Defense Task Force on Domestic Violence

Initial Report

DEFENSE TASK FORCE ON DOMESTIC VIOLENCE
1401 WILSON BLVD, SUITE 500
ARLINGTON, VA 22209-2318

Tel: (703) 696-9395
Fax: (703) 696-9437
DSN: 426-9395

February 28, 2001

Honorable Donald H. Rumsfeld
Secretary of Defense
The Pentagon
Washington, DC 20301

Dear Secretary Rumsfeld:

We are pleased to forward the initial report of the Defense Task Force on Domestic Violence. This report is submitted in accordance with the provisions of Section 591, Public Law 106-65, The National Defense Authorization Act for fiscal year 2000.

The Task Force was established by Congress to review and evaluate current programs and policies associated with domestic violence in the military. These programs are commonly referred to within the Department of Defense as Family Advocacy Programs. The Task Force was charged with the specific responsibility of formulating a long-term strategic plan to assist the Department in addressing domestic violence matters.

During our initial meeting on April 24-26, 2000, we formed four standing workgroups: (1) Community Collaboration, (2) Education and Training, (3) Offender Accountability, and (4) Victim Safety. We also formed an ad hoc workgroup to examine special interest items. These workgroups have enabled the Task Force to address relevant domestic violence issues specifically outlined in the authorizing legislation. In addition, our workgroup structure has provided the flexibility required to address new issues that arise during our review.

This initial report characterizes the collective thinking of 24 members who represent widely diverse viewpoints on dealing with domestic violence, but who also share a common desire to improve domestic violence prevention and intervention programs within the military. When completed, the result of our collective efforts should be military communities that are safer, more wholesome, and provide a quality of life for our men and women in uniform and their families that is free of fear.

All of the issues and recommendations in this first report are equally important. One recommendation in particular, however, is so vital that it is presented as a separate enclosure to this letter of transmittal. The content of this enclosure affirms that domestic violence is a crime, and it challenges the Military Departments and commanding officers to intensify their efforts to prevent it. An unequivocal statement from you will send a powerful signal throughout the Department. It will make clear that this matter must be addressed decisively, judiciously, and unwaveringly. Mr. Secretary, the Task Force respectfully recommends that you sign the enclosed memorandum.

Finally, we very much appreciate the great support and spirit of openness and cooperation we have received from all DoD personnel, both in Washington as well as out in the field and fleet. The people we have met are enthusiastic and truly devoted to helping others. Our charge is to make the program even better. We look forward to our next two years in this most worthwhile effort as we continue to refine the issues we have presented to you in this, our initial report. With everyone working together for improvement, the DoD Family Advocacy Program can truly be a model for the nation.

Jack W. Klimp
Co-Chair

Deborah D. Tucker
Co-Chair

Enclosure:
As stated

THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Domestic Violence

Domestic Violence is a pervasive problem that transcends all ethnic, racial, gender, and socioeconomic boundaries, and it will not be tolerated in the Department of Defense (DoD). For many victims, it means that home, the very place meant to be a safe and secure haven, is often the most dangerous place for them. Domestic violence destroys individuals, ruins families, and weakens our communities.

The DoD takes great pride in the leadership it has demonstrated in addressing challenging social problems in a direct and forthright manner when they have an adverse effect on national security. For example, the Armed Forces have been in the forefront of establishing equal opportunity programs. Likewise, we significantly reduced alcohol and drug abuse in the military by implementing and enforcing "zero tolerance" policies. We now face yet another challenge – ending domestic violence in our military communities.

The statistics that document domestic violence in our country are extremely disturbing. According to the National Violence Against Women Survey, approximately 1.5 million women in the United States are physically assaulted and/or raped by their current or former husbands, partners, or boyfriends each year. Many of these women suffer repeated attacks of this kind. In many, if not most, of these cases, children in the home witness these attacks; thus, they become victims themselves.

Domestic violence in the military adversely affects unit readiness. We must make every possible effort to establish effective programs to prevent domestic violence, but when it does occur, we have a duty to protect the victims and take appropriate action to hold offenders accountable.

Although the Department has made a substantial commitment to addressing domestic violence, these efforts have not always kept victims safe or held batterers accountable and stopped the violence. Like civilian communities across our great nation, we can, and we must, improve our efforts.

Therefore, I call upon the Secretaries of the Military Departments, all officers, and all noncommissioned officers to make every effort to stimulate a new level of commitment to ending domestic violence in our military communities. As a first step, I ask that Service Secretaries, Service Chiefs, and commanding officers at all levels supplement this memorandum with their own command policy statements on this issue. Your positive leadership in this area will set the tone to stop domestic violence in the Department of Defense.

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Section I

Executive Summary

Overview

Domestic Violence is an offense against the institutional values of the Military Services of the United States of America. It is an affront to human dignity, degrades the overall readiness of our armed forces, and will not be tolerated in the Department of Defense (DoD). Thus, doing everything possible to prevent incidents of domestic violence within our military communities, and dealing effectively with both victims and offenders when incidents do occur, is not only the right thing to do, it is a military necessity. Taking care of all members of the military family is an institutional value crucial to the success of America's Armed Forces and is one of the most important jobs of commanding officers and leaders at every level. Providing a safe and wholesome environment for military families is a key quality of life objective.

Domestic Violence is an offense against the institutional values of the Military Services of the United States of America, and will not be tolerated in the Department of Defense (DoD).

As the nation's largest employer, the DoD sponsors the largest "employer based" domestic violence prevention and intervention program in the country. This provides the DoD with a unique opportunity to contribute substantively to the nation's overall effort in this area. The DoD has already made a significant commitment of manpower and financial resources to address the problem of domestic violence, but, like civilian communities, the DoD can and must continue to improve its response to this national problem.

Defense Task Force on Domestic Violence

In order to assist the DoD in improving its response to domestic violence, Congress, in the National Defense Authorization Act for Fiscal Year 2000, Public Law 106-65, Section 591, required the Secretary of Defense to establish the Defense Task Force on Domestic Violence (DTFDV). The DTFDV was established to study the issue of domestic violence in the military and to make recommendations for measures to improve the DoD response to the problem in the following areas:

- Ongoing victim safety programs

- Offender accountability
- Climate for effective prevention of domestic violence
- Coordination and collaboration among all military organizations with responsibility or jurisdiction with respect to domestic violence
- Coordination between military and civilian communities with respect to domestic violence
- Research priorities
- Data collection
- Curricula and training for military commanding officers
- Prevention and response to domestic violence at overseas military installations
- Other issues identified by the Task Force relating to domestic violence within the military

Section 591 (e) of Public Law 106-65, requires that the findings and recommendations of the Task Force be submitted to the Secretary of Defense in an annual report. This report fulfills the requirement of that section of the statute. Further, within 90 days of receipt, the law requires that the Secretary of Defense forward a copy of this report along with his evaluation to the Committees on Armed Services of the Senate and the House of Representatives.

The Task Force is composed of 24 members whom were appointed in March 2000 by then Secretary of Defense William Cohen. Twelve members were appointed from the Military Services (Army, Navy, Air Force, and Marine Corps) and an equal number from outside the DoD. Non-DoD members are all subject matter experts and were appointed from other federal departments and agencies, from state and local agencies, and from the private sector. A complete list of Task Force Members is attached at the end of this section.

The overall goal of the Task Force is to provide the Secretary of Defense with recommendations that will be useful in enhancing existing programs for preventing and responding to domestic violence, and, where appropriate, to suggest new approaches to addressing the issue. In accomplishing its goal, the Task Force hopes to help make the DoD's Family Advocacy Programs and the entire military community response to domestic violence even better than it is today.

In fulfilling the Congressional mandate, the Task Force is looking at the entire spectrum of domestic violence issues, including not only the Family Advocacy Program, but also the roles of and responses from command, law enforcement, legal, medical, and chaplains. The Task Force is taking a snapshot of what currently exists, both in terms of domestic violence policy at the headquarters level as well as domestic violence prevention and intervention practices at various installations. At the initial meeting of the Task Force in April 2000, information gathering was identified as the first step. Much information has been gathered, and the Task Force is now ready to offer initial recommendations for how we believe the DoD can improve its response to domestic violence.

The Task Force believes that domestic violence is best dealt with by having a

consistent, coordinated community response. This approach clearly communicates to potential offenders, as well as to those who have already offended, that domestic violence is not acceptable, will not be tolerated, and that there are consequences for such behavior. This consistent, coordinated approach seems to fit perfectly into the military community. In order to be most effective, however, every element of the response system, from law enforcement to medical to the command, must be "singing off the same sheet of music." It is important for everyone associated with the military to know what domestic violence is, the dynamics of domestic violence including risk factors, the effects on victims, or children who witness acts of domestic violence, and the consequences for offenders.

In order to make the best use of its time and talents, the Task Force organized itself into four standing workgroups and one ad hoc workgroup to address special interest items such as definition and confidentiality issues. The four standing workgroups were established to deal with the following topics:

- Community Collaboration
- Education and Training
- Offender Accountability
- Victim Safety

. . . the issue of victim safety was viewed as paramount by the Task Force and recommendations to improve victim safety can be found throughout this report.

While the efforts of all workgroups are crucial to making sound recommendations to the Secretary of Defense for prevention and improvement of response to domestic violence, the issue of victim safety was viewed as paramount by the Task Force and recommendations to improve victim safety can be found throughout this report. The Task Force hopes that the end result of every element of the report will be better prevention of domestic violence incidents and the increased safety of victims when violence does occur or is threatened.

WORKGROUP SUMMARIES

Community Collaboration

The Community Collaboration Workgroup is responsible for addressing coordination and collaboration among all military organizations in relation to domestic violence, as well as for coordination between military and civilian communities.

During this first year of operation, the Community Collaboration Workgroup made findings and recommendations in four major areas.

- The standard guidelines issued by the Secretary of Defense and by Service Secretaries for the negotiation of agreements with civilian organizations and authorities concerning acts of domestic violence involving members of the Armed Forces.

- The coordination between military and civilian community agencies that respond to domestic violence issues and incidents.
- The enforcement and effectiveness of civilian orders of protection affecting military personnel on DoD installations.
- The procedures used to issue military protective orders (MPOs) by commanding officers.

Education and Training

The Education and Training Workgroup is responsible for reviewing and making recommendations for the improvement of training for commanding officers in the Armed Forces. The Workgroup expanded its charter to encompass reviewing and analyzing curricula and training for senior noncommissioned officers (SNCOs), Family Advocacy Program (FAP) staff, and "first responder"[1] personnel. The workgroup concluded that all education and training efforts need a strong focus on victim safety and offender accountability.

During this first year of operation, the Education and Training Workgroup made findings and recommendations in seven major areas.

- Whether or not current education and training programs for commanding officers provide state-of-the-art information for the prevention and appropriate response to domestic violence.
- Whether or not current education and training programs for SNCOs provide state-of-the-art information for responding to and working toward the prevention of domestic violence.
- Whether or not the Military Services routinely provide consistent, high-quality military criminal justice training on domestic violence.
- Whether or not military members are sufficiently aware of the existence and consequences of the Lautenberg Amendment.
- Whether or not DoD healthcare facilities conduct domestic violence awareness education for all staff, ensure screening for domestic violence, and mandate the use of standardized protocols for patient interviews.
- The climate for the effective prevention of and response to domestic violence in the military.
- Awareness and understanding within the DoD of the Transitional Compensation Program.

Offender Accountability

The Offender Accountability Workgroup is responsible for evaluating and recommending measures to improve individual offender accountability and program accountability. The overarching goal of the Offender Accountability Workgroup is to contribute to the development of an overall strategic plan to improve the DoD's response to domestic violence by delineating specific recommendations for improving dispositions and case management, as well as data collection, tracking, and evaluation.

During this first year of operation, the Offender Accountability Workgroup made findings and recommendations in seven major areas.

- Current DoD assessment of criminality in domestic violence incidents.
- DoD policy on the granting of enlistment waivers to individuals convicted of domestic violence crimes.
- DoD policy on discharging individuals convicted of charges stemming from acts of domestic violence.
- DoD management of domestic violence cases from initial report to resolution.
- Whether or not DoD should integrate fatality reviews into its response to incidents of domestic violence.
- DoD's ability to track domestic violence offenders within its ranks.
- The role of program evaluation in DoD's domestic violence prevention and intervention efforts.

Victim Safety

The Victim Safety Workgroup is charged with reviewing current victim safety programs, policies, and procedures and making recommendations for improvement in the area of safety for the victims of domestic violence. The workgroup's goals are: (1) to propose standardized policies and procedures; (2) to propose best practices to facilitate and enhance victim safety – "military to military" and "military to civilian"; and, (3) to propose standardized (expected) services and access to services (scope and confidentiality) for victims.

During this first year of operation, the Victim Safety Workgroup made findings and recommendations in four major areas.

- Whether or not mandatory reporting of domestic violence within DoD compromises victim safety.
- DoD's current policy regarding removing a service member from family housing following a domestic violence incident.
- Whether or not victims would be more inclined to report abuse if there were an accessible and confidential source to receive the report.
- How the DoD might provide timely information to new family member spouses regarding the limited confidentiality with the FAP and their alternative options of confidential service within the local community.

Definition of Domestic Violence

DoD has not been able to develop a definition agreeable to all elements of the Department. Not surprisingly, the Task Force recognized the importance of having such a definition, and at its first meeting, formed a Special Interest Workgroup to develop a definition of domestic violence. Also, not surprisingly, members of the Task Force have found this to be one of the most difficult challenges they faced during their first year of operation.

In this initial report, the Task Force had hoped to be able to present DoD with a formal recommendation for a definition that could be used throughout the Department. However, due to the complexity of the issue, the Task Force is not yet ready to make such a recommendation. The Task Force has devel-

oped a working definition for the purpose of carrying out its statutory requirements, but this definition should not be construed to be our recommendation for a definition to be used throughout the DoD. Section III, Chapter 5 of this report contains a detailed discussion of the definition issue.

Confidentiality

From the very first meeting in April 2000, Task Force members expressed concern about the lack of confidentiality for victims of domestic violence in the DoD and its impact on the willingness of victims to seek assistance. Because confidentiality is an issue of concern for at least three of the workgroups (Victim Safety, Offender Accountability, and Community Collaboration), the Task Force decided to define confidentiality as a special interest item and to convene a Special Interest Workgroup with membership from each of the three pertinent workgroups. Confidentiality is also an integral part of victim safety, so the two workgroups will continue to collaborate closely to address how DoD can blend confidentiality for victims with holding offenders accountable.

Additionally, a significant number of domestic violence victims seek help from religious leaders. In the military, this may mean seeking help from chaplains. Because chaplains are perceived to have confidentiality, they are potentially a primary resource for both victims and offenders. Chaplains are not always clear about their privilege or about their options to refer to both military and civilian resources to assist victims and offenders. The Task Force will pursue clarification of the role of chaplains in response to domestic violence cases, in particular the expectations and scope of confidentiality.

RESEARCH

Section 591 (e) of Public Law 106-65 required the Task Force, in its annual report, to describe pending, completed, and recommended DoD research relating to domestic violence. The Task Force's efforts in this regard are contained in Section VI of this report. Task Force members felt that it was important to offer a caution at this point regarding the role of research versus the role of program evaluation.

Research and evaluation are two distinct disciplines of inquiry that are often mistaken as synonyms for a single discipline. Research, having its origins in science, is oriented toward the development of theories or knowledge building. Its most familiar paradigm is the experimental method, in which hypotheses are logically derived from theory and put to a test under controlled conditions. The primary purpose is to prove the validity of the hypotheses. Evaluation, on the other hand, is rooted in technology rather than science. Its emphasis is not on knowledge building, but on product delivery or mission accomplishment. The most familiar paradigm is the systems approach in which one begins by setting objectives, then designing the means to achieve these objectives, and constructing a feedback mechanism to determine progress toward the attainment of the objectives. The primary purpose is to improve the prospects of achieving the stated objectives rather than in proving it can be done.

The Task Force addresses the issue of program evaluation and examines the question of how integral it is to the DoD's domestic violence prevention and intervention efforts in Section III, Chapter 3, Issue 3.G of this report.

NATIONAL DOMESTIC VIOLENCE HOTLINE

The Task Force wants to ensure that persons affiliated with the DoD in the United States are aware of the existence of a superb resource available to victims and potential victims of domestic abuse – the National Domestic Violence Hotline, 1-800-799-SAFE (7233). A project of the Texas Council on Family Violence, sponsored by the Department of Health and Human Services, the hotline serves as a critical partner with domestic violence resource centers. The 24-hour, toll-free hotline provides:

- Crisis intervention
- Referrals to battered women's shelters and programs, social service agencies, legal programs, and other groups and organizations willing to help
- Resources for battered women and their families and friends

. . . the National Domestic Violence Hotline, 1-800-799-SAFE (7233).

The hotline responds to a diverse group of individuals, including:

- Callers from all states and territories
- Non-English speaking callers
- Hearing-impaired callers

Hotline counselors can be made aware of where military installations are located and can be trained to ascertain whether or not callers are affiliated with the military. When speaking with a military affiliated caller, counselors can then offer advice regarding both on and off-base resources and the issues of confidentiality associated with each.

CONCLUSION

The Task Force is chartered by Congress to carry out its responsibilities over a three-year period of time. The information, findings, and recommendations contained in this report represent the group's efforts from April 2000 to January 2001. However, with that said, it should be noted that in this, its first annual report, the Task Force was able to conduct work on every task given it by Congress with two exceptions.

Time and distance precluded the members from conducting any research or making any comments on the prevention of and responses to domestic violence at overseas military installations. Members are scheduled to visit components in the European Command in May 2001, and they will visit elements of the Pacific Command in August 2001. Thus, next year's report will contain information about DoD's response to domestic violence in overseas areas.

The other exception is the provision that requests a description of successful and unsuccessful programs. First, it would be premature to identify such programs in this first year report, but even more importantly, to do so would violate the trust and confidence necessary for the Task Force to succeed. A "non-attribution" policy contributes to open and candid discussions regarding the Family Advocacy Program.

Finally, in this first annual report, the Task Force wanted to give the Military Departments an opportunity to present information regarding their efforts to respond to domestic violence. Their input can be found in Section V. The Task Force was encouraged to find that, in many cases, the Service FAP Program Managers who provided the input were looking at some of the same programmatic issues in much the same way as the members of the Task Force. This fact certainly portends well for increased cooperation between the Task Force and the DoD over the next two years as both strive to improve all aspects of DoD's response to domestic violence.

[1] First responders are personnel who arrive at the scene of a domestic violence incident shortly after it occurs, such as law enforcement personnel, medical personnel, chaplains, command representatives, etc.

MEMBERS OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE

Co-Chairs:

LtGen Jack W. Klimp, Marine Corps Deputy Chief of Staff for Manpower and Reserve Affairs

Ms. Deborah D.Tucker, Executive Director, National Training Center on Domestic and Sexual Violence, Austin, TX

Sergeant Louis J. Armijo, Police Department, Albuquerque, NM

Ms. Judith Beals, Executive Director of Jane Doe, Inc., Massachusetts Coalition Against Sexual and Domestic Violence

RADM Annette E. Brown, Assistant Commander, Navy Personnel Command Personal Readiness and Community Support (PERS 6)

Dr. Jacquelyn C. Campbell, Anna D. Wolf Endowed Professor and Associate Dean for Doctoral Education Programs and Research, Johns Hopkins University School of Nursing

Ms. Vickii Coffey, Principal Owner of Vickii Coffey & Associates Consulting Firm

BrigGen Joseph Composto, Staff Judge Advocate to the Commandant of the Marine Corps

Ms. Elizabeth T. Corliss, Member of the Senior Executive Service, Director of Personnel Force Development, Office of the Deputy Chief of Staff for Personnel, US Air Force

MajGen Thomas J. Fiscus, Deputy Judge Advocate General of the Air Force

Mr. Casey Gwinn, City Attorney of the City of San Diego, CA

BrigGen Leif H. Hendrickson, President, Marine Corps University

CAPT Steven W. Horton, Assistant Judge Advocate General of the Navy for Civil Law

Mr. Jackson Katz, Founder and Director of Mentors in Violence Prevention Strategies

Judge Peter C. Macdonald, District Judge, Third Judicial District, Commonwealth of Kentucky

Ms. Beckie Masaki, Executive Director and Co-Founder of the Asian Women's Shelter

Mr. John McEleny, Member of the Senior Executive Service, Deputy Director, Naval Criminal Investigative Service

SgtMaj Alford L. McMichael, Sergeant Major of the Marine Corps

Ms. Catherine Pierce, Deputy Director for Program Development, Violence Against Women Office, U.S. Department of Justice

Mr. William D. Riley, Program Manager for the Family Violence Prevention and Services (FVPS), Administration of Children and Families, US Department of Health and Human Service (DHHS)

BG Thomas J. Romig, US Army, Assistant Judge Advocate General for Military Law and Operations

MG Edward Soriano, US Army, Commanding General, 7th Infantry Division and Ft Carson, CO

Ms. Connie Sponsler-Garcia, Training Development and Audit Coordinator for the Battered Women's Justice Project/Domestic Violence Resource Network

MG Craig B. Whelden, US Army, Deputy Commanding General, US Army Pacific

Alternate Task Force Member

Rev. Dr. Marie Fortune, Founder and Senior Analyst, Center for the Prevention of Sexual and Domestic Violence

Section II

Task Force Activities and Organization

Overview

Activities

The Defense Task Force on Domestic Violence met five times for a total of 15 days during its inaugural year:

- April 24-26, 2000 in Fredericksburg, Virginia.
- July 5-7 in Arlington, Virginia.
- September 11-13 in Fayetteville and Jacksonville, North Carolina.
- November 15-17 in Norfolk, Virginia.
- January 22-24 in Arlington, Virginia.

In addition to five meetings for the entire Task Force, individual workgroups and support staff were involved in various meetings and activities to gather and analyze information for consideration by the full Task Force.

April 2000 Meeting

At the first meeting, civilian members elected Ms. Deborah D. Tucker of Texas to co-chair the Task Force with Lt. General Jack W. Klimp, USMC, who was appointed the other co-chair by the Secretary of Defense. Also determined at this meeting were mission and vision statements, decision-making procedures, a business agenda, and the schedule for the first year of operation. The group organized itself into four topical workgroups and established one ad hoc workgroup to examine special interest items. This structure provides the flexibility necessary for addressing any new matters that develop during our review. The four standing topical workgroups are concerned with the following:

- Community Collaboration
- Education and Training
- Offender Accountability
- Victim Safety

Task Force members selected workgroup assignments on the basis of their personal skills, interests and work agendas. The Workgroup on Special Interests considers issues that affect some or all of the four main topics above. The membership of this workgroup varies and is drawn from existing workgroup members depending on the issue under consideration. Two first-year issues assigned to this group were (1) developing a working definition of domestic violence to guide the work of the Task Force and (2) reviewing the need for the military system to provide confidentiality to victims in domestic violence cases.

July 2000 Meeting

In July the Task Force met in Washington, D.C. to begin information-gathering activities. The Department of Defense and the Military Services briefed the Task Force in detail on programs related to domestic violence. The briefings provided the Task Force with extensive information about military organizations, programs, services and processes related to domestic violence, as well as information about collaborative relationships with community organizations. Individual presentations summarized how the processes respond to both victims and offenders at different stages. The briefings centered on Family Advocacy Programs but also discussed the roles of first responders, such as military police, emergency medical personnel, legal personnel, victim advocates, and chaplains.

Also during the July meeting, the Family Advocacy Program representative from the Office of the Assistant Secretary of Defense (Force Management Policy) gave a briefing on domestic violence data. A member of the Task Force presented an overview of the dynamics of domestic violence. A University of Colorado research team also presented the results of a research study they conducted for the U.S. Navy.

The Special Interest Workgroup presented recommendations for a working definition of domestic violence that could be used to guide further Task Force deliberations and planning. These recommendations formed the basis for a continuing discussion among Task Force members, which eventually culminated in the working definition that appears in Section III, Chapter 5, of this report.

September 2000 Site Visits

Between September 15 and 17, the Task Force made the first of several planned site visits to military installations by visiting Ft. Bragg in Fayetteville, NC (a U.S. Army installation) and Camp Lejeune in Jacksonville, NC (a U.S. Marine Corps installation). The Task Force spent one and one-half days at each location and were provided with on-base lodging, meals, and meeting accommodations in both places to ensure that civilian members of the Task Force were able to take a brief first-hand look at military life.

At both installations the Task Force received overview briefings from the installation and observed the Case Review Committee (part of the Family Advocacy Program) in operation. The individual workgroups then carried out their own slate of activities at each site. A typical agenda included meetings with first responders, discussions with on-base service providers, meetings

with victims and offenders, and meetings with such community organizations as law enforcement, shelter operators and judicial officials. The Education and Training Workgroup also met with commanders at different levels to review the availability and effectiveness of current training programs.

