

QUALIFICATION TO POSSESS FIREARMS OR AMMUNITION		
PRIVACY ACT STATEMENT		
<p>AUTHORITY: 18 U.S.C. 922(g)(8); E.O. 9397.</p> <p>PRINCIPAL PURPOSE(S): To obtain information to determine if you have been convicted of a crime of domestic violence which would disqualify you from shipping, transporting, possessing or receiving either Government-issued or private firearms or ammunition and to determine if reassignment, reclassification, detail or other administrative action is warranted. Your Social Security Number is solicited solely for purposes of verifying your identity.</p> <p>ROUTINE USE(S): To the Department of Justice so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers, manufacturers or dealers) to determine whether individuals are qualified to receive or possess firearms and ammunition.</p> <p>DISCLOSURE: Mandatory for all personnel who are required to certify. Failure to provide the information may result in (1) (military only) the imposition of criminal or administrative penalties for failing to obey a lawful order, and (2) (civilian only) the imposition of administrative penalties, to include removal from Federal service. However, neither your answers nor information or evidence gained by reason of your answers can be used against you in any criminal prosecution for a violation of Title 18, United States Code, Section 922(g)(8), including (military only) prosecutions under the Uniform Code of Military Justice, based on a violation of Section 922(g)(8), for conduct which occurred prior to the completion of this form. The answers you furnish and any information resulting therefrom, however, may be used against you in a criminal or administrative proceedings if you knowingly and willfully provide false statements or information.</p>		
SECTION I - INSTRUCTIONS		
<p>An amendment to the Gun Control Act of 1968 (18 U.S.C. 922) makes 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. It is also a felony for any person to sell or otherwise dispose of a firearm to any person so convicted.</p> <p>The Department of Defense has, by policy, expanded the prohibitions contained in Title 18 Section 922(g)(8) to those military or civilian personnel who have felony convictions for crimes of domestic violence. Convictions of crimes of domestic violence do not include summary court-martial convictions, the imposition of nonjudicial punishment (Article 15, UCMJ), or deferred prosecutions (or similar alternative dispositions) in civilian courts. Furthermore, a person shall not be considered as having committed a "crime of domestic violence" for purposes of the firearms restriction of the Gun Control Act unless all of the following elements are present:</p> <p>(1) the person was convicted of a crime;</p> <p>(2) the offense has as its factual basis the use or attempted use of physical force, or threatened use of a deadly weapon;</p> <p>(3) the convicted offender was at the time of the offense:</p> <p style="margin-left: 20px;">(a) a current or former spouse, parent or guardian of the victim,</p> <p style="margin-left: 20px;">(b) a person with whom the victim shared a child in common,</p>	<p>(c) a person who was cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or</p> <p>(d) a person who was similarly situated to a spouse, parent, or guardian of the victim;</p> <p>(4) the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel;</p> <p>(5) if entitled to have the case tried by jury, the case was actually tried by jury or the person knowingly and intelligently waived the right to have the case tried by jury;</p> <p>(6) the conviction has not been expunged or set aside, or the convicted offender has not been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess or receive firearms.</p> <p>If you have ever received a domestic violence conviction: (1) you may not possess any firearm or ammunition; and (2) you must return any Government-issued firearm or ammunition to your commander or immediate supervisor; and (3) you must take steps to relinquish possession of any privately owned firearms or ammunition. Furthermore, any previously issued authorization to possess a firearm or ammunition is revoked.</p> <p>If you have any questions, or you are uncertain if you have such a conviction, you may wish to contact a legal assistance attorney, if eligible, or a private attorney, at your own expense.</p>	
SECTION II - QUALIFICATION INQUIRY <i>(Complete and return to your commander or immediate supervisor within 10 days of receipt)</i>		
1. HAVE YOU EVER BEEN CONVICTED OF A CRIME OF DOMESTIC VIOLENCE AS DESCRIBED ABOVE: <i>(Initial and date)</i>		
YES	NO	I DON'T KNOW <i>(Provide explanation on reverse)</i>
2. IF YOU ANSWERED "YES" TO THE FIRST QUESTION, PROVIDE THE FOLLOWING INFORMATION WITH RESPECT TO THE CONVICTION:		
a. COURT/JURISDICTION	b. DOCKET/CASE NUMBER	
c. STATUTE/CHARGE	d. DATE SENTENCED (YYYYMMDD)	
3. CERTIFICATION. I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, complete, and made in good faith. I understand that false or fraudulent information provided herein may be grounds for criminal and/or administrative proceedings, to include (if civilian) adverse action, up to and including removal, and (if military) disciplinary action under the Uniform Code of Military Justice. I further understand that I have a continuing obligation to inform my Commander or Supervisor should I be convicted of a crime of domestic violence in the future.		
a. NAME <i>(Last, First, Middle Initial)</i>	b. RANK/GRADE	c. SOCIAL SECURITY NUMBER
d. ORGANIZATION	d. SIGNATURE	e. DATE SIGNED <i>(YYYYMMDD)</i>



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

NOV 10 2003

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

Subject: Implementation of the Armed Forces Domestic Security Act

This directive-type memorandum implements Public Law 107-311, the Armed Forces Domestic Security Act (codified at 10 U.S.C. § 1561a), which states that a civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

Under the Act, a civilian order of protection “includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.”

Commanders and installation law enforcement personnel shall take all reasonable measures necessary to ensure that a civilian order of protection is given full force and effect on all DoD installations as such order has within the jurisdiction of the court that issued such order.

Procedures for registering a civilian order of protection on a DoD installation may be established, but failure to register the order shall not be reason for a commander or law enforcement personnel, having knowledge of the order, to fail to give it full force and effect.



To further the interests of good order and discipline, a commander may issue a military order of protection to a military member that is more restrictive than the civilian order of protection to which the member is subject, or that is applicable at locations beyond the jurisdiction of the court that issued such order, to include locations outside the United States.

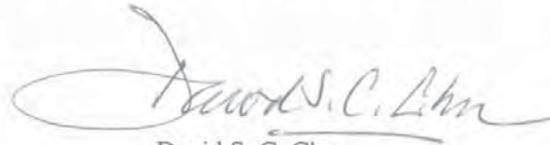
All persons who are subject to a civilian order of protection shall comply with the provisions and requirements of such order whenever present on a military installation. Any person who fails to do so may be subject to administrative and/or disciplinary action, as appropriate and may be barred from the installation.

All orders of protection issued to military personnel must be enforceable under the Uniform Code of Military Justice (UCMJ). Accordingly, the Secretaries of the Military Departments shall issue regulations specifying that persons subject to the UCMJ shall comply with civilian and military orders of protection and that failure to comply with either may be prosecuted under Article 92, UCMJ, for failure to obey a lawful order or regulation, as well as any other UCMJ offense applicable.

A DoD civilian employee who violates a civilian order of protection while on a military installation is subject to appropriate administrative or disciplinary action and may be barred from the installation.

Any person who violates a civilian order of protection while on a military installation is subject to the imposition of sanctions by the court issuing the order.

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



David S. C. Chu



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READINESS

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

JAN 29 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
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DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Establishing Domestic Violence Memoranda of Understanding Between
Military and Local Civilian Officials

This directive-type memorandum provides guidance for establishing key and essential coordination between military and local civilian officials with respect to domestic violence. Attachments 1 and 2 provide guidance and sample formats for establishing memoranda of understanding with civilian law enforcement officials and district attorneys, respectively. The attachments can also be adapted to address additional areas of civil-military cooperation.

It is the policy of the DoD that law enforcement and legal officials, at military installations, shall seek to establish formal memoranda of understanding with their counterparts in the local community to improve information sharing on domestic violence investigations, arrests, and prosecutions involving military personnel.

This memorandum is effective immediately. A DoD Directive incorporating the contents of this memorandum shall be issued within 180 days.

