



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY ARMOR CENTER AND FORT KNOX
FORT KNOX, KENTUCKY 40121-5000

REPLY TO
ATTENTION OF:

ATZK-CFA (608)

30 April 2004

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: Thunderbolt Six Policy Memo No. 40-30 - Family Violence Prevention

1. Reference:

- a. AR 608-18, Army Family Advocacy Program, 20 Oct 03.
- b. AR 608-1, Army Community Service Center, 20 Oct 03.
- c. DOD Directive 6400.1, Family Advocacy Program, 23 Jun 92.

2. Family violence, which includes both child and spouse abuse, has an adverse impact on unit morale and readiness. The threat of domestic violence to Soldiers and their family members is a matter of concern for Fort Knox and our civilian neighbors alike and will be a matter of command emphasis.

3. Commanders will take immediate and appropriate measures to protect victims from the alleged offender. These can include, but are not limited to, the issuance of military protective orders, removal of pass privileges, restriction, removal from government quarters, and pretrial restraint when warranted.

4. Domestic violence is a crime and will be reported immediately to the installation reporting point of contact (RPOC), the Military Police (MP), at 624-2111.

5. In those cases where a Soldier is the victim of spouse abuse perpetrated by a non-Soldier spouse and the abuser is cited with a US District Court Violation notice, the Garrison Commander will issue a bar letter against the alleged offender per Thunderbolt Six Policy Memorandum No. 40-16.

6. If an active duty Soldier is identified as the alleged offender, commanders will order the offender into government furnished billeting, and to stay away from the quarters and the victim for a minimum of 72 hours (Commanders may permit officers and senior noncommissioned officers (E-8 and above) to reside at an approved alternate site at their own expense). Parties

ATZK-CFA (608)

SUBJECT: Thunderbolt Six Policy Memo No. 40-30 - Family Violence Prevention

who choose to reunite after an incident of violence will be encouraged to participate in a risk assessment interview conducted by the Family Advocacy Program (FAP) prior to reunification. In situations where Soldiers must retrieve basic necessities from their quarters/home, the commander will ensure the victim is notified and an escort superior in rank to the alleged offender is assigned to accompany the Soldier to the home. If an Emergency Protective Order (EPO) or Domestic Violence Order (DVO) is in place, commanders will also issue a Military Protective Order (DD Form 2873) (MPO) and will not permit the Soldier to go to the home/quarters.

7. Where the civilian spouse is the offender, commanders will make every effort to ensure the safety of the Soldier. Safety measures will include offering the victim Soldier temporary living space in the unit's assigned billets or ensuring other suitable arrangements have been made.

8. It is the commander's responsibility in coordination with the Office of the Staff Judge Advocate to determine whether punitive action is warranted. The decision to punish a Soldier for domestic violence will be based on the evidence, facts, and circumstances of the case and not whether the victim wishes the perpetrator punished or not punished.

9. In accordance with AR 608-18, commanders are required to attend the Case Review Committee (CRC) meetings when a Soldier's or family member's case is being presented and will support and comply with the CRC treatment recommendations to the maximum extent possible.

10. The actions listed in Enclosures 1 and 2 are the minimum actions required of commanders in these situations. Nothing in this policy memorandum precludes a commander from taking any other lawful action deemed appropriate.

3 Encls

1. Domestic Violence Checklist
2. EPO Checklist
3. Military Protective Order
(DD Form 2873)


TERRY L. TUCKER
Major General, USA
Commanding

DOMESTIC VIOLENCE CHECKLIST

(For use of this form, see Thunderbolt Six Policy Memo No. 40-30)

