



Domestic Violence in the Military

Webinar for State & Territorial Domestic Violence Coalitions



Photo credit: [DACOWITS](#)

November 12, 2020

NNEDV | NOVA

Department of Defense Family Advocacy Program





Welcome from Kenneth E. Noyes, J.D. Director, Office of Military Family Readiness Policy

The graphic features a background image of hands clasped together. On the left is the "UNITED TO END DOMESTIC ABUSE" logo, which includes a circular icon of two hands shaking. The text "UNITED TO END" is in white on a blue background, and "DOMESTIC ABUSE" is in white on a red background.

The military community respects, supports
and defends victims of domestic abuse.

#JoinForcesToEndDomesticAbuse

National Domestic Violence Hotline: 800-799-7233

The logo for the Department of Defense Military OneSource, featuring the Department of Defense seal and the text "MILITARY ONE SOURCE".



Today's speakers

- Claire Selib, National Organization for Victim Assistance
- Melvina Thornton, DoD Family Advocacy Program
- Cailin Crockett, DoD Family Advocacy Program
- Julie Lecea, Office of Special Investigations, U.S. Air Force



Who is participating today?

Are you joining us from:

- A. State Domestic Violence Coalition
- B. Territory Domestic Violence Coalition
- C. Military victim services program

Indicate in the chat where you are (e.g. state, territory, military installation).



DoD Policies & Programs to Prevent & Respond to Domestic Violence



Today's Purpose

- Getting to know the military population
 - Estimated prevalence of intimate partner violence*
 - Unique challenges for military survivors
- Overview of the Family Advocacy Program (FAP)
 - Where FAP is located
 - What FAP does & who FAP serves
 - Introduction to the Military Coordinated Community Response (CCR)



Today's Purpose (continued)

- Understanding military reporting options
 - Restricted v. unrestricted
- The Military Coordinated Community Response (CCR)
 - Understanding military justice and law enforcement systems
 - New UCMJ Article 128b on domestic violence
 - Understanding Military Protective Orders
 - Coordinating with civilian law enforcement



2018 DEMOGRAPHICS PROFILE

ACTIVE DUTY MEMBERS

More than 1.3 million active duty members serve in the four military Service branches: Army, Navy, Marine Corps, and Air Force. These members are an important part of the military community.

1.3 Million Active Duty Members

17.7% Officers

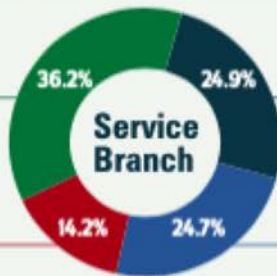
82.3% Enlisted

Army:
471,990 members

Navy:
325,395 members

Marine Corps:
185,415 members

Air Force:
321,618 members



Geographic Location

United States or U.S. Territories: **87.3%**

Europe: **5.0%**

East Asia: **6.4%**

Western Hemisphere outside U.S.: **0.2%**

North Africa: **0.7%**

Other/Unknown/ Ships Afloat: **0.4%**



Source: 2018 Demographics Profile of the Military Community (Department of Defense)
<https://download.militaryonesource.mil/12038/MOS/Reports/2018-demographics-report.pdf>

Gender



Race/Ethnicity

31.0% of AD force
Racial Minority*

16.1% of AD force
Hispanic or Latino

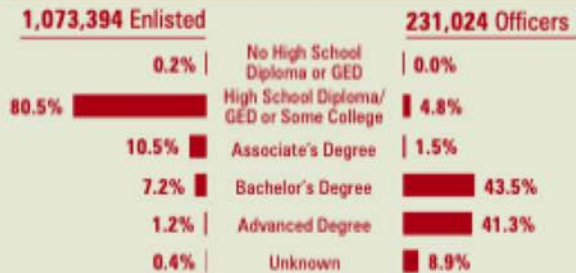
*Racial minority includes Black or African American, Asian, American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, Multi-racial, and Other/Unknown