David S. C. Chu

Attachments:
As stated



Attachment I

**Developing a Memorandum of Understanding Between the Installation
Law Enforcement Office
and Local Civilian Law Enforcement Agencies**

When domestic violence incidents occur on the installation, military entities, such as the Law Enforcement Office, the Family Advocacy Program (FAP), and the medical treatment facility (MTF), have established procedures mandating notifications, sharing of information and specific steps to take in responding to these incidents. However, active duty Service members and their families often live in civilian communities surrounding their installations. When an incident occurs in the civilian community, local law enforcement generally responds, conducts the investigation, and prepares the incident report.

Although some installation law enforcement offices have developed working relationships with their civilian law enforcement counterparts, these informal relationships can be difficult to maintain due to staff turnover, especially within the installation law enforcement office. Installations are often surrounded by multiple jurisdictions, making it even more difficult to maintain open and regular communications with numerous local law enforcement agencies. Furthermore, the civilian local law enforcement agency may not have a formal internal policy dictating steps to take when either the victim or the alleged offender is an active duty member.

Given these obstacles to successful informal working relationships and procedures, a Memorandum of Understanding (MOU) between the installation and local civilian law enforcement agencies can improve the sharing of information and strengthen and formalize procedures for dealing with domestic violence incidents that occur off the installation. MOUs can be used to clarify jurisdictional issues for the investigation of incidents, to define the mechanism whereby local law enforcement reports involving active duty members will be forwarded to the appropriate installation law enforcement office, to encourage the local law enforcement agency to refer victims of domestic violence to the installation FAP office or victim advocate, and, generally, to foster cooperation and collaboration between the installation and local civilian agencies.

Although MOUs can be crafted to address issues specific to an installation and the communities surrounding it, there are several issues that MOUs should address:

- A general statement of the purpose of the MOU.
- An explanation of jurisdictional issues that affect respective responsibilities for responding to and investigating incidents occurring on and off of the installation. (This section should also address jurisdictional issues that arise when a civilian order of protection is violated on military property, *see Section 1561a of title 10, United States Code.*)
- Procedures for responding to a domestic violence incident that occurs on the installation involving a civilian alleged offender.

- Procedures for transmitting incident/investigation reports of domestic violence involving active duty Service members from local civilian law enforcement agencies to the installation law enforcement office.
- Procedures for transmitting civilian protection orders (CPOs) involving active duty Service members from local law enforcement agencies to the installation law enforcement office. [If the installation has an MOU with the local court responsible for issuing protection orders, the installation can, alternatively, include procedures for transmitting copies of those orders to the installation law enforcement office in that MOU.]
- Designation of the title of the installation law enforcement recipient of such information from the local law enforcement agency.
- Procedures for transmitting military protection orders (MPOs), from the installation law enforcement office to the local civilian law enforcement agency with jurisdiction over the area in which the Service member resides. [Although the local civilian law enforcement agency will not be able to enforce the MPO, it can contact the installation law enforcement office when it learns of a violation.]
- Designation of the title of the local law enforcement agency recipient of domestic violence and CPO information from the installation law enforcement office.
- Respective responsibilities for providing information to domestic violence victims regarding installation resources when either the victim or the alleged offender is an active duty member.
- Sharing of information and facilities during the course of an investigation.
- Regular meetings between the local civilian law enforcement agency and the installation law enforcement office to review cases and MOU procedures.

The following sample Memorandum of Understanding contains provisions that could be used or modified by installations to meet specific needs. Since both jurisdictional issues and installation standing procedures on dealing with civilians alleged to have committed offenses on the installation vary widely, this sample does not include specific provisions on those two areas.

**Memorandum of Understanding Between
(INSTALLATION) Installation Law Enforcement Office and
(CITY, COUNTY, or STATE) Law Enforcement Agency**

1. **PURPOSE:** To establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction and coordination of efforts and assets between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency in domestic violence cases involving active duty military personnel and their family members.

2. **GENERAL:** This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. See United States v. Caceres, 440 U.S. 741 (1979).
 - A. **[Insert paragraph here defining response and investigation jurisdiction for the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency.]**

3. **RESPONSIBILITIES:**
 - A. **The (CITY, COUNTY, or STATE) Law Enforcement Agency agrees to perform the following actions:**
 - (1) When responding to or investigating domestic violence cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active duty Service member, the responding officer(s) will note on the top of the incident/investigation report "Copy to the (INSTALLATION) Installation Law Enforcement" and the designated Records personnel will ensure the copy is forwarded.
 - (2) When responding to or investigating domestic violence cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim's consent to forward a copy of the incident/investigation report to the (INSTALLATION) Law Enforcement Office so that it can be provided to the victim's commander. If the victim so consents, the responding officer(s) will note on the top of the incident/investigation report "Copy to the (INSTALLATION) Installation Law

Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall note in the body of the incident/investigation report that the victim did not consent to forwarding the report to the Installation Law Enforcement Office and shall not direct Records personnel to forward the report.

- (3) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civil protection order (CPO) issued by a court of competent jurisdiction, the responding officer(s) will ascertain whether the alleged offender is an active duty Service member. If the alleged offender is an active Service member, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. **[This paragraph may not be necessary if the installation has an MOU with the local court specifying that the court will forward copies of such CPOs to the installation.]**
- (4) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civil protection order (CPO), the responding officer(s) will ascertain whether the victim is an active duty Service member. If the victim is an active duty Service member, the responding officer(s) will seek the victim’s consent to forward a copy of the CPO to the (INSTALLATION) Installation Law Enforcement Office. If the victim so consents, the responding officer(s) will note on the top of the CPO “Copy to the (INSTALLATION) Installation Law Enforcement Office” and the designated Records personnel will ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall not request that a copy the CPO be forward to the Installation Law Enforcement Office.
- (5) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall designate an employee from Records who will be directly responsible for forwarding copies of incident/investigation reports and CPOs to the (INSTALLATION) Installation Law Enforcement Office when directed to do so by notations at the top of the reports or CPOs. The employee shall also be responsible for receiving and processing military protection orders (MPOs) forwarded from the (INSTALLATION) installation Law Enforcement Office.
- (6) When the (CITY, COUNTY, or STATE) Law Enforcement Agency becomes aware of a violation of a term or provision of an MPO, the responding officer(s) shall notify the designated representative from the (INSTALLATION) Installation Law Enforcement Office of the violation.
- (7) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall provide the (INSTALLATION) Installation Law Enforcement Office with an area for Installation Law Enforcement investigators to conduct interviews of active duty

Service members and their family members who are involved in domestic violence incidents.

- (8) The (CITY, COUNTY, or STATE) Law Enforcement Agency will, when appropriate, conduct joint investigations with the (INSTALLATION) Installation Law Enforcement Office if incidents of domestic violence involve active duty Service members and their family members.
- (9) When the victim in a domestic violence incident has been identified as an active duty Service member or a family member of one, the (CITY, COUNTY, or STATE) Law Enforcement Agency responding officer(s) shall provide the victim with basic information, acquired from the Installation Law Enforcement Office (below), about installation resources available to domestic violence victims.
- (10) As new law enforcement officers begin duty with the (CITY, COUNTY, or STATE) Law Enforcement Agency, their immediate supervisor will provide them with copies of this MOU and basic instruction for effectuating the provisions of this MOU.

B. The (INSTALLATION) Installation Law Enforcement Office agrees to perform the following actions:

- (1) The (INSTALLATION) Installation Law Enforcement Office shall designate an individual to act as liaison to the (CITY, COUNTY, or STATE) Law Enforcement Agency and to receive copies of incident/investigation reports stemming from an incident occurring off of the installation and CPOs involving active duty Service members and their family members.
- (2) Upon receipt of a copy of an incident/investigation report stemming from incidents occurring off of the installation or a CPO involving an active duty Service member and his/her family member, the (INSTALLATION) Installation Law Enforcement Office shall immediately notify the Service member's Command.
- (3) When the (INSTALLATION) Installation Law Enforcement Office receives a copy of an MPO from a Service member's Command, and if that Service member is living off of the installation, the (INSTALLATION) Installation Law Enforcement office shall forward a copy of the MPO to the (CITY, COUNTY, or STATE) Law Enforcement Agency with jurisdiction over the area in which the Service member resides.
- (4) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, STATE, OR COUNTY) Police Department with an area for Police Department officers or investigators to conduct interviews of active duty Service members and their family members who are involved in domestic violence incidents.

