



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, U.S. ARMY GARRISON-YONGSAN  
UNIT # 15333  
APO, AP 96205-5333

IMYN-MWA

18 December 2014

**UNITED STATES ARMY GARRISON-YONGSAN (USAG-Y) POLICY 1-20**

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Family Violence

**1. REFERENCES:**

- a. Department of Defense Instruction (DoDI) 6400.06, Domestic Abuse Involving Department of Defense (DoD) Military and Certain Affiliated Personnel, 21 August 2007.
- b. Army Regulation (AR) 27-10, Military Justice, 03 October 2011.
- c. AR 600-20, Army Command Policy, 6 November 2014.
- d. AR 608-1, Army Community Service, 13 March 2013.
- e. AR 608-18, The Army Family Advocacy Program (FAP), 13 September 2011.

**2. PURPOSE:** Establish guidance for intervention and prevention of Family Violence.

**3. POLICY:**

- a. The FAP is a commander's program designed to prevent domestic and child abuse, encourage the reporting of all instances of abuse, to ensure the prompt assessment and investigation of abuse cases, to protect victims of abuse, and to provide treatment for both Soldiers and Family Members affected by family violence situations.
- b. Family violence is unacceptable and incompatible with the Army Core Values. All leaders will take proactive measures and immediate steps to prevent domestic violence in their units and its effect on Soldiers and Families within USAG-Y. Family violence can result in serious physical, emotional, and psychological injuries, and in the most severe cases death. All leaders have a moral and professional obligation to immediately act upon known or suspected incidents of domestic and child

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abuse.

c. Commanders will report all known or suspected child and domestic abuse incidents to the USAG-Y Reporting Point of Contact (RPOC) which is the FAP Behavioral Health Department or the Emergency Room located at Brian Allgood Community Hospital on Hospital. The RPOC can be contacted at DSN: 737-4101 or commercial: 05033-37-4101 during normal business hours, and the Emergency Room during off duty hours.

d. Updated Department of the Army regulatory guidance has expanded the scope of applicability of Domestic violence incidents to now include incidents involving: a former spouse in addition to the current spouse; a person with whom the abuser shares a child in common; and a current or former intimate partner with whom the abuser shares or has shared a common domicile. Victims must be given an opportunity to file either a Restricted or Unrestricted report.

e. Under the most recent Department of Defense Instruction, victims of Domestic Abuse now have 2 reporting options known as Restricted and Unrestricted Reporting:

(1) Restricted Reporting allows a victim to file a report to either or one of the following individuals: the FAP Manager, a FAP Behavioral Health Practitioner, or a Health Provider without the Servicemember's Chain of Command or Law Enforcement being notified. The victim can still obtain medical attention, crisis intervention or counseling services chosen without an investigation taking place. Victims of Domestic Abuse are also entitled to additional support of a Victim Advocate who can be reached 24/7 at 05033-64-5997.

(2) Unrestricted Reporting allows for Law Enforcement and the Spouse's Chain of Command to be notified. Victims who make an Unrestricted Report are also entitled to Medical Services, Crisis Intervention, Counseling, and the Services offered by the Family Advocacy Victim Advocate.

f. When a report of child abuse or an unrestricted report of domestic abuse report is made, the following procedures shall be followed:

(1) Depending on the severity of the situation and the type of crime, the Military Police (MP), Department of Emergency Services (DES), and Criminal Investigative Division (CID) will assume the role of the leading Law Enforcement agency that shall investigate a particular incident of child and domestic abuse. The law enforcement's investigation is a criminal investigation designed to determine the facts of an incident which can enable a Commander to take the appropriate administrative, and/or disciplinary measures.

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(2) Upon notification by law enforcement, the FAP Behavioral Health Department shall conduct an initial evaluation of the incident in collaboration with law enforcement and the Servicemember's Chain of Command. The FAP Social Worker, in collaboration with a Victim Advocate, shall develop an initial safety plan with the victim to ensure the victim is aware of the options available in the event another incident occurs.

(3) When medical attention is necessary, the FAP social worker, Victim Advocate, and law enforcement shall coordinate for the victim to be taken to the nearest emergency room. The FAP Social Worker shall advise the Chain of Command on the safety plan, the initial assessment, and recommend courses of action to the unit leadership, which may include placing the Soldier in the barracks for a specified amount of time, as well as issuing a no-contact order between the Soldier and his/her family.

