



**DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, U.S. ARMY GARRISON ALASKA
1046 MARKS ROAD #6000
FORT WAINWRIGHT, ALASKA 99703-6000**

AMIM-AKW-A

JUN 27 2022

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Commander's Response to Domestic Violence and Abuse (USAG Fort Wainwright Policy #47)

1. References:

- a. Army Regulation (AR) 608-1, Army Community Service, 22 December 2016.
- b. AR 608-18, The Army Family Advocacy Program (FAP), (RAR 001, 13 September 2011), 30 October 2007.
- c. AR 190-45, Law Enforcement Reporting, 30 March 2007; Incorporating Change Effective 27 October 2016.
- d. Manual for Courts Martial (2019), Appendix 2, §928b, Article 128b, Domestic Violence.
- e. Department of Defense Instruction (DoDI) 6400.01, Family Advocacy Program, 13 February 2015, Incorporating Change 1, 5 April 2017.
- f. DoDI 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, 21 August 2017, Incorporating Change 3, Effective 31 March 2017.
- g. DoDI 6400.7, Standards for Victim Assistance Services in the Military Community, 25 November 2013, Incorporating Change 1, 3 April 2017.
- h. DoDI 6490.06, Counseling Services for DoD Military, Guard and Reserve, Certain Affiliated Personnel, and Their Family Members, 21 April 2009, Incorporating Change 2, 31 March 2017.

2. This command is committed to the safety and security of all Soldiers and Families. Domestic violence and abuse detract from readiness and our quality of life. Commanders have a vital role in the coordinated community response to domestic violence and abuse. Commanders are expected to respond to all reports of domestic violence and are encouraged to utilize the resources available within our community. An appropriate response includes, but is not limited to, the requirements listed below.

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3. Domestic violence is defined by the DoDI 6400.06, E2.14 as the use, attempted use, or threatened use of force or violence against a person, or a violation of a lawful order issued for the protection of a person, who is a current or former spouse, a person with whom the abuser shares a child in common, or a current or former intimate partner with whom the abuser shares or has shared a common domicile.

4. Domestic abuse is defined by DoDI 6400.06.E2.13 as domestic violence or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person who is a current or former spouse, a person with whom the abuser shares a child in common; or a current or former intimate partner with whom the abuser shares or has shared a common domicile.

5. Pursuant to Title 18 U.S.C. §921(a)(33)(A), domestic violence as applicable to the Lautenberg Amendment is defined as: an offense that involves the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person who was similarly situated to a spouse, parent, or guardian of the victim.

6. After an incident of domestic violence or abuse, if the incident has not been reported to law enforcement, report the incident to the Fort Wainwright Police at (907) 353-7535.

7. Commanders should issue a Military Protective Order (MPO) for a minimum of 72 hours. This "cooling off" period allows the law enforcement and social service agencies time to respond to any safety concerns of the victim and protects all involved in the altercation. Once this verbal order has been given, record the order using a MPO (DD Form 2873). Issue the MPO and within 24 hours forward a copy of the signed MPO to the victim, Provost Marshal's Office, and Trial Counsel. Ascertain if there is a restraining order or "condition of release" order from a civilian court and ensure the Soldier complies with the order.

8. Command will contact the Domestic Abuse Victim Advocate (DAVA) at (907) 799-9770 available 24 hours a day and seven days a week. The Fort Wainwright Family Advocacy and Victim Advocacy Program can be found at 3414 Rhineland Avenue. Soldiers and civilians should feel free to report incidents.

9. Command will notify Family Advocacy Behavioral Health at (907) 353-6299. During non-duty hours, call (907) 496-0915 for the on-call worker to arrange for an

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assessment. In any alleged incident of domestic violence involving a weapon, injury to a victim, or threat to kill self and/or victim, refer the Soldier to Community Behavioral Health Services for an evaluation located in Building 4066 and can be reached at (907) 361-6059/6285/6299.

10. Commanders that know or have reasonable cause to believe that a Soldier has a qualifying conviction, the commander must consult with their Trial Counsel and take all reasonable action to investigate. The commander must also immediately retrieve all Government issued firearms and ammunition from the Soldier. A commander at any level may initiate the investigation by ordering the Soldier to complete DD Form 2760. Document the measures taken, the date they were taken and determine if other measures (e.g., command referral to mental health, counseling, etc.) are appropriate. Forward a copy of all documents to the Trial Counsel.