- (5) The (INSTALLATION) Installation Law Enforcement office will, when appropriate, conduct joint investigations with the (CITY, COUNTY, or STATE) Law Enforcement Agency if incidents of domestic violence involve active duty Service members and their family members.
- (6) The (INSTALLATION) Installation Law Enforcement Office will assist the (CITY, COUNTY, or STATE) Law Enforcement Agency when investigating cases that occurred off base by providing information such as medical records, Service records, and incident/investigation reports from incidents occurring under the jurisdiction of the Installation Law Enforcement Office in accordance with the provisions of the Privacy Act, 5 USC 552a.
- (7) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, COUNTY, or STATE) Law Enforcement Agency with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic violence victims.
- (8) **[Insert a paragraph here stating proper installation procedure for responding to domestic violence incidents occurring on the installation involving civilian alleged offenders.]**
- (9) As new personnel begin duty with the (INSTALLATION) Installation Law Enforcement office, their immediate supervisor will provide them with copies of this MOU and basic instructions on effectuating the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

- A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.
- B. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of this MOU that channels of communication will be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.
- C. Personnel from the (INSTALLATION) Installation Law Enforcement Office and from the (CITY, COUNTY, or STATE) Law Enforcement Agency shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to share information regarding reciprocal investigations.

Attachment 2

**Developing a Memorandum of Understanding
Between the Installation Staff Judge Advocate
and the Local District Attorney's Office**

In many domestic violence cases involving Service members and their families, there is overlapping criminal jurisdiction. For an offense committed off the installation by a military member, the local District Attorney (DA) and the military both have jurisdiction to prosecute the case, but only the DA has jurisdiction over offenses committed by a civilian family member. In the case of offenses committed on the installation, the command always has jurisdiction over military personnel, and depending on the installation, the local DA will either share jurisdiction over military personnel with the command and over civilian personnel with the U.S. Attorney or have no jurisdiction over military personnel and civilians. When the local DA has no jurisdiction on an installation, only the U.S. Attorney may prosecute civilians who commit offenses there. When there is overlapping jurisdiction, who prosecutes a particular case or class of cases is a matter of formal or informal agreement.

While some installations have entered into formal agreements with local DAs on exercising overlapping criminal jurisdiction, others have only developed informal working relationships. These informal relationships can be difficult to maintain due to staff turnover. Installations are often surrounded by multiple jurisdictions, making it even more difficult to maintain open and regular communications with numerous local district attorney offices. Furthermore, these civilian agencies may not have a formal internal policy dictating steps to take when either the victim or the alleged offender is an active duty member.

Given these obstacles to successful informal working relationships and procedures, a formal Memorandum of Understanding (MOU) between the installation staff judge advocate (SJA) and local DA's office can improve the sharing of information and strengthen procedures for dealing with domestic violence incidents, MOUs can be used to:

- (1) clarify jurisdictional issues for the investigation and prosecution of incidents,
- (2) define the mechanism whereby local law enforcement reports, civilian protection orders (CPOs) or court orders defining pre-trial conditions for active duty members will be forwarded on to the appropriate installation SJA, and,
- (3) foster cooperation and collaboration between the installation and local civilian agencies.

Although MOUs can be crafted to address issues specific to an installation and the communities surrounding it, there are several issues that MOUs should address:

- A general statement of the purpose of the MOU.
- An explanation of jurisdictional issues that affect respective responsibilities for investigating and prosecuting incidents occurring on and off of the installation.

- Procedures for transmitting police reports, CPOs and orders defining pretrial conditions from the district attorney to the SJA regarding domestic violence incidents involving active duty service members.
- Designation of the title of the installation legal office (such as the SJA) recipient of such information from the local DAs office.
- Procedures for providing, upon request, a history of domestic violence incidents involving specific active duty Service members to the DAs office.
- Exchange information and facilities during the course of an investigation and prosecution.
- Regular meetings between the DA and the SJA to review cases and MOU procedures.

The following sample Memorandum of Understanding contains provisions that could be used or modified by installations to meet specific needs. Since both jurisdictional issues and installation standing procedures on dealing with civilians alleged to have committed offenses on the installation vary widely, this sample does not include specific provisions on those two points.

**Memorandum of Understanding Between
(INSTALLATION) SJA and
(COUNTY/CITY) District Attorney's Office**

1. **PURPOSE:** To establish written procedures concerning the exchange of information, case investigation and prosecution, and coordination of efforts and assets between the (INSTALLATION) SJA and the (COUNTY/CITY) District Attorney (DA) in domestic violence cases involving active duty military personnel assigned to the (INSTALLATION) and their family members.
2. **GENERAL:** This Memorandum of Understanding (MOU) does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) SJA and the (COUNTY/CITY) DA. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. See *United States v. Caceres*, 440 U.S. 741 (1979).
 - A. **[Insert paragraph here defining jurisdiction for both the (INSTALLATION) SJA and (COUNTY/CITY) DA.]**
3. **RESPONSIBILITIES:**
 - A. **The (COUNTY/CITY) DA agrees to perform the following actions:**
 - (1) When the victim in a domestic violence incident has been identified as an active duty Service member or a family member of one, the (COUNTY/CITY) DA shall provide the victim with basic information, acquired from the Installation SJA (below), about (INSTALLATION) resources available to domestic violence victims.
 - (2) When investigating or prosecuting domestic violence cases, the (COUNTY/CITY) DA shall determine whether the alleged offender is an active duty Service member assigned to (INSTALLATION). If the alleged offender is an active duty member assigned to (INSTALLATION), the DA shall contact the (INSTALLATION) SJA to inform the SJA of the pending investigation or prosecution. Upon request, the DA shall forward copies of relevant police reports, civil protection orders, and any orders specifying pre-trial conditions to the SJA.
 - (3) When investigating a domestic violence case involving an active duty Service member assigned to (INSTALLATION) who is alleged to be the offender, the DA shall consult with the SJA with respect to prosecution of the individual under the appropriate state law or under the Uniform Code of Military Justice (UCMJ).

- (4) During the course of the DA's investigation or prosecution of a crime of domestic violence allegedly committed by an active duty service member assigned to (INSTALLATION), the DA shall keep the SJA informed of the status of the case through regular contacts. The DA shall notify the SJA specifically of any changes in confinement status or pre-trial release conditions.
- (5) When, after consultation, the SJA and the DA have determined that the alleged offender will be subject to procedures under the UCMJ, the DA shall cooperate during the investigation and disciplinary action to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.
- (6) As new attorneys begin working in the (COUNTY/CITY) DA, their immediate supervisor will provide them with copies of this MOU and basic instruction for executing the provisions of this MOU.

B. The (INSTALLATION) SJA agrees to perform the following actions:

- (1) The (INSTALLATION) SJA shall provide the (COUNTY/CITY) DA with basic information, in the form of quick reference cards or brochures, about installation resources available to domestic violence victims.
- (2) When investigating a domestic violence case involving an active duty member assigned to (INSTALLATION) who is alleged to be the offender, the SJA shall, in cases where the state has jurisdiction, consult with the local DA to determine whether the individual will be prosecuted under the appropriate state law or whether the command will pursue disciplinary action under the UCMJ.
- (3) Upon request, the SJA shall forward copies of relevant police incident reports and military protection orders to the DA.
- (4) When, after consultation, the DA and the SJA have decided that the alleged offender will be prosecuted under state law, the SJA shall cooperate during the investigation and prosecution to the greatest extent possible by sharing information and facilitating the interviewing of witnesses.
- (5) As new personnel begin duty with the (INSTALLATION) SJA, their immediate supervisor will provide them with copies of this MOU and basic instructions on executing the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

- A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with sixty (60) days notice to the other party.