November 2000 Site Visits

In November the Task Force traveled to Langley Air Force Base in Hampton, VA and the Naval Station in Norfolk, VA, thus completing visits to representative installations of all four Services. As in September, following command briefings and Case Review Committee observation, individual workgroups met with various individuals and groups involved in domestic violence. The individual workgroups also met in Hampton to discuss and refine the issues and recommendations to be included in the initial Task Force report.

January 2001 Meeting

The Task Force met in Washington in January 2001 to review findings and develop final recommendations for inclusion in the first of three reports. The Task Force also was briefed by Department of Defense security personnel in preparation for overseas visits to Europe and the Pacific.

Individual Workgroup Activity

In addition to meetings of the full Task Force, the workgroups and assigned professional staff conducted individual fact-finding and analysis activities.

Victim Safety

The Victim Safety Workgroup professional staff made fact-finding trips to San Francisco and San Diego, CA as well as Boston, MA. The staff visits examined models used by both the civilian and military communities in responding to domestic violence, including shelter programs, victim advocate programs, prevention and education programs, domestic violence court processes, and programs for foreign-born spouses. Findings were presented to the workgroup for use in developing recommendations for improving military domestic violence programs devoted to victim safety.

Offender Accountability

The Offender Accountability Workgroup professional staff explored issues related to data collection and the reporting of domestic violence related information in the military; to achieving program accountability; and to domestic violence fatality reviews. Findings will be used to support the Offender Accountability Workgroup's objective of identifying ways of ensuring both offender and program accountability.

Education and Training

The Education and Training Workgroup professional staff attended a number of training sessions to observe and gather information about how the various types of training currently being offered address the subject of domes-

tic violence. Training programs observed included senior enlisted personnel training in three Services, "train the trainer" training, and a prospective commanding officer seminar. In addition, the staff attended a quarterly DoD forum on health-related issues for women.

Community Collaboration

The Community Collaboration Workgroup professional staff visited with community officials in several localities to observe how they perceive and respond to domestic violence incidents from a local perspective. Communities visited included Albuquerque, NM, Chicago, IL and Hopkinsville, KY. In each locality, information was gathered on community collaboration issues, including civilian-military relations in the domestic violence area; the existence and effectiveness of memoranda of agreement; incident reporting; and the processes for obtaining military and civilian protection orders. The staff also visited the Great Lakes Naval Training Center in Illinois to observe the day-to-day operation of a Family Service Center and Ft. Campbell in Kentucky to discuss community collaboration procedures and agreements. Finally, the staff observed a civilian domestic violence court proceeding with several cases involving service members.

Special Interest

The Special Interest Workgroup consists of Task Force members who take part in deliberations of issues on an *ad hoc* basis. In 2000, the Special Interest Workgroups met twice. On May 21 and 22, a 6-person workgroup met at Task Force headquarters in Arlington, VA to develop a proposed definition of domestic violence. The workgroup explored numerous issues and developed a working definition, which was presented to the full Task Force at the July meeting. In October, a five-member workgroup met to begin deliberating the issues involved in preserving confidentiality in a military setting. The workgroup will present the results of its deliberations to the full Task Force at a meeting in early 2001.

Other

Task Force professional staff members conducted a site visit to West Coast installations in September. The installations visited were the San Diego Naval Station and Camp Pendleton (a U.S. Marine Corps base). The site visits followed the protocol established for full Task Force site visits. Activities included a command overview briefing and small group discussions with appropriate military and community officials and organizations (such as commanding officers, victims, offenders, first responders, case managers, and victim advocates).

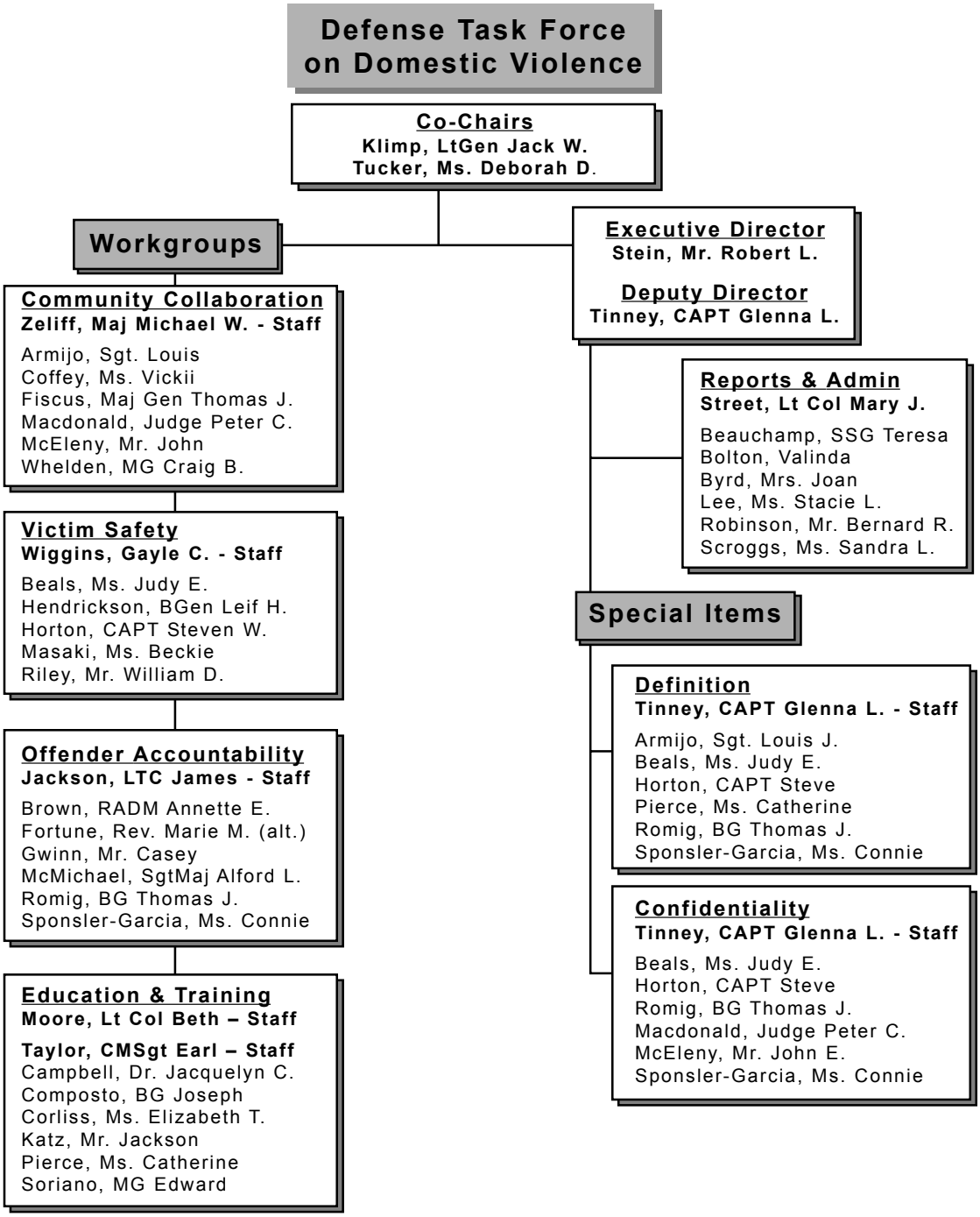
As required by the Defense Authorization Act for FY 2000, the Task Force professional staff initiated collaboration with other DoD units on the subject of domestic violence reporting and databases. The professional staff has been briefed on the status of planning and implementation for a Defense Incident-Based Reporting System (DIBRS). Discussions of needs and issues are taking place on a continuing basis.

Both Task Force members and professional staff have participated in national-level conferences on domestic violence, most notably the National Association of District Attorneys 10th Annual Conference on Domestic Violence, and the National Conference on Health Care and Domestic Violence.

A policy of "non-attribution" was agreed upon at the outset to make certain that visits to military installations were completely open and candid. Our goal is not to assign blame, but rather to make recommendations that will improve the military Family Advocacy Program. At the same time, it was decided that if any situations arose that were, in the opinion of a Task Force member, life-threatening or extremely dangerous, it would be reported to the Executive Director, who would then take appropriate action to inform the proper personnel within the chain of command.

Organization

The following chart depicts the organization and staffing of the Task Force:



Section III

Strategic Plan

Overview

The National Defense Authorization Act for 2000, Public Law 106-65, established the Defense Task Force on Domestic Violence (DTFDV). By the statute, the DTFDV is charged with preparing and submitting to the Secretary of Defense a long-term plan (referred to as a "strategic plan") for establishing means by which the Department of Defense may address more effectively matters relating to domestic violence within the military. The strategic plan is required by law to include an assessment of, and recommendations for, measures to improve or to clarify the following:

- Ongoing victim safety programs
- Offender accountability
- The climate for effective prevention of domestic violence
- Coordination and collaboration among all military organizations with responsibility for or jurisdiction over domestic violence issues
- Coordination between military and civilian communities with respect to domestic violence
- Research priorities
- Data collection and case management and tracking
- Curricula and appropriate training for military commanders
- Prevention of and response to domestic violence at overseas military installations
- Other issues identified by the DTFDV relating to domestic violence within the military

With the exception of a review of domestic violence prevention and intervention measures at overseas installations (which will be addressed by the Task Force in 2001 during visits to both the European and Pacific theatres), all items listed above are covered in this year's report.

In this section, specifically, the following issues are addressed in five separate chapters:

- Chapter 1 ..... Community Collaboration
- Chapter 2 ..... Education and Training
- Chapter 3 ..... Offender Accountability
- Chapter 4 ..... Victim Safety
- Chapter 5 ..... Special Interest Items

It should be noted that each chapter was developed by the workgroup identified with that topic. The findings and recommendations presented, however, reflect the collective consensus of the entire Task Force.

Chapter 1

Community Collaboration

Overview

Purpose

In accordance with Public Law 106-65, the Defense Task Force on Domestic Violence (DTFDV) is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies related to domestic violence. The Community Collaboration Workgroup is responsible for addressing coordination and collaboration among all military organizations in relation to domestic violence, as well as for coordination between military and civilian communities.

> The Community Collaboration Workgroup is responsible for addressing coordination and collaboration among all military organizations . . .

Goals

The goals of the Community Collaboration Workgroup are to assess applicable directives and regulations and to recommend measures to improve or clarify the following:

- Coordination and collaboration among all military organizations concerned with domestic violence issues or cases;
- Coordination between military and civilian communities on domestic violence issues or cases;
- Other issues identified by the Task Force relating to domestic violence within the military.

Major Objectives

To review and make recommendations on the standard guidelines issued by the Secretary of Defense and by Service Secretaries for the negotiation of agreements with civilian organizations and authorities concerning acts of domestic violence involving members of the Armed Forces. (Issue 1.A – Community Collaboration Policies)

To review the coordination between military and civilian community agencies that respond to domestic violence issues and incidents and to make recommendations for improving this coordination. (Issue 1.B – Liaison with Civilian Community)

To review the enforcement of civilian orders of protection on DoD installations affecting military personnel and to make recommendations for improving their effectiveness. (Issue 1.C – Civilian Orders of Protection)

To review the procedures used to issue military protective orders (MPOs) issued by commanding officers and to make recommendations for improving the effectiveness of such orders. (Issue 1.D – Military Protective Orders)

Issue 1.a - Community Collaboration Policies

What are DoD guidelines with regard to the negotiation of agreements with civilian authorities relating to acts of domestic violence involving members of the Armed Forces? Are they adequate to address current needs?

Discussion

Background

As required by the National Defense Authorization Act for Fiscal Year 2000, the Community Collaboration Workgroup reviewed DoD policies on domestic violence and community collaboration. In some instances, memoranda of understanding (MOUs) have been used to establish explicit operating procedures to be followed by signatories regarding domestic violence.

DoD Directive (DoDD) 6400.1[1] "encourages the development of local MOUs with civilian authorities for reciprocal reporting of information."

Army Regulation 608-18[2] states that, " The use of memoranda of agreement in the United States between Army installations and adjoining local communities in addressing problems of spouse and child abuse within military families is required."

Neither of the two Navy governing regulations—Secretary of the Navy (SECNAV) Instruction 1752.3A[3] and Department of the Navy Instruction (OPNAVINST) 1752.2A[4]—addresses the requirement or need for MOUs.

Air Force Instruction (AFI) 40-301[5] "encourages the development of social services agreements with local communities for reciprocal reporting of maltreatment allegations."

Marine Corps Order P1752.3B[6] "encourages the development of MOUs with local entities such as civilian law enforcement agencies and shelters."

Analysis

DoD does not specifically direct the establishment of MOUs and, as a result, there are inconsistencies among the Services.

Findings

- The Task Force examined a number of DoD installations and found that the current practice of relying upon an "encouragement" or "recommendation" to enter into an agreement with local civilian communities was insufficient.
- Current DoD policy contains no standard by which domestic violence MOUs are to be created with local communities.
- Current DoD policy does not include guidance or examples of domestic violence MOUs to be used when developing these with local communities.

RECOMMENDATIONS

That the DoD –

- Amend DoDD 6400.1 to require installation/regional commanders to seek MOUs with local communities to address responses to domestic violence.
- Create an Enclosure to DoDD 6400.1 that provides examples of MOUs and guidance in negotiating the creation and implementation of such memoranda.
- Make domestic violence MOUs with local communities an item of special interest for the DoD and each Service's Inspector General[7].

. . . require installation/regional commanders to seek MOUs with local communities to address responses to domestic violence.

[1] Department of Defense Directive (DoDD) Number 6400.1, Family Advocacy Program (FAP), dated June 23, 1992.

[2] Army Regulation (AR) Number 608-18, The Army Family Advocacy Program, dated September 1, 1995.

[3] Secretary of the Navy Instruction (SECNAVINST) 1752.3A, Family Advocacy Program, dated September 11, 1995.

[4] Office of the Chief of Naval Operations Instruction (OPNAVINST) 1752.2A, Family Advocacy Program, dated July 17, 1996.

[5] Air Force Instruction (AFI) 40-301, Family Advocacy, dated July 22, 1994.

[6] Marine Corps Order (MCO) P1752.3B, Marine Corps Family Advocacy Program Standing Operating Procedures (short title: FAP SOP), dated July 1, 1994.

[7] (10 U.S.C. § 5042 (B) 2). Each Service maintains an Inspector General or equivalent position as the senior investigative official within the Service who is the principle advisor to the Service Chief on all matters concerning inspections and investigations.

Issue 1.b – Liaison with Civilian Community

How can the DoD improve and increase coordination between the military and the civilian communities regarding domestic violence?

Discussion

Background

The Task Force conducted site visits at a variety of DoD installations, reviewed local policies, and interviewed various personnel at the installation level and the surrounding communities.

The installations studied are contiguous to multiple state and local jurisdictions that may, because of the number involved, impede the coordination of an effective domestic violence response.

Analysis

During installation visits, the Task Force discovered that some DoD personnel were working with local community officials as liaison officers to facilitate an exchange of information. Liaison officers served in many different capacities. These include law enforcement liaison, court liaison, and community liaison.

At the locations where personnel no longer worked in liaison positions, their removal was typically the result of budget and/or staffing reductions. At the locations where personnel were working in a liaison capacity, their work was usually being done at the expense of personnel normally assigned to positions on the military installation.

Some DoD installations have liaison personnel working full-time with local agencies. Other installations have less formal arrangements.

Findings

- The employment of DoD liaison personnel working full-time with local law enforcement agencies, local court systems and other relevant civilian agencies is an effective tool for coordinating the response to domestic violence incidents off an installation.
- At those installations where there was a full-time liaison presence, there was significantly better coordination between military and civilian agencies. This liaison resulted in a more efficient handling of domestic violence incidents.
- Civilian communities surveyed were generally receptive to DoD liaison personnel participating in an active, coordinated response to domestic violence.
- Installation commanders generally support dedicated liaison with the civilian agencies, but they do not have adequate staff and resources to dedicate permanent support to such effort.

- There is a need for a dedicated Domestic Violence Response Coordinator, at the installation level, to facilitate coordination between military installations and the multiple civilian agencies responding to domestic violence.

Recommendation

That the DoD –

- Establish, and permanently fund, a position of Domestic Violence Response Coordinator, at each major military installation, while assuring that there is appropriate coverage of smaller military installations. This person will be responsible for liaison between military installations and community agencies, including those serving diverse populations, concerning domestic violence.

Establish, and permanently fund, a position of Domestic Violence Response Coordinator . . .

Issue 1.c – Civilian Orders of Protection

When a civilian order of protection is issued against, or to protect a service member, is there a system in place to enforce that order when the service member resides on a military installation?

Discussion

Background

The Task Force surveyed DoD installations and reviewed the issuance and enforcement of civilian orders of protection on military installations.

When a civilian order of protection is issued in one state, tribe, or territory, it must be enforced by other states and territories if it meets the requirements of the Violence Against Women Act, 18 U.S.C. § 2265-66.

Analysis

Military installations may comprise overlapping jurisdictional grants. Such overlap creates confusion in the enforceability of civilian orders of protection issued against or to protect service members while on the installation.

Make violation by a military member of a valid civilian order of protection an offense under the Uniform Code of Military Justice (UCMJ).

Findings

- When a judge issues a civilian order of protection, affected commands may be unaware of its existence or of possible ramifications.
- Not all civilian orders of protection are entitled to enforcement on military installations.

Recommendations

That the DoD –

- Take appropriate action to make violation by a military member of a valid civilian order of protection, or any other valid instrument of restraint issued by a civil or criminal court, an offense under the Uniform Code of Military Justice (UCMJ).
- Request Congress enact legislation to make it a violation of federal law to disobey, on federal property, a valid civilian order of protection or any other valid instrument of restraint issued by a civil or criminal court.

Issue 1.d – Military Protective Orders

When a commanding officer issues a Military Protective Order (MPO) to a service member, is a system in place to enforce that order in the civilian community?

Discussion

Background

The Task Force surveyed a number of DoD installations and reviewed the process of issuing, enforcing, and tracking MPOs from commanding officers to military service members.

When a commanding officer issues an MPO to a service member, that service member is required to follow such order wherever he or she goes, at any time.

Analysis

Occasionally service members will question the conditions that apply to MPOs. Situations will often arise that are not specifically covered by these orders. For example, if a commanding officer has ordered a service member to stay away from his or her spouse, the service member may feel that it is acceptable to call or contact the spouse by other means. Thus, the commanding officer's intent to avoid all contact may not be clearly conveyed. Service members may exploit ambiguous guidance for their own benefit.

Findings

- Written civilian orders of protection have been refined over the years to leave very little room for confusion.
- When a commanding officer issues an MPO, the order is issued directly to the service member.
- If a military member violates a MPO, that member may be charged with disobeying a lawful order under the Uniform Code of Military Justice.
- MPOs are not enforceable by local law enforcement agents in civilian communities.

Recommendations

That the DoD –

- Develop and disseminate a standard MPO form.
- Establish a policy that all MPOs are to be issued in writing.
- Issue a directive requiring a commanding officer who issues a MPO to a member of the Armed Forces, to provide a written copy of that

order, within 24 hours of its issuance, to the person with whom the member is ordered not to have contact.

- Establish a system to record and track all MPOs. (For example: NCIC, central registry, etc.)
- Establish a policy ensuring that written copies of all MPOs are forwarded immediately to both the installation's Family Advocacy Program and the installation's law enforcement agency.

Establish a system to record and track all MPOs.

Chapter 2

Education and Training

Overview

Purpose

In accordance with Public Law 106-65, the Defense Task Force on Domestic Violence is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies related to domestic violence. The Education and Training Workgroup is charged with reviewing and making recommendations for the improvement of training for commanding officers in the Armed Forces.

> The Education and Training Workgroup is charged with reviewing and making recommendations for the improvement of training . . .

The workgroup expanded its charge to encompass reviewing and analyzing curricula and training for senior noncommissioned officers (SNCOs), FAP staff, and first responder personnel. During 2001, the workgroup will continue to address the specific recommendations for the groups named above, and add assessment and recommendations for training of case review committee (CRC) members. It will also review respective Service curricula for basic enlisted and officer training and will visit civilian domestic violence training programs. In addition, this year the workgroup assessed the need for Service-wide domestic violence awareness education.

All education and training efforts need a strong focus on victim safety and offender accountability. A system-wide response is important in assuring victims are not re-victimized and offenders are handled appropriately by the judicial system. The civilian environment has made great strides in these areas and developed specific training in many communities for law enforcement personnel, shelter staff, and other agencies to affect a coordinated community response to the problem of domestic violence. Model programs have demonstrated the value of specific training that addresses the dynamics of domestic violence and appropriate response by all involved agencies. Commanders, senior noncommissioned officers, medical personnel, chaplains and law enforcement personnel are generally initially involved with both victims and offenders and require specialized training in the dynamics of domestic violence and understanding their roles to assure appropriate safety planning.

Goals

The major goal for the Education and Training Workgroup was a review of DoD and Service policy and curricula for training commanding officers, SNCOs, case review committee members, FAP staff and first responders. Site visits and interviews were held with commanding officers, SNCOs, case review committee members, and first responder personnel to assess installation-level training.

Major Objectives

To review and make recommendations regarding whether or not current education and training programs for commanding officers provide state-of-the-art information for the prevention of and appropriate response to domestic violence. (Issue 2.A – Improve Commanding Officer Training)

To review and make recommendations regarding whether or not current education and training programs for senior noncommissioned officers (SNCO) provide state-of-the-art information for responding to and working toward the prevention of domestic violence. (Issue 2.B – Standardize Education and Training Programs for Senior Noncommissioned Officers)

To review and make recommendations regarding whether or not the Military Services routinely provide consistent, high quality military criminal justice training on domestic violence to include state-of-the-art practices in assuring victim safety and offender accountability. (Issue 2.C – Military Criminal Justice Training)

To review and make recommendations regarding whether or not military members are sufficiently aware of the existence and consequences of the Lautenberg Amendment. (Issue 2.D – Awareness of Lautenberg Amendment)

To review and make recommendations regarding whether or not all DoD healthcare facilities conduct domestic violence awareness education for all staff, ensure screening for domestic violence, and mandate the use of standardized protocols for patient interviews. (Issue 2.E – Healthcare Personnel Response to Domestic Violence)

To review and make recommendations regarding the climate for effective prevention of domestic violence in the military. (Issue 2.F – Climate for Effective Prevention of Domestic Violence)

To review and make recommendations regarding awareness and understanding of the Transitional Compensation Program. (Issue 2.G – Transitional Compensation Program Awareness)

Issue 2.a – Improve Commanding Officer Training

Do current education and training programs for commanding officers provide state-of-the-art information for the prevention of and appropriate response to domestic violence?

Discussion

Background

Commanding officers are ultimately responsible for maintaining good order and discipline among military personnel. Although all the Military Services provide training to assist commanding officers in understanding their roles and responsibilities related to command, the curricula and duration vary by Service. Department of Defense Directive (DoDD) 6400.1[1] mandates that the Family Advocacy Program (FAP) office notify a service member's commanding officer when an act of abuse has allegedly occurred. The directive mandates the education and training of key personnel on policy and effective measures to alleviate problems associated with child and spouse abuse. The directive, however, does not define key personnel.

The Services have implemented this policy in varying ways, to include everything from individual briefings with commanding officers once they have assumed command positions on an installation to a group training format.

The Army provides specific instructions on briefing commanding officers via Army Regulation 608-18, The Army Family Advocacy Program.[2] This regulation states that installation commanders will "establish ongoing training to ensure that all subordinate commanders are briefed on the FAP within 45 days prior to or following assumption of command." The regulation also provides detailed guidance regarding the Commander Education Program. As stated, the FAP will ensure that commanding officers at all levels are aware of (1) the nature of spouse and child abuse and how to prevent it; (2) FAP policies and procedures; (3) available FAP resources; (4) command responsibilities for identification, reporting, and coordination with the Case Review Committee (CRC); (5) information on FAP prevention services; and (6) mandatory briefing requirements for unit commanding officers within 45 days after their appointments to command positions. The regulation requires that the installation commander receive an initial FAP briefing within 8 weeks of his or her assignment. The commanding officer training is reported to the installation-level Family Advocacy Committee; the report is required to include the number of new commanding officers assigned and the number trained in accordance with the FAP regulation.

The Navy's guidance is outlined in OPNAVINST 1752.2A, Family Advocacy Program,[3] noting that commanding officers shall ensure that the command is trained on the identification and prevention of family violence, reporting requirements, and command, community, and FAP response awareness as regular professional development training.

The Air Force provides guidance in Air Force Instruction 40-301, Family Advocacy.[4] The instruction states that the Outreach Program Management

Team will develop appropriate training programs for commanding officers. The Air Force also has a volume of standards for installation program guidance. These standards stipulate that unit commanders receive ongoing FAP training. The training includes instruction in the dynamics of family maltreatment and its impact on the mission; mandated reporting responsibilities for suspected family maltreatment incidents; participation on the Family Maltreatment Case Management Team; and overview of all FAP services and programs.