Marital Status



51.5% Married
active duty members

Education



Age





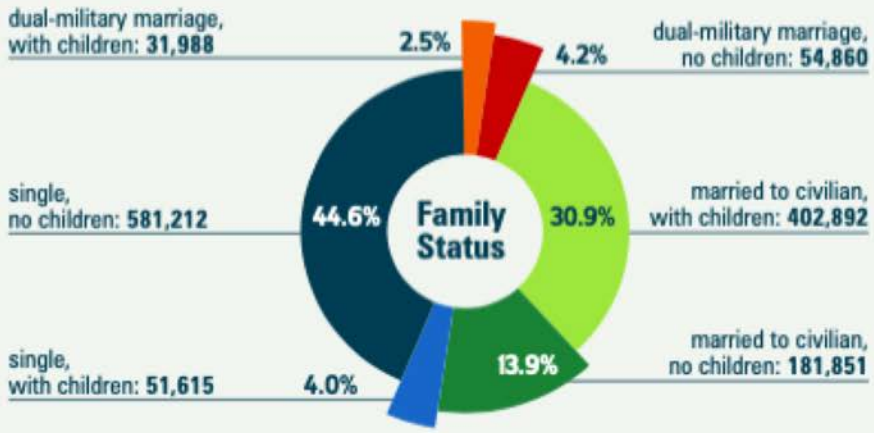
2018 DEMOGRAPHICS PROFILE ACTIVE DUTY FAMILIES

More than half (52.3%) of all active duty members have a spouse and/or dependents, and the almost 1.6 million active duty family members are an important part of our military community.

1,596,169 Family Members

605,677 Spouses
 981,871 Children
 8,621 Adult Dependents

1.3 Million Active Duty Members



Source: 2018 Demographics Profile of the Military Community (Department of Defense)
<https://download.militaryonesource.mil/12038/MOS/Reports/2018-demographics-report.pdf>

Active Duty Spouses



51.5%
Active duty members married
6.7% Dual-military marriage



31.6
YEARS
OLD
Average age of spouses

8.7%
MEN

91.3%
WOMEN

Active Duty Children



37.3%
Active duty members with children

Children in each age group





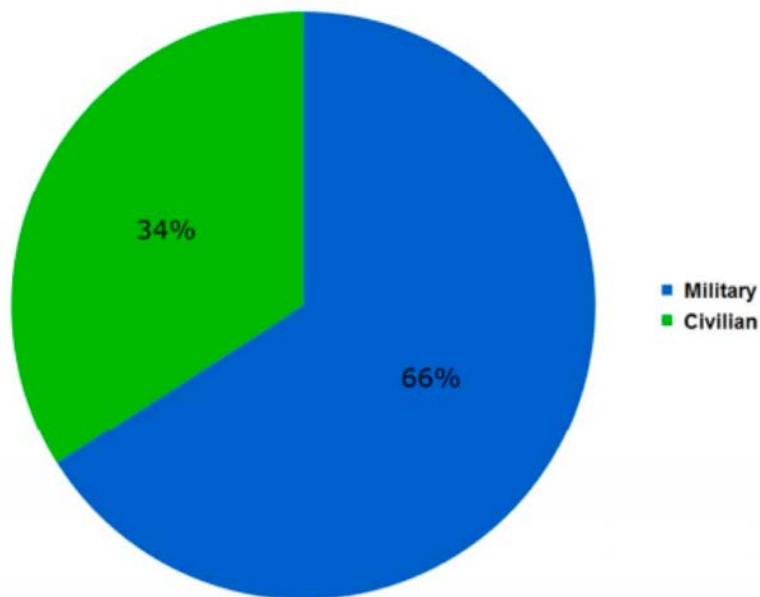
IPV in the Military Community

CDC National Intimate Partner & Sexual Violence Survey for Active Duty Women & Wives of Active Duty Men

