



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND PACIFIC
HEADQUARTERS, UNITED STATES ARMY GARRISON DAEGU
UNIT #15746
APO AP 96218-5746

AMIM-DAG-ZA (1b)

24 SEP 2021

MEMORANDUM FOR ALL PERSONNEL ASSIGNED TO UNITED STATES ARMY
GARRISON (USAG) DAEGU AND AREA IV

SUBJECT: United States Army Garrison (USAG) Daegu Policy Letter #21-49, Family
Violence

1. References:

- a. AR 608-18, The Army Family Advocacy Program, 30 October 2007.
- b. Uniform Code of Military Justice (UCMJ), Article 31 (b), 2012 Edition.
- c. DOD Instruction 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, 21 August 2007.
- d. DD Form 2701, Initial Information for Victims and Witnesses of Crime.
- e. DA Form 3881, Rights Warning Procedure/Waiver Certificate.

2. Purpose: Establish guidance for intervention and prevention of Family Violence. This policy reiterates our shared specific responsibilities in dealing with Family Violence.

3. Applicability: This policy applies to all United States Forces Korea (USFK) personnel and family members residing in USAG Daegu and AREA IV to include Department of the Army contractors and their families, if they are entitled to this care.

4. Mission: The mission of the Family Advocacy Program (FAP) is to reduce family disruption and violence while promoting effective family functioning by establishing education programs and services, which support strong, self-reliant Soldiers and families and ensure prompt reporting, assessment, and investigation of instances of abuse, while providing treatment to all affected family members.

5. General:

a. Family violence is contrary to Army values and threatens the safety and welfare of our Military families and communities. Incidents of Family Violence undermine unit cohesion, morale, and readiness. Preventing Family Violence is a command priority and a leadership responsibility.

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b. This command is committed to achievement of a safe and secure environment for our Soldiers and families. Family Violence in the form of intimate partner and child abuse/neglect detracts from that goal and from force readiness.

6. Policy:

a. Reporting of Abuse/Neglect Incidents:

(1) Promptly report all known or suspected abuse/neglect. All cases of suspected abuse/neglect shall be immediately reported to the installation reporting point of contact (RPOC) by dialing from any DSN telephone; Provost Marshall Office (PMO) 763-4717 or 0503-363-4717 from off-post.

(2) As mandated reporters, installation law enforcement personnel, physicians, nurses, social workers, school personnel, Child and Youth Services (CYS) personnel, psychologist, and other medical personnel will immediately report information about known or suspected cases of child and intimate partner abuse to the RPOC, PMO, as soon as the information is received.

(3) The Victim Advocate and the Family Advocacy Program Manager (FAPM), or Military Health Care provider may not disclose an incident of domestic abuse if the victim chooses the restricted reporting option, unless an exception is declared by the FAPM, in consultation with the Staff Judge Advocate (SJA).

b. Restricted and Unrestricted Reporting Options (Domestic Abuse):

(1) Restricted Reporting: Under the Restricted Reporting option, victims may disclose their alleged abuse to the FAPM, the FAP Social Worker, Victim Advocate (VA), or a Health Care Provider. Under the Restricted Reporting option, the victim will be provided all advocacy, medical, and support services without Law Enforcement or Command notification. Restricted reporting will not be honored when contact with the Command is necessary to prevent imminent harm or serious bodily injury to an intimate partner or other person, in accordance with DODI 6400.06, Domestic Abuse involving DOD Military and Certain Affiliated Personnel. Additionally, restricted reporting may also be broken to comply with a court-order; or state, federal, or host nation (Korean) law.

(2) Unrestricted Reporting: Under the Unrestricted Reporting option, the PMO and FAPM are notified and all appropriate support services will be provided to the victim and his/her Family.

c. Investigations:

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(1) Notifications: Upon receiving a report, the RPOC will ensure expeditious notification to the following agencies/personnel; Service Member's Commander, Social Work Services (SWS)/on-call FAP Social Worker, and Medical Treatment Facility (MTF) Commander (in child physical and sexual cases). Additionally, when there is a report of child abuse occurring in DOD operated or sanctioned activities, the Military Police Investigation (MPI)/US Army Criminal Investigation Detachment (CID) special agent investigating the incident will immediately contact the CYS Coordinator and FAPM. The Military Police (MP) desk will coordinate with the Korean National Police (KNP) in completing investigations for off-post reports of intimate partner or child abuse/neglect.

(2) MPs, VA, FAP, SWS, medical providers, and Commanders must notify CID as the sole investigative agency responsible for investigating felonies. In an intimate partner abuse situation, CID will investigate any cases involving death of the intimate partner or unborn child or an attempt thereof. CID will also take the lead in all child pornography and sexual assault cases regardless of the age of the victim.