- B. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of this MOU that communication will be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.
- C. Personnel from the (INSTALLATION) SJA and from the (COUNTY/CITY) DA's Office shall meet, as necessary and appropriate, to discuss open cases involving active duty Service members and to review and revise provisions of this MOU.



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DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Domestic Abuse Training for Chaplains

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

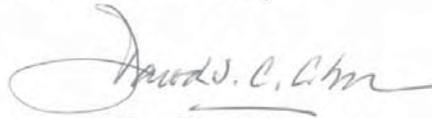
This directive-type memorandum assigns responsibilities and prescribes procedures for domestic abuse (as defined in Attachment 1) training requirements for chaplains.

Chaplains provide unique services to the military community and for victims and alleged offenders in domestic abuse situations. Victims and alleged offenders are entitled to the protections of privileged communications with the chaplain. In recognition of this special relationship based on such privileged communication, chaplains should have specialized training that will assist them in understanding their role in the military environment where support for victims and appropriate accountability by offenders are important policy objectives. To achieve this training requirement, each military department shall ensure that chaplains of that military department receive specialized training that is appropriate for domestic abuse situations and, at a minimum, covers the subjects listed in Attachment 2.

Military departments shall provide the specialized training required during all chaplain officer basic courses and at periodic continuing professional military education update opportunities. Each military department shall establish training policies and develop training procedures that comply with the requirements of this memorandum. The Offices of the Armed Forces Chaplain Board and Family Advocacy Program shall be consulted and provide guidance on training curriculum development that is consistent with the subjects listed in Attachment 2.



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



David S. C. Chu

Attachments:
As stated

ATTACHMENT I

DEFINITIONS

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

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

ATTACHMENT 2

DOMESTIC ABUSE TRAINING OUTLINE FOR CHAPLAINS

I. Dynamics of Domestic Abuse

- Defining Domestic Abuse
 - DoD definition
 - Examples of the range of domestic abuse incidents
 - Isolated incidents
 - Patterns of behavior
 - Physical
 - Sexual
 - Psychological
 - Tactics of abusers
 - Economics
 - Children
 - Coercion and threats
 - Intimidation and isolation
 - Impact on the victim (isolated incident as well as more chronic and potentially lethal)
 - Effects on children
 - Common misconceptions regarding domestic abuse in the military
 - Possible punitive and administrative sanctions resulting from an incident of domestic abuse
 - Understanding the role and responsibilities of DoD law enforcement and criminal investigative organizations

- Beliefs, Attitudes, Culture Issues

II. DoD/Military Department/Service Policy

III. Victim Safety

- A. Needs of victim
- B. Victim safety plan
- C. Victim advocates
- D. Shelter policy
- E. Commanding officer responsibilities
- F. Chaplain responsibilities
 - Return from deployment issues
 - Violence acknowledgement during counseling
- G. Transitional compensation

- H. Particular needs of immigrant victims
- I. Civilian and military protective orders

IV. Effective Offender Intervention

- A. Intervention staff responsibilities
- B. Commanding officer responsibilities
- C. Chaplain responsibilities

V. Family Advocacy Program Overview

- Collaborative role

VI. Privilege and Confidentiality

- A. Implications when domestic violence and child abuse/neglect co-occur
- B. Alternatives for intervention when chaplain is not released from privilege communication

VII. Spirituality and Domestic Violence

VIII. Resource Support

- Handouts
 - Listing of chaplains with expertise in dealing with domestic violence
 - Listing of supportive clergy in local area

IX. Statistics (for reference purposes only)

FEB-03-2004 03:42

ODUSD MCFP

703 614 9303 P.02

PERSONNEL AND
READINESS

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

FEB - 3 2004

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

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

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

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

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

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



FEB-03-2004 03:43

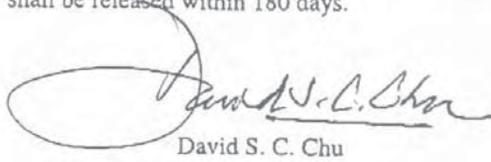
ODUSD MCFF

703 614 9303

P.03

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

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



David S. C. Chu

Attachments:
As stated

FEB-03-2004 03:43

ODUSD MCFF

703 614 9303 P.04

ATTACHMENT 1

DEFINITIONS

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

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

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DDUSD MCFP

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ATTACHMENT 2
Outline of Essential Domestic Abuse Subject Areas

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

I. Dynamics of Domestic Abuse

- Defining domestic abuse
 - DoD definition
 - Examples of the range of domestic abuse incidents
 - Isolated incidents
 - Patterns of behavior
 - Tactics of abusers (isolated incident as well as more chronic and potentially lethal)
 - Impact on the victim (isolated incident as well as more chronic and potentially lethal)
 - Effects on children
- Common misconceptions in the military
 - Causes vs. risk factors or disinhibitors
 - Stress
 - Alcohol
 - Deployment Stress is a cause of domestic violence
 - Females in the military are as violent as males in relationships
 - Military rates of domestic violence are higher than civilian rates
- Beliefs, attitudes, culture issues

II. DoD/Service Policy

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

III. What Every Commanding Officer Should Know

1. Role of the victim advocate
 - Confidentiality & exceptions
 - Safety planning and shelter policy
 - Immediate notification requirements in death cases

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ODUSD MCFP

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- Links to other resources
2. Ensuring victim safety
 - Knowledge of civilian and military protective orders – instruction on issuance
 - Awareness and understanding of the immigration provisions of the Violence Against Women Act (VAWA) (Public Law 103-322, Subtitle G)
 - Awareness and understanding of the Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922) (g) (9)
 - Awareness and understanding of the Armed Forces Domestic Security Act
 - Dos and don'ts
 3. Initial response to alleged instances of domestic abuse
 - Making a factual determination
 - Investigate independently of Case Review Committee/Family Maltreatment Case Management Team
 - Differentiate between aggression, self defense, and retaliation
 - Rule for Courts-Martial, 306 Manual for Courts-Martial
 - Range of potential options when determining an appropriate disposition
 - Factors commanding officers need to consider when deciding an appropriate disposition for an offense
 - Retention consideration when the offender commits a subsequent substantiated offense
 - Intervention
 - First offense, low risk, low severity
 - First offense, higher risk and/or higher severity incident
 - Understanding the role and responsibilities of DoD law enforcement and criminal investigative organizations
 - Potential criminal investigation
 - Command interference
 4. Personnel assignment issues
 - Inform gaining command of a substantiated case prior to offender's PCS, when appropriate.
 - Seek support of personnel officials to delay or cancel any orders that would interfere with full implementation of command action
 5. Responding to an incident when the offender is a civilian
 6. OCONUS-specific issues – increased responsibility of command leadership

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ODUSD MCFP

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7. Monitoring the offender's progress in treatment
8. Forward command action to Defense Incident Base Reporting System IAW DoDD 7730.47, Defense Incident Base Reporting System and DoD 7730.47 (M).

IV. Prevention/Intervention Resources

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

V. Other Resources

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

VI. Resources for System Improvement

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

TOTAL P.07



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

FEB - 6 2004

PERSONNEL AND
READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
ASSISTANT SECRETARY OF DEFENSE (HEALTH AFFAIRS)
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Domestic Abuse Identification and Assessment Training for Health Care Providers

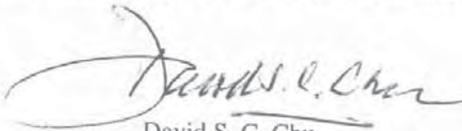
References: (a) DoD Directive 6400.1, "Family Advocacy Program," June 23, 1992
(b) DoD 6400.1-M, "Family Advocacy Program Standards and Self-Assessment Tool," August 1992
(c) Deputy Secretary of Defense Memorandum, "Domestic Violence," November 19, 2001

This directive-type memorandum assigns responsibilities and prescribes training requirements, under the authority of reference (a) and consistent with references (b) and (c), regarding domestic abuse (as defined in Attachment 1) for DoD health care providers.

