

FORT BRAGG POLICY OR PRECEDENT

For use of this form see XVIII Abn Corps and Ft Bragg Memo 25-31; the proponent agency is HRA.

1. SUBJECT Command Response to Incidents of Domestic Violence	2. MASTER POLICY NO. 80
3. ORIGINATOR IMSE-BRG-MWAF	4. PHONE NUMBER (910) 907-3491
5. DATE ESTABLISHED 20 July 2011	

6. SYNOPSIS: (if more space is needed, use reverse side.)

a. Purpose. To provide unit leaders with instructions to effectively respond to incidents of domestic violence.

b. Applicability. This policy applies to all Fort Bragg units, commands, tenant units, activities, and all units assigned or attached to the XVIII Airborne Corps on Fort Bragg.

c. Policy. Domestic Violence (DV), to include intimate partner and child abuse, poses a clear threat to the safety and welfare of members of our military community. Commanders are expected to respond quickly and appropriately to suspicion or knowledge of any domestic violence situation, hold offenders accountable, and assist victims using the full spectrum of available legal and social services. Commander involvement is the key to successfully addressing DV.

d. Victims/witnesses are encouraged to use 911 to prompt an immediate law enforcement response during emergencies. Victims can also contact the Victims Hotline any time of day or night for guidance (Encl 1).

e. The Fort Bragg Provost Marshal Office (PMO) is the 24-hour Reporting Point of Contact and investigates all reports of DV on post. Should the investigation exceed the scope or jurisdiction of the PMO, proper coordination will be made to the appropriate internal and/or external law enforcement agencies. To ensure the safety and well-being of all parties involved, the PMO will notify the Department of Social Work (DSW) Family Advocacy Program (FAP), Fort Bragg Victim Advocate, and the offender/victim's chain of command on the date of the incident.

f. The DSW FAP ensures proper notifications are made to internal and/or external supporting agencies to facilitate the recovery process for Families involved in DV incidents. They will initiate a mandatory treatment assessment of all incidents.

g. Commanders will report allegations of abuse involving their service members to the Military Police. All installation law enforcement personnel, physicians, nurses, social workers, school personnel, FAP and Child, Youth and School Services personnel, psychologists, and other medical personnel will report information about known or suspected cases of child and spouse abuse to the appropriate military law enforcement agency as soon as the information is received. All Soldiers, employees, and members of the military community are strongly encouraged to report information about known or suspected cases of spouse and child abuse to the Military Police or the appropriate law enforcement agency as soon as the information is received. On post agencies available to guide personnel in making a report or rendering assistance are identified at Encl 1.

(Continued)

7. TYPE POLICY	8. IDENTIFY POLICY AFFECTED This policy supersedes Master Policy No. 80, 10 May 2005.			
<input type="checkbox"/> NEW	9. LAST REVIEWED			
<input checked="" type="checkbox"/> CHANGE	DATE	REVIEWING OFFICER	ORGANIZATION	INITIALS
<input type="checkbox"/> REVOCATION				

10. APPROVED: MASON W. THORNAL, COL, GS, Chief of Staff	Press For CAC Signature
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11. DIRECTIVE ON WHICH BASED (Show date, subject, and origin.)
AR 608-18, The Army Family Advocacy Program, 30 October 2007

12. DISTRIBUTION: Special (Electronic Media Only)	13. DATE PUBLISHED AUG 17 2011
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6. SYNOPSIS: (Continued)

h. Domestic violence is an offense under the United States Code, Uniform Code of Military Justice (UCMJ), and state law. Domestic violence involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex who is a current or former spouse, a person with whom the abuser shares a child in common, or a current or former intimate partner with whom the abuser shares or has shared a common domicile. Child abuse is the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. Child abuse does not include discipline administered by a parent or legal guardian to his or her child, provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

i. The Army Community Service (ACS) Family Advocacy Program (FAP), is responsible for the education, awareness, and prevention of DV. All new commanders and their senior non-commissioned officers (NCOs) are required to attend a FAP brief and schedule a yearly FAP brief for their unit(s). A listing of other resources is provided at Encl 1.

j. Commanders will adhere to all the procedures identified below should prevention fail:

(1) Ensure all incidents of DV are reported immediately to the Military Police and DSW FAP.

(2) Service members apprehended on post; execute Encl 2 and retain copy in the service member's local counseling file.