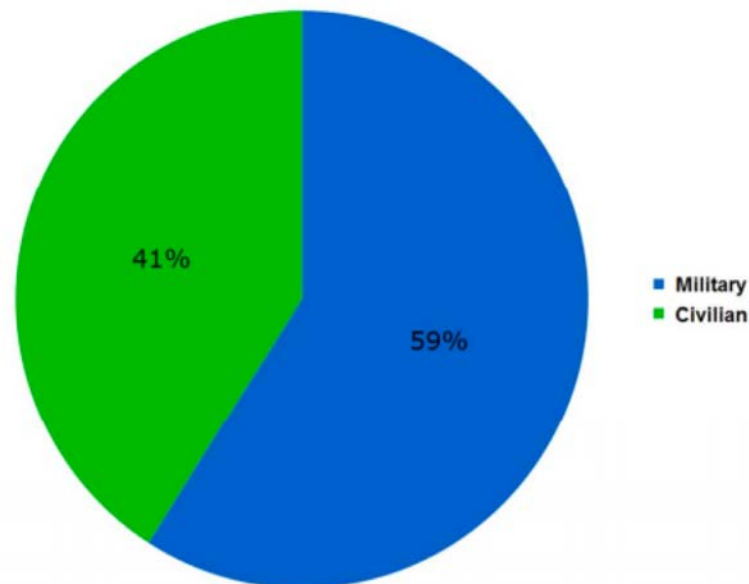
- **31.5% of active duty women** and **29.5% of wives** of active duty men experienced lifetime physical violence, rape, or stalking by an intimate partner
- General population: **39.7%** experienced lifetime physical violence, rape, or stalking by an intimate partner

Who does FAP serve? Military v. Civilian Status

Military Status of Unique Victims in Met Criteria Intimate Partner Abuse Incidents (FY 2019)

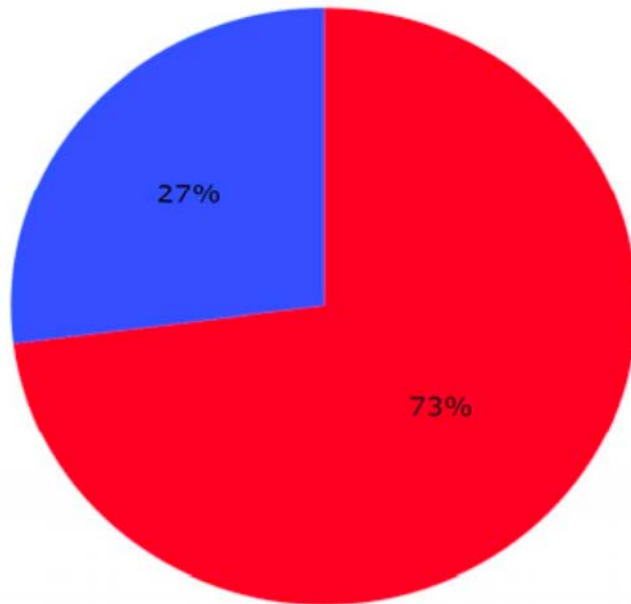


Military Status of Abusers in Met Criteria Spouse Abuse Incidents (FY 2019)