(4) The FAP Social Worker shall initiate a clinical assessment of the victim(s), and offender(s) of domestic violence immediately after notification of the initial incident. The FAP Social Worker will keep the Chain of Command informed of the progress of the clinical evaluation. The Chief, FAP Behavioral Health shall Chair the Case Review Committee (CRC). The CRC is a multi disciplinary committee of representatives from community agencies as well as the Soldier's Chain of Command (usually, a Commander or 1SG).

(5) The CRC evaluates the assessments of the professional agencies and determines whether the allegation meets criteria using a Decision Tree Algorithm developed by the Department of the Army. The decision does not determine a person's guilt, or innocence and may result in different findings than that of law enforcement. Following the results of the CRC's decision, a treatment plan for the victim and offender is agreed upon by the CRC with the concurrence from the Chain of Command. The Chain of Command must keep the FAP Social Worker informed when the Soldier is not available to attend scheduled meetings, and to coordinate alternative dates for attendance.

(6) It is strongly encouraged that the Commander periodically discuss the progress of the evaluation as well as the treatment plan with the Soldier. It is also strongly encouraged for the Command to allow the Soldier time to complete the treatment. The potential risk for future family violence is significantly increased if the Soldier does not participate. With regard to preventing child maltreatment, the Army Community Service (ACS) Home Visitor Program has proven to be effective with regard to preventing child maltreatment, and reducing the risk for maltreatment to re occur. Commands are strongly encouraged to allow fathers, step-fathers, and intimate

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partners engaged in parenting to be allowed to attend the home visitation services when the New Parent Support Program is recommended by the CRC.

5. The unit Commander will issue a 72-hour no contact order when an actual assault has occurred. The Commander has the option to issue a similar order for incidents not violent yet verbal. A Commander should also consider placing the Soldier in the barracks if it proves to be in the best interests of the Soldier and the other parties involved in the incident, and if it is necessary to preserve safety. The decision to place the Soldier in the barracks and the length of time should not depend on the status of the Servicemember as an alleged victim, or alleged offender. The recommendations of SJA, FAP Behavioral Health, the VA, and law enforcement should factor into a Commander's decision.
6. The SJA Office, FAP Behavioral Health and law enforcement will be informed when the Soldier is released from a protection order to help ensure the safety of the other party. In the event the service member is placed in the barracks, the unit Charge of Quarters (CQ) should be briefed on limitations, and/or restrictions the Command has placed on the Servicemember. If the service member needs to return to the quarters for any reason, for example, to retrieve clothing, the Servicemember will be escorted by an Officer or Non-commissioned Officer (NCO) one grade higher than the person being escorted. This escort will remain with the Servicemember at all times to ensure the safety of all parties.
7. It is the policy of this Command that all alleged victims and offenders are accorded their rights under law in accordance with (IAW) applicable regulations:
  - a. The rights of victims IAW AR 27-10, Chapter 18 (Paragraph 10-p.85):
    - (1) The right to be treated with fairness, dignity, and respect for privacy.
    - (2) The right to be reasonable protected from the accused offender.
    - (3) The right to be notified of court proceedings.
    - (4) The right be present at all public court proceedings related to the offense unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good cause.
    - (5) The right to confer with an attorney for the Government in the case.

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(6) The right to restitution if appropriate.

(7) The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody.

**b. The rights of the accused are:**

(1) **The right to fully present their side of the case in the presence of, except in rare circumstances the opposing Commander or at court martial.**

(2) The right to present evidence and request an attorney.

8. ACS provides Commanders with a mandatory FAP briefing within 45 days after the assumption of Command during the Commanders' and First Sergeants' Course. This briefing will further explain to the commander the rights of both victims and offenders. Commanders should also become knowledgeable about the Transitional Compensation Program for victims of family violence. Since the FAP has undergone several changes in recent years, Commanders should contact the FAPM to obtain the most current regulatory guidance and policies, as well as to schedule the required Commander's FAP briefing. In addition, ACS will provide annual FAP briefings for all Servicemembers that includes making FAP services known, the dynamics of both spouse/intimate partner maltreatment, and child maltreatment., and how to report both domestic and child abuse.

9. The point of contact for this policy is Vincent DiMaira, Family Advocacy Program Manager (FAPM) at DSN: 738-7790.

  
MARIA P. EOFF  
COL, LG  
Commanding

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