The Marine Corps provides guidance for commanding officer training in MCOP 1752.3B, Marine Corps Family Advocacy Program Standing Operation.[5] Unit commanders at installations with a family service center should obtain a FAP brief from the FAP manager within 45 days of assuming command. Commanding officers should schedule time for Marines to attend educational/awareness briefings on FAP matters. Also, the order noted that the FAP Manager will coordinate ongoing training and education plans at the installation for commanding officers at all levels (commanding general, brigade, regiment, battalion, and company).

Analysis

The DoD does not mandate domestic violence training specifically for military commanding officers. In a broad statement, however, the DoD advises the Services to provide education and training for key personnel. The Services have interpreted and implemented this policy in various ways, from individual briefings with commanding officers to group briefings. The training tends to be in a briefing format rather than by means of instruction accompanied by experiential exercises. The broad DoD directive that mandates the training of key personnel results in training that may not meet the needs of commanding officers in addressing their role in domestic violence cases and involvement in safety and judicial issues. Installations vary in their interpretation of the directive, and, as a result, some programs have more depth than others.

Findings

- In discussions with commanding officers at all levels, the Task Force found a need for systematic, standardized training curricula applicable to the different command levels. Commanding officers at all levels presented various examples of initial and follow-up domestic violence briefings. Briefings in a group format were always accompanied by other human services-related briefs. Some commanders from the field-grade ranks believe that in-depth training on domestic violence is most appropriate at the company grade commander level and is useful across the board at all levels as well. Commanders asked for training on policy-related issues, such as decision-making by the CRC and a broad overview of the program. Some commanding officers were unaware of the DoD central registry and did not know that open, substantiated cases should be transferred from one installation to another. All commanding officers believe that they need training before taking command. Across all the Services, most of the

Commanders asked for training on policy-related issues . . .

domestic violence information is presented in briefings that last less than one hour. The Army company grade pre-command level courses are conducted at the installation level. Field grade pre-command courses are conducted at Fort Leavenworth. Marine Corps training is most often conducted at the installation level at pre-command courses for commanding officers and first sergeants. The Navy and Air Force brief prospective commanding officers in a group format at their respective Squadron Commander Course and Prospective Commanding Officer and Executive Officer Course. The Navy briefing includes an experiential exercise in which prospective commanding officers are given sample cases and asked to make command decisions on safety plans and to address judicial concerns.

- Commanding officers discussed confusion about jurisdictional issues and were unaware of the differences that may arise in managing cases on versus off an installation.
- Many commanding officers lacked awareness of current civilian laws, protocols and the most appropriate response for assuring victim safety and offender accountability.
- Both field-grade and company-grade commanders said that a checklist format would be helpful to remind them of their required actions in handling domestic violence cases. Many commanding officers discussed a need for more information on their role in victim safety. Some commanding officers use chaplains for initial assistance in case management. When chaplains were interviewed, they confirmed a perceived need for their own training in handling domestic violence.
- Familiarity with the Lautenberg Amendment and its ramifications for continued military service varied greatly among commanding officers.
- Many commanding officers were not aware of their respective Service's Transitional Compensation Program.

RECOMMENDATIONS

That the DoD –

- Amend DoDD 6400.1 to require mandatory initial training for commanding officers (below general/flag officer grade) within 90 days of assumption of their command, as well as annual follow-up training.
- In collaboration with the DTFDV regarding content, placement, time devoted, and target audience, develop standardized training curricula and duration of training on the prevention of and appropriate response to domestic violence applicable to all levels of command throughout the DoD.

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[1] Department of Defense Directive (DoDD) Number 6400.1, Family Advocacy Program (FAP), dated June 23, 1992.

[2] Army Regulation (AR) Number 608-18, The Army Family Advocacy Program, dated September 1, 1995.

[3] Office of the Chief of Naval Operations Instruction (OPNAVINST) 1752.2A, Family Advocacy Program, dated July 17, 1996.

[4] Air Force Instruction (AFI) 40-301, Family Advocacy, dated July 22, 1994.

[5] Marine Corps Order (MCO) P1752.3B, Marine Corps Family Advocacy Program Standing Operating Procedures (short title: FAP SOP), dated July 1, 1994.

Issue 2.b – Standardize Education and Training Programs for Senior Noncommissioned Officers

Does the current education and training program for senior noncommissioned officers (SNCOs) provide state-of-the-art information for responding to and preventing domestic violence?

Discussion

Background

SNCOs serve as the commanding officer's right hand in helping maintain good order and discipline among military personnel. SNCOs have a clear, first-hand sense of needs and concerns of the enlisted personnel community, and they serve as the voice of the enlisted members to the commander. In the Army, Air Force, and Marine Corps, these positions are the first sergeant, sergeant major, and chief master sergeant. The Navy uses various terms for these positions, such as chief of the boat, senior chief, and command master chief. For all services, these positions are generally held by SNCOs in the enlisted grades E-7, E-8 and E-9.

DoDD 6400.1 mandates the education and training of key personnel in policy and effective measures to alleviate problems associated with child and spouse abuse. For senior enlisted personnel, this policy has been implemented in various ways across the Services. Several Services include domestic violence response in their curricula at SNCO professional military education (PME) schools.

The Army Sergeant's Major Course, Fort Bliss, Texas, provides E-8 and E-9 leadership training for noncommissioned officers. FAP personnel present a one-hour course of instruction on domestic violence.

The Senior Enlisted Academy (SEA), Naval Station, Newport, Rhode Island, serves as the SNCO PME training center for the Navy. This center is the only source of such training and its curriculum is mandatory for command master chiefs. Chiefs of the boat also attend the SEA. Four hours of training is presented by the Fleet and Family Support Program; this training covers Navy family service centers, personal and family readiness and counseling, and family advocacy and abuse prevention. One of the four hours is a FAP briefing on domestic violence. The briefing provides a history and review of regulations, as well as a summary of roles and responsibilities.

The Air Force initiated domestic violence training in its First Sergeants' Course, Maxwell Air Force Base, Alabama in 1995. The three hour training includes lectures and an experiential portion in which participants review potential scenarios and discuss their actions. The training reviews the dynamics of domestic violence and the first sergeant's role in responding to crises at the service member's home when an incident has occurred. The Air Force First Sergeants' Academy also has a mobile training team that travels to locations worldwide to train first sergeants in the field.

The Marine Corps trains SNCOs at its seven Staff NCO Academies. These facilities provide training for SNCOs (E-8 and E-9) as well as E-5s through E-7s. The academies also have a First Sergeant and Master Sergeant Seminar. All the courses have a family advocacy briefing. The Marine Corps has instituted a Mentors in Violence Prevention (MVP) program in a train-the-trainer format at all of its academies. This program is designed to provide participants with background information on gender violence and an opportunity to discuss alternative responses when they face a situation of potential violence. The MVP's goal is for male peers to realize that abusive behavior toward women is criminal and totally unacceptable.

Analysis

As with commanding officers, the DoD does not mandate domestic violence training specifically for senior enlisted personnel serving as advisers to commanding officers. The Services have implemented the current guidance as it applies to SNCOs, primarily in a group format at PME training facilities. In addition to receiving briefings at PME sites, most senior enlisted personnel receive installation briefings on the FAP. Within the PME structure, some of the training has an experiential component; however, this varies across the Services. Installation briefing content is not standardized and varies across the Services and from installation to installation. Implementation by the Services of the broad DoD directive results in training that does not always address the dynamics of domestic violence, in areas of concern such as roles and responsibilities in prevention, victim safety, and jurisdictional components.

Findings

- Through site visits to PME facilities and discussions with instructors and students, the Task Force found a need for systematic, standardized training curricula for SNCOs.
- Most of the current domestic violence training is presented in briefings that include numerous human services functions. The Air Force and Marine Corps have guided discussions and include an experiential component in their training.
- Senior enlisted personnel believe that training should include experiential exercises to apply the briefing material on roles and responsibilities. All personnel knew of the mandatory reporting requirements and the importance of victim safety.
- Senior enlisted personnel were satisfied with a train-the-trainer model; however, they believe that standardized curricula were needed across the Services. Many senior enlisted personnel believe that the FAP is viewed as a judicial body and would like briefings to include information on jurisdictional matters.

Senior enlisted personnel believe that training should include experiential exercises . . .

Recommendations

That the DoD –

- Amend DoDD 6400.1 to require mandatory initial training for senior enlisted personnel (E-7 thru E-9) in billets who serve as senior enlisted advisers to commanding officers, and to do so within 90 days of their appointment, with provision for annual follow-up training.
- In collaboration with the DTFDV regarding content, placement and time devoted, develop standardized training curricula for use throughout the DoD that are applicable to senior enlisted personnel in PME settings and at the installation level.

Issue 2.c - Military Criminal Justice Training

Do the Military Services routinely provide consistent, high-quality military criminal justice training on domestic violence to include state of the art practices in assuring victim safety and offender accountability?

Discussion

Background

DoDD 6400.1 directs the installation-level FAP to notify the military law enforcement and investigative agencies if an act of abuse is alleged. In many instances, an installation law enforcement agency responds to a domestic violence incident and notifies the FAP.

Installation law enforcement response is critical in establishing victim safety; advising the alleged offender of his or her rights; defusing the situation; and ensuring that appropriate referral and safety planning procedures are established.

All of the Services have written guidance that references domestic violence. The Army Provost Marshal doctrine is contained in Field Manual-19-10.[1] The Navy law enforcement policy for the primary responders to domestic violence is governed by OPNAVINST 5580.1A.[2] The Air Force Security Forces follow the instructions contained in Air Force Manual 31-201.[3] The Marine Corps guidance for domestic violence can be found in Marine Corps MCO P5580.2A.[4]

A primary installation (garrison) (non-tactical) role of military law enforcement/security personnel is to ensure public safety. They also have the responsibility and authority to respond and investigate criminal behavior. In responding to domestic violence they are charged with "restoring peace" at the scene. In addition they are responsible for investigating and reporting all suspected abuse to the responsible commanding officer, Family Advocacy Program and the respective investigative services such as the U.S. Army Criminal Investigative Command (USACIC), Naval Criminal Investigative Service (NCIS), and the Air Force Office of Special Investigations (AFOSI). These investigative agencies react to and take charge of major felony investigations, including those involving aggravated assaults, while military law enforcement agencies that are typically the first responders routinely investigate incidents of spouse abuse that fall into the misdemeanor category.

Current military law enforcement standard operating procedures discuss: separating the individuals involved in alleged incidents; assessing the need for any medical assistance, interviewing the parties involved separately to determine the "victim" and "primary offender," ensuring the safety of the victim, gathering evidence and making the recommendations regarding the appropriate response. If military law enforcement agencies believe they have probable cause that a crime has been committed, that they cannot restore order, or if there is concern for further (future) violence; an apprehension may be made. An apprehension or detention is made for violations of the Uniform Code of Military Justice (UCMJ) or a law.

Military police have multiple roles, which include law enforcement and wartime and peacetime contingency response. Their initial training varies by Service.

The Army trains military police at Fort Leonard Wood, Missouri, in an eight-week training program in which students receive four hours of instruction on responding to family and domestic violence.

The Navy's active duty military police are known as masters-at-arms. These military police are supplemented by other active duty personnel assigned to security for a two to three-year tour. The Navy also uses civilian personnel in police positions. These officers are trained locally, usually at local police academies. The Navy military police training is termed "Master-at-Arms" training and lasts for seven weeks. A four-week training program is also conducted for Navy personnel who will serve in law enforcement duties for three years or less. The programs include a total of five hours of training on domestic violence.

The Air Force conducts security forces technical training at Lackland Air Force Base, Texas. The training lasts 51 days, and the domestic violence curriculum is covered in a distance-learning format at the first duty station within 120 days of assignment.

The Marine Corps uses the Army initial eight-week military police training as its initial police training.

The Army also offers an advanced program, Domestic Violence Intervention Training (DVIT), at Fort Leonard Wood. Members of the other Services may attend DVIT. The DVIT includes 40 hours of instruction focusing upon effective police intervention and investigation of domestic violence incidents. This training is multidisciplinary; it covers police response techniques; the dynamics of domestic violence; interviewing techniques; psychological aspects of alleged offenders and victims; domestic violence crime scenes; and skills required for assessing and defusing domestic violence situations.

Analysis

Historically, military police training in domestic violence response does not receive the same level of attention, in duration or content, as the combat support skills training. The Services minimally address domestic violence response in their initial military police training. The Army DVIT has all the core components that law enforcement personnel should, at a minimum, receive as instruction during initial military police training. However, DVIT trains less than five percent of all police throughout the DoD, and individuals may be on the job for years before attending DVIT.

The last decade has brought about dramatic changes in our society regarding the response to domestic violence with the passage of "The Violence Against Women Act" in 1994. In addition, lawsuits such as the Thurman v. Torrington, Lewis v. Dallas, and Nearing v. Weaver, Oregon and the O.J. Simpson case have shifted the focus to the "criminalization of domestic violence."[5] Accordingly, there is a growing interest in holding both the offender and the system accountable as a potential vehicle for enhancing victim safety. In order to be effective in

attaining this goal, specialized domestic violence courts, prosecutors and law enforcement entities are being implemented throughout the country.

Aggressive prosecution is one important way of holding offenders accountable and may deter future recidivism while potentially enhancing victim safety. Also, aggressive prosecution can only occur when the responding and investigating law enforcement personnel receive the appropriate specialized training in domestic violence and are properly equipped with "state-of-the-art" equipment.

Rationale supporting the "state-of-the-art" law enforcement response is the supposition that prosecution may occur, and victims should not be placed in the untenable position of making the decision to prosecute. The prosecution has the evidence from law enforcement required to convict the offender, and the court may impose a suspended sentence, that includes: mandated treatment and the performance of a specified number of hours of community service. The latter may be completed on the weekends or off duty hours that do not conflict with employment thereby avoiding additional financial hardship for the victim. Military commanders have comparable and even additional options available utilizing existing judicial and nonjudicial authority.

Findings

- The Task Force found a genuine need for standardized and additional training for response to domestic violence by all members of the military criminal justice team.
- Many, if not most, military police are not trained to view domestic violence incidents as serious crimes. Most had not received training to enable them to distinguish the primary aggressor at the domestic violence scene.
- Many installation military police patrol officers indicated that most of their training was acquired on the job, and that the time spent performing law enforcement duties varies. Many serve a very limited time before returning to their wartime readiness role.
- A small number of military police, who serve as patrol officers, attend the Army's DVIT course.
- Military police investigators are not routinely called to respond to domestic violence cases unless serious physical injury occurs.
- Military investigative agencies USACIC, NCIS, and AFOSI have high quality personnel with excellent investigator skills. However, they are not typically used as first responders to misdemeanor level domestic violence calls.
- Military police performing installation patrol duties receive only initial domestic violence training; they often are not prepared to make decisions on whether a domestic violence incident requires further investigation.

Many, if not most, military police are not trained to view domestic violence incidents as serious crimes.

RECOMMENDATIONS

That the DoD –

- Develop, in collaboration with the Military Services and the DTFDV, standardized domestic violence training for military police to be included in their initial training.
- Ensure that local military police patrol officers receive specialized relevant training within 90 days of being assigned duties that would typically require them to respond to domestic violence.
- Create, in collaboration with the Military Services and the DTFDV, mobile training teams to expedite delivery of domestic violence training to military police patrol officers at the installation level.
- Develop, in collaboration with the Military Services and the DTFDV, a comprehensive list of state-of-the-art equipment necessary to conduct a proper investigation of an alleged domestic violence incident.
- Initiate, in collaboration with the Military Services and the DTFDV, an evidence-based prosecution-training module for Staff Judge Advocates.

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[1] Army Field Manual 19-10, Military Police Law and Order Operations, Chapter 13, Law and Order Investigations, September 30, 1987.

[2] Office of the Chief of Naval Operations, OPNAVINST 5580.1A, Navy Law Enforcement Manual, Chapter 14, Domestic Violence Reporting, July 26, 2000.

[3] Air Force Manual 31-201, Chapter 4, Response to Domestic Violence.

[4] Marine Corps Order (MCO) 1510.86A, Individual Training Standards (ITS) System for the Military Police and Corrections Occupational Field (OCCFLD) 58, 5811.1.8, Respond to a Domestic Disturbance, February 16, 1993.

[5] Casey Gwinn, "Toward Effective Intervention: Trends in the Criminal Prosecution of Domestic Violence," The Prosecutor, Nov/Dec 93, Volume 27 Number 5.

ISSUE 2.D – AWARENESS OF LAUTENBERG AMENDMENT

Are military members sufficiently aware of the existence and consequences of the Lautenberg Amendment?

DISCUSSION

Background

The Lautenberg Amendment (18 U.S.C., § 922) to the Gun Control Act of 1968 makes it unlawful for any person convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or ammunition. The statute defines this as being an offense that:

1) Is a misdemeanor under Federal or State law; and
2) Has as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent, or guardian of the victim.

The DoD provided guidance on the Lautenberg Amendment to senior military leaders by interim directive-type memoranda dated October 22, 1997, and November 21, 1997. For the purposes of Lautenberg, conviction of a "misdemeanor crime of domestic violence" does not include a summary court-martial conviction or imposition of nonjudicial punishment under Article 15, UCMJ. It also does not include deferred prosecutions (or similar alternative dispositions) in a civilian court.

The Office of the Secretary of Defense (OSD) interim policy issued on October 22, 1997, requires that commanding officers and supervisors take immediate steps to retrieve weapons and ammunition from any service member or civilian employee who has a conviction for a misdemeanor crime of domestic violence. The Lautenberg Amendment does not apply to major military weapons systems or crew served military weapons and ammunition (e.g., tanks, missiles, and aircraft).

In addition, the DoD directive-type memoranda require that Military Departments implement steps to discover whether military personnel have a qualifying domestic violence conviction and includes DD Form 2760, Qualification to Possess Firearms or Ammunition, that requires personnel to certify whether or not they have a qualifying conviction for a crime of domestic violence.

The interim policy further bars individuals convicted of domestic violence offenses from entering military service. Commanding officers may receive preliminary information on the Lautenberg Amendment from their local Staff Judge Advocate's office.

Analysis

Installation and ship commanders vary in their understanding of the Lautenberg Amendment and what actions they must take against offenders. The DoD does not

mandate awareness training for commanding officers and SNCOs to prepare them to understand the consequences of the Lautenberg Amendment. However, the Military Services do provide preliminary legal indoctrination for newly assigned commanding officers through individual briefings from local Staff Judge Advocates, and others receive instructional information during specific case coordination with their local Staff Judge Advocates. The provisions and implications of the Lautenberg Amendment are not well understood by non-legal military personnel.

Commanding officers are urged to coordinate with their local Staff Judge Advocates on specific issues pertaining to the Lautenberg Amendment.

Findings

- On the basis of information acquired during installation site visits, many commanding officers, SNCOs, and domestic violence offenders were unaware of the consequences of the Lautenberg Amendment. Many SNCOs in senior enlisted adviser command positions were unaware even of the existence of the Lautenberg Amendment.
- Although the mandatory reporting of domestic violence cases was understood, several commanding officers and senior enlisted personnel were unaware that nonjudicial punishment in some cases could be used as a tool for rehabilitation.
- Senior enlisted personnel stated that instruction should be provided to all SNCOs, especially those assigned to senior enlisted adviser command positions (chief master sergeants, first sergeants, command sergeants major, and master chief petty officers). In addition, senior enlisted personnel think that Lautenberg awareness training should be mandated for all personnel in general military training, both upon their return from deployments and during holiday safety briefings. SNCOs at one major installation said that if service members knew a domestic violence conviction to be a crime and could thus end their military careers, many might refrain from such behavior.

> . . . senior enlisted personnel think that Lautenberg awareness training should be mandated for all personnel . . .

- Commanding officers discussed a need for Lautenberg awareness training and a judicial guideline to assist them when nonjudical punishment is appropriate.

Recommendations

That the DoD –

- Conduct a Lautenberg awareness campaign using all public affairs (PA) resources (both OSD/PA and Service PA organizations) to fully inform the military community of the existence and consequences of the amendment.
- Amend DoDD 6400.1 to require mandatory Lautenberg awareness education during annual general military training sessions, upon the return of personnel from deployments, and during holiday safety briefings.

Issue 2.e – Healthcare Personnel Response to Domestic Violence

Do DoD healthcare facilities conduct domestic violence awareness education for staff, ensure screening for domestic violence, and mandate use of standardized protocols for patient interviews?

Discussion

Background

Domestic violence is a nationwide health care problem. The DoD health care system plays a critical role in preventing and intervening in cases of domestic violence. Awareness education regarding this issue is imperative for all healthcare staff. The Services have implemented domestic violence awareness education in a variety of ways from unit briefings to specific hospital departmental training. Domestic violence awareness education is the foundation for establishing a system of prevention and response to the problem. DoD healthcare facilities should have a comprehensive plan that includes awareness education and protocols for management of patients suspected of having been victims of domestic violence or identified as being high risk for domestic violence.

The Family Violence Prevention Fund, founded in 1980, is the leading national organization devoted to developing domestic violence prevention efforts in a number of areas, including health care. The members recommend routine screening for domestic violence by healthcare providers, specifically for female patients over the age of fourteen in primary care, but also in the areas of obstetrics/gynecology and family planning; emergency departments; in-patient care; pediatrics; and in mental health settings. According to the Fund's *Clinical Guidelines,* "Routine screening means that inquiry about domestic violence occurs with all women over the age of fourteen, whether or not symptoms or signs are present and whether or not the provider suspects abuse has occurred."[1] The American Medical Association and American Nurses Association have endorsed the Family Violence Prevention Fund screening policy.

The Joint Commission for Accreditation of Hospitals and Organizations (JCAHO) is a major credentialing body for DoD healthcare facilities. The JCAHO 2000-2001 Hospital Accreditation Standards require hospitals to have objective criteria for identifying and assessing possible victims of abuse and neglect, and that they are used throughout the organization. Staffs are to be trained in the use of these criteria.

Analysis

Awareness of domestic violence and knowledge of the appropriate response is critical for DoD healthcare staff. Screening for domestic violence provides an opportunity to assure victim safety and well-being. A number of healthcare organizations advocate universal screening as opposed to indicator-

based screening. Beyond screening, there is a need for training of healthcare personnel to educate them in the protocols for managing victim safety, documentation and referral. The Family Violence Prevention Fund advocates training in both screening and intervention protocols before screening is implemented.

Findings

- During installation site visits, healthcare personnel reported that their knowledge of domestic violence is obtained primarily from the core curricula in their respective disciplines. The Task Force found a need for standardized awareness education for all healthcare personnel.
- Through discussions with healthcare personnel, the Task Force found a need for implementation of a standardized screening tool that could be used in all areas of healthcare facilities.
- Most Services have established a New Parent Support Program (NPSP) designed to prevent family maltreatment through education, support, and guidance in the areas of prenatal, postpartum, and maternal issues. This specific group of healthcare personnel has a unique opportunity for encountering and maintaining access to female healthcare beneficiaries.

Recommendations

That the DoD –

- Reiterate the need for domestic violence awareness education for all healthcare staff and collaborate with the DTFDV on content.
- Study adoption of indicator-based or universal screening for domestic violence in healthcare areas of emergency medicine, primary care, and obstetrics/gynecology.
- Require NPSP nurses to have domestic violence awareness education within 90 days of their hiring.
- Request Congress fully resource the NPSP across all Services.

[1] Preventing Domestic Violence: Clinical Guidelines on Routine Screening, Family Violence Prevention Fund, page 3, undated.

Issue 2.f Setting the Climate for Effective Prevention of Domestic Violence

How can the Secretary of Defense influence positively the climate for the effective prevention and intervention of domestic violence?

Discussion

Background

Historically, the Military Services have included trainings, briefings, and special theme events to promote awareness for the prevention of domestic violence. All the Services' regulations discuss the need for program planning for prevention of child and spouse abuse. Prevention may include intervention in high-risk situations, and awareness and educational programs. Many installation professionals provide assistance to victims and offenders. Chaplains specifically are sought out due to their privilege of confidentiality. They may be involved in a number of prevention programs as well and often serve as advisers to commanding officers on their response to domestic violence incidents.

Analysis

The Department of Defense charged the Services with the establishment of broad policies for the development of Family Advocacy Programs (FAP) in accordance with DoDD 6400.1. This directive states the Services' policies should include the prohibition of child and spouse abuse. In the history of the FAP, DoD has not issued a DoD-wide memorandum stating the Department's policy on child and spouse abuse. Prevention efforts across the Services include programs to heighten awareness of domestic violence, to improve couple and family functioning, and to increase community collaboration.

