UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

FEB - 3 2004

PERSONNEL AND READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Domestic Abuse Response and Intervention Training for Commanding Officers and Senior Enlisted Personnel

Reference: DepSecDef Memo dated November 19, 2001, Subject: Domestic Violence

This directive-type memorandum assigns responsibilities and prescribes procedures for domestic abuse (as defined in Attachment 1) training requirements for commanding officers and senior enlisted personnel serving in advisory roles to command.

Domestic abuse that constitutes domestic violence conduct (as defined in Attachment 1) is an offense under the Uniform Code of Military Justice. Commanding officers and senior enlisted personnel have a pivotal role in responding to domestic abuse incidents and ensuring that victims are safe and offenders are held appropriately accountable. Commanding officers and senior enlisted personnel need to be aware of their roles and responsibilities and the risks of failing to respond appropriately to domestic abuse incidents.

Each military department shall require that all commanding officers and senior enlisted personnel at all levels receive training covering, at a minimum, the subjects listed on the outline at Attachment 2. Training can be delivered at command and senior enlisted schools, as well as through distance learning and web-based training as appropriate. Annual follow-up training is required for personnel while serving as commanding officers or senior enlisted advisors to commanding officers. Additionally, commanding officers and senior enlisted advisors must familiarize themselves with installation domestic violence services and resources within 90 days of assuming command or being assigned to the senior enlisted billet as an advisor to command.

Military Departments shall issue training policies and procedures to ensure compliance with this memorandum. Proponent offices for the Family Advocacy Program are available to provide consultation on curriculum development based on the attached outline.

This memorandum is effective immediately. A DoD issuance implementing this domestic abuse training policy shall be released within 180 days.

David S. C. Chu

Attachments:
As stated

ATTACHMENT 1

DEFINITIONS

Domestic Abuse is (1) Domestic violence or (2) A pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person of the opposite sex who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

Domestic Violence: An offense under the United States Code, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

ATTACHMENT 2

Outline of Essential Domestic Abuse Subject Areas

DOMESTIC ABUSE TRAINING OUTLINE FOR COMMANDING OFFICERS AND SENIOR NONCOMMISSIONED OFFICERS (SNCO) IN ADVISORY ROLES TO COMMANDING OFFICERS

I. Dynamics of Domestic Abuse

- Defining domestic abuse
  - DoD definition
  - Examples of the range of domestic abuse incidents
  - Isolated incidents
  - Patterns of behavior
  - Tactics of abusers (isolated incident as well as more chronic and potentially lethal)
  - Impact on the victim (isolated incident as well as more chronic and potentially lethal)
  - Effects on children

- Common misconceptions in the military
  - Causes vs. risk factors or disinhibitors
    - Stress
    - Alcohol
    - Deployment Stress is a cause of domestic violence
  - Females in the military are as violent as males in relationships
  - Military rates of domestic violence are higher than civilian rates

- Beliefs, attitudes, culture issues

II. DoD/Service Policy

- Deputy Secretary of Defense Memorandum, Subject: Domestic Violence, November 19, 2001
- DoD Instruction 1315.7 (Personnel Assignments)
- DoD Instruction 1342.24 (Transitional Compensation)
- Service policy

III. What Every Commanding Officer Should Know

1. Role of the victim advocate

   - Confidentiality & exceptions
   - Safety planning and shelter policy
   - Immediate notification requirements in death cases

- Links to other resources

2. Ensuring victim safety

   - Knowledge of civilian and military protective orders – instruction on issuance
   - Awareness and understanding of the immigration provisions of the Violence Against Women Act (VAWA) (Public Law 103-322, Subtitle G)
   - Awareness and understanding of the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922) (g) (9)
   - Awareness and understanding of the Armed Forces Domestic Security Act
   - Dos and don'ts

3. Initial response to alleged instances of domestic abuse

   - Making a factual determination
     - Investigate independently of Case Review Committee/Family Maltreatment Case Management Team
     - Differentiate between aggression, self defense, and retaliation

   - Rule for Courts-Martial, 306 Manual for Courts-Martial
     - Range of potential options when determining an appropriate disposition
     - Factors commanding officers need to consider when deciding an appropriate disposition for an offense
   - Retention consideration when the offender commits a subsequent substantiated offense
   - Intervention
     - First offense, low risk, low severity
     - First offense, higher risk and/or higher severity incident
   - Understanding the role and responsibilities of DoD law enforcement and criminal investigative organizations
     - Potential criminal investigation
     - Command interference

4. Personnel assignment issues

   - Inform gaining command of a substantiated case prior to offender's PCS, when appropriate.
   - Seek support of personnel officials to delay or cancel any orders that would interfere with full implementation of command action

5. Responding to an incident when the offender is a civilian

6. OCONUS-specific issues – increased responsibility of command leadership

7. Monitoring the offender's progress in treatment

8. Forward command action to Defense Incident Base Reporting System IAW DoDD 7730.47, Defense Incident Base Reporting System and DoD 7730.47 (M).

IV. Prevention/Intervention Resources

- Family Advocacy Program overview
- Victim Advocate Program
  - Chaplain
    - DoD/Service policy on privileged communication to clergy
  - Family Center
  - Other programs

V. Other Resources

- Legal Assistance Program
- Transitional Compensation Program
- Victim Witness Assistance Program (VWAP)
- Resources in the local community
  - Domestic violence program
  - Shelter
  - Social Services
  - National Domestic Violence Hotline/local hotline, if available
  - Legal assistance/aid agencies
  - Courts
  - Law enforcement

VI. Resources for System Improvement

- Family Advocacy Committee
- FAP technical assistance from major command & Service HQ
- Inspector General reviews
- Fatality review