence cases from initial report to resolution.
- ▶ Whether or not DoD should integrate fatality reviews into its response to incidents of domestic violence.
- ▶ DoD's ability to track domestic violence offenders within its ranks.
- ▶ The role of program evaluation in DoD's domestic violence prevention and intervention efforts.

Victim Safety

The Victim Safety Workgroup is charged with reviewing current victim safety programs, policies, and procedures and making recommendations for improvement in the area of safety for the victims of domestic violence. The workgroup's goals are: (1) to propose standardized policies and procedures; (2) to propose best practices to facilitate and enhance victim safety – “military to military” and “military to civilian”; and, (3) to propose standardized (expected) services and access to services (scope and confidentiality) for victims.

During this first year of operation, the Victim Safety Workgroup made findings and recommendations in four major areas.

- ▶ Whether or not mandatory reporting of domestic violence within DoD compromises victim safety.
- ▶ DoD's current policy regarding removing a service member from family housing following a domestic violence incident.
- ▶ Whether or not victims would be more inclined to report abuse if there were an accessible and confidential source to receive the report.
- ▶ How the DoD might provide timely information to new family member spouses regarding the limited confidentiality with the FAP and their alternative options of confidential service within the local community.

Definition of Domestic Violence

DoD has not been able to develop a definition agreeable to all elements of the Department. Not surprisingly, the Task Force recognized the importance of having such a definition, and at its first meeting, formed a Special Interest Workgroup to develop a definition of domestic violence. Also, not surprisingly, members of the Task Force have found this to be one of the most difficult challenges they faced during their first year of operation.

In this initial report, the Task Force had hoped to be able to present DoD with a formal recommendation for a definition that could be used throughout the Department. However, due to the complexity of the issue, the Task Force is not yet ready to make such a recommendation. The Task Force has developed a working definition for the purpose of carrying out its statutory requirements, but this definition should not be construed to be our recommendation for a definition to be used throughout the DoD. Section III, Chapter 5 of this report contains a detailed discussion of the definition issue.

Confidentiality

From the very first meeting in April 2000, Task Force members expressed concern about the lack of confidentiality for victims of domestic violence in the DoD and its impact on the willingness of victims to seek assistance. Because confidentiality is an issue of concern for at least three of the Workgroups (Victim Safety, Offender Accountability, and Community Collaboration), the Task Force decided to define confidentiality as a special interest item and to convene a Special Interest Workgroup with membership from each of the three pertinent workgroups. Confidentiality is also an integral part of victim safety, so the two workgroups will continue to collaborate closely to address how DoD can blend confidentiality for victims with holding offenders accountable.

Additionally, a significant number of domestic violence victims seek help from religious leaders. In the military, this may mean seeking help from chaplains. Because chaplains are perceived to have confidentiality, they are potentially a primary resource for both victims and offenders. Chaplains are not always clear about their privilege or about their options to refer to both military and civilian resources to assist victims and offenders. The Task Force will pursue clarification of the role of chaplains in response to domestic violence cases, in particular the expectations and scope of confidentiality.

Research

Section 591 (e) of Public Law 106-65 required the Task Force, in its annual report, to describe pending, completed, and recommended DoD research relating to domestic violence. The Task Force's efforts in this regard are contained in Section VI of this report. Task Force members felt that it was important to offer a caution at this point regarding the role of research versus the role of program evaluation.

Research and evaluation are two distinct disciplines of inquiry that are often mistaken as synonyms for a single discipline. Research, having its origins in science, is oriented toward the development of theories or knowledge building. Its most familiar paradigm is the experimental method, in which hypotheses are logically derived from theory and put to a test under controlled conditions. The primary purpose is to prove the validity of the hypotheses. Evaluation, on the other hand, is rooted in technology rather than science. Its emphasis is not on knowledge building, but on product delivery or mission accomplishment. The most familiar paradigm is the systems approach in which one begins by setting objectives, then designing the means to achieve these objectives, and constructing a feedback mechanism to determine progress toward the attainment of the objectives. The primary purpose is to improve the prospects of achieving the stated objectives rather than in proving it can be done.

The Task Force addresses the issue of program evaluation and examines the question of how integral it is to the DoD's domestic violence prevention and intervention efforts in Section III, Chapter 3, Issue 3.G of the initial report.

National Domestic Violence Hotline

The Task Force wants to ensure that persons affiliated with the DoD in the United States are aware of the existence of a superb resource available to victims and potential victims of domestic abuse – the National Domestic Violence Hotline, 1-800-799-SAFE (7233). A project of the Texas Council on Family Violence, sponsored by the Department of Health and Human Services, the hotline serves as a critical partner with domestic violence resource centers. The 24-hour, toll-free hotline provides:

- ▶ Crisis intervention
- ▶ Referrals to battered women's shelters and programs, social service agencies, legal programs, and other groups and organizations willing to help
- ▶ Resources for battered women and their families and friends.

The hotline responds to a diverse group of individuals, including:

- ▶ Callers from all states and territories
- ▶ Non-English speaking callers
- ▶ Hearing-impaired callers.

Hotline counselors can be made aware of where military installations are located and can be trained to ascertain whether or not callers are affiliated with the military. When speaking with a military affiliated caller, counselors can then offer advice regarding both on and off-base resources and the issues of confidentiality associated with each.

Conclusion

The Task Force is chartered by Congress to carry out its responsibilities over a three-year period of time. The information, findings, and recommendations contained in this report represent the group's efforts from April 2000 to January 2001. However, with that said, it should be noted that in this, its first annual report, the Task Force was able to conduct work on every task given it by Congress with two exceptions.

Time and distance precluded the members from conducting any research or making any comments on the prevention of and responses to domestic violence at overseas military installations. Members are scheduled to visit components in the European Command in May 2001, and they will visit elements of the Pacific Command in August 2001. Thus, next year's report will contain information about DoD's response to domestic violence in overseas areas.

The other exception is the provision that requests a description of successful and unsuccessful programs. First, it would be premature to identify such programs in this first year report, but even more importantly, to do so would violate the trust and confidence necessary for the Task Force to succeed. A "non-attribution" policy contributes to open and candid discussions regarding the Family Advocacy Program.

Finally, in this first annual report, the Task Force wanted to give the Military Departments an opportunity to present information regarding their efforts to respond to domestic violence. Their input can be found in Section V. The Task Force was encouraged to find that, in many cases, the Service FAP Program managers who provided the input were looking at some of the same programmatic issues in much the same way as the members of the Task Force. This fact certainly portends well for increased cooperation between the Task Force and the DoD over the next two years as both strive to improve all aspects of DoD's response to domestic violence.

THE WHITE HOUSE

Office of the Press Secretary
For Immediate Release October 2, 2001

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH, 2001

• • • • •

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The social blight of domestic violence has continued to burden America into the 21st Century. Our homes should be places of safety and comfort. Tragically, domestic violence can and does turn many homes into places of torment. The grim facts speak for themselves: almost one-third of American women murdered each year are killed by their current or former partners, usually a husband. Approximately 1 million women annually report being stalked. And many children suffer or witness abuse in their homes, which can sadly spawn legacies of violence in families across America.

Domestic violence spills over into schools and places of work; and it affects people from every walk of life. Though abuse may occur in the seclusion of a private residence, its effects scar the face of our Nation. In the United States, we have strict laws intended to hold domestic abusers accountable for their vile conduct by bringing them to justice, but laws alone are not enough. A comprehensive, coordinated approach must shape our strategy to reduce domestic violence. Accordingly, the Federal Government is partnering with States, local communities, and other entities to implement tough and effective mechanisms to respond to reports of domestic violence.

These efforts include specialized units in police departments, and prosecutors offices that work with local victims' advocates to make the criminal justice system more responsive to victims and more retributive to their abusers. Jurisdictions throughout the country now provide legal assistance to ensure that when victims try to escape abuse, they can obtain legal help from attorneys who understand the dynamics of domestic violence. Law enforcement officers, prosecutors, court personnel, and service providers are working to improve their responses to the often hidden victims of elder abuse and violence against women with disabilities. Moreover, thousands of communities now have shelters and emergency services for abused women and their children.

As a Nation, we must prioritize addressing the problem of domestic violence in our communities every day of the year. National Domestic Violence Awareness Month provides us with a special opportunity to emphasize that domestic violence is a crime, to warn abusers that they will be prosecuted, and to offer victims more aid and support. We can and must radically reduce and work to eliminate this scourge from our land. To succeed, this effort must be echoed by officials from every segment of the criminal justice system, Federal, State, and local. Community leaders, health care professionals, teachers, employers, friends, and neighbors all will play an important role in eradicating domestic violence.

As we observe National Domestic Violence Awareness Month, I call on all Americans to commit to preventing domestic violence and to assist those who suffer from it. These collective efforts will contribute to peace in our homes, schools, places of work, and communities and will help ensure the future safety of countless children and adults.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 2001, as National Domestic Violence Awareness Month. I urge all Americans to learn more about this terrible problem and to take positive action in protecting communities and families from its devastating effects.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.

GEORGE W. BUSH



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

NOV 19 2001

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.

A handwritten signature in black ink, reading "Paul Wolfowitz". The signature is written in a cursive style with a horizontal line at the end.

Section II

Task Force Background, Organization, and Activities



BACKGROUND

In order to assist the Department of Defense (DoD) in improving its response to domestic violence, Congress, in the National Defense Authorization Act for Fiscal Year 2000, Public Law 106-65, Section 591, required the Secretary of Defense to establish the Defense Task Force on Domestic Violence (DTFDV). The DTFDV was established to study the issue of domestic violence in the military and to make recommendations for measures to improve the DoD response to the problem in the following areas:

- ▶ Ongoing victim safety programs
- ▶ Offender accountability
- ▶ Climate for effective prevention of domestic violence
- ▶ 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
- ▶ Curricula and training for military commanding officers
- ▶ Prevention and response to domestic violence at overseas military installations
- ▶ Other issues identified by the Task Force relating to domestic violence within the military

Section 591 (e) of Public Law 106-65, requires that the findings and recommendations of the Task Force be submitted to the Secretary of Defense in an annual report. This report fulfills the requirement of that section of the statute. Further, within 90 days of receipt, the law requires that the Secretary of Defense forward a copy of this report along with his evaluation to the Committees on Armed Services of the Senate and the House of Representatives.

The Task Force is composed of 24 members who were appointed in March 2000 by then Secretary of Defense William Cohen. Twelve members were appointed from the Military Services (Army, Navy, Air Force, and Marine Corps) and an equal number from outside the DoD. Non-DoD members are all subject matter experts and were appointed from other federal departments and agencies, from state and local agencies, and from the private sector.

The overall goal of the Task Force is to provide the Secretary of Defense with recommendations that will be useful in enhancing existing programs for preventing and responding to domestic violence, and, where appropriate, to suggest new approaches to addressing the issue.

In accomplishing its goal, the Task Force hopes to help make the DoD’s Family Advocacy Programs and the entire military community response to domestic violence even better than it is today.

In fulfilling the Congressional mandate, the Task Force is looking at the entire spectrum of domestic violence issues, including not only the Family Advocacy Program, but also the roles of and responses from command, law enforcement, legal, medical, and chaplains. The Task Force is taking a snapshot of what currently exists, both in terms of domestic violence policy at the headquarters level as well as domestic violence prevention and intervention practices at various installations.

The Task Force believes that domestic violence is best dealt with by having a consistent, coordinated community response. This approach clearly communicates to potential offenders, as well as to those who have already offended, that domestic violence is not acceptable, will not be tolerated, and that there are consequences for such behavior. This consistent, coordinated approach seems to fit perfectly into the military community. In order to be most effective, however, every element of the response system, from law enforcement to medical to the command, must be “singing off the same sheet of music.” It is important for everyone associated with the military to know what domestic violence is, the dynamics of domestic violence including risk factors, the effects on victims, or children who witness acts of domestic violence, and the consequences for offenders.

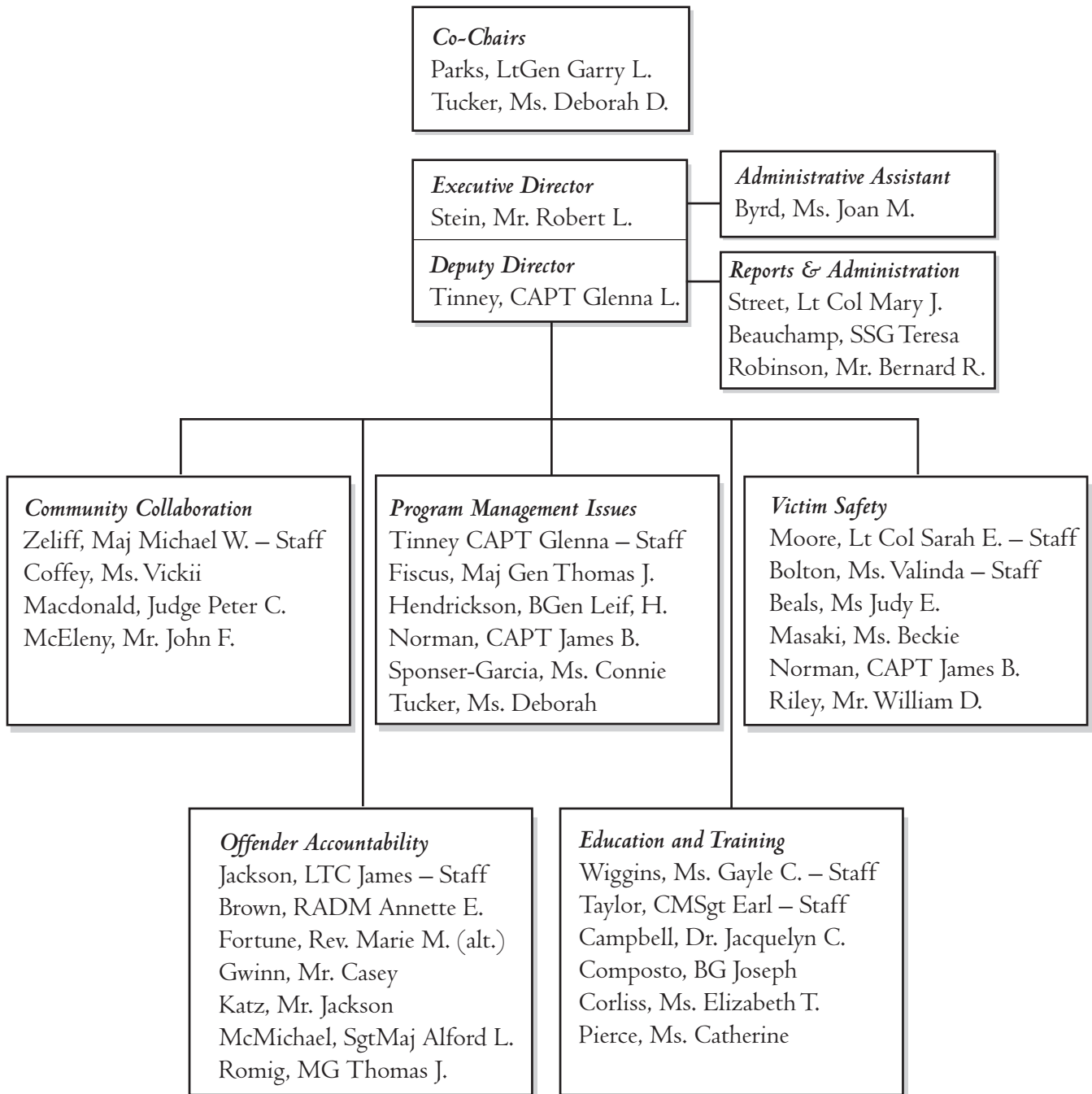
The Task Force hopes that the end result of its efforts will be better prevention of domestic violence incidents and the increased safety of victims when violence does occur or is threatened.

ORGANIZATION

During the second year of operation, Task Force members decided to alter the organizational structure of the group slightly. They decided to continue the four original workgroups – Community Collaboration, Education and Training, Offender Accountability, and Victim Safety. However, it became evident that there were several “global” issues that cut across the traditional workgroup lines. Rather than continue to address these kinds of issues with the “ad hoc” Special Interest Groups as was done during the first year, it was decided to form a fifth workgroup called Program Management with permanent members. Thus, the organizational structure of the DTFDV is as shown on the next chart. Workgroup membership and staffing is also shown. Several original Task Force members relinquished their positions due to reassignment, retirement, or resignation.



Defense Task Force on Domestic Violence



ACTIVITIES

The Defense Task Force on Domestic Violence (DTFDV) met five times for a total of 30 days during its second year.

- ▶ March 18-20, 2001, Arlington, Virginia
- ▶ April 30-May 10, 2001, the United States European Command (Germany and Italy)
- ▶ August 23-September 1, 2001, the United States Pacific Command (Hawaii, Korea, Mainland Japan, and Okinawa)
- ▶ November 5-7, 2001, Arlington, Virginia.
- ▶ January 14-16, Arlington, Virginia.

In addition to five meetings for the entire Task Force, individual workgroups and support staffs were involved in various meetings and activities to gather and analyze information for consideration by the full Task Force.

March 2001 Meeting

At this meeting, it was announced that the Task Force's initial report was out in printed form and that it had been posted to the DTFDV web site. The report had been sent to the Secretary of Defense for review and comment prior to submission to the Senate and House Armed Services Committees.

The Task Force received a presentation from a Director of the Miles Foundation and from several survivors of domestic violence whose appearance was facilitated by the Miles Foundation. Although the Victim Safety Workgroup had heard from victim groups at each site visit, this was the first opportunity for the Task Force as a whole to hear from such a group. The Miles Foundation deals mostly with military families who have suffered domestic violence. The Foundation has been in existence since 1996.

To help the Executive Director and Staff plan for the coming year, each member of the Task Force was asked to provide a brief assessment of the first year. Members were asked to note: (1) what went well, (2) what didn't go as well as they had hoped, and (3) what should be done differently. In general, all members felt that the first year had gone extremely well as evidenced by the excellent report produced in such a short time. There were many positive comments both in terms of first year activities as well as many excellent suggestions for operations in the second and third years.

The remainder of the meeting was spent in reviewing and finalizing proposed second-year objectives for each workgroup and for the Task Force as a whole, and in laying final plans for the upcoming site visits to Germany and Italy.

May 2001 Site Visits

From May 1-10, the DTFDV visited the United States European Command at locations in Germany and Italy. This was the first overseas visit by the DTFDV in fulfillment of the statutory requirement that the Task Force assess and recommend measures to improve the prevention of and response to domestic violence at overseas military installations.

The visit began in Stuttgart, Germany where the Task Force received briefings on the organization, missions and current operations of the European Command by members of the USEUCOM staff. Following the command overview, Task Force members were briefed by component representatives from the United States Army Europe (USAREUR), the United States Naval Forces, Europe (USNAVEUR), and the United States Air Forces in Europe (USAFE). Each component briefing consisted of a command overview, demographics of the command, and an overview of the component's Family Advocacy Program. Following the component presentations, Task Force members received a briefing from a representative of the Department of Defense Dependent Schools, Europe (DoDDS-E) on efforts by DoDDS-E personnel to identify and prevent domestic violence. The final briefing in Stuttgart came from a representative of the USAREUR Staff Judge Advocate's Office on the Status of Forces (SOFA) as it pertains to United States citizens present in any capacity within the USEUCOM.

The DTFDV visited the following USEUCOM activities/communities:

- ▶ 411th Base Support Battalion/Heidelberg, Germany, USAREUR
- ▶ 235th Base Support Battalion/Ansbach, Germany, USAREUR
- ▶ 282nd Base Support Battalion/Hohenfels, Germany, USAREUR
- ▶ 86th Airlift Wing/Ramstein-Kaiserslautern, Germany, USAFE
- ▶ 52nd Fighter Wing/Spangdahlem, Germany, USAFE
- ▶ Naval Support Activity/Naples, Italy, USNAVEUR.

At each location, Task Force members received a community/activity overview that included the following topics:

- ▶ Organization, mission, and functions
- ▶ Type(s) of local units
- ▶ Community demographics
- ▶ Family Advocacy Program overview
- ▶ Domestic violence statistics.

At the 411th BSB in Heidelberg, the Task Force also observed a Case Review Committee (CRC) meeting. This was done due to the USAREUR-unique practice of having CRC's co-chaired by the Chief of Social Work Services and the local Base Support Battalion Commander.

At each location visited, after the plenary session described above, Task Force members broke down into workgroups and met with local personnel as described below:

Community Collaboration

Members of the workgroup and staff met with the following groups:

- ▶ FAP Managers, FAP Treatment Supervisors, Chiefs of Social Work Services
- ▶ Military and Civilian Law Enforcement and Legal Personnel
- ▶ Shelter Management Personnel
- ▶ Installation Commanding Officers.

Education and Training

Members of the workgroup and staff met with the following groups:

- ▶ Commanding Officers (O6, O5, and O3)
- ▶ Senior Noncommissioned Officers (most serving in command/senior enlisted advisor position, e.g., command sergeant major/first sergeant, and all were E7, E8, or E9)
- ▶ Military Law Enforcement Personnel (desk sergeants, NCOIC, investigators, and patrol level)
- ▶ FAP Manager and Installation Training/Prevention Personnel
- ▶ Chaplains
- ▶ Command Training Personnel.

Offender Accountability

Members of the workgroup and staff met with the following groups:

- ▶ Commanding Officers/Command Representatives (O1 through O6)
- ▶ Senior Enlisted Personnel
- ▶ FAP Treatment Supervisors; Chiefs of Social Work Services; Installation Commanding Officers
- ▶ Offenders
- ▶ Military Law Enforcement and Legal Personnel.

Victim Safety

Members of the workgroup and staff met with the following groups:

- ▶ First Responders (emergency room physicians, military police, chaplains)

- ▶ Victim/Witness Assistance Program Staff Personnel
- ▶ FAP Managers and Treatment Staff
- ▶ Victims
- ▶ Chiefs of Social Work Services and Community Commanding Officers
- ▶ Local Shelter Personnel.

At the completion of the visit to USEUCOM, each workgroup was asked to identify one issue that was most significant for them that had been identified during the trip. The following issues were identified:

Community Collaboration – Explore the ramifications of overseas transfers of personnel with open FAP cases. Review pre-overseas assignment screening procedures (example, Air Force Exceptional Family Member Program [EFMP]).

Education and Training – Overcoming the problems inherent in capturing the right audience for training for all populations, i.e., command, providers, general population, etc.

Offender Accountability – Holding offenders (both military and civilian) accountable in an overseas setting using the entire range of administrative, legal, etc. alternatives.

Victim Safety – Look at the whole program and standardize various aspects of it. It is clear that victims have a wide range of experiences across DoD in terms of the system response.

August 2001 Site Visits

From August 23-September 1, the DTFDV visited the United States Pacific Command (USPACOM) at locations in Hawaii, Korea, Mainland Japan, and Okinawa. Given the time and distance involved in visiting the various locations in the Pacific area, the Task Force split into two “mini-Task Forces” for this trip. All the various entities of the DTFDV (DoD and non-DoD personnel, workgroup members, legal counsel, etc.) were represented on both “mini-Task Forces” so that all areas of interest and concern could be adequately represented at each location visited. The schedule for the Pacific trip was as follows:

<i>Wednesday, August 22</i>	Travel to Hawaii
<i>Thursday, August 23</i>	Full Task Force planning meeting
<i>Friday, August 24</i>	Full Task Force meets with PACOM and Hawaii Service Representatives and visits Joint Service Shelter
<i>Saturday, August 25</i>	Full Task Force travels to Okinawa
<i>Sunday, August 26</i>	Full Task Force arrives in Okinawa

<i>Monday, August 27</i>	Some Task Force members meet with USAF at Kadena and other members meet with USMC at Camp Butler
<i>Tuesday, August 28</i>	Continued meetings at Kadena and Butler, then some Task Force members travel to Yokosuka, Japan and other members travel to Yongsan, Korea
<i>Wednesday, August 29</i>	Some Task Force members meet with Navy at Yokosuka and other members meet with Army at Yongsan
<i>Thursday, August 30</i>	Some Task Force members meet with Navy at Yokosuka and other members meet with Army at Yongsan
<i>Friday, August 31</i>	Both elements of the Task Force travel back to Hawaii from Japan and Korea, respectively
<i>Saturday, September 1</i>	Full Task Force meets to discuss results of separate visits and to plan for and discuss second year report, activities, and schedule

As shown, the Pacific visit began in Honolulu, Hawaii. Briefings were received on the organization, missions and current operations of the Pacific Command and were presented by a member of the USPACOM staff. Following the command overview, Task Force members were briefed by the Chief of Family Advocacy from USPACOM headquarters. Task Force members also had an opportunity to meet with local Service component representatives from the Army, Navy, Air Force, Marine Corps and Coast Guard as well as with a representative from Tripler Army Medical Center (TAMC). TAMC is the medical treatment facility (MTF) for all uniformed personnel stationed in Hawaii. Task Force members also had the opportunity meet with local community domestic violence representatives from various judicial, law enforcement, advocacy groups, etc. from throughout the State of Hawaii and the City and County of Honolulu. Finally, the Director of the Oahu Joint Military Shelter, one of only two military shelters in the world, briefed the Task Force on the operation of the shelter and some members and staff visited the facility. When on Okinawa, Task Force members received information on the other military shelter, which is located there.

At each location visited in Okinawa, Mainland Japan and Korea, Task Force members received a command/community/activity overview that included the following topics:

- ▶ Organization, mission, and functions
- ▶ Type(s) of local units
- ▶ Community demographics
- ▶ Family Advocacy Program overview
- ▶ Domestic violence statistics.

Task Force members met and discussed issues relating to the prevention of and response to domestic violence with the following groups at each location:

- ▶ Commanding Officers
- ▶ Senior Enlisted Advisors
- ▶ Legal Officers
- ▶ Law Enforcement Personnel
- ▶ Chaplains
- ▶ Family Advocacy Program (FAP) Managers and Staff
- ▶ Medical Treatment Personnel
- ▶ Volunteers who had been victims of domestic violence.

The visits were very informative and provided the Task Force with additional information regarding the challenges and issues involved in preventing and responding to domestic violence in overseas environments.

November 2001 Meeting

The Co-Chairs and the Executive Director opened the meeting and stated the primary purpose was to review and discuss the work that had been done on the Task Force's second annual report.

Task Force members had received the first draft of the second annual report approximately three weeks prior to the meeting. During the meeting, each of the five workgroups – Community Collaboration, Education and Training, Offender Accountability, Program Management, and Victim Safety – presented each of their report issues in detail. Following discussion, the full Task Force agreed to certain changes in various issues. The DTFDV staff was directed to incorporate these changes into the draft report. Once changes were incorporated, a revised first draft was sent to the Task Force members for review and comment. Comments received in response were incorporated into a final draft that was sent to members in mid-December for review prior to the Task Force's next meeting, January 14-16, 2002.

In addition to the presentation and discussion of each issue in the second annual report, the Task Force conducted the following items of business:

Mr. John Molino, Deputy Assistant Secretary of Defense (Military Community and Family Policy) met with the Task Force to discuss a variety of issues. Mr. Molino was asked to meet with the Task Force again at their January meeting.

Task Force members also met with a group of military chaplains from the Army, Navy, Air Force, and Marine Corps to discuss the role of chaplains in the prevention of and response to domestic violence in the military. The group also discussed the issue of privileged communications with chaplains in great detail.