Findings

- At all levels – commanding officers, senior enlisted personnel, FAP staff, first responders, and legal personnel – expressed the need for senior leaders to publicly state their support for prevention of domestic violence, accountability for offenders, and support for victims.
- The Task Force found through discussions with installation program managers and headquarters staff, a need for a major FAP public relations effort. The need for accurate, factual program information to clarify and explain the intake and intervention process was the area noted as most in need of attention.
- Some believe that commanding officers are often hesitant to add domestic violence training as a mandatory requirement because the training schedules related to the operational mission are already taxed.

- Commanding officers and senior enlisted personnel seemed to be most receptive to domestic violence awareness efforts if they were briefed in small groups rather than larger groups.
- The Services believe that prevention efforts need to expand and that there is a need to emphasize services available to victims, the New Parent Support Program, and services available to children who have witnessed domestic violence.
- During installation site visits, chaplains discussed providing guidance to domestic violence victims and offenders. They expressed a need for further education in domestic violence dynamics and appropriate response to victims and offenders.
- Victim safety is not a well understood concept.

Recommendation

In addition to the Secretary of Defense issuing the policy memorandum on domestic violence attached to the cover letter of this report, the Task Force recommends the following:

- In collaboration with the DTFDV regarding content, placement, and time devoted, the Services institute domestic violence awareness education at their respective chaplain officer indoctrination courses and include training to focus on dynamics of domestic violence, chaplain roles in response to domestic violence, and overall Service response.

Issue 2.g – Transitional Compensation program awareness

Is the Transitional Compensation Program widely understood?

Discussion

Background

Congress established the Transitional Compensation (TC) Program for abused dependents of military personnel in the FY94 DoD Authorization Act (P.L. 103-160) after studying domestic violence and its consequences in an effort to reduce victim disincentives to reporting abuse. The legislation authorizes temporary payments, at the rate specified for Dependency and Indemnity Compensation (DIC), for families in which the service member has been discharged administratively or by court-martial for dependent abuse (domestic violence).

Benefit entitlement starts the date the court-martial sentence is approved or the date the administrative separation is initiated. Payments are for a minimum of 12 months or until the service member's expiration term of service date, whichever is longer, but may not exceed a maximum of 36 months. Payments are terminated if the spouse's eligibility changes, (i.e. spouse remarries or the service member is residing in the home with the transitional compensation recipients). The current monthly TC rate is $911 for a spouse, and $229 for each dependent child in the care of the spouse.

Recipients of transitional compensation payments are also entitled to commissary, exchange, medical, and dental privileges for the duration of the payment.

Analysis

The Department of Defense Instruction 1342.24, Transitional Compensation for Abused Dependents, provides guidance to the Military Services on policy and procedures. While all the Military Services have respective regulations on administration of the program, DoD does not mandate awareness education on this subject. The Army's guidance is found in AR 608-1, Army Community Service. Their program is administered by the U.S. Army Community and Family Support Center. SECNAV Instruction 1750.7, Department of the Navy Transitional Compensation for Abused Dependents Policy, provides guidance on the Navy's Transitional Compensation Program. It is administered by PERS-661. Air Force Instruction 36-3024, Transitional Compensation for Abused Dependents, provides guidance on program administration. The Military Personnel Flight at the installation level is the office of primary responsibility for program management. The Marine Corps guidance is found in Marine Corps Order P1700.24B, (Draft) Marine Corps Personal Services Manual. Their Personal and Family Readiness Program Staff coordinate the program at the installation level. Collaboration between the Family

Advocacy Program, commands, Staff Judge Advocate and installation Military Personnel Office is critical to effective program implementation.

Findings

- Through discussions with military personnel at installation site visits, the Task Force found widespread lack of awareness about the issue.
- Some commanders were not aware of the Transitional Compensation Program.
- Victims may incur financial hardship having to wait until the date the court-martial sentence is approved or date of separation to receive benefits, as administrative processing time has been lengthy in some cases.

Some commanders were not aware of the Transitional Compensation Program.

Recommendations

- That the DoD mandate the Military Services to provide awareness education to military spouses regarding the Transitional Compensation Program.
- The DTFDV Victim Safety Workgroup continue to investigate this issue from a victim safety standpoint.

Chapter 3

Offender Accountability

Overview

Purpose

In accordance with Public Law 106-65, the Defense Task Force on Domestic Violence is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies concerning domestic violence. The Offender Accountability Workgroup is responsible for evaluating and recommending measures to improve individual offender accountability and program accountability.

Goals

The overarching goal of the Offender Accountability Workgroup is to contribute to the development of an overall strategic plan to improve the DoD's response to domestic violence by delineating specific recommendations for improving dispositions and case management, as well as data collection, tracking, and evaluation.

> The Offender Accountability Workgroup is responsible for evaluating and recommending measures to improve individual offender accountability and program accountability.

Major Objectives

To review and make recommendations regarding current DoD assessment of criminality in domestic violence incidents. (Issue 3.A – Criminality)

To review and make recommendations regarding DoD's policy on the granting of enlistment waivers to individuals convicted of domestic violence. (Issue 3.B – Lautenberg and Enlistment Waivers)

To review and make recommendations regarding DoD's policy on discharging individuals convicted of charges stemming from acts of domestic violence as required by the Lautenberg Amendment. (Issue 3.C- Lautenberg and Discharges)

To review and make recommendations regarding DoD's management of domestic violence cases from initial report to resolution. (Issue 3.D – Case Management)

To review and make recommendations regarding how DoD should integrate fatality reviews into its response to incidents of domestic violence. (Issue 3.E – Fatality Reviews)

To review and make recommendations regarding DoD's ability to track domestic violence offenders within its ranks. (Issue 3.F – Tracking and Data Collection)

To review and make recommendations regarding the role of program evaluation in DoD's domestic violence prevention and intervention efforts. (Issue 3.G – Evaluation)

ISSUE 3.A - CRIMINALITY

Does the DoD appropriately assess criminality in domestic violence incidents?

DISCUSSION

Background

DoDD 6400.1 defines spouse abuse to include assault, battery, threat to injure or kill, and other acts of force or violence or emotional maltreatment against a partner in a lawful marriage. Such acts violate the punitive articles of the Uniform Code of Military Justice (UCMJ) and are therefore punishable as felony or misdemeanor crimes.

The directive mandates that military law enforcement and investigative agencies be notified of every spouse abuse incident, but it does not specify what type of investigation should be conducted. The results of such an investigation will ultimately influence a commanding officer's decision on punishment or other administrative action.

Analysis

Law enforcement, prosecutors, and commanding officers routinely defer to the Case Review Committee (CRC) to evaluate domestic violence cases. DoDD 6400.1 authorizes the CRC to render disposition reports on domestic violence incidents. The CRC assesses the clinical situation and determines clinical intervention using a much lower standard of proof than established evidence to accomplish its mission. The unintended consequence has been a diminished focus on distinguishing between non-criminal and criminal cases.

It should not matter that…

- Victims refuse to swear out complaints against offenders.
- Offenders profess a willingness to get help.
- Victims show no visible sign of injury.
- Adverse financial or career consequences could result.
- Victims may not participate in the prosecution.
- Verbal assurances that the violence will stop are uttered by the offender.

…but in fact it does.

> Evidence must be the main determinant of whether a crime has been committed or not . . .

These factors all matter because they obscure the focus on criminality. Evidence must be the main determinant of whether a crime has been committed or not, and the current system does not insist on evidence.

FINDINGS

- Law enforcement first responders and misdemeanor investigators generally have not received training on how to properly investigate and document domestic violence.
- Felony investigators are routinely trained to investigate domestic violence but are restricted from working on misdemeanor cases.
- Preliminary investigations conducted by first responders and misdemeanor investigators often fail to meet professional standards such as determining the primary aggressor; obtaining a history of prior violence; taking child witness statements; conducting a lethality assessment; photographing victim and offender injuries and appearance; determining offensive versus defensive injuries; and photographing property damage at the crime scene.
- Follow-up investigations are not the norm.
- Of the 12,043 substantiated reports of domestic violence recorded by the DoD in fiscal year 1999, 69 percent involved mild abuse; 24 percent, moderate abuse; six percent, severe abuse; and one percent unknown according to the Defense Manpower Data Center.
- Although data are hard to obtain, it is apparent that relatively few military personnel are prosecuted or administratively sanctioned on charges stemming from domestic violence.
- The CRC is a clinical body incapable of investigating criminality.

RECOMMENDATIONS

That the DoD –

- Require the investigation of every reported incident of domestic violence to determine whether a crime has been committed.
- Train law enforcement, legal, and command personnel to collaborate effectively in making the determination of whether a crime was committed, and taking the necessary follow-on actions appropriate to their specific roles.
- Develop standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are substantiated.

ISSUE 3.B – LAUTENBERG AND ENLISTMENT WAIVERS

Should the DoD waive domestic violence convictions to allow potential recruits to enter active duty?

DISCUSSION

Background

The Services have the authority to grant moral waivers to recruits who have committed some categories of felony and misdemeanor offenses. Mid-level recruiting commanders can waive misdemeanors, but senior-level officers must approve felony waivers. The number of misdemeanor and felony waivers appears to be on the rise, including charges stemming from domestic violence, according to recent news reports.[1]

Analysis

The Services are prohibited from recruiting anyone convicted of a crime of domestic violence according to a DoD interim policy issued October 22, 1997, that implements the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C., § 922). Among other things, the crime must have involved the use or attempted use of physical force, or threatened use of a deadly weapon by a current or former spouse, cohabitating partner, person similarly situated, or a person with whom the victim shared a child in common.

FINDING

Although exact numbers are difficult to obtain, a small number of waivers have been granted to individuals convicted of domestic violence-related charges since the interim policy went into effect.

RECOMMENDATIONS

That the DoD –

- Ensure that the Services are complying with the DoD interim policy.
- Review the appropriateness of waivers issued since the interim policy went into effect.

Review the appropriateness of waivers issued since the interim policy went into effect.

[1] Dave Moniz, "Army, Navy Granting More Felony Waivers," USA Today, July 3, 2000, p 7.

ISSUE 3.C – LAUTENBERG AND DISCHARGES

Is the DoD discharging military personnel convicted of charges stemming from acts of domestic violence as required by the Lautenberg Amendment?

DISCUSSION

Background

In September 1996, Congress passed the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C., § 922) to make it a felony for anyone who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. The amendment applies to misdemeanor crimes of domestic violence that predate the law's enactment.

Unlike all other categories prohibited under the Gun Control Act, the amendment specifically prohibits government issuance and use of firearms and ammunition to and by persons with misdemeanor convictions for domestic violence. Military and law enforcement personnel are not exempt from the provisions of the Lautenberg Amendment.

Analysis

The DoD issued interim policy guidance on October 22, 1997, requiring commanding officers to take immediate steps to retrieve weapons and ammunition from any service member who has a conviction for a misdemeanor crime of domestic violence. The policy requires the Military Departments to take steps to discover whether military personnel have a qualifying conviction, but it does not mandate a particular procedure for making that determination.

The interim policy directs commanding officers to "…refrain from taking permanent adverse personnel actions, including discharges and separations, against service members, based solely on a misdemeanor conviction for domestic violence committed on or before September 30, 1996," pending further guidance. Commanding officers are permitted to discharge or separate service members with qualifying convictions for acts committed after September 30, 1996, "…if a basis for discharge or separation exists under applicable existing regulations and directives." The policy also states, "Steps may be taken to ensure the best use of military personnel discovered to have qualifying convictions, such as reclassifications, reassignments, and temporary details."

FINDINGS

- To date, the DoD has not issued any additional guidance or crafted a permanent policy on implementing the Lautenberg Amendment.
- Service member discharges, although difficult to quantify, appear small in number.
- Some service members with qualifying convictions are being allowed to retain their weapons until such time as they are discharged or separated.

RECOMMENDATION

That the DoD –

- Issue final guidance on implementing the Lautenberg Amendment.

Issue 3.d – Case Management

How rigorously are incidents of domestic violence managed within the DoD from initial report to final resolution?

Discussion

Background

DoDD 6400.1 calls upon each Service Secretary to develop guidelines for the case management of domestic violence incidents. Those guidelines are to be consistently articulated across Service FAP policies.

Case management is a CRC function and includes:

- Assigning a case manager to assess each report of spouse abuse.
- Obtaining complete and thorough medical and psychological evaluations of victims and offenders.
- Determining, on the basis of the preponderance of information, whether cases are substantiated or unsubstantiated.
- Completing and forwarding an incident reporting form to the central registry.
- Developing a treatment plan and providing follow-up services on substantiated cases in accordance with approved standards of care.
- Reviewing cases at least quarterly to monitor progress of treatment.
- Informing commanding officers of the continuing status of cases.
- Maintaining a case record documenting all activities from initial report of an incident to closure of each case.

Analysis

Case management is the essential pathway by which the DoD attempts to meet FAP regulatory requirements. Of particular note is the requirement to ensure that commanding officers have timely access to complete case information when considering appropriate disposition of abuse allegations. Factors to be considered by commanding officers include:

- Whether the alleged offender committed a chargeable offense under the UCMJ.
- Military performance and potential for further useful service.
- Prognosis for treatment.
- Extent to which the alleged offender accepts responsibility for his or her behavior and expresses a genuine desire for treatment.

Case management is the essential pathway by which the DoD attempts to meet FAP regulatory requirements.

Commanding officers are sometimes unable to make sound decisions either because they have been denied access to some critical piece of information or because they have not been informed about what the information means in the aggregate.

Findings

- Case managers usually meet the requirements for accomplishing initial assessments, CRC determinations, and quarterly reviews.
- The CRC is a clinical entity that cannot deal with the issue of criminality.
- Commanding officers often do not creatively use the broader continuum of sanctions such as automatic flagging actions and the suspension of nonjudicial or summary court punishment while the service member complies with treatment, when responding to abuse allegations.
- FAP assessments often lack sufficient detail.
- The CRC often substitutes lethality and/or risk assessments for a complete and detailed report of treatment prognosis detailing the patient's capacity to use the intervention for therapeutic gain.
- Treatment options are limited and undifferentiated.
- Offenders are sometimes forced into treatment rather than disciplined.
- Communication between commanding officers and FAP staff sometimes suffers because of suspicion, mistrust, lack of respect, and intransigence.

Recommendations

That the DoD

- Require comprehensive, effective batterer intervention for those determined to be culpable for domestic violence offenses and who are being retained on active duty.
- Develop criteria for different types of interventions based on individual case assessments.
- Develop criteria for conducting risk/lethality assessments to determine which victims are at greatest risk of injury or death.
- Develop criteria for what constitutes success and defines offender behavior after the intervention.

ISSUE 3.E – FATALITY REVIEWS

To what extent has the DoD made fatality review an integral part of its response to domestic violence?

DISCUSSION

Background

The DoD does not mandate or encourage the use of domestic violence fatality reviews, which help ensure that no person ever dies in vain.

Analysis

Except for the limited work of a handful of Naval Criminal Investigative Service (NCIS) domestic violence units, fatality reviews have yet to become an important element of the DoD's overall response to domestic violence.

The concept of domestic violence fatality reviews has been developing nationwide for several years—an outgrowth of the collaborative efforts among legal, criminal justice, advocacy, health, and judicial groups. The concept involves teams of representatives from agencies that deal with domestic violence meeting regularly to confidentially review victim and offender deaths for use in the following:

- Formulating lessons learned from agency and/or system failures without blaming participating agencies.
- Creating and maintaining a comprehensive, standardized database of information on domestic violence-related deaths.
- Identifying trends and patterns that assist in developing policy recommendations for earlier and more effective intervention.
- Fostering better communication and cooperation among participating agencies.

FINDINGS

- The NCIS has reported 12 Navy or Marine Corps "domestic" homicides in FY99, and 54 since FY95. Of those 54 homicides, 27 were designated "domestic," 12 "spouse," and 15 "other family member."
- The Army has reported 32 "family member" homicides in FY99, and 131 since FY95. Of those 131 homicides, 61 were designated "spouse," 4 "former spouse," 1 "common law spouse," 57 "child," 2 "parent," 3 "sibling," 1 "parent and sibling," and 2 "other family member."
- The Air Force has reported 4 "domestic violence" homicides in FY99, and 32 since FY95. Of those 32 homicides, 7 were designated "wife," 2 "husband," 18 "child" (1 case involved child of girlfriend, 2 cases involved multiple children and girlfriend/wife), 2 "boyfriend" (1 case

involved boyfriend of ex-wife), 2 "girlfriend" (1 case involved ex-girlfriend), and 1 "father."

RECOMMENDATIONS

That the DoD –

- Develop guidance for establishing formal and informal domestic violence fatality reviews to ensure that no victim dies in vain.
- Require results and system change recommendations to be completed in a timely manner.

Develop guidance for establishing formal and informal domestic violence fatality reviews to ensure that no victim dies in vain.

ISSUE 3.F – TRACKING AND DATA COLLECTION

How capable is the DoD of tracking domestic violence offenders within its ranks?

DISCUSSION

Background

DoD Directive (DoDD) 6400.1, Family Advocacy Program (FAP), states that it is the responsibility of the Assistant Secretary of Defense for Force Management Policy to collect and analyze FAP data. Though silent regarding intent, the requirement has long been interpreted to be a means for understanding the causes, nature, frequency, and impact of abuse, as well as the effectiveness of program responses. Data should provide a basis for research and informed policy and practice, but it is imperative that a system be crafted to obtain the kind of data capable of accomplishing the task.

The DoD and the Military Services all maintain central registries on domestic violence cases to assist in identification, verification, retrieval of information, and tracking as part of the Family Advocacy Program (FAP). Local Case Review Committees (CRCs) are required to prepare and submit incident reports on each abuse case reviewed, whether substantiated or unsubstantiated. Incident reports are completed and forwarded to the appropriate Service central registry within ten working days following the CRC determination. The Services are responsible for forwarding incident data to the DoD central registry semi-annually. Incident data can be updated regarding significant subsequent actions involving reversal of initial substantiation decision, command disciplinary/administrative action, treatment outcome, transfer, and closure of cases.

. . . it is imperative that a system be crafted to obtain the kind of data capable of accomplishing the task.

Analysis

Failure to effectively monitor and accomplish the task of updating abuse reports has in the past made it virtually impossible for the DoD to respond to repeated Congressional inquiries regarding command actions in response to domestic violence. This inability to respond has resulted in Congress's crafting of Section 594 of Public Law 106-65, National Defense Authorization Act for FY 2000, directing the Secretary of Defense to establish a central database on domestic violence with specific reporting requirements as follows:

- The number of reported domestic violence incidents.
- The number of those incidents that involve evidence determined sufficient for supporting disciplinary action and, for each such incident, a description of the substantiated allegation and the action taken by command.
- The number of those incidents that involve evidence deemed insuffi-

cient for supporting disciplinary action and for each such case, a description of the allegation.

The Under Secretary of Defense for Personnel and Readiness issued a memorandum on June 8, 2000, directing the Defense Manpower Data Center (DMDC) to establish and administer the domestic violence database as a subset of the Defense Incident-Based Reporting System (DIBRS). DMDC will match identifying information obtained through DIBRS with identifying data found in the FAP central registry.

DIBRS was originally created to meet a requirement of the Uniform Federal Crime Reporting Act of 1988, which required the DoD to submit crime data to the FBI for entry into its National Incident-Based Reporting System (NIBRS). This system, however, is not yet fully operational.

FINDINGS

- FAP central registries maintain basic statistical data on the total number of abuse incidents reviewed by CRCs, and whether they were found to be substantiated or unsubstantiated based solely upon a preponderance of information.
- CRCs are required to submit identifying information and descriptions of allegations on substantiated cases, but not on unsubstantiated cases.
- Evidence-based substantiation of culpability and corresponding delineation of disciplinary/administrative action are not required elements of FAP abuse incident reporting.
- Tracking of treatment outcomes, transfers, and case closures can be just as difficult as tracking of command actions.

RECOMMENDATIONS

That the DoD –

- Develop guidance to capture data required by Section 594, P.L. 106—65.
- Study whether or not DIBRS can or should eventually replace the FAP central registry.
- Expand the required reporting elements of the FAP database to temporarily capture Section 594 data should DIBRS be delayed in becoming fully operational.
- Evaluate data collection methodology to determine needed improvements.

ISSUE 3.G – EVALUATION

How integral is program evaluation to the DoD's domestic violence prevention and intervention efforts?

DISCUSSION

Background

DoD Directive 6400.1, Family Advocacy Program (FAP), directs the Assistant Secretary of Defense for Force Management Policy to collect and analyze FAP data, establish program standards, and monitor and evaluate the FAP. Among the published FAP standards (DoD Directive 6400.1-M) is a statement proclaiming that program evaluation shall carry out the following:

- Ensure that the services provided are in accordance with applicable DoD and Service directives.
- Assess the adequacy and efficiency of the FAP resources available to meet program objectives.
- Ensure that the evaluation points out information that can be utilized in program planning, staff training, and community relations.
- Determine whether services are effective by using valid, unbiased research techniques to measure the results of FAP intervention.

Analysis

Program evaluation is a means of determining how well program inputs and activities deliver on their intended promises or outcomes. It is capable of validating unintended as well as intended consequences, while pinpointing necessary improvements and corrective actions. To be effective, however, program evaluation must be an ongoing, fully integrated, and adequately resourced component of the overall functional programming.

Program evaluation is a means of determining how well program inputs and activities deliver on their intended promises or outcomes.

FINDINGS

- DoD does not conduct FAP oversight/monitoring visits.
- DoD FAP standards have not evolved as the unique set of measures against which FAP field operations are measured.
- The Services have differing methodologies for evaluating FAP, not all of which are comprehensive.
- Ongoing evaluation of whether FAP prevention and intervention strategies really work is lacking.

RECOMMENDATIONS

That the DoD –

- Establish guidance requiring program evaluation as an integral component of the domestic violence response.
- Establish a DoD advisory committee to oversee the program evaluation effort.
- Establish a protocol for evaluating field-based domestic violence programs that would include written reports of findings, recommended corrective actions, and follow-up consultation.
- Strategically employ the use of regional oversight and monitoring visits at both the DoD and Service levels.

Chapter 4

Victim Safety

Overview

Purpose

In accordance with Public Law 106-65, the Defense Task Force on Domestic Violence is charged with reviewing and making recommendations to improve Department of Defense (DoD) regulations and policies concerning domestic violence. The Victim Safety Workgroup is charged with reviewing current victim safety programs, policies and procedures and making recommendations for improvement in the area of safety for the victims of domestic violence.

Goals

The Victim Safety Workgroup expanded and clarified its goals as follows:

- To propose standardized policies and procedures
- To propose best practices to facilitate and enhance victim safety – "military to military," "civilian to military," and "military to civilian"
- To propose standardized (expected) services and access to services (scope and confidentiality) for victims

The Victim Safety Workgroup is charged with reviewing current victim safety programs, policies and procedures. All members of the Task Force view the issue of victim safety as paramount.

As stated in Section I, Executive Summary, all members of the Task Force view the issue of victim safety as paramount, and recommendations to improve victim safety permeate the entire report. In dealing with issues of victim safety, there are several principles that should be kept in mind:

- A victim is not safe until free of not only violent acts themselves, but also of threats of those acts and the fear that is engendered as it limits the victim's autonomy.

- The victim should be actively involved in determining what constitutes personal safety.
- The attempt to be safe or secure safety is not assured by a solitary logistical living arrangement.
- Victims face risks that are posed by their partners and also face risks as they attempt to assure themselves of safety by acting in their own behalf or seeking support while under duress.
- It is important to understand that *safe* may have more to do with children's safety or with economic safety than with physical confrontations the victim may have to endure.
- Everyone understands the risks that are generated when a victim decides to leave the relationship, but it is important to *truly* understand that many times the risk of physical violence increases significantly when the victim attempts to leave or has left the relationship.[1]

MAJOR OBJECTIVES

The workgroup's objectives include a review of current DoD and Service-specific policies in reference to victim safety. In this effort, the Victim Safety Workgroup worked jointly with all other workgroup(s) in the development of the aforementioned proposals and initiatives. In fulfillment of its objectives, the workgroup has conducted site visits to examine each of the Services' victim safety programs at various stateside installations and members will visit overseas locations in 2001. Finally, the Victim Safety Workgroup participated in the special interest area of "confidentiality" in response to the overarching concerns of this issue as it relates to victim safety.

For 2000, the workgroup's specific objectives were as follows:

To review and make recommendations regarding whether or not mandatory reporting of domestic violence within DoD compromises victim safety. (Issue 4.A – Mandatory Reporting)

To review and make recommendations about DoD's current policy regarding removing a service member from housing following a domestic violence incident. (Issue 4.B – Removal of Service Member Victim from Housing Following a Domestic Violence Incident)

To review and make recommendations regarding whether or not victims would be more inclined to report abuse if there were an accessible and confidential source to receive the report. (Issue 4.C – Confidential Resource for Military Victims)

To review and make recommendations regarding how the DoD might provide timely information to new family member spouses regarding the level of confidentiality within the Family Advocacy Program (FAP) and their alternative options of confidential services within the local community. (Issue 4.D – Educating New Family Member Spouses About Their Options Regarding Services for Domestic Violence)

[1] United States Marine Corps Coordinated Community Response to Spouse Abuse, Victim Advocate Manual, December 1995, pp 1-16, 1-18, 1-19, 2-1, and 2-2.