(3) Service members arrested off post; execute Encl 3 and retain copy in the service member's local counseling file.

(4) All service members charged with DV will be issued a Military Protective Order (MPO), DD Form 2873 (see Encl 4).

(5) Thoroughly complete DA Form 4833, February 2010 version, on all military offenders with added emphasis on blocks 4 through 6; endorsement by Battalion Commander or higher required.

(6) Provide written counseling to service member about incident and consider other administrative actions.

(7) Retain copies of above documents in service member's local counseling file.

k. Commanders will immediately issue a verbal 72 hour no contact order to the service member until a MPO can be executed. The no contact order allows the victim, in coordination with the Victim Advocate, to establish a safety plan during the cooling off period.

l. Military Protective Order/Emergency Protective Order (EPO).

(1) If a service member lives off post at the time of the issuance of a MPO or moves off post following the issuance of a MPO, local law enforcement will be notified by the command that a MPO is in effect or of any subsequent changes to the status of the MPO.

(2) Service members apprehended for DV will be issued a MPO for offenses occurring on or off post, even if a civilian EPO has been issued.

(3) The PMO and the victim will be provided subsequent MPO/EPO's immediately upon issuance by the commander or designated representative. The MPO/EPO ensures the most current restrictions are enforced and will allow for the appropriate level of law enforcement response to additional DV incidents.

m. Department of Social Work Family Advocacy Program is the designated treatment proponent for service members and their Families involved in DV. Commanders will ensure compliance with DSW FAP and Case Review Committee (CRC) treatment/safety recommendations that include service member's attendance at all scheduled appointments. Commanders and/or First Sergeants will attend CRC meetings involving a service member in their command. Commanders will consider administrative and/or UCMJ actions when service members fail to successfully complete treatment.

n. This policy does not preclude a commander from taking any other lawful action deemed appropriate.

PREVENTION AND RESPONSE RESOURCES

PREVENTION (PHONE #s)

Agency	Description	Phone #
Army Substance Abuse Program	Consider referring service member for evaluation if alcohol was involved in domestic violence incident.	396-4100
Army Community Service Family Advocacy Program	Classes: Stress; Anger; Couples; Parenting; Women's Self Defense; Parents, Children and Divorce.	396-4175/5521
Military One Source	Twelve free counseling sessions off post. On-line: www.militaryonesource.com	1-800-464-8107
New Parent Support Program	In-home visits and assistance to new and first-time parents. Offers a wide variety of classes.	396-7951/5521
Tricare	Offers mental health and Family counseling (does not provide "marriage" counseling).	1-800-931-9501
Watters Spiritual Resiliency Center	Staffed by chaplains and civilian providers; provides variety of counseling.	396-6564
Womack Behavioral Health	Consider referring service member for a mental health evaluation, and treatment, if warranted.	907-6825/8679
Womack Department of Social Work Family Advocacy Program	Assessment and counseling (individual, marital and family). Offer a variety of classes and groups. *Always seek advice from a case manager before recommending a couple or Family for treatment or class, if there is an open Family Advocacy case.	907-7869/8272
Marriage and Family Life Consultants	Provide short term, situational problem solving counseling services.	391-9171 489-5528/8020

RESPONSE (PHONE #s)

Agency	Description	Phone #
Care Center (off post)	Counseling, support and domestic violence shelter.	677-2532
Provost Marshal Office	Report Incident! Will respond to scene.	396-0391 or 911
Victim Advocates	* Provide assistance to Commanders in addressing safety of victims. * Provide information on available resources and services. Available 24 hours/day for victims of partner abuse or sexual assault.	396-4175/5521/ (daytime) HOTLINE 322-3418 (evenings & holidays)
Womack Department of Social Work	Report Incident! * Refer Service Member and Family member for assessment (mandatory for Service Member). * Will determine whether couple can be safety reunited.	907-7869 or 907-6559 for after hours staff at WAMC Emer- gency Room
Womack Emergency Department	Treatment (and documentation) of injuries.	907-6559