11. Command will notify the USAG Alaska Victim Witness Liaison through the Office of the Staff Judge Advocate, (907) 406-4304 to ensure the victim has been informed of all rights to assistance through the Victim Witness Assistance Program. Ensure the victim has been counseled using DD Form 2701 IAW AR 27-10, chapter 18.

12. Commanders or First Sergeants will participate in the Incident Determination Committee (IDC) when their Soldiers are involved in spousal abuse and/or child abuse/neglect case. Commanders are required to complete the Decision Tree Algorithm training before attending the IDC and bring the certificate of completion to the IDC. The training can be completed at <https://www.milsuite.mil/book/trainingscenarios/1480>. Command will provide information and participate in the disposition of the case and any treatment recommendations for the Soldier.

13. Commanders are required to complete a FAP desk-side briefing within 45 days of Assumption of Command. The Family Advocacy Program Manager (FAPM) or Family Advocacy Program Specialist (FAPS) can conduct the desk-side briefing and can be reached at 907-353-7317, FAPM or 907-482-3419, FAPS.


14. Commanders and leaders have the inherent responsibility to respond compassionately, but resolutely, to allegations of domestic abuse and to establish a Command Climate that promotes safety.

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15. The proponent for this policy is Directorate of Family, Morale, Welfare and Recreation, Army Community Service, Family Advocacy Program, USAG Alaska (907) 353-7317.

Encl
Domestic Violence Checklist



NATHAN S. SURREY
COL, AV
Commanding

DISTRIBUTION:
FWA (A)

Domestic Violence Checklist

Upon notification or discovery of an incident or credible allegation of domestic violence, commanders will immediately take the following steps:

Date of Incident: _____ Date MPO Issued: _____

- _____ 1. If recommended, requested, or needed, refer the victim(s) to the medical treatment facility.
- _____ 2. If the incident has not been reported to law enforcement, report the incident to the Fort Wainwright Police at 353-7535.
- _____ 3. Notify Medical Activity, Behavioral Health Family Advocacy at (907) 353-6299. During non-duty hours, call (907) 496-0915 for the on-call worker.
- _____ 4. In any alleged incident of domestic violence involving a weapon, injury to a victim, or threat to kill self and/or victim, refer the Soldier to Community Behavioral Health Services for an evaluation located in Building 4066 and can be reached at (907) 361-6059/ 6285/6299.
- _____ 5. Contact the assigned unit Trial Counsel for legal guidance and any questions concerning the issuance of a Military Protective Order.
- _____ 6. Order the Soldier to move into the barracks for a minimum of 72 hours. This "cooling off" period allows the law enforcement and social service agencies time to respond to any safety concerns of the victim and protects all involved in the altercation. Once this verbal order has been given, put the order to paper using the MPO. Issue an MPO (DD Form 2873) and within 24 hours forward a copy of the signed MPO to the victim, Provost Marshal's Office, and Trial Counsel. Ascertain if there is a restraining order or "condition of release" order from a civilian court and ensure the Soldier complies with the order.
- _____ 7. Contact the Family Advocacy Domestic Abuse Victim Advocacy Hotline (907)799-9770 to ensure the victim is aware of the programs and policies that provide support and protection. Identify any immediate safety concerns and assist in the resolution of these concerns with the Family Advocacy Victim Advocate Program.
- _____ 8. Reassess the situation at the end of the 48 hour period, and determine if the above restrictions should be modified or canceled. In special circumstances, such as an unfounded report, a commander in the grade of lieutenant colonel or above may allow the Soldier to return to his or her off-post residence earlier than 48 hours.

Domestic Violence Checklist Continued

____ 9. Notify the USAG Alaska Victim Witness Liaison through the Office of the Staff Judge Advocate, (907) 406-4304. Ensure the victim has been informed of all rights to assistance through the Victim Witness Assistance Program. Ensure the victim has been counseled using DD Form 2701 IAW AR 27-10, chapter 18.

____ 10. Document the measures taken, the date they were taken and determine if other measures (e.g., command referral to mental health, counseling, etc.) are appropriate. Forward a copy of all documents to the Trial Counsel.

____ 11. The commander or First Sergeant will participate in the Incident Determination Committee process to provide information and participate in the disposition of the case and any treatment recommendations for the Soldier.

Forward checklist to:

____ Soldier's Counseling File Date: _____

____ Trial Counsel Date: _____

Forward MPO to:

____ Unit Trial Counsel Date: _____

____ Fort Wainwright Police Date: _____

____ Family Advocacy Program Manager Date: _____

____ Chief, FAP Social Work Services Date: _____

____ Victim Date: _____

____ Offender Date: _____

Commander (print name and rank)

Commander (signature)