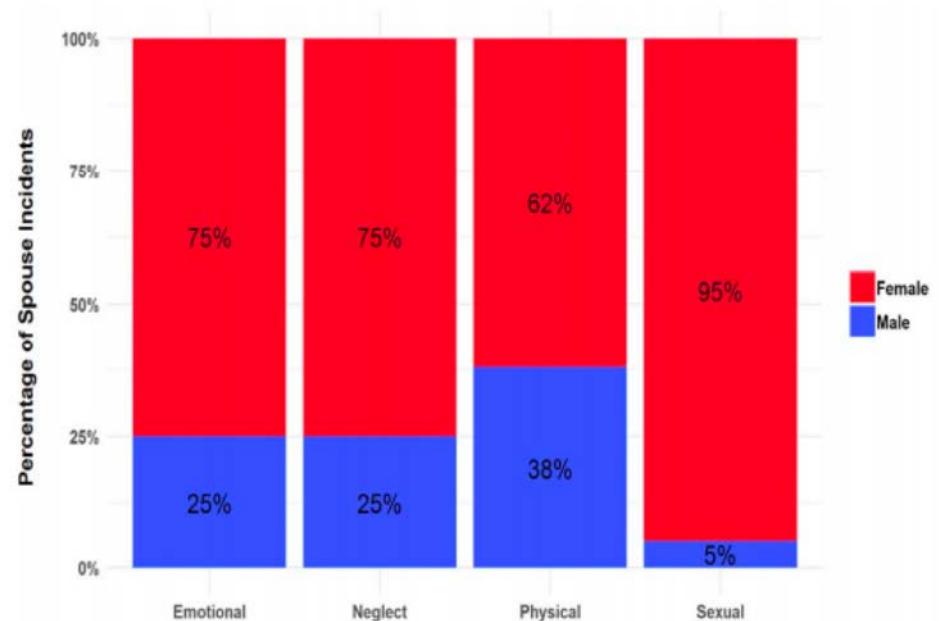


Who does FAP serve? By Gender

Sex of Unique Victims in Met Criteria Intimate Partner Abuse Incidents (FY 2019)



Sex of Victims in Met Criteria Spouse Abuse Incidents (FY 2019)





Unique challenges for military survivors

- Fear of jeopardizing abuser's career
- (If SM) fear of jeopardizing their own career
- Isolation from friends and family
- Deployment cycles and PCS (Permanent Change of Station) add stress to relationships and disrupt family routines



Photo credit: Catherine Carroll, [DVIDS](#)



The Family Advocacy Program (FAP)

- OSD FAP- policy office within Personnel & Readiness
 - Air Force FAP
 - Marine Corps FAP
 - Navy FAP
 - Army FAP
- 230+ FAPs in the U.S. and overseas, at every installation where families are sponsored
- Mission: Victim advocacy, clinical + non-clinical services, and prevention



The Family Advocacy Program (FAP)

Eligibility :

- Service members (Active Duty, “activated” National Guard Bureau & Reservists) + families (military spouses, intimate partners,* children*)

New Parent Support Program:

- Home visiting, parent education for new and expecting military parents at-risk for family violence



What about SAPR?

FAP v. Sexual Assault Prevention & Response (SAPR)

- Domestic abuse/IPV: FAP
 - Sexual abuse involving minors
 - IPV-related sexual assault (sexual abuse by a spouse/partner)
- Non-partner sexual assault: SAPR
 - Adult survivors only
- Prevention via healthy relationships skill-building: FAP & SAPR



