



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT SILL
909 NW HAMILTON ROAD, SUITE 112
FORT SILL, OKLAHOMA 73503-9004

REPLY TO
ATTENTION OF:

**MEMORANDUM OF AGREEMENT
AMONG
UNITED STATES ARMY GARRISON (USAG) FORT SILL
AND
LAWTON POLICE DEPARTMENT (LPD)
AND
COMANCHE COUNTY SHERIFF'S OFFICE (CCSO)
AND
COMANCHE COUNTY DISTRICT ATTORNEY (DA)
AND
COMANCHE COUNTY COURT CLERK (CCCC)
AND
COMANCHE COUNTY DETENTION CENTER (CCDC)
AND
U.S. ARMY MEDICAL DEPARTMENT ACTIVITY (MEDDAC) FORT SILL**

SUBJECT: Support of the Coordination of Off-Post Domestic Violence, Child Abuse/Neglect, and Sexual Assault Cases Involving Military Personnel

1. References:

- a. DoD 4000.19-I, Interservice and Intragovernmental Support, 9 August 1995.
- b. United States vs. Caceres, 440 U.S. 741 (1979).
- c. Privacy Act, 5 USC 552a.
- d. DOD 6025.18R, DOD Health Information Privacy Regulation, 24 January 2003.
- e. AR 40-66, Medical Record Administration and Healthcare Documentation, 17 June 2008.
- f. AR 600-20, Army Command Policy, 18 March 2008.
- g. AR 608-18, Family Advocacy Program, 30 October 2007.

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h. Title 22, Oklahoma Statute, Sections 40 thru 60.29

2. Purpose. To establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction and coordination of efforts and assets between the United States Army Garrison (USAG) Directorate of Emergency Services (DES), Lawton Police Department (LPD), Comanche County Sheriff's Office (CCSO), Comanche County District Attorney (DA), Comanche County Court Clerk (CCCC), Comanche County Detention Center (CCDC), and the US Army Medical Department Activity (MEDDAC) in domestic violence, child abuse/neglect and sexual assault cases involving active duty military personnel and their family members.

3. Background. The Army Community Covenant initiative is designed to foster and sustain effective State and local community partnerships in improving the quality of life (QOL) for Soldiers and their Families, both at their current duty stations and as they transfer from State to State. The Army Community Covenant is tailored to the local level, with leaders at both local and State levels participating in covenant signing ceremonies recognizing the strength of Army Soldiers, their Families and the support of the local community. Domestic violence, child abuse/neglect and sexual assault cases involving Soldiers and their Family members occur both on and off post. The Army Community Covenant offers the opportunity to develop and strengthen a coordinated community response to domestic violence, child abuse/neglect and sexual assault with our local partners.

4. Scope. This Memorandum of Agreement (MOA) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOA is intended exclusively to provide guidance and document an agreement for general support between the USAG, LPD, CCSO, CCCC, CCDC and the DA. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity.

5. Responsibilities.

a. LPD/CCSO will:

(1) Have LPD/CCSO Officers that respond to or investigate domestic violence or sexual assault cases inquire if the alleged offender or victim is an active duty Service Member or a dependant of an active duty Service Member. If the alleged offender or victim is an active duty Service Member and/or the dependant of an active duty Service Member, the responding officer(s) will make note that an active duty Service Member and/or the dependants of an active duty Service Member are involved. The individual

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departments will develop internal policy to recognize these reports and will forward them to DES, ATTN: Provost Marshall Office (PMO).

(2) Have the Civil Process Division review the Domestic Relations Cover Sheet and note if an active duty Service Member or a dependant of an active duty Service Member is involved when CCSO Civil Process Division receives a copy of a temporary or permanent Civil Protection Order (CPO), issued by a court of competent jurisdiction. During service of the Protective Order, the Service Officer should also inquire if either party is an active duty Service Member or a dependant of an active duty Service Member. If an active duty Service Member or a dependant of an active duty Service Member is involved, the Civil Process Division will forward a copy of the protective order thru the Civil Liaison Office to DES Attn: PMO.

(3) Have responding officers distribute pocket service guides provided by Directorate of Family, Moral, Welfare and Recreation/Family Advocacy Program (DFMWR/FAP) to active duty Service Members who are involved in domestic violence, child abuse/neglect and sexual assault incidents if necessary. CCSO will pick up cards from the Civil Liaison Office as necessary and deliver them to LPD and for distribution by CCSO officers.

(4) When an incident of domestic violence, child abuse/neglect and sexual assault involving active duty Service Members occurs off post, the LPD (for incidents occurring within the Lawton City limits) or the CCSO (for incidents occurring within its jurisdiction outside of the City of Lawton) will be the lead agency in the investigation. The LPD or the CCSO may, at their discretion, conduct joint investigations with DES. When such joint investigations are conducted, LPD/CCSO will provide DES officers an area to conduct interviews of active duty Service Members and/or dependents following investigator coordination

(5) Arrests by LPD/CCSO will be made based on the situation at hand, the establishment of probable cause and, at the investigators' discretion, coordination with the DA's office. Emergency Ex Parte Protection Orders will be considered and requested only under extraordinary circumstances.

