

# Army Domestic Violence Reporting and Services

## Domestic Violence Reporting Policy

Adult victims of domestic abuse have two reporting options: unrestricted reporting and restricted reporting.

### Unrestricted Reporting

Victims of domestic abuse who want to pursue an official investigation of an incident should use current reporting channels, e.g., chain of command, Family Advocacy Program (FAP), or law enforcement.

Upon notification of a reported domestic abuse incident, victim advocacy services and FAP clinical services will be offered to the victim.

### Restricted Reporting

Restricted reporting allows an adult victim of domestic abuse to disclose the details of his or her abuse to specifically identified individuals and receive medical treatment and victim advocacy services without requiring that notice be provided to the victim's or alleged offender's commander or law enforcement.

Victims who desire restricted reporting must report to one of the following specified individuals: Victim Advocate, Victim Advocate Supervisor, Healthcare provider. *Disclosure of domestic abuse to persons other than those covered by this policy may result in an investigation of the allegations by law enforcement and clinical intervention from FAP.*

For more information call 788-3993.

### Victim Advocate Program

The Victim Advocate Program is a comprehensive program to provide support, information and advocacy services to victims of emotional and/or physical abuse by their intimate partners.

### Emergency Shelter

Will find confidential, temporary placement for adults and children seeking to leave their home.

### Respite Child Care

Will assist in temporary payment for enrollment fees and full- or part-time care at the Fort Monroe's CDC's.

### Protective Orders

Will assist in completion of paperwork and provide court accompaniment to those who are seeking legal restraining orders against their partners. Will assist in obtaining military orders of no-contact.

### Advocacy

Will act as your advocate in voicing concerns to Command, Housing, Military Police, Staff Judge Advocate Office or to any agency in which you may be seeking assistance.

### Information

Will tell you about the rights and services you may be entitled to as a victim of abuse. Will discuss impact, if applicable, on military career and military benefits.

### Referrals

Will direct you to appropriate resources for your counseling, legal, financial and other needs.

### Safety Planning & Support

Will develop a plan to help keep you safe. Will provide emotional support and crisis planning.

### Training

Will provide training to both community groups and military units about domestic violence. It does not get better on its own.

***You have a right to be safe in your relationship! You do not deserve to be abused!  
There is help available!***

### **Are you at risk for abuse?**

Does the person you love do any of the following...

- Keep track of your time or activities?
- Constantly accuse you of being unfaithful?
- Discourage your relationships with family & friends?
- Criticize you for little things?
- Easily lose their temper?
- Control all the finances?
- Call you names to degrade or humiliate you?
- Destroy personal property or sentimental items?
- Make you afraid or fearful?
- Threaten to hurt you or the children?
- Hurt you and then apologize?
- Shove, push, slap or restrain you?
- Hit, punch or kick you?
- Force you to engage in unwanted sex?

### **Don't ignore the problem! Call for help!**

- Contact the military police if you feel scared, threatened or if you have been injured.
- Get immediate medical attention for injuries
- Document injuries w/ photographs
- Contact the Victim Advocate Program for information, support and referral.

### **Safety Planning Guide**

- Have extra car keys hidden in case you need to leave
- Keep extra changes of clothes ready for you and your children
- Keep extra change for telephone calls/phone card/keep a cell phone charged
- Determine who can lend you money or let you stay with them temporarily
- Identify a neighbor you can tell about the abuse and ask that they call police if they hear a disturbance in your home
- Teach a code word to your children to let them know to call for help
- Make copies of all your important papers for yourself and your children.
- If an argument seems unavoidable, stay away from the bathroom, kitchen or any room where weapons are accessible.
- Be smart! Do not engage in any provocative behavior or violence unless it is clearly self-defense.
- If you obtain a protective order, keep copies with you at all times. Keep copies in your car, at your workplace, your child's school and any other place you may encounter your abuser.
- Keep talking to people who support you.

### **If you leave, take with you...**

- Drivers license
- Protective Order
- Insurance Card
- Address Book
- Phone card
- Change of Clothing
- Divorce/custody/immigration papers
- Jewelry/Objects you can sell
- House/Car keys
- ID Cards
- Money/Change
- Medications
- Checkbook
- Small toys

### **Explaining Military Spouse Abuse Program**

Each branch of military service has a Family Advocacy Program to assist when a report of spousal violence in a military family occurs.