Task Force member, Dr. Jacquelyn Campbell, presented results of recent DoD-funded research conducted on the topic, “Annual and Lifetime Prevalence of Partner Abuse in Female Active Duty Military and HMO Enrollees.”

The meeting concluded with a discussion of the agenda for the January 2002 meeting.

January 2002 Meeting

The Executive Director opened the meeting and stated that there were three goals for the meeting. The first goal was to finalize the Task Force’s second annual report. The second goal was to develop a work plan and timeline for the third and final year of the Task Force. The third goal was for the Task Force to discuss cultural diversity and how it impacts Task Force recommendations.

Several Task Force members attended The Multi-cultural Forum on Violence Against Women: The Millennium Conference in Puerto Rico in July 2001. In addition, the Task Force has made site visits to installations in Europe and the Pacific in May and August 2001. During these visits, it was very clear that there are many culturally diverse couples across all of the Services. The discussion focused on how the Task Force can ensure that cultural diversity is considered in every recommendation that it makes. This discussion was a beginning, but Task Force members agreed that cultural diversity is an area that must be highlighted throughout the final year.

The Executive Director reviewed the final draft of the second annual report highlighting notable changes that had been made since the November Task Force meeting. Discussion resulted in recommendations for minor changes. These changes were made and brought back to the Task Force for final approval. The Task Force approved the second annual report.

With assistance of a facilitator, the Task Force participated in several exercises to identify and prioritize the desired outcomes for the final year and develop a work plan and timeline for accomplishing the remaining work. This included deciding how the Task Force should be organized to successfully address the desired outcomes for the third and final year. The Task Force agreed on the following desired outcomes:

- ▶ Develop a model for prevention of domestic violence
- ▶ Develop an intervention process model with protocols for victim advocacy, offender intervention, command, and law enforcement
- ▶ Ensure that there is a victim-centered focus throughout the models and protocols
- ▶ Develop a Plan of Implementation and Milestones for implementing the Task Force recommendations
- ▶ Ensure that there is a mechanism in place across the DoD to ensure system accountability

The Task Force agreed to maintain the organization of dividing into smaller workgroups to do the work and report back to the entire Task Force for discussion and final approval.

With the goal of moving toward the desired outcomes, the Task Force discussed the draft of the Intervention Process Model and the Case Review Committee process – a key component of the current intervention when a domestic violence incident has occurred.

The Task Force prioritized the work and developed a work plan and timeline for the remaining meetings.

Individual Workgroup Activity

In addition to meetings of the full Task Force, the workgroups and assigned professional staff conducted individual fact-finding and analysis activities.

Community Collaboration

In April, workgroup members met in Arlington, Virginia. During the meeting, the workgroup reviewed their recommendations in the initial report of the Task Force and discussed follow on actions. Members discussed groups with whom military installation officials should seek to work, and a proposed position description for the proposed position of an installation Domestic Violence Response Coordinator. Further discussion centered on elements of draft legislation to accommodate civilian orders of protection on military installations and a draft, standard military protective order.

In May, workgroup members met again in Arlington, Virginia to discuss collaboration among military organizations and among military criminal investigative organizations. Service FAP managers also met with workgroup members to discuss several current issues. In conjunction with the May meeting, workgroup members visited the Department of Justice Violence Against Women Office to discuss the possibility of offering incentives to civilian law enforcement and judicial agencies to establish partnerships with military installations.

In June, the workgroup staff officer visited the domestic violence unit of the Salem, Massachusetts police department where he rode along with the DV unit and observed an early morning warrant sweep.

In June, workgroup members met again in Arlington, Virginia and discussed policies for adjudication of domestic violence cases both on and off overseas military installations, unique overseas requirements for pre-assignment screening, and the early return of service members and/or families from overseas resulting from a domestic violence incident(s).

In July, workgroup members met again in Arlington, Virginia and discussed multi-cultural and cross-cultural collaborations, the review of the enforcement of civil warrants and orders on military installations, and possible incentives to encourage civilian law enforcement and judicial agencies to establish partnerships with military installations.

In December, workgroup members attended the Fourth Annual National Conference on the Changing Role of Law Enforcement in Ending Violence Against Women in Austin, Texas.

Education and Training

The Education and Training Workgroup hosted a joint Service senior noncommissioned officer (SNCO) workshop in June. The purpose of the meeting was to obtain their input on what topics should be included in any future domestic violence educational awareness training for SNCOs as well as their recommendations on specific training requirements for SNCOs assigned in a direct advisory role to commanding officers.

The workgroup also organized a meeting of civilian and military subject matter experts along with selected Task Force members to review law enforcement training curricula from across the country for the purpose of designing a state-of-the-art course to present to DoD law enforcement personnel and their respective partners from their local communities. The workgroup met with senior military police officials in June and briefed them on details of the conference. The conference had been planned for October, but the unfortunate events of September 11, 2001 caused postponement.

Members of the workgroup met in August in Arlington, Virginia to review the process, accomplishments, lessons learned from the first year, the European site visit, and to review and discuss the initial draft of three of the issues to be included in the Task Force's second year report. The meeting also included discussions on strategic planning and organization of issues for the second year to include proposed training content for commanding officer/SNCO training, specialized forensic medical training for healthcare personnel in the first responder role, and more emphasis on training for chaplains. Members also discussed workgroup focus for the upcoming Pacific trip.

In October, the workgroup visited the Defense Technical Information Center (DTIC) at Fort Belvoir, Virginia to view a demonstration of how Web-based training and instruction for delivery over the Internet is designed and built. This type of training could be used by the DoD as a substitute for or in addition to face-to-face classroom instruction and would help insure standardized instruction throughout the DoD.

For the November Task Force meeting, the workgroup organized a panel of DoD chaplains representing each of the Military Services' perspectives on the role of chaplains in responding to domestic violence and the issue of clergy confidentiality.

Workgroup meetings were also held in Hawaii in conjunction with the Pacific site visit in late August/early September and again in conjunction with the general Task Force meeting held in November.

Offender Accountability

The Offender Accountability Workgroup established a second year goal of building on the foundation of its first year recommendations. First, it designed strategies for enhancing the DoD's ability to hold individual offenders accountable for the domestic violence they perpetrate. The workgroup sought to shore up an inefficient Case Review Committee (CRC) approach to dispositions and case management by redefining the way the DoD thinks about

domestic violence and reassigning major responsibilities. By recasting domestic violence as a criminal rather than social or clinical issue, the workgroup is able to make its case for using a traditional military justice approach to dispositions and case management.

Second, the workgroup monitored, as promised, developments concerning the Defense Incident Based Reporting System (DIBRS). Few gains were noted with respect to the DoD's ability to capture data required by Section 594, P.L. 106-65.

Third, the workgroup reviewed a number of fatality review protocols from around the country and offers a lessons learned type of report on its findings.

Victim Safety

During the second year, the Victim Safety Workgroup held four additional meetings. Victims advocate programs in the Military Services were the focus for the first meeting. Victim advocates or their representatives from each of the Services were in attendance. The workgroup members were interested to learn more detailed information regarding military victim advocate program operation at the installation level and what type of impact they had on the victims; what types of processes and procedures are working well. What are the barriers to victim safety and how can the Task Force be of assistance in ameliorating these issues? The forum was structured to encourage open and honest discussion and feedback that would be useful to the workgroup's strategic planning and recommendations for the second report. There were ten participants, apart from the workgroup members – three Army victim advocates, two Navy victim service specialists, three Marine Corps victim advocates, and two Air Force social workers from the HQ FAP Office at Brooks Air Force Base in Texas. The meeting was productive with important information sharing on a unique victim advocate partnership program between an Army installation and the local domestic violence community resources; recommendations to improve transitional compensation; and the need to provide some type of relief to victims with regard to moving their household goods when separating from the active duty member when the move is not in conjunction with a PCS.

Two meetings were held in July with the first meeting addressing review of the master issues list and prioritizing the second year agenda; discussing European site visits and planning for the Pacific trip; and review of the issues in the second year report.

The second meeting in July focused on the issues which required follow-up from the first year report; partial entitlement for transportation and moving expenses; transitional compensation; safety planning, services to victims and sheltering services; and formulation of questions for use during the Pacific trip. Additionally, at this meeting the DTFDV Deputy Director briefed on the organization, mission and functions of the Program Management Workgroup.

The fourth meeting of the Victim Safety Workgroup was held in August, and the members discussed legal assistance to victims and overseas unique issues.

Program Management

In August, the Program Management Workgroup had its first meeting in Honolulu, Hawaii in conjunction with the site visits to USPACOM. This was primarily an organizational meeting in which the group discussed the status of the issues assigned to the workgroup and reviewed the draft of the group's issues that had been written for the second year report.

In November, workgroup members met in Arlington, Virginia in conjunction with a Task Force meeting. The group presented a service delivery model graph to the Task Force. Workgroup time was spent continuing to refine this model to incorporate the points made in the discussion involving the entire Task Force. Since the Program Management Workgroup is tasked with addressing the more global issues that cut across all workgroups, it is critical to brief the entire Task Force on the progress of these issues and provide opportunity for discussion involving all members.

Other Activities

In January, the DTFDV Deputy Executive Director presented a briefing on the DTFDV in Washington, DC at the Federal Agency Day held in conjunction with the National Victim Symposium.

In April, the DTFDV Deputy Executive Director presented a briefing on the DTFDV in San Diego, California at the "Partners in Peace" Conference sponsored by the San Diego Domestic Violence Council.

In February, the DTFDV Executive Director and staff met with the DoD and Service FAP Managers to brief them on the Initial Report and to discuss the process for ongoing collaboration with the FAP Managers and representatives of all disciplines/sections responsible for preventing and responding to domestic violence. All agreed that ongoing DoD and Service participation was critical to the process of further developing and ultimately implementing the recommendations made in the Initial Report.

Since the first meeting, the DTFDV Executive Director and staff have met with the DoD and Service FAP Managers quarterly. The primary focus of these meetings has been the updating of the FAP Managers on the activities of the Task Force and on progress with the ongoing development of the Task Force recommendations contained in the initial report. DoD and Service points of contact have played a major role in the evolution of the issues and recommendations that are contained in the second year report.

In June, there was a meeting between the DTFDV staff and the four military Judge Advocates who represent all four Services. The purpose of the meeting was to draft a policy to ensure that domestic violence victims have a place within the DoD system where they can receive confidential services. Such a policy was drafted during this meeting. In conjunction with the site visits to USPACOM, there were additional meetings to continue refining the confidentiality policy.

Section III

Task Force Recommendations



DEFENSE TASK FORCE ON DOMESTIC VIOLENCE RECOMMENDATIONS

Overview

Section (e) (3) (C) of the National Defense Authorization Act for 2000, Public Law 106-65, requires the Defense Task Force on Domestic Violence (DTFDV), in its annual report, to include “any recommendations for actions to improve the responses of the Armed Forces to domestic violence in the Armed Forces that the task force considers appropriate.”

In fulfillment of the statutory requirement, in this section, the DTFDV makes such recommendations in five areas:

- ▶ CHAPTER 1 – Community Collaboration
- ▶ CHAPTER 2 – Education and Training
- ▶ CHAPTER 3 – Offender Accountability
- ▶ CHAPTER 4 – Victim Safety
- ▶ CHAPTER 5 – Program Management

It should be noted that the issues in each chapter were developed by the workgroup identified with that topic. The findings and recommendations presented, however, reflect the collective consensus of the entire Task Force with one exception (Issue 5.A).

In each chapter of this section, some issues continue discussions raised in the initial report of the DTFDV and some are new issues developed during the second year of operation. Continuing issues are clearly identified as such and cross referenced back to the DTFDV initial report dated February 28, 2001.

Community Collaboration

OVERVIEW

Purpose

In accordance with Public Law 106-65, the Defense Task Force on Domestic Violence (DTFDV) is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies related to domestic violence. The Community Collaboration Workgroup is responsible for addressing coordination and collaboration among all military organizations in relation to domestic violence, as well as coordination between military and civilian communities.

Goals

During the Task Force's first year, the goals of the Community Collaboration Workgroup were to assess applicable directives and regulations and to recommend measures to improve or clarify the following:

- ▶ Coordination and collaboration among all military organizations concerned with domestic violence issues or cases;
- ▶ Coordination between military and civilian communities on domestic violence issues or cases;
- ▶ Other issues identified by the Task Force relating to domestic violence within the military.

The ultimate goal is to improve command awareness of domestic violence issues, improve the delivery of services to and safety of victims, and increase accountability of offenders.

Major Objectives and Resulting Recommendations (First Year)

1st Major Objective

Review and make recommendations on the standard guidelines issued by the Secretary of Defense and by Service Secretaries for the negotiation of agreements with civilian organizations and authorities concerning acts of domestic violence involving members of the Armed Forces. (*Issue 1.A – Community Collaboration Policies*)

Resulting Recommendations

That the DoD –

- ▶ Amend Department of Defense Directive (DoDD) 6400.1, Family Advocacy Program (FAP), to require installation/regional commanders to seek memoranda of understanding (MOUs) with local communities to address responses to domestic violence.
- ▶ Create an enclosure to DoDD 6400.1 that provides examples of MOUs and guidance in negotiating the creation and implementation of such memoranda.
- ▶ Make domestic violence MOUs with local communities an item of special interest for the Department of Defense Inspector General (DoDIG) and each Service's Inspector General.

2nd Major Objective

To review the coordination between military and civilian community agencies that respond to domestic violence issues and incidents and to make recommendations for improving this coordination. (*Issue 1.B – Liaison with Civilian Community*)

Resulting Recommendation

That the DoD –

- ▶ Establish, and permanently fund, a position of Domestic Violence Response Coordinator (DVRC) at each major military installation, while assuring that there is appropriate coverage for smaller military installations. The DVRC will be responsible for liaison on matters concerning domestic violence between military installations and civilian community agencies.

3rd Major Objective

To review the enforcement on DoD installations of civilian orders of protection affecting military personnel and to make recommendations for improving their effectiveness. (*Issue 1.C – Civilian Orders of Protection*)

Resulting Recommendations

That the DoD –

- ▶ Take appropriate action to make a military member's violation of a valid civilian order of protection, or any other valid instrument of restraint issued by a civil or criminal court, an offense under the Uniform Code of Military Justice (UCMJ).
- ▶ Request Congress enact legislation to make it a violation of federal law to disobey, on federal property, a valid civilian order of protection or any other valid instrument of restraint issued by a civil or criminal court.

4th Major Objective

To review the procedures used by commanding officers to issue military protective orders (MPOs) and to make recommendations for improving the effectiveness of such orders.
(*Issue 1.D – Military Protective Orders*)

Resulting Recommendations

That the DoD –

- ▶ Develop and disseminate a standard MPO form.
- ▶ Establish a policy that all MPOs are to be issued in writing.
- ▶ Issue a directive requiring a commanding officer who issues a MPO to a member of the Armed Forces to provide a written copy of that order, within 24 hours of its issuance, to the person with whom the member is ordered not to have contact.
- ▶ Establish a system to record and track all MPOs. (For example: the National Crime Information Center (NCIC), central registry, etc.)
- ▶ Establish a policy ensuring that written copies of all MPOs are forwarded immediately to both the installation's Family Advocacy Program office and the installation's law enforcement agency.

Major Objectives (Second Year)

After reviewing first year objectives and recommendations, the workgroup agreed to the following major objectives for the second year:

▶ Continuing Issues Based on Actions Recommended in Initial Report

Issue 1.A – Community Collaboration Policies

Assist the DoD in developing an enclosure to DoDD 6400.1 that will provide standard guidelines for negotiating agreements with civilian law enforcement and other authorities relating to acts of domestic violence involving military personnel.

Issue 1.B – Liaison with Civilian Community

Assist the DoD in drafting a job description for the Domestic Violence Response Coordinator.

Issue 1.C – Civilian Orders of Protection

Assist the DoD in drafting legislation to make a military member's violation of a valid civilian order of protection, or any other valid instrument of restraint issued by a civil or criminal court, an offense under the Uniform Code of Military Justice (UCMJ).

Assist the DoD in drafting legislation to make it a violation of federal law to disobey, on federal property, a valid civilian order of protection or any other valid instrument of restraint issued by a civil or criminal court.

Issue 1.D – Military Protective Orders

Assist the DoD in developing a standard MPO form.

► **New Issues Not Addressed in Initial Report**

Issue 1.E – Collaboration Among Military Organizations

Issue 1.F – Policies for Joint Service Management of Domestic Violence Incidents

Issue 1.G – Collaboration Among Military Criminal Investigative Organizations

Issue 1.H – Review Unique Overseas Requirements and Pre-Assignment Screening Procedures

Issue 1.I – Return of Service Members and/or Families as a Result of an Overseas Domestic Violence Incident(s).

Issue 1.J – Multi-Cultural and Cross-Cultural Collaborations

Issue 1.K – Review the Enforcement of Civil Warrants and Orders on a Military Installation

Issue 1.L – Incentives to Encourage Civilian Law Enforcement/Judicial Agencies to Establish Partnerships with Military Installations

ISSUE 1.A – COMMUNITY COLLABORATION POLICIES

What are the Department of Defense (DoD) guidelines with regard to the negotiation of agreements with civilian authorities relating to acts of domestic violence involving members of the Armed Forces? Are they adequate to address current needs? This is a continuation of *Issue 1.A* (page 21) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

During the first year, one goal of the Community Collaboration Workgroup was to assess applicable directives and regulations and recommend measures to improve or clarify coordination and collaboration among all military and civilian organizations concerned with domestic violence issues or cases.

One issue that was redefined as a major objective was to review and make recommendations on the standard guidelines issued by the Secretary of Defense and Service Secretaries for negotiation of agreements with civilian organizations and authorities concerning acts of domestic violence involving members of the Armed Forces. (*Issue 1.A – Community Collaboration Policies*)

The resulting recommendations in the first report were that the DoD –

- ▶ Amend DoDD 6400.1 to require installation/regional commanders to seek MOUs with local communities to address responses to domestic violence.
- ▶ Create an enclosure to DoDD 6400.1 that provides examples of MOUs and guidance in the creation and implementation of such memoranda.
- ▶ Elevate the importance of domestic violence MOUs with local communities by including them as an item of special interest for the DoDIG and each Service's Inspector General.

Follow-on Action

In response to these recommendations, the DTFDV developed guidance to be included in any future edition of DoDD 6400.1.

The ultimate goal of these agreements is to establish relationships, improve command awareness of domestic violence issues, improve the delivery of services to and safety of victims, and to increase accountability of offenders.

Recommendation

That the DoD –

Issue official instructions as noted below:



- ▶ Military installation officials should seek to establish relationships which foster collaboration with: community based services for victims of domestic violence; local law enforcement departments; local prosecutor's office(s); and local criminal, civil, and domestic violence court(s). The ultimate goal being the improvement of command awareness of domestic violence issues, improvement of the delivery of services to and safety of victims, and increased accountability of offenders.

ISSUE 1.B – LIAISON WITH CIVILIAN COMMUNITIES

How can the Department of Defense (DoD) improve and increase coordination between military and civilian communities regarding domestic violence? This is a continuation of *Issue 1.B* (page 23) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

During the first year, the DTFDV recommended the establishment of a Domestic Violence Response Coordinator position at installation level.

Follow-on Action

The DTFDV worked in conjunction with representatives from the Military Services to better define requirements and duties for the position.

Recommendations

That the DoD –

- ▶ Use the attached suggested duties to create Domestic Violence Response Coordinator positions at major installations throughout the DoD where such a position does not already exist. Elements of this list should be used to tailor the individual position to the needs of particular installation.
- ▶ Initiate the process to authorize and resource these positions at all major DoD installations where such a position does not already exist.



Suggested Duties, Domestic Violence Response Coordinator

GENERAL: Provide and enhance the coordination of efforts and/or services among and between military and civilian offices and agencies involved in responding to or preventing domestic violence (including, but not limited to, law enforcement agencies, courts and judicial offices, prosecutors, protective shelters, and treatment providers).

SUGGESTED DUTIES MAY INCLUDE, BUT ARE NOT LIMITED TO:

- ▶ To establish and operate a process for gathering and appropriately disseminating reports on all domestic violence incidents (including arrests and court proceedings) that involve service members assigned or attached to the installation. (This duty would include DoD civilian employees at overseas installations.)
- ▶ To serve as installation point of contact and information source on installation and local community services available to support victims and educate perpetrators of domestic violence.
- ▶ To establish and maintain regular contact with local community agencies and individual care/support providers as required to perform assigned duties, including participation as the installation representative in local violence prevention task forces, coordinating councils, and similar organizations or efforts.
- ▶ To prepare reports and maintain statistical data and other records as required by installation leadership.
- ▶ Facilitate the serving and tracking of valid protective orders, civil and criminal warrants and court appearances.
- ▶ Ensure that installation outreach programs include diverse populations.
- ▶ Ensure that on and off installation resources are advertised to the military community.
- ▶ Assist the commanding officer as necessary in negotiating domestic violence memoranda of understanding with local community agencies.
- ▶ Other duties as assigned.

ISSUE 1.C – CIVILIAN ORDERS OF PROTECTION

When a civilian order of protection is issued against, or to protect a service member, is there a system in place to enforce that order when the service member resides on a military installation? This is a continuation of *Issue 1.C* (page 25) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

During the first year, the Task Force recommended that the DoD take appropriate action to make a military member's violation of a valid civilian order of protection, or any other valid instrument of restraint issued by a civil or criminal court, an offense under the Uniform Code of Military Justice (UCMJ).

This provision is to establish appropriate jurisdiction over civilian offenders on military installations.

Further, the Task Force recommended that the DoD request that Congress enact legislation to make it a violation of federal law to disobey, on federal property, a valid civilian order of protection or any other valid instrument of restraint issued by a civil or criminal court. This provision is to establish appropriate jurisdiction over civilian offenders on military installations.

Follow-on Action

Members of the Community Collaboration Workgroup met with officials of the Department of Justice and jointly developed the attached proposed legislative language.

Recommendation

That the DoD –

- ▶ Propose to Congress the following recommended legislative language:

SEC. 103. ENFORCEMENT OF PROTECTION ORDERS.

(a) ENFORCEMENT OF PROTECTION ORDERS ON FEDERAL PROPERTY. — Chapter 110A of title 18, United States Code, is amended by inserting after Section 2262 the following new section:

“§ 2262A. Violation of protection order on a federal property

“A person who, on federal property, engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in section 2262 of this title.”



Sectional Analysis

“The Violence Against Women Act (VAWA), enacted in 1994, required certain protection orders to be enforced across state and tribal lines. 18 U.S.C. 2265-2266. Such protection orders were not entitled to enforcement on military installations. As a result, no enforcement action may be initiated on a military installation for a violation of a valid order issued by a state or tribal court. The foregoing proposed legislative language would enhance enforcement of state and tribal protection orders on military installations by making violation of a protection order on a military installation a criminal offense under federal law.”

ISSUE 1.D – MILITARY PROTECTIVE ORDERS

When a commanding officer issues a Military Protective Order (MPO) to a service member, is a system in place to enforce that order in the civilian community? This is a continuation of *Issue 1.D* (page 26) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

During the first year, the DTFDV made the following recommendations:

That the DoD –

- ▶ Develop and disseminate a standard MPO form.
- ▶ Establish a policy that all MPOs are to be issued in writing.
- ▶ Issue a directive requiring a commanding officer who issues a MPO to a member of the Armed Forces to provide a written copy of that order, within 24 hours of its issuance, to the person with whom the member is ordered not to have contact.
- ▶ Establish a system to record and track all MPOs (for example: the National Crime Information Center (NCIC), central registry, etc.).
- ▶ Establish a policy ensuring that written copies of all MPOs are forwarded immediately to both the installation Family Advocacy Program (FAP) office and the installation law enforcement agency.

The Community Collaboration Workgroup created a proposed standard MPO based on existing MPOs and current practices within the civilian sector.

Follow-on Action

The Community Collaboration Workgroup created a proposed standard MPO based on existing MPOs and current practices within the civilian sector.

Recommendations

That the DoD –

- ▶ Adopt the attached standard MPO.
- ▶ Adopt a policy that when the domestic violence offender is a civilian, not subject to the Uniformed Code of Military Justice, that the appropriate commanding officer issue an emergency order to immediately remove and temporarily bar the offender from the installation.
- ▶ Include instructions on the issuance of military protective orders into commanding officer training.



Military Protective Order
[NAME OF MILITARY INSTALLATION]

Service Member: Rank Last First MI

Protected Person: Last First MI

SSN Date of Birth Unit

SSN Date of Birth

Current Residence

Current Residence

] Weapon involved

] Divorce/custody/visitation case pending

As the Commanding Officer with jurisdiction over this service member, I find that there is sufficient evidence to conclude that in the best interest of the two parties that the issuance of an order is warranted.

It is hereby ordered (initial applicable portions):

] That the above-named service member is restrained from any contact or communication with the above-named protected person. For purposes of this order, “communication” includes, but is not limited to, contact in person or through a third party via telephone, in writing, by data fax, or electronic mail.

] Exceptions to this order will be granted only after an advance request is made to me and approved by me. Unless otherwise authorized, visitation between this service member and the protected person shall be at a location designated and in the presence of an authorized third party. The following exception(s) to these restrictions on visitation are hereby noted:

] That the above-named service member shall remain at all times and places at least _____ 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.

] That the above-named service member is restrained from disposing of, or damaging, any property of the protected parties.

Exceptions:

[] That the above-named service member vacate the military residence shared by the parties located at

Specific Address

[] Until further notified, the above-named member will be provided temporary military quarters at:

[] That the above-named service member will attend the following counseling

[] That the above-named service member surrender [his] [her] government weapons custody card at the time of issuance of this order.

[] That the above-named service member surrender or dispose of [his] [her] personal weapon at the time of issuance of this order.

[] Other specific provisions of this order:

DURATION: The terms of this order shall be effective until _____, _____, unless sooner rescinded, modified, or extended (standard period 72 hours) in writing by me.

ENFORCIBILITY: Violation of this order shall constitute a violation of Article 92 of the Uniform Code of Military Justice.

Commanding Officer

Date

I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and limitations it imposes upon me.

Military Member

Date

This order is enforceable under the Uniform Code of Military Justice only. The protected person is encouraged to request a civil protective order for protection in all jurisdictions by all law enforcement agencies.

Distribution List: Service member's immediate command, service member, protected person, installation provost marshal/security officer, staff judge advocate, Family Advocacy Program (FAP) office, installation medical treatment facility, local civilian law enforcement agency, and, if applicable, appropriate authorities at the DoDEA school (if a student is named as a protected person).

ISSUE 1.E – COLLABORATION BETWEEN MILITARY ORGANIZATIONS

How can the Department of Defense (DoD) improve collaboration between the Military Services and between organizations within Services regarding domestic violence issues?

Discussion

Background

As required by the National Defense Authorization Act for Fiscal Year 2000, the Community Collaboration Workgroup reviewed DoD policies on domestic violence and community collaboration.

Analysis

During installation visits and subsequent research, the Task Force discovered that there are many opportunities to coordinate and collaborate among military organizations with responsibility for or jurisdiction over domestic violence issues. These opportunities are both intra-service (within a single service) and inter-service (between services).

DoD Directive (DoDD) 6400.1 states that the Assistant Secretary of Defense for Force Management Policy (ASD (FMP)) shall establish a DoD Family Advocacy Committee (FAC) to advise the ASD (FMP) on joint Service issues and assist in the coordination of special projects in various areas of family advocacy. The FAC shall be chaired by the Deputy Director, Family Advocacy Program and shall be made up of representatives from the Military Services, the Office of the Assistant Secretary of Defense (Health Affairs), and other DoD components as required.

