



DEPARTMENT OF THE ARMY
HEADQUARTERS, FORT CAMPBELL INSTALLATION
2700 INDIANA AVENUE
FORT CAMPBELL, KENTUCKY 42223-5656

REPLY TO
ATTENTION OF

IMSE-CAM-CG

OCT 04 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter 7 – Command Response to Domestic Violence Incidents

1. References:

- a. AR 608-18, The Army Family Advocacy Program
- b. AR 190-45, Law Enforcement Reporting
- c. AR 600-20, Army Command Policy
- d. DoD Instruction 6400.06 (Incorporating Change 1, 20 September 2011), Domestic Abuse Involving DoD Military and Certain Affiliated Personnel
- e. DoD Directive 6490.1, Mental Health Evaluation of Members of the Armed Forces
- f. DoD Instruction 6490.4, Requirements for Mental Health Evaluations of Members of the Armed Forces

2. Domestic violence poses a clear threat to the safety and welfare of our military community. The greater the risk to our Soldiers and their families, the greater the need to move quickly, focusing on the safety and protection of everyone involved. I expect Commanders to respond to all reports of domestic violence (spouse, intimate partner, and child), and I encourage Commanders to consult their unit trial counsel when responding to domestic violence.

3. Unit Commanders will take the actions listed in Enclosure 1, Domestic Violence Checklist, upon an allegation of domestic violence involving a member of their command. All Commanders will sign the checklist, maintain the original copy in the Soldier's counseling file and forward a copy to the unit trial counsel.

4. Unit Commanders will direct the Soldier to participate in the Family Advocacy Program (FAP) assessment at the Department of Social Work (DSW), 2523 22nd Avenue IAW AR 608-18, para. 1-8b.(5). Coordination will be made with DSW staff at (270) 798-8601.

5. Unit Commanders will issue a Military Protective Order (DD Form 2873) to safeguard victims, quell disturbances, and maintain good order and discipline. Commanders will issue this order immediately after the command gains control of the Soldier and moves the Soldier into the barracks. Commanders will support existing civilian orders for protection and provide victims time to pursue protection orders through civilian courts.

Unit Commanders will provide copies of the assigned Military Protective Order to the Soldier, the protected person, the Family Advocacy Program manager, Fax: 798-5633; Chief, DSW, Fax: 798-8239; Fort Campbell Police, Fax: 798-7360; and the unit trial counsel.

6. If a civilian court issues an Emergency Protective Order (EPO) against a Soldier, the Civil Liaison Office or Desk Sergeant, Fort Campbell Police will immediately notify the unit's First Sergeant or Commander, who will make the Soldier available for service of the EPO. All supporting documentation received by the unit escort during the service process will be given to the unit trial counsel and to the Soldier's battalion and brigade Commander.
7. The actions listed in Enclosure 1 are the minimum actions required of Commanders. Nothing in this policy memorandum precludes a Commander from taking additional, appropriate lawful action. These protective measures are designed to safeguard members of the military community while the case is assessed by the Family Advocacy Program, investigated by law enforcement, and, when appropriate, adjudicated through administrative or judicial processes.
8. Commanders should be aware of the New Parent Support Program-Home Visitation (NPSP-HV). The NPSP-HV provides support to Families through a comprehensive combination of services before and after a child's birth, to include home visits, parent education, parent/child bonding and playtime, child development and referral. The NPSP-HV is an important voluntary program designed to increase parental skills and reduce incidents of child abuse. Mothers, fathers and stepparents are encouraged to participate in the NPSP-HV.
9. Commanders will ensure all Soldiers are aware of the content and effect of the Lautenberg Amendment. Commanders shall establish a system for Soldiers to turn in all privately owned firearms to the unit arms room IAW Enclosure 1 and ALARACT 131/2003. Soldiers who reside off-post may utilize this system to avoid Lautenberg Amendment complications. Under the Lautenberg Amendment, many Soldiers with a qualifying conviction are incapable of performing their assigned duties. Commanders, in consultation with the unit trial counsel, should consider separating the Soldier from the service. The basis for the separation should be the underlying misconduct.
10. If a Soldier involved in a domestic violence incident possesses a privately owned firearm, then the Command will follow the procedures outlined in paragraph 10 of the Domestic Violence Checklist to mitigate the risk a privately owned firearm will be used in a future domestic violence incident.
11. Nothing in this policy letter shall contradict or supersede Fort Campbell Policy Letter 24 – Voluntary Registration of Off-Post Personally Owned Firearms (POF). Registration of on-post POF shall still be governed by CAM Regulation 190-1. IAW CAM Regulation 190-1, para. 9-4c, Commanders shall retain the authority to require Soldiers residing in on-post housing to secure POF in the installation armory or unit


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arms room. This policy applies to all Fort Campbell units, commands, tenant units, activities, and all units assigned or attached to the 101st Airborne Division (Air Assault) and Fort Campbell.