(3) Notification of Unit Commanders: The RPOC will ensure the appropriate Unit Commander is notified within 24 hours of an unrestricted report of intimate partner or child abuse/neglect. The Unit Commander will participate in the decision concerning the safety plan for his/her Soldier and Family members. Options include restricting the active duty member to the barracks with approval of the Unit Commander or encouraging one of the adults to temporarily stay with a relative or family friend.

(4) Mandatory Notification of MPs and CID: The MP desk will notify CID of every report of child abuse or assault on a pregnant woman involving a possible criminal offense as soon as the report is received. CID is the primary investigating agency for allegations of on-post child abuse.

d. Protection of Abuse Victims:

(1) It is Army policy to prevent intimate partner and child abuse/neglect, encourage reporting, protect victims and their rights, provide support services for each person affected by abuse, and ensure professionals are appropriately trained to intervene in abuse cases. Army policy also ensures Soldiers involved in allegations of intimate partner and child abuse/neglect, after properly being advised of their Article 31 UCMJ rights against self-incrimination, are encouraged to cooperate with FAP personnel to the maximum extent possible. Victims have the right to be treated with dignity and respect for their privacy and Commanders will ensure the victim is reasonably protected from the alleged offender.

(2) When notified of a domestic violence incident involving a Soldier, regardless of rank, the Commander may issue a "no contact" order for a minimum of 72 hours,

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whether the incident occurred on or off-post, and follow the procedure outlined in AR 608-18.

(3) All agencies/personnel investigating incidents of suspected child or intimate partner abuse/neglect will immediately assess the imminent danger for the alleged victim and other family members and take action to ensure their safety.

(4) Law Enforcement (LE) personnel, Commanders, or the VA will advise victims of their right to a military protective order or temporary shelter when the perpetrator is a Civilian or contractor. A DD Form 2701 (Initial Information for Victims and Witnesses of Crime), will also be given to the victim by whomever the crime is first reported to (Commander, VA, or LE). The victim will be given telephone numbers of agencies that will continue investigating the incident and may contact them for further assistance. Interviews between victims and LE and between LE and alleged perpetrators will be done separately.

(5) Commanders and leaders should coordinate with SWS for assistance in assessing and arranging for the safety and well-being for children involved in abusive/neglectful situations.

(6) The FAPM serves as the primary Point of Contact (POC) for Emergency Placement Care (EPC). The EPC program is intended to provide short-term care for families in a crisis until the situation causing placement is resolved or, until long-term care or placement can be arranged. The unit of the affected child's sponsor will be the first line of possible resolution and should be considered for care for the child before emergency placement care, and in the absence of EPC providers at the installation.

(7) The FAP VA will provide information to victims on the Restricted and Unrestricted Reporting Options, as well as appropriate safety planning, crisis intervention, temporary shelter access, and provide referrals to community resources. The VA can be reached by calling DSN: 763-4752 (on-post) or 0503-357-8913 #4 (from off-post or cell phone).

(8) Transitional Compensation Program (TCP): Commanders must be aware of the TCP and know when it is appropriate to refer the Victim for consideration. This program authorizes temporary payment for families when a Soldier has been involuntarily administratively discharged from military service, or has been sentenced to discharge from military service and/or forfeited all pay and allowances by Courts-Martial for dependent abuse. In the event that the TCP may be authorized for an intimate partner and/or children due to the actions of a Soldier, the FAPM will refer the intimate partner to the Victim Witness Liaison in the office of the Staff Judge Advocate (SJA) for evaluation. Further information about this program can be obtained by contacting the office of the SJA at DSN: 763-4401 or the FAPM at DSN: 763-4456.

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e. Rights of Alleged Offenders:

(1) The SJA will advise the Commander and the Case Review Committee (CRC) on the legal authority that may be exercised by state and foreign officials over Soldiers involved in intimate partner and child abuse cases residing both on and off-installation.

(2) The SJA will coordinate the provision of legal assistance to abused Soldiers to advise and counsel them on their legal rights regarding housing, financial support, divorce, legal separation/child custody, Transitional Compensation, civil actions, and remedies available to them to enforce their legal rights and to protect themselves from further abuse.

(3) The SJA will, where appropriate and so long as no conflict exists, appoint a Judge Advocate to serve as a liaison with local civil authorities to ensure that courts conducting civil or criminal proceedings relating to child or intimate partner abuse involving Soldiers or their family members are made aware of relevant information including securing of witnesses, documents, and other evidence.

(4) Soldiers who seek treatment or assistance for abuse related problems may initiate the evaluation and intervention process by voluntarily disclosing the nature and extent of their problem to their Unit Commander or FAP Social Worker. Soldiers who self-refer will be advised of their rights under UCMJ, Article 31 (b), and of their right to counsel prior to being questioned about abuse offenses. The Army policy on self-referrals should be explained to them, but not be used as an inducement to persuade Soldiers to waive their rights under UCMJ, Article 31 (b).