DoDD 6400.1 provides no guidelines for a Service level or an installation level FAC.

Each Service has examples of organizations at the installation level that meet and discuss issues central to family advocacy.

Each Service family advocacy organization is different, either by membership, organization, or frequency of meeting.

Findings

- ▶ The FAC, if employed at the Service and installation level, would facilitate the opportunity to coordinate and collaborate among military organizations with responsibility for or jurisdiction over domestic violence issues.
- ▶ The key to a successful FAC would seem to rest in having permanent leaders/members who represent all elements having an interest in domestic violence prevention/response who meet on a regularly scheduled basis.
- ▶ The DoD FAC currently meets, but membership is not in accordance with DoDD 6400.1.

Recommendations

That the DoD –

- ▶ Reconstitute the DoD level FAC in accordance with DoDD 6400.1.
- ▶ Amend DoDD 6400.1 to require that the DoD FAC meet quarterly.
- ▶ Amend DoDD 6400.1 to require that each Service establish a Service level FAC.
- ▶ Amend DoDD 6400.1 to require that each Service establish and institutionalize the installation level FAC.
- ▶ Establish as the DoD level FAC charter to collaborate among the Services to improve command awareness of domestic violence issues, improve the delivery of services to and safety of victims, and to increase the accountability of domestic violence offenders.



ISSUE 1.F – POLICIES FOR JOINT SERVICE MANAGEMENT OF DOMESTIC VIOLENCE INCIDENTS

Does the Department of Defense (DoD) provide adequate policy guidance for joint Service management and transfer of domestic violence incidents?

Discussion

Background

As required by the National Defense Authorization Act for Fiscal Year 2000, the Community Collaboration Workgroup reviewed DoD policies on domestic violence and community collaboration.

Analysis

DoD Directive (DoDD) 6400.1, Family Advocacy Program (FAP), states that the Services should “Coordinate efforts and resources among all activities serving families to promote the optimal delivery of services” and “Develop guidelines for case management and monitoring of the Family Advocacy Program.”

...there is a need to establish DoD-level guidelines for the transfer of family advocacy cases.

Finding

Although each Service has established its own policies and procedures to promote optimal delivery of services and manage and monitor its own program, there is a need to establish DoD-level guidelines for the transfer of family advocacy cases.

Recommendation

That the DoD –

- ▶ Amend DoDD 6400.1 to require that not later than 60 days prior to when a service member with an open family advocacy case is scheduled to be transferred from one installation to another, the receiving commanding officer will receive written notification of the pending transfer prior to the move. The receiving commanding officer will then make the determination of whether or not appropriate FAP services are available on the gaining installation to accommodate the case of the transferring service member. Further, if required services are not available, as a matter of DoD policy, the transfer will not be approved.



ISSUE 1.G – COLLABORATION AMONG MILITARY CRIMINAL INVESTIGATION ORGANIZATIONS

How can the Department of Defense (DoD) improve and increase coordination between the military criminal investigation organizations in regard to domestic violence issues?

Discussion

Background

The Defense Criminal Investigative Organizations (DCIOs), the felony level investigative units within the law enforcement branch of each Service, have a group called the “Defense Enterprise-Wide Working Group” (DEW Group) that meets monthly to discuss cooperative ventures and explore cost-saving alliances.

The DCIOs, in conjunction with the uniformed military law enforcement branches of each Service, make up the military law enforcement community.

The commanding officers and directors of the four DCIOs also meet monthly to share information and to discuss cooperative alliances.

The DEW Group establishes sub-working groups to address specific issues. These sub-working groups are organized either on a permanent or an ad hoc basis. The permanent sub-working groups research issues by conducting interviews and reviewing best practices.

The uniformed military law enforcement branches of each Service and the Defense Logistics Agency have a group called the Joint Security Chiefs Council (JSCC) that meets periodically throughout the year. The JSCC does not normally establish sub-working groups to address specific issues. Issues are addressed by the JSCC members and actions on those issues are passed to subordinate action officers to coordinate.

Finding

The uniformed military law enforcement community does not currently have a panel chartered to address domestic violence issues nor do the DCIOs.

Recommendations

That the DoD –

- ▶ Request that the DEW Group create a permanent sub-working group of the DCIOs to address domestic violence issues within the Military Services.
- ▶ Forward domestic violence issues as they relate to law enforcement first responders to the JSCC for coordination among the Military Services.



ISSUE 1.H – REVIEW UNIQUE OVERSEAS REQUIREMENTS AND PRE-ASSIGNMENT SCREENING PROCEDURES

When addressing issues of domestic violence, are there unique overseas requirements that need to be considered within the context of pre-assignment screening procedures?

Discussion

Background

As required by the National Defense Authorization Act for Fiscal Year 2000, the Defense Task Force on Domestic Violence (DTFDV) visited overseas installations operated by each Military Service. The Community Collaboration Workgroup interviewed personnel and reviewed policies to determine if there were unique overseas requirements that needed to be addressed within the context of pre-assignment screening procedures.

Analysis

Few experts will disagree that the normal progression of a domestic violence case has a series of steps from incident to resolution. These steps include, but are not limited to, incident, arrest, an intervention program, and/or court action.

Findings

- ▶ During the Task Force’s overseas visits, it was determined that not all installations are able to provide the appropriate level of services for service members and their families who have experienced domestic violence.
- ▶ Further, it was found that on occasion, service members are transferred after they had been arrested for a domestic violence related offense, but prior to full resolution of their case in the local court.
- ▶ Finally, it was found that on occasion, service members are transferred after the adjudication of their cases, either in the military court or civilian court, but prior to the completion of court-ordered or commanding officer directed counseling.

Recommendations

That the DoD –

- ▶ Develop and disseminate a policy that the Military Services not transfer service members overseas (transfer defined as permanent change of station or extended accompanied temporary duty) nor command sponsor family members for movement overseas who



are currently enrolled in a command directed or court-ordered domestic violence (family advocacy) program until that program is complete, or until it is determined that the receiving installation is willing and able to provide the required services.

- ▶ Develop and disseminate a policy that the Military Services not transfer service members overseas nor command sponsored family members for movement overseas who have been arrested for, or are pending court (civil or criminal) appearance for domestic violence, until their case has been appropriately adjudicated and any court or command ordered sentence or action is completed.



ISSUE 1.1 – RETURN OF SERVICE MEMBERS AND/OR FAMILIES AS A RESULT OF AN OVERSEAS DOMESTIC VIOLENCE INCIDENT(S)

Is the current system for returning service members and/or families to the United States from overseas assignments as a result of a domestic violence incident as efficient as it needs to be?

Discussion

Background

As required by the National Defense Authorization Act for Fiscal Year 2000, the Defense Task Force on Domestic Violence (DTFDV) visited overseas bases, interviewed personnel stationed overseas, and reviewed policies addressing the Department of Defense's (DoD's) response to domestic violence in overseas areas.

Analysis

One of the significant issues addressed by overseas commanding officers in dealing with issues of domestic violence is the question of what to do with the service members and their families after a severe domestic violence incident has occurred. On occasion, commanding officers are confronted with a situation where an offender needs an intervention program, and the victim and other family members may need supportive domestic violence counseling not available in the overseas area.

Findings

- ▶ During overseas installation visits and subsequent research, the Community Collaboration Workgroup found that service members and/or their families were rarely returned to the United States from overseas assignments as a result of domestic violence incidents.
- ▶ Further, it was found that the return of family members was often accomplished only after receiving a request from the service member to the local command. Subsequently, after the passage of time, the service member would occasionally cancel the request.
- ▶ Domestic violence counseling services are not available at all overseas locations.
- ▶ Service members and their families who need domestic violence counseling services overseas are not always able to receive these services.

Recommendation

That the DoD –

- ▶ Establish a procedure to return service members and/or their families to the United States from overseas assignments as a result of a domestic violence incident, based on the command assessment of the severity of the incident and the availability of needed domestic violence services at the overseas location.
 - Command assessment should include input from, but not limited to, law enforcement, family advocacy, and medical professionals. If these individuals are not available locally, the nearest relevant professionals need to be consulted.



ISSUE 1.J – MULTI-CULTURAL AND CROSS-CULTURAL COLLABORATIONS

Are the military family service providers effectively communicating with the diverse communities that comprise the Department of Defense (DoD)?

Discussion

Background

During the first year of the Task Force, members with extensive experience in civilian communities identified an issue highlighting a communication disconnect between the population providing services and the population receiving services. The concern was over the images used to advertise services and the language used to provide services causing some segments of the population to be underserved.

Encourage installation representatives to coordinate with local organizations serving diverse populations.

Findings

- ▶ The disconnect in communication may be less prevalent within the DoD than in most civilian communities. Since the DoD has a more diverse population than most communities within the United States, there is more sensitivity to diversity and language issues within the Department.
- ▶ There may be groups of foreign-born spouses who are unable to understand the printed material provided by military family service providers.
- ▶ The disconnect may be compounded by the images used in promotional material used to advertise family services.

Recommendations

That the DoD –

- ▶ As feasible and appropriate, continue to provide promotional materials to advertise family services that use images accurately representing the total military community.
- ▶ As feasible and appropriate, provide promotional materials in the language of the groups to be served.
- ▶ Encourage installation representatives to coordinate with local organizations serving diverse populations.
- ▶ Encourage the input of foreign-born spouses to enhance the design of materials and outreach efforts to increase awareness of domestic violence services for this unique population.



ISSUE 1.K – REVIEW THE ENFORCEMENT OF CIVIL AND CRIMINAL WARRANTS AND ORDERS ON MILITARY INSTALLATIONS

Has the Department of Defense (DoD) established and properly disseminated a policy for the enforcement of civil and criminal warrants and orders on a military installation?

Discussion

Background

During the Task Force's first two years, the Community Collaboration Workgroup interviewed numerous civilian law enforcement agencies that are required to enforce civil or criminal warrants and orders on military installations.

Analysis

Each Service has established procedures for the enforcement of civil or criminal warrants and orders on their respective installations.

Established procedures for the enforcement of civil or criminal warrants and orders on respective military installations are different.

There is no DoD-wide, uniformed protocol established and disseminated to local law enforcement agencies for the enforcement of civil or criminal warrants and orders on military installations.

Establish a standard policy for the enforcement of warrants and orders on military installations.

Findings

- ▶ The DoD does not have a standard policy for the Services to follow for the enforcement of civil or criminal warrants or orders on military installations.
- ▶ The Military Services' procedures are not completely disseminated to, or thoroughly understood by, the local law enforcement agencies that have to enforce civil or criminal warrants or orders on military installations.

Recommendations

That the DoD –

- ▶ Establish a standard policy for the enforcement of warrants and orders on military installations.
 - Include in this policy, protocols that civilian agencies may adopt and procedures that the Services must adopt for the enforcement of civil and criminal warrants and orders on a military installation.
 - Require that these protocols be disseminated to local law enforcement agencies and local court officials.
- ▶ Evaluate best practices of Services and articulate examples where available.



ISSUE 1.L – INCENTIVES TO ENCOURAGE CIVILIAN LAW ENFORCEMENT/JUDICIAL AGENCIES TO ESTABLISH PARTNERSHIPS WITH MILITARY INSTALLATIONS

How can civilian law enforcement/judicial agencies best be encouraged to establish partnerships with nearby military installations for dealing with domestic violence issues?

Discussion

Background

The Department of Justice (DoJ) offers numerous examples of effective incentives to encourage local civilian activities to establish collaborative partnerships. One such example is the “Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.” This program encourages local jurisdictions to implement policies that include domestic violence intervention as a part of a coordinated community response.

Analysis

The availability of financial resources is a critical factor to the collaborative effort of domestic violence programs.

Finding

Programs that offer incentives can be effective in creating a positive response to domestic violence. Without a specific incentive identified, agencies are less likely to undertake new collaborative initiatives.

Recommendation

That the DoD –

In conjunction with the DoJ’s Violence Against Women Office, create a DoD/DoJ initiative to include, but not be limited to, financial incentives to local civilian law enforcement/judicial agencies to enter into collaborative agreements with nearby military installations. These agreements should specifically address the collection and exchange of information and documents pertaining to all domestic violence incidents, arrests, and court actions that involve military personnel. Further, agreements should explore opportunities for the sharing of training material, programs and other domestic violence related resources.



Education and Training

OVERVIEW

Purpose

In accordance with Public Law 106-65, the Defense Task Force on Domestic Violence (DTFDV) is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies related to domestic violence. The Education and Training Workgroup is charged with reviewing and making recommendations for the improvement of training for commanding officers in the Armed Forces.

Goal

During the first year, the major goal for the Education and Training Workgroup was a review of DoD and Service policies and curricula for training commanding officers, senior noncommissioned officers (SNCOs), Case Review Committee (CRC) members, Family Advocacy Program (FAP) staff, and first responders to incidents of domestic violence. Site visits and interviews were held with commanding officers, SNCOs, CRC members, and first responder personnel to assess installation level training.

Major Objectives and Resulting Recommendations (First Year)

1st Major Objective

To review and make recommendations regarding whether or not current education and training programs for commanding officers provide state-of-the-art information for the prevention of and appropriate response to domestic violence. (*Issue 2.A – Improve Commanding Officer Training*)

Resulting Recommendations

That the DoD –

- ▶ Amend DoDD 6400.1 to require mandatory training for commanding officers (below general/flag officer grade) within 90 days of assumption of their command, as well as annual follow-up training.
- ▶ With regard to content, placement, time devoted, and target audience, in collaboration with the DTFDV, develop standardized training curricula on the prevention of and appropriate response to domestic violence applicable to all levels of command throughout the DoD.

2nd Major Objective

To review and make recommendations regarding whether or not current education and training programs for SNCOs provide state-of-the-art information for responding to and working toward the prevention of domestic violence. (*Issue 2.B – Standardize Education and Training Programs for Senior Noncommissioned Officers*)

Resulting Recommendations

That the DoD –

- ▶ Amend DoDD 6400.1 to require mandatory training for senior enlisted personnel (E-7 thru E-9) in billets designated as senior enlisted advisers to commanding officers, and to do so within 90 days of assignment to such positions with provision for annual follow-up training.
- ▶ With regard to content, placement, and time devoted, in collaboration with the DTFDV, develop standardized training curricula for use throughout the DoD that are applicable to senior enlisted personnel in professional military education (PME) settings and at the installation level.

3rd Major Objective

To review and make recommendations regarding whether or not the Military Services routinely provide consistent, high-quality military criminal justice training on domestic violence to include state-of-the-art practices in assuring victim safety and offender accountability. (*Issue 2.C – Military Criminal Justice Training*)

Resulting Recommendations

That the DoD –

- ▶ Develop, in collaboration with the Military Services and the DTFDV, standardized domestic violence training for military police to be included in initial entry training courses.
- ▶ Ensure that local military police patrol officers receive specialized, relevant training on the proper response to domestic violence within 90 days of being assigned duties that would typically require them to respond to such cases.
- ▶ Create, in collaboration with the Military Services and the DTFDV, mobile training teams to expedite delivery of domestic violence training to military police patrol officers at the installation level.
- ▶ Develop, in collaboration with the Military Services and the DTFDV, a comprehensive list of state-of-the-art equipment necessary to conduct a proper investigation of an alleged domestic violence incident.

Initiate, in collaboration with the Military Services and the DTFDV, an evidence-based prosecution training module for Staff Judge Advocates.

4th Major Objective

To review and make recommendations regarding whether or not military members are sufficiently aware of the existence and consequences of the Lautenberg Amendment.

(*Issue 2.D – Awareness of Lautenberg Amendment*)

Resulting Recommendations

That the DoD –

- ▶ Conduct a Lautenberg awareness campaign using all public affairs (PA) resources (both OSD/PA and Service PA organizations) to fully inform the military community of the existence and consequences of the amendment.
- ▶ Amend DoDD 6400.1 to require mandatory Lautenberg awareness education during annual general military training sessions, upon the return of personnel from deployments, and during pre-holiday safety briefings.

5th Major Objective

To review and make recommendations regarding whether or not all DoD healthcare facilities conduct domestic violence awareness education for all staff, ensure screening for domestic violence, and mandate the use of standardized protocols for patient interviews. (*Issue 2.E – Healthcare Personnel Response to Domestic Violence*)

Resulting Recommendations

That the DoD –

- ▶ Reiterate the need for domestic violence awareness education for all healthcare staff and collaborate with the DTFDV on content of such training. Study adoption of indicator-based or universal screening for domestic violence in healthcare areas of emergency medicine, primary care, and obstetrics/gynecology.
- ▶ Require New Parents Support Program (NPSP) nurses to have domestic violence awareness education within 90 days of their hiring.
- ▶ Request that Congress fully resource the NPSP across all Services.

6th Major Objective

To review and make recommendations regarding the climate for effective prevention of domestic violence in the military. (*Issue 2.F – Climate for Effective Prevention of Domestic Violence*)

Resulting Recommendations

That the DoD –

- ▶ Issue a Secretary of Defense policy memorandum such as the one contained as an enclosure to the letter of transmittal in the initial report of the DTFDV dated February 28, 2001.
- ▶ Develop domestic violence awareness education at chaplain officer indoctrination courses. (These recommendations, contained in the initial report, regarding the policy memorandum as a benchmark for effective general awareness prevention in the military and the training for chaplains have been separated for the second year report. They are now *Issues 2.D* and *2.J*, respectively.)

7th Major Objective

To review and make recommendations regarding awareness and understanding of the Transitional Compensation Program. (*Issue 2.G – Transitional Compensation Program Awareness*)

Resulting Recommendation

That the DoD –

- ▶ Mandate the Military Services to provide awareness education to military spouses regarding the Transitional Compensation Program.

Major Objectives (Second Year)

After reviewing first year objectives and recommendations, the workgroup agreed to consolidate the commanding officer and SNCO training issues due to the similarity of training requirements as well as the necessity for close collaboration between the commanding officers and SNCOs when responding to domestic violence. The following major objectives were agreed upon for the second year:

▶ Continuing Issues Based on Actions Recommended in Initial Report

Issue 2.A – Improve Commanding Officer and Senior Noncommissioned Officer Training

In collaboration with the Military Services and the DTFDV, as well as other domestic violence subject matter experts, use a standardized outline of essential subject areas to develop a state-of-the-art curriculum for commanding officers and all key-billeted SNCOs.

Explore state-of-the-art training platforms, such as DoD WEB-based training, as an adjunct to the standard classroom format for training.

Issue 2.B – Military Criminal Justice Training

The DTFDV, in collaboration with DoD, the Department of Justice (DoJ), and the Department of Transportation (DoT), will host a conference to offer state-of-the-art instruction on law enforcement response to domestic violence and assess if the curriculum is suitable for use as a template for mobile training teams.

Provide all law enforcement first responder personnel the minimum audio-visual equipment to enhance the investigative process with visual and audio documentation of evidence such as pictures of crime scenes, injuries, and excited utterances.

Provide specialized training in how to properly use/operate the equipment.

Issue 2.C – Setting the Climate for Effective Prevention of Domestic Violence Through a General Awareness Campaign

Seek partnerships between organizations with experience in developing domestic violence prevention and education programs, OSD Family Advocacy Program (FAP) staff, Service Family Advocacy Program Managers (FAPMs), OSD/Service Public Affairs Offices, and the DTFDV to develop a standardized, intensive, and ongoing domestic violence awareness campaign tailored to be relevant and appropriate to the military community.

Issue 2.D – Standardize Education and Training Programs for Chaplains

Develop a DoD directive on clergy confidentiality.

Determine if chaplains are receiving specialized domestic violence education and training in their respective chaplain basic courses.

In collaboration with the Military Services' chaplain working group and the DTFDV, develop a standardized template of the essential training areas for all chaplains in their basic officer courses.

► **New Issues Not Addressed in Initial Report**

Issue 2.E – Forensic Medical Training on Domestic Violence for Healthcare Personnel in the First Responder Role

ISSUE 2.A – IMPROVE COMMANDING OFFICER AND SENIOR NONCOMMISSIONED OFFICER TRAINING

Do current education and training programs for commanding officers provide state-of-the-art information for the prevention of and appropriate response to domestic violence? Additionally, the Task Force identified a need for domestic violence training for Senior Noncommissioned Officers (SNCOs) serving as advisors to command. This is a continuation of *Issue 2.A* (page 31) and *2.B* (page 34) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001. The issues were consolidated for the second year report due to the similarity of training requirements as well as the necessity for close collaboration between commanding officers and SNCOs when responding to domestic violence.

Discussion

Background

The DTFDV found a need for standardized training curricula applicable to different levels of command and a more overarching lack of training specifically targeting SNCOs in an advisory role to the commands. While all the Services provide some degree of training for commanding officers, the content, placement, duration, and format varied and was inconsistent across DoD. Education and training specifically geared to key billeted SNCOs in the advisory role to commanding officers was minimal. The majority of the training available to SNCOs was in the professional military education (PME) schools and frequently these participants are not serving in the role of a key advisor to the commanding officer at the unit level at the time they attend the PME. The education and training within PME was inconsistent and varied according to Service and location. The training available to both commanding officers and key billeted SNCOs at the unit level was insufficient, both in content and format to address the specific requirements of these critical roles in the response to domestic violence.

The Task Force emphasized the importance of incorporating the goal of changing attitudes and perceptions of the leadership regarding domestic violence into the training. If their attitudes and perceptions regarding domestic violence are not changed, this may contribute to their acceptance of domestic violence and could have a negative impact on their response in these cases.

The Task Force recommended the development of standardized training curricula that are applicable to the unique needs of each level of command and SNCOs in advisory positions to the command throughout DoD as well as annual follow-up training.

Follow-on Actions

The Task Force site visits to overseas installations supported the findings from previous continental United States (CONUS) visits regarding commanding officer/SNCO training. Unit level commanding officers and SNCOs emphasized the requirement for more specialized and intensive policy related training within smaller interactive group formats. They were particularly interested in developing the skills necessary to respond appropriately in their respective roles, especially in the realm of ensuring victim safety and offender accountability, how to recognize high risk situations prior to the occurrence of an incident, Case Review Committee (CRC)/Family Maltreatment Case Management Team (FMCMT) decision-making processes to include the range of interventions, transferring cases, and DoD/Service databases, and an understanding of the dynamics of domestic violence.

Additionally, OCONUS commanding officers/SNCOs indicated a need for more specificity in training related to: host nation laws, management of civilian offenders, and assistance in managing FAP cases with requirements for intervention services beyond the limited resources in the OCONUS environment.

Consistent feedback from commanding officers and SNCOs on all site visits indicated a need for a “leadership zero tolerance policy” communicated throughout DoD to sensitize service members to the problem of domestic violence, similar to other successful programs such as suicide awareness, driving while intoxicated (DWI), drug abuse, and sexual harassment. Since DoD devotes a significant amount of time and attention to awareness education for these issues, it is also important to highlight the intersection of domestic violence *with* substance abuse, suicide, and sexual harassment.

The Education and Training Workgroup hosted a joint Service SNCO workshop on June 7-8, 2001. The purpose of the meeting was to facilitate additional feedback from SNCOs regarding their needs with regard to general awareness education, as well as more specific training on domestic violence for those in the advisory role to the command. Attendees at the workshop consisted of three sergeants major from the Army, three master chief petty officers and one petty officer from the Navy, two chief master sergeants and two senior master sergeants from the Air Force, and three sergeants major from the Marine Corps.

- ▶ The SNCOs were concerned with the recommendation for standardized education on domestic violence in the PME schools; however, they suggested this portion of instruction be in the form of “general awareness education,” as the majority of attendees were not assigned to billets as advisors to commanding officers.
- ▶ The SNCOs agreed with the necessity for mandatory initial training designed for SNCOs in advisory positions to commands and thought a smaller interactive group format would be more conducive to this type of learning. A checklist outlining specific roles and responsibilities was also recommended and is being developed.

- ▶ The SNCOs indicated the training for SNCOs should mirror the training of the commanding officers. Their input for suggested content areas was incorporated into the leadership training outline.
- ▶ The SNCO participants recommended that other state-of-the-art training platforms, such as WEB-based training be explored to offer SNCOs more flexibility in completing their multiple training requirements.

The Task Force developed an outline of the subject areas to be included in the more specialized training requirements for commanding officers and SNCOs. The subject areas provided in the outline can be limited or expanded in the depth of content and the format of training to meet the unique requirements of different levels of command and SNCOs serving as advisors to the command.

Recommendations

That the DoD –



- ▶ In collaboration with the Military Services and the DTFDV, as well as other domestic violence subject matter experts, use the attached outline of essential subject areas to develop a standard state-of-the-art curriculum for all commanding officers and all key billeted SNCOs.
- ▶ Explore state-of-the-art training platforms such as DoD WEB-based training as an adjunct to the standard classroom format for training.



Domestic Violence Training Outline for Commanding Officers and Senior Noncommissioned Officers (SNCOs) in Advisory Roles to Command

I. Dynamics of Domestic Violence

- ▶ Defining Domestic Violence
 - What it is and what it is not
 - Pattern of behavior vs. isolated incident
 - Tactics of abusers
 - Impact on the victim
 - Effects on children
- ▶ Common Myths in the military
 - Domestic violence caused by stress
 - Domestic violence caused by alcohol
 - Domestic violence caused by deployment
 - Females in the military are perpetrators of domestic violence as often as males
- ▶ Beliefs, Attitudes, Cultural Issues

II. DoD/Service Policy

- ▶ SecDef Letter
- ▶ DoD Directive/Instruction
- ▶ Commanding officers set the climate/example

III. What Every Commanding Officer Should Know

- ▶ Awareness and understanding of the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922 (g) (9))
- ▶ Knowledge of Rule 306 of the United States Manual for Courts-Martial (1998 Edition) that discusses the factors commanding officers need to consider when responding to alleged acts of domestic violence and the variety of warranted actions:
 - Courts-martial
 - Nonjudicial punishment
 - Administrative action
 - No action
- ▶ Knowledge of civilian and military protective orders – instructions on issuance
- ▶ Awareness and understanding of the immigration provisions of the Violence Against Women Act (VAWA)

IV. Family Advocacy Program Overview

- ▶ Collaborative role
- ▶ Coordination with community resources

V. Victim Safety

- ▶ Victim advocacy
- ▶ Safety planning
- ▶ “Do’s and Don’ts” for commanding officers to ensure safety of victims
- ▶ Mandatory reporting and limited confidentiality – effects on victims

VI. Initial Response

- ▶ Roles and responsibilities
- ▶ Reporting requirements
- ▶ Case management
 - Commanding officer should make legal/administrative actions independent from CRC/FMCMT
 - Inform gaining command of case prior to offender’s change of assignment if appropriate for PCS
 - Seek support of personnel officials to delay or cancel any orders that would interfere with full implementation of command action
 - Monitor and provide close coordination with FAP and/or other agencies until the resolution of case
 - Forward command action to DIBRS
 - Knowledgeable of CRC/FMCMT process
 - Differentiate between a predominant aggressor and a victim attempting to defend her/himself
 - OCONUS-specific issues – increased responsibility of command leadership
 - Premarital counseling
 - Intimate partner violence
 - Definition
 - Clarification of policy on intervention/management of cases by FAP/other military resources
 - Referral to community
 - Appropriate role of the chaplain
 - Regarding DoD/Service policy on privileged communication to clergy

- ▶ Elements of a batterer’s intervention program vs. anger management classes
 - Anger management classes should only be utilized in “low level” emotional maltreatment cases where there has been no physical violence
- ▶ Management of the offender

VII. Transitional Compensation

VIII. Resources on the Installation – Service Specific

- ▶ FAP prevention and education services
- ▶ Family Service Centers
- ▶ FAP intervention services
- ▶ Victim advocacy
- ▶ Medical treatment centers/clinics (mental health, social service, and substance abuse programs)
- ▶ Exceptional Family Member Program (EFMP)
- ▶ New Parent Support Program (NPSP)
- ▶ Women’s, Infant’s, and Children’s Program (WIC)
- ▶ Chaplain
- ▶ Military police
- ▶ Staff Judge Advocate services
 - Victim Witness Assistance Program (VWAP), Transitional Compensation Program, and immigration
- ▶ 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

IX. Accountability

- ▶ Offender
- ▶ Command
- ▶ Family Advocacy Program
- ▶ System

ISSUE 2.B – MILITARY CRIMINAL JUSTICE TRAINING

Do the Military Services routinely provide consistent, high-quality military criminal justice training on domestic violence to include state-of-the-art practices regarding victim safety and offender accountability? This is a continuation of *Issue 2.C* (page 37) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

The military has been conditioned to view domestic violence as a family problem requiring early identification and treatment services, except in the most egregious circumstances. This is probably a result of the proactive stance of the Family Advocacy Program (FAP) mission statement and the mandatory reporting requirement for spouse abuse.