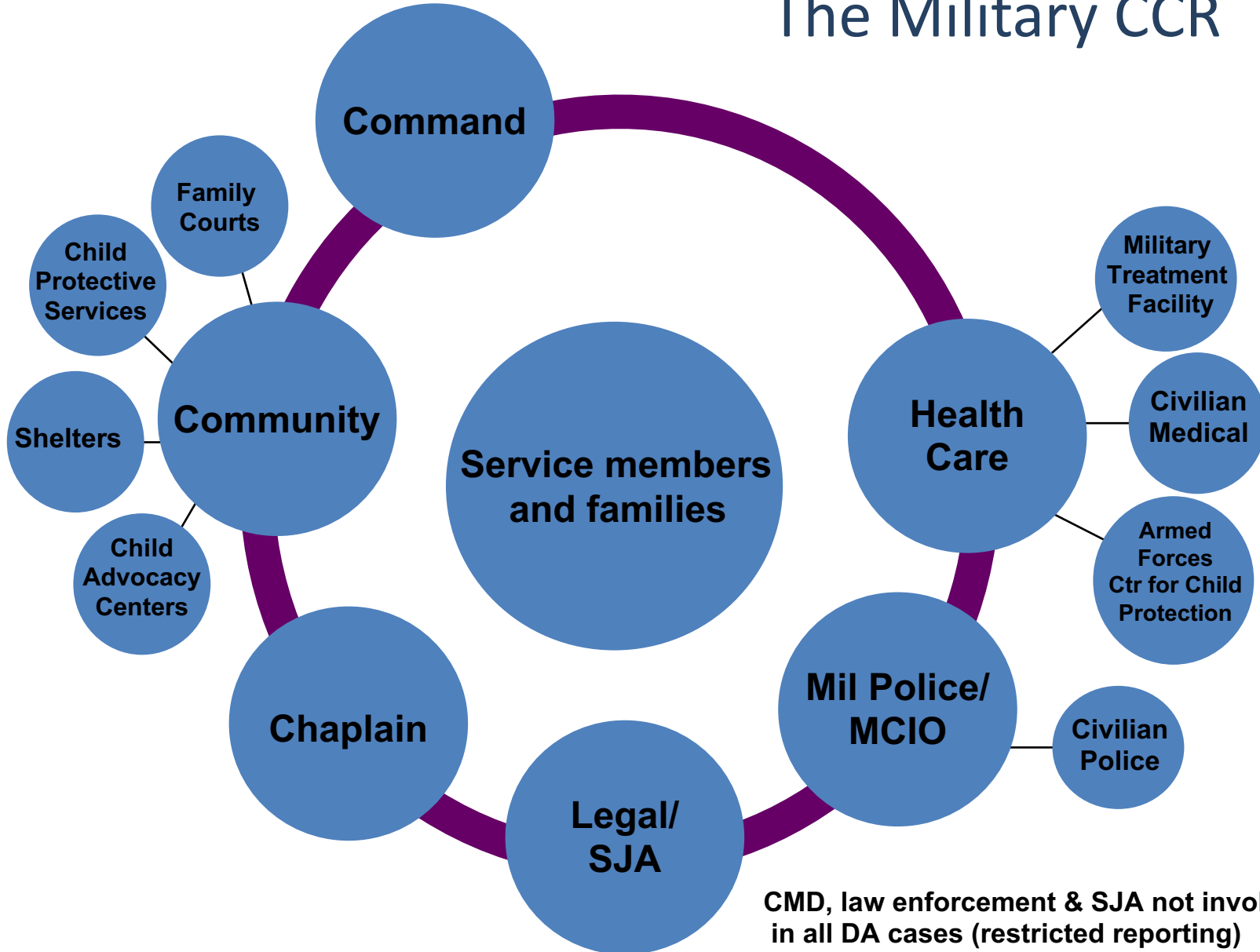


Distinguishing FAP from Accountability

- FAP is:
 - A public health and social services model for victim advocacy, behavioral health for survivors and abusers, and prevention
- FAP is not:
 - Responsible for abuser accountability, which falls under the purview of:
 - Command
 - Military law enforcement
 - Judge Advocate Generals and the Uniform Code of Military Justice (UCMJ)



The Military CCR





Reporting Options

Restricted (confidential)

- Law enforcement is not notified.
- Command is not involved.
- Survivors have access to the full range of FAP victim advocacy and support, including medical care, counseling, and support from a victim advocate to develop a safety plan.



Reporting Options: Restricted

Three groups of professionals have authority to receive a restricted report:

- FAP Domestic Abuse Victim Advocates (DAVAs)
- FAP clinicians
- Healthcare providers

*Privileged communication with a chaplain keeps disclosures of domestic abuse confidential, but is not a restricted report.



Reporting Options

Unrestricted (non-confidential)

- Law enforcement will conduct an investigation of the incident, which will include contacting the alleged abuser.
- Command will be notified and may take administrative action against the alleged abuser.
- Survivor has access to support and protection from command, such as a No Contact Order or a Military Protective Order.
- Survivor has access to the full range of FAP services, including medical care, counseling, and support from a victim advocate.