- What does the Family Advocacy Program (FAP) do?
  - Is the Report Point of Contact (RPOC) to identify and report spouse abuse cases
  - Provides practical assistance to victims of abuse to include emergency shelter, safety planning, child care, food/clothing, protective orders, financial help and referrals to legal assistance.
  - Provides expert counseling for short and long term treatment to all family members including the victim, the abuser and children in the home.
  - Partners with Command to ensure victim safety, support and communicate the treatment progress of the family
  - Conducts educational classes to military units and family groups about spouse abuse

### **2. Who is eligible to receive services?**

- Any active duty military family, no matter what branch of service
- Retirees
- Activated Reserve and National Guard families

### **3. If I report abuse, won't my career be ruined?**

The responsibility of punishment for spousal abuse lies with each individual Command, not the Family Advocacy Program. However, some guidelines are:

- If you are an active duty soldier reporting abuse by a family member or active duty spouse, there is no career harm in reporting that you are a victim. As a victim, you are not at fault for the violence.
- If you are a family member or soldier reporting abuse by your active duty spouse, each complaint will be evaluated by Command to determine if disciplinary measures will be taken against the offending soldier. Discipline often depends upon the severity and frequency of the abuse. The majority of abuse reports are mild to moderate, and in many cases, successful completion of counseling and a halt to the violent conduct is all that is required of the soldier.
- If the soldier continues to abuse while enrolled in or after completion of counseling, or if the soldier violates no-contact orders, Command, with advisement by the Staff Judge Advocate, can and should exercise its disciplinary options.

- Severe complaints of abuse involving weapons, serious injury or threats to life may warrant immediate and serious disciplinary measures.
- Remember that violence against a spouse is a CRIME. Do not put career above safety. The Army provides financial assistance to family members whose active duty spouse must leave military service due to abuse offenses. (Transitional Compensation, AR 608-1)

#### **4. Who must report spouse abuse?**

- Victims and offenders are URGED to self-report abuse to FAP or law enforcement
- MANDATORY reporters include: Commanders, Senior NCO's, physicians, nurses, social workers, other medical personnel, school personnel and law enforcement officers.
- All soldiers and members of the military community are ENCOURAGED to make reports of spouse abuse to the RPOC.

#### **5. What types of behaviors should I report?**

##### **Some warning signs of relationship violence can be:**

- Your spouse denies you access to friends, family, employment, transportation and finances resulting in isolation and hopelessness
- Your spouse calls you degrading and humiliating names in public or private
- Your spouse puts their hands on you *in any way* to control, intimidate or harm you
- Your spouse threatens to harm themselves, you, or the children if you leave
- Your mental health is suffering under the control of your spouse
- Your spouse throws things, punches walls, or points weapons at you
- Your spouse is unreasonably jealous of your activities and always accuses you of infidelity

**FYI!** There are many signs of unhealthy relationships. Report all to FAP. Many complaints will not arise to the level of a FAP case. Social Work Services (SWS) can still offer individual or marriage counseling to these persons.

#### **6. What types of treatment does FAP offer?**

- Individual Counseling
- Marriage/Couples Counseling
- Anger Management
- Batterers Treatment
- Support groups

#### **7. Does Command have to be involved?**

- Yes. The Family Advocacy Program is a Command directed program. A cooperative partnership ensures the best outcome for the family. Both Command and FAP work to preserve family confidentiality so that only the most necessary personnel are involved in the details of the case. FAP recognizes that family violence is a sensitive and highly personal matter.

#### **8. Other programs that may collaborate with FAP are:**

- Substance Abuse Rehabilitation Department (SARD)
- Community Mental Health (CMH)
- Chaplaincy
- Law Enforcement
- Staff Judge Advocate (SJA)
- Soldier & Family Readiness and Army Community Services

## 9. What is the Case Review Committee?

- The CRC is an administrative team that reviews all complaints of family violence within 30 days. It serves a dual purpose:
  1. To determine if a treatment plan is necessary for the family and outline that plan with Command;
  2. To administratively recognize, or “substantiate” that an event of spousal violence occurred and to assign responsibility to the offending party. This is not a “conviction” or a court of law. It is an administrative function to develop a treatment plan for a family. Not all cases are “substantiated”. Almost half of cases are deemed “unsubstantiated” or “unresolved”.You will be notified of the CRC decision outcome.

## 10. What is the Army Central Registry (ACR)?

- If the case is “substantiated” by the CRC team, the case name is submitted into a confidential database where it will remain for 25 years. In the event that a subsequent report of violence occurs at a new duty location, the FAP and Command at that location can review the previous incident and the treatment outcome.

FYI! Listing in the ACR can result in an offending soldier being unable to progress into a Recruiting or Drill Sergeant position, as these are high-stress positions that often have a negative effect on a family.