Military police receive minimal training in domestic violence as first responders, apart from their initial role to secure the scene and restore order by separating the couple. The focus of military police training is the development and sustainment of combat support skills, which is their primary mission.

In most cases, the commanding officer and FAP immediately assume the responsibilities for assessment, intervention, and case management. There is usually minimal investigative evidence collected in these incidents. Consequently, commanding officers often choose to utilize FAP intervention and treatment, along with more informal admonitions and reprimands, such as military protective orders and removal from military housing into the barracks instead of preferring criminal charges.

Site visits conducted by the DTFDV revealed military police first responders were inadequately trained or prepared to intervene appropriately in domestic violence incidents. The DTFDV recommended standardized domestic violence training in initial military police training as well as localized training at their permanent duty station within 90 days of their arrival.

It was also recommended that military police receive state-of-the-art technological equipment now utilized by civilian law enforcement. This technology is considered a necessity to conduct a proper investigation of an alleged domestic violence incident.

Follow-on Actions

The Task Force reviewed domestic violence curriculum for police from numerous programs across the country. All curriculums modeled some core content for police officer's response. The Task Force met with members of the staff of the Federal Law Enforcement Training Center, Department of Treasury; U.S. Army Domestic Violence Training personnel; and personnel at the National Training Center on Domestic and Sexual Violence and received

permission to use their materials and assistance in designing a suggested curriculum for DoD. Once a proposed curriculum was drafted, the Task Force worked with the Department of Justice (DoJ) for funding a military police conference to review the curriculum and model partnering with local and federal agencies. The DoJ Violence Against Women Office committed funds to help sponsor the conference.

The Task Force met with senior military police officers on June 12, 2001 and briefed the conference details. The conference was scheduled to be held October 24-26, 2001 to highlight the need for increased domestic violence training. Ultimately this conference was cancelled due to the tragic events that took place on September 11, 2001. The overall purposes of the conference were to be for the participants to review the curriculum as a model for DoD's use in establishing mobile training teams and develop a standardized curriculum for initial military police training on domestic violence.

Recommendations

That the DoD –

- ▶ Provide all law enforcement first responder personnel with the minimal audio-visual equipment to enhance the investigative process with visual/audio documentation of evidence such as crime scenes, injuries, and excited utterances.
- ▶ Provide specialized training in how to properly use/operate the equipment.



ISSUE 2.C – SETTING THE CLIMATE FOR EFFECTIVE PREVENTION OF DOMESTIC VIOLENCE THROUGH A GENERAL AWARENESS CAMPAIGN

Can an intensive and ongoing general awareness campaign targeted to all service members and their families assist the Secretary of Defense in positively influencing the climate for effective prevention of and intervention in domestic violence?

Discussion

Background

Prevention efforts across the Services have included general awareness and education by Family Advocacy Program (FAP) staffs focusing on healthy family functioning. Topics such as couple's communication, parenting, stress and anger management, and conflict resolution are just a few of the subjects offered in this format. Primary and secondary prevention is also provided through outreach services such as home visitation and intervention in high-risk situations. Most FAP prevention components also conduct an annual needs assessment on their installation, so they can develop the most appropriate programs for their communities. FAP actively participates every October in the National Domestic Awareness Month campaign with various outreach efforts through the media and other activities in coordination with the theme of the national campaign.

Analysis

DTFDV site visits in the Continental United States (CONUS) and in overseas locations revealed there is no consistent and ongoing general awareness education about domestic violence. There was also agreement that there had been no formal policy statement by senior DoD or Service leadership that domestic violence is not acceptable in the military. Those participants who had received education on the subject of domestic violence indicated this was training versus general awareness due to their specific role as either a commanding officer or a senior enlisted advisor, or secondary to being a chaplain or in a military police career field. The majority stated they required more specific training related to their roles and responsibilities. Since this type of training is not considered general awareness, specialized training is addressed in *Issues 2.A, B, C, D, and E*.

The typical junior service member had not been exposed to any awareness education on the topic of domestic violence. Since a disproportionate number of domestic violence cases were concentrated in these junior demographic groups, commanding officers and senior noncommissioned officers (SNCOs) thought this population should be a target audience for awareness education at the earliest point in their careers. Additionally,

domestic violence education and awareness should be reinforced as service members progress through the ranks in various educational formats such as professional military education (PME), commander's calls, etc.

Commanding officers and SNCOs stated that all service members had been mandated to attend intensive, "leadership driven" awareness education that emphasized accountability and the consequences of behaviors on other subjects such as sexual harassment, suicide prevention, drug use, and driving while intoxicated. Although they acknowledged that finding the time to complete these awareness education programs in an already intensive training schedule was frequently difficult, past awareness education programs were considered successful, as all service members were required to complete them on each of the subjects at regular intervals during their careers and their knowledge was increased as a result of the repetitive education.

The DTFDV noted the importance of incorporating the goal of attitudinal change about domestic violence as a key component in all general awareness education. This belief is supported by research from multiple sources of a requirement to challenge both individual and collective attitudes of a community that are permissive of domestic violence. Prevention efforts must target the public's subtle acceptance of, and turning away from, the problem. Attitudinal acceptance of domestic violence affects not only the prevalence of the behavior, but also the victims' willingness to seek intervention and social policy and funding of programs.¹

It was the unanimous opinion of all those interviewed during the site visits that there is a requirement for the very top echelons of the DoD to provide a public statement that there is no place in the military for domestic violence.

Findings

- ▶ It was the unanimous opinion of all those interviewed during the site visits that there is a requirement for the very top echelons of the DoD to provide a public statement that there is no place in the military for domestic violence. Otherwise, any efforts to introduce general awareness education and training requirements in any format would be ineffective.
- ▶ Feedback from overseas site visits confirmed that general awareness education should begin at the earliest possible time in a service member's career and suggested that such awareness education begin in basic officer courses and enlisted training and continue throughout a service member's career at each successive level.
- ▶ A review of each Service's curricula for basic officer and enlisted training courses revealed that programs of instruction include a broad range of human relations issues, i.e., drug and alcohol awareness, equal opportunity, and sexual harassment. However, there is no education on domestic violence.

¹ Attitudinal Acceptance of Intimate Partner Violence Among U.S. Adults, Thomas R. Simon, et al, Center for Disease Control and Prevention, Atlanta, GA, *Violence and Victims*, Vol 16, No 2, p 124, 2001.

- ▶ Site visits to overseas locations in both Europe and the Pacific also revealed a lack of general awareness education on domestic violence in the Department of Defense Dependent School System (DoDDS).
- ▶ Research by the DTFDV staff indicates this type of prevention is important, but if the violence continues in the home, no amount of education can compensate for the trauma children may encounter. Consequently, an important component of this education should include training on the use of “911” for emergencies, so there can be earlier identification and intervention in the home as children who witness violence learn how to report. Some recent research in San Diego, California showed that 30 percent of “911” calls involving domestic violence came from children due to a concerted public education effort in the schools in that city.²
- ▶ Dating violence prevention programs should also be offered in junior and senior high levels of schools due to the high prevalence of violence among this age group.³
- ▶ The DTFDV staff visited The Family Violence Prevention Fund (FVVPF) in San Francisco, a national organization established in 1980 that develops prevention and educational programs. They have an array of domestic violence-specific awareness campaigns to include several cultural-specific programs. The FVVPF has incorporated research findings supporting the necessity of attitudinal change as a critical component of awareness education. These programs have been replicated in all 50 states and several foreign countries. Their national public education campaign is the initial effort to educate Americans about domestic violence and ask them to take action against it. The campaign has been instrumental in raising awareness of domestic violence.
- ▶ The DTFDV has identified that public affairs offices in both the Office of the Secretary of Defense (OSD) and the Services need to intensify their marketing efforts in domestic violence awareness education using multiple media resources on a year-round basis – not just during the annual October Domestic Violence Awareness Campaigns.
- ▶ Multiple media resources are available through American Forces Information Service (AFIS), particularly for those families who are overseas.
- ▶ AFIS provides defense news and information articles to over 900 military newspapers. The articles are also available to a worldwide audience from the AFIS website. The AFIS also publishes special web site feature reports on a broad range of topics that could include domestic violence.

² Domestic Violence and Children: Difficult Issues, Casey Gwinn, San Diego City Attorney, paper presented at the National College of District Attorneys, Anaheim, CA, p7, October 2000.

³ Relationship Violence Prevention Education in Schools: What’s Working, What’s Getting in the Way, and What Might Be Some Future Directions?, Heather Myer, PhD and Nan Stein, EdD, Center for Research on Women, Wellesley College, Wellesley, MA, pp 3-5, paper presented at the 7th International Family Violence Research Conference, Portsmouth, NH, July 22-25, 2001.

- ▶ AFIS operates one of the largest television and radio networks in the world – the American Forces Radio and Television Service (AFRTS). AFRTS delivers radio and television command information programming to service members and their families who are stationed overseas or at sea.
- ▶ Each week the AFRTS News Center located in Alexandria, Virginia, produces 11 radio and five television military news reports. These reports provide service members with timely information on defense missions, policies, and programs. The television reports are inserted throughout the day in the *CNN Headline News* program, which is broadcast over the AFRTS network.
- ▶ OSD, each of the Services, and all installations also have websites for this type of awareness education.

Recommendations

That the DoD-

- ▶ Seek partnerships between organizations with experience in developing domestic violence prevention and education program, OSD FAP staff and Service Family Advocacy Program Managers (FAPMs), OSD/Service Public Affairs Offices, and the DTFDV to develop a standardized, intensive, and ongoing domestic violence awareness campaign tailored to be relevant and appropriate to the military community. The campaign should be targeted to all active duty service members and their families. Examples could include:
 - Utilizing AFRTS to broadcast the dramatization of the problem of domestic violence making use of available “made for television” movies and providing referral resources with public service announcements (PSA).
 - Continue marketing of FAP with ongoing distribution of pamphlets on prevention and awareness about domestic violence in such locations as commissaries/exchange shopping bags, medical treatment facility (MTF) waiting rooms/restrooms, child/youth center facilities, and family centers.
- ▶ Highlight a senior leadership policy that domestic violence will not be tolerated in the military; the importance of prevention; domestic violence and its relationship to readiness; and, delineate commanding officer responsibilities and accountability.
- ▶ Include domestic violence awareness education in the human services module of education in basic officer and enlisted schools.
- ▶ Include domestic violence awareness education in all professional military education (PME) schools, local newcomer orientation briefings, commanders’ calls, sergeants’ calls, pre and post deployment briefings, annual military education, and pre-holiday safety briefings.





▶ Target forums such as the Army’s mandatory troop education briefings and the voluntary Better Opportunities For Single Soldiers Program (BOSS), the mandatory Navy’s General Military Training (GMT), and the Air Force’s First Term Airman Center (FTAC). Awareness education for service members in grades E-1-to E-4 is a critical opportunity to provide domestic violence awareness programs to this high-risk group.



▶ Emphasize the need to reach those family member spouses residing off the installation, particularly those in isolated OCONUS locations to ensure they are aware of prevention programs such as the New Parent Support Program (NPSPP), local newcomer’s orientations, and other programs specifically tailored for the family, such as Army Family Team Building (AFTB).

– Target outreach to family members of specific cultural/host nation populations, as these individuals tend to be more isolated and less familiar with the military community.



▶ Partner with the Department of Defense Education Activity (DoDEA) at CONUS installations where there are DoD Domestic Dependent Elementary and Secondary Schools (DDESS) and overseas, DoDDS, to develop general awareness education on domestic violence to include “911” training, and dating violence prevention for teenagers in their health education programs.



▶ Ensure that active duty service members assigned overseas continue to have a cultural diversity education component in their orientation to the installation in locations where this is not currently being done. This type of awareness education should include such topics as male-female relationships, specific courtship rituals and covert/overt messages utilized between the genders of the respective culture and country where they are assigned.

ISSUE 2.D – STANDARDIZE EDUCATION AND TRAINING PROGRAMS FOR CHAPLAINS

Are all chaplains within the Department of Defense (DoD) receiving specialized domestic violence education and training in their respective chaplain officer basic courses, and is there a clear interpretation of the scope and extent of clergy privileged communication among chaplains in domestic violence cases?

Discussion

Background

The chaplaincy is the only profession within the military with privileged communication aside from defense counsels. Consequently, the chaplain is unique in responding to victims and offenders involved in domestic violence. For this reason, the education and training of the chaplain on domestic violence deserves special consideration.

- ▶ The Army does not have any specific training on domestic violence in the Chaplain Officer Basic Course (CHOBC). Domestic violence training occurs only at installation level and is not standardized.
- ▶ The Naval Chaplain School Basic Course presents instruction on domestic violence at several points related to at least four separate topics. The subject receives its most extensive treatment in a four-hour class led by staff from the Fleet and Family Support Center, which includes detailed explanations of both domestic violence and the Family Advocacy Program (FAP). The topic is also discussed in classes on legal issues, sexual assault, and pastoral care. The class on pastoral care emphasizes the complexity of the domestic violence problem and the inherent danger of chaplains attempting to deal with it in a pastoral counseling session. Since most chaplains are neither trained nor certified as counselors and are not employed as therapists, the emphasis is placed on knowing how to refer domestic violence cases quickly and appropriately. The role of the chaplain is caring and supportive, not therapeutic or prescriptive. This policy also applies to those chaplains who do have formal training and/or certification. Navy chaplains provide religious ministry support to the Marine Corps.
- ▶ The Air Force does not have any designated training on domestic violence in the Basic Chaplain Course (BCC). Domestic violence training occurs only at installation level and is not standardized.

...the chaplain is unique in responding to victims and offenders involved in domestic violence.

Privileged Communication with Clergy in the Armed Forces

- ▶ The National Conference on Ministry to the Armed Forces is a body composed of ecclesiastical endorsing organizations that supplies chaplains to the Military Services. Their Covenant and Code of Ethics for Chaplains of the Armed Forces states:

“I will hold in confidence any privileged communication received by me during the conduct of my ministry. I will not disclose confidential communication received by me during the conduct of my ministry. I will not disclose confidential communications in private or public.”¹

- ▶ Military Rule of Evidence (MRE) 503, “Communication to Clergy,” Chapter 27, Manual For Courts-Martial, 1984 states:

“General Rule of Privilege: A person has a privilege to refuse to disclose and to prevent another from disclosing confidential information by the person to a clergyman or to the clergyman’s assistant if such communication is made as a formal act of religion or as a matter of conscience.”²

Service Policy and Privileged Communication

- ▶ Army Regulation 608-18 restates the privilege spelled out above in MRE 503 and then goes on to say, “A uniformed or civilian member of the clergy working for the military has no obligation to make a report of spouse or child abuse that comes to his or her attention as a result of privileged communication. Acting within his or her discretion, a member of the clergy may encourage a person who is a victim or perpetrator of spouse or child abuse to make a report of such abuse or to seek treatment, as appropriate.”³
- ▶ The Navy Chaplain Corps position was spelled out in a Memorandum for Major Claimant Staff Chaplains issued on May 19, 1999: “SECNAVINST 1752.3A (OPNAVINST 1752.A) Family Advocacy Program. This instruction does not intend that chaplains function as the Family Advocacy Representative (FAR) ship-board or ashore. Chaplains provide pastoral care and counsel and in some cases serve on coordinating committees while maintaining the requirements of confidentiality and privilege as noted in paragraph 7D of the SECNAVINST which defines the chaplain’s role regarding privilege.”

¹ Air Force Manual 52-104, Chaplain Service Readiness Manual, Attachment 10, December 1, 1997.

² United States Manual for Courts-Martial, 1998 Edition.

³ Army Regulation (AR) 608-18, The Army Family Advocacy Program, Appendix 5, Privileged Communications, September 1, 1995.

- Specific references in the SECNAVINST include the following:
 - “Enclosure (1), subparagraph h. “Roles and Functions of Chaplains,” (3) directs chaplains to safeguard the privileged communication of service members and their families.”
 - “Enclosure (1), subparagraph j. “Collateral Duties,” chaplains may not serve in capacities which conflict with privileged communication, e.g., Family Advocacy Point of Contact or Equal Opportunity Officer.”
 - “What should the chaplain do if he or she becomes aware of an incident of physical or sexual abuse of a spouse or child?”
 - Spouse abuse and child abuse/neglect reporting laws, as well as DoD and other regulations, prescribe that anyone who identifies or encounters suspected or known spouse/child maltreatment shall report to the appropriate authorities. However, self-admissions made as privileged communication are generally exempted from such requirements. Because communication made as a ‘formal act of religion or as a matter of conscience’ is protected by the privilege, problems often arise for chaplains who place themselves in a clinical counseling relationship. Chaplains should, if possible, avoid this kind of role conflict in the military setting and ensure that they act as spiritual advisors.”
 - “What if the person offering the communication is intent on harming themselves (sic) or others? Do I have a moral obligation to disclose the communication?”
 - “Admittedly, this is a moral choice each chaplain must make. However, in practice, it is rarely as difficult as it may seem. In a recent court-marital case (U.S. vs. Lance Corporal Michael S. Isham, Apr 1998) where the issue of privileged communication was an issue, the judge in his decision wrote: ‘The penitent who comes to the chaplain for counseling does not normally desire to carry out the threat of harming anyone. Rather, he or she wants to resolve the anguish by getting help, first from the chaplain for their spiritual and moral anguish, and then from others as may be appropriate. After ministering to the penitent’s spiritual and emotional needs, in most cases the chaplain will be able to convince the penitent to voluntarily cooperate with other caregivers and those in the chain of command. In cases where the service member appears intent upon carrying out a destructive act upon leaving the office, the chaplain must take more direct measures, other than violating the confidence, to prevent harm. In extreme cases, this may entail personally accompanying the penitent until the chaplain can guarantee that no harm will result.’”⁴

⁴Department of the Navy, Office of the Chief of Chaplains, Memorandum for Major Claimant Staff Chaplains, subject: Confidentiality, Privileged Communication and the Chaplain’s Role, May 19, 1999.

– Air Force family advocacy does not provide guidance for chaplains regarding privileged communication.

- Air Force Instruction (AFI), 52-101 Planning and Organizing, published in May of this year states: “4. Pastoral Care: 4.1. Privileged Communication: The Manual for Court-Marital specifies a privilege of absolute confidentiality in communications between individuals (clients) and chaplains if such communication is made either as a formal act of religion or as a matter of conscience.”

“4.1.1. The privilege belongs to the individual (client), not the chaplain. There are no circumstances where a chaplain can disclose privileged communication revealed in the practices of his/her ministry without the client’s informed permission. The privilege extends beyond the death of a client and may not be waived by anyone.”⁵

- In June 1999, Chaplain, Major General William J. Dendinger, Chief of the Air Force Chaplain Service provided the following guidance to clarify any possible misunderstanding about the Air Force policy on privileged communications with chaplains:

“The privilege of having absolute and total confidentiality in communications with United States Air Force chaplains is an essential component of the chaplain’s ministry. Although the absolute policy against any *Air Force compelled* disclosure has been in place for several years (see AFM 52-103, Atch 10), [this reference was updated in May 2001 as Air Force Instruction (AFI 52-101)] some have questioned whether chaplains may exercise their own personal or professional discretion in disclosing information received in the course of practicing their ministry. The purpose of this memorandum is to clarify the nature and scope of the privilege of confidentiality.”

“The privilege of absolute confidentiality in communications with chaplains belongs to *the client*, not to the chaplain. There are *no* circumstances where a chaplain can disclose information revealed in the practice of his or her ministry without the client’s informed permission. Similarly, Air Force authorities will never require a chaplain to disclose privileged information for any reason whatsoever.”

“There should be no misunderstanding: It is the policy of the United States Air Force Chaplain Service that under no circumstances (except with the client’s consent) will a chaplain ever compromise the privilege by disclosing information revealed in a confidential setting. Actions inconsistent with this policy may constitute a failure to meet Air Force standards, with resulting adverse consequences.”⁶

⁵ Air Force Instruction (AFI) 52-101, Planning and Organizing, Pastoral Care, Privileged Communications, May 1, 2001.

⁶ Memorandum from Chief of the Chaplain Service, U.S. Air Force, subject: Privileged Communications with Chaplains, June 4, 1999.

Analysis

A review of the Military Services' policies did address training of chaplains in general terms, to include spiritual care, readiness, and leadership at various staff levels, commands, etc. However, no Service provided any mandate for specific training of chaplains on the subject of domestic violence. The policy on clergy confidentiality was clear and unambiguous in support of the absolute privilege. Two of the Services provided specific policy guidance on clergy privileged communication within the context of family advocacy.

During site visits, few chaplains thought they possessed the knowledge about domestic violence and the type of training to be effective in their role as chaplains in responding to victims and offenders. Further complicating the role of the chaplain in managing these cases as first responders was their differing interpretations regarding the privileged communication. The chaplains seemed to adhere to their respective religious affiliation in their management of these clients as opposed to DoD/Service policy guidance.

Findings

- ▶ Site visits to Continental United States (CONUS) installations and overseas locations revealed chaplains had minimal and inconsistent training on domestic violence.
- ▶ There was a lack of clarity regarding their specific role when responding to domestic violence.
- ▶ There were varying interpretations regarding the nature of the confidential privilege of clergy when responding to domestic violence. The differences appeared to be related to their religious denomination.
 - A Task Force review of DoD/Service policy regarding the privileged communication to the clergy revealed that published guidance was explicit and unambiguous in support of the absolute privilege of the chaplain except in rare and dire circumstances.
- ▶ The services of the chaplain appeared more critical overseas due to the scarcity of resources off U.S. military installations. A substantial number of commanding officers, particularly those overseas, used the chaplain for intervention, as opposed to the FAP, for cases at lower levels of abuse.
- ▶ A joint chaplain working group composed of senior chaplains from each of the Services has been organized to provide ongoing consultation to the DTFDV staff regarding the role of chaplains in the response to and prevention of domestic violence in the military. Members of the working group will advise the Task Force on their respective Service's perspective, policy, and training on domestic violence and their Service's interpretation of the scope and extent of the clergy privileged communication.

Recommendations

That the DoD –



- ▶ Develop a DoD policy on clergy confidentiality clarifying the privilege of communication between the individual and the chaplain.



- ▶ In collaboration with the Military Services' chaplain working group and the DTFDV, develop a standardized template of essential domestic violence training areas for all chaplains in their basic officer courses to include the dynamics of domestic violence; the role of the chaplain in responding to domestic violence; and a clear understanding of the privileged communication of clergy.
 - Chaplains who have already completed their basic course of instruction and are subsequently selected for overseas assignments, should receive domestic violence training prior to going overseas.
 - For chaplains who are already overseas and who have not received prior training on domestic violence, a mobile training package should be developed.

ISSUE 2.E – FORENSIC MEDICAL TRAINING ON DOMESTIC VIOLENCE FOR HEALTHCARE PERSONNEL IN THE FIRST RESPONDER ROLE

Are all first responder healthcare providers within the Department of Defense (DoD) receiving forensic medical training on domestic violence early in their careers?

Discussion

Background

Education and training on domestic violence for healthcare providers varied across Services and installations in terms of content, but was primarily general awareness on domestic violence, conducted by the FAP staff and available on an annual basis.

There was minimal forensic medical training for the healthcare provider. Although some training of this nature is available through the Family Advocacy Staff Training (FAST) course at the Army Medical Department (AMEDD) Center and School at Fort Sam Houston, in Texas, most healthcare providers do not have the flexibility in their work schedules or the financial resources within their medical treatment facilities to attend this training.

There is a need for medical forensic training for first responder healthcare providers within DoD. . .

Analysis

A healthcare provider with forensic medical training in injury evaluation and knowledge of the health effects of domestic violence should be the provider to evaluate all domestic violence victims or alleged victims. This type of training is especially critical for those healthcare providers who are placed in the role of a first responder. There is a necessity for an objective determination of the primary/predominate aggressor, and the identification of presenting injuries, prior injuries and health problems that could be related to a pattern of domestic violence. Training in this type of forensic medical examination provides the skills to assess the pattern and type of injuries over time rather than the severity and extent of the injury in just one incident since the perpetrator may have the more severe injury in some circumstances.

Furthermore, this type of assessment by the healthcare provider can be crucial to the safety of the victim and identification of additional evidence and its preservation. It can also be beneficial to military police, legal and the command in making an accurate determination and taking the appropriate action regarding the offender.



Findings

- ▶ There is a need for medical forensic training for first responder healthcare providers within DoD – especially defensive vs. offensive wound identification and evaluation.

- ▶ Emergency Room personnel and technicians who are frequently placed in the first responder role have mandatory monthly training in other emergency medical/readiness issues, but very limited training on domestic violence.
- ▶ Knowledge regarding strangulation, the requirement for medical evaluation even if no apparent injury is evident because of the serious risk factors and potential medical consequences of this type of physical violence was minimal among the health care providers.
- ▶ Emergency Room health care providers/technicians who may respond to the scene of a domestic violence incident should work collaboratively with the military police to ensure all parties involved in these disputes automatically obtain immediate medical examination if they claim victimization to determine if there are injuries and whether or not those injuries are defensive versus offensive. The victim should be informed of the necessity for this evaluation and strongly encouraged, rather than *asked* if they want to go the emergency room.
- ▶ Healthcare providers require more training on victim safety.

Recommendations

That the DoD

- 
- ▶ Implement medical forensic training for healthcare providers in the first responder roles that is standardized and institutionalized across DoD and should include at a minimum:
 - Knowledge of injury identification and evaluation with the focus on the appropriate identification of “offensive” versus “defensive” injuries.
 - How to identify a pattern of injury over time versus the severity and the extent of injuries involved in one incident.
 - Knowledge of the physical and mental effects of domestic violence.
 - Knowledge of strangulation and the requirement for medical evaluation without exception, serious risk factors, and potential medical consequences of such an injury.
 - How to document domestic violence related injuries.
 - ▶ Explore the state-of-the-art training platforms such as DoD WEB-based forensic medical training on injury evaluation. This should include extensive photographic content that can be easily referred to for comparison with actual presentations to augment face-to-face interactive training that may not be accessible to all healthcare providers, particularly those in OCONUS locations.
- 

Offender Accountability

OVERVIEW

Purpose

In accordance with Public Law 106-65, The Defense Task Force on Domestic Violence is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies concerning domestic violence. The Offender Accountability Workgroup is responsible for evaluating and recommending measures to improve individual offender accountability and program accountability.