PROCEDURES FOR DOMESTIC VIOLENCE OFFENSES OCCURRING ON POST

NAME OF SUBJECT: _____ UNIT: _____

NAME OF VICTIM: _____

1. If a criminal complaint has not been lodged, encourage the victim to notify the military police. If a member of your command/organization has reason to believe an offense has occurred, direct him/her to notify the military police.
2. If your Service Member has been apprehended on post, the unit will be notified by the Military Police Desk Sergeant. A SFC or above (must be senior to the Service Member) will report to the Law Enforcement Center within one hour to pick up the Service Member and receive a preliminary report on what occurred.
3. Commanders should contact unit Trial Counsel or legal representative for further legal guidance.
4. A Service Member suspected of DV will be advised of his/her Article 31, UCMJ rights and if he/she waives these rights, then questioned to ascertain the facts and potential for harm to self and/or others.
5. Commanders will issue a MPO, DD Form 2873, (Encl 4). The provisions in block 5c will be effective for a minimum of 72 hours, or until a safety plan has been arranged per paragraph 10 below.
 - a. In the event an MPO is issued against the service member or if any individual involved in the order does not reside on a military installation at any time during the duration of the MPO, the Command will notify the appropriate civilian authorities of the following:
 - (1) The issuance of the protective order.
 - (2) The individual involved in the order.
 - b. Command shall also notify the appropriate civilian authorities of:
 - (1) Any change made in the protective order.
 - (2) The termination of the protective order.
6. Commanders will order the service member who resides on the installation to immediately turn in all privately owned firearms to the unit's arms room. An NCO in the grade of SSG or higher, and senior to the service member, will accompany the service member to his/her on-post

residence to retrieve items needed in order to remain in the barracks for 72 hours. The service member's firearms will remain in the custody of the unit until the commander and DSW agree it is safe to return them to the owner. Commanders will ensure the service member complies with the terms of the MPO regarding limitations on firearms.

7. Commanders determine the need to temporarily restrict the service member to the unit area and/or restrict unescorted travel, and will indicate these instructions in block 5i of the MPO.

8. Commanders refer the service member for a mental health evaluation at WAMC's Behavioral Health (907-6825/ 8679) and/or Alcohol Substance Abuse Program (396-4100), if substance abuse is known or suspected. If an appointment is warranted, indicate so in block 5e of the MPO.

9. Commanders contact DSW FAP (907-7869) to arrange for the service member to attend the initial one day assessment/intervention session; the service member reports to Womack Army Medical Center (WAMC) DSW FAP (3rd Floor WAMC) between 0730-1530, the first duty day after the incident. The DSW coordinates for the spouse to attend a separate assessment/intervention session. The DSW will provide commanders with appointment information for the spouse assessment and intervention to be recorded in block 5e of the MPO. The DSW FAP will assess for safety and assist the couple with a plan for reunification. Results of the assessment/intervention will guide the written recommendations of the commander, as well as the Family's treatment plan.

10. Commanders will contact the Victim Advocate at 396-4175/5521 during daytime hours or 322-3418 during evening hours, weekends and holidays to ensure a Victim Advocate is offered to the victim of abuse, and to further assist with support and any safety concerns. If the victim desires to reunite with the offender, inform victim of assessment/intervention process at DSW FAP. Also, inform the victim of services provided by the Victim Witness Liaison at 396-1221.

11. If your service member is the victim, complete steps 1, 5, 9 and 10 above. Commanders may need to move the victim into the barracks if arrangements cannot be made to remove the offender from the house. The Victim Advocate can assist in finding/making temporary lodging arrangements for victims with children. If a civilian restraining order is issued, provide a copy to the PMO.

12. Commanders must pay close attention to the service member following a DV incident to ensure the service member and their dependents take full advantage of available treatments, other support, that maximum safety is maintained, and to prevent repeat occurrences. Actions will include:

a. A unit representative, either the commander or senior NCO is required to attend the Case Review Committee (CRC) at WAMC FAP to find out about any past history, about results of assessments, and to receive expert consultation about any law enforcement, legal, medical, support, or other questions.

b. Treatment is available in cases where relationship or parenting issues are present. Always encourage completion of any recommendations made by the CRC, no matter how minor the DV incident.

c. Counsel the service member after the CRC to ensure they understand the command's position concerning DV, and are aware of consequences if the service member either does not take full advantage of treatment or support services, or if abuse reoccurs.

d. Appropriate administrative actions will include written counseling and could include any of the following:

- (1) Temporary flags.
- (2) Temporary bars to reenlistment.
- (3) Defer permanent change of station (PCS), schools, and other orders.

e. When a service member has repeatedly engaged in dependant related abuse (spouse or child) or committed a severe act of violence, this may constitute justification for separation from military service. If separation is being considered, the non-offending dependent spouse and/or children may be eligible for transitional compensation for three years following either separation or incarceration of the service member. The chapter must include the term "Dependant Related Abuse" to qualify for this compensation. The command is also authorized to separate repeated victims of domestic violence as this severely effects mission readiness and safety.

f. Service members charged with a Family member assault by a civilian court are likely to fall under the Lautenberg Amendment; severely restricting the use of weapons and could effect a Service Member's military career.