Reporting Options

Situations in which a report *cannot be restricted*

- Survivor or another person is in immediate danger or risk for physical harm
- The domestic abuse also involves alleged child maltreatment
- In some services, e.g. Air Force, if abuser is Special Ops and misusing drugs or alcohol*

→ What are the privacy and confidentiality implications for survivors and civilian domestic violence programs?



Policy & Program Updates from DoD

- NEW MPO Form + support for survivors with pets
- September 2020: Cross-cutting prevention policy, linking IPV, sexual assault, sexual harassment, suicide, & child abuse and neglect



DoD INSTRUCTION 6400.09

DoD POLICY ON INTEGRATED PRIMARY PREVENTION OF
SELF-DIRECTED HARM AND PROHIBITED ABUSE OR HARM



Policy & Program Updates (continued)

Enhancing survivors' technology safety through:

- Policy
- New training for military first responders on digital evidence collection, dynamics of technology-facilitated domestic abuse
- Enhanced safety features on Military One Source.mil

A screenshot of the Military One Source website. The top left corner features the "MILITARY ONE SOURCE" logo. The top right corner displays the phone number "800-342-9647" and options to "Call Us OCONUS" and "Call Us TTY/TDD", along with a search icon and a menu icon. The main content area has a light blue background with a faint American flag pattern. The title "FAMILY ADVOCACY PROGRAM - THE ESSENTIALS" is prominently displayed in large, bold, dark blue letters. Below the title, there is a purple bar with a "Collapse" link on the left and an "EXIT SITE" button with a red exit icon on the right. At the bottom of the page, a "SAFETY ALERT" is shown in white text on a purple background, stating: "SAFETY ALERT: If you need to exit this website in a hurry, click the 'Exit Site' button and you will be quickly redirected to Weather.com." Below the alert, a disclaimer reads: "Computer use can be monitored and is impossible to completely clear. If you are afraid your internet usage might be monitored, visit the 24/7 Family Advocacy Program [Victim Advocate Locator](#) or call the National Domestic Violence Hotline at 800-799-7233."



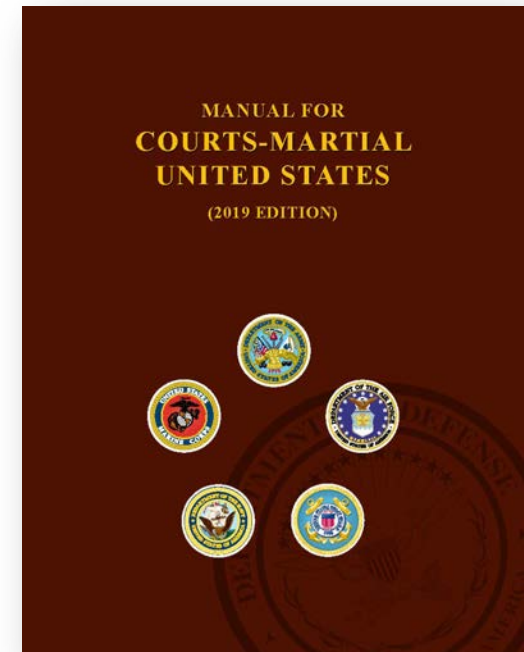
Policy & Program Updates (continued)

- Legislative changes incorporated into FAP policy:
 - (2015) Addition of Special Victims Counsel for domestic abuse survivors
 - (2019) Expanded access to mental health services for domestic abuse survivors
 - (2019) Expedited transfer
- Expanding role of Domestic Abuse Victim Advocates (DAVAs)
- Intimate Partner Physical Injury Risk Assessment Tool



The Military Justice System 101

- Uniform Code of Military Justice (UCMJ)
 - All (& only) military personnel are subject to UCMJ
 - Provides structure for the administration of Justice
- Roles
 - Commanders, Judge Advocates (JAG), Law Enforcement
- Punitive Articles (i.e. “Crimes”)
- Manual for Courts-Martial (MCM)
- Results of Trial and Criminal Records





The Military Justice System 101

- A special court-martial conviction can be punished by (similar to civilian misdemeanors):
 - a bad conduct discharge (no more severe discharge can be given)
 - up to one year in a military prison, or
 - a full reduction in grade.
- A general court-martial conviction can be punished by (similar to civilian felonies):
 - a dishonorable discharge, and
 - up to life in prison, or
 - the death penalty (in some circumstances).



