UNDER SECRETARY OF DEFENSE
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FEB 12 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
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ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF THE DEFENSE FIELD ACTIVITIES

SUBJECT: Domestic Violence and Child Abuse Fatality Reviews

REFERENCES: (a) Section 576, National Defense Authorization Act for Fiscal Year 2004
(b) DoD Directive 5400.11, "DoD Privacy Program," December 13, 1999
(c) DoD Directive 5400.7, "DoD Freedom of Information Act (FOIA) Program," September 29, 1997
(d) DoD Directive 5105.4, "DoD Federal Advisory Committee Management Program," February 10, 2003

This directive-type memorandum implements Section 576 of Public Law 108-136, the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2004 (reference (a)), codified in Sections 4061, 6036, and 9061 of title 10, United States Code, which states that the Secretaries of the military departments shall conduct a multidisciplinary, impartial review, pursuant to uniform guidance prescribed by the Secretary of Defense, of each fatality known or suspected to have resulted from domestic violence or child abuse, as defined in Attachment 1, against any of the following:

(1) A member of a military department on active duty.
(2) A current or former dependent of a member of a military department on active duty.
(3) A current or former intimate partner who has a child in common or has shared a common domicile with a member of a military department on active duty.

Fatality reviews are deliberative examinations of the systemic interventions into the lives of the deceased conducted only after related law enforcement investigations, autopsies, and court trials have ended. Military departments shall use multidisciplinary teams of representatives from organizations responsible for intervening with victims and perpetrators of domestic violence and child abuse. The teams shall meet regularly in closed session to review homicides and suicides for the purpose of formulating lessons learned, and identifying trends and patterns that assist in developing policy recommendations for earlier and more effective intervention.

Each military department shall establish a fatality review team, sufficient in size and capability to accomplish its mission. Fatality review teams shall: (1) comply with the requirements of the DoD Privacy Program (reference (b)) and any state law that protects the confidentiality of the identities of individuals; (2) protect the confidentiality of the deliberations and internal team documents under the DoD Freedom of Information Act (FOIA) Program (reference (c)) or under any relevant state law; and (3) comply with the requirements of the DoD Federal Advisory Committee Management Program (reference (d)) in the event team membership is not restricted to employees of the Federal Government.

Each military department shall forward an annual report of its fatality reviews to the Office of the Deputy Under Secretary of Defense for Military Community and Family Policy through its respective proponent offices for domestic violence and child abuse policy. As required by Section 576 of the NDAA for FY 2004, the report shall, at a minimum, include:

(1) An executive summary.
(2) Data setting forth victim demographics, injuries, autopsy findings, homicide or suicide methods, weapons, police information, assailant demographics, household/family information.
(3) Staff judge advocate verified military and/or civilian legal dispositions of cases involving homicide.
(4) System interventions and failures, if any, within the Department of Defense.
(5) A discussion of significant findings.
(6) Recommendations for systemic changes, if any, within the respective military department and the Department of Defense.

The annual report shall be due 24 months following the end of the fiscal year in which fatalities that are the subject of the report occur, and have a due date of September 30th. The delay is intended to insure that the military departments have ample time to complete the above-specified reporting requirements. Initial reports shall cover fatalities occurring in fiscal year 2003 and have a due date of September 30, 2005.

Not later than 12 months after receiving the initial fatality review reports, the Deputy Under Secretary of Defense for Military Community and Family Policy shall host a DoD fatality review summit to respond to the findings and recommendations of the military department fatality review teams. A similar summit shall occur annually thereafter.

This memorandum is effective immediately. A DoD issuance implementing this policy shall be promulgated within 180 days.

David S. C. Chu

Attachment:
As stated

ATTACHMENT 1

DEFINITIONS

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.

CHILD ABUSE. The physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. It 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.