



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

HEADQUARTERS, U.S. ARMY ALASKA
600 RICHARDSON DRIVE # 5000
FORT RICHARDSON, ALASKA 99505-5000



APVR-RCA

27 NOV 2002

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Response to Domestic Abuse Incidents (CG/CofS Policy # 0-16)

1. Domestic abuse (i.e. spouse and/or child abuse) degrades readiness and presents serious challenges for Army leaders. Domestic abuse incidents are a reflection of serious relational problems, a breach of good order and discipline, and represent a clear threat to the safety and welfare of members of our community. The proper response to domestic abuse must address both family and law enforcement issues. The failure to respond decisively to acts of domestic abuse invites repeated incidents, possible judicial or other disciplinary action, and further harm to the victims of abuse. All detract from soldier and unit performance, morale, readiness, and community cohesion.
2. To promote unit readiness and the health, welfare, and safety of all members of the United States Army Alaska (USARAK) community, I expect all soldiers, family members, and civilian employees to report to the appropriate military or civilian law enforcement authorities and/or the chain of command any known or suspected incident of domestic abuse which they are aware of involving another soldier, civilian employee, or family member.
3. Incidents of known or suspected domestic abuse involving civilian employees or their family members which occur on post will be reported to the Military Police Desk Sergeant (FRA: 384-0823; FWA: 353-7535). Incidents of domestic abuse, which occur off post, will be reported to the appropriate civilian law enforcement authorities. All such incidents will also be reported to the employee's supervisor.
4. Immediately upon receiving notification of an incident of known or suspected domestic abuse involving a soldier or family member, the following minimum actions must be taken:
 - a. The Military Police and/or Criminal Investigation Division (CID) will:
 - (1) immediately investigate the reported incident.
 - (2) immediately notify the Family Advocacy Program (FAP) Social Work Services (SWS) Office of the reported incident (FRA: 384-0405; FWA: 353-6284).
 - (3) inform the soldier and family members they are required to report for an assessment to the FAP SWS Office the next duty day (FRA: 384-0405; FWA: 353-6284).

APVR-RCA

SUBJECT: Command Response to Domestic Abuse Incidents (CG/CofS Policy # 0-16)

(4) immediately notify the battalion level commander or, if not available, the first field grade officer in the chain of command, of the reported incident and request designation of an on-scene command representative.

b. The chain of command will:

(1) immediately notify the battalion level commander or, if not available, the first field grade officer in the chain of command, of the reported incident.

(2) immediately report the incident to the Military Police Desk Sergeant.

(3) designate an on-scene command representative.

c. The designated on-scene command representative will consult with the FAP SWS representative, military police and/or CID, and as appropriate, with the trial counsel in the Office of the Staff Judge Advocate (SJA) (FRA: 384-0300; FWA: 353-6512) and will review the circumstances surrounding the incident. Thereafter, in circumstances in which the soldier is the alleged perpetrator, the on-scene command representative will coordinate with the battalion commander to determine whether an immediate order limiting the soldier's movement is appropriate (e.g. ordering the soldier to reside in the barracks; withdrawing pass privileges; ordering the soldier to stay away from military or civilian family quarters for a specified period of time; and/or ordering the soldier to have no contact with the victim or others for a specified period of time). In circumstances where the soldier is the alleged victim, the on-scene command representative will coordinate with the battalion commander to determine whether steps should be taken to ensure the soldier's safety (e.g. moving the soldier into the barracks; moving the soldier and any non-perpetrator family members into temporary housing; initiating an early return of dependents; requesting the Post Commander issue an immediate bar from post to the alleged perpetrator).

d. The designated on-scene command representative, after consultation with the representatives listed in subparagraph c., above, will also conduct a risk assessment and coordinate with the battalion level commander to determine whether to order the soldier to store all privately owned weapons in the unit arms room.

5. Subsequent to the immediate response to reports of domestic violence, commanders and leaders will ensure soldiers who are separated from their family members understand their responsibility to provide financial support to their family members in accordance with Army Regulation 608-99.