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

1. Contact the unit trial counsel for legal guidance.
2. Report the incident to the Military Police Desk Sergeant at 624-2111.
3. Advise the Soldier suspected of domestic violence of his/her Article 31, UCMJ rights and, if he/she waives these rights, question the Soldier to ascertain the facts and potential for harm to self and/or others. Issue a Military Protective Order (DD Form 2873) (MPO) for the Soldier to stay away from the victim(s) of domestic violence for 72 hours. If the 72-hour period ends on a weekend or holiday then the Soldier will be ordered to stay away from the victim(s) until the first duty day.
4. Contact the victim of the domestic violence to ascertain the facts and identify any immediate safety concerns.
5. Make contact with the Victim Advocate Coordinator, 624-6291. The Fort Knox Family Advocacy Victim Advocate Program will work in close coordination with the command as well as on- and off-post agencies to ensure that safety measures are in place for providing advocacy assistance and support to victims of domestic violence. Victim participation in the program is voluntary.
6. Provide billeting and order the Soldier to move into the alternate billeting for a minimum of 72 hours. If the 72-hour period ends on a weekend or holiday then the Soldier will continue to stay in alternate billeting until the first duty day.
7. Prior to releasing the Soldier from the mandatory 72-hour MPO, you must contact Fort Knox Ireland Army Community Hospital, Department of Behavioral Health, Social Work Service - Family Advocacy Program (FAP) to schedule a "Risk Assessment", IAW AR 608-18. A FAP clinical Social Worker will provide the command feedback and recommendations for follow-up services at (502)624-9960/9334/0352. Also, IAW AR 608-18, the commander is required to attend the Case Review Committee (CRC) meeting to discuss the case status and treatment plan recommendations. The commander will receive written notification of the CRC meeting dates and time. Commanders DO NOT need to provide command-referral paperwork for Soldiers involved in domestic violence (child & spouse abuse) incidents. These referrals are considered emergencies that require "risk assessment" and are not considered routine mental health evaluations.

8. Order the Soldier to immediately turn-in all privately owned firearms to the unit's arms room. Send a NCO in the grade of E-6 or higher to the Soldier's home to retrieve any firearms. Order the Soldier to have no contact with firearms unless in the course of normal duty.

9. Reassess the situation at the end of the 72-hour period, and determine if the above MPO or restrictions should be modified, continued, or canceled.

10. Consider referring the Soldier for a mental health evaluation at the Department of the Behavioral Health USA MEDDAC, Fort Knox (624-9960). Take the Soldier to the Emergency Room at USA MEDDAC during non-duty hours. Soldier must be advised of certain rights before being command-referred for a mental health evaluation. Consult with trial counsel prior to referral. FK Form 4388-E will be used to make the referral (download from <http://www.knox.army.mil/garrison/doim/forms/formflow.htm>).

11. Take any other additional measure the commander deems necessary to prevent further incidents of domestic abuse, injury, or death. Indicate below what other measures, if any, were taken.

Other Measures (if applicable):

(NAME OF SOLDIER/RANK) (COMMANDER)

SSN: _____ UNIT: _____

FORWARDED TO TRIAL COUNSEL ON: _____

EMERGENCY PROTECTION ORDER CHECKLIST

(For use of this form, see Thunderbolt Six Policy Memo No. 40-30)

Date of Incident: _____

Any time a Soldier is the subject of an Emergency Protection Order (EPO) issued by any court, commanders will immediately take the following steps:

1. Upon notification by the Provost Marshal's Office (PMO) that an EPO has been received, the Soldier will be escorted by a member of the chain of command in the grade of E-7 or higher to the PMO to be served the EPO. If the commander escorts the Soldier to PMO, the commander will issue a Military Protective Order (DD Form 2873) (MPO) to the Soldier which will be in effect for the duration of the EPO or longer if the commander determines it is necessary. A copy of the EPO and MPO will be provided to the trial counsel.
2. Contact the unit trial counsel for legal guidance.
3. After service of the EPO upon the Soldier, the Soldier will be immediately escorted back to the commander. The commander will review the EPO, consult with trial counsel, and explain its contents to the Soldier to ensure the Soldier fully understands the restrictions of the EPO and the penalties for failure to obey it. The commander will also issue an MPO for the duration of the EPO. If, after advising the Soldier of his/her Article 31, UCMJ, rights, the Soldier waives these rights, the commander will question the Soldier to ascertain the facts and potential for harm to self and/or others. A copy of the EPO and MPO will be provided to the trial counsel.
4. Contact Fort Knox Ireland Army Community Hospital, Department of Behavioral Health, Social Work Service - Family Advocacy Program (FAP) to inform them of the EPO/DVO and schedule a "Risk Assessment", IAW AR 608-18. A FAP clinical Social Worker will provide the command feedback and recommendations for follow-up services at (502)624-9960/9334/0352. Also, IAW AR 608-18, the commander is required to attend the Case Review Committee (CRC) meeting to discuss the case status and treatment plan recommendations. The commander will receive written notification of the CRC meeting date and time. Commanders DO NOT need to provide command-referral paperwork for Soldiers involved in domestic violence (child and spouse abuse) incidents. These referrals are considered emergencies that require "risk assessments" and are not considered routine mental health evaluations.
5. Provide billeting and order the Soldier to move into the alternate billeting for a minimum of 72 hours. If the 72-hour period ends on a weekend or holiday then the Soldier will continue to stay in alternate billeting until the first duty day.