Goal

The first year goal of the Offender Accountability Workgroup was to contribute to the development of an overall strategic plan to improve the DoD's response to domestic violence by delineating specific recommendations for improving dispositions and case management, as well as data collection, tracking, and evaluation.

Major Objectives and Resulting Recommendations (First Year)

1st Major Objective

To review and make recommendations regarding current DoD assessment of criminality in domestic violence incidents. (*Issue 3.A – Criminality*)

Resulting Recommendations

That the DoD –

- ▶ Require the investigation of every reported incident of domestic violence to determine whether a crime has been committed.
- ▶ Train law enforcement, legal, and command personnel to collaborate effectively in making the determination of whether a crime was committed, and taking the necessary follow-on actions appropriate to their specific roles.
- ▶ Develop standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are substantiated.

2nd Major Objective

To review and make recommendations regarding DoD's policy on the granting of enlistment waivers to individuals convicted of domestic violence. (*Issue 3.B – Lautenberg and Enlistment Waivers*)

Resulting Recommendations

That the DoD –

- ▶ Ensure that the Services are complying with the DoD interim policy.
- ▶ Review the appropriateness of waivers issued since the interim policy went into effect.

3rd Major Objective

To review and make recommendations regarding DoD's policy on discharging individuals convicted of charges stemming from acts of domestic violence as required by the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922 (g) (9)) (*Issue 3.C – Lautenberg and Discharges*)

Resulting Recommendation

That the DoD –

- ▶ Issue final guidance on implementing the Lautenberg Amendment.

4th Major Objective

To review and make recommendations regarding DoD's management of domestic violence cases from initial report to resolution. (*Issue 3.D – Case Management*)

Resulting Recommendations

That the DoD –

- ▶ Require comprehensive, effective batterer intervention for those determined to be culpable for domestic violence offenses and who are being retained on active duty.
- ▶ Develop criteria for different types of interventions based on individual case assessments.
- ▶ Develop criteria for conducting risk/lethality assessments to determine which victims are at greatest risk for injury or death.
- ▶ Develop criteria for what constitutes success and defines offender behavior after the intervention.

5th Major Objective

To review and make recommendations regarding how DoD should integrate fatality reviews into its response to incidents of domestic violence. (*Issue 3.E – Fatality Reviews*)

Resulting Recommendations

That the DoD –

- ▶ Develop guidance for establishing formal and informal domestic violence fatality reviews to ensure that no victim dies in vain.
- ▶ Require results and system change recommendations be completed in a timely manner.

6th Major Objective

To review and make recommendations regarding DoD's ability to track domestic violence offenders within its ranks. (*Issue 3.F – Tracking and Data Collection*)

Resulting Recommendations

That the DoD –

- ▶ Develop guidance to capture data required by Section 594, P.L. 106-65.
- ▶ Study whether or not DIBRS can or should eventually replace the FAP central registry.
- ▶ Expand the required reporting elements of the FAP database to temporarily capture Section 594 data should DIBRS be delayed in becoming fully operational.
- ▶ Evaluate data collection methodology to determine needed improvements.

7th Major Objective

To review and make recommendations regarding the role of program evaluation in DoD's domestic violence prevention and intervention efforts. (*Issue 3.G – Evaluation*)

Resulting Recommendations

That the DoD –

- ▶ Establish guidance requiring program evaluation as an integral component of the domestic violence response.
- ▶ Establish a DoD advisory committee to oversee the program evaluation effort.
- ▶ Establish a protocol for evaluating field-based domestic violence programs that would include written reports of findings, recommended corrective actions, and follow-up consultation.
- ▶ Strategically employ the use of regional oversight and monitoring visits at both the DoD and Service levels.

Major Objectives (Second Year)

After reviewing first year objectives and recommendations, the workgroup agreed to the following major objectives for the second year:

► Issues Based on Continuing Actions Required from Initial Report

Issue 3.A – Criminality

To establish a recommended law enforcement protocol for domestic violence and delineate factors commanders need to consider when responding to domestic violence.

Issue 3.B – Case Management

To establish recommended criteria for choosing among different options for intervening in domestic violence, for assessing risk/lethality, and for determining successful intervention outcomes.

Issue 3.C – Fatality Reviews

To conduct a review of fatality review protocols.

Issue 3.D – Tracking and Data Collection

To monitor and report on the developmental progress of DIBRS.

► Issue Not Addressed in Initial Report

Issue 3.E – Civilian Offenders

To review and make recommendations regarding holding civilians accountable for the domestic violence they perpetrate in military communities.

ISSUE 3.A – CRIMINALITY

Does the Department of Defense (DoD) appropriately assess criminality in domestic violence incidents? This is a continuation of *Issue 3.A* (page 51) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

The DTFDV previously found the DoD lacking in its ability to pursue domestic violence as a criminal matter and recommended improving the quality of investigations and the effectiveness of the collaborations between law enforcement, legal and command personnel, together with developing standard guidelines on what factors commanders consider when responding to domestic violence. The Case Review Committee (CRC) process and results, in the absence of a comprehensive criminal justice response, tend to minimize and often ignore the criminal nature of domestic violence.

Interview victim, suspect, and children separately and privately.

Follow-on Actions

In the process of designing a suggested domestic violence curriculum for law enforcement personnel to improve the quality of their investigations, the DTFDV examined investigative protocols from around the country for purposes of identifying best practices. Most salient among these practices were the following:

- ▶ Interview victim, suspect, and children separately and privately.
 - When interviewing the victim, make it easy for the victim to trust and feel safe. Be mindful of body language, voice tone and inflection, and choice of words. Avoid judging the victim. Give them the benefit of the doubt. Use simple but direct questions. “Were you hit with a closed fist, open hand or an object?” “Do you have any marks, bruises or abrasions I cannot see?” Document all spontaneous utterances using verbatim quotes.
 - When interviewing the suspect, do not make accusatory statements. Allow the suspect to tell their story before confronting them with contradictory information. Acknowledge the suspect’s frustrations, anger, and/or concern without agreeing. Do not indicate to the suspect who called the police. Document all spontaneous admissions using verbatim quotes.
 - When interviewing children, befriend the child and explain the reason for the interview. Avoid leading questions as children tend to comply too readily. Be alert to any indication the child is fearful of one or both parents/adults. Document any excited utterances using verbatim quotes.

- ▶ Determine whether injuries are the result of self-defense keeping in mind that defending oneself is not a criminal act so long as it is not intended to punish or retaliate against the other person. Red flags of self-defense wounds on men can include scratches or bite marks on arms, hands, chest, face, ankles or legs, injuries to the genital area, stab marks on the back or shoulder, and scratches on the webbing between the thumb and first finger. Red flags of self-defense wounds on women can include bruises on the back of arms, legs, back, hands, and buttocks.¹
- ▶ Determine who the predominant/primary aggressor is by assessing who is fearful of whom, who acted in self-defense, to whom the evidence points, the severity and extent of injury, relative size, and history of previous incidents.
- ▶ Conduct a lethality assessment by assessing potential for homicide and/or suicide based on expressed threats/fantasies, weapons, mental illness, substance abuse, prior history of domestic violence, rage/anger towards victim, and prior criminal record (please refer to the more detailed list contained in *Issue 3.B, Case Management*).
- ▶ Get photos of the victim (with or without injury), suspect (with or without injury), any children (with or without injury), damaged property, bloody clothing, weapons, and the crime scene. Follow-up photos of injuries are critical as soft tissue bruising may not become evident for several days.
- ▶ Record what everyone knows about any prior history of domestic violence between victim and suspect. This would include neighbors who may not be witnesses to the current incident.

The DTFDV examined ways to enhance the effectiveness of the collaborations between law enforcement, legal and command personnel, and concluded that the best approach would be to reemphasize throughout the DoD the legal, moral, and ethical importance of providing a traditional military justice response to domestic violence. Separate from whatever clinically related actions are recommended by the Family Advocacy Program personnel, it is incumbent upon law enforcement personnel to investigate, legal officers to opine, and commanding officers to take warranted action (i.e., no action, administrative action, non-judicial punishment action, judicial action, etc.) in response to alleged acts of domestic violence. As each step in this investigating-opining-action process is predicated on the preceding one, the adoption of the aforementioned investigative best practices will produce more considered responses on the parts of both legal and command personnel. The DTFDV envisions the process as follows:

- ▶ Investigative Phase
 - Law enforcement conducts investigation per the established domestic violence protocol.

¹ From a presentation entitled “Domestic Violence Intervention ‘State of the Art’ Best Practices”, given by Detective Sergeant (Retired) Anne O’Dell, San Diego Police Department, at the meeting of the National College of District Attorneys held in Anaheim, California, October 1-5, 2000.

- Law enforcement initiates DIBRS reporting (e.g., completes administrative, offense, offender, and victim segments).
- Law enforcement notifies commander of investigation.
- Commander, in conjunction with legal advisor, law enforcement, and victim, determines need to confiscate weapons, issue Military Protective Order (MPO), and refer victim for services.
- Law enforcement provides commander with a copy of the investigative report.
- ▶ Commander Review Phase
 - Commander reviews investigative report and response options (e.g., no action, administrative action, non-judicial punishment, courts-martial, etc.) with legal advisor.
 - Commander refers service member to FAP for assessment report and recommendations concerning treatment candidacy and prognosis.
 - Commander consults staff to obtain additional input.
 - Commander conducts subsequent review with legal advisor to measure impact of requested FAP or staff input prior to determining response.
- ▶ Commander Action Phase
 - Commander bases response on the nature of the act and the severity of the harm it caused.
 - Commander may direct counseling be coupled with action provided service member is clinically regarded as a good candidate for treatment with a positive prognosis and is not being separated from the Service.
 - Commander may consider suspending part or all of any punishment that is coupled with counseling pending its outcome.
 - Commander may seek support of personnel officials to cancel or delay Permanent Change of Station (PCS) orders that would interfere with full implementation of commander action.
 - Commander may reassess whether to extend weapons confiscation or MPO.
 - Commander monitors and follows each case until such time as it is fully resolved.
 - All commander actions are to be forwarded to law enforcement to update DIBRS.

The factors commanding officers need to consider when responding to domestic violence as a crime are sufficiently reflected in Rule 306(b) of the United States Manual for Courts-Martial (1998 Edition) and include:

- ▶ The character and military service of the accused.
- ▶ The nature of and circumstances surrounding the offense and the extent of the harm caused by the offense, including the offense's effect on morale, health, safety, welfare, and discipline.
- ▶ Appropriateness of the authorized punishment to the particular accused or offense.
- ▶ Possible improper motives of the accuser.
- ▶ Reluctance of the victim or others to testify.
- ▶ Cooperation of the accused in the apprehension or conviction of others.
- ▶ Availability and likelihood of prosecution of the same or similar and related charges against the accused by another jurisdiction.
- ▶ Availability and admissibility of evidence.
- ▶ Existence of jurisdiction over the accused and the offense.

Among the issues commanding officers are most likely to confront are concerns about fairness, bias, and minimization. Commanding officers will be expected to provide victims with adequate protection and action in accordance with the law and the facts of the case. This means treating allegations seriously, insisting on timely investigations and legal consultation, taking warranted action, and not being put off by victims who, based on their experiences with domestic violence, may appear less than cooperative. It also means being sensitive to the fact that domestic violence offenses that are reportable under the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922 (g) (9)) and the Brady Amendment to the Gun Control Act of 1968 (18 U.S.C. 922 (d)) offer discharge and reclassification challenges that other forms of domestic violence do not.

Recommendations

That the DoD –

- ▶ Establish a law enforcement protocol for domestic violence investigations that incorporates the best practices outlined above and distribute as a laminated pocket guide.
- ▶ Incorporate the factors that legal officers and commanding officers ought to consider in responding to domestic violence as a crime into appropriate command education offerings.



ISSUE 3.B – CASE MANAGEMENT

How rigorously are incidents of domestic violence managed within the Department of Defense (DoD) from initial report to final resolution? This is a continuation of *Issue 3.D* (page 55) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

The DTFDV previously found the DoD deficient in its ability to provide adequate management and oversight of DV cases throughout their life cycle and recommended revamping/developing criteria for providing differing types of interventions based on individual case assessments, criteria for conducting risk/lethality assessments, and criteria for defining success in terms of post intervention offender behavior.

Follow-on Actions

The DTFDV reviewed current intervention literature for purposes of identifying the kinds of practices that support and enhance the management of domestic violence offenders and discovered widespread disagreement. While offenders have been held increasingly accountable to the criminal justice system amid questions of what constitutes effective accountability, controversy has continued over things like mandated batterer intervention programs.¹ Some argue the programs are the best alternative to doing nothing. Others question the types of approaches (i.e., anger management) favored by these programs. Still others remain skeptical about being able to penetrate the egocentric world of the batterer to orchestrate meaningful healing. Most researchers agree there is no conclusive evidence of what works or works well with and for whom.

The key to establishing appropriate criteria for differing interventions is choosing the correct unit of attention or focus. The basic question to be answered is whether the offender's

¹ Babcock, J. and Steiner, R. (1999). The relationship between treatment, incarceration, and recidivism of battering: A program evaluation of Seattle's coordinated community response to domestic violence. *Journal of Family Psychology*, 13, 46-59.

Chalk, R. and King, P.A. (Eds.) (1998). *Violence in families: Assessing prevention and treatment programs*. National Academy Press: Washington, DC.

Davis, R. and Taylor, B. (1999). Does batterer treatment reduce violence? A synthesis of the literature. *Women and Criminal Justice*, 10, 69-93.

Gondolf, E.W. (1999). A comparison of four batterer intervention systems. *Journal of Interpersonal Violence*, 14(1), 41-61.

Healey, K., Smith, C., and O'Sullivan, C. (1998). *Batterer intervention: Program approaches and criminal justice strategies*. National Institute of Justice, Washington, DC.

Saunders, D.G. (1999). Feminist, cognitive, and behavioral group interventions for men who batter. In Wexler, D. (Ed.), *Domestic violence 2000: An integrated skills program for men*, pp 21-31, Norton, New York.

need for assistance or the victim's need for protection and safety should take precedence and usher in a set of criteria that would include:

- ▶ The profile or typology of the offender.
- ▶ The nature of the violence perpetrated on the current and any previous occasion.
- ▶ The extent of injury and/or damage caused on the current and any previous occasion.
- ▶ Current and prior legal dispositions.
- ▶ Outcomes of any previous interventions.
- ▶ The danger the offender poses to the victim.

Cases that are reportable under the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922 (g) (9)) or the Brady Amendment to the Gun Control Act of 1968 (18 U.S.C. 922 (d)) should be accorded a higher priority in case management than non-reported cases because they tend to be more serious in nature and require a combination of military justice and counseling intervention that non-reported cases do not. Military justice dispositions and counseling referral decisions both need to be tailor made by commanders for individual offenders instead of being relegated to the inconsequence of one size fits all.

The DoD currently offers treatment for domestic violence offenders through the Family Advocacy Program in each of the Services. As is true in the civilian community, treatment programs vary in philosophy, orientation, length, and effectiveness, both within and between the Services. The intention is to give the offender an opportunity to stop the abusive behavior. The cases of individuals who fail treatment, are recalcitrant in their actions, or are repeat offenders should be formally evaluated and a decision reached as to whether or not to allow them to continue to serve in the military.

Assessing risk/lethality is often made more difficult by the unpredictability of offender behavior. While it may be impossible to predict with certainty what a given offender will do, the presence of certain factors can signal the need for extra safety precautions. Danger increases with the number of factors that are observed, which in turn demands a protective response that at least considers the perspective of the victim. Among the criteria/factors that are most agreed upon in the risk/lethality literature are:²

²Campbell, J.C., Sharps, P.W., and Glass, N.E. (2000). Risk assessment for intimate partner violence. In G. Pinard and L. Pagani (Eds.) *Clinical assessment of dangerousness: Empirical contributions*. NY: Cambridge U. Press.

Davies, J., Lyon, E., and Monti-Catania, D. (1998). *Safety planning with battered women*. Sage, Thousand Oaks, CA.

Dutton, M.A. and Goodman, L.A. (2000). Predicting repeat abuse among arrested batterers. *Journal of Interpersonal Violence*, 15(1), 63-75.

Kropp, P.R., Hart, S.D., Webster, C.D., and Eaves, D. (1999). *Spousal assault risk assessment guide*. Multi-Heath Systems: North Tonawanda, NY.

Roehl, J. and Guertin, K. (1998). Current use of dangerousness in sentencing domestic violence offenders: Final report, State Justice Institute.

Tolman, R.M. and Weisz, A.W. (2000). Assessing the risk of severe domestic violence. *Journal of Interpersonal Violence*, 15(1), 75-91.

- ▶ Extreme focus on victim manifesting as ownership, dependence, and centrality.
- ▶ Violence owing to threat of separation.
- ▶ History of violence against the victim or others.
- ▶ Recent escalation of violence against victim.
- ▶ Suicide threats, ideation, or plan.
- ▶ Homicide threats, ideation, or plan.
- ▶ Weapons use, possession, and access.
- ▶ History of drug and alcohol abuse.
- ▶ Escalated risk taking as evidenced by restraining order or probation/parole violations.
- ▶ History of calls to police.
- ▶ Extreme emotional response as evidenced by depression, rage, agitation, or instability.
- ▶ History of prohibiting victim movement through unlawful detention or hostage taking.
- ▶ Access to victim via shared residence or knowing whereabouts.
- ▶ Extent of criminal history.

Establish policy to formally evaluate for continued service those personnel labeled either repeat offenders or treatment failures.

Criteria for determining successful intervention outcomes have been variously described in the literature as being, among other things, the cessation of the violence, the establishment of control over violent impulses, the termination of an abusive relationship, and the assurance of being able to live free of fear for one's safety. All have merit, but the cessation of violence in its various forms is the only behavioral outcome for an offender that can be readily measured and observed by the victim over time.

Recommendations

That the DoD –

- ▶ Incorporate the criteria delineated above into an update of policy for domestic violence case management provisions.
- ▶ Establish policy to formally evaluate for continued service those personnel labeled either repeat offenders or treatment failures.



ISSUE 3.C – FATALITY REVIEWS

To what extent has the Department of Defense (DoD) made fatality reviews an integral part of its response to domestic violence? This is a continuation of *Issue 3.E* (page 57) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

The DTFDV previously found that the DoD does not mandate or encourage the use of domestic violence fatality reviews and recommended developing guidance for establishing formal and informal fatality reviews.

Follow-on Actions

The DTFDV examined a number of domestic violence fatality review protocols from around the country for purposes of defining the purpose, membership, procedures, and work products of a Domestic Violence Fatality Review Team (DVFRT).¹

The purpose of a DVFRT should be to serve as a mechanism for ongoing review of domestic violence policies and case practices that may inadvertently contribute to the death of either a victim or offender with the primary objective of contributing to systemic improvements in a military community's response to domestic violence. The team's scope of work should be to identify and review all domestic violence homicides and suicides occurring within the military community. Team membership should reflect the individuals and organizations in the community that routinely work with domestic violence victims and offenders. See Attachment A for an example of a statement of purpose.

Team operating procedures should be flexible enough to accommodate informal approaches that facilitate getting the work done (i.e., meeting on an ad hoc basis, dispensing with routine minutes of meetings, designating a chairperson based solely upon their ability to drive the team towards success, conducting preliminary reviews without having

¹Fatality Review References

The following protocols were reviewed:

- Los Angeles County, California Death Review Committee
- National Council of Juvenile and Family Court Judges
- Philadelphia, Pennsylvania Women's Death Review Team
- Santa Clara County, California Death Review Committee
- State of California Death Review Team Protocol
- State of Florida Fatality Review Project
- State of Hawaii Domestic Violence Death Review System
- State of Oklahoma Domestic Violence Fatality Review Board
- Washoe County, Nevada Domestic Violence Fatality Review Committee

actual police reports, autopsy reports, and other important items of information in hand, and timely forwarding of significant system change recommendations). See Attachment B for an example of a format for a case report that will form the basis of the team's discussions. Also see Attachment C for an example of the case summary or synopsis segment of the case report. Consideration will need to be given to devising a scheme for assigning individual member's responsibility for completing and presenting case reports for review. Members should be asked to take an oath of confidentiality by signing a written declaration. See Attachment D for an example.

Limiting the amount of formal reporting done by a DVFRT to what is essential is an important consideration. Attachment E is a format of an annual report that is adequate but emphasizes brevity.

The DTFDV will continue to research and develop this issue and, working with the DoD, continue toward the goal of implementing domestic violence fatality reviews to ensure that no victim dies in vain.

...continue toward the goal of implementing domestic violence fatality reviews to ensure that no victim dies in vain.

Statement of Purpose

The purpose of the Domestic Violence Fatality Review Team (DVFRT) is to evaluate the policies and practices used by agencies and individuals in working with victims and offenders in violent relationships that end in the death of one or both parties. The DVFRT will examine homicides and suicides attributable to domestic violence and determine whether better or different services might have prevented the death of the deceased. The DVFRT will also produce annual reports with appropriate recommendations aimed at the reduction and cessation of fatalities in domestic violence cases.

The above will be accomplished by:

1. Forming a team made up, to the extent possible, of individuals and representatives of relevant agencies that routinely encounter domestic violence victims and offenders (i.e., prevention/intervention service providers, advocates, prosecutors, law enforcement, judges, probation/parole officers, forensic experts, medical/mental health personnel, shelter personnel, etc.).
2. Identifying all domestic violence homicides and suicides of victims or offenders via police reports, autopsy reports, media accounts, Family Advocacy Program (FAP) and other assisting agency records, medical/mental health records, court records, and the personal accounts of those who knew the deceased.
3. Making a system review of all identified cases by determining which agencies had contact with the deceased, what services if any were offered, and the quality of those services.
4. Producing annual reports that include important statistical data, summaries of reviewed cases, significant findings, and recommendations for systemic improvements.

Format for a DVFRT Case Report

1. Case report identification number, date completed, and name of person completing report.
2. Demographics including victim's name, age, date of birth, gender, race/ethnicity, and address.
3. Injuries and autopsy findings including cause of death, injuries suffered by victim, number of wounds, date and time of injuries, date and time victim pronounced dead, location of crime and where body was found if different, and victim's medical and mental health histories.
4. Homicide/suicide methodology and weapons used.
5. Information about the assailant in cases of homicide including name, age, date of birth, gender, race/ethnicity, address if different from victim, relationship to victim, motive for killing victim, prior police record, and restraining order violations.
6. Relevant information pertaining to other members of the household/family and their awareness of the violence.
7. Legal disposition of cases involving homicide.
8. System interventions/failures.
9. Case summary.
10. Follow-up.

Case Summary (Example)

The deceased offender and victim met and married in 1997. Less than nine months after they married, both were dead as the result of a murder/suicide. They had no children together, but he had two grown daughters, 23 and 26, and she had a son, 17, who lived in the home. The offender was a Vietnam veteran and a heavy drinker. Three months after the two married the offender threatened the victim and punched her in the stomach during an argument. The police were not called. A few days later they argued again and the offender threatened to kill himself and victim. This time the victim called the police and the offender was arrested for making the threat. The police confiscated four guns from the residence. The victim reported other weapons in an outdoor storage shed that were also confiscated. The victim was given an emergency protective order. When the offender appeared in court, he pled guilty to the charge. He was placed on probation, ordered into a domestic violence intervention program, told he could not possess a weapon ever again, ordered to stay away from victim, and fined \$250. A month later the victim asked the judge to lift the protective order and the offender returned home despite his repeated intervention program absences. The offender continued to be verbally abusive over the ensuing two months, and brought a gun into the home without the victim's knowledge. Five days later the offender and victim had a loud physical confrontation, but the police were not called. The next morning the offender called his job and quit before spending the day getting drunk. He pulled the gun on the victim when she arrived home that evening, and she managed to elude him momentarily before being shot dead in the kitchen. The offender then went into the upstairs bathroom where he fired a single shot into his right temple.

Attachment C

Confidentiality Agreement

As a member of the _____ Domestic Violence Fatality Review Team (DVFRT), I understand that all information shared regarding cases is confidential and may be used only for the purpose of a team review. Information that is to be considered confidential is any information that is specific to an individual, including, but not limited to their name, identifying characteristics, prior and or current drug use, medical and mental health information, and personal criminal and/or legal information.

With this in mind, I agree that all information shared in team reviews will remain confidential and will not be used for any other reason. No material will be taken from a team meeting that contains case identifying information.

Print Name

Signature

Date

Annual Report Format

1. Executive summary.
2. Aggregate statistical data delineating victim demographics, injuries/autopsy findings, homicide/suicide methods/weapons, police information, assailant demographics, household/family information, legal dispositions, and system interventions/failures.
3. Discussion of significant findings.
4. Recommended systemic changes.

ISSUE 3.D – TRACKING AND DATA COLLECTION

How capable is the Department of Defense (DoD) of tracking domestic violence offenders within its ranks? This is a continuation of *Issue 3.F* (page 59) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001.

Discussion

Background

The DTFDV previously found the DoD unable to adequately capture data required by Section 594, P.L. 106-65, and recommended establishing guidance necessary to accomplish the task. Recognizing that the viability of the envisioned domestic violence database is contingent on the Defense Incident-Based Reporting System (DIBRS) becoming fully operational, the DTFDV resolved to monitor and report annually on the developmental progress of DIBRS.

Follow-on Actions

The DTFDV reviewed current DIBRS guidance, and concluded it was sufficient to support the requirements of Section 594, Public Law 106-65.

DoD Directive (DoDD) 7730.47, Defense Incident-Based Reporting System (DIBRS), establishes policy and assigns responsibilities for reporting criminal and disciplinary incidents within the DoD. Its chief aim is to build a central repository of incident-based statistical data to enhance DoD and Service capabilities to respond to executive, legislative, and oversight requests for data relating to criminal and disciplinary incidents. The DoD components with law enforcement, criminal investigative, military justice, and corrections functions are tasked with providing the data necessary to achieve this aim.

DoDD 7730.47-M is a manual issued under the authority of the above directive to prescribe standard procedures for submitting data. In most instances, an initial incident report will include an administrative segment, offense segment, property segment (if applicable), victim segment, and offender segment. An arrest segment might also be included if an arrest were made by the time the initial report was submitted. Should the arrest occur after submission of the initial report, the arrest segment will be submitted as an update to the initial report. Likewise, the commander's action segment, results of trial segment, and corrections segment will be submitted as updates. In all, there are approximately 300 data elements that can potentially be accorded a single incident.

The DIBRS elements include the 45 data elements currently contained in the standard Family Advocacy Program (FAP) Central Registry database. DoD and the four Services currently fund and maintain separate registry operations of their own.

The Defense Manpower Data Center (DMDC) issued a revised DoDD 7730.47-M in March 2001, the forward of which contains the statement, “The file formats specified in this Manual are intended both to replace most existing and ad hoc data calls for overall law enforcement data and to satisfy congressionally mandated requirements of the Uniform Federal Crime Reporting Act (28 U.S.C. 534), the Brady Handgun Violence Prevention Act of 1994, statistical reporting requirements of the Victim Rights and Restitution Act of 1990 (42 U.S.C. 10601 *et seq.*), and the Database on Domestic Violence Incidents (10 U.S.C. 1562).” These are all unfunded requirements.