APVR-RCA

SUBJECT: Command Response to Domestic Abuse Incidents (CG/CofS Policy # 0-16)

6. In instances where a civilian judge has issued a protective order requiring a soldier to refrain from certain activities, the following minimum actions will be taken:

a. The company commander will:

(1) provide a copy of the protective order and all attached documents to the soldier's battalion and brigade commanders and to the trial counsel in the SJA Office within four hours of when he/she becomes aware that a protective order has been issued.

(2) ensure an inspection is immediately conducted of the soldier's on-post quarters and privately owned vehicles for weapons. All privately owned weapons will be collected and placed in the unit arms room. If the soldier resides off post, the company level commander will order the soldier to recover and store all privately owned weapons in the unit arms room. Soldiers must be escorted by a member of the chain of command in the rank of staff sergeant or above when recovering weapons for surrender to the unit arms room (commanders will check with trial counsel in the SJA Office to ensure actions by soldier in recovering weapons do not violate terms of the protective order).

b. The battalion commander will:

(1) personally review and ensure that the soldier understands both the restrictions of the order and consequences of violating the order. A military order will be given which reinforces the protective order issued by the civilian judge.

(2) in consult with FAP SWS, law enforcement, and the trial counsel, consider whether to require the soldier to move into the barracks for a minimum of 48 hours and will consider whether to withdraw the soldier's pass privileges and order the soldier to remain within the limits of the battalion area (unless escorted by a member of the chain of command in the rank of staff sergeant or above) for a minimum of 48 hours.

(3) in light of any additional information gained from the FAP SWS case manager, local law enforcement agencies, or any other agencies, reassess the limitations placed on the soldier at the conclusion of the minimum 48 hour period.

7. The actions listed in this policy are the minimum actions required in response to incidents of domestic abuse. Nothing in this policy precludes commanders from taking other lawful actions they deem appropriate under the circumstances. However, before additional actions are taken, commanders should consult with FAP SWS, law enforcement, and the trial counsel.

APVR-RCA

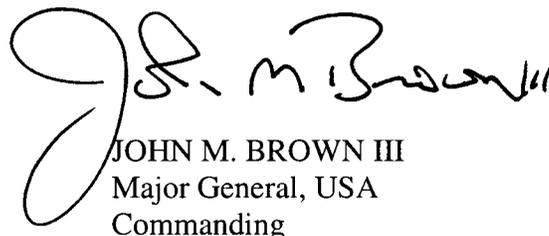
SUBJECT: Command Response to Domestic Abuse Incidents (CG/CofS Policy # 0-16)

8. Company level commanders of soldiers who are ultimately charged and convicted of a misdemeanor offense of domestic violence must ensure that they comply with the requirements of the Lautenberg Amendment, as explained in the USARAK Policy, "Issuing Weapons and/or Ammunition to Soldiers with Qualifying Misdemeanor Domestic Violence Convictions," dated 5 Feb 98.

9. Company level commanders and/or first sergeants will attend the FAP Case Review Committee (CRC) and place a high priority on ensuring mandatory or recommended treatment plans of the CRC are followed and completed by the soldier. The CRC Chairperson will report in writing within 72 hours to the appropriate battalion commander any company level commander and/or first sergeant who fails to attend CRC meetings or fails to ensure soldiers comply with mandatory treatment plans. Because of the sensitivity and potential lethality of these cases, immediate, uninterrupted, and completed treatment is essential. Until a soldier's mandated treatment is completed, his/her place of duty is in treatment status. This is in the best interest of the soldier, the family, and the command. Additionally, company level commanders must inform the FAP SWS Officer when a soldier who is undergoing treatment has been transferred to another unit.

10. Leader involvement is essential in effectively dealing with domestic abuse related issues. America's Army deserves soldiers and families who are free of violence. Together with the help of community experts, commanders and leaders can build a strong combat-ready force while strengthening families. I expect company level commanders to work closely with their FAP Manager (FRA: 384-1006, FWA: 353-7317) to actively promote prevention programs such as marriage enrichment, parenting education, and financial management. These types of programs are key to preventing domestic violence from occurring in the first place. Company level commanders must also coordinate with their FAP Manager to schedule required command briefings and annual unit training on the *Dynamics of Family Violence*.

11. There is no place in our Army for abusers. There is opportunity for former abusers who can reform their destructive ways and soldier in a disciplined professional manner.



JOHN M. BROWN III
Major General, USA
Commanding

DISTRIBUTION:

A