DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FIRES CENTER OF EXCELLENCE AND FORT SILL
FORT SILL, OKLAHOMA 73503

REPLY TO
ATTENTION OF

ATZR-J

4 May 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Response to Incidents of Domestic Violence, CG Policy Memo 12-20

1. References.

a. Army Regulation 608-18, The Army Family Advocacy Program, 13 September 2011.

b. Army Regulation 190-45, Law Enforcement Reporting, 30 March 2007.

c. Manual for Courts-Martial.

d. Undersecretary of Defense memorandum, 10 March 2004, subject: Military Protective Orders.

e. DoD Directive 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, 21 August 2007, incorporating Change 1, 20 September 2011.

f. DoD Directive 6490.1, Mental Health Evaluation of Members of the Armed Forces, 1 October 1997, incorporating Change 1, 24 November 2003.

f. Domestic Violence Amendment to the Gun Control Act of 1968 (Section 922, Title 18, United States Code (18 USC 922)), the Lautenberg Amendment

g. DD Form 2873 (Military Protective Order (MPO).

2. Our military community is not immune from domestic violence. Commanders have a vital role in the coordinated community response to domestic abuse. I expect commanders to respond to all reports of domestic violence and encourage you to utilize the resources available within our community to assist you with these matters. An appropriate response includes, but is not limited to, the requirements listed below.

3. According to the Domestic Violence Amendment to the Gun Control Act of 1968 (Section 922, Title 18, United States Code (18 USC 922)), the Lautenberg Amendment, domestic violence includes: An offense that involves the use or attempted use of physical force, or threatened use of a deadly weapon committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or

guardian; or by a person who was similarly situated to a spouse, parent, or guardian of the victim. Persons who are similarly situated to a spouse include two persons who are residing at the same location in an intimate relationship with the intent to make that place their home.

3. Unit commanders will take the actions listed in Enclosure 1, Domestic Violence Checklist, when you become aware of an allegation of domestic violence involving a member of your command. All commanders will sign the checklist, maintain a copy in the Soldier's counseling file and forward a copy to the assigned unit Trial Counsel from the Office of the Staff Judge Advocate. If the commander becomes aware that an allegation of domestic violence involves a weapon, injury to a victim, or a threat to injure the victim, the commander will refer the Soldier to Community Behavior Health Services for an assessment.

4. Unit commanders will issue a Military Protective Order (DD Form 2873) to safeguard victims, quell disturbances, and maintain good order and discipline by providing victims time to pursue protective orders through the civilian courts or to support existing civilian orders of protection. Unit commanders will provide copies of the signed Military Protective Order to the Soldier, the protected person, the Fort Sill Police (fax: 442-7617) and their assigned Trial Counsel.

5. If a civilian court issues any protective or restrictive order against a Soldier for service on Fort Sill, the Civil Liaison Office or Desk Sergeant, Fort Sill Police will immediately notify the unit's first sergeant or commander who will make the Soldier available for the service.

6. The actions listed in Enclosure 1 are the minimum actions required of commanders in these situations. Nothing in this policy memorandum precludes a commander from taking any other lawful action deemed appropriate. These protective measures are designed to safeguard members of the military community while the case is assessed by Social Work Services and investigated by the Fort Sill Military Police or Criminal Investigation Division and, when deemed appropriate, adjudicated through administrative or judicial processes.

7. Commanders will also ensure all Soldiers are aware of the content and effect of the Lautenberg Amendment and domestic violence, as implemented in Army Regulation 600-20, paragraph 4-23. Under the Lautenberg Amendment, many Soldiers with a qualifying conviction for domestic violence are incapable of performing their assigned duties. Consequently, commanders, in consultation with their Trial Counsel, must **consider** separating such Soldiers from the service. The basis for the separation should be the underlying misconduct.

7. This policy applies to all Soldiers assigned to Fort Sill units, commands, tenant units, and activities.

8. This policy memorandum supersedes CG Policy Memorandum, ATZR-J, 26 August 2009, subject: Mandatory Notification of Issuance of Military Protective Order to Civilian Law Enforcement, CG Policy Memo 09-12.

9. Point of contact is the Office of the Staff Judge Advocate, Chief of Military Justice, 442-3900.

JAMES M. McDONALD
Major General, USA
Commanding

DISTRIBUTION:
Fort Sill Internet

Domestic Violence Checklist

Upon notification or discovery of any incident or credible allegation of domestic violence, commanders will immediately take the following steps:

Date of Incident: _____ Date MPO Issued: _____

_____ 1. If recommended, requested, or needed, refer the victim(s) to the medical treatment facility.

_____ 2. If the incident has not been reported to law enforcement, report the incident to the Fort Sill Police at 911.

_____ 3. Notify Medical Activity, Social Work Services at (580) 558-3600. During nonduty hours, call (580) 704-5022 and ask for the on-call social worker.

_____ 4. In any alleged incident of domestic violence involving a weapon, injury to a victim, or threat to kill self and/or victim, refer the Soldier to Community Behavioral Health Services for an evaluation located in Building 2442 and can be reached at (580) 442-4832/4833/4351.

_____ 5. Contact the assigned unit Trial Counsel for legal guidance and any questions concerning the issuance of a Military Protective Order.

_____ 6. Order the Soldier to move into the barracks for a minimum of 72 hours. This "cooling off" period allows the law enforcement and social service agencies time to respond to any safety concerns of the victim and protects all involved in the altercation. Once this verbal order has been given, put the order to paper using the MPO. Issue an MPO (DD Form 2873) and within 24 hours forward a copy of the signed MPO to the victim, Provost Marshal's Office, and Trial Counsel. Ascertain if there is a restraining order or "condition of release" order from a civilian court and ensure the Soldier complies with the order.

_____ 7. Contact the Family Advocacy Victim Advocate Program (580)442-5018/6801 to ensure the victim is aware of the programs and policies that provide support and protection. Identify any immediate safety concerns and assist in the resolution of these concerns with the Family Advocacy Victim Advocate Program.

Enclosure 1

_____ 9. Reassess the situation at the end of the 48 hour period, and determine if the above restrictions should be modified or canceled. In special circumstances, such as an unfounded report, a commander in the grade of lieutenant colonel or above may allow the Soldier to return to his or her off-post residence earlier than 48 hours.

_____ 10. Notify the Fort Sill Victim Witness Liaison through the Office of the Staff Judge Advocate, (580) 442-3900. Ensure the victim has been informed of all rights to assistance through the Victim Witness Assistance Program. Ensure the victim has been counseled using DD Form 2701 IAW AR 27-10, chapter 18.

_____ 11. Document the measures taken, the date they were taken and determine if other measures (e.g., command referral to mental health, counseling, etc.) are appropriate. Forward a copy of all documents to the Trial Counsel.

_____ 12. The commander or first sergeant will participate in the case review committee process to provide information and learn the disposition of the case and any treatment recommendations the Soldier must complete.

Forward checklist to—

	Date
Soldier's Counseling File	
Trial Counsel	

Forward MPO to—

	Date
Unit Trial Counsel	
Fort Sill Police	
Victim	
Offender	

Commander (printed name & rank)

Commander (signature)