COMMANDER (Printed name and rank)

COMMANDER (Signature)

FORWARDED TO TRIAL COUNSEL ON
Fax 396-4610 (Phone: 396-4113/2405)

(Date)

FORWARDED TO WOMACK, DSW ON
Fax 907-6571 (Phone: 907-7869)

(Date)

FORWARDED TO PMO ON
Fax 396-4414 (Phone: 396-0391)

(Date)

PROCEDURES FOR DOMESTIC VIOLENCE OFFENSES OCCURRING OFF POST

NAME OF SUBJECT: _____ UNIT: _____

NAME OF VICTIM: _____

1. If a criminal complaint has not been lodged, encourage the victim to notify the civilian police having jurisdiction where the offense occurred. If a member of your command/organization has reason to believe an offense has occurred, direct him/her to notify the civilian police.
2. If your service member has been apprehended off post in Cumberland, Hoke, Harnett, Lee, Moore or other counties, the command will be notified by the MP Desk Sergeant Liaison. If the service member has been confined, the command will be informed of the length and conditions of confinement. Generally, confinement will be imposed for a minimum of 72 hours to allow the victim to develop a safety plan.
3. If the service member has been arrested and released, the MP Desk Sergeant Liaison will attempt to get a military detainer on the service member – meaning the service member will only be released to the custody of the MPs. If this occurs, commanders will be notified to have a SFC or above (must be senior to the service member) report to either the Fort Bragg or Cumberland County Law Enforcement Center within one hour to pick up the service member and receive a preliminary report on what occurred. If a service member is released by a civilian magistrate to the unit under a “Conditions of Release (COR)” order (or in some counties a "Conditions of Bond" order), the unit will obtain a copy of the COR and ensure that its terms are strictly adhered to. The commander will review the COR and explain its contents to the service member until the commander is satisfied the service member fully understands the restrictions of the COR and the penalties for failure to obey it. The unit commander will ensure a copy of the COR and all supporting documentation is delivered to the Office of the Staff Judge Advocate (SJA), DSW, and the PMO.
4. Contact your unit Trial Counsel for legal guidance.
5. A service member suspected of DV will be advised of his/her Article 31, UCMJ rights and if he/she waives these rights, then questioned to ascertain the facts and potential for harm to self and/or others.
6. An MPO, DD Form 2873 is issued. If the service member has been arrested and released without being confined, the provisions in block 5c will be effective for a minimum of 72 hours, or until a safety plan has been arranged per paragraph 10 below. An NCO in the grade of SSG or higher and senior to the service member will accompany the service member to his/her home to retrieve items needed to remain in the barracks for 72 hours.

a. In the event an MPO is issued against the service member, or any individual involved in the order does not reside on a military installation at any time during the duration of the MPO, the command shall notify the appropriate civilian authorities of the following:

- (1) The issuance of the protective order.
- (2) The individual involved in the order.

b. Command shall also notify the appropriate civilian authorities of:

- (1) Any change made in the protective order.
- (2) The termination of the protective order.

7. Commanders will consult their appropriate Trial Counsel or legal representative regarding the possession of privately owned weapons by the service members off the installation.

8. Commanders will determine requirements to temporarily restrict the service member to the unit area and/or restrict unescorted travel. These restrictions are indicated in block 5i of the MPO.

9. Commanders will refer the service member for a mental health evaluation at WAMC's Behavioral Health (907-6825/ 8679) and/or Alcohol Substance Abuse Program (396-4100) if substance abuse is known or suspected. If an appointment is warranted, indicate so in block 5e of the MPO.