Issue 4.a - Mandatory Reporting

Does mandatory reporting of domestic violence within DoD compromise victim safety?

Discussion

Background

DoD policies and procedures reflected in DoD Directive (DoDD) 6400.1[1] and the Family Advocacy Program (FAP) Standards are designed to promote early identification of and intervention in cases of spouse abuse. "Policies and procedures shall be established to ensure that the protection of the alleged victim of spouse abuse and any minor children in the household shall be given first priority (either through the FAP or through other resources) investigatory, assessment, intervention, and treatment services." Also mandated is the establishment of a 24-hour-a-day mechanism for receiving reports of spouse abuse, intended to include those reports received from military and civilian law enforcement agencies, medical facilities, child protective services, and individuals who want to report cases of alleged spouse abuse in military families. Following notification, the local FAP must promptly perform an initial intake evaluation of the alleged victim, which must include a risk assessment; coordinate a medical evaluation; and notify the service member's commander, military law enforcement, and investigative agencies. Military law enforcement also must advise the FAP if a spouse (and family members) has been referred to a shelter.

Army Family Advocacy Regulation, AR 608-18,[2] specifically addresses military police involvement in victim safety because the military police frequently are the first responders. The military police are charged with stopping any violence, separating the couple involved, and protecting a spouse from further harm. In all cases, the victim will be informed about the FAP and local shelters and other victim assistance services and agencies. The military police will also arrange for or provide transportation for the victim to a shelter, medical treatment facility (MTF), or other victim assistance agency. Commanding officers have the options of removing the service member from the home, issuing a military protective order (MPO), or removing civilian members from government quarters as an appropriate means of protecting a military spouse and children. When reports come from other individuals or agencies, the policy designates a 24-hour Report Point of Contact to handle the allegations; this is usually the military police desk or the MTF emergency room. Family Advocacy Program social workers are available on call after normal duty hours and on weekends and holidays. Otherwise, FAP and military police/investigative agencies are notified within 24 hours.

The Navy Family Advocacy Program is a line-managed program governed by SECNAV Instruction 1752.3A[3] and OPNAV Instruction 1752.2A[4]. One of the five primary goals of the Navy FAP is to ensure victim safety and protection—to "identify cases of spouse abuse promptly and provide early intervention to break the patterns of abusive behaviors." If a spouse abuse report involving physical injury or the use of a dangerous or deadly weapon is received

by the installation law enforcement/security department, the Family Advocacy Representative and the service member's command will be notified immediately. The command and law enforcement/security departments are obligated to take immediate steps to provide appropriate and reasonable reassurances of safety and protection for victims and witnesses. Such actions might include providing victim advocacy services, issuing an MPO, removing a service member from the family home into barracks, or temporarily barring an offending civilian spouse from the military installation and/or government quarters.

The overall administration of the Air Force FAP is provided by the Office of the Air Force Surgeon General. AF FAP Instruction 40-301[5] outlines the policies and procedures "to ensure immediate protective care for victims of spouse abuse" with family advocacy social workers who are available during duty hours. The social workers are also on call after normal duty hours as well as on weekends and holidays to assess the more critical referrals. The commanding officer has the same options described previously; that is, removing the service member from the home and into barracks, issuing an MPO, or removing a civilian spouse from government quarters to protect a military spouse and children. During duty hours, the Family Advocacy Officer is responsible for notifying (within 24 hours) command, law enforcement, and investigative agencies. After duty hours, the MTF emergency room fulfills this requirement.

Marine Corps Family Advocacy Program Standing Order P1752.3B[6] states that the primary purpose of the program is to "prevent spouse abuse, protect and provide safety for the victims." Other than those discovered by an MTF, a dental treatment facility, or FAP personnel during normal duty hours, all reports of spouse abuse will be reported directly to the military police. Frequently as the first responders, the military police will restore peace at the scene, investigate and report suspected abuse to the FAP Manager (FAPM) or FAP Officer (FAPO) in emergent cases and will assess the safety needs of the victim and others. In the Marine Corps program, a victim advocate is available 24 hours a day to assist in safety planning by completing a lethality checklist and providing emotional support to victims as well as information, referrals, and victim education. In non-urgent cases, the Provost Marshal's Office will advise the FAPM or FAPO by the following duty day. The FAPM or FAPO will also report all cases of suspected spouse abuse to the service member's unit commander and the military police.

Analysis

- DoD policy has mandated the reporting of spouse abuse since the program's inception in the early 1980s. The mandatory reporting policy was adopted because the spouse abuse program was incorporated into an existing "Child Advocacy Program." The Services implemented the Child Advocacy Program in 1975 in response to Public Law 98-457, The Child Abuse Prevention and Treatment Act of 1974, which mandated the reporting of suspected child abuse and neglect.
    - The mandatory reporting model of child abuse and neglect assumes "the reporting of child abuse has been justified on the grounds of nonmaleficence and beneficence because children are unable to make informed decisions. State intervention in this context is based on the doctrine of parens patrie, which grants the state the role of guardian over incompetent person."[7]
    - Military Rule of Evidence, 513 of the Manual for Courts-Martial, provides a limited privilege between a psychotherapist and patient.

However, one of the exceptions includes "when the communication is evidence of spouse abuse, child abuse and neglect or in a proceeding in which one spouse is charged with a crime against the person or the other spouse or a child of either spouse."[8]

- There has always been an underlying assumption within the military that commanders must be informed regarding any type of inappropriate behavior of individuals within their commands as commanders are charged with the responsibilities "to maintain good order and discipline for all of the service members within his/her unit" (U.S.C. Title 10, Article 134). The commanders are held accountable for the safety and well being of all those individuals under their commands as well as the families. Additionally, commanders are charged with maintaining readiness of their units. In order to fulfill their responsibilities as commanders, they need to be aware of and knowledgeable regarding any problems that could impact on the safety of the members/families and/or the maintenance of the unit at the highest level of readiness.[9]
- Since its inception, the battered women's movement has held sacred the values of empowerment and self-determination. Consequently, advocates have discouraged adoption of public policy calling for mandatory reporting of domestic violence. Advocates believe that mandatory reporting can result in the unintended consequences of putting the victim at increased risk of retaliation from the offender and/or reinforce the victim's sense of powerlessness and lack of control of her/his own life.

- The victim has much less control within the DoD structure of universal mandatory reporting.

FINDINGS

- Site visits conducted by the DTFDV in the fall of 2000 revealed recurring themes across all the Services that mandatory reporting along with a subsequent loss of confidentiality was a major issue for victims. They expressed fears related to personal safety, loss of career, and the belief that commanding officers generally appeared more supportive of the service member than the spouse who was the victim.
- Site visits also revealed some circumstances in which the commanding officer's lack of knowledge regarding the complex dynamics of domestic violence led him/her to make decisions that placed the victim in unsafe circumstances with respect to the offender.
- The results of two studies completed by Caliber Associates in 1994 and 1996 have consistently reinforced the fact that the number one barrier to reporting domestic violence for victims of service members is the fear of the negative impact on the offender's career.[10]
- The adoption of a spouse abuse mandatory reporting policy by DoD appears to be the result of a combination of factors: the commanding officer's need to know and limited medical confidentiality of the service member; and the judgment that did not differentiate between the ethically significant issues and the dissimilar dynamics involved in a child abuse model as opposed to domestic violence.

- The DoD has not conducted any program evaluation on the mandatory reporting of spouse abuse and its impact across victim safety, victim disclosure, access to services, victim autonomy and early identification of the offender.
- The National Academy of Sciences has recommended that states refrain from enacting mandatory reporting laws for domestic violence until such systems have been tested and evaluated by research. This decision resulted from knowledge obtained on mandated reporting practices for child abuse cases that have raised concerns about the adverse impact and unintended consequences of reporting requirements on children, their parents, caregivers, and service providers in health-care settings.[11]
- To qualitatively improve the DoD's response to victims, particularly their safety, the policy of mandatory reporting of spouse abuse and its impact on victim safety, victim disclosure, access to services, victim autonomy and early identification of offenders, must be reviewed beyond the scope of the prior studies.

. . . review the impact of mandatory reporting on victim safety, victim disclosure, access to services, victim autonomy and early offender intervention.

RECOMMENDATIONS

That the DoD –

- In collaboration with the military services and the DTFDV review the impact of mandatory reporting on victim safety, victim disclosure, access to services, victim autonomy and early offender intervention.
- Develop criteria for expected outcome measures to evaluate the effectiveness of mandatory reporting of domestic violence within DoD, as it correlates to victim safety, victim disclosure, access to services, victim autonomy and early offender identification.

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[1] Department of Defense Directive (DoDD) 6400.1, Family Advocacy Program (FAP), dated June 23, 1992.
[2] Army Regulation (AR) 608-18, The Army Family Advocacy Program, dated September 1, 1995.
[3] Secretary of the Navy Instruction (SECNAVINST) 1752.3A, Family Advocacy Program, dated September 11, 1995.
[4] Office of the Chief of Naval Operations Instruction (OPNAVINST) 1752.2A, Family Advocacy Program, dated July 17, 1996.
[5] Air Force Instruction (AFI) 40-301, Family Advocacy, dated July 22, 1994.
[6] Marine Corps Order (MCO) P1752.3B, Marine Corps Family Advocacy Program Standing Operating Procedures (Short Title: FAP SOP), dated July 1, 1994.
[7] Ariella Hyman, JD, Dean Schillinger, MD, and Bernard Lo, MD, "Laws Mandating Reporting of Domestic Violence-Do They Promote Patient Well-Being?," Journal of the American Medical Association, Vol 273 (June 14, 1995), p 1785.
[8] Federal Register, Vol 64, No 196, October 12, 1999, Presidential Documents-55117, Under 513 Psychotherapist-Patient Privilege, (5C2).
[9] Manual for Courts-Martial United States (1998 Edition), Article 134-General Article, p IV-94.
[10] Caliber Studies, 1994, "Disincentives to Reporting," and 1996, "Study of Spouse Abuse in the Armed Forces."
[11] Rosemary Chalk and Patricia A. King, Violence in Families, Assessing Prevention and Treatment Programs, 1998.

Issue 4.b - Removal of Service Member Victim from Housing Following a Domestic Violence Incident

What is the current policy for removing a service member from housing following a domestic violence incident?

Discussion

Background

Department of Defense Directive 6400.1,The Family Advocacy Program, does not address the removal of a service member from housing following a domestic violence incident.

Army Regulation 608-18, Chapter 3-25. (3), states that, "An installation commander has authority to remove entire families, or members of families, from government family quarters on the installation (including government-leased quarters off the installation). Commanding Officers should ensure that innocent family members are not removed from government quarters solely because they were victims of an abuse incident. Removing individual civilian members of a family from government family quarters may be an appropriate means of protecting a military spouse or minor children from further abuse."

Navy SECNAVINST 1752.3A (6), Temporary Protective Measures states: "Responsive actions could include issuing a military protective order (MPO) or an order barring persons from DoN installations, directing a military offender to leave the home in overseas locations or areas under the exclusive military control. Following a report of spouse abuse, the member's command and law enforcement/security department are obligated to take immediate steps to provide appropriate and reasonable assurances of safety and protection for victims and witnesses. Included under the actions that can be taken is removal of an offending service member from the family home and temporary debarment of an offending civilian spouse from the military installation and/or military housing," etc.

Air Force Family Advocacy Program Standards, Revised, 1998, Victim Safety, M-15.6 states: "Victim safety procedures will include referral to alternate living arrangements. When separation of family members is warranted, removal of the alleged offender will be considered first." Considerations: "The purpose of considering removal of the alleged offender first is to reduce the potential for re-victimization. In addition, the offender's awareness may be enhanced regarding the negative consequences of inappropriate behavior."

Marine Corps Order P1752.3B, Marine Corps Family Advocacy Program Standing Operating Procedures, H-2 (6)states: "The service member's unit commander must be given any and all information relevant to the incident, recommended measures needed to ensure the immediate protection of the victim and other family members, recommended measures which may be required to remove the alleged offender from the home or initiate pretrial restraint." Appendix J, Ensuring the Safety of Victims, also discusses an additional option for victim safety, as follows: "When the suspected abuser is not subject to military orders, or unlikely to comply with them, the victim(s) and perhaps other caretaker family members may be placed in a shelter."

Analysis

The number of women in the military has increased significantly, resulting in more couples that are either dual active duty or military women with civilian spouses. Consequently, more victims of domestic violence are active duty women, and sometimes, men who are either active duty or civilian. However, these changes have been common to the Services for at least a decade, and their consequences should not stand out now as particularly significant.

The Family Advocacy Program regulatory guidance from all the Services appears fairly clear in stating that the offender, regardless of whether or not that individual is active duty or a civilian, should be the one who is removed from the home if required for the safety and protection of a victim and/or witness. Some installations have developed local policies and practices that have resulted in active duty female victims being removed from their homes on the basis of their active duty status. This has resulted in unnecessary re-victimization; a further consequence has been in some cases the placing of minor children at further risk by leaving them with their abusive civilian father in the military housing. Some of the reasoning provided for these decisions have been: 1) it is considered less problematic to control the active duty service member, and to find alternate accommodations in the barracks. 2) the problems associated in removing a civilian family member from the home, such as consultation with the Staff Judge Advocate, etc.

The commander appears to have broad discretion in the removal of civilian family members from the home. An allegation of domestic violence would provide the probable cause and support for his or her decision.

FINDINGS

- There is no DoD policy regarding this issue.
- Service policy regarding who should be removed from government housing following an incident of domestic violence is not well known in the field, though it is clearly articulated in each of the Services FAP instructions/regulations.

RECOMMENDATIONS

That the DoD –

- Develop and disseminate policy at the DoD level on who should be removed following a domestic violence incident in military housing.
    - Ensure the paramount and overarching goal of victim safety is achieved by the identification of the "primary aggressor" by law enforcement first responders that will necessitate specialized training in domestic violence; but will significantly enhance their ability to identify the real victim.

Develop and disseminate policy at the DoD level on who should be removed following a domestic violence incident in military housing.

Issue 4.c – Confidential Resource For Military Victims

Would victims of domestic violence report abuse if there were an accessible and confidential resource available to them?

Discussion

Background

From the very first meeting in April 2000, Task Force members expressed concern about the lack of confidentiality for victims of domestic violence in the DoD and its impact on the willingness of victims to seek assistance. Because confidentiality is an issue of concern for at least three of the workgroups (Victim Safety, Offender Accountability, and Community Collaboration), the Task Force decided to define confidentiality as a special interest and to convene a workgroup with membership from each of the three pertinent workgroups. Confidentiality is also an integral part of victim safety, so the two workgroups (Victim Safety and Confidentiality) are working together closely to address how DoD can blend confidentiality for victims with holding offenders accountable.

The DoD currently complies with the following guidance regarding privacy and confidentiality:

- The Privacy Act of 1974 (U.S.C., Title 5, Section 552a) requires federal agencies to adopt minimum standards for the collection and processing of personal information and to publish detailed descriptions of these procedures. Department of Defense Directive (DoDD) 5400.1, DoD Privacy Program, implements the Privacy Act for the DoD.
- DoDD 6400.1, Family Advocacy Program (FAP), and 6400.1M (FAP standards) are designed to promote early identification and intervention in cases of spouse abuse. In addition, this instruction requires that "when an act of abuse…allegedly has occurred, the local FAP office shall be notified immediately…"
- The DoD allows privileged communication between an attorney and client and clergy and penitent. Military Rule of Evidence 513 of the Manual for Courts-Martial provides a limited privilege for communication between a psychotherapist and patient. However, this rule excludes spouse abuse and child abuse or neglect.

Confidentiality and mandatory reporting are related issues. The DoD spouse abuse program has included mandatory reporting since its inception in the early 1980s. In 1993, Congress was concerned that spouses might not report abuse by their active duty sponsors out of the fear their sponsors might be discharged from the military, with consequent loss of income. This concern led to two major DoD studies by Caliber Associates. The initial study, done in 1994, was the result of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102-484. DoD was to conduct a study in order to provide statistics and other information on the reporting of spouse and child abuse and its consequences. This study became know as the Disincentives to Reporting study.[1]

The second study, completed in 1996, was the result of the National Defense Authorization Act for Fiscal Year 1995, Public Law 103-337, "The Study of Spouse Abuse in the Armed Forces." This study did not limit itself to reporting disincentives per se, but the results were replicated from the initial study in terms of the primary disincentives to reporting.[2]

In addition, Section 585 of the National Defense Authorization Act for Fiscal Year 2000, Congress tasked the U.S. Comptroller General to "study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between a dependent of a member of the Armed Forces who is a victim of sexual harassment, sexual assault, or intrafamily abuse and a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct."

Analysis

The initial Caliber study was designed to examine the perceptions and consequences of reporting abuse, as well as system responses to reported abuse. The results demonstrated that victims who wanted intervention found themselves in a no-win situation. In a sample of 482 victims who responded, most wanted help but were fearful of reporting to the FAP. Most victims wanted to stay married, and very few wanted their husbands to be punished. In general, disincentives to reporting were very similar to those given for victims in the civilian community—fear of further abuse or intimidation; financial concerns; shame and embarrassment; a sense of isolation; loss of privacy; perceived lack of appropriate social services; fear of family dissolution; and differences arising from cultural norms and values. The most significant and widely discussed disincentive, however, was the potential for negative career consequences for husbands.

This study was conducted during a time of major downsizing in the military. The indirect reasons mentioned for loss of career included being labeled or stigmatized in the unit; low performance evaluations; pass over for promotion; curtailed or changed assignments; ineligibility to reenlist; loss of security clearance; and nonjudicial punishment.

Widespread concern also was expressed about the potentially negative outcomes of allegations that were unsubstantiated. The belief expressed was that unsubstantiated cases left their mark on a service member's career, regardless of the outcome. These findings were considered important because they gave credibility to the notion that FAP involvement, rather than abusive behavior per se, is the source of negative career outcomes. Further, this concern explains the unfavorable perceptions many victims may already have about the FAP and their reporting of abuse, because it is a lose-lose situation.

A substantial minority of victims acknowledged an abuse problem but did not know where to get help, despite the considerable outreach efforts implemented by the military. This was the case particularly for new and junior wives.

With regard to negative career outcomes, the only consistent management and criminalization of the maltreatment were found in the severe abuse cases,

particularly those involving children. The criminality reflected the overarching agreement and belief that such behavior was unacceptable and would not be tolerated in the military. However, the same cultural attitudes and beliefs did not hold true for spouse abuse and for less severe child maltreatment. The response appeared to be a highly subjective decision. Definitional discrepancies were especially troubling in non-physical (emotional) spouse abuse and low-level mutual spouse abuse. Three definitional factors were used to determine the response: (1) the characteristics of the abuse. Namely, the type, severity, and history; (2) the characteristics of the accused individual including service record, performance and attitude, and willingness to accept responsibility/clinical intervention; and (3) the commander's personal attitude toward and beliefs about the military, families, relationships, and abuse. After these factors were assessed in the spouse abuse cases, commanders (and some treatment professionals) disagreed about the seriousness of the offense and the appropriate actions to be taken. The norm for determining these intervention and/or sanctions was by a case-by-case review. Unfortunately, the outcomes resulted in a perception that the cases were handled arbitrarily and capriciously.

The second study focused on the frequency of spouse abuse involving members of the Armed Forces; possible etiology of such incidents; incident response procedures and their effectiveness and existing programs for curtailing spouse abuse in the military. Again, this study conducted in 1996, found the most significant barrier to reporting was the potential for negative career consequences for husbands.

The National Domestic Violence Hotline is a project of the Texas Council of Family Violence; the hotline serves as a critical partner with the resource centers. The 24-hour, toll-free hotline provides: crisis intervention, referrals to battered women shelters and programs; social service agencies, legal programs and other groups and organizations willing to help; resource information for battered women and their friends and families. The hotline responds to a diverse group of individuals including: callers from all states, tribes and territories; non-English speaking callers; and hearing impaired callers." This program would provide DoD with an immediate resource with which to partner in order to provide the victim a choice of receiving confidential services until the more complex legal issues of creating a privilege for victims can be resolved.[3]

Findings

- DoD FAP policy mandates the reporting of spouse abuse to the FAP whether or not a victim wants a report to be made. The FAP is required to report the abuse to the service member's command.
- Information provided by the victim about the abuse incident is used as part of the multidisciplinary Case Review Committee decision-making on the substantiation of abuse and recommendations for intervention.
- The Task Force visited several DoD installations and met with victims of domestic violence who had received services through FAP on the installation, as well as victims who had used services within the civilian community. A consistent theme of these victims was that the lack of confidentiality was a major issue for victims in terms of their

willingness to report and seek assistance from military programs. This lack of confidentiality and mandatory reporting of domestic violence incidents generated a reluctance to seek services because victims had fears about their personal safety and the potential impact on the member's career.

- In April 2000, the General Accounting Office (GAO) issued a report to Congress, Military Dependents – Services Provide Limited Confidentiality in Family Abuse Cases. This report stated that "in addition to mandating this report, the fiscal year 2000 National Defense Authorization act requires the Secretary of Defense to prescribe regulation including policies and procedures that the Secretary considers appropriate to provide the maximum protection for the confidentiality of dependent conversations with counselors or other service providers. Although the act required that DoD report its actions to Congress by January 21, 2000, DoD has not yet submitted that report."[4]
- The GAO report concluded that military dependents have limited confidentiality in reporting spouse or child abuse and in their discussions with counselors and other service providers. DoD officials reported that it has several efforts under way that will address dependent confidentiality and related issues. The report stated, "DoD anticipates that efforts such as those of its Defense Task Force on Domestic Violence will be essential in determining what the new DoD confidentiality policy should be." The GAO report stated, "we agree that it will take time to ensure that appropriate confidentiality policies and procedures are established. In the meantime, we agree that the DoD's monitoring of the differences among Service's FAPs should provide important information for formulating disclosure practices."
- In comments provided to Congress on a proposed bill (HR 1847, Military Dependents Communications Confidentiality Act of 1999) that would direct the Secretary of Defense "to prescribe regulations to protect the confidentiality of communications between dependents of the Armed Forces and professionals providing therapeutic or related services regarding sexual or domestic violence," DoD officials stated that "complete confidentiality is not appropriate in the military environment particularly since military commanders are responsible for the safety and well-being of military personnel and their dependents."

The 1994 study on disincentives to reporting found the following:

- Regardless of the prevailing belief that any FAP involvement would adversely affect a service member's career, none of the commanding officers, first sergeants, or FAP staff could recall a case in which abuse per se was the reason for a negative career outcome, with the exception of extremely severe criminal cases.
- The same respondents indicated that downsizing was a factor in some adverse career outcomes. A defect in a service member's career record such as an abuse incident could more likely end a career at a time of downsizing.

- The confidentiality recommendations included the following:
  - An increasing of confidentiality protection for FAP clients—victims and offenders—by limiting the number of people with knowledge of a case.
  - Development and testing of programs that allow families to get help without activating the "full FAP response" and by ensuring that any communication with commanding officers is strictly confidential.

The second study, in 1996, on spouse abuse in the Armed Forces found the following:

- Spouse abuse as defined in the FAP standards is substantially underreported for many reasons, many of which are similar to those for civilian cases. The main reason for underreporting, however, is fear of an adverse impact on a service member's career.
  - A system of "graduated sanctions" was proposed that would apply disciplinary or punitive sanctions when necessary, but would also allow offenders to seek and receive help without threat to their military careers if their offenses were recent and relatively minor.
- A barrier to self-reporting is the lack of victim confidentiality.
- Expanding the National Domestic Violence Hotline to include enhancing military specific information and outreach to these populations, provides the ideal vehicle to provide immediate availability of confidential services until the complex legal issues surrounding confidentiality and creating a privilege for family members can be resolved.

RECOMMENDATIONS

That the DoD –

- In collaboration between the Military Services and the DTFDV, expand availability of the National Domestic Violence Hotline (1-800-799-SAFE) by:
  - Providing specialized marketing and outreach, including ensuring that hotline information and community domestic violence resources are included in the materials issued by family services, health care, FAP, law enforcement, as well as the relevant policies communicated from the commanding officers.
  - Identifying information necessary to enable the National Domestic Violence Hotline to assist military spouse/partner callers who are victims of domestic violence, to incorporate the provision of appropriate training to the hotline staff.

> . . . expand availability of the National Domestic Violence Hotline (1-800-799-SAFE).

- Seek a partnership with the Department of Justice Violence Against Women Office and the Department of Health and Human Services, to

create a pilot project that provides military spouses/partners who are victims of domestic violence with access to confidential community services that address their unique needs, and increase the overall collaboration with installation personnel.