(5) Soldiers involved in allegations of child/intimate partner abuse, after properly being advised of their UCMJ Article 31 (b), Rights Against Self-incrimination via execution of DA Form 3881 (Rights Warning Procedure/Waiver Certificate), are encouraged to cooperate with FAP personnel to the maximum extent possible from initial report to case closure, to include case participation in individual and family interviews or examinations by appropriate social services, medical, and LE personnel.

(6) The FAPM will provide a written final determination upon completion of investigation and review of Case Review Committee (CRC) to the alleged offender and/or CYS in cases of alleged Institutional abuse.

7. Additional FAP Components:

a. FAP Case Review Committee.

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(1) The CRC is a multidisciplinary team appointed on orders by the Installation Commander and supervised by the Social Work Services Chief. The CRC's purpose is to coordinate medical, legal, command and social work assessments, and interventions from initial report of intimate partner and/or child abuse to case closure.

(2) The CRC team is composed of personnel from SWS, PMO, SJA, Army Substance Abuse Program (ASAP), CID, Staff Chaplain's Office, Army Community Service (ACS), FAP, and the US Army Medical Department Activity (physician).

(3) All reported cases of suspected child or intimate partner abuse will be presented to the CRC for determination and treatment recommendations per Department of the Army (DA)/ Medical Command (MEDCOM) written policies and procedures. Commanders will ensure Soldier's compliance with established treatment plans to include command representation at the CRC meeting. A treatment plan outline by the CRC will be provided to the Unit Commander and executed with his/her approval through various clinical, educational, and support services.

b. Family Advocacy Committee (FAC): The FAC is appointed, chaired, and operated under the supervision of the Garrison Commander. The FAC meets quarterly and provides recommendations for FAP policy, programs, and procedures and facilitates an integrated community approach as outlined in AR 608-18.

c. Fatality Review Committee (FRC): The FRC is appointed, chaired, and operated under supervision of the Garrison Commander. The Deputy to the Garrison Commander (DGC) is designated to chair the FRC in the Garrison Commander's absence. The FRC meets as needed but, at least quarterly to review all known and suspected domestic violence or child abuse-related homicides and suicides. The team provides a comprehensive assessment and review to complete an annual report, signed by the Garrison Commander, and submitted to the Installation Region Management Command.

d. Family Advocacy System of Record (FASOR): The Chairperson, CRC, is responsible for submitting the names of FAP personnel who are given access to the FASOR. The FAPM will be given access to complete background checks on all Families reported for child and intimate partner and to complete DA Form 7517, DA Child/Spouse Abuse Reports on all suspected and substantiated cases of abuse.

e. Prevention Services: AR 608-18 outlines programs designated for prevention and treatment. The FAP provides a variety of classes that are designed to enhance overall well-being and includes topics such as Anger Management, Stress Management, Parenting, Marriage Enrichment, and Safety Education for children.

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f. Training: AR 608-18 requires mandatory briefings for Unit/Company Commanders and senior enlisted advisors (E7 – E9) concerning the FAP within 45 days after assumption of command, as well as annual briefings. In addition to these requirements, all Unit/Company Commanders are responsible for scheduling an annual FAP Troop Awareness Briefing for their Soldiers. To schedule these mandatory trainings, contact the FAPM at DSN: 763-4456.

8. Confidentiality and Release of Information: All information attained during investigation, assessment, and treatment of Family Advocacy cases will be maintained in confidence according to applicable military regulations and Federal Law. The release of confidential information can only be released to other DOD personnel or agencies on a “need-to-know” basis in performance of their official duties. Any non-federal entity who wants this information must request it under the Freedom of Information Act or court-order. The Patient Administration Division of Brian Allgood Army Community Hospital controls the release of patient and SWS records, but not CID records.

9. Background Checks: All FAP personnel are required to have Installation Records Check (IRC) with Child Care National Agency Check and Inquiries T1 (CNACI). All employees background checks will be processed by Civilian Personnel Advisory Center. Contractors and volunteers will be processed by FAPM through the Child Services Suitability Cell (CSSC) in San Antonio. The IRC should include checks conducted by Army Substance Abuse Program (ASAP), Defense Central Index of Investigations (DCII), Army Central Registry (ACR) and Federal Bureau of Investigation (FBI) fingerprints. CNACI will include State Criminal History Repository (SCHR) checks and/or Interpol Checks for anyone living overseas during the last 5 years. Employees are required to receive reverification every five (5) years of the following checks: FBI fingerprints, IRC checks and SCHR and/or Interpol check.

10. Proponent: The proponent of this policy is USAG Daegu Army Community Service. The point of contact is the Family Advocacy Program Manager at DSN: 763-4456.



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Commanding