Health care providers have a critical role in identifying and assessing victims of domestic abuse. They may be the first individuals to come into contact with a victim after a domestic abuse incident. It is essential that all health care providers understand domestic abuse and are aware of their role in responding to and reporting incidents.

Each military department shall require all health care providers to receive training that covers subjects listed in the outline at Attachment 2 as appropriate for their responsibilities. Certain core topics shall be addressed in all training: dynamics of domestic abuse, identification and assessment of abuse, documentation of injuries, and victim safety strategies when interacting with the abuser. The military departments shall issue training policy and procedures to ensure compliance with this memorandum. The Office of the Assistant Secretary of Defense (Health Affairs) and the Office of the Deputy Under Secretary of Defense (Military Community and Family Policy/Family Advocacy Program) shall, upon request, provide consultation and coordination on curriculum development based on the attached outline.

This memorandum is effective immediately. It shall be converted into a DoD issuance within 180 days.


David S. C. Chu

Attachments:
As stated



ATTACHMENT 1

DEFINITIONS

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

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

Health care provider is someone who provides direct health care services to military health system beneficiaries in military medical treatment facilities.

ATTACHMENT 2

DOMESTIC ABUSE TRAINING OUTLINE FOR HEALTH CARE PROVIDERS

I. What is Domestic Abuse?

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

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

- Beliefs, attitudes, culture issues

II. DoD/Service Policy

III. General Overview of FAP

IV. Identification and Assessment

- Guiding principles
 - Victim safety
 - Respect for victims and protecting their autonomy
 - Holding abusers accountable by taking action
 - Acknowledging the need to make changes in the health care system response to domestic abuse

- Barriers to an effective response

- Presentation of domestic abuse victims in the health care setting
 - Injuries
 - Medical presentations
 - Obstetrical or gynecological presentations
 - Psychiatric presentations
 - What to do when the abuser is present
- Identification of abuse
 - Routine screening
 - How to ask
 - What to do if the practitioner suspects abuse but the patient does not acknowledge abuse
- Learning that your patient is an abuser
 - Medical records or written referrals as a source of information for practitioners
 - Reports from victim or children
 - Reports by third parties
 - Self-reports
 - Observation of behaviors
 - Observation of the effects of abusive behavior on the abuser or victim
- Assessment
 - Addressing immediate safety needs/coordinating with the Victim Advocate and FAP
 - Chief complaint/medical history
 - Physical exam and preservation of evidence
 - Expanded primary care assessment
 - Suicide and homicide assessment
 - Mental health assessment

V. Documentation of Injuries

- Medical record
- Body map
- Photographs
- Labs, x-ray, imaging

VI. Intervention

- Providing information about domestic abuse
- Contacting FAP/reporting requirements
- Referrals
- Understanding the role and responsibilities of DoD law enforcement and criminal investigative organizations in domestic abuse situations
 - Potential criminal investigations

VII. Victim Safety Strategies when Interacting with the Abuser

- Keeping victim information confidential
- Never talking to the abuser about domestic abuse in front of the victim
- Taking care in how domestic abuse is discussed with the abuser
- Responding appropriately when the abuser displays anger, resists or rejects the discussion

VIII. Legal Obligations

- Applicable state laws requiring reporting
- Duty to warn

IX. Crisis Intervention when Patient is the Abuser

- Duty to warn
- Legal recourses and mandatory reporting
- Separation strategies
- Strategies to diffuse the crisis

X. Other Interventions when the Patient is the Abuser

- Discussing options
- Making appropriate referrals
- Follow-up process

XI. Safety Strategies for the Staff

- Coordination with security personnel
- Incorporating staff safety issues into regular trainings

XII. Resources/Coordinating Efforts



PER DIEM, TRAVEL AND TRANSPORTATION ALLOWANCE COMMITTEE
HOFFMAN BUILDING 1, ROOM 836
2461 EISENHOWER AVENUE, ALEXANDRIA, VA 22331-1300

PDTATAC/tlw

24 February 2004

UNIFORMED TRAVEL DETERMINATION

TO: SEE DISTRIBUTION

SUBJECT: MAP 55-03 -- Travel And Transportation For Dependents Relocating For Reasons Of Personal Safety (FY04 DAA)

1. **SYNOPSIS:** The attached MAP item adds verbiage to pars. U5420 Dependent Travel Under Unusual/Emergency Circumstances and U5900 Dependent Travel in compliance with sec. 571 of the FY 2004 National Defense Authorization Bill which adds travel and transportation for dependents relocating for personal safety to 37 USC §406(h).
2. The Committee Chair has approved the attached changes to the Joint Federal Travel Regulations, Vol. 1, (JFTR), made in MAP Item 55-03, for publication.
3. This determination is an advance notice of the changes to the JFTR. You are requested to disseminate this determination to the appropriate offices within your Service.
4. These changes are scheduled to appear in JFTR change number 208, dated 1 April 2004.
5. This determination is effective on 24 February 2004, when it was approved by the Chairman.

S. W. Westbrook
Director

Attachment:
Rev 10

Hard Copy Distribution:
MAP Item file

E-Mail Distribution:

MAP Members	GSA-3FT	PMO-DTS
T&T Branch	HRSIC	GSA-OGP(MTT)

U5205 TRAVEL AND TRANSPORTATION FOR DEPENDENTS RELOCATING FOR PERSONAL SAFETY**A. General**

1. The member's spouse or the parent/court appointed guardian of a dependent child may request relocation for personal safety and may be authorized travel and transportation under this paragraph if it is determined by the Service-designated official that:

- a. The member has committed a dependent-abuse offense against a dependent of the member;
- b. A safety plan and counseling have been provided to the dependent;
- c. The dependent's safety is at risk; *and*
- d. Dependent relocation is advisable.

2. Dependent(s) relocation must be in the best interest of the:

- a. Member or member's dependents, *and*
- b. U.S. Government.

B. Definitions

1. Dependent Child. For the purposes of this paragraph, the following are considered dependents of the member:

- a. Dependents/acquired dependents as defined in Appendix A; and
- b. A member's unmarried child who was transported to the member's PDS at Government expense and who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member while the member was serving at that station.

2. Dependent-abuse Offense. A dependent-abuse offense is conduct by a member (as defined in 10 USC §1059(c)) on active duty for more than 30 days that involves abuse of the spouse/dependent child.

C. Restriction. HHG/POV transportation may be authorized only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the HHG/POV to the member's spouse/dependent.

D. Authorization

1. When an order directing a member's PCS has not been issued, or when it has been issued but cannot be used as authority for the transportation of the member's dependents, baggage, and HHG; transportation may be authorized for the member's dependents, baggage, and HHG from the PDS to the designated relocation site in the U.S., or its possessions, or if the dependents are foreign nationals to the country of the dependents' origin.

2. Transportation-in-kind, transportation reimbursement, or MALT plus a per diem, is authorized for the dependent(s).

3. If the member's PDS is OCONUS, transportation may be authorized for one POV that is owned/leased by the member/dependent and is for the personal use of the member's dependent.

4. Transportation of HHG in non-temporary storage to the designated relocation site may be authorized.

E. Reimbursement. IAW 37 USC §406(h)(4)(A), all monetary payments, except DLA, are paid directly to the dependent(s) instead of the member.

U5240 DEPENDENT TRAVEL UNDER UNUSUAL/EMERGENCY CIRCUMSTANCES

A. *****

H. Travel and Transportation for Dependents Relocating for Personal Safety. See par. U5205

U5370 HHG TRANSPORTATION UNDER UNUSUAL/EMERGENCY CIRCUMSTANCES

A. *****

K. HHG Transportation for Dependents Relocating for Personal Safety. See par. U5205.

U5455 _POV TRANSPORTATION UNDER UNUSUAL OR EMERGENCY CIRCUMSTANCES

A. *****

F. POV Transportation for Dependents Relocating for Personal Safety. See par. U5205.

U5905 HHG TRANSPORTATION

NOTE 1: For dependent travel ICW early return of dependents see par. U5900.