## 11. What happens when I make a report? There are several steps in the process:

- If the report is made through law enforcement during an emergency, they will investigate the case and notify FAP.
- If the report is made directly to FAP, law enforcement may or may not be notified based on the circumstances of the report. Command must be notified by FAP within 24 hours.
- Many reports are made to FAP directly by Commanders who are mandatory reporters.
- After a report is made, installation policy dictates that a “cooling off” period, or period of “no-contact” is implemented. On Ft. Jackson, this period is 72 hours. The soldier is often temporarily removed from the home to stay in the barracks, in an emergency protective shelter or other suitable location.
- In this period of “no-contact”, the parties involved are asked to report to FAP individually for an assessment of the complaint and relationship history. They are assigned a FAP case manager.
- If safe, the parties can cohabitate again after the 72-hour period. If not safe, the no-contact order can be extended by Command.
- The victim can seek additional protections by applying for a civilian Order of Protection, initiating other legal proceedings, and accessing other helpful resources.
- The parties may continue to engage in counseling services with FAP
- Within 30 days, the case is reviewed by the CRC and an ongoing treatment plan may be established and implemented.
- Follow-up by Command and FAP with the family will take place during the next year.
- Disciplinary measures, if any, as deemed necessary by Command/SJA for the offense.

FYI! A treatment programs success depends upon willingness to hold oneself responsible for behavior and to set goals. There is no instant “cure”. The process can be long-term. Persons unwilling to give a relationship the time and hard work needed to make it healthy and safe will not progress in treatment and may abuse again.

What if I am too afraid to report: No one will believe me, or my spouse may retaliate against me?

FAP encourages early reporting at the first signs of abuse. However, many victims believe that their spouses will do them further harm if they come forward. This is a common fear and concern. Know that your relationship will not improve on its own without intervention. Until you are ready, use the following tips:

1- **Document all behavior.** Take pictures of injuries and date them. Keep a diary with dates and descriptions of injuries, threats and incidents. Keep in a safe place.

2- **Talk to someone** who supports you: A trusted friend, a coworker or a family member. Talk to a staff member of a domestic violence hotline or victim advocate.

3-**Educate yourself** about spousal abuse. Develop a personal safety plan. Know your community resources.

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### Explaining Orders of Protection and Restraining Orders

If you are being abused, harassed or stalked by a former or current intimate partner, you may apply for a protective order that provides you with legal protections to keep your offender away.

Who is eligible for an Order of Protection?

- Spouses
- Former spouses
- Persons who have a child in common
- Persons who are or who have formerly cohabitated as intimate partners

What can an Order of Protection do?

- Legally restrain the offending party from further abuse and harassment
- Award sole possession of a shared residence
- Award custody of children you share in common
- Award spousal and/or child support
- Set a visitation schedule with the children
- Other reasonable relief as requested

How long will an Order of Protection last?

- They are temporary. They will expire after a minimum of 6 months to a maximum of 1 year
- Prior to expiration, you can ask the court for an extension

What happens if my order is violated?

- Contact law enforcement immediately to report the violation, even if your offender has fled the area. Obtain a copy of a written police report for documentation.
- *There can be dual penalties:*
- If arrested by law enforcement, the criminal penalty for violation is 30 days in jail and/or a \$500 fine and/or a perpetrator treatment program
- If held in contempt of court, the civil penalty for violation is 1 year in jail and/or a \$1000 fine

How do I get an Order of Protection?

You must complete an application at the Family Court Clerk of Court's Office in the county:

- In which the abuse occurred
- Where you are currently sheltered
- Where the offender lives

For forms and assistance, contact:

- Family Court Clerk of Court Office
- The Fort Jackson Victim Advocate
- Sister care battered women's services

Does it cost anything to file for an Order of Protection?

- Filing is free
- You do not need an attorney

How soon can I get an Order of Protection?

- A hearing may be held within 15 days of the date of application
- In emergencies, a judge may grant a hearing within 24 hours

FYI: The abuser must be given personal notice (via subpoena) by the Court to appear, otherwise no hearing can be held. An abuser with no known location will be difficult to serve with notice. It may cost a fee to serve an out-of-state abuser with notice to appear. Predict and prepare for potential escalated violence after the abuser is served with a subpoena. The hearing can still be held if the abuser is served and then chooses not to appear.

Protective Orders are only as good as the victim who is willing to enforce them. You must call the police and report violations. Not holding an offender accountable for violations only empowers them to do further harm. Protective Orders will not ensure your safety if an offender does not care about the consequences of their actions and is intent on being violent and abusive. Even though you may have a protective order, do not forget your safety plan!

What information do I need to fill out an application and bring to the hearing?

- Information about the abuser: contact information, description, employer, social security number, and vehicle make/model
- Financial information about the abuser and your personal finances
- Notarized affidavits/statements from witnesses or others who are aware of the abuse that has occurred
- Photographs of injuries
- Police reports
- Medical records of injury
- Facts of the incident: dates, times, injuries received, outcome.
- Do not bring minor children to the hearing to testify

What should I do with the Order if it is granted?

Keep copies (does not have to be an original) at:

- Local police station
- Child's school/daycare
- Purse/wallet
- Vehicle
- Place of employment
- Neighbor's/Relative's home
- Keep a copy with you at all times!