- Explore all options for creating a system of confidential services, privileged communications and/or exemptions to mandatory reporting with the goal of creating access to a credible avenue for victims of domestic violence to receive support, information, options and resources to address the violence in their lives.

Explore all options for creating a system of confidential services . . .

[1] 1994 Caliber Study, "Disincentives to Reporting."

[2] 1996 Caliber Study, "Study of Spouse Abuse in the Armed Forces."

[3] Domestic Violence Resource Network 5 Year Report, Published by Resource Center on Domestic Violence: Child Protection and Custody, University of Nevada (Reno), Winter 1999, p 6.

[4] United States General Accounting Office, Report to Congressional Committees, "Military Dependents, Services Provide Limited Confidentiality in Family Abuse Cases," April 2000.

Issue 4.d – Educating New Family Member Spouses About Their Options Regarding Services For Domestic Violence

How can the Department of Defense (DoD) provide timely information to new family member spouses regarding the level of confidentiality within the Family Advocacy Program (FAP) and their alternative option of confidential services within the local community?

Discussion

Background

There is particular concern that spouses and children of military personnel are not guaranteed the same level of confidentiality that they would have in the civilian community. As a result, the National Defense Authorization Act for Fiscal Year 2000 required the Secretary of Defense to prescribe regulations including policies and procedures that the Secretary considers adequate for providing the maximum protection for the confidentiality of family member conversations with counselors and other service providers. Although the act required that the DoD report its actions to Congress by January 21, 2000, they have not submitted the report. The DoD deferred to the Defense Task Force on Domestic Violence (DTFDV) because they believe that the DTFDV efforts will be a critical component in establishing the major changes that will be necessary to provide the appropriate confidentiality policy for family members. The DTFDV has designated confidentiality as a special interest workgroup issue with a long-term goal because of its complexity and the overarching effects of confidentiality on all aspects of improving the DoD's response to domestic violence. However, a short-term goal that could be implemented immediately is being proposed. This is seen as a solution to the problem of making a concerted effort to inform each new family member spouse of this critical issue.

Analysis

Military family members are provided limited confidentiality in reporting family maltreatment. The rationale for this policy within DoD is the necessity of informing the commanding officers. Commanding officers are held accountable for the safety of the alleged victims of family violence and would ordinarily be precluded from fulfilling this responsibility unless they are informed of such incidents. Additionally, the commanding officer also requires the necessary information to assess his/her service member's fitness for duty. Consequently, the Services provide this data to the commanding officer. The Navy does make the exception in certain cases where there has been no physical injury and the FAP clinician's assessment indicates that there is no risk of future harm.

The DoD's policies regarding disclosure of communications regarding domestic violence issues are not found in the civilian community. In the civilian sector, only when disclosure is made to the police does a victim have no expectation of confidentiality. Although many spouses are aware of the FAP, limited confidentiality, and its potential effects on the service member's career, there are still a significant number of spouses who are unaware of the FAP, not to mention the issue of confidentiality. There is a general consensus, supported by the 1994 Caliber Associates Disincentives to Reporting Study, "that a substantial minority of victims who had acknowledged an abuse problem, did not know where to get

help despite considerable outreach efforts by the military. This was particularly true for new and junior wives." The families who are targeted as most in need of such interventions are usually the ones who are least informed, or if they are, they are frequently unable to avail themselves of such early intervention efforts.[1]

FINDINGS

- A large percentage of new military service members and their families are geographically isolated from the installation, as they are usually ineligible for housing on the installation due to their lower rank and/or shortage of housing. Furthermore, their limited financial resources do not allow for a second vehicle and/or child care if needed.
- A 1994 Study by Caliber Associates concluded that a substantial minority of victims who acknowledged spouse maltreatment did not know where to get assistance, despite the outreach efforts of FAP. Furthermore, the majority of these victims were either new or junior spouses.
- The universal "rite of passage" for all new military spouses is their mandatory presence at the military personnel office on the installation, in order to obtain their family member identification card. Because the identification card is a necessary prerequisite for accessing all types of services, including health care, shopping and, in some instances, entrance to the installation, the new spouse will more often than not obtain the identification card.
- The process of obtaining a family member identification card would be a timely and ideal opportunity for a new spouse to receive a package of written information regarding all the prevention and intervention services offered on the installation by its Community/Family Services/Support Centers and the medical treatment facilities.

RECOMMENDATION

That the DoD –

- Provide a "welcome package" of written information on the helping services available to family members on the local installation.
    - Embedded within these packages is "domestic violence" information to include, but not limited to:
- Statement from the SECDEF on DoD's commitment to victim safety.
- Specific information on FAP such as: How to contact, confidentiality, military protective orders, the Transitional Compensation Program and other installation specific information as appropriate.
- Specific information on the National Domestic Violence Hotline (1-800-799-SAFE), local community resources and the process for obtaining orders of protection off the installation.

Provide a "welcome package" of written information on the helping services available to family members on the local installation.

[1] 1994 Caliber Study, "Disincentives to Reporting."

Chapter 5

Special Interest Items

Overview

Purpose

The Defense Task Force on Domestic Violence was mandated by Public Law, 106-65, the National Defense Authorization Act for Fiscal Year 2000, to assist the Department of Defense (DoD) in determining ways to address domestic violence more effectively. After reviewing the act's requirements and establishing a framework for accomplishing the task force's mission, workgroups were formed on victim safety, offender accountability, education and training, and community collaboration. A group was also formed to address special interest items that are more global and span more than one workgroup. The Special Interest Workgroup consists of Task Force members from each of the workgroups pertinent to a special interest item.

A group was also formed to address special interest items that are more global and span more than one workgroup.

The Task Force has identified two special interests—the development of a definition for domestic violence and the issue of confidentiality. Workgroups were convened to address both issues.

ISSUE 5.A – DEFINITION

How should the Defense Task Force on Domestic Violence define domestic violence to provide a framework for accomplishing its statutory mission?

DISCUSSION

Background

Public Law 103-160, the National Defense Authorization Act for Fiscal Year 1994, Section 551, includes a section on Victims' Rights and Family Advocacy that specifies the responsibilities of military law enforcement officials at scenes of domestic violence. Section 551 also requires the DoD to "prescribe by regulation the definition of domestic violence." To date, DoD has not issued such a definition. The Office of the Secretary of Defense, Office of Family Policy, requested that the Task Force develop a definition of domestic violence for possible use by the DoD. The Task Force agreed that it needed to develop a definition of domestic violence as a working definition for its own mission.

To that end, a Definition Workgroup was formed at the Task Force's first meeting. The workgroup first met in May 2000 to begin developing a definition of domestic violence for the Task Force.

Analysis

During the May meeting, the workgroup first addressed the purpose of the definition. The primary purpose was deemed to be the provision of a framework for the Task Force to accomplish its mission. The workgroup recognized that the definition might possibly be recommended to the DoD at some point to use in policy and program guidance.

The workgroup addressed the following questions in developing the proposed definition of domestic violence:

- What constitutes prohibited behavior?
- What is the relationship between the victim and the perpetrator?
- Is domestic violence a single incident or a pattern of behavior?
- What is the context of the incident (is there a primary aggressor, mutual abuse, self-defense)?
- Should intent versus harm or potential harm be considered?
- How inclusive or exclusive should the definition be (i.e., inclusion of children and elders)?

The workgroup reviewed all DoD and Service definitions of domestic violence. The DoD policy defines spouse abuse only as abuse that involves married couples. Neither DoD nor any Service Family Advocacy Program (FAP) has a definition of domestic violence.

The workgroup also reviewed the definitions of domestic violence contained in federal and state statutes and definitions used by the Centers for

Disease Control and Prevention and in the Department of Justice's Violence Against Women Act.

FINDINGS

- The workgroup determined that domestic violence could be either a single incident or a pattern of behavior. For some behavior (e.g., emotional/psychological), a repeated pattern is necessary. For others (e.g., battery), a single incident constitutes domestic violence. The workgroup agreed that the context is an important factor in determining if abuse has occurred and who the offender is. Self-defense is an important component, but it was decided that the existing legal definitions of self-defense apply.
- The workgroup first addressed what constitutes prohibited acts, and there was little disagreement. Next, the relationship between the victim and the perpetrator was examined, including how inclusive or exclusive the definition should be. The types of relationships to be included were discussed at length. Disagreement was expressed on whether or not the definition should include dating partners and other household members (e.g., children and elders).
- Ultimately, the workgroup agreed to take the following definition to the Task Force as a whole.

Domestic violence is:

- The use, attempted use, or threatened use of physical force, violence, a deadly weapon, sexual assault, stalking, or the intentional destruction of property; or,
- Behavior that has the intent or impact of placing a victim in fear of physical injury; or,
- A pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty directed toward any of the following persons:
    - A current or former spouse; or,
    - A current or former cohabitant; or,
    - A current or former intimate partner or [dating partner]; or,
    - A person with whom the abuser shares a child in common; or,
    - [Another household member].

The Task Force will have to decide whether or not to include the bracketed items above.

The proposed definition was briefed to the Task Force during the July 2000 meeting. Much discussion focused on whether or not to include dating partners and how inclusive the other household members should be. The Task Force agreed that the overall umbrella should be "family violence" and that domestic violence is a subset that includes violence between intimate partners.

Child abuse is another subset of family violence, as are elder abuse and sibling and parental abuse. All agreed that the Task Force would address domestic violence only.

The Task Force also agreed that the definition of domestic violence should include current and former spouses and current and former intimate partners. The inclusion of cohabitants was considered redundant and thus excluded. Dating partners were excluded.

The definition was revised to reflect the outcome of the July meeting, and was then discussed again at the September 2000 Task Force meeting. Some Task Force members were uncomfortable with the definition. The issues focused on the exclusion of non-cohabiting intimate partners and same-gender intimate partners. The meeting concluded before these issues could be resolved. The decision was that the definition adopted by the Task Force would be a working definition subject to change and would be used only by the Task Force at this time.

Following the September meeting, the definition was revised to reflect the concerns expressed by Task Force members. A revised definition was e-mailed to Task Force members for concurrence. Most of the members who responded agreed to adopt the proposed definition as the working definition for the Task Force.

RECOMMENDATIONS

It is recommended that the Defense Task Force on Domestic Violence use the following working definition in accomplishing its statutory mission.[1]

Definition of Domestic Violence

This definition is for the Defense Task Force on Domestic Violence to provide a framework in accomplishing its statutory mission.

Domestic violence is:

- The use, attempted use, or threatened use of physical force, violence, a deadly weapon, sexual assault, stalking, or the intentional destruction of property; or
- Behavior that has the intent or impact of placing a victim in fear of physical injury; or
- A pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward the following:[2]
    - A current or former spouse; or,
    - A person with whom the abuser shares a child in common; or,
    - A current or former intimate partner.[3]

[1] Fiscal Year 2000 Defense Authorization Act, sections 591, 592, and 594.

[2] Persons ineligible for military entitlements will be referred to appropriate civilian services.

[3] Intimate partner does not include relationships prohibited by 10 United States Code 654.

Issue 5.B – Confidentiality

Is the lack of confidentiality a barrier to victims of domestic violence seeking help?

DISCUSSION

Background

The Defense Task Force on Domestic Violence was mandated by the National Defense Authorization Act for Fiscal Year 2000. The Task Force held its first meeting in April 2000. At that meeting, workgroups were established to address community collaboration, offender accountability, victim safety, and education and training. The Task Force received briefings on each Service's FAP at the July 2000 meeting. Task Force members expressed concern about the lack of confidentiality for victims of domestic violence in the DoD and its impact on the willingness of victims to seek assistance. Because confidentiality is an issue of concern for at least three of the workgroups (Victim Safety, Offender Accountability, and Community Collaboration), the Task Force decided to define confidentiality as a special interest and to convene a workgroup with membership from each of the three pertinent workgroups.

The Confidentiality Workgroup had its first meeting in October 2000 to develop a plan of action for addressing the complex issue of confidentiality with a focus on how it affects victim safety.

The issue of confidentiality cuts across several workgroups, but it is an integral part of victim safety. Due to the overlap, the findings and recommendations of the Confidentiality Workgroup have been incorporated into Chapter 4, Victim Safety, Issue 4.C, Confidentiality Resource for Military Victims. The Confidentiality and Victim Safety Workgroups will continue to work together closely to address DoDs policy on confidentiality as it relates to victims of domestic violence.

Section IV

Review of DoD Incentive Program
Public Law 106-65, Section 592

Overview

Discussion

Background

Public Law 106-65, Section 591 tasked the Defense Task Force on Domestic Violence to review and report on the efforts of the Secretary of Defense to establish a program for improving the response to domestic violence under Section 592. The Incentive Program for Improving Responses to Domestic Violence Involving Members of the Armed Forces and Military Family Members (Section 592) tasked the Secretary of Defense to establish a program for providing funds and other incentives to commanders of military installations for collaborative projects to improve, strengthen, and coordinate domestic violence prevention and response efforts.

Analysis

The proposed program is intended to accomplish the following:

- Improve coordination between military and civilian law enforcement authorities in policies, training, response, and tracking related to military domestic violence incidents.
- Develop, implement, and coordinate with appropriate civilian authorities, tracking systems for 1) protective orders issued to or on behalf of members of the Armed Forces by civilian courts and (2) orders issued by military commanding officers to members of the Armed Forces ordering them not to have contact with a family member.
- Strengthen the capacity of attorneys and other legal advocates to respond appropriately to victims of military domestic violence.
- Assist in educating judges, prosecutors, and legal officers in the better handling of military domestic violence cases.
- Develop and implement more effective policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to domestic violence.

- Develop, expand, or improve victims' services programs, including sexual assault and domestic violence programs; develop or improve the delivery of victims' services; and provide confidential access to specialized victim advocates.
- Develop and implement primary prevention programs.
- Improve the response of health care providers to incidents of domestic violence, including the development and implementation of screening protocols.

Under the proposed program, the Secretary of Defense was tasked to give priority in providing funds and other incentives to installations. Local programs are to emphasize building or strengthening partnerships and collaboration between military and civilian organizations. Military organizations may include family advocacy, military police, provost marshal, judge advocate, legal, and health affairs offices. Civilian organizations include law enforcement, domestic violence advocacy groups, and domestic violence shelters.

Finding

The DoD Family Advocacy Program (FAP) is ready to announce the competition to the Services.

Recommendations

- That the Task Force continue to monitor and report on the establishment of this program.
- That the OSD FAP Manager brief the Task Force on program status during calendar year 2001.

Section V

Military Department Efforts to Respond to Domestic Violence

Overview

Discussion

Background

Section 591 (e) (2) (A) of Public Law 106-65, specifically charged the Defense Task Force on Domestic Violence with including in its first report an analysis and oversight of the efforts of the Military Departments to respond to domestic violence in the military, as well as a description of barriers to the implementation of those efforts. The Task Force has made an extraordinary effort to gather as much program information as possible and review as many military sites as feasible in the limited time available since the initial Task Force meeting in April 2000. However, this section should be considered as a preliminary evaluation and an initial installment on this legislative requirement. The material presented here is, in large part, a self-assessment by the Service Family Advocacy Program Managers tempered by site visits and staff experience.

The Department of Defense (DoD) has made a substantial commitment to address domestic violence over the past decade. However, like civilian communities, the DoD continues to improve its response to domestic violence. To that end, each of the Military Services have implemented a variety of programs and initiatives to address both prevention of and response to domestic violence.

The Department of Defense (DoD) has made a substantial commitment to address domestic violence over the past decade.

Analysis

EFFORTS: The following material highlights Service innovations and initiatives in the area of domestic violence:

- **Air Force:**

  Empirically Informed Prevention and Treatment Initiatives: Since 1988, the Air Force Family Advocacy Program (FAP) has

been involved in research to increase understanding of the population served and better identify the impact treatment and prevention services are having on service members and their families. These efforts involve the use of a variety of reliable and valid instruments as an integral component of the Air Force's efforts to improve treatment services and target prevention programs to appropriate personnel. The Air Force contributes to the understanding of domestic violence by funding numerous domestic violence research studies such as the Air Force Domestic Violence Prevalence Study and a joint project with the Army addressing risk assessment.

Prevention: The Air Force employs more than half of its Family Advocacy Program resources in the prevention of family violence. Prevention initiatives are guided by research literature. In 1988, the FAP contracted with leading family violence researchers at the University of New Hampshire to conduct a large-scale evaluation of its prevention initiatives. Data from these ongoing research initiatives are being used to revise and improve ongoing programs, eliminate ineffective programs, and to more appropriately target prevention initiatives to the highest risk groups.

Multi-Agency Collaboration: In recent years, the Air Force has developed an Integrated Delivery System (IDS) at each installation with an emphasis on multi-agency collaboration to improve the quality of services to members and their families while reducing duplication of services among core helping agencies. This system is characterized by unprecedented command support and involvement in the creation of a seamless system of service delivery, based on the unique needs of each installation/community.

Team Approach to Management of Domestic Violence Referrals: A multidisciplinary review board, the Family Maltreatment Case Management Team (FMCMT), makes clinical determinations regarding all domestic violence referrals and develops strategies to effect and monitor change using all resources available to military families. A High Risk for Violence Team (HRVRT) has been established at each installation to specifically address the safety needs of high-risk families. This team serves as an avenue for communicating critical information among domestic violence responder agencies and the command. It is also the mechanism used by the military community to share responsibility for the safety of its members.

- **Navy**:

Policy Initiatives:

Intimate Partner Abuse: Navy policy requires law enforcement first responders to assess risk, do safety planning and refer cases to

FAP regardless of the marital status of those involved. The Navy FAP assesses and manages cases involving allegations of intimate partner abuse. Those who are not beneficiaries of the military system are seen for information gathering and safety assessment purposes and are then referred to civilian support resources.

Spouse abuse reporting: Under some circumstances, Navy policy provides discretionary reporting of spouse abuse if a victim comes voluntarily to a Navy Family Service Center or military treatment facility seeking counseling.

Navy Risk Assessment: The Navy implemented a comprehensive risk assessment tool in 1997 that standardizes and formalizes a graduated response to domestic violence. Incidents are managed differently when the incident is assessed to be of low severity and low risk, and when there is no evidence of escalation or past severe violence. In such instances, command involvement is minimal and recommendations are voluntary and supportive in nature. Informal information has indicated that this graduated response increases endorsement of FAP by family members, active duty, and commands.

Victim Advocacy: The Navy has Victim Services Specialists (VSS) at most fleet concentrated and isolated areas in the continental United States. They provide direct services, support and advocacy to victims of domestic violence. Clinically credentialed providers who are experienced in working with children are located in 13 locations to provide direct services and prevention programs to children who have been exposed to or victimized by family violence. The Naval Criminal Investigative Service (NCIS) has developed Domestic Violence Units (DVUs) to provide improved military investigation in domestic violence incidents and improved coordination with civilian law enforcement. There are currently 50 designated DVU NCIS agents assigned to 30 Navy and Marine Corps installations worldwide.

Navy Research Efforts: The Navy FAP currently sponsors three comprehensive research projects conducted by recognized civilian experts to increase scientific knowledge in the field and to examine the Navy's response to family violence.

- **Marine Corps**:

Mentors in Violence Prevention: This educational program focuses on the "friends helping friends" approach to the prevention of domestic violence, sexual assault, and harassment. It provides scenario-based training focusing on the opportunity for peers to intervene in situations involving interpersonal violence. This training program has been implemented in the Marine Corps.

Adventure Based Experiential Learning Program (ABEL): The goal of this program is to increase youths' social competence through a series of games, activities, and initiatives designed to

teach skills in trust and empathy, communications, decision-making, and problem-solving, social responsibility, and personal responsibility. The three aspects of the human experience, namely, thinking, feeling, and doing are addressed in a comprehensive way in ABEL. Trust, challenge, and empathy-provoking activities address the feelings. The physical nature of the activities address the doing side, and the goal-setting and problem-solving elements of the curriculum address thinking. Training was begun in fiscal year 2000. In 2001, the staff will implement the ABEL Program and monitor the curriculum's impact on children's behavior. The goal of the ongoing, active participation in the ABEL Program is that Marine Corps youth will experience an improved self-concept and an ability to work well together.

Victim Advocate Program: This program has been implemented throughout the Marine Corps. Both staff and volunteer victim advocates provide direct services, advocacy, and support to survivors of domestic violence at all Marine Corps installations.

- **Army**:

Domestic Violence Intervention Training (DVIT) Course: The Army conducts a specialized training course for law enforcement personnel on responding to domestic violence. The DVIT is a 5-day course with an average class of 40-50 students per course, offered 8-10 times a year depending upon funding. This course is designed for law enforcement first responders to domestic violence and supervisory personnel. Additionally, on average, 6 Marines are trained per course. Personnel from other related professions have also attended the course. The course includes dynamics of domestic violence, psychological aspects of domestic violence, legal aspects of domestic violence, effects of domestic violence on children, law enforcement crisis intervention, domestic violence case preparation, multidisciplinary aspects of domestic violence intervention, officer survival skills, the victim's perspective of the psychological effects of domestic violence, and the Victim Witness Program.

Victim Advocate Program: The Army is expanding its Victim Advocate Program. The revised Army Family Advocacy Program regulation will require each installation to have a victim advocate to support and assist victims of domestic violence. In a cooperative effort with the Department of Justice, the Army is sending 27 victim advocates and 50 victim-witness liaisons to the Department of Justice, Office of Victims of Crime, Third National Symposium on Victims of Crime in January 2001.

Prevention: Army Family Life Education Chaplains train and conduct a prevention effort, Prevention and Relationship Enhancement (PREP) at local Army installations. The PREP is an approach that teaches couples (premarital or marital) how to communicate

effectively, work as a team to solve problems, manage conflicts without damaging closeness, and preserve and nurture love, commitment, and friendship.

Spouse Abuse Manual: The Army developed a Spouse Abuse Manual to achieve a more uniform and standardized response to domestic violence, particularly in assessment, treatment, case management, and follow-up. Included is a Spouse Abuse Matrix to guide the Case Review Committee in determining the level of severity of abuse and appropriate clinical and command interventions.

Family Advocacy Staff Training Advanced (FASTA): The Army conducts the one-week FASTA course designed to increase the clinical skills of Department of the Army FAP personnel. This course provides training on current treatment/assessment trends in spouse abuse, and focuses on children who are exposed to domestic violence, offender treatment, victim treatment/support, and the dynamics of domestic violence. Experts from the civilian sector are used as instructors.

BARRIERS: The following material highlights legislative/policy barriers to improving the DoD response to domestic violence:

- **Confidentiality**: The lack of confidentiality for domestic violence victims in the DoD creates a barrier (perceived or real) for victims to receive service. Some victims will not report partner violence without having more control of the report/information once the allegation is made. Inherent conflict exists between affording family members confidentiality when disclosing domestic violence and a commander's need to know in order to respond effectively, hold offenders accountable, and ensure victim safety.
- **Mandatory Reporting**: The ability to implement safety plans and protect victims is diminished when mandates for reporting to commanders and law enforcement supercede the victim's request that the offender not know of the report until the victim is ready for that disclosure to be made. Other helping agencies would be more likely to refer clients if victims were not forced into involving command in order to receive services.
- **Victim Advocacy**: Currently there is no consistency across the Services in terms of how the DoD addresses advocacy for victims of domestic violence. There is a shortage of victim advocates throughout the system. Service providers assess and support the offender, the victim, and the children. In addition, they must maintain a close liaison with the service member's command. Therefore, their victim advocacy role becomes very unclear making it very difficult for victims to trust the system and feel that anyone is specifically addressing their interests and concerns.
- **Collaboration With Local Civilian Authorities**: The military Services are required to work with a wide spectrum of civilian law en-

forcement, social service, and other authorities, many without the resources or incentives to work collaboratively with military installation programs.

- **Resource Limitations**: Funding is not available to expand the scope of prevention, support, advocacy, and treatment services to victims and offenders worldwide. A high percentage of current core FAP funds are allocated to personnel costs leaving little flexibility to expand services and programs without cutting current programs. Increased funding is required to broaden the scope of services, to fully implement any new domestic violence activities, and as an incentive to local communities encouraging joint partnerships with the military. Resources are not available to expand the scope of victim advocate services to include prevention, support, advocacy, and treatment services to victims worldwide.
- **Scope of/Eligibility for Service**: There is a lack of clarity and consistency in following DoD definitions for maltreatment and scope of care. Varying definitions of abusive behavior and thresholds for receiving services among the Military Services result in some abusers being identified and held accountable, while others are not. DoD is exploring a change in the definition of spouse abuse that will expand its current scope of services to include intimate partners, who may not be DoD beneficiaries and are therefore not eligible for FAP services. This will potentially affect workload and require clear guidance regarding scope of care. Currently, when a single active duty member abuses his/her partner, the FAP in some Services cannot open a case or provide services since the partner is not a military beneficiary.
- **Legislated Treatment Requirements**: Some states have enacted laws that require a certain number of group sessions for batterer's treatment without research to suggest that specific time frames are more effective in reducing violence. These laws hinder clinicians and researchers from trying new approaches and techniques with this population. Such laws are not responsive to the unique challenges that military members and their families face in terms of deployment and other duty requirements that demand the member's presence with his or her unit. Accessibility and quality of intervention should dictate what an offender receives versus an arbitrary number of weeks of intervention.
- **Lautenberg Amendment**: Clearer guidance is needed regarding implementation of the Lautenberg Amendment. There is currently inconsistency in implementation across the Services.
- **Transitional Compensation**: Family members entitled to transitional compensation benefits may currently lose up to two years of monetary benefits while awaiting a convening authority's final ruling on courts martial.
- **Funding for Civilian Treatment**: Military policy is lacking regarding the funding of civilian treatment for active duty members. In the present climate, there is increased pressure to avoid military/civilian duplication

of efforts while operational and medical budgetary constraints do not provide adequately for alternative care for active duty members.