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12. If your service member is the victim, complete steps 1, 6, 7, 10 and 11 above. Commanders may need to move the victim into the barracks if arrangements cannot be made to remove the offender from the house. The Victim Advocate can assist in finding/making temporary lodging

arrangements for victims with children. If a civilian restraining order is issued, provide a copy to the PMO.

13. Most off post domestic violence incidences will not initially be reported to law enforcement. These reports may come to the command's attention from a variety of sources including verbal or telephonic reports by the service member, their dependent, another service member, or as a result of a statement made to a helping professional. Leaders have an obligation to ensure these reports are referred to the Military Police and WAMC FAP immediately.

14. Close attention is required following a domestic violence incident to ensure the service member and dependents take full advantage of available treatments, other support, to ensure safety is maintained, and to prevent repeat occurrences. Actions will include:

a. A unit representative, either the commander or senior NCO, will attend the Case Review Committee (CRC) at WAMC FAP to provide information regarding the service member and the Family to the CRC.

b. In most cases there are relationship or parenting issues present that could be helped through treatment. Always encourage completion of any recommendations made by the CRC, no matter how minor the DV incident.

c. Appropriate administrative actions include written counseling, temporary flags and temporary bars to reenlistment; and deferment of permanent change of station (PCS), schools and other orders. The service member is strongly encouraged to complete treatment.

d. When a service member has repeatedly engaged in dependant related abuse (spouse or child) or committed a severe act of violence, this may constitute justification for separation from military service. If separation is being considered, the non-offending dependent spouse and/or children may be eligible for transitional compensation for three years following either separation or incarceration of the service member. The chapter must include the term "Dependant Related Abuse" to qualify for this compensation. The command is also authorized to separate repeated victims of domestic violence as this severely effects mission readiness and safety.

e. Service members charged with a Family member assault by a civilian court are likely to fall under the Lautenberg Amendment; severely restricting the use of weapons, and could affect a service member's military career.

COMMANDER (Printed name and rank)

COMMANDER (Signature)

FORWARDED TO TRIAL COUNSEL ON
Fax 396-4610 (Phone: 396-4113/2405)

(Date)

FORWARDED TO WOMACK, DSW ON
Fax 907-6571 (Phone: 907-7869)

(Date)

FORWARDED TO PMO ON
Fax 396-4414 (Phone: 396-0391)

(Date)

MILITARY PROTECTIVE ORDER

PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.

AUTHORITY: 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and National Defense Authorization Act for Fiscal Year 1995, Sec. 534.

PRINCIPAL PURPOSE(S): To inform the service member and the protected person that the commanding officer is issuing an order to the member prohibiting contact or communication with the protected person or members of the protected person's family or household and directing that the member take specified actions that support, or are in furtherance of, the prohibition.

ROUTINE USE(S): Any release of information outside of the Department of Defense shall be compatible with the purposes for which the information is being collected and shall be in accordance with an established routine use for the record system where the information is maintained.

DISCLOSURE: Voluntary. Failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

1. SERVICE MEMBER				2. PROTECTED PERSON <i>(Important: see NOTE)</i>			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
c. UNIT				c. UNIT			
d. INSTALLATION				d. INSTALLATION			

NOTE: Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.

3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER

4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:

a. Civil protection order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____		
b. Order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____		Property Settlement Custody and/or Visitation

<p>5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that <i>(Initial applicable portions):</i></p>	
	<p>a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.</p>
	<p>b. 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. Members of the protected person's family or household include:</p>
	<p>c. The above-named service member will vacate the military residence shared by the parties located at:</p>
	<p>d. Until further notified, the above-named service member will be provided temporary military quarters at:</p>
	<p>e. The above-named service member will attend the following counseling:</p>
	<p>f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.</p>
	<p>g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.</p>
	<p>h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.</p>
	<p>i. Other specific provisions of this order:</p>
<p>6. DURATION: The terms of this order shall be effective until _____, unless sooner rescinded, modified, or extended in writing by me. ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.</p>	
<p>a. COMMANDING OFFICER'S SIGNATURE</p>	<p>b. DATE (YYYYMMDD)</p>
<p>7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.</p>	
<p>a. SERVICE MEMBER'S SIGNATURE</p>	<p>b. DATE (YYYYMMDD)</p>
<p>DISTRIBUTION: Service member Protected person (Custodial parent of protected child) Service member's local personnel file</p>	

DD FORM 2873 (BACK), JUL 2004

ENCL 4-2