A DIBRS Personal Identifier Data (PID) Shelf Life Policy has been approved, establishing a set of seven offense categories that govern the length of time PID remains in the DIBRS database for a given incident. PID shelf life ranges from immediate removal in cases of acquittals, set aside actions, and unfounded allegations to 99 years for offenses reportable under the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922 (g) (9)) and the Brady Amendment to the Gun Control Act of 1968 (18 U.S.C. 922 (d)), or those involving sex offender registration.

A DIBRS Council provides a forum for the exchange of information and operational oversight. The following excerpts from the minutes of its Configuration Management Subcommittee meeting in March 2001 offer valuable insights into some challenges being faced by this well designed database due to funding and technical issues:

- ▶ “The Army released a regulation governing DIBRS reporting requirements in October 2000. Its data collection system has been fielded to Provost Marshals worldwide and is running hit and miss. Test data is due to be submitted to DMDC by the end of the fiscal year (FY 2001). A chapter on reporting commander’s action has been added to the Army manual. JAG is next in line to begin submitting data.”
- ▶ “Money is bedeviling the Navy. NCIS is working on a non-fielded data program it hopes will satisfy its own as well as its DIBRS requirements. It estimates a cost of \$ 2.4M to move to an internet compliant system. Navy law enforcement is looking for money to field a new program. Corrections should be fielded by September 2001. Work is progressing on fielding a system to report commander’s action.”
- ▶ “The Marine Corps expects to begin testing again in the first quarter of the next fiscal year (FY 2001), and to resume monthly DIBRS reporting in January 2002. The FY 01 report should include all records. The revised law enforcement manual should be ready for HQMC review in October 2001.”
- ▶ “The Air Force is submitting law enforcement, commander’s action, and corrections data. Judicial functions data is expected to begin testing this year. OSI will be reporting by August 2001.”

- ▶ “The Defense Logistics Agency (DLA) worked over a year to obtain funding. A contract was let in September 2000 to begin design of its system. DLA expects to be in full production by July 2001.”

In November 2001, DMDC reported continuing delays in Service and DLA DIBRS submissions due either to technical problems or resource constraints.

The DTFDV understands that information on domestic violence incidents contained in DIBRS is only a part of the overall system. However, the Task Force believes that access to the domestic violence data to be included in DIBRS is fundamentally important to achieve the goals stated in the domestic violence policy memorandum issued by the Deputy Secretary of Defense on November 19, 2001.

Recommendation

That the DoD –

- ▶ Fully implement DIBRS at the earliest possible date.



ISSUE 3.E – CIVILIAN OFFENDERS

What options do commanding officers have for holding civilian offenders accountable for domestic violence?

Discussion

Background

The DoD has no jurisdiction over civilians employed by or accompanying members of the Armed Forces who violate the law. Jurisdiction belongs to local, state, federal, or foreign authorities charged with enforcing the law.

Analysis

If a civilian commits domestic violence, the best response scenario would be timely intervention and acceptance of jurisdiction on the part of the appropriate local, state, federal, or foreign authorities. However, when those authorities refuse to accept jurisdiction, commanding officers are left with few options for holding civilian offenders accountable. This situation is more acute in overseas locations.

Findings

- ▶ In the United States, local, state, and federal authorities are likely to cooperate with the military in terms of investigation/prosecution of domestic violence committed by civilians on military installations.
- ▶ In overseas locations, host nation authorities are more inclined to cede jurisdiction to the military if the incident does not constitute a violation of host nation law or does not involve a citizen of that host nation.
- ▶ Civilians may be barred from occupying military housing in order to protect victims, but it is far more difficult to bar their access to a job on a military installation or to a facility like a hospital.
- ▶ Commanding officers have no authority to confiscate military issued identification cards or passports belonging to civilians nor can they expel them from a foreign country.
- ▶ The Military Extraterritorial Jurisdiction Act of 2000 has yet to be implemented within the DoD, but when it is, it will not cover misdemeanor offenses that constitute the vast majority of domestic violence crimes.

Recommendations

That the DoD –

- ▶ Seek to improve civil-military cooperation that fosters safety for victims of domestic violence through cooperative agreements with appropriate authorities.
- ▶ Work with the Department of Justice on developing implementation guidance for the Military Extraterritorial Jurisdiction Act of 2000 to ensure the appropriate emphasis is placed on the prosecution of domestic violence cases.



CHAPTER 4

Victim Safety

OVERVIEW

Purpose

In accordance with Public Law 106-65, the Defense Task Force on Domestic Violence (DTFDV) is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies related to domestic violence. The Victim Safety Workgroup is charged with reviewing current victim safety programs, policies and procedures, and making recommendations for improvement in the area of safety for the victims of domestic violence.

Goals

During the Task Force's first year, the Victim Safety Workgroup expanded and clarified its goals as the following:

- ▶ To propose standardized policies and procedures
- ▶ To propose best practices to facilitate and enhance victim safety – “military to military,” “civilian to military,” and “military to civilian”
- ▶ To propose standardized (expected) services and access to services (scope and confidentiality) for victims

Major Objectives and Resulting Recommendations (First Year)

1st Major Objective

To review and make recommendations regarding whether or not mandatory reporting of domestic violence within DoD compromises victim safety. (*Issue 4.A – Mandatory Reporting*)

Resulting Recommendations

That the DoD –

- ▶ In collaboration with the Military Services and the DTFDV review the impact of mandatory reporting on victim safety, victim disclosure, access to services, victim autonomy, and early offender intervention.

- ▶ Develop criteria for expected outcome measures to evaluate the effectiveness of mandatory reporting of domestic violence within the DoD as it correlates to victim safety, victim disclosure, access to services, victim autonomy, and early offender identification.

2nd Major Objective

To review and make recommendations about DoD's current policy regarding removing a service member from housing following a domestic violence incident. (*Issue 4.B – Removal of Service Member Victim from Housing Following a Domestic Violence Incident*)

Resulting Recommendation

That the DoD –

- ▶ Develop and disseminate policy at the DoD level on who should be removed following a domestic violence incident in military housing. Ensure the paramount and overarching goal of victim safety is achieved by the identification of the “primary aggressor” by law enforcement first responders that will necessitate specialized training in domestic violence but will significantly enhance their ability to identify the real victim.

3rd Major Objective

To review and make recommendations regarding whether or not victims would be more inclined to report abuse if there were an accessible and confidential source to receive the report. (*Issue 4.C – Confidential Resource for Military Victims*)

Resulting Recommendations

That the DoD –

- ▶ In collaboration between the Military Services and the DTFDV, expand availability of the National Domestic Violence Hotline (1-800-799-SAFE) by:
 - Providing specialized marketing and outreach, including ensuring that hotline information and community domestic violence resources are included in the materials issued by family services, health care, Family Advocacy Program (FAP), law enforcement, as well as the relevant policies communicated from the commanding officers.
 - Identifying information necessary to enable the National Domestic Violence Hotline to assist military spouse/partner callers who are victims of domestic violence to incorporate the provision of appropriate training to the hotline staff.
- ▶ Seek a partnership with the Department of Justice Violence Against Women Office and the Department of Health and Human Services to create a pilot project that provides military spouses/partners who are victims of domestic violence with access to confidential community services that address their unique needs, and increase the overall collaboration with installation personnel.

- ▶ Explore all options for creating a system of confidential services, privileged communications and/or exemptions to mandatory reporting with the goal of creating access to a credible avenue for victims of domestic violence to receive support, information, options, and resources to address the violence in their lives.

4th Major Objective

To review and make recommendations regarding how the DoD might provide timely information to new family member spouses regarding the level of confidentiality within the FAP and their alternative options of confidential services within the local community. (*Issue 4.D – Educating New Family Member Spouses About Their Options Regarding Services for Domestic Violence*)

Resulting Recommendation

That the DoD –

- ▶ Provide a “welcome package” of written information on the helping services available to family members on the local installation. Embedded within these packages is “domestic violence” information to include, but not limited to:
 - Statement from the Secretary of Defense on DoD’s commitment to victim safety.
 - Specific information on FAP such as: How to contact, confidentiality, military protective orders, the Transitional Compensation Program and other installation specific information as appropriate.
 - Specific information on the National Domestic Violence Hotline (1-800-799-SAFE), local community resources and the process for obtaining orders of protection off the installation.

Major Objectives (Second Year)

After reviewing first year objectives and recommendations, the workgroup agreed to the following major objectives for the second year:

▶ Issues Based on Continuing Actions Required from Initial Report

Issue 4.B – Removal of Service Member Victim from Housing Following a Domestic Violence Incident

To review and make recommendations about DoD’s current practice regarding removing a service member from housing following a domestic violence incident.

Issue 4.C – Confidential Resource for Military Victims

To review and make recommendations regarding whether or not victims would be more inclined to report abuse if there were an accessible and confidential source to receive the report.

Note: *Issue 4.A*, Mandatory Reporting, from the initial report of the DTFDV has been subsumed under *Issue 5.B*, Confidentiality, in this report.

► **Issues Not Addressed in Initial Report**

Issue 4.A – Provisions for Legal Consultation and Referral for Victims of Domestic Violence

Ensure that victims of domestic violence are provided with accessible, timely, and pertinent legal services.

Issue 4.D – Services to Victims of Domestic Violence

Determine the best model (s) for provision of victim advocacy services.

Issue 4.E – Partial Entitlement for Travel and Shipment of Household Goods for Victims of Domestic Violence

Review existing policies to determine how victims of domestic violence, who want to relocate, can receive a partial entitlement to cover transportation and moving expenses without waiting for a court order.

Issue 4.F – Victim Safety Planning

Develop a standardized “Safety Planning” process to enhance victim safety.

Issue 4.G – Transitional Compensation

Determine how the Transitional Compensation Program can be improved to be more responsive to the needs of domestic violence victims.

Issue 4.H – Provisions for Safe Shelter for Victims of Domestic Violence

Review policies regarding use of and payment for shelters in overseas commands.

ISSUE 4.A – PROVISIONS FOR LEGAL CONSULTATION AND REFERRAL FOR VICTIMS OF DOMESTIC VIOLENCE

Do the Military Services offer adequate legal consultation to victims of domestic violence?

Discussion

Background

Legal consultation is available to service members and their spouses on most military installations. Often victims of domestic violence are reluctant to engage resources on military installations for fear that their service member spouse will find out or that it may impact the service member's ability to remain on active duty.

Legal consultation is especially important for victims of domestic violence in the military system if incidents occur on military installations, as the local civilian judicial system rarely becomes involved in cases occurring on federal property. The commanding officer is ultimately responsible for any judicial action in these situations.

All victims of domestic violence should have access to legal consultation to understand their rights and the legal process for responding to domestic violence.

Analysis

All victims of domestic violence should have access to legal consultation to understand their rights and the legal process for responding to domestic violence. Victims often will not use military resources for fear the offender's commanding officer will be informed. Legal consultations, both in and out of the military community, are confidential.

Victims who are not citizens of the United States, but are married to military service members, face even greater obstacles understanding their legal rights due to the complexity of their immigration status.

Under the Violence Against Women Act (VAWA), battered women may gain lawful permanent residence in the United States providing they meet the VAWA guidelines. This information is not widely known throughout the military community.

Findings

- ▶ Some victims at installation site visits were unaware of their legal rights and did not know what legal resources are available to them.
- ▶ Some victims at installation site visits were unaware of the existence of transitional compensation, and some who were aware of the program were not aware of application procedures.
- ▶ Routine referral of domestic violence victims to legal resources is not consistently implemented across the Military Services.

- ▶ Not all victims were familiar with DD Form 2701, Initial Information for Victims and Witnesses of Crime.
- ▶ Overseas site visits revealed a concern for victims of domestic violence who were not United States citizens and often faced threats by the offender of deportation to their countries of origin and separation from their children.
- ▶ Overseas victims, Family Advocacy Program (FAP) personnel, legal representatives, commanding officers and senior enlisted advisors were generally unaware of the VAWA specifically related to battering and immigration issues.

Recommendations

That the DoD –



- ▶ Direct the Military Services to advise victims of domestic violence of the legal resources on the installation to include phone number and physical location of the facility, as well as, off base legal assistance and how to access not-for-profit services and private legal assistance.



- ▶ Direct the Military Services to document that they have advised victims of legal resources to include date and the information provided.



- ▶ Direct the Military Services' legal assistance agencies to review and train their staff on the VAWA with specific focus on how it applies to immigration issues related to domestic violence incidents.



- ▶ Direct the Military Services' legal assistance agencies to review and train their staffs on the Transitional Compensation Program so that victims seeking legal assistance will be provided accurate and timely information on the existence and provisions of the program as well as correct application procedures.

ISSUE 4.B – REMOVAL OF SERVICE MEMBER VICTIM FROM HOUSING FOLLOWING A DOMESTIC VIOLENCE INCIDENT

What is the current policy for removing a service member from housing following a domestic violence incident? This is a continuation of *Issue 4.B* (page 69) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) report dated February 28, 2001.

Discussion

Background

As noted in the DTFDV initial report, DoD does not have a department-wide policy regarding this issue. During site visits, the Task Force found numerous instances where the service member was removed from on-base housing subsequent to a domestic violence incident. This often resulted in an offender, who was a civilian spouse, remaining in the home with the children while the service member who was the victim was moved to the barracks. Such actions cause unnecessary re-victimization and may put the children at risk. Often, commanding officers feel the most expeditious solution is removal of the service member whether he/she is the victim or offender.

Family Advocacy Program policy in all Services appears to mandate removal of the offender from the home. However, military police and commanding officers do not always follow this mandate.

Follow-on Action

In a June 19, 2001 memorandum, the Task Force provided the language recommended below to the Deputy Assistant Secretary of Defense (Military Community and Family Policy) for a DoD-wide policy on this issue. Inclusion of this language in the appropriate DoD Directives (i.e., housing, family advocacy, law enforcement, legal, etc.) will assist in clarifying the policy.

Recommendations

That the DoD –



- ▶ Include the following language in the appropriate DoD Directives: “Immediately following a domestic violence incident in military family housing when separation of family members is warranted, the initial consideration of law enforcement, commanding officers, and/or senior noncommissioned officers (SNCOs) must be the safety of all family members. In nearly all circumstances, removal of the primary offender is the appropriate course of action, regardless of whether this individual is active duty or civilian. Under no circumstances should an active duty victim be removed from housing, as opposed to the civilian offender, simply as a matter of expediency. Children should never be left in the care of a suspected offender.”



- ▶ Continue to monitor this issue and assure the appropriate regulations at the DoD and Service levels are changed. Additionally, a policy memorandum from each Service Secretariat may be helpful to send to commanding officers at all levels to address this issue.

ISSUE 4.C – CONFIDENTIAL RESOURCE FOR VICTIMS

Would victims of domestic violence report abuse if there were an accessible and confidential resource available to them? This is a continuation of *Issue 4.C* (page 71) from the initial report of the Defense Task Force on Domestic Violence (DTFDV) dated February 28, 2001. In the initial report, this issue was titled “Confidential Resource for Military Victims.” The issue has been re-named this year for clarity since there is no intent that this issue should only pertain to victims in uniform.

Discussion

Background

As noted in the DTFDV initial report, *Issue 4.C* on Victim Safety covered a variety of concerns related to confidentiality. These areas include the National Domestic Violence Hotline (NDVH); partnering with civilian victims’ resources; confidentiality/privilege; and creation of victim advocates.

This continuation of *Issue 4.C* will specifically address expanding the availability of the National Domestic Violence Hotline (NDVH) (1-800-799-SAFE). The first report recommended providing specialized marketing and outreach, including ensuring that hotline information and community domestic violence resources are included in the materials issued by family service personnel, healthcare providers, Family Advocacy Program (FAP) personnel, law enforcement personnel, as well as the relevant policies communicated from commanding officers. The Task Force recommended that DoD identify information necessary to enable the NDVH to assist military spouse/partner callers who are victims of domestic violence and to incorporate the provision of appropriate training to the hotline staff.

Additionally, the Task Force recommended that DoD seek a partnership with the Department of Justice Violence Against Women Office and the Department of Health and Human Services to create a pilot program that provides military spouses/partners who are victims of domestic violence with access to confidential community services that address their unique needs and increase the overall collaboration with installation personnel.

Follow-on Actions

After further coordination between the agencies, Task Force members do not feel a pilot project will be needed as they are working with the NDVH for implementation of a template that addresses all installations.

The Task Force reviewed the current functioning of the NDVH. The DoD FAP Manager is coordinating with the Department of Health and Human Services (HHS) program director for the NDVH. They are currently exploring development of a template

for information on each military installation that would be used by NDVH staff when assisting callers from military communities. They are working with Service FAP Managers, installation law enforcement personnel, criminal investigators and NDVH staff members on the template design.

Once the proposed template is coordinated, DoD plans to use the Military Family Resource Center to disseminate to all installations.

The DTFDV, HHS and DoD will plan and conduct training for NDVH staff on military-related issues in response to domestic violence.

The DTFDV will continue to monitor this issue for the third year report.

Recommendations

That the DoD –

- ▶ Collaborate with NDVH staff to pursue development of a study assessing efficacy of the marketing and outreach materials used to expand the awareness and utilization of the hotline by military communities.
- ▶ Pursue funding for marketing and outreach materials.
- ▶ Explore feasibility of establishing in-theater military hotlines in overseas areas.
- ▶ Collaborate with civilian victim service agencies which would be impacted by military-connected usage.



ISSUE 4.D – SERVICES TO VICTIMS OF DOMESTIC VIOLENCE

Should the Military Services provide victim advocacy services?

Discussion

Background

Domestic violence victims face a number of barriers in reaching out for assistance; personal, institutional, economic, and cultural factors often keep them from transitioning to safety. Moreover, it is well documented that victims are at increased risk of serious harm at the point of making a decision to leave a batterer.

Victim safety is best achieved through a coordinated community response. Critical to the response is law enforcement, safe housing, medical assistance, financial assistance, legal consultation, access to the judicial system for protective orders, emotional support, safety planning and a lethality assessment. In all these areas, victims have a number of short-term as well as long-term needs.

It is extremely difficult for victims of domestic violence, who are often traumatized by the long-term effects of abuse, to navigate through all these systems and remain involved. Experience from the civilian sector shows that victims are far more likely to remain involved in the offender accountability system if they are receiving sustained services from a victim advocate whose exclusive role is to support the victim and to assist him/her in transitioning to safety.

The Military Services have responded in a variety of ways to serve victims. The Army serves victims through the Family Advocacy Program (FAP). Currently the Army has 15 full-time victim advocate positions, and volunteers at each installation support them. At installations where the positions do not exist, FAP clinicians provide assessment, information, support, and case management services.

The Navy has a Victim Advocate Program with approximately 27 Victim Services Specialists (VSS) and two Victim Services Coordinators. The VSS provide services for victims and assist them in contacting, accessing, or using established military and civilian victim assistance programs.

The Air Force does not have a separate Victim Advocacy Program component. Victims are served by Family Advocacy Officers and Family Advocacy Treatment Managers, who are licensed, credentialed, providers in the FAP. They provide assessment, case management, information, and support services.

The Marine Corps serves victims through their Victim Advocacy Program. They provide assessment and case management services with a total of 28 victim advocates and approximately 48 volunteers.

There is a stark contrast between the availability of victim advocacy services in the military and civilian communities.

Analysis

The scope of victim safety and services to victims is very broad and the impetus for the work of the entire Task Force. The safety of victims should be paramount in all aspects of the Military Services' response to domestic violence. Victims should have access to a well- defined, distinct program for victim advocacy.

A victim is not safe until being free of violent acts; threats of those acts; and the fear that is engendered as it limits the victim's autonomy. Victims should be actively involved in safety planning, and the attempt to be safe is not solely defined as a solitary living arrangement.

Victims face risks that are posed by their partners and also face risks as they attempt to assure themselves of safety by acting in their own behalf when seeking support while under duress.

Everyone understands the risks generated when a victim decides to leave a relationship, but it is important to truly understand that often the escalation of risk of physical violence is increased when the victim attempts to leave or has left the relationship.

Victims should have immediate access to law enforcement, judicial, medical, and psychological support, and advocacy services. Military Services that do not have exclusive Victim Advocate Programs have providers serving in a variety of roles. While this is cost effective for personnel management, it does not serve victims exclusively or well.

The Military Services' response to victims should assure that services are offered in a multicultural context. Availability of staff skilled in language(s) of the serviced population and written materials in languages as necessary is a key component to meeting this need.

Also, the issue of confidentiality has many ramifications for services to victims and is addressed in this report in *Issues 4.C* and *5.B*.

Findings

- ▶ When the Military Services do not have advocates exclusively for domestic violence victims, the current system often disempowers victims.
- ▶ Frequently, the same clinical staff member handles domestic violence cases, intervening with both victim and offender, and also assesses and makes case management arrangements for alleged child abuse and neglect cases. FAP staffs are put in a potentially untenable position of working with both the victim and offender. Often victim safety concerns are lost in the process with FAP staff having to sort out the details of the incident.
- ▶ Services to victims in the civilian environment are voluntary, and offenders are usually mandated to treatment. Installation site visits revealed some staff's frustration at not being able to mandate victims into treatment. While most victims would benefit from information and support, mandating them into treatment is re-victimizing them.

Victims should have immediate access to law enforcement, judicial, medical, and psychological support, and advocacy services.

- ▶ Consistency of programs is important across all Military Services. If all Military Services used the same model for providing services to victims of domestic violence, it would increase collaboration and partnering for resource sharing in locations where several Military Services have installations in close proximity, for example, Norfolk, VA/Hampton, VA; Washington, DC; Okinawa, Japan, and Hawaii.
- ▶ Services to victims should be offered in an environment with attention to the cultural and ethnic needs of victims. All literature should be translated in other languages when the programs are in environments serving large numbers of other nationalities.
- ▶ The Victim Witness Assistance Program (VWAP) intervenes with victims when legal action or administrative separation of a service member is involved.
- ▶ If a victim refuses FAP involvement following a report of domestic violence, it is more difficult for the FAP staff to provide safety planning and information regarding services. The FAP Victim Advocate position has more flexibility and can reach out, making personal contact with victims within the critical time frame following the reported incident.

Recommendation

That the DoD –

- ▶ Mandate that each Military Service provides and emphasizes a specific Victim Advocate Program. The Task Force will address potential models and funding in the third year report.



ISSUE 4.E – PARTIAL ENTITLEMENT FOR TRAVEL AND SHIPMENT OF HOUSEHOLD GOODS FOR VICTIMS OF DOMESTIC VIOLENCE

Should the Joint Federal Travel Regulation (JFTR) provide an entitlement to assist victims of domestic violence with relocation expenses when the move does not coincide with a service member's permanent change of station, separation or retirement?

Discussion

Background

Relocation is sometimes critical to victim safety, and often military family members do not leave the offending spouse due to lack of financial resources for personal transportation and shipment of household goods (HHG). In the continental United States (CONUS), the JFTR provides relocation entitlements (personal travel expenses and shipment of HHG) for family members only in conjunction with a service member's permanent change of station (PCS), separation, retirement, or subsequent to a court martial.

When a service member and his/her family reside overseas, there is a statutory provision (Title 37, § 406 (e) or (h)) reflected in the JFTR that authorizes the early return of command sponsored dependents to the CONUS. The early return authority provides for the payment of travel expenses to and the shipment of HHG and privately owned vehicle (POV) by the authorized family member. However, it should be noted that the base entitlement for the early return is the service member's and must, therefore, be requested by the service member.

Relocation is sometimes critical to victim safety. . .

Analysis

The JFTR provides regulatory guidance on travel and transportation entitlements for uniformed personnel and their family members, including shipment of HHG and POV. Currently, the JFTR does not provide an entitlement for cases when the victim of domestic violence desires to relocate, unless the relocation is in conjunction with a service member's PCS, separation, or retirement.

Findings

- ▶ When the safety of a military family member victim is at stake and relocation away from the service member offender is the best course of action, often this relocation does not occur due to the victim's lack of resources to pay for personal travel and shipment of possessions.
- ▶ Due to the excessive distances and travel costs involved, especially in overseas locations, victims of domestic violence often feel trapped when wanting to leave an abusive relationship due to lack of funding or other sources to assist them with moving expenses when their service member sponsor refuses to request an early return of dependents.

Recommendations

That the DoD –

- ▶ Seek statutory authority for the payment of personal travel expenses, shipment of HHG and, when overseas, POV, to the victims of domestic violence when relocating the family member(s) away from the service member offender would be in the best interests of their safety.
- ▶ Ensure the partial entitlement includes, at a minimum, the following stipulations:
 - One time entitlement,
 - Initiated at the victim's request,
 - Must be initiated when there is an open family advocacy (FAP) case,
 - Safety planning and counseling required by FAP prior to approval, and
 - The victim and offender reach an agreement of division of household goods.



ISSUE 4.F – VICTIM SAFETY PLANNING

Should the Military Services have a standardized safety planning process for enhancing victim safety?

Discussion

Background

Intensive safety planning for victims is paramount in addressing immediate and long-term safety concerns. In the civilian community, victim service providers and criminal justice personnel are responsible for facilitating victim safety planning, utilizing available safety planning tools, and conducting risk and lethality assessments.

The safety planning process can help victims think through their safety issues and develop a plan to enhance safety and alleviate fear. The plan can then be modified as needed during successive contacts with service providers.

Safety planning tools include checklists with information pertaining to what items the victims should take when leaving the abusive relationship; helpful local and national phone numbers; and information on what to do: 1) during an explosive incident; 2) when preparing to leave; 3) with a protective order; 4) in your own residence; 5) on the job and in public.

Risk and lethality assessments are also tools that facilitate an examination of an offender's past behavior and an assessment of whether the violence is likely to escalate.

DoD provides broad guidelines for victim safety planning; however, it does not have standardized checklists for use by the Military Services.

Analysis

The goals of victim safety and well-being should form the basis of the work in responding to domestic violence. It is the responsibility of professionals working with domestic violence victims to facilitate victim safety planning, utilize available safety planning tools, and conduct risk and lethality assessments. Once the immediate safety concerns have been addressed, victims can then be assisted in connecting with other helpful resources in order to secure their future safety and that of their families.

In assessing current safety planning, support, and referral services, it is important to consider whether services fully address the full range of victim safety needs. Safety concerns include a victim's physical safety and that of family and friends; health problems and fear of injury or permanent damage; impact of mandatory reporting; and ability to take steps to become self-sufficient and independent of the abuser.

A system that focuses on victim safety and victim involvement is more likely to gain the victim's trust, thereby increasing the likelihood that the victim will willingly participate in

Intensive safety planning for victims is paramount in addressing immediate and long-term safety concerns.

services and in any judicial process. In the civilian environment, conducting risk assessments based on information supplied by victims and by others assists in decisions regarding punishment, treatment and accountability for offenders.

Once conducted, however, risk and lethality assessments should not be viewed as static, unchanging documents. Victims, and the personnel working with them, can never have all the information that would enable them to make a complete assessment of the risk. Additionally, risk factors change over time and, therefore, assessments need to be reviewed and revised with victims on a regular basis.

When engaging a victim of domestic violence in the safety planning process, it is not enough to simply hand the victim written materials to review or complete on their own. All personnel who work with victims need training and instruction on effectively implementing safety plans. Personnel need to be trained to work with victims on their particular safety needs during each interaction with the victim, focusing on such things as individual resources, history, earlier experiences with safety planning, and future plans and needs.