- **DoD FAP Staffing**: Resourcing for the FAP at the DoD level has been inadequate to effect timely responses to changes in the field, as well as congressionally mandated changes.
- **Jurisdiction Over Civilians**: Currently, commanding officers have limited legal/disciplinary authority over civilians where overseas or in the continental United States. This limits options for responding to domestic violence incidents and protecting victims when the offender is a civilian.
- **Offender/System Accountability**: Existing mechanisms and policies are inadequate to track the full spectrum of a command's response to domestic violence. As a result, there is no clear system of accountability.
- **Joint Service Coordination**: Military policy is silent on requirements and procedures for maximizing joint Service coordination of FAP efforts and authority.

FINDINGS

The Military Services have very dynamic and active programs for both preventing and responding to domestic violence. The military faces many of the same challenges in addressing domestic violence as the civilian community but additionally has some unique challenges based on the military lifestyle and its impact on provision of services for military families involved in domestic violence.

The Military Services have very dynamic and active programs for both preventing and responding to domestic violence.

RECOMMENDATIONS

It is recommended that the DoD undertake the following:

- **Confidentiality**:
  - That DoD develop policies and procedures that better balance the needs and rights of victims with the needs of the military and allow more victim input on how cases proceed, including level of command involvement.
  - That DoD consider providing a privilege for communications between victims of domestic violence and counselors and victim advocates providing services to them.
- **Mandatory Reporting**:
  - That DoD re-evaluate mandatory reporting of domestic violence focusing on impact on victim safety and willingness of victims to seek services.
- **Victim Advocacy**:

- That Congress provide funding to support community-based victim advocate resources that serve military and civilian clients, independent of the military system.
- That DoD develop and implement a Victim Advocate Program system-wide with adequate funding.
- That DoD re-evaluate use of the same FAP personnel to provide services to both victims and offenders.

- **Collaboration With Local Civilian Authorities:**
  - That Congress develop national legislative language with incentives strongly encouraging civilian agencies to establish collaborative partnerships and working agreements (memoranda of understanding) with military installations.
  - That Congress develop national legislative language that clarifies jurisdictional issues and the military's response when domestic violence incidents are adjudicated within the civilian sector (e.g., honoring of civilian protective orders or court-mandated interventions for offenders).
- **Resource Limitations:**
  - That Congress and DoD provide funding to fully implement a Victim Advocate Program within the military Services or to purchase services where such programs are well established in the civilian community.
  - That Congress and DoD ensure that resourcing is adequate to effect timely responses to changes in the field, as well as ensuring Congressionally mandated changes to current programs/services.
- **Scope of/Eligibility for Services:**
  - That DoD develop a clear definition of what constitutes domestic violence to include prohibited acts and the relationship between the offender and the victim.
  - That DoD conduct a comprehensive review of current Public Laws and existing policies to determine how DoD can better respond to domestic violence that falls outside the current constraints for provision of FAP services.
  - That DoD provide clear policy on how to handle domestic violence situations in which the victim is not a beneficiary of the military system.
- **Lautenberg Amendment:**
  - That DoD provide clear guidance regarding DoD implementation of the Lautenberg Amendment.
- **Transitional Compensation:**
  - That Congress change legislative language to allow benefits to begin at the time of sentencing, rather than forcing potential recipients to wait for the convening authority to rule.

- **Funding for Civilian Treatment:**
  - That DoD provide funding for and clear guidance on provision of civilian treatment for active duty domestic violence offenders when appropriate treatment is not available within the military system.
  - That DoD establish policy that behavioral treatment of active duty offenders is as important as purchasing medical treatment in the civilian community and that funding decisions reflect this policy.
- **DoD FAP Staffing:**
  - That DoD increase FAP staffing at the DoD level to better manage needed policy changes, support the Services, and provide military FAP oversight.
- **Jurisdiction Over Civilians:**
  - That Congress provide a mechanism for legal/disciplinary jurisdiction over civilian offenders both overseas and in the continental United States.
- **Offender/System Accountability:**
  - That DoD develop and implement policies and a mechanism to track the full spectrum of a command response to domestic violence, including information on what action was taken with the offender as well as actions taken to protect the victim.
- **Joint Service Coordination:**
  - That DoD clarify policy and procedures for joint Service coordination and management of domestic violence incidents (e.g., transfer of case management services across Services, which military Service FAP has cognizance over an incident of domestic violence, reconciling FAP implementation differences when multiple Services are involved, etc.).

Section VI

Pending, Completed, and Recommended Research

Overview

In accordance with Public Law 106-65, The Defense Task Force on Domestic Violence shall submit a report that includes a description of pending, completed and recommended Department of Defense research relating to domestic violence.

Research can lead to the discovery and/or interpretation of facts, the revision or expansion of existing theories, and to the practical application of factual data or theoretical models. Research is important for the ongoing evaluation and effectiveness of any program, and is critical in newly developing areas such as partner violence, where scientific support for popular approaches is lacking… However, the results of any one piece of research should not be used in isolation. Rather, one should look at the pattern of results from peer reviewed studies and studies which have been replicated and support the same conclusion. Consistent findings from peer reviewed studies and replicated studies provide the necessary confidence to support key program and policy changes.

> Research is important for the ongoing evaluation and effectiveness of any program . . .

Discussion

Background

Although family violence has been occurring in our society for many years, only within the last several decades have such behaviors as child abuse and spouse abuse been publicly addressed. Family violence research has an even shorter history, dating from the mid 1970's. In 1974, Steinmetz and Straus compiled an initial review of the available (and limited) research on family violence. In 1975, the first National Family Violence Survey was conducted to determine the extent and causes of intra-family violence (Straus, Gelles, and Steinmetz, 1980). This was the first survey of family violence using a large nationally representative sample. This study was followed 10 years later by the National Family Violence Re-survey (Straus and Gelles,

1990). Together, these two important surveys provided estimates of the extent and prevalence of family violence in the United States.

Since 1974, there have been hundreds of studies, books, and articles written about violence in the family. In a recent literature review compiled by the U.S. Air Force (2000), over 700 empirical references were found addressing partner violence (spouse abuse, marital violence and/or intimate partner abuse) specifically.

The Military Services, like civilian communities and agencies across the country, have invested a portion of their available resources in studies of domestic violence. The Department of Defense (DoD) estimates that 3 to 5 % of funding earmarked for child and spouse abuse programs is devoted to research and evaluation, and over 50 studies (published and unpublished) addressing domestic violence (spouse abuse and/or partner violence) in the military are currently available.

The Fiscal 2000 National Defense Authorization Act, which established the Defense Task Force on Domestic Violence, calls for the preparation of a long-term strategic plan to assist the DoD in eliminating domestic violence. This plan will include an assessment of and recommendations for clarifying research priorities. To develop a set of recommendations concerning research priorities, several initial steps were taken: first, completed research on domestic violence in the military (published and unpublished) was gathered and sorted by type; second, descriptions were gathered of studies underway, but not yet completed; third, a cadre of experts was queried about their vision and recommendations for future research efforts to address domestic violence in the military. These experts included the Military Service Family Advocacy Program Managers, researchers in the various Services, and a sample of nationally known researchers representing a variety of approaches to the area of domestic violence. These experts, many of whom have had experience with DoD programs addressing spouse abuse, are listed in Appendix I.

Although the term "domestic violence" is used throughout the literature and is also used in the authorizing legislation for the Task Force, the term can be somewhat ambiguous. "Domestic violence" has been historically used as a convenient label for spouse abuse and /or marital violence. The term "partner violence" is a more recently preferred term as it includes co-habiting partners, post-divorce couples and other non-marital relationships. For purposes of this research report, "domestic violence" will include both spouse abuse and other intimate partner violence. It will not include other forms of intra-family violence, such as child abuse.

Analysis

After 25 years of research on domestic violence, there are still many questions unanswered and essential issues unresolved. In a recent review of the literature on partner violence during the past 20 years, Jasinski and Williams (1998) note that there is not a consensus over such vital issues as definition and measurement of domestic violence; the role and definition of psychological abuse; identification of types of abusers; identification of degrees of severity; and differences and/or similarities concerning violence perpetrated by males and females. Perhaps most significantly, there is little agreement concerning the causes of partner violence, how to prevent it, and what works to stop it.

In a similar vein, the great majority of studies addressing domestic violence

in the military have focused on documenting the size, effects and characteristics of the problem. Studies on prevalence, rates of violence and variables associated with violence (e.g. alcohol use) are the norm. Research on prevention and intervention programs is limited to a handful of studies and only one of those (Dunford, 2000) used an experimental design with a control group.

In 1994, a review of research on family violence was conducted by a committee (The Committee on the Assessment of Family Interventions) established by the National Research Council and the Institute of Medicine. This committee found that the body of research concerning family violence prevention and intervention programs is not scientifically sound, lacks methodological rigor, and does not generally employ experimental research design. These conclusions were echoed by Gondolf (1997) in a review and commentary on batterer intervention programs.

In his review of the literature on treatment programs for abusive men, Dunford (2000) found only one published evaluation of an intervention conducted in a military setting for wife abuse. That study, an evaluation of the Domestic Conflict Containment Program (Neidig, 1986), showed positive results but did not use an experimental research design (i.e., no random assignment, no control group).

The bottom line here is that the Military Services (and many civilian jurisdictions) are requiring abusive men to attend some specified intervention program without the requisite data to support the effectiveness of any one intervention over another. Further, in many military (and civilian) communities, a one-size-fits-all approach to domestic violence has evolved without the benefit of a reliable assessment instrument to determine type and severity of abuse and without specific intervention approaches, which match abuser characteristics. The impact of interventions on the victims of domestic violence has hardly been addressed; only one study of military programs (Caliber Associates, 1996) has examined the perceptions and needs of victims.

Findings

- All of the Military Services have performed research and/or evaluation related to domestic violence since 1985.

Published Research

- There have been a total of 28 studies published since 1985, which address domestic violence in the military. These studies include those done by or directly commissioned by the Military Services, as well as those done by outside researchers and various Veterans Administration medical facilities. Published studies generally appear in journals, which have a peer review process that ensures certain minimal standards have been maintained. Such standards may address human

All of the Military Services have performed research and/or evaluation related to domestic violence since 1985.

subjects issues, data collection and integrity, statistical procedures, and interpretation of results, etc.

- Of the 28 studies published, the vast majority, 22 in number, are descriptive in nature. The majority of these, 13 studies, are classified as "Descriptive I." These address: incidence (e.g., number of women veterans who have been abused); rates (e.g., rates of spouse abuse in black and white populations); trends (i.e., changes in incidence over time); and reviews of literature. Nine of the published studies are classified as "Descriptive II." These address: relationships (e.g., between alcoholism and wife abuse); factors (e.g.; attitudinal characteristics of abusers); and types of abuse.
- Only three studies were found that directly addressed "Interventions" (i.e., treatment of any sort for offenders and/or victims involved in domestic violence). There were no published studies found which could be classified under the heading of "Prevention."
- One of the 28 published studies addressed "Program Evaluation" (i.e., evaluation of an existing program) and two studies could be classified as "Methodological" (e.g., accuracy of couples versus individuals reports of violence on the Conflict Tactics Scale).

Unpublished Research

- Twenty-three unpublished studies, completed since 1985, and concerning domestic violence in the military, have been identified for this report.
- Unpublished studies are difficult to locate, and have usually not been subjected to a peer review process. Unpublished studies may address areas of great interest, and may have been carefully done; however, one cannot assume that the same degree of rigor exists in unpublished studies as compared to those published in a peer-reviewed journal.
- The majority of unpublished studies that were located addressed descriptive factors. Of the 23 unpublished studies, 14 were descriptive in nature. Nine of these studies were "Descriptive I" looking at incidence, rates, and trends or were literature reviews. Five studies were "Descriptive II" and looked at such things as relationships, factors and types of abuse.
- There were no unpublished studies found which could be classified as "Intervention" for either offender or victim. One small (pilot) study was found that addressed the area of "Prevention".
- Five unpublished studies were classified as "Program Evaluation" and there were three studies that were "Methodological" in nature.

Pending Research

- The Military Services report that there are 14 domestic violence related studies "pending" at the time of this report (October, 2000). These are studies that are actually underway or have been approved for implementation in 2001.
- The majority of the "pending" studies address descriptive factors such

as rates of violence in various populations. Three of these studies will be "Descriptive I" looking at incidence, rates, and trends; seven will be "Descriptive II" and address relationships, factors, and trends.

- Issues addressed by the various pending descriptive studies include the following:
  - A comparison of the prevalence of intimate partner abuse of active duty women and civilian women as well as women's perceptions of the mandatory reporting of abuse, and the medical and economic costs associated with intimate partner abuse;
  - Identification of risk factors and protective factors related to violent relationships;
  - Development of structural equation models for intimate partner violence, estimation of related attrition rates from Military Service, and determination of work-related costs of interpersonal violence;
  - Determination of the prevalence of battering during pregnancy and early postpartum periods as well as the relationship between battering and maternal / fetal health;
  - Development of predictors of career and family dysfunction based on a retrospective study of recruits;
  - Development of algorithms to predict family violence based on existing data;
  - Development of a decision making tool to better predict the likelihood of future spouse abuse.
- There is one pending study of interventions: a screening test will be designed to identify low risk offenders; another screening questionnaire will be tested to identify psychopathy among offenders and determine the impact of such offenders in a group treatment setting. It remains to be determined whether the Holtzworth-Monroe typology (Holtzworth-Monroe, A. and Stuart, G.L., 1994) of offenders is a good fit for Navy offenders in San Diego. Interventions will be developed for each identified type of offender and the efficacy of each kind of treatment will be evaluated.
- There are two evaluations of a similar prevention program underway. These evaluations of the "Mentors in Violence Prevention" will provide some data concerning the "friends helping friends" approach to the prevention of interpersonal violence.
- There are two studies pending which address "Program Evaluation":
  - A comprehensive follow-up of post-disclosure outcomes for families in the Navy Family Advocacy Program. Objectives are to determine factors associated with successful outcomes, track progress of families, examine relationships between family/ offender characteristics and various outcomes, and develop specific guidelines to plan prevention and intervention strategies;
  - Review and validation of the Air Force Family Needs Screener.

- There are no pending "Methodological" studies.

NOTE: A complete listing of completed studies (published and unpublished) and studies which are pending may be found at Appendices II and III.

UNDERLYING ASSUMPTIONS

- Victim Safety must be the first priority in the conduct of any research on domestic violence in the military.
- The Military Services offer a good arena in which to do research:
  - Longitudinal studies are easier to do than in civilian communities.
  - The rate of subject participation and/or rate of return of surveys is generally robust.
  - The population is geographically and ethnically diverse.
  - Results of domestic violence research done in the military can be generalized to civilian populations with the appropriate caveats concerning population differences in age and socio-economic status, and so on.

Victim Safety must be the first priority in the conduct of any research on domestic violence in the military.

RECOMMENDATIONS

- DoD partner with National Institute of Justice and the Centers for Disease Control and Prevention to further articulate the research agenda and organize scientific community-wide requests for applications and peer review process of the proposals.
- Facilitate and encourage publication in peer reviewed journals completed military domestic violence research.
- This research agenda should not preclude the funding of research into the causes, consequences, and interventions of domestic violence in the military through other Services' research funding mechanisms; e.g. Tri-Service Nursing or Uniformed Services University of the Health Sciences.

The following research priorities are recommended:

Priority 1 Research leading to the reliable differentiation of different types of abusers and abusive situations should be given first priority. Intervention strategies for offenders and victims, as well as prevention planning, require a better and more accurate picture of the range of possible abusive situations (i.e., severity, chronicity, and patterns), characteristics of identifiable types of abusers, and a way to assess for both. The following kinds of studies are aimed at moving beyond the one-size-fits-all model:

a. Development of a reliable screener for identification of serious and

chronic abusers as well as identification of those who are unlikely to pose a serious and/or continuing threat.

b. Longitudinal studies that follow the natural course of abuse over time to determine which types of individuals escalate and which improve as a function of time.

c. Studies to determine whether currently available typologies (e.g. Holtzworth-Monroe typology) are a good fit with military populations.

Priority 2 Next in priority should be research aimed at determining what works and for whom. This cluster of related research addresses both offender and victim interventions:

a. Development and rigorous evaluation of several varied interventions to determine the following:

   1) Which specific intervention program is most effective for which type of Offender? (this must be based on a rigorous assessment).
   2) What is the impact of treatment duration? Is 52 weeks more effective than 16 weeks or even 10 weeks with monthly follow-up?
   3) When treatment is effective, what is the specific mechanism of change?
   4) When recidivism occurs, is it spread evenly across the population of abusers, or is it more likely among a specific type of abuser?
   5) What is the impact of specific domestic violence interventions over time, and do the various interventions show effectiveness after the passage of time? This question requires long-term follow-up of treated and untreated offenders.

b. Determine what works best for victims of domestic violence.

   1) Implement surveys to find what interventions are preferred by victims and why.
   2) Implement several programs designed to assist victims and evaluate for efficacy.
   3) Develop and test several strategies designed to assist victims in highly dangerous situations where something above and beyond the usual set of interventions is needed.

Priority 3 Third Priority should be given to research aimed at clarifying how well the military specific approach to domestic violence is working and where it should be modified. This includes the following key areas:

a. Determining the impact of mandatory reporting on the disclosure of abuse and victim/offender outcomes after system intervention.

b. Determining the progression of information and key decision points for military commanders. What do commanders know about domestic violence? Do they know what actions need to be taken? What are the

key choice points for commanders? What specific information leads to good versus poor decisions in domestic violence cases?

c. Determining whether the current definition of spouse abuse as a discrete, incident based event (with sub-categories), facilitates or interferes with good case decision-making. Would a more dynamic definition lead to more reliable and accurate decisions by the Case Review Committees?

Priority 4 The fourth priority is to determine the actual prevalence versus the reported prevalence of domestic violence. Does the actual prevalence and/or the reported prevalence vary across military services and /or across installations for each service? Is any variation related to command climate and/or key system policies and procedures?

Priority 5 The fifth priority is to determine which approaches to domestic violence prevention work and for whom. (Note: Data from the research recommended in Priority 1 is also highly relevant, if not essential, to the determination of effective prevention approaches). Under Priority Five are the following suggested approaches:

a. Use data from recruit surveys to do longitudinal studies of individuals who were exposed to parental violence and/or were themselves abused as children. Determine if a relationship exists between childhood exposure and later involvement in partner violence.

b. If a demonstrable relationship does exist between childhood exposure to violence and adult involvement in partner violence, then develop and evaluate an intervention system for identifying, and treating children in military families with current identified domestic violence.

c. Consider other recommendations from an existing military/civilian work group convened by the U.S. Air Force to address domestic violence prevention.

Priority 6 The sixth priority is to evaluate the knowledge and consistency of key players.

a. Determine the effectiveness of the law enforcement component of a first response to domestic violence. How do law enforcement personnel identify and label domestic violence incidents? Is the response across various individuals and installations consistent? Is the training provided for law enforcement personnel on target, effective, and consistent across the Military Services and across military installations?

b. Determine the knowledge of medical personnel concerning domestic violence and the effectiveness of their consequent actions. Survey women who have reported domestic violence to medical personnel to determine their perception of the quality and helpfulness of the military medical response.

c. Determine the knowledge of chaplains concerning domestic violence and the effectiveness of their consequent actions. Survey women who have reported domestic violence to chaplains to determine their perception of the quality and helpfulness of the response received from the chaplains.

d. Implement a survey to determine the knowledge of Family Advocacy Program staff concerning domestic violence. How does their knowledge and their beliefs about domestic violence impact the effectiveness of their consequent case related actions. What factors are most important in case related decision-making by Family Advocacy Program staff?

Priority 7 The seventh priority should be the following potentially fruitful areas of research:

a. Determine the efficacy of marital type counseling approaches for screened low-level cases of domestic violence.
b. Study men's and women's use of violence; determine gender differences and similarities in the use of violence in intimate relationships.
c. The impact of the lack of confidentiality on disclosure and victim safety.

References

Caliber Associates (1994). Abuse Victims Study Final Report. Caliber Associates, Arlington, VA. (Unpublished study).

Dunford, F.W. (2000). "The San Diego Navy Experiment: An Assessment of Interventions for Men Who Assault Their Wives", *Journal of Consulting and Clinical Psychology,* 68, 3, 468-476.

Gondolf, E.W. (1997). "Batterer Programs: What We Know and Need to Know", *Journal of Interpersonal Violence,* 12, 1, 83-98.

Holtzworth-Monroe, A. and Stuart, G.L. (1994). "Typologies of Male Batterers: Three Subtypes and the Differences Among Them", Psychological Bulletin, 116(3), 476-497.

Jasinski, J.L. and Williams, L.M. (1998). *Partner Violence; a Comprehensive Review of 20 Years of Research* (pp. ix-xiv), New York: Sage Publications.

Neidig, P.H. (1986). "The Development and Evaluation of a Spouse Abuse Treatment Program in a Military Setting", *Evaluation and Program Planning,* 9, 275-280.

Steinmetz, S.K. and Straus, M.A. (Eds.) (1974). *Violence in the Family,* New York: Harper & Row.

Straus, M.A. and Gelles, R.J. (1990). *Physical violence in American families: Risk factors and adaptations to violence in 8,145 families.* New Brunswick, NJ: Transaction.

Straus, M.A., Gelles, R.J., and Steinmetz, S.K. (1980). *Behind closed doors: violence in the American family.* Garden City, NJ: Anchor Press.

U.S. Air Force (2000). *Partner Violence: A twenty-year literature review.* Family Advocacy Program, Brooks Air Force Base, TX.

Appendix 1 Contributing Experts

James Brieling, Ph.D., National Institute of Mental Health, Washington, DC

Jacquelyn C. Campbell, Ph.D.,R.N., Johns Hopkins University School of Nursing, Baltimore, MD

Franklyn W. Dunford, Ph.D., Institute of Behavioral Science, University of Colorado, Boulder, CO

Robert Geffner, Ph.D., San Diego, CA

Michael Hoskins, MSW, Navy Family Advocacy Program, Millington, TN

James E. McCarroll, Ph.D., Uniformed Services University of the Health Sciences, Bethesda, MD

Daniel McDonald, Ph.D., Navy Family Advocacy Program, Millington, TN

Daniel K. O'Leary, Ph.D., University of New York at Stony Brook, NY

Ben Saunders, Ph.D., Medical University of South Carolina, Charleston, SC

Richard Stagliano, MSW, Family Programs, U.S. Marine Corps, Washington, DC

Dari Tritt, LT Col., USAF, Air Force Family Advocacy Program, Brooks Air Force Base, TX

Linda M. Williams, Ph.D., Stone Center, Wellesley College, Wellesley, Mass.

Appendix 2 Domestic Violence Research DoD Related Studies (1985-2000)

Published Studies

Descriptive Studies I
(Incidence, rates, trends, literature reviews, etc.)

Adams, S.R. (2000). "Understanding Women Who are Violent in Intimate Relationships", *Military Medicine*, 165, 214-218. This article provides a review of the literature that identifies the high rates of violence by women against their male partners.

Cantos, A.L., Neidig, P.H., and O'Leary, K.D. (1994). "Injuries of Women and Men in a Treatment Program for Domestic Violence", *Journal of Family Violence*, 9, 2, 113-124.

In this study, both conflict tactics and injuries resulting from marital violence were assessed for both members of the dyad in a sample of 180 couples referred to a treatment program for domestic violence at three military bases.

Coyle, B.S., and Wolan, D.L. (1996). "The Prevalence of Physical and Sexual Abuse in Women Veterans Seeking Care at a Veterans Affairs Medical Center", *Military Medicine,* 161, 588-593. This is a survey of 823 women veterans seeking care at the Baltimore Veterans Affairs Medical Center to determine the prevalence of physical and sexual abuse experiences both during and outside of military service.

Cronin, C. (1995). "Adolescent Reports of Parental Spousal Violence in Military and Civilian Families", *Journal of Interpersonal Violence*, 10, 1, 117-122. This study compared the incidence of violence in military families to that in civilian families by examining adolescent reports of parental spousal violence among American college students stationed overseas.

