



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON COMMAND, FORT KNOX
126 12TH ARMOR DIVISION AVENUE
FORT KNOX, KENTUCKY 40121-5102

REPLY TO
ATTENTION OF:

Expires 13 April 2014

IMKN-MWA

13 April 2012

MEMORANDUM FOR

Commanders, All Units Reporting Directly to This Headquarters
Commanders, Fort Knox Partners in Excellence
Directors and Chiefs, Staff Offices/Departments, This Headquarters

SUBJECT: Fort Knox Policy Memo No. 07-12 - Rights of Alleged Victims and Offenders in Cases of Suspected Child and Domestic Abuse

1. Reference. AR 608-18, the Army Family Advocacy Program (FAP), 30 October 2007 with Rapid Action Revision (RAR), 13 September 2011

2. Purpose. This policy memorandum establishes the responsibility of this command to prevent incidences of domestic violence and child abuse/neglect, to protect those who are victims of abuse, to encourage reporting all instances of abuse, to ensure prompt investigation of all abuse cases, and to coordinate treatment to all families affected by abuse so those families can be restored to a healthy state. The rights of victims and offenders will be respected to ensure the safety of all parties.

3. Discussion.

a. To encourage the reporting of all incidents of family violence, Family Advocacy Program (FAP) and law enforcement personnel may promise confidentiality to persons making reports in accordance with AR 608-18, paragraph 3-5.

b. Restricted reporting is limited to adult victims of domestic violence who are eligible to receive military medical treatment and are not currently a legal spouse as defined by the Commonwealth of Kentucky. This is the only option on Fort Knox that allows a victim to make a restricted report due to Kentucky State Law. Restricted reporting allows victims to elect a restricted report only when domestic abuse disclosures are made to a Victim Advocate (VA), the Family Advocacy Program Manager (FAPM), or military health care provider (HCP). Restricted reporting is the option of reporting an incident of domestic abuse to specified individuals without initiating the investigative process or notification to the victim's commander. The victim must sign and date a Victim Reporting Preference Statement, elect a reporting option, indicate that he/she had an opportunity to talk with a VA, FAPM, or military health care provider, advised of the benefits and limitations of restricted and unrestricted reporting, understands the exceptions to restricted reporting, and the Department of Defense preference and reasons for unrestricted reporting. If a victim discloses the domestic incident in the presence of anyone other than the specified individuals then the report becomes an unrestricted report and the command and law enforcement are to be contacted.

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c. All agency personnel responsible for the investigation of suspected domestic and child abuse will immediately assess the imminent danger for the alleged victim and other family members, and take action to insure their safety. Any action taken pursuant to this paragraph must be in strict accordance with the procedures and limitations outlined in AR 608-18, Chapter 3, Sections IV and V, except that such action may include restricting the active duty member to the barracks, encouraging one of the adults to temporarily stay with a relative or family friend, or encouraging an adult victim to go to a domestic violence shelter. Transportation to the unit barracks or to a shelter will be coordinated for the alleged victim and minor children. If an alleged adult victim chooses to return to the alleged scene of conflict, he/she will be advised of the potential harmful consequences. Assessment team members will not attempt to prevent the return unless it is believed the adult is not mentally competent to make this decision, or it is known that the return would indeed be explosive or harmful to the alleged victim or other adults or children. In such cases, the assessment team members will advise the individual of the potential harm and seek assistance from the Staff Judge Advocate General and in all cases involving children, seek assistance from Social Work Service, Ireland Army Community Hospital.

d. Medical treatment will be offered to the alleged victim or victims. Children will receive treatment with the permission of a parent.

e. Law enforcement personnel will advise victims of domestic and/or child abuse of their right to a protective order or temporary shelter. DA Form 2701, Initial Information for Victims and Witnesses of Crime, will be given to the victim, in addition to the names and telephone numbers of agencies that will continue to investigate the incident that the victim can contact for further assistance. Alleged offenders will be accorded rights warnings in accordance with Army Regulation 608-18, The Army Family Advocacy Program, 30 October 2007. If FAP case managers, social workers or other healthcare personnel are in doubt as to whether rights warnings should be given, they are encouraged to contact the Staff Judge Advocate office for advice.

f. In child abuse cases, if at all possible, the Ireland Army Community Hospital (IACH) Social Work Services (SWS), and the US Army Criminal Investigation Division (CID) who, whenever possible, will conduct a joint evaluation to avoid subjecting the child to multiple interviews. Interviewing of children will be done in a child-centered environment in an age-appropriate manner and in a manner to protect the child's right to privacy.

g. All information attained during investigation, assessment, and treatment of Family Advocacy cases will be maintained in confidence according to pertinent military regulations and Kentucky law. Release of information to any military or civilian agency or professional, who has a "need-to-know," will be accomplished within these regulations and laws.

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h. Agency personnel will treat the alleged offender courteously, calmly, and in a helpful manner. The only time a law enforcement officer or a CID Special Agent should enter a residence without authority or consent is when they have determined it is necessary to protect person(s) from injury or to protect against damage or destruction of government property.

i. The service member's commander will be contacted and informed of the incident. The commander will coordinate with law enforcement, SJA, and IACH SWS to ensure victims are protected from further abuse.

4. This Fort Knox Policy Memorandum will be revised and updated as needed.


BRUCE D. JENKINS
COL, AG
Commanding

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