Training should also focus on the immediate and long-term effects of domestic violence and how these effects can influence a victim's response at any given point in time. Victims experience a wide range of emotions immediately following an incident. At the time of, or shortly after a domestic violence incident, victims tend to respond best to concrete questions and suggestions. Later they may respond better to more in-depth and complex planning.

Personnel also need to be trained on the importance of conducting safety planning with victims who still live with the offender. Many times victims are very much aware that leaving the abusive situation will not necessarily increase their safety. Training in this area will enable personnel to attend to each victim's particular situation and assist the victim in developing safety strategies for daily life with the offender.

Findings

- ▶ The Task Force reviewed safety plans from the Military Services. They included a wide variation, from basic checklists to extensive documents for assessing risk.
- ▶ Existing Military Services' safety plans are currently inconsistently applied by service providers.
- ▶ Installation site visits revealed victims were unfamiliar with the process of safety planning, and all victims should be counseled on safety plans.
- ▶ Safety plans should be created in conjunction with performing risk assessments and tailored to the needs of the victim. Safety planning with victims is essential to protecting the victim from further violence and assuring the victim is well informed on all options for safety.
- ▶ Safety plans cannot be adequately addressed unless the victim has a high degree of privacy with the service provider.

Recommendations

That the DoD –

- ▶ Develop and disseminate policy for use of safety plans by the Military Services.
- ▶ Adopt the attached safety plan as a template for use in all Military Services that can be tailored to the specific risks in each individual situation.
- ▶ Adopt the attached risk assessment tool entitled “Danger Assessment” as a template for use with victims in all Military Services.
- ▶ Ensure availability of victim advocates to conduct safety planning and risk assessments.



Name: _____

Date: _____

Review dates: _____

Personalized Safety Plan

The following steps represent my plan for increasing my safety and preparing in advance for the possibility for further violence. Although I do not have control over my partner's violence, I do have a choice about how to respond to him/her and how to best get my children and myself to safety.

The two MOST IMPORTANT things I can do are:

Step 1: If I am planning to leave, I should do so without telling my partner face-to-face. If I have to leave quickly (during an incident), JUST LEAVE. Do not talk with my partner about it. If I am going to leave at another time, leave when my partner is not home and talk with my partner later by phone or letter from a safe place.

Step 2: Safety during a violent incident. One cannot always avoid violent incidents. In order to increase safety, battered persons may use a variety of strategies.

I can use some or all of the following strategies:

- A. If I decide to leave, I will _____ . (Practice how to get out safely. What doors, windows, elevators, stairwells or fire escapes would you use?)
- B. I can keep my personal belongings (purse, car keys, etc.) ready and put them (place) _____ in order to leave quickly.
- C. I can tell _____ about the violence and request they call the police if they hear suspicious noises coming from my house. I can also tell _____ about the violence and request they call the 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.
- 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 _____
(Decide this even if you 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 _____ .
(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 partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.

Step 3: Safety when preparing to leave. Battered persons frequently leave the residence they share with the battering partner. Leaving must be done with a careful plan in order to increase safety. Batterers often strike back when they believe that a battered partner is 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.
- 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 batterer 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 their 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 partner I am leaving face-to-face, or I will leave without talking with my partner. If my partner has access to a gun, I can lock it up or ask the commanding officer or military police to take it.

- 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.

Step 4: Safety in my own residence. There are many things that a person can do to increase his/her safety in his/her own residence. It may be impossible to do everything at once, but safety measures can be added step by step.

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/minister/other) in the event that my partner 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 partner is not permitted to do so. The people I will inform about pick-up permission include: _____ (school), _____ (day care staff), _____ (babysitter), _____ (Sunday School Teacher), _____ (Teacher), and _____ (Others)
- I. I can inform _____ (neighbor), _____ (pastor), and _____ (friend) that my partner no longer resides with me and they should call the police if he/she is observed near my residence.

Step 5: Safety with a protection order. Many batterers obey protection orders, but one can never be sure which violent partner will obey and which will violate protection orders. I recognize that I may need to ask the 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 (location) _____.
 - B. Always keep protection order on or near your person. If you change purses/wallets, that's the first thing that should go in.
 - C. I will give a copy of my protection order to 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 should be a county registry of protection orders that all police departments can call to confirm a protection order. I can 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 minister, my closest friends, and _____ that I have a protection order in effect.
 - H. If my partner destroys my protection order I can get another copy by going to _____ located at _____.
- If my partner 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 department.
 - J. I can also file a private criminal complaint in the jurisdiction where the violation occurred. I can charge my battering partner with a violation of the protection order and all the crimes that he/she commits in violating the order. I can call the domestic violence advocate to help me with this.

Step 6: Safety on the job and in public. Each battered person must decide if and when he/she will tell others that his/her partner has battered him/her and that he/she may be at continued risk. Friends, family and co-workers can all offer protection. Each person should consider carefully which people to invite to help secure his/her 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 battering partner.
- G. I can use a different bank and take care of my banking at hours different from those I used when residing with my battering partner.
- H. I can also _____.

Step 7: Safety and drug or alcohol use. Many people in this culture use alcohol. Many use mood-altering drugs. Much of this use is legal and some is not. The legal outcomes of using illegal drugs can be very hard on a battered people, may hurt his/her relationship with his/her children and put him/her at a disadvantage in other legal actions with the battering partner. Therefore, abused people should carefully consider the potential cost of the use of illegal drugs. But beyond this, the use of any alcohol or other drugs can reduce a person's awareness and ability to act quickly to protect him/herself from the battering partner. Furthermore, the use of alcohol or other drugs by the batterer may give him/her an excuse to use violence. Therefore, in the context of drug or alcohol use, a person needs to make specific safety plans.

If drug or alcohol use has occurred in my relationship with the battering partner, 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 partner is using, I can _____.
- D. I might also _____.
- E. To safeguard my children, I might _____ and _____.

Step 8: Safety and my emotional health. The experience of being battered and verbally degraded by partners 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 partner 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 _____, _____ or _____ to gain support and strengthen my relationships with other people.

Step 9: Items to take when leaving. When abused persons leave partners, it is important to take certain items with them. Beyond this, abused persons sometimes give an extra copy of papers and an extra set of clothing to a friend just in case they have to leave quickly.

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
- ▶ Children's birth certificates
- ▶ My birth certificate
- ▶ Social Security cards
- ▶ Money
- ▶ Checkbook, ATM (Automatic Teller Machine) card
- ▶ Credit cards
- ▶ Keys – house/car/office
- ▶ Driver's license and registration
- ▶ Medications
- ▶ Work permits
- ▶ Green card
- ▶ Welfare identification
- ▶ Passports
- ▶ Divorce papers/custody papers
- ▶ Medical records
- ▶ Lease/rental agreements, mortgage payment book
- ▶ Bank books
- ▶ School and vaccination records
- ▶ Insurance papers
- ▶ Small saleable objects
- ▶ Address book
- ▶ Pictures
- ▶ Jewelry
- ▶ Children's favorite toys and/or blankets
- ▶ Small saleable items (not batterer's property)

YOU SHOULD NOT KEEP THIS PLAN. YOU SHOULD DISCUSS WITH YOUR VICTIM ADVOCATE WHERE AND WITH WHOM THIS PLAN WILL BE KEPT.

YOU SHOULD DETACH THE PHONE LISTING BELOW AT THE DOTTED LINE AND KEEP IT WITH YOU.

Barbara Hart and Jane Stuehling, Pennsylvania Coalition Against Domestic Violence, 6400 Flank Drive, Suite 1300, Harrisburg, PA 17112, PCADV, 1992.

Adapted from “Personalized Safety Plan,” Office of the City Attorney, City of San Diego, California, April 1990.

Edited to make “gender neutral.”

.....

**Phone List
Detach at Dotted Line and Keep with You at All Times**

Telephone numbers I need to know:

- ▶ National Domestic Violence Hotline – 1-800-799-SAFE
- ▶ 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 _____
- ▶ Minister _____
- ▶ Attorney _____
- ▶ School/Daycare _____
- ▶ Doctor _____
- ▶ Friend _____
- ▶ Family Member _____
- ▶ Other _____

Danger Assessment¹

Jacquelyn C. Campbell, Ph.D., R.N.

Copyright 1985, 1988, 2001

Several risk factors have been associated with homicides (murders) of both batterers and battered women in research conducted after the murders have taken place. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of severe battering and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were beaten by your husband or partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or continuing pain
3. "Beating up;" severe contusions, burns, broken bones
4. Threat to use weapon; head injury, internal injury, permanent injury
5. Use of weapon; wounds from weapon

(If **any** of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following. ("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

- _____ 1. Has the physical violence increased in severity or frequency over the past year?
- _____ 2. Has he ever used a weapon or threatened you with a weapon?
- _____ 3. Does he ever try to choke you?
- _____ 4. Does he have access to a gun?
- _____ 5. Has he ever forced you to have sex when you did not wish to do so?
- _____ 6. Does he use drugs? By drugs, I mean "uppers" or amphetamines, speed, angel dust, cocaine, "crack," street drugs or mixtures.
- _____ 7. Does he threaten to kill you and/or do you believe he is capable of killing you?
- _____ 8. Is he drunk every day or almost every day? (In terms of quantity of alcohol)
- _____ 9. Does he control most or all of your daily activities? For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here:_____)

¹ Citations: Campbell, J.C., Koziol-McLain, J., Webster, D., McFarlane, J., Sharps, P.W., and Glass, N. (In Press). Risk factors for intimate partner femicide: Evaluation of the Danger Assessment Instrument. National Institute of Justice Briefs.

- _____ 10. Have you ever been beaten by him when you were pregnant?
(If you have never been pregnant by him, check here:_____)
- _____ 11. Is he violently and constantly jealous of you? (For instance, does he say
“If I can’t have you, no one can?”)
- _____ 12. Have you ever threatened or tried to commit suicide?
- _____ 13. Has he ever threatened or tried to commit suicide?
- _____ 14. Does he threaten to harm your children?
- _____ 15. Do you have a child that is not his?
- _____ 16. Has he ever been arrested for domestic violence?
- _____ 17. Is he unemployed?
- _____ 18. Have you left him during the past year?
(If you have *never* lived with him, check here:_____)
- _____ 19. Do you currently have another (different) intimate partner?
- _____ 20. Does he stalk you? (Does he follow or spy on you, leave threatening notes,
destroy your property, call you when you don’t want him to?)
- _____ Total “Yes” Answers

Thank you. Please talk to your nurse, advocate, or counselor about what the Danger Assessment means in terms of your situation.

ISSUE 4.G – TRANSITIONAL COMPENSATION

How responsive is the Transitional Compensation (TC) Program to the needs of victims of domestic violence?

Discussion

Background

Congress established the TC Program for abused spouses/family members of military personnel as part of the Fiscal Year 1994 National Defense Authorization Act (P.L. 103-160).¹

The statute governing TC is 10 U.S.C. § 1059. The law authorizes temporary payments for families in which the service member has been discharged administratively or by court-martial for dependent related abuse at the Dependency Indemnity Compensation (DIC) rate. Effective December 1, 2000, monthly entitlement rates are as follows:²

- ▶ \$911.00 Spouse
- ▶ \$229.00 Each dependent child
- ▶ \$386.00 Dependent child only

The law has been amended twice:

- ▶ In October 1998 to expand TC to eligible dependent children not residing with an eligible spouse and in the custody of court appointed guardians.³
- ▶ In March 2000 to provide unrestricted medical and dental care, including mental health services to dependents who are receiving TC.⁴

The Department of Defense Instruction (DoDI) 1342.24, Transitional Compensation for Abused Dependents, May 1995, implemented the program.

Analysis

The goal of Congress in legislating the TC Program was to encourage spouses to report family violence and to ensure financial support in the event the service member is forced to leave the military.

DoDI 1342.24 states: “Payment shall commence on the date the convening authority, approves the court-martial sentence that includes a dismissal, dishonorable discharge, a bad-conduct discharge; or the member’s commander starts administrative separation action.

The goal of Congress in legislating the TC Program was to encourage spouses to report family violence and to ensure financial support in the event the service member is forced to leave the military.

¹ Maj Holder, Course Outline on Victim Compensation Programs, *AFLSA/JAJM*, November 15, 2000, p 1.

² MaraAdmin 226/06, Transitional Compensation for Abused Family Members, May 2001.

³ Information Paper, OSD, Office of Compensation Policy, August 10, 2000, p 4.

⁴ Memorandum, Assistant Secretary of Defense (Force Management Policy), Transitional Compensation for Abused Dependents, April 21, 2000.

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."⁵ Since specific monies were not appropriated for TC, each of the Services funds the program from their Operational and Maintenance (O&M) account.

Eligibility for TC in court-martial cases is impacted by the amount of time it takes to authenticate the record of trial and obtain the final approval by the convening authority. The record of trial can take months to authenticate, and errors in the process are frequent. As an example, in August 2000, the average Army post-trial processing was 119 days for a general court martial and 115 days for a special court-martial, as compared to 93 and 70 days respectively, five years prior. Additionally, the Army had 45 cases in Calendar Year 2000 that took over six months to get from sentencing to action; 16 of those 45 cases took over a year.⁶ The times as enumerated above are not unique to the Army. The Navy stated these types of cases could take from several days to over two years.⁷

Victims whose service member sponsor is being administratively separated for dependent-related abuse face a different problem. While their eligibility begins on the date the commanding officer initiates an administrative separation action, subsequent processing could result in the elimination of the dependent abuse basis for the action and render the victim ineligible for TC benefits.⁸

There have been reports of commanding officers who are either unaware of the necessity to specify that the cause of the separation is a dependent-abuse offense, or those who are knowledgeable of the requirement but choose to exercise their personal judgment that the family member(s) are not entitled to TC.

These kinds of problems need to be resolved in order to make the TC Program a real incentive to reporting abuse and not an additional hardship for victims and their families.

Findings

- ▶ TC is a statutory entitlement; thus, legislative changes will be required to resolve some issues. Regulatory changes will suffice for others.⁹
- ▶ Commanding officers at the decision-making level and staff judge advocates who advise them, require additional education and guidance regarding the process of administrative separation as it relates to dependent-abuse offenses.¹⁰

⁵ Department of Defense Instruction (DoDI) 1342.24, Transitional Compensation for Abused Dependents, May 1995.

⁶ O'Malley Pitcher, The Army's Transitional Compensation Program, An Analysis of the Problems Inherent in the Army's Transitional Compensation Program, U.S. Army Community and Family Support Center, submitted for publication to the *Army Lawyer*, April 2001.

⁷ Karen Roksandic, E-mail communication, Transitional Compensation Section Program Manager, Headquarters Navy Family Advocacy Program, June 7, 2001, p 661.

⁸⁻¹⁰ Pitcher, Analysis of Problems in the Army's TC Program, April 2001.

- ▶ Under Article 57 of the UCMJ, the accused can request a deferment of fines and forfeitures of pay under the understanding that the accused will provide support for his/her family member(s) until the convening authority approves the sentence. However, there is no safeguard in place to ensure the service member executes a voluntary allotment for the family and/or does not cancel the allotment before convening authority action takes place.¹¹
- ▶ Article 58b of the UCMJ allows the convening authority to waive any or all of the forfeitures of pay and allowances for a period not to exceed six months and to have such pay and allowances paid directly to the family. The problem emerges when the waiver provision and TC payments under Title 10 overlap. The Army and the Air Force have determined a dependent must relinquish TC benefits during the six-month waiver period, but the Navy and Marine Corps authorize TC during the six-month waiver period. This has significant impact on the families considering the discrepancies in legal opinions among the Services.¹²
- ▶ There is great variance in the duration of TC payments. In some cases, family members may receive up to 36 months of TC; however, if the service member's obligated active duty service expires before that time, TC is only paid for that duration. This policy potentially causes a disproportionately negative effect on the families of lower enlisted grade personnel that are least able to compensate financially. Most officers serve in a voluntary indefinite service status and do not have an expiration term of service (ETS) date. In order to standardize the process and ensure fairness across the ranks, the Task Force feels TC should not be limited by a service member's ETS, but should be paid for a set, standard period of time for all personnel.
- ▶ Through discussion with military personnel during installation site visits, the Task Force concluded there is a considerable lack of awareness about the TC Program. Some commanding officers and senior noncommissioned officers (SNCOs) were not even aware the program existed.
- ▶ Although medical/dental benefits are listed as an entitlement, a significant number of recipients have difficulty accessing medical care.
- ▶ In Fiscal Year 2000, DoD paid \$5,584,639.30 in TC to family members, broken out by Service as follows:

Army	\$2,410,000.00
Navy	\$1,736,460.37
Air Force	\$ 990,252.57
Marine Corps	\$ 447,926.36

Note: Amounts shown include TC for both spouse and child abuse cases.

¹¹⁻¹² Pitcher, Analysis of Problems in the Army's TC Program, April 2001.

Recommendations

That the DoD –

- ▶ Recommend that Congress adopt for use and implement the following legislative language:

Title 10 U.S.C. SEC. 1059 DEPENDENTS OF MEMBERS SEPARATED FOR DEPENDENT ABUSE: TRANSITIONAL COMPENSATION.

“(e) Commencement and Duration of Payment. – (1) Payment of transitional compensation under this section –

(A) in case of a member being dismissed, receiving a dishonorable discharge, a bad-conduct discharge; or the member’s commanding officer starts administrative separation action for dependent-abuse, commence 14 days after sentencing if there is a court martial or 14 days after administrative separation action is initiated.

(B) if the service member is adjudicated by a civilian courts system and subsequent administrative separation action is initiated, shall commence 14 days after initiation of such separation action by the service member’s commanding officer.”

“(e) (2) Transitional compensation with respect to a member may be paid for a period of 36 months.”

- ▶ Develop guidance to ensure that when a service member is separated as a result of a dependent-abuse offense, the commanding officer is knowledgeable and informed regarding the requirement for the victim and the offense to be clearly specified in the separation documentation in order to establish the basis for TC.
- ▶ Initiate regulatory guidance to require the Services to monitor the disposition of administrative separations from the time action is initiated (eligibility for TC begins) until the actual date of separation. This is important to ensure that dependent-related abuse is not dropped as a reason for the separation.
- ▶ Ensure guidance is expanded to allow Service Secretaries to waive the requirements of this statute and approve compensation in those extenuating circumstances where granting TC is consistent with the intent of the law.
- ▶ Initiate an intensive public affairs campaign about the TC Program, utilizing all forms of media. This can be part of the template for a general domestic violence awareness campaign (reference DTFDV initial report, dated February 28, 2001, Chapter 2, Education and Training, *Issues 2.F* and *2.G*, pp 45-48).

ISSUE 4.H – PROVISIONS FOR SAFE SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE

What resources do the Military Services use to assure safe shelter for victims of domestic violence?

Discussion

Background

Safe shelter for victims of domestic violence is critical to safety planning and decreasing the potential for further violence. Safe shelter may include the victim relocating to a community based, battered women's shelter; home of family members or friends; use of a hotel or installation billeting facilities; or, in the areas of Hawaii and Okinawa, the Department of Defense (DoD) funded shelter. Providing safe shelters in locations outside the continental United States (OCONUS) can be extremely challenging.

Relocating victims to an environment other than their own home is often the best option to assure their continued safety and reduce the possibility for further harm to them if the offender cannot be removed from the household.

DoD Family Advocacy Program (FAP) Standards note: "Guidelines shall define when a victim of spouse abuse shall be referred to a shelter. These policies shall be in the FAP policies and procedures and shall protect the right of the adult victim to make the final decision about moving temporarily to a shelter for the victim's protection."¹

Army Regulation 608-18, The Army Family Advocacy Program, states: "In all cases the victim will be informed about the FAP and about a shelter or other available victim assistance services. The military police will also arrange or provide transportation for the victim to a shelter, military treatment facility, or other appropriate victim assistance agency."²

Navy guidance is found in SECNAVINST 1752.3A Ch-1, Family Advocacy Program, which states: "Critical goals following allegations of abuse are protection of victims, assurance of their continued safety, and prevention of further abuse. Actions that must be taken include medical assessment and care for family members as appropriate, risk assessment, safety planning, providing access to shelters and safe houses..."³

Air Force Family Advocacy Program Standards notes "Victim safety procedures will include referral to alternative living arrangements..."⁴

¹ DoD Family Advocacy Program Standards, p 5.2, item PS 5.7, dated August 20, 1992.

² Army Regulation 608-18, The Army Family Advocacy Program, p 18, dated September 1, 1995.

³ SECNAVINST 1752.3A, Change 1, Family Advocacy Program, Sec 7-h, Case Management, (1) Victim Safety and Protection, p 4, dated April 23, 1996.

⁴ Air Force Family Advocacy Program Standards, M-15, Victim Safety, para M15.6, dated July 1998.

Safe haven for victims and their children should be one of the first areas of concern in services to victims.

Marine Corps Family Advocacy Program Standard Operating Procedures, states: “Shelters must be readily available to protect abused or endangered spouses and children, following the philosophy that the shelter is available for any emergency or ‘quick fix’ of a volatile situation. While other placement may be more appropriate on a long-term basis, the shelter must maintain an ‘open door’ policy for all emergencies.” Also, guidance on use of shelters is noted in Appendix J, Ensuring Safety of Victims which states: “When the suspected abuser is not subject to military orders, or unlikely to comply with them, the victim(s) and perhaps other caretaker family members may be placed in a shelter. Shelters may be used even in cases where there is also a restriction or an MPO.”⁵

Based on the above regulations, in situations when the offender is not removed from the home, the Military Services provide and/or arrange for safe shelter through a number of options which include: 1) two DoD OCONUS shelters in Hawaii and Okinawa; 2) use of billeting resources in CONUS and OCONUS locations; 3) referral to community shelters; and 4) arranging for victims to stay with friends.

Analysis

Safe haven for victims and their children should be one of the first areas of concern in services to victims. In CONUS, the resources are more plentiful than in overseas locations, and installations may use local women’s shelters. In the civilian sector, victims access shelter services most often through the local police department after an incident of domestic violence that resulted in police intervention. OCONUS, the Military Services use a number of options and almost always lack clear financial resources to fund alternative housing for victims when the offender cannot be removed from the home.

Findings

- ▶ Only two military sponsored shelters exist OCONUS. They are, the Joint Military Family Abuse Shelter (JMFAS) in Hawaii and the Joint Services Family Shelter (JSFS) in Okinawa.
- ▶ Both shelters serve all Military Services and have been in existence since 1982. The JMFAS is funded directly through DoD FAP funds, while the JSFS is funded by the Military Services on Okinawa based on a fair share computation.
- ▶ Use of both the DoD shelters (Hawaii and Okinawa) is impacted by the lack of confidentiality for victims as these facilities have a policy requiring that they notify the FAP of admissions. The Director, JMFAS in Hawaii stated that 56 victims in the last four years had declined admission to the shelter due to the policy of notifying FAP.

⁵ Marine Corps Family Advocacy Program Standing Operating Procedures, MCO O1752.3B with changes 1 and 2, para c, para 2a, Appendix J, para 1d, dated March 3, 1997.

- ▶ Some OCONUS installations house victims in on-installation billeting facilities when they cannot remain in their homes, either on or off the installation.
- ▶ The Task Force found the cost of billeting for victims of domestic violence varied at OCONUS installations. Some installation program managers noted the cost of housing victims was higher than normal billeting rates.
- ▶ Host nation shelters are most often used by host nation victims who are not legally married to service members. Family members rarely seek shelter at host nation facilities and usually rely on installation resources such as on-installation billeting when the service member is not removed from the home.
- ▶ Various sources are used to fund the cost of billeting victims such as the use of FAP funds, payment by victims themselves, and units asking for contributions to cover the cost.
- ▶ Specific funding for military shelters is not set aside in the DoD Family Advocacy Program budget.

Recommendations

That the DoD –

- ▶ Ensure access to billeting or sheltering services or the existence of a memorandum of understanding with a civilian sheltering organization off-site at CONUS installations.
- ▶ Ensure access to billeting or sheltering services within a reasonable geographic proximity of all OCONUS installations.
- ▶ Establish a policy for all military sponsored shelters (presently, Okinawa and Hawaii) to provide a period of up to 72 hours in which mandatory reporting is not required for adult victims.
- ▶ Ensure broad dissemination of information about availability of sheltering services.
- ▶ Develop and disseminate policy emphasizing the importance of the victim's self-determination in the process of safety planning. The policy should state clearly that the victim will make the final decision to be located outside his/her home environment.
- ▶ Develop and disseminate a policy that all CONUS installation FAP staff will seek out and be knowledgeable of local shelter services.
- ▶ Ensure that the funding for both military shelters is reviewed to meet the needs of the communities being served.
- ▶ Seek all methods of funding for military shelters to include Military Services relief agencies (Air Force Aid, Army Relief, Navy and Marine Corps Relief Society, etc.).



Program Management

OVERVIEW

Purpose

In accordance with Public Law 106-65, the Defense Task Force on Domestic Violence (DTFDV) is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies related to domestic violence. The Program Management Workgroup did not exist during the first year of the Task Force. It was developed during the second year when it became clear that there needed to be a workgroup to focus on broader issues. The Program Management Workgroup is responsible for addressing the more global, system-wide issues that cut across all of the workgroups.

Goals

During the Task Force's first year, the following system-wide issues were identified:

- ▶ The need for a standardized Department of Defense definition of domestic violence
- ▶ The need for confidentiality for victims of domestic violence
- ▶ The appropriateness and effectiveness of the Case Review Committee (CRC) process as a management tool for addressing domestic violence

Major Objectives and Resulting Recommendations (First Year)

1st Major Objective

To develop a definition for the Defense Task Force on Domestic Violence that provides a framework for accomplishing its statutory mission. (*Issue 5.A – Definition*)

Resulting Recommendations

In the initial report, a working definition was recommended and adopted by the Task Force.

2nd Major Objective

To determine if the lack of confidentiality is a barrier to victims of domestic violence seeking help. (*Issue 4.C – Confidential Resource for Military Victims*)

Resulting Recommendation

That the DoD –

- ▶ Explore all options for creating a system of confidential services, privileged communications and/or exemptions to mandatory reporting with the goal of creating access to a credible avenue for victims of domestic violence to receive support, information, options and resources to address violence in their lives.

Major Objectives (Second Year)

After reviewing first year objectives and recommendations, the workgroup agreed to the following major objectives for the second year:

▶ Issues Based on Continuing Actions Required from Initial Report

Issue 5.A – Definition

Recommend a definition of domestic violence for DoD to incorporate into policy and programs.

Issue 5.B – Confidentiality

Proceed with creating a policy that will provide confidentiality to victims of domestic violence who seek to receive support, information, options and resources to address violence in their lives.

▶ Issues Not Addressed in Initial Report

Issue 5.C – Case Review Committee (CRC)

Review and make recommendations about the current CRC process and whether it serves its intended purpose. Does it help or inhibit commanders from assisting victims and treating offenders, while also holding offenders accountable?

Issue 5.D – Overseas Family Advocacy Services for Civilians and Contractors

Review and make recommendations regarding current DoD and Service policy and the provision of family advocacy services to DoD civilians and contractors in overseas locations.

ISSUE 5.A – DEFINITION

How should the Defense Task Force on Domestic Violence (DTFDV) define domestic violence? This is a continuation of *Issue 5.A* (page 80) from the initial report of the DTFDV dated February 28, 2001.