6. Contact the victim of the domestic violence named in the EPO to ascertain the facts and identify any immediate safety concerns.

7. Make contact with the Victim Advocate Coordinator, 624-6291. The Fort Knox Family Advocacy Victim Advocate Program will work in close coordination with the command as well as on- and off-post agencies to ensure that safety measures are in place for providing advocacy assistance and support to victims of domestic violence. Victim participation in the program is voluntary.

8. Consult with trial counsel and, if warranted, withdraw the Soldier's pass privileges for a minimum of 72 hours. Give the Soldier an MPO. Should the EPO become a Domestic Violence Order (DVO), reissue an MPO for the duration of the DVO.

9. Take any other additional measure the commander deems necessary to prevent further incidents of domestic abuse, injury, or death. Indicate below what other measures, if any, were taken.

Other Measures (if applicable):

(NAME OF SOLDIER/RANK)

(COMMANDER)

SSN: _____ UNIT: _____

FORWARDED TO TRIAL COUNSEL ON: _____

MILITARY PROTECTIVE ORDER

PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.

AUTHORITY: 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and National Defense Authorization Act for Fiscal Year 1995, Sec. 534.

PRINCIPAL PURPOSE(S): Information from this form will be used to document commanding officers' orders and members' understanding thereof to avoid all manner of contact with specified individuals, against whom members are alleged, or are confirmed to have committed, domestic violence, child abuse, and any other crime, as stipulated in the terms and conditions of the orders.

ROUTINE USE(S): Any release of information contained in this system of records outside of DoD will be compatible with the purposes for which the information is being collected and maintained. The DoD "Blanket Routine Uses" set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

DISCLOSURE: Voluntary; however, failure to provide or verify personal identifying information may compromise commanding officers' ability to protect victims or to hold members accountable for their actions.

1. SERVICE MEMBER				2. PROTECTED PERSON <i>(Important: see NOTE)</i>			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
c. SSN		d. DATE OF BIRTH (YYYYMMDD)		e. SSN		d. DATE OF BIRTH (YYYYMMDD)	
e. UNIT		f. TELEPHONE <i>(Incl. area code)</i>		e. UNIT		f. TELEPHONE <i>(Incl. area code)</i>	
g. INSTALLATION				g. INSTALLATION			
h. CURRENT RESIDENCE: STREET <i>(Incl. apartment number)</i>				h. CURRENT RESIDENCE: STREET <i>(Incl. apartment number)</i>			
CITY		STATE	ZIP CODE	CITY		STATE	ZIP CODE

NOTE: Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.

3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER

4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:

	a. Civil protection order issued <i>(Date - YYYYMMDD)</i> _____, in _____ Court, _____ County, State of _____	
	b. Order issued <i>(Date - YYYYMMDD)</i> _____, in _____ Court, _____ County, State of _____	<input type="checkbox"/> Property Settlement <input type="checkbox"/> Custody and/or Visitation

5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that *(Initial applicable portions)*:

a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.

b. The above-named service member shall remain at all times and places at least _____ feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include:

c. The above-named service member will vacate the military residence shared by the parties located at:

d. Until further notified, the above-named service member will be provided temporary military quarters at:

e. The above-named service member will attend the following counseling:

f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.

g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.

h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.

i. Other specific provisions of this order:

6. DURATION: The terms of this order shall be effective until _____, unless sooner rescinded, modified, or extended in writing by me.

ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.

a. COMMANDING OFFICER'S SIGNATURE

b. DATE (YYYYMMDD)

7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.

a. SERVICE MEMBER'S SIGNATURE

b. DATE (YYYYMMDD)

DISTRIBUTION:

Service member's immediate command
Service member

Protected person (Custodial parent of protected child)
Provost Marshal/Security Officer/Criminal Investigative Organization