Hamlin, E.R., Donnewwerth, D., and Georgoulakis, J.M. (1991). "A Survey of Army Medical Department Personnel Beliefs About Domestic Violence", *Military Medicine,* 156, 9, 474-479. This study surveyed the beliefs of selected Army medical personnel about the extent, nature, cause, and management of spouse abuse among military personnel.

Heyman, R.E., and Smith Slep, A.M. (at press). "Risk Factors for Family Violence: Introduction to the Special Issue", *Aggression and Violent Behavior*. In a series of articles by various authors, the strength of risk and protective factors for each of seven forms of family violence: partner physical, psychological and sexual abuse; child physical, psychological and sexual abuse and child neglect are reviewed.

Langhinrichsen-Rohling, J., Neidig, P., and Thorn, G. (1995). "Violent Marriages: Gender Differences in Levels of Current Violence and Past Abuse",

Journal of Family Violence, 10, 2, 159-176. Military couples mandated for marital violence treatment self reported pretreatment levels of marital violence. Spouses were interviewed conjointly about past and current marital violence, childhood victimization, type of parental violence witnessed, and subjective impressions of childhood emotional and/or physical abuse.

McCarroll, J.E., Newby, J.H., Thayer, L.E., et al (1999). "Reports of Spouse Abuse in the U.S. Army Central Registry (1989-1997)", *Military Medicine*, 164, 77-84. This study reports the distribution and characteristics of spouse abuse victims and offenders in the US Army Central Registry from 1989 to 1997.

McCarroll, J.E., Thayer, L.E., Liu, X., et al (2000). "Spouse Abuse Recidivism in the U.S. Army by Gender and Military Status", *Journal of Consulting and Clinical Psychology,* 68, 3, 521-525. Recidivism by spouse abusers was investigated using records of offenders in the US Army Central Registry. Recidivism by gender and military status (active duty or civilian spouse) was compared over a 70-month period.

Merrill, L.L., Hervig, L.K., Milner, J.S., et al (1998). "Pre-Military Intimate Partner Conflict Resolution in a Navy Basic Trainee Sample", *Military Psychology*, 10, 1-5. This study investigates the rates of intimate partner verbal and physical violence (inflicted and received) and the rates of intimate partner inflicted physical injury among 2,987 male and female Navy basic trainees.

Mollerstrom, W.W., Milner, J.S., and Patchner, M.A. (1992). "Family Violence in the Air Force: A Look at Offenders and the Role of the Family Advocacy Program", *Military Medicine,* 157, 371-374. Paper describes the Air Force Family Advocacy Program and reports on the first phase of a four-year evaluation by providing a profile of the perpetrators and victims of family violence.

Newby, J.H. , McCarroll, J.E., Thayer, L.E., et al (2000). "Spouse Abuse by Black and White Offenders in the U.S. Army", *Journal of Family Violence*, 15, 2, 199-208. This study used data from the US Army Central Registry to compare age specific rates of spouse abuse (per 1000 population) between black offenders and white offenders.

Shupe, A., Stacey, W., and Hazelwood, L. (1987). *Family Violence in the Military*. Lexington, MA: Lexington Books. This study examines a sample of 231 cases of spouse abuse in families of active duty soldiers in a Texas community adjacent to Ft. Hood. Data was obtained from a women's shelter and comparisons were made between civilian and military families.

Descriptive Studies II (relationships, factors, and types, etc.)

Byrne, C.A., and Riggs, D.S. (1996). "The Cycle of Trauma: Relationship Aggression in Male Vietnam Veterans with Symptoms of Post Traumatic Stress Disorder", *Violence and Victims,* 11, 3, 213-225. This study examined the association between symptoms of post traumatic stress disorder in male

Vietnam veterans and their use of aggressive behavior in relationships with intimate female partners. Fifty couples participated in the study.

Cantos, A.L., Neidig, P.H., and O'Leary, K.D. (1993). "Men's and Women's Attributions of Blame for Domestic Violence", *Journal of Family Violence*, 8, 4, 289-302. Attributions of blame for the first and latest episodes of violence were assessed in a sample of 139 couples who were referred to a mandatory domestic violence treatment program in the military. Attributions of blame were related to contextual variables in both men and women.

Gimbel,C. and Booth, A. (1994). "Why Does Military Combat Experience Adversely Affect Marital Relations?", *Journal of Marriage and the Family*, 56, 691-703. Data on 2,101 Vietnam veterans was used to investigate the ways in which combat decreases marital quality and stability (including abuse). Three models were explored to explain the relationship between combat exposure and marital adversity.

Gondolf, E.W.and Foster, R.A. (1991). "Wife Assault Among VA Alcohol Rehabilitation Patients", *Hospital and Community Psychiatry*, 42, 74-79. The short Michigan Alcoholism Screening Test and the Conflict Tactics Scale were administered to 218 patients in an alcohol rehabilitation program for military veterans to investigate the incidence of wife abuse in a population of male veteran patients in an alcohol rehabilitation program.

Griffin, W.A., and Morgan, A.R. (1988). "Conflict in Maritally Distressed Military Couples", *The American Journal of Family Therapy*, 16, 1, 14-22. This study investigated whether distressed military couples compared to distressed civilian couples, are at greater risk for specific marital problems, including spouse abuse.

McCarroll, J.E., Ursano, R.J., Liu, X., et al (2000). "Deployment and the Probability of Spousal Aggression by U.S. Army Soldiers", *Military Medicine*, 165, 41-44. In this study, surveys were administered to 26,835 deployed and non-deployed married, active duty Army men and women to determine the relationship between length of soldier deployment and self reports (using the Conflict Tactics Scale) of moderate and severe spousal violence.

Merrill,L.L., Hervig, L.K., and Milner, J.S. (1996). "Childhood Parenting Experiences, Intimate Partner Conflict Resolution, and Adult Risk for Child Physical Abuse", *Child Abuse and Neglect*, 20, 11, 1049-1065. This study investigated the relationship between conflict resolution tactics experienced during childhood, intimate partner conflict resolution tactics, alcohol problems, and adult child physical abuse risk. Participants were 1544 Navy recruit trainees who volunteered to complete measures which included: parenting practices, spousal physical violence experienced during their childhood, conflict resolution techniques, history of alcohol problems, and child physical abuse potential.

Murdoch, M. and Nichol, K.L. (1995). "Women Veterans Experiences with Domestic Violence and With Sexual Harassment", *Archives of Family Medi-*

cine, 4, 411-418. Survey of 191 women hospitalized from March 1992 to1993 at the Minneapolis Veterans Affairs Medical Center and 411 randomly selected female outpatients. Women were assessed for experiences with domestic violence and with sexual harassment and the relationship of such experiences to health and health care utilization.

Neidig, P.H., Freidman, D.H., and Collins, B.S. (1986). "Attitudinal Characteristics of Males Who Have Engaged in Spouse Abuse", *Journal of Family Violence*, 1, 3, 223-233. In this study, several attitudinal characteristics that are frequently attributed to abusive males were investigated. Samples of male military personnel who had engaged in at least one serious episode of inter-spousal violence in the previous six months were administered measures of attitude toward women, self-esteem, and authoritarianism. This data was compared to a matched control group of non-abusive males.

Studies on Interventions

Dunford. F.W. (2000). "The San Diego Navy Experiment: An Assessment of Interventions for Men Who Assault Their Wives", *Journal of Consulting and Clinical Psychology,* 68, 3, 468-476. In this study, 861 couples were randomly assigned to one of four groups: a men's group, a conjoint group, a rigorously monitored group, or a control group. Cognitive-behavioral interventions were implemented for the men's and conjoint groups, and outcome data were gathered from male perpetrators and female victims at roughly six-month intervals over the 18-month experimental period.

Petric, N.D., Gildersleeve-High, L., McEllistrem, J.E., and Subotnik, L.S. (1994). "The Reduction of Male Abusiveness as a Result of Treatment: Reality or Myth?", *Journal of Family Violence,* 9, 4, 307-316. This is a study of male veterans in a six-month outpatient treatment program for male abusers emphasizing honesty, shame reduction, and group support for change. Ratings on the Abusive Behavior Inventory were obtained before and immediately after treatment.

Petric, N.D., Petric Olson, R.E., and Subotnik, L.S. (1994). "Powerlessness and the Need to Control", *Journal of Interpersonal Violence,* 9, 2, 278-285. In this study, 36 male veterans, who were in a six-month outpatient domestic abuse treatment program, and their female partners, completed measures of powerlessness and tolerance for being controlled, both before and after the men completed treatment.

Studies on Prevention

None found.

Program Evaluation

Neidig, P.H. (1986). "The Development and Evaluation of a Spouse Abuse Treatment Program in a Military Setting", *Evaluation and Program Planning*,

9, 275-280. This is an evaluation of the Domestic Conflict Containment Program implemented with Marine Corps men.

Methodology

Bohannon,J.R., Dosser, D.A. and Lindley, S.E. (1995). "Using Couple Data to Determine Domestic Violence Rates: An Attempt to Replicate Previous Work", *Violence and Victims,* 10, 2, 133-141. Replicates prior work by using all items measuring severe violence in the latest CTS scale with 94 military couples, to see if couples reports of violence indicated higher rates of violence compared to individual spouses' reports.

McCarroll, J.E., Thayer, L.E., Ursano, R.J., et al (2000). "Are Respondents Who Omit Conflict Tactics Scale Items More Violent Than Those Who Omit None?", *Journal of Interpersonal Violence,* 15, 8, 872-881. In this study of 31,801 Army men and women, a comparison was made of aggressiveness between those respondents who omitted an item from the CTS and those who omitted none.

Unpublished Studies

Descriptive Studies I (Incidence, rates, trends, literature reviews, etc.)

Brewster, A.L. (1997), "Spouse Homicide Within the United States Air Force", This is a descriptive study of spouse homicide within the USAF between 1986-1997.

Forensic Medical Advisory Service, (1991). "Family Advocacy Study on Child and Spouse Abuse", Forensic Medical Advisory Service, Rockville, MD. A review of emergency room encounters to identify cases of potential child abuse and spouse abuse.

Caliber Associates, (1994). "Abuse Victims Study Final Report", Caliber Associates, Arlington, VA. This study examined and summarized the perceptions held by abuse victims in military families regarding the consequences of reporting and systems responses to reported abuse by military personnel. Findings include disincentives for victims to report abuse, installation FAP practices, extent of child and spouse abuse, and current needs of victims and non-offending parents. Includes a personnel records analysis of the impact of substantiated abuse on military career including the likelihood of separation and type of discharge received.

Cepis, L.J. (1996). "Domestic Violence Prior To and During Pregnancy Within a Selected Military Population and Its Relationship to Depressive Symptomatology", Defense Technical Information Center, Fort Belvoir, VA. This is a summary of a preliminary descriptive study of the prevalence of domestic violence prior to and during pregnancy in military families and its relationship to depressive symptoms.

Heyman, R., Schaffer, R., Gimbel, C., and Kerner-Hoag, S. (1996). "A Comparison of the Prevalence of Army and Civilian Spouse Violence", U.S. Army, Technical Report. Data from the U.S. Army spouse aggression prevention survey (1990-1994) were compared with data on spouse abuse from the National Family Violence Survey of 1985.

McCarroll, J.E., Ursano, R.J., Fullerton, C.S.; et al (1997). "Initial Reports on Spouse Abuse from the U.S. Army Central Registry", Defense Technical Information Center, Fort Belvoir, VA. An analysis of the total number of spouse abuse cases that were reported in the Army central registry between 1975 and 1995.

Russell, C. (1986). "Family Violence in the Military", Defense Technical Information Center, Fort Belvoir, VA. A study of child and spouse abuse at a large Army post.

Smith, G.S. (1997). "Injury to Women in the Military", Defense Technical Information Center, Fort Belvoir, VA. An analysis and description of injuries to women in the military (includes spouse abuse related injuries).

U.S. Air Force (2000). "Partner Violence: A Twenty Year Literature Review", U.S. Air Force Family Advocacy Program, Brooks Air Force Base, Texas. This is a comprehensive review of the literature concerning partner violence since 1974, with recommendations for practitioners at the end of each topic area..

Descriptive Studies II (Relationships, factors, types, etc.)

Pittman, J.F. (1998). "Understanding Family Violence Recidivism: A Descriptive Study", Auburn University. This study used existing data to describe two classes of recidivism found in the area of family violence (child and/or spouse). Each type was compared to a sample of one-time offenders in a representative sample of USAF families.

Pittman, J.F. (1999). "An Exploration of Types of Abusive Families: A Cluster Analytic Approach", Auburn University. This project used existing data to identify distinct profiles of family climate among 9,362 USAF families with an offender who had perpetrated a substantiated incident of family violence (child and/or spouse) between 1987-1996.

Pittman, J.F. (2000). "Sex of Offender, Directionality of Abuse, and Family Climate", Auburn University. Used existing data on such attributes as gender of offender, directionality of abuse among spouse abuse offenders, severity of abuse, history of abuse in one's family of origin, and re-offending status, to predict aspects related to personal and social distress and the perception of family climate.

White, J.W., Koss, M.P., and Merrill, L.L. (1999). "Predictors of Pre-Military Courtship Violence in a Navy Recruit Sample", NHRC Report No. 99-19. San Diego, CA: Naval Health Research Center. This study examined predic-

tors of pre-military intimate partner violence experiences of male and female U.S. Navy recruits using the Briggs and O'Leary (1989, 1996) model.

U.S. Marine Corps, (1995). "An Investigation of the Relationship Between Deployment and Family Violence", Study used existing data bases to examine the relationship between deployment and an incident of child or spouse abuse.

Studies on Prevention

Leber, D. (1999). "Navy Family Stability Project Pilot Study", University of Denver, Center for Marital and Family Studies. This study explored the feasibility of research proposed to test the Prevention and Relationship Enhancement Program (PREP) as an intervention for preventing marital violence among Navy couples.

Studies on Interventions

None found.

Program Evaluation

Caliber Associates (1996). "Final Report on the Study of Spousal Abuse in the Armed Forces", Caliber Associates, Arlington, VA. This study examined the incidence of spouse abuse in the military and the effectiveness of the Family Advocacy Programs in responding to the problem. Data were collected through interviews with key program personnel, through case studies of four exemplary FAP sites, and through analysis of each military services' Central Registry.

Kantor, G.K., and Straus, M.A. (1999). "USAF Family Needs Screener", University of New Hampshire. A preliminary analysis of the psychometric properties of the screener.

Neidig, P.H. (1988). "The Domestic Violence Conflict Containment Program: Analysis of Program Findings (October 1986-October 1987)", Behavioral Science Associates, Beaufort, S.C. This is an evaluation of the DCCP program at Fort Stewart from August 1986 to October 1987.

Pittman, J.F. (1999). "Evaluation of Treatment Effects", Auburn University. This is an investigative study conducted to evaluate the effectiveness of FAP interventions with Air Force families identified for abusive behavior between 1988-1996.

U.S. Marine Corps (1997). "Two-Phase Study of the Marine Corps Coordinated Community Response to Spouse Abuse, Conducted at Two USMC Installations", University of Maryland, School of Social Work, and Wheaton College. Study evaluates the degree of implementation of the program and its impact.

Methodology

Gondolph, E.W., (2000). "Limitations of the San Diego Navy Experiment", Indiana University of Pennsylvania. Summary of limitations and cautions of the study.

Pittman, J.F. (1997). "Confronting Family Violence in the United States Air Force: Comparison of Incident Report Data Set and the Research Data Set", Auburn University. A comparison of cases in a research data set with the larger set of abuse cases in the incident data report data set.

Smith Slep, A.M. , and Heyman, R.A. (submitted for publication). "Reliability of Scales Used in America's Largest Child and Family Protection Agency", State University of New York at Stony Brook. Describes studies of interrater agreement of severity scales for maltreatment used in the Family Advocacy Program.

Appendix 3 Pending Domestic Violence Research DoD Related Studies Ongoing in 2000

Descriptive Studies I (Incidence, rates, trends, literature reviews, etc.)

Stander, V.A., and Merrill, L.L. (Navy Health Research Center). "Conflict Tactics of U.S. Navy Personnel", This study will use the Conflict Tactics Scale and the Childhood History Questionnaire to gauge rates of intimate partner physical violence among U.S. Navy Personnel. Estimated date of completion is 30 September 2002.

Ursano, McCarroll, Newby, Fullerton, Norwood, and Liu.. (Family Violence and Trauma Project, Uniformed Services University of the Health Sciences). "Deployment and Self-Reports of Domestic Violence by Active Duty Soldiers", A survey was administered to about 2,500 active duty male and female soldiers of an Army division during 1999. Questions covered demographic information, deployment history, current operational tempo, problems encountered by the soldier related to deployment, and issues of stress and well-being. Data collection is complete and a report is expected in early 2001.

Ursano, McCarroll, Newby, Fullerton, Norwood, and Liu (Family Violence and Trauma Project, Uniformed Services University of the Health Sciences). "Deployment and Self- Reports of Domestic Violence by Spouses of Active Duty Soldiers", A survey was mailed to all known spouses of male and female active duty soldiers of an Army division during 2000. Questions covered demographic information, the soldiers deployment history, current operational tempo, problems related to deployment, and a number of measures of stress and well-being. Data collection is complete and a report is expected by end of 2001.

Descriptive Studies II (Relationships, factors, types, etc.)

Campbell, J.C. (Johns Hopkins University, School of Nursing). "Identification of Abuse and Health Consequences for Military and Civilian Women", This study addresses psychological and health issues of military women. The objectives of the study are: (1) determine and compare the lifetime and annual prevalence of intimate partner abuse of active duty military women and civilian women; (2) investigate women's perceptions of mandatory reporting of abuse and the impact on disclosure; and (3) investigate the medical sequelae associated with abuse and costs of treatment over time. Subjects are a random sample of military women and a civilian comparison sample of civilian women enrolled in Kaiser Permanente HMO. Data collection is complete and a preliminary report is expected in January of 2001.

Forgey, M.A. (Fordham University). "Reducing the Risk Factors and Promoting the Protective Factors Associated with Violence in the Marital Relationships of Enlisted Military Women Married to Civilian Spouses", This study will investigate the levels and patterns of violence of enlisted active duty soldiers married to civilian men. The objectives of the study are to (1) identify the patterns of dealing with relationship conflict, (2) identify protective factors contributing to non-violent marital relationships, (3) identify risk factors contributing to violent relationships, (4) identify critical programming elements that need to be developed in existing military structures to enhance the protective factors. A report is expected by mid 2001.

Merrill, L.L. (Naval Health Research Center). "Navy Recruit Survey; the Longitudinal Study", In this series of studies, Navy recruits are followed longitudinally for a two-year period after their departure from basic training. Each recruit has completed a survey which gathered data on their history of interpersonal violence (victim and offender), drug and alcohol use, smoking, health care utilization, suicidal tendencies, trauma related symptoms, and demographic information. In the longitudinal study, there are three objectives: (1) conduct survival analysis to estimate attrition rates and develop a model to predict significant factors/covariates of attrition; (2) develop structural equation models for child abuse, intimate partner violence, attrition, suicidal behavior, sexual aggression, and health care use; and (3) determine the costs in terms of lost work hours, personnel and funding, that are related to histories of interpersonal violence. Focused interventions or secondary prevention programs may also be developed. Estimated completion date is 30 September 2003.

Ryan, M.A. (Naval Health Research Center). "Predictors of Career and Family Dysfunction in Young Adults Enlisting in the United States Navy", This study will be a retrospective cohort study that will describe potential predictors of career and family dysfunction in young adults enlisting in the U.S. Navy. Questionnaire data, that have been routinely collected on all Navy accessions since 1995, will be linked to data bases on spouse abuse, child maltreatment, alcohol problems, and involuntary separation from the service. Objectives include the description of associations between responses on the recruit accession survey and adverse career and family outcomes; determination of the degree to which self reported mental health, psychosocial history, and substance abuse history can predict adverse career and family outcomes; and description of the incidence and prevalence of adverse career and family outcomes relative to demographic variables in the cohort. The research will continue until the end of 2001.

Sharps, P. (The George Washington University) and Cepis. L.J. (Lackland Air Force Base, San Antonio, TX). "Abuse and Mental Health Outcomes in Military Women",

The purpose of this study is to document the prevalence of domestic abuse in pregnant and postpartum military populations and to study the relationships between battering during pregnancy and the early postpartum period and

maternal and fetal outcomes and maternal mental health outcomes. This is a two-phase study with data from over 500 military pregnant women, using two different approaches for documenting the prevalence of battering during pregnancy. Phase I data has been collected while the phase II study is still in progress.

Smith Slep, A.M., and Heyman, R.E. (State University of New York at Stoneybrook). "Development of Algorithms for Estimating Family Violence Rates in Air Force Communities", This project will use existing data to develop algorithms (equations) to predict the prevalence of seven forms of family violence. An extensive risk factor review has been completed, some algorithms have been developed and cross validated. Future work includes scale development, formation of more refined algorithms and their evaluation, development of a new set of predictor variables, and development of questionnaire items to operationalize DoD definitions of family maltreatment. This is an ongoing project.

Stith, S. (Virginia Tech.), Milner, J. (University of Illinois), Tritt, D.R. (U.S. Air Force), and Patterson, V. (U.S. Army). "Development of a Decision Making Tool for Assessing Risk of Recurrence of Spouse Physical Maltreatment in the United States Air Force and United States Army", This project is designed to assist social workers in the Army and Air Force Family Advocacy Program to make better predictions about the likelihood of future abuse by domestic violence offenders and to therefore plan better interventions. Objectives include psychometric research on a decision making tool, refining a protocol for staff training in the use of a risk assessment instrument, and determination of the feasibility of data collection for a large-scale validation study. Ongoing project currently in initial stages.

Studies on Interventions

Dunford, F.W. (University of Colorado at Boulder). "Spouse Abuse Intervention Study II", This study will extend and build upon the original research (Dunford, F.W., 2000) to develop screening and treatment strategies. There are five objectives in this research: (1) Validate the Navy Risk Assessment Instrument using the control group from the original study. (2) Test a screener/questionnaire designed to identify those offenders at low risk for repeat offenses.(3) Administer a test and screener for psychopathy in order to assess the level of psychopathy in a sample population, determine the relationship of psychopathy to continued abuse and determine the impact that such offenders have in a group treatment setting. (4) Determine if the Holtzworth-Monroe typology of offenders (Holtzworth-Munroe, A., and Stuart, G.L., 1994) is a good fit for Navy offenders in San Diego. If so, develop interventions selected and tailored to the needs of each offender type and then evaluate the efficacy of each type of treatment. (5) Collect baseline data on current spouse abusers in San Diego to determine if they are similar to the offenders in the original study; if they can be shown to be similar, the control group from the original research may be used to evaluate the treatment groups described in (4) above.

Objectives (1)-(3) will be complete by end of 2000. Objectives (4) and (5) are not expected to be complete until end of 2001 or later.

Studies on Prevention

U.S. Navy. "Pilot Study of the Mentors in Violence Prevention", This pilot study is being conducted among the crew of an aircraft carrier on operational duty in the U.S. Navy. Certified trainers have provided training to senior Navy enlisted personnel, who serve as mentors and group facilitators. Discussion groups in both single gender and mixed gender format are used to teach principles of "friends helping friends" to prevent violence against women. A program evaluation will look at attitudinal change over time, general program satisfaction, and changes in individual coping skills and awareness of and acceptance of violence. This is a two-year pilot program which is ongoing. Data is estimated to be available in 2002.

U.S. Marine Corps. "Evaluation of the Mentors in Violence Prevention", The Mentors in Violence Prevention program was adapted for military settings by the U.S. Marine Corps in 1996. The program is now being evaluated by Cornell University. The evaluation is ongoing and data is anticipated in 2002.

Program Evaluation

Pittman, J.E. (Auburn University), Milner, J. (University of Illinois), Tritt, D.R. (U.S. Air Force). "Validation of the USAF Family Needs Screener", Data previously used to develop the U.S. Air Force Family Needs Screener is being reviewed and cross validated. When the validation has been completed, revisions will be made and psychometric research conducted.

Saunders, B. (Medical University of South Carolina), and Williams, L. (Wellesley College). "The Navy Family Study", This study involves a comprehensive follow-up of post-disclosure outcomes for families in which child abuse or spouse abuse has been reported to the U.S. Navy Family Advocacy Program (FAP). The research includes both retrospective and prospective studies. The main objectives of this research are to determine factors associated with successful outcomes; to track the progress of families through the Navy FAP; to examine the relationships between family and offender characteristics to system outcomes, treatment outcomes, and family functioning outcomes; and to develop specific guidelines to plan prevention and intervention strategies. Data collection will continue into 2001 and reports are expected in late 2001 and early 2002.

Methodology

No ongoing studies were found in this category.