(6) Provide all victims of domestic violence, child abuse/neglect and sexual assault incidents involving an active duty Service Members or a dependent of an active duty Service Member with basic information (acquired from the DFMWR/FAP) about Fort Sill resources available to domestic violence and sexual assault victims.

b. CCCC will, upon receipt of a Petition for Protective Order, attempt to determine if either party of the protective order is an active duty Service Member or the dependent of

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an active duty Service Member. If an active duty Service Member or the dependent of an active duty Service Member is involved, an appropriate annotation will be made on the Protective Order Domestic Relations Cover Sheet.

c. CCDC will allow DES use of their jail, as space will allow, to detain federal offenders, when approved by the Special United States Attorney on-call.

d. USAG will:

(1) Have the DFMWR/FAP provide basic information such as pocket service guides to the DES Civil Liaison Office for distribution to the LPD/CCSO.

(2) Have the Office of the Staff Judge Advocate (OSJA) coordinate with the District Attorney (DA) Office regarding prosecutorial jurisdiction.

(3) Have DES PMO perform the following actions:

(a) Coordinate with local law enforcement agencies when abuse occurs off the military installation, or when the assistance of local law enforcement is required to conclude an investigation.

(b) Designate the Civil Liaison Section to act as liaison to LPD/CCSO and to receive copies of incident/investigation reports stemming from an incident occurring off the installation and CPOs involving active duty Service Members or the dependents of active duty Service Members.

(c) Immediately notify the Service Member's Command and the Criminal Law Division, of the OSJA upon receipt of a copy of an incident/investigation report stemming from incidents off the installation or a CPO involving an active duty Service Member or the dependents of active duty Service Members.

(d) Notify the Family Advocacy Program Manager (FAPM) and the Chief of Social Work Services (C-SWS) or their designee, within 24 hours of all incidents and reports of domestic violence, child abuse/neglect and sexual assault.

(e) Maintain a copy of the Military Protective Orders (MPO) received from a Service Member's command at the Military Police Desk and ensure a copy is provided to the liaison to be forwarded to LPD/CCSO in accordance with (IAW) the National Defense Authorization Act of 2009.

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(f) Provide LPD/CCSO with an area for Police Department officers or investigators to conduct interviews of active duty Service Members and the dependents of active duty Service Members who are involved in domestic violence, child abuse/neglect and sexual assault incidents when needed.

(g) Conduct joint investigations, when appropriate, with LPD/CCSO if incidents of domestic violence, child abuse/neglect or sexual assault involve active duty Service Members and the dependents of active duty Service Members.

(h) Assist the LPD/CCSO when investigating cases that occur off post by providing information such as service records, and incident/investigation reports from incidents occurring under the jurisdiction of the DES IAW the relevant provisions of the Privacy Act, 5 USC 552a and AR 340-21, para. 3-1(g).

(i) Ensure the following training is conducted:

1 Crisis intervention training is provided for all federal police performing law enforcement duties within 90 days of being assigned duties that would typically require them to respond to domestic violence or sexual assaults.

2 Conduct training, in coordination with the FAPM, which covers the physical and emotional trauma associated with domestic violence, child abuse/neglect, sexual assault and proper management procedures.

3 Require refresher training of all federal police annually.

e. DA will coordinate with OSJA, Criminal Law Division, regarding prosecutorial jurisdiction.

f. SWS RACH will perform the following actions in domestic violence, child abuse/neglect and sexual assault cases:

(1) The Case Review Committee (CRC) makes treatment recommendations to the Command of active duty Service Members. The Command has the authority to order active duty Service Members to participate in mandatory treatment. As a health care system, MEDDAC can recommend treatment to active duty Service Members and/or the dependents of active duty Service Members. If necessary, MEDDAC may request the Command to assist in making the treatment program a priority for active duty Service Members.

(2) Recommend treatment to the subject's family as necessary.

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(3) Upon request by the DA's Office or LPD/CCSO, forward the subject's treatment summary, which will include acceptance into a treatment program and progress reports. (Note: SWS, RACH will coordinate with RACH Administrative Assistance, Information Management Division to ensure that requested information is appropriate for release under the provisions of the Freedom of Information Act and IAW the provisions of the Privacy Act, 5 USC 552a.)

6. Understandings and Agreements of All Parties.

a. This MOA remains in full force and effect until specifically abrogated by one of the parties to this agreement with ninety (90) days written notice to the other parties.