Relevant UCMJ Punitive Articles

- Article 128b, Domestic Violence (new in 2018)
- Article 115, Communicating Threats
- Article 117a, Wrongful distribution of intimate visual images (new in 2017)
- Article 120, Rape
- Article 128, Assault
- Articles 108/109, Damaging military/non-military property
- Article 92, Failure to obey order or regulation (e.g. violation of MPO)



Military Law Enforcement

- First Responders - Military Police / Security Forces
 - Typically first at a scene, uniformed police, respond to calls for assistance on installation
 - Conduct misdemeanor level domestic violence investigations
 - Must notify FAP of all incidents involving domestic abuse and provide suspected victim(s) with victim advocate information



Military Law Enforcement (continued)

- Military Criminal Investigative Organization (MCIO)
 - Federal Law Enforcement Criminal Investigators (Special Agents)
 - Conduct investigations of suspected felony domestic violence
 - Coordinate with first responders, JAG, commanders, FAP and civilian law enforcement



Commander's Orders

- Only applicable to military members
- Military Protection Orders (MPO) can order the service member abuser (“subject”) to:
 - Refrain from all contact or communication with victim of members of victim’s family or household and pets, including face-to-face, by telephone, in writing, in email, through social media, or through a third party.
 - Stay away from the victim’s home or workplace
 - Stay away from children's schools
- Can order member to attend treatment
- Can order member to surrender military and privately-owned weapons



Commander's Orders (continued)

- MPOs are NOT enforceable by civilian law enforcement
- Subjects do not have due process rights prior to MPO issuance
- MPOs are typically issued for a short term
- MPOs do NOT qualify as a prohibition under federal Gun Control Act (Lautenberg)

A screenshot of the WomensLaw.org website. The header includes the logo "WomensLaw.org" with the tagline "Because knowledge is power." and navigation links for "Español", "Email Hotline", and a phone icon. A blue banner contains the text: "Important: Even if courts are closed, you can still file for a protection order and other emergency relief. See our FAQ on Courts and". Below this is a pink banner with the text "Legal Information: Federal". A breadcrumb trail reads "Home » Legal Information » Federal". The main content area is titled "Domestic Violence in the Military" and includes a sidebar with "LEGAL INFORMATION" links: "Know the Laws - By State", "Preparing for Court - By Yourself", "Immigration", "Federal Gun Laws", and "Domestic Violence in the Military". The main content lists "Domestic Violence and the Military System" with sub-links for "Military Protective Orders" (highlighted) and "Basic Info about Military Protective Orders (MPOs)". An "Updated: October 9, 2019" notice is present. A paragraph states: "This page includes information about and how they protect victims on military bases. Please see the Military page in the..."



Resources & Information

FAP Essentials Page on Military One Source:

<https://www.militaryonesource.mil/family-relationships/family-life/preventing-abuse-neglect/family-advocacy-program-the-essentials>

Reporting Options Guide:

<https://www.militaryonesource.mil/family-relationships/family-life/preventing-abuse-neglect/domestic-abuse-military-reporting-options>

Women's Law Section on Military DV:

<https://www.womenslaw.org/laws/federal/domestic-violence-military/domestic-violence-and-military-system>

24/7 FAP Victim Advocate Locator:

<https://www.militaryonesource.mil/leaders-service-providers/child-abuse-and-domestic-abuse/victim-advocate-locator>

Questions?



Photo credit: [DACOWITS](#)



Future questions

Policy, or help connecting with the FAP near you:

cailin.a.crockett.civ@mail.mil

Training and TA (OVW grantees):

angeladuhon@trynova.org

THANK YOU!