Discussion

Background

During the Task Force's first year, Special Interest Workgroups were formed to address issues that were more global in nature or spanned more than just one group. These workgroups were made up of members from across the Task Force. One of the Special Interest Workgroups focused on the definition of domestic violence.

The Definition Workgroup developed a working definition of domestic violence during the first year that was eventually presented, and approved, by the majority of the Task Force during the second year.

During the Task Force deliberations on the definition, several issues were explored in depth. Although there was agreement on the acts that are prohibited, it is important to note that not all of the acts included in the definition reach the level of a crime. However, all are abusive and inappropriate.

The Task Force addressed how domestic violence fits into the larger umbrella of family violence. Ultimately, the majority of the Task Force agreed that domestic violence is a subcategory of family violence as is child abuse, sibling abuse, elder abuse, and parental abuse. By law, the Task Force mission focuses on domestic violence, but members are clear that any type of family violence impacts all family members negatively. It is hoped that the recommendations the Task Force makes on domestic violence will have a positive impact on eliminating other types of abuse that may be occurring in families.

The Task Force recognizes that historically, the Department of Defense (DoD) Family Advocacy Program (FAP) was focused only on abuse that occurred within families. Twenty years ago when the FAP was being developed and implemented the state of knowledge on domestic violence at that time focused on violence within a marital relationship. Since that time, it has become clear that violence with the same dynamics as occur in marriages also occurs in other intimate partnerships. Therefore, the Task Force has expanded the definition of domestic violence beyond marriage to be more inclusive of other intimate partnerships in keeping with the types of cases reported both in the civilian and military populations.



Recommendation

That the DoD –

- ▶ Incorporate the following definition into DoD policy and programs:

Domestic violence is:

- ▶ The use, attempted use, or threatened use of physical force, violence, a deadly weapon, sexual assault, or the intentional destruction of property; or
- ▶ Behavior that has the intent or impact of placing a victim in fear of physical injury; or
- ▶ A pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward the following: ¹
 - A current or former spouse, or,
 - A person with whom the abuser shares a child in common; or,
 - A current or former intimate partner. ²

¹ Persons ineligible for military entitlements will be referred to appropriate civilian services.

² Intimate partner does not include relationships precluded by 10 United States Code 654.

DISSENTING VIEW ON ISSUE 5.A – DEFINITION

In accordance with the procedures adopted by the Task Force for submission of dissenting positions, the following dissenting view to Issue 5.A, Definition, is submitted by two members.

Discussion

Background

Following are the two main issues of contention with the majority report:

- ▶ The scope of domestic violence beyond just spousal (or even partner) abuse is not covered in the proposed definition. The minority respondents recommend the inclusion of child, parent, elder, and sibling.
- ▶ “Non-traditional” family members (not covered by DoD programs) such as a current or former intimate partner, a person with whom the abuser shares a child in common, etc. should not be included in DoD’s definition of domestic violence. Violence committed against such persons should be categorized as acts of assault.

Recommendation

- ▶ That the Department of Defense adopt the more encompassing term of family violence in lieu of domestic violence (formerly synonymous with spousal abuse only).
- ▶ That the Department of Defense adopt “family violence” as the umbrella or overarching term used for the proposed architecture for Department of Defense family advocacy programs which include,
 - Spouse Abuse
 - Child Abuse
 - Parent/Elder Abuse
 - Sibling Abuse
- ▶ That the Department of Defense adopt the following definitions with respect to violence and/or abuse (specifically, “family violence” and its relationship to “assault”).

Definition of Family Violence (Minority Recommendation)

The use, attempted use, or threatened use of physical force, violence, a deadly weapon, sexual assault, stalking, or the intentional destruction of property; or

Behavior that has the intent or impact of placing a victim in fear of physical injury; or

A pattern of behavior resulting in emotional/psychological abuse, economic control and/or interference with personal liberty(s) that is directed toward the following:

- ▶ A Spouse, or
- ▶ Children, or
- ▶ Parents or Elders, or
- ▶ Siblings.

*Notes: (1) Persons eligible for military entitlements would be referred to appropriate family services.
(2) Persons ineligible for military entitlements would be referred to appropriate civilian services.
(3) A particular act of domestic violence may or may not be criminal for purposes of prosecution.
(4) Economic control and interference with the personal liberties of children may be considered acceptable behavioral discipline.*

Acts of Assault (Not Considered Domestic Violence)

The following are relationships that, if violence were to occur, would be considered acts of assault rather than domestic violence.

- ▶ A former spouse, or
- ▶ A person with whom the abuser shares a child in common (but is not married), or
- ▶ A current or former intimate partner, or
- ▶ A current or former cohabitant.

*Notes: (1) Persons eligible for military entitlements would be referred to appropriate family services.
(2) Persons ineligible for military entitlements would be referred to appropriate civilian services.*

ISSUE 5.B – CONFIDENTIALITY

Is the lack of confidentiality a barrier to victims of domestic violence seeking help? This is a continuation of a portion of *Issue 4.C* (page 71) from the initial report of the DTFDV dated February 28, 2001.

Discussion

Background

From the very first meeting of the Task Force in April 2000, members expressed concern about the lack of confidentiality for victims of domestic violence in the DoD and its impact on the willingness of victims to seek assistance.

Because confidentiality was a concern for at least three of the workgroups (Victim Safety, Offender Accountability, and Community Collaboration), the Task Force decided to define confidentiality as an area of special interest and to convene a workgroup with membership from each of the three pertinent workgroups.

Since confidentiality is viewed as such an integral part of victim safety, the Confidentiality Workgroup worked closely in the first year with the Victim Safety Workgroup to address the issue of confidentiality.

In the initial Task Force report, the more global issue of confidentiality was blended into *Issue 4.C*, Confidential Resource for Military Victims. That issue had two parts. One recommendation focused on collaboration among DoD, the Military Services, and the DTFDV to expand availability of the National Domestic Violence Hotline. This was seen as an interim method of increasing the availability of confidential services for DoD victims of domestic violence. The actions regarding the National Domestic Violence Hotline continue to be reflected in *Issue 4.C* in Chapter 4 of this report, Victim Safety.

The long-term recommendation addressing the more global issue of confidentiality was that the DTFDV would:

- ▶ Explore all options for creating a system of confidential services, privileged communications and/or exemptions to mandatory reporting with the goal of creating access to a credible avenue for victims of domestic violence to receive support, information, options, and resources to address the violence in their lives.

Two Special Interest Workgroups from the first year (Definition and Confidentiality) were blended into the Program Management Workgroup that is intended to address more global, system-wide issues. Confidentiality now comes under that workgroup, so subsequent actions will be documented in the Program Management Workgroup chapter of Task Force reports (Chapter 5).

Follow-on Actions

- ▶ At the March 2001 meeting, the Task Force was briefed on the October 2000 Confidentiality Workgroup meeting. There was a lengthy discussion on the issue of confidentiality that included the following conclusions:
 - Meetings with victims during site visits have shown that the lack of confidentiality combined with the policy of mandatory reporting generates a reluctance to seek services because victims fear for their personal safety and/or for the careers of service members.
 - The lack of confidentiality adds credence to a perception that the military does not want to help victims.
 - Many victims of domestic violence are not coming forward but are living with violence in their lives. In essence, “we don’t know what we don’t know.”
 - A system of confidential services has to be clear, strong, and credible for victims to feel they are safe and can trust the system.
 - The options available for providing confidentiality for victims are creation of a legal privilege and/or creation of a non-disclosure policy that provides a place in the system where mandatory reporting is not required.
 - DoD currently allows limited privileged communication only between attorney and client and between clergy and penitent. During site visits, the Task Force found inconsistent applications of the clergy/penitent privilege.
 - Military Rule of Evidence 513 provides a psychotherapist privilege, but it excludes spouse abuse, child abuse, and neglect. The desires for mandatory reporting and the commander’s need-to-know overrode the desire to extend the privilege to domestic violence.
- ▶ The Task Force reached consensus on the following:
 - That lack of confidentiality is a barrier to victims seeking services in the DoD.
 - Given the conservative climate that exists in the military surrounding the issue of confidentiality, the Task Force has decided to pursue the development of a non-disclosure policy that will carve out a place in the system where victims can obtain assistance without a mandatory report having to be made to the command and the Family Advocacy Program.

A system of confidential services has to be clear, strong, and credible for victims to feel they are safe and can trust the system.

- ▶ A non-disclosure policy was drafted and has been reviewed by the four military attorneys who are Task Force members. Major progress has been made in developing a policy that is agreeable to all Task Force members. Ultimately, the policy will be discussed and approved by the entire Task Force.

Recommendation

That the DoD –

- ▶ In collaboration with the DTFDV and the Military Services, proceed with creating a policy that will provide confidentiality to victims of domestic violence who seek to receive support, information, options, and resources to address the violence in their lives.



ISSUE 5.C – CASE REVIEW COMMITTEE

How should the Case Review Committee (CRC) process be modified to better ensure victim safety and to support commanders in ensuring offender accountability and intervention?

Discussion

Background

The Department of Defense and each of the Service Family Advocacy Program directives require the establishment of Case Review Committees as follows:

- ▶ Department of Defense Directive (DoDD) 6400.1, Family Advocacy Program, states that “The Secretaries of the Military Departments shall: Ensure that installation commanders establish family advocacy case review committees (CRCs) in accordance with enclosure 3, and provide appropriate training to the members.” Additionally, in Enclosure 3, Program Elements, it further defines under Direct Services, “Identification, diagnosis, treatment, counseling, rehabilitation, follow-up, and other services directed toward victims and perpetrators of abuse and their families. These services shall be supplemented locally by a multidisciplinary CRC established to assess incidents of alleged abuse and make determinations and recommendations for treatment and case management.”¹
- ▶ The Army Directive, AR 608-18, The Army Family Advocacy Program, states that “The Case Review Committee, a multidisciplinary team composed of military staff, assesses, evaluates and manages allegations of child and spouse abuse.”²
- ▶ For the Navy and Marine Corps, SECNAVINST 1752.3A, Family Advocacy Program, states, “The commanding officer of each installation shall appoint a Family Advocacy (Program) Officer (FAPO-USMC/FAO-USN) and ensure both a Family Advocacy Committee (FAC) and a Case Review Committee (CRC) are established.”³
- ▶ The Navy OPNAVINST 1752.2A, Family Advocacy Program, further states, “All incidents of child and spouse abuse which result in initiation of a FAP case will be reviewed by the local multi-disciplinary CRC.”⁴
- ▶ Marine Corps Order P1752.3B, Marine Corps Family Advocacy Program Standing Operating Procedures, further states, “The installation commander will appoint, in writing, a multi-disciplinary CRC.”⁵

¹ Department of Defense Directive (DoDD) Number 6400.1, Family Advocacy Program (FAP), dated June 23, 1992.

² Army Regulation (AR) Number 608-18, The Army Family Advocacy Program, dated September 1, 1995.

³ Secretary of the Navy Instruction (SECNAVINST) 1752.3A, Family Advocacy Program, dated September 11, 1995.

⁴ Office of the Chief of Naval Operations Instruction (OPNAVINST) 1752.2A, Family Advocacy Program, dated July 17, 1996.

⁵ Marine Corps Order (MCO) P1752.3B, Marine Corps Family Advocacy Program Standing Operating Procedures (Short Title: FAP SOP), dated July 1, 1994.

- ▶ Air Force Instruction 40-301, Family Advocacy, states, “The Family Maltreatment component of the FAP provides identification, evaluation, and treatment services through a Family Maltreatment Case Management Team. This team establishes and monitors family maltreatment programs and services. The FAO (Family Advocacy Officer) chairs the FMCMT (Family Maltreatment Case Management Team) under the guidance of the FAC (Family Advocacy Committee). The FMCMT consists of medical, investigative, and other appropriate base and community agency representatives as determined by the FAC.”⁶
- ▶ The Task Force visited both CONUS and OCONUS installations and observed CRC meetings conducted by each of the Services. Task Force members expressed concern about whether or not the CRC process adequately addresses victim safety and offender intervention in domestic violence cases, how such a process assists or hinders the commanders’ role in offender accountability, and if the CRC is the appropriate mechanism to determine both substantiation of incidents of domestic violence and treatment/intervention. By its charter, the CRC must serve as both an adjudicative and clinical body – these purposes may be inconsistent with each other.

Analysis

The DoD implemented the Child Advocacy Program in 1975 in response to Public Law 98-457, The Child Prevention and Treatment Act, which mandated the reporting of suspected child abuse and neglect. The CRC was subsequently established as the multi-disciplinary body to review child abuse/neglect reports and determine what interventions should occur to ensure the safety of the victim(s) and make sure that the abuser(s) received help to stop the abuse/neglect.

When the DoD Child Advocacy Program was expanded to include spouse abuse in the early 1980s, the CRC process was adopted to address spouse abuse. At that time, there was no clear alternative model in the civilian community. Most communities were just beginning to develop services for victims of domestic violence.

Since the 1980s, most civilian communities have developed a coordinated community response to domestic violence. This model includes shelters and victim advocates to assist victims while law enforcement, the courts, and offender treatment programs are part of the system that holds offenders accountable.

The DoD has maintained the CRC process for addressing both child abuse/neglect and spouse abuse cases.

⁶ Air Force Instruction 40-301, Family Advocacy, dated July 22, 1994.

Findings

- ▶ Originally, the CRC was intended to be a case management body focused on clinical intervention in abuse cases. The Task Force has concluded, however, that over time the lines between *clinical* intervention and *command* judicial action have become blurred.
- ▶ The portions of the system responsible for holding offenders accountable sometimes defers to the outcome of the CRC where a decision is made whether or not to *substantiate* abuse. Substantiation is often equated with a finding of guilt or innocence, so the CRC is too often incorrectly viewed as a “legal body.” This has resulted in issues being raised about due process for offenders, the need to appear before the CRC to “defend” oneself, the need to have an attorney, etc. The role of the CRC as strictly a clinical body has been compromised.
- ▶ A case manager – in presenting a case to the CRC – is required to do the initial assessment and provide services to victims and offenders as well as be the liaison with the command. This requires the case manager to maintain a precarious balance as the multiple, and sometimes conflicting roles, can leave victims feeling that there is no one in the system who is advocating for them and representing their best interests. This can lead them to be distrustful and have the perception that the system only cares about the offender.
- ▶ Discussions with service providers during site visits confirmed that this is often an untenable position for them and does not adequately address both victim safety and offender accountability. There is a need for victim advocates – separated from case managers – whose role it is to work exclusively with victims to ensure they are safe and to help them maneuver through what is perceived as a very confusing and intimidating system.
- ▶ Sometimes information presented by case managers is unrelated to whether or not abuse occurred. The information presented to the CRC is influenced by the philosophy of the case manager and/or Service about what domestic violence is and what causes it. For example, information regarding victim behavior such as mental health diagnoses, infidelity, etc. is presented to be considered in relation to whether or not abuse occurred. Presentation of this information can result in shifting the focus from the violence and the behavior of the offender to examining the victim, which can negatively impact the decision. This experience reinforces the perception of victims that there is no one advocating for them.

- ▶ In the few locations where there are victim advocates, the Task Force did not find them to be “voting” members of the CRC. Their role is limited to only providing information, and they do not actively participate in the decision-making regarding case intervention. However, the perception is often that command representatives – who view their role as “representing” the offender (when the offender is active duty) – do actively participate in the decision-making process and in at least one Service are “voting” members of the CRC while the victim advocate is not. This reinforces the belief that the system only cares about the offender.
- ▶ Task Force observation of the CRC process revealed a great deal of resources and time being devoted to a process that often results in nearly the same recommendation for every case regardless of the level of risk or severity – a “one-size-fits-all” approach based more on what is available than what is needed for the intervention. This raises the question whether this is the most efficient use of limited resources.

Recommendation

That the DoD –

- ▶ In collaboration with the DTFDV and the Military Services, develop an intervention process model – considering the best practices found in the civilian sector – that:
 - Ensures victim safety.
 - Separates the substantiation decision from clinical recommendations.
 - Provides a range of strategies to hold offenders accountable.



ISSUE 5.D – OVERSEAS FAMILY ADVOCACY SERVICES FOR DOD CIVILIANS AND CONTRACTORS

How do Department of Defense (DoD) civilian employees, contractors, and their family members access Family Advocacy Program (FAP) services for domestic violence? What are the issues in terms of who pays the costs for such services, what types of insurance coverage are available, etc?

Discussion

Background

Military families, and others, who support the overseas mission, should be provided quality, accessible health care regardless of their location. TRICARE is the DoD health care program for members of the uniformed services and their families and survivors, and retired members and their families. TRICARE brings together the health care resources at medical treatment facilities (MTFs) and supplements them with networks of civilian health care professionals to provide quality care. For DoD civilian employees, (including Department of Defense Dependent Schools (DoDDS) teachers), contractors and their family members, a fee is charged for government provided medical treatment.

Analysis

By law, priority for care at MTFs is based on the following criteria:

- ▶ Active duty personnel
- ▶ Active duty family members enrolled in TRICARE Prime
- ▶ Retirees, survivors, and their family members enrolled in TRICARE Prime
- ▶ Active duty family members not enrolled in TRICARE Prime
- ▶ Retirees, survivors, and their families not enrolled in TRICARE Prime.

DoD civilians, DoDDS teachers, contractors, and their family members cannot enroll in the TRICARE program, since TRICARE does not manage their private health insurance. MTFs will, however, treat these individuals on the same space available basis as an eligible beneficiary although they will be charged for medical services rendered.

FAP services are available to authorized beneficiaries when there is an allegation of abuse. In overseas locations, an initial assessment can be provided at no cost to the individual(s) involved regardless of whether they have a military sponsor. Beyond this initial assessment, the Services' responses begin to differ. In the Army and Air Force, if follow-up medical/mental health treatment is recommended, a civilian or contractor, with no military sponsor, will be billed for the service if it is provided by an MTF/clinic. DoD civilians, contractors,

and their family members must pay in advance and can file for reimbursement with their private insurance provider. In the Navy and Marine Corps, follow-up treatment (excluding medical treatment) and case management are offered by the FAP within their Family Service Centers at no cost. If any client (with or without military sponsorship) opts to receive treatment from a non-military source, they will have to pay for the service(s) either directly up front, through TRICARE, or through private insurance. However, availability of civilian community resources overseas is extremely limited due to cultural and language barriers.

Finding

- ▶ OCONUS site visits conducted by the DTFDV in the spring and summer of 2001 revealed recurring themes – across all the Services – where individuals were declining FAP-recommended treatment services due to the high costs.
- ▶ MTFs will treat DoD civilians, contractors, and their family members as eligible beneficiaries, on a space available basis, although the MTFs are required to charge for medical services rendered.

Recommendation

That the DoD –

- ▶ Ensure that overseas employment contracts or provisions tendered to DoD civilians and contractors contain language explaining that eligibility for family advocacy services at a MTF is on a space available basis. The explanation should articulate that there is a cost fee for services rendered based on the individual's insurance plan.





Section IV

Prevention and Responses to Domestic Violence at Overseas Installations

SECTION IV

Prevention and Responses to Domestic Violence at Overseas Installations

OVERVIEW

Discussion

Background

Public Law 106-65, Section 591, requires the Defense Task Force on Domestic Violence (DTFDV) to assess and recommend measures to improve prevention and responses to domestic violence at overseas military installations. In order to address this requirement, the DTFDV made installation visits to the United States European Command (USEUCOM) in May 2001 and to the United States Pacific Command (USPACOM) in August 2001.

Members and staff of the DTFDV visited the following USEUCOM and USPACOM activities/communities:

- ▶ 411th Base Support Battalion/Heidelberg Germany
- ▶ 235th Base Support Battalion/Ansbach, Germany
- ▶ 282nd Base Support Battalion/Hohenfels, Germany
- ▶ 86th Airlift Wing/Ramstein-Kaiserslautern, Germany
- ▶ 52nd Fighter Wing/Spangdahlem, Germany
- ▶ Naval Support Activity/Naples, Italy
- ▶ Marine Corps Base Camp Butler, Okinawa, Japan
- ▶ Kadena Air Base, Okinawa, Japan
- ▶ Eighth United States Army, Yongsan, Korea
- ▶ Fleet Activities, Yokosuka, Japan

At each installation, Task Force members met with the following groups of people:

- ▶ Installation Commanding Officers
- ▶ Installation Legal Officers
- ▶ Military Law Enforcement Personnel
- ▶ Civilian Law Enforcement (where available)
- ▶ Shelter/Safe Home Managers

- ▶ Family Advocacy Program Managers/Supervisors
- ▶ Family Advocacy Program Treatment Staff
- ▶ Family Advocacy Prevention Staff
- ▶ Victim Advocates (where available)
- ▶ Chaplains
- ▶ Medical Personnel
- ▶ Commanders
- ▶ Senior Enlisted
- ▶ Victims
- ▶ Offenders

During site visits, the Task Force focused on the following areas:

- ▶ Community Collaboration
- ▶ Education and Training
- ▶ Offender Accountability
- ▶ Victim Safety

Analysis

All of the Services have active programs for preventing and responding to domestic violence overseas with a range of services and programs addressing both prevention and intervention. Many of the issues identified during the overseas site visits are the same or similar to those found during visits to stateside installations. However, the complexity of the issues is often exacerbated by being located in an overseas environment.

Specific Findings

This section contains a compilation of overseas issues that are addressed in more depth in Section III, Chapters 1–4 of this report. Specific recommendations addressing the issues articulated in this section can be found in those chapters.

- ▶ Community Collaboration (Section III, Chapter 1)
 - Community collaboration with the civilian community in an overseas location is complicated by language barriers and cultural differences in general, as well as differences regarding how domestic violence is viewed and handled. Sensitivity to cultural issues is critical, and collaboration must occur within the context of the Status of Forces Agreements (SOFA) in each host nation.

- Given cultural barriers and SOFA requirements, issues such as establishing policies for the adjudication of cases that occur off the military installation and enforcement of civil warrants and orders on the military installation are even more complex overseas than in the Continental United States (CONUS).
 - Overseas requirements and pre-assignment screening procedures, as well as how service members and/or family members are returned to the CONUS when there is a domestic violence incident that requires a level of intervention not available overseas, are issues unique to the overseas environment. The Task Force found that the Services have differing policies and procedures in these areas.
- ▶ Education and Training (Section III, Chapter 2)
- The availability of training overseas for the professionals addressing domestic violence is extremely limited. Reduced staffing, limited funding, and the tempo of operations are all factors that interfere with being able to return to the CONUS for training. Attempts to provide training opportunities overseas have had limited participation because of reduced staffing and the tempo of operations. These factors make it difficult for personnel to be away from their jobs to participate in training. This is most unfortunate since these training opportunities occur infrequently, and lack of participation makes it cost prohibitive to bring training overseas.
 - For law enforcement personnel, frequent deployments to work in their tactical/security roles interrupts and impairs their ability to learn and refine the community policing skills required to respond to domestic violence. This is an issue for military law enforcement in the CONUS as well.
 - Outreach is a challenge in an overseas environment, particularly to family member spouses who live off the installation, do not have transportation, and/or do not speak English. This is a challenge in the CONUS as well, but the options for making contact are more limited overseas. Many of these family members are, therefore, not aware of the variety of family support programs provided by the Services.
- ▶ Offender Accountability (Section III, Chapter 3)
- The options available to commanding officers to hold civilian domestic violence offenders accountable are extremely limited. This is true in the continental United States as well as overseas. However, in the CONUS there is a higher probability that the civilian law enforcement and court systems will intervene. Given cultural differences and differences in laws, the likelihood of host nation intervention in domestic violence cases differs by location, even within the same country.

- ▶ Victim Safety (Section III, Chapter 4)
 - Isolation is a major issue for victims of domestic violence regardless of where they live. It is a primary tool used by offenders to gain and maintain power and control over the victim.
 - In the case of American-born spouses who are victims of domestic violence overseas, they are cut off from family and friends, have little or no access to services off the installation, may not even know about services on the installation, or are unwilling to access these services due to reporting requirements and lack of confidentiality. It is important to note that many of these factors are present also in domestic violence cases in the CONUS, but there are more resources available to victims in most civilian communities.
 - For foreign-born spouses, the isolation potentially comes from being caught between two worlds, neither of which may accept or be responsive to their needs. This can be true whether the spouse is living in the native culture or in a different culture, for example, an abused Asian spouse living in Germany or the CONUS.
 - A significant issue that impacts victim safety is the unavailability of safe shelters for victims. Victims in the CONUS have more access to shelters than those in overseas locations due to the availability of civilian shelters. In the overseas environment, if the victim cannot remain in the home, they are often moved to an installation billeting facility or a safe location provided by another family volunteering their home. These options often continue to place the victim at risk due to the nature of the environment. Some host nations do have shelters, but they are rarely used by our victims whether they are American or foreign-born. There are only two DoD-sponsored shelters worldwide, Hawaii and Okinawa. The Task Force either visited or met with representatives from both of these shelters.
 - Overseas installations do not have access to stateside hotlines for victims to seek assistance. The two DoD-sponsored shelters overseas do operate 24 hour hotlines. Victims face increased isolation if they reside off the installation, and there is not an aggressive outreach program to families living on the local economy.

- Victims who reside in the CONUS may seek the services of a private attorney or obtain legal consultation from a legal aid office. When victims want to pursue legal consultation overseas, the resources are almost non-existent except for consultation through the installation legal office. Victims are often reluctant to seek consultation on the installation for fear of the service member or his/her command being aware of their actions.
- Local courts are available in most communities in the CONUS (except on installations with exclusive federal jurisdiction) to assist victims with orders of protection and to provide advocacy services for the victim through court-related victim services. Host nations overseas rarely become involved in cases of domestic violence involving Americans unless the violence resulted in death.

Overall Findings and Recommendations

- ▶ **Finding:** A major problem overseas is the inability of the Services to hire and maintain the mix of providers necessary to assess and intervene in domestic violence incidents. Requirements of the civilian personnel system and difficulty in attracting qualified applicants cause extended position vacancies. Reduced staffing negatively impacts the range of services available to prevent and respond to domestic violence. The Task Force recognizes that this problem exists DoD-wide, both overseas and in the (CONUS), and extends to career fields beyond those involved in addressing domestic violence. It is noted here because of its impact on the prevention of and response to domestic violence at overseas installations.

Recommendation: DoD should explore all options for hiring and maintaining the mix of providers necessary to assess and intervene in domestic violence incidents overseas.

- ▶ **Finding:** The lack of treatment/intervention resources in the civilian communities overseas only serves to highlight the staffing problems when they do occur. In the CONUS, referrals can be made to the civilian community when services are not available on the installation. This is often not true overseas.

Recommendation: Ensure maximum use of treatment/intervention resources in the civilian communities overseas when available and appropriate.



- ▶ **Finding:** The foreign language ability and cultural competence of the personnel responsible for providing services to domestic violence victims overseas is critical and should be included in job qualifications. It is recognized that credentialing requirements for some types of providers further complicates finding personnel who meet those qualifications and have the foreign language and cultural competence that are needed. It is important to have an ongoing cultural competence training program for all personnel. In addition, hiring local nationals who have a sustained and credible connection to the local community can help to bridge the cultural gap.



Recommendation: DoD should ensure that foreign language ability and cultural competence are included in job qualification standards for all personnel providing domestic violence services overseas.



Recommendation: DoD should ensure that the Services have an ongoing cultural competence training program for all personnel in overseas locations.