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

c. Administration of this agreement is the responsibility of the garrison Support Agreements Manager (SAM), Manpower and Agreements Branch, Resource Management Office, Fort Sill, OK 73503-5000, (580) 442-3560. For changes, contact SAM (Winona Morris) at USAG, ATTN: IMWE-SIL-RMM, Fort Sill, OK 73503. Email address is Winona.Morris@us.army.mil.

d. This document survives the departure or position change of any of the signatories. It shall be reviewed at least every three years and may be amended upon mutual consent of all parties.

e. Each party will provide a 90 day notice in writing to the other parties prior to changing, reducing, or terminating this agreement and/or any aspect of support provided.

f. Each party waives all claims against the other parties for compensation of any loss, damage, injury, or death occurring as a consequence of the performance of the agreement.

g. Personnel from DES, LPD and CCSO shall meet, as necessary and appropriate, to discuss open cases involving active duty Service Members and the dependents of active duty Service Members and to share information regarding reciprocal investigations.

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h. No provision of this agreement shall be interpreted to require the payment or obligation of funds in violation of the Anti-Deficiency Act, 31 USC 1341 and Article 10 Section 26 of the Oklahoma Constitution.

7. Points of Contact (POCs).

a. GARRISON.

(1) Functional point of contact for DES is Joe Glanzer at (580) 442-8703 or email alan.glanzer@us.army.mil .

(2) Family Advocacy Program Manager POC, Robyn Kelley at (580) 442-3779 or email robyn.kelley@us.army.mil .

(3) MOA POC. Ms. Winona Morris, Garrison Support Agreements Manager (SAM), Manpower and Agreements Division, Resource Management Office (RMO), 909 NW Hamilton Road, Suite 112, Fort Sill, OK 73503-9004, (580) 442-3560 [Bldg 467], fax ext. 7978, e-mail: winona.morris@conus.army.mil.

b. OTHER PARTIES.

(1) Point of contact for Lawton Police Department is Ronald Smith at 10 SW 4th Street, Lawton, OK 73501, (580) 581-3270/3200 or email: rsmith@cityof.lawton.ok.us.

(2) Point of contact for Comanche County Sheriff's Office is Kenny Stradley at 315 SW 5th Street, Room 102, Lawton, OK 73501 or (580) 353-4282, Fax (580) 585-5327, or email kstradley@sheriffcomanche.com .

(3) Point of contact for Comanche County District Attorney's Office is Fred Smith, 315 SW 5th Street Room 501, Lawton, OK 73501, (580) 585-4444, or email fred.smith@dac.state.ok.us.

(4) Point of contact for the Comanche County Court Clerk is Connie Niedermeier, 315 SW 5th, Lawton, OK 73501, (580) 581-4565 or email connie.niedermeier@oscn.net.

(5) Point of contact for the Comanche County Detention Center is Dale Cagle at 315 SW 5th Street, Room 208, Lawton, OK 73501, (580) 250-1902, ext. 104 or Sandy MacDonald at (580) 250-1902, ext. 101 or fax (580) 250-1098.

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(6) Point of contact for Reynolds Army Community Hospital (RACH) is Sue Croft at ATTN: MCUA-RMA, 4301 Wilson Street, Fort Sill, OK 73503 at (580) 558-2047, fax (580) 558-2057, or email sue.croft@amedd.army.mil.

(7) Point of Contact for RACH Social Work Services (SWS) is Chief SWS, MAJ Thomas A. Jarrett, (580) 442-2836/8750, or email: thomas.jarrett@amedd.army.mil.

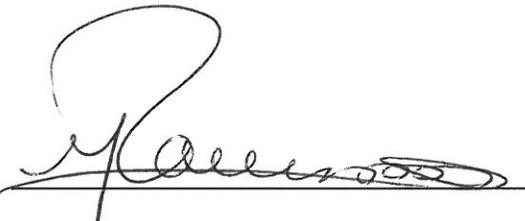
(8) Point of Contact for SWS Family Advocacy Program Chief is Mr. Bill Heathco at (580) 442-8789 or email: william.heathco@amedd.army.mil.

8. Effective date. Date of the last signature.



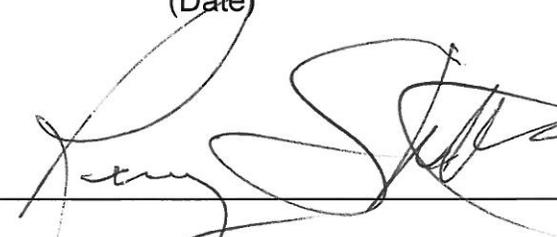
RAYMOND P. LACEY
COL, FA
Garrison Commander

17 JAN 2011
(Date)



MICHAEL A. RAVE
COL, MC
Commanding

5 JAN 2011
(Date)



KENNY STRADLEY
Sheriff
Comanche County

12/9/10
(Date)



RONNIE SMITH
Chief of Police
Lawton Police Department

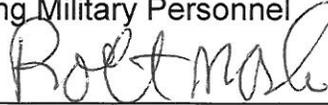
12-22-2010
(Date)

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FRED SMITH
District Attorney
Comanche County

12/8/10
(Date)



ROBERT MORALES
Court Clerk
Comanche County

12-8-10

(Date)



DALE CAGLE
Jail Administrator
Comanche County

12-10-10
(Date)