NOTE 2: For HHG transportation for dependents relocating for personal safety see par. U5920.

U5910 POV TRANSPORTATION

NOTE: For POV transportation for dependents relocating for personal safety see par. U5920.

A. *****

U5920 TRAVEL AND TRANSPORTATION FOR DEPENDENTS RELOCATING FOR PERSONAL SAFETY

A. General

1. The member's spouse or the parent/court appointed guardian of a dependent child may request relocation for personal safety and may be authorized travel and transportation under this paragraph if it is determined by the Service-designated official that:

- a. The member has committed a dependent-abuse offense against a dependent of the member;
- b. A safety plan and counseling have been provided to the dependent;
- c. The dependent's safety is at risk; *and*
- d. Dependent relocation is advisable.

2. Dependent(s) relocation must be in the best interest of the:

- a. Member or member's dependents, *and*
- b. U.S. Government.

B. Definitions

1. Dependent Child. For the purposes of this paragraph, the following are considered dependents of the member:

a. Dependents/acquired dependents as defined in Appendix A; and

b. A member's unmarried child who was transported to the member's PDS at Government expense and who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member while the member was serving at that station.

2. Dependent-abuse Offense. A dependent-abuse offense is conduct by a member (as defined in 10 USC §1059(c)) on active duty for more than 30 days that involves abuse of the spouse/dependent child.

C. Restriction. *HHG/POV transportation may be authorized only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the HHG/POV to the member's spouse/dependent.*

D. Authorization

1. When an order directing a member's PCS has not been issued, or when it has been issued but cannot be used as authority for the transportation of the member's dependents, baggage, and HHG; transportation may be authorized for the member's dependents, baggage, and HHG from the PDS to the designated relocation site in the U.S., or its possessions, or if the dependents are foreign nationals to the country of the dependents' origin.

2. Transportation-in-kind, transportation reimbursement, or MALT plus a per diem, is authorized for the dependent(s).

3. If the member's PDS is OCONUS, transportation may be authorized for one POV that is owned/leased by the member/dependent and is for the personal use of the member's dependent.

4. Transportation of HHG in non-temporary storage to the designated relocation site may be authorized.

E. Reimbursement. IAW 37 USC §406(h)(4)(A), all monetary payments, *except DLA*, are paid directly to the dependent(s) instead of the member.



PERSONNEL AND
READINESS

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

MAR 10 2004

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

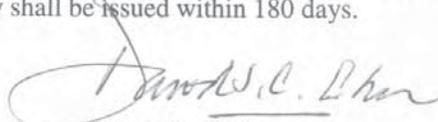
SUBJECT: Military Protective Orders (MPOs)

This directive-type memorandum establishes Department of Defense policy and assigns responsibility for the issuance of MPOs barring active duty military members from having contact with specified individuals against whom they are alleged, or are confirmed, to have committed an act of domestic violence or child abuse, as defined in Attachment 1.

It is Department of Defense policy that every appropriate effort be made to protect victims of abuse from further harm. Commanding officers shall issue MPOs when necessary to safeguard victims, quell disturbances, and maintain good order and discipline while victims have time to pursue protection orders through the civilian courts, or support existing civilian orders of protection. DD Form 2873 (Attachment 2) shall be used to issue MPOs. Commanding officers shall provide copies of signed MPOs in accordance with the distribution list set forth at the end of DD Form 2873.



This memorandum is effective immediately. A Department of Defense publication implementing this policy shall be issued within 180 days.



David S. C. Chu

Attachments:
As stated

ATTACHMENT 1

DEFINITIONS

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

CHILD ABUSE. The physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. It does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

MILITARY PROTECTIVE ORDER							
PRIVACY ACT STATEMENT							
<p>In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.</p> <p>AUTHORITY: 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and National Defense Authorization Act for Fiscal Year 1995, Sec. 534.</p> <p>PRINCIPAL PURPOSE(S): Information from this form will be used to document commanding officers' orders and members' understanding thereof to avoid all manner of contact with specified individuals, against whom members are alleged, or are confirmed to have committed, domestic violence or child abuse, as stipulated in the terms and conditions of the orders.</p> <p>ROUTINE USE(S): Any release of information contained in this system of records outside of DoD will be compatible with the purposes for which the information is being collected and maintained. The DoD "Blanket Routine Uses" set forth at the beginning of OSD's compilation of systems of records notices apply to this system.</p> <p>DISCLOSURE: Voluntary; however, failure to provide or verify personal identifying information may compromise commanding officers' ability to protect victims of domestic violence and child abuse, or to hold members accountable for their actions.</p>							
1. SERVICE MEMBER				2. PROTECTED PERSON <i>(Important: see NOTE)</i>			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
c. SSN		d. DATE OF BIRTH (YYYYMMDD)		c. SSN		d. DATE OF BIRTH (YYYYMMDD)	
e. UNIT		f. TELEPHONE <i>(Incl. area code)</i>		e. UNIT		f. TELEPHONE <i>(Incl. area code)</i>	
g. INSTALLATION				g. INSTALLATION			
h. CURRENT RESIDENCE: STREET <i>(Incl. apartment number)</i>				h. CURRENT RESIDENCE: STREET <i>(Incl. apartment number)</i>			
CITY		STATE ZIP CODE		CITY		STATE ZIP CODE	
NOTE: Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.							
3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER							
4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:							
a. Civil protection order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____							
b. Order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____							
						Property Settlement	
						Custody and/or Visitation	

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<p>5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that <i>(Initial applicable portions)</i>:</p>					
	<p>a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.</p>				
	<p>b. The above-named service member shall remain at all times and places at least _____ feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include:</p>				
	<p>c. The above-named service member will vacate the military residence shared by the parties located at:</p>				
	<p>d. Until further notified, the above-named service member will be provided temporary military quarters at:</p>				
	<p>e. The above-named service member will attend the following counseling:</p>				
	<p>f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.</p>				
	<p>g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.</p>				
	<p>h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.</p>				
	<p>i. Other specific provisions of this order:</p>				
<p>6. DURATION: The terms of this order shall be effective until _____, unless sooner rescinded, modified, or extended in writing by me. ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.</p>					
<p>a. COMMANDING OFFICER'S SIGNATURE</p>	<p>b. DATE (YYYYMMDD)</p>				
<p>7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.</p>					
<p>a. SERVICE MEMBER'S SIGNATURE</p>	<p>b. DATE (YYYYMMDD)</p>				
<p>DISTRIBUTION:</p> <table border="0"> <tr> <td>Service member's immediate command</td> <td>Protected person (Custodial parent of protected child)</td> </tr> <tr> <td>Service member</td> <td>Provost Marshal/Security Officer/Criminal Investigative Organization</td> </tr> </table>		Service member's immediate command	Protected person (Custodial parent of protected child)	Service member	Provost Marshal/Security Officer/Criminal Investigative Organization
Service member's immediate command	Protected person (Custodial parent of protected child)				
Service member	Provost Marshal/Security Officer/Criminal Investigative Organization				

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Department of Defense

INSTRUCTION

NUMBER 1030.2
June 4, 2004

USD(P&R)

SUBJECT: Victim and Witness Assistance Procedures

- References: (a) DoD Instruction 1030.2, "Victim and Witness Assistance Procedures," December 23, 1994 (hereby canceled)
- (b) DoD Directive 1030.1, "Victim and Witness Assistance," April 13, 2004
 - (c) Chapter 47 of title 10, United States Code, "Uniform Code of Military Justice"
 - (d) Sections 10601-10607 of title 42, United States Code
 - (e) through (h), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues reference (a) to implement policy, assign responsibilities, and prescribe procedures under reference (b) to assist victims and witnesses of crimes committed in violation of reference (c).

1.2. Implements reference (d), sections 1512-1514 of title 18, United States Code, DoD 5400.7-R, and sections 113 (note), 1058, 1059 and 1408 of title 10, United States Code (references (e) through (g)) by providing guidance on assisting victims and witnesses of crime from initial contact through investigation, prosecution, and confinement.