Is my order still enforceable if I move/travel?

Yes. Your order is granted "full faith and credit" and is enforceable in all 50 states and on military installations.

**What if I let my abuser move back in?**

- Your order is still valid and your abuser can be arrested for violating that order.
- You are not in violation of the order for re-cohabitating with your abuser. However, your case is weakened that you would need protection from the offender.

If you wish to discontinue your protective order, contact the issuing Family Court to sign a waiver.

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## Restraining Orders

Restraining Orders are very similar to Orders of Protection. However, the sole relief an RO grants is restraint of the offending party. These are generally issued to boy-girlfriends, strangers, acquaintances who do not cohabit or have children with their offender. RO's are granted to persons who:

- Are victims of a pattern of harassment and stalking
- A "pattern" is 2 or more incidents within a 90 day period

### Where do I file?

File with the Magistrate Court Judge:

- Where the harassment/stalking occurred
- Where the offender resides
- Where the victim resides if the offender is a nonresident of the state

Other information:

- No filing fee
- 30 day/\$500 fine criminal penalty
- 24-hour emergency or a 15 day hearing
- See Order of Protection information

Examples of violations:

- Unwanted telephone contact
- Following the victim
- Threats to harm/Physical assault
- Property damage
- Sending letters or gifts
- Appearing at victims home, school or workplace

Keep a harassment and stalking diary to record dates, times and facts of the unwanted contact. Record telephone calls or messages. Keep letters or gifts. Report violations; keep written police reports. Persons subject to an Order of Protection or Restraining Order issued for harassment and stalking can not own or possess firearms under Federal Law 18 USC 922 (g) (8)

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## Explaining Army Transitional Compensation Benefits

### What is Transitional Compensation?

Congress established the Transitional Compensation Program in 1994 as part of the fiscal Department of Defense Authorization Act (PL 103-160). It was created specifically to encourage victimized spouses and

children to report abuse by their active duty sponsor without fear of economic reprisal. This program authorizes temporary financial support and other benefits for victimized families for which the soldier is to be separated from active duty under a court martial or administrative discharge.

**Who is eligible?**

The Army Transitional Compensation Program financially assists children and adult spouses who:

- Are victims of reported family violence from an active duty sponsor; and,
- The active duty sponsor is to be/has been separated from the armed services in whole or in part for committing acts of family violence against their spouse and/or children.

**What benefits are offered?**

- Adult spouses receive \$1,033 per month
- Children receive \$257 per month
- Children not living with recipient parent receive \$410 per month
- Retain military ID card for accessing installation privileges and resources
- (Commissary and Exchange benefits)
- Retain TRICARE benefits
- Minimum 12-month duration to a maximum of 36-month duration
- Payments must be reported as income, but they are not taxable
- Payments do not prohibit additional civil collection of funds from the abuser such as child or spousal support payments.

**What conditions must be met?**

- Recipients must no longer cohabitate with their abuser (divorce is optional; you just cannot live together)
- Recipients lose benefits upon date of a remarriage
- Spousal recipient was not found to have aided or abetted abuse of a child.

**How to apply for Transitional Compensation:**

- Submit a completed DD Form 2698 "Application for Transitional Compensation".
- The applicant will complete Section I and item 23 of Section II. Sign and date item 12, Section I.
- The applicant will submit a Standard Form 1199A "Direct Deposit Sign Up Form" or a voided check/deposit slip with a signed request for direct deposit
- Submit application to the Family Advocacy Program

Request forms and assistance by contacting the installation Family Advocacy Program or Staff Judge Advocate Office Victim/Witness Liaison 757-788-2158

**For Commanders:**

The decision to administratively separate or court-martial a soldier for family violence offenses is never easy. Knowing that the family of the soldier will be financially cared for can lighten the burden of decision. There may be more reasons why the soldier is to be separated than family violence alone. As long as family violence is listed in the chapter/court martial paperwork as one of those reasons, the family will be eligible for the Transitional Compensation Program.

Circumstances to consider for separation:

**The incident of violence was severe (threats to life; physical injuries; strangulation cases)**

- Incidents of violence have been repeated; recidivism within 1 year of prior incident
- The incident of violence has arisen to criminal charges
- The soldier was convicted by a civilian court of a qualifying misdemeanor of domestic violence and has triggered federal Lautenberg (gun) Amendment consequences
- The soldier has been deemed a "Treatment Failure/Failure to Progress" by the Family Advocacy Program case-management

***Always seek counsel from the Staff Judge Advocate Office***

Other information:

- Prepare to wait. There will be a lapse of time between the separation/court martial and the award and payment of benefits. The recipient is responsible for any health care or financial needs during that time.
  - A new ID card must be issued to the recipient. Bring letter of award to the ID card section of any military installation.
-