12. The point of contact for this policy is the Family Advocacy Program at (270) 798-4191.

Encl
Domestic Violence Checklist


MARK R. STAMMER
Brigadier General, USA
Commanding

DISTRIBUTION:
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Enclosure 1

Domestic Violence Checklist

Upon notification or discovery of a credible allegation of domestic violence (spouse, intimate partner and child), Commanders will immediately take the following steps:

Date of incident: _____ **Date MPO Issued:** _____

- ___ 1. If the victim is under the age of 18, report the incident to the Fort Campbell Police at 911. If the victim is over the age of 18, ensure that he/she understands the option of unrestricted reporting and restricted reporting, then verify that either an unrestricted or restricted report is made.
- ___ 2. Notify Blanchfield Army Community Hospital, Department of Social Work (DSW), at 798-8601. During non-duty hours, call 798-8400 for the on-call social worker.
- ___ 3. The Command will consult with FAP and determine whether to refer the Soldier to mental health for an assessment. These actions shall be conducted IAW AR 600-20, para. 5-4b.; DoDI 6400.06, section 6.1.1.18; DoDD 6490.1, section 4.2.3; and DoDI 6490.4, section 6. If a Soldier reschedules, cancels, or does not appear for an appointment, the medical treatment facility shall inform the Commander.
- ___ 4. Contact DSW to coordinate date and time to send their Soldier for an assessment.
- ___ 5. Counsel the Soldier about his/her alleged misconduct while ensuring the Soldier is properly advised of his/her Article 31(b) UCMJ rights against self-incrimination.
- ___ 6. Order the Soldier to move into the barracks for a minimum of 72 hours. In addition to instituting this cooling-off period, Commanders shall take steps to ensure the Soldier is monitored during and after this cooling-off period. This monitoring shall be a means of Commanders to control the release and reintegration of the Soldier from the cooling-off period. Commanders shall be proactive in establishing a unit procedure for aggressively and effectively increasing the unit's resiliency and suicide prevention training, to include Family members. 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 persons who were involved in the incident. Once this verbal order has been given, put the order to paper using the MPO.
- ___ 7. Contact the unit trial counsel for legal guidance and any questions concerning the issuance of a Military Protective Order. Commanders shall direct the Soldier to counseling and/or classes at the Family Advocacy Program.
- ___ 8. Contact the Victim Advocate Program (270) 412-5500 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 Program. Issue a MPO, DD Form 2873, and within 24 hours forward a copy of the signed MPO to the victim, Family Advocacy Program manager; Chief, Department of Social Work; Fort Campbell Police; and unit trial counsel. Determine if there is a restraining order or "condition of release" order from a civil court and ensure the Soldier complies with any court order.
- ___ 9. Reassess the situation after the 48-hour period and determine if the above restrictions should be modified or canceled. In special circumstances, such as an unfounded report, the battalion commander may allow the Soldier to return to an on or off-post residence earlier than 72 hours.
- ___ 10. If a Soldier involved in a domestic violence incident resides on-post, the Command will ensure all privately owned firearms in the Soldier's home will be maintained in the installation armory or unit arms room for a minimum of 30 days after the domestic violence incident. Reassess the situation after the 30-day period to determine if privately owned firearms should be returned to the Soldier. Continue this reassessment every 30 days. If the Soldier involved in a domestic violence incident resides off-post, the Command will offer the Soldier the opportunity

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to immediately turn in all privately owned firearms to the installation armory or unit arms room. If action is taken IAW this paragraph for any Soldier, a non-commissioned officer in the grade of E-6 or higher will personally escort the Soldier to retrieve all firearms. Coordinate with your unit trial counsel to ensure this action is properly executed.

___11. Document the measures taken, the date they were taken and determine if other measures (command referral to mental health, counseling, etc.) are appropriate. Forward a copy of all documents to the unit trial counsel.

___12. The Commander or First Sergeant will participate in the Case Review Committee process to learn the disposition of the case and any treatment recommendations the Soldier is required to complete.

FORWARD CHECKLIST TO:

SOLDIER'S COUNSELING FILE:

DATE

UNIT TRIAL COUNSEL:

DATE

FORWARD MPO TO:

UNIT TRIAL COUNSEL:

DATE

DEPARTMENT OF SOCIAL WORK

FAX: 798-8239 PHONE: 798-8601

DATE

VICTIM ADVOCATE PROGRAM

FAX: 798-5633 PHONE: 412-5500

DATE

FORT CAMPBELL POLICE:

FAX: 798-7360 PHONE: 798-7111

DATE

VICTIM:

DATE

OFFENDER:

DATE

COMMANDER (Printed name and rank)

COMMANDER (Signature)