1.3. Establishes annual reporting requirements on assistance provided to victims and witnesses of crime.

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2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

4. POLICY

4.1. This Instruction implements policy established in reference (b).

4.2. This Instruction is not intended to, and does not, create any entitlement, cause of action, or defense in favor of any person arising out of the failure to accord to a victim or a witness the assistance outlined in this Instruction. No limitations are hereby placed on the lawful prerogatives of the Department of Defense or its officials.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall:

5.1.1. Develop overall policy for victim and witness assistance and monitor compliance with this Instruction.

5.1.2. Approve procedures developed by the Secretaries of the Military Departments that implement this Instruction and are consistent with section 6., below.

5.1.3. Change, reissue, or amend this Instruction, as required.

5.1.4. Ensure the Defense Manpower Data Center assists in formulating a data collection mechanism to track and report victim notifications from initial contact through investigation, prosecution, confinement, and release.

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5.1.5. Establish an interdisciplinary Victim and Witness Assistance Council.

5.1.5.1. The Council shall provide a forum for the exchange of information, consider victim and witness assistance policies, and provide liaison with the Department of Justice Office for Victims of Crime.

5.1.5.2. The membership of the Council shall be selected from members of the Armed Forces and other DoD employees having expertise in the disciplines and professions addressed in subparagraph 5.2.6., below. The Council shall meet quarterly or at the call of the chair.

5.2. The Secretaries of the Military Departments and the Heads of the DoD Components shall:

5.2.1. Ensure compliance with this Instruction and establish policies and procedures to implement the victim and witness assistance program within their Component.

5.2.2. Designate the Component responsible official, as defined in enclosure 2, for the victim and witness assistance program, who shall report annually to the USD(P&R) using DD Form 2706, "Victim and Witness Assistance Annual Report" (enclosure 8).

5.2.3. Provide for the assignment of personnel in sufficient numbers to enable those programs identified in 10 U.S.C. 113 note (reference (g)) to be carried out effectively.

5.2.4. Designate a central repository for confinee information, as defined in item E2.1.1. of enclosure 2, for each Military Service, and establish procedures to ensure victims who so elect are notified of changes in inmate status.

5.2.5. Establish an interdisciplinary Victim and Witness Assistance Council in each Military Department to develop policy recommendations and facilitate coordination between the Department's victim and witness assistance program and its victim advocacy program.

5.2.6. Establish a Victim and Witness Assistance Council, when practicable, at each military installation, to ensure victim and witness service providers follow an interdisciplinary approach. These providers may include law enforcement personnel, criminal investigators, chaplains, family advocacy personnel, emergency room personnel, family service center personnel, equal opportunity personnel, judge advocates, unit commanding officers, corrections personnel, and other persons designated by the Secretaries of the Military Departments.

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5.2.7. Establish a training program to ensure the providers listed in subparagraph 5.2.6., above, receive instruction to assist them in complying with this Instruction.

5.2.8. Ensure that local responsible officials are designated. The local responsible official (also referred to as Victim/Witness Coordinator or Victim/Witness Liaison) shall coordinate the effort to ensure that systems are in place at the installation level to provide information on available benefits and services, assistance in obtaining those benefits and services, and other services required in section 6., below. The local responsible official may delegate the duties as appropriate, but retains responsibility to coordinate the delivery of required services. To coordinate the delivery of services, the local responsible official may use an interdisciplinary approach involving the various service providers listed in subparagraph 5.2.6., above.

5.2.9. Establish oversight procedures to ensure establishment of an integrated support system capable of providing the services outlined in section 6., below. Such oversight could include coverage by Military Service or organizational Inspectors General, staff assistance visits, surveys, and status reports.

5.3. The Inspector General of the Department of Defense shall oversee the development of investigative policy and perform appropriate oversight reviews of the management of the victim and witness assistance program by the DoD criminal investigative organizations. This is not intended to substitute for the routine managerial oversight of the program provided by the DoD criminal investigative organizations, the USD(P&R), the Heads of the DoD Components, the Component responsible officials, or the local responsible officials.

6. PROCEDURES

6.1. Initial Information and Services to be Provided to Victims and Witnesses. At the earliest opportunity after identification of a crime victim or witness, the local responsible official, law enforcement officer, or criminal investigation officer shall provide the following services to each victim and witness, as appropriate: The DD Form 2701, "Initial Information for Victims and Witnesses of Crime," (enclosure 3) or computer-generated equivalent shall be used as a handout to convey basic information and points of contact and shall be recorded on the appropriate form authorized for use by the particular Service. This serves as evidence that the officer notified the victim or witness of his or her statutory rights. The following services shall also be provided by the local responsible official or designee:

6.1.1. Information about available military and civilian emergency medical and social services, victim advocacy services for victims of domestic violence and sexual assault, and, when necessary, assistance in securing such services.

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6.1.2. Information about restitution or other relief a victim may be entitled to under references (d) and (e), or other applicable laws, and the manner in which such relief may be obtained.

6.1.3. Information to victims of intra-familial abuse offenses on the availability of limited transitional compensation benefits and possible entitlement to some of the active duty member's retirement benefits under 10 U.S.C. 1058, 1059, 1408 (reference (g)) and DoD Instruction 1342.24 (reference (h)).

6.1.4. Information about public and private programs that are available to provide counseling, treatment, and other support, including available compensation through Federal, State, and local agencies.

6.1.5. Information about the prohibition against intimidation and harassment of victims and witnesses, and arrangements for the victim or witness to receive reasonable protection from threat, harm, or intimidation from a suspected offender and from people acting in concert with or under the control of the suspected offender.

6.1.6. Information concerning military and civilian protective orders, as appropriate.

6.1.7. Information about the military criminal justice process, the role of the victim or witness in the process, and how the victim or witness can obtain additional information concerning the process and the case.

6.1.8. If necessary, assistance in contacting the people responsible for providing victim and witness services and relief.

6.2. Information to be Provided During Investigation of a Crime. If the victim or witness has not already received the DD Form 2701 from law enforcement officials, it shall be used by investigators as a handout to convey basic information and points of contact. The date it is given to the victim or witness is reportable and shall be recorded on the appropriate form authorized for use by the particular Service. This serves as evidence that the officer notified the victim or witness of his or her statutory rights. Law enforcement investigators and criminal investigators shall inform all victims and witnesses, as appropriate, of:

6.2.1. The status of the investigation of the crime, to the extent providing such information does not interfere with the investigation.

6.2.2. The arrest of the suspected offender.

6.2.3. A decision not to pursue further investigation.

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6.3. Information and Services to be Provided Concerning the Prosecution of a Crime

6.3.1. If applicable, the following shall be provided by Government trial counsel or designee to victims and witnesses:

6.3.1.1. Consultation concerning the decision not to prefer charges against the suspected offender.

6.3.1.2. Consultation concerning the disposition of the offense if other than a court-martial.

6.3.1.3. The decision to pursue court-martial charges against the suspected offender. The DD Form 2702, "Court-Martial Information for Victims and Witnesses," (enclosure 4) shall be used as a handout to convey basic information about the court-martial process. The date it is given to the victim or witness is reportable and shall be recorded on the appropriate form authorized for use by the particular Service.

6.3.1.4. Notification of the initial appearance of the suspected offender before a judicial officer at a pretrial confinement hearing or at an Article 32, Uniform Code of Military Justice (UCMJ), investigation (10 U.S.C. 832, reference (c)).

6.3.1.5. Notification of the release of the suspected offender from pretrial confinement.

6.3.1.6. Consultation concerning the decision to refer or not to refer the charges against the suspected offender to trial by court-martial.

6.3.1.7. Explanation of the court-martial process upon referral to trial.

6.3.1.8. Prior to the actual court-martial, assistance in obtaining available services such as transportation, parking, child care, lodging, and courtroom translators or interpreters that may be necessary to allow the victim or witness to participate in court proceedings.

6.3.1.9. During the court proceedings, provide a private waiting area out of the sight and hearing of the accused and defense witnesses. In the case of proceedings conducted aboard ship or in a deployed environment, provide a private waiting area to the greatest extent practicable.

6.3.1.10. Notification of the scheduling, including changes and delays, of each investigation pursuant to Article 32, UCMJ (reference (c)), and each court proceeding the victim is entitled to or required to attend. Upon request of a victim or witness whose absence from work or inability to pay an account is caused by the crime or cooperation in the investigation or prosecution, the employer or creditor of the victim or

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witness shall be informed of the reasons for the absence from work or inability to make timely payments on an account. This requirement does not create an independent entitlement to legal assistance or a legal defense against claims of indebtedness.

6.3.1.11. Consultation concerning any decision to dismiss charges or to enter into a pretrial agreement.

6.3.1.12. Notification of the disposition of the case, to include the acceptance of a plea of "guilty," the rendering of a verdict, or the withdrawal or dismissal of charges.

6.3.1.13. Notification to victims of the opportunity to present to the court at sentencing, in compliance with applicable law and regulations, a statement of the impact of the crime on the victim, including financial, social, psychological, and physical harm suffered by the victim.

6.3.1.14. After court proceedings, take appropriate action to ensure that property of a victim or witness held as evidence is safeguarded and returned as expeditiously as possible.

6.3.1.15. Notification of the offender's sentence and general information regarding minimum release date, parole, clemency, and mandatory supervised release, if applicable.

6.3.2. Except for information that is releasable under paragraph 6.2. and subparagraph 6.3.1., requests for information relating to the investigation and prosecution of a crime (e.g., investigative reports and related documents) from a victim or witness shall be processed in accordance with DoD 5400.7-R (reference (f)). The local responsible official may authorize release of a copy of the record of trial without cost to a victim when necessary to lessen the physical, psychological, or financial hardships suffered as a result of a criminal act.

6.3.3. Any consultation or notification required by subparagraph 6.3.1. may be limited to avoid endangering the safety of a victim or witness, jeopardizing an ongoing investigation, disclosing classified or privileged information, or unduly delaying the disposition of an offense. Although the victim's views should be considered, this Instruction is not intended to limit the responsibility or authority of the Military Service or the Defense Agency officials to act in the interest of good order and discipline.

6.4. Information and Services to be Provided Upon Order to Confinement. The following services shall be provided by the Government trial counsel or designee to victims and witnesses upon sentencing of an offender to confinement in a court-martial: The DD Form 2703, "Post-Trial Information for Victims and Witnesses," (enclosure 5) shall be used as a handout to convey basic information about the post-trial process. The date it is given to the victim or witness is reportable and shall be recorded

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on the appropriate form authorized for use by the particular Service. When appropriate, the following shall be provided to victims and witnesses:

6.4.1. General information regarding convening authority action, the corrections process, information about work release, furlough, probation, parole, mandatory supervised release, or other forms of release from custody, and eligibility for each.

6.4.2. Specific information regarding the election to be notified of changes in inmate status. The DD Form 2704, "Victim/Witness Certification and Election Concerning Inmate Status," (enclosure 6) shall be used for victims and appropriate witnesses (those who fear harm by the offender) to elect to be notified of changes in the offender's status in confinement. For all cases resulting in a sentence to confinement, the DD Form 2704 shall be completed and forwarded to the Service central repository, the gaining confinement facility, the local responsible official, and the victim or witness, if any. The date it is given to the victim or witness is reportable and shall be recorded on the appropriate form authorized for use by the particular Service. Do not allow the inmate access to DD Forms 2704 or 2705 or attach a copy of the forms to any record to which the confinee has access. Doing so could endanger the victim or witness. The DD Forms 2704 and 2705 are exempt from release under reference (f).

6.5. Information and Services to be Provided Upon Entry into Confinement Facilities. The victim and witness assistance coordinator at the military confinement facility shall:

6.5.1. On entry of an offender into post-trial confinement, obtain the DD Form 2704 to determine victim or witness notification requirements. If the form is unavailable, ask the Service central repository whether any victim or witness has requested notification of changes in inmate status in the case.

6.5.2. When a victim or witness has requested notification of changes in inmate status on the DD Form 2704, and that status changes as listed in subparagraphs 6.5.2.1. through 6.5.2.6., below, use the DD Form 2705, "Victim and Witness Notification of Changes in Inmate Status," (enclosure 7) to notify the victim or witness. The date it is given to the victim or witness is reportable and shall be recorded on the appropriate form authorized for use by the particular Service to comply with the reporting requirement in subparagraph 6.6.1.5. Provide the earliest possible notice of:

6.5.2.1. The scheduling of a clemency or parole hearing for the inmate.

6.5.2.2. The transfer of the inmate from one facility to another.

6.5.2.3. The escape (and subsequent return to custody), work release, furlough, or any other form of release from custody of the inmate.

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6.5.2.4. The release of the inmate to parole supervision.

6.5.2.5. The death of the inmate, if the inmate dies while in custody.

6.5.2.6. A change in the scheduled release date of more than 30 days from the last notification due to a disposition or disciplinary and adjustment board.

6.5.3. Make reasonable efforts to notify all victims and witnesses who have requested notification of changes in inmate status of any emergency or special temporary home release granted an inmate.

6.5.4. On transfer of an inmate to another military confinement facility, forward the DD Form 2704 to the gaining facility, with an information copy to the Service central repository.

6.5.5. Annually report the status of victim and witness notification requests to the Service central repository as required by section 7., below.

6.6. Reporting Procedures

6.6.1. To comply with the requirements of references (d), (e), and (g), the Component responsible official shall submit an annual report using the DD Form 2706 (enclosure 8) to the following address: The Under Secretary of Defense for Personnel and Readiness, Attention: Legal Policy Office, 4000 Defense Pentagon, Washington, DC 20301-4000. The report shall be submitted by March 15 for the preceding calendar year and shall address the assistance provided victims and witnesses of crime. The report shall include the following:

6.6.1.1. The number of victims and witnesses who received a DD Form 2701 from law enforcement or criminal investigations personnel.

6.6.1.2. The number of victims who received a DD Form 2702 from Government trial counsel or designee.

6.6.1.3. The number of victims and witnesses who received a DD Form 2703 from Government trial counsel or designee.

6.6.1.4. The number of victims and witnesses who elected via the DD Form 2704 to be notified of changes in inmate status.

6.6.1.5. The number of victims and witnesses who were notified of changes in inmate status by the confinement Victim Witness Assistance Coordinators via the DD Form 2705 or a computer-generated equivalent.

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6.6.1.6. The cumulative number of inmates in each Service for whom victim witness notifications must be made by each Service's confinement facilities. These numbers are derived by totaling the number of inmates with victim or witness notification requirements at the beginning of the year, adding new inmates with the requirement, and then subtracting those confinees who were released, deceased, or transferred to another facility (Federal, State, or sister Service) during the year.

6.6.2. The Office of the USD(P&R) shall consolidate all reports submitted pursuant to paragraph 6.6., above, and submit an annual report to the Office for Victims of Crime, Department of Justice.

7. INFORMATION REQUIREMENTS

The annual reporting requirement in subparagraph 6.6.1., above, has been assigned Report Control Symbol DD-P&R(A)1952.

8. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense
(Personnel and Readiness)

Enclosures - 8

- E1. References, continued
- E2. Definitions
- E3. Sample DD Form 2701
- E4. Sample DD Form 2702
- E5. Sample DD Form 2703
- E6. Sample DD Form 2704
- E7. Sample DD Form 2705
- E8. Sample DD Form 2706

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E1. ENCLOSURE 1

REFERENCES, continued

- (e) Sections 1512-1514 of title 18, United States Code
- (f) DoD 5400.7-R, "DoD Freedom of Information Act Program," September 4, 1998
- (g) Sections 113 (note), 1058, 1059 and 1408 of title 10, United States Code
- (h) DoD Instruction 1342.24, "Transitional Compensation for Abused Dependents," May 23, 1995