



# As Military Addresses Domestic Violence, Sheriffs and Deputies Have Role to Play

By Debby Tucker, Executive Director of the National Center on Domestic and Sexual Violence



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**Big changes are coming down the pike for law enforcement officials working in communities that are host to military installations. There's been a sincere effort by the U.S. Department of Defense (DoD) to acknowledge that domestic violence is a serious concern for the military, as it is in society at large, and that it's one that won't resolve itself. Sooner or later, this new examination of the deep-seated problem of domestic violence will change how the response to domestic violence cases is handled in these communities.**

Representatives of the Defense Department have said that they view domestic violence as a violation of the core values of the military. But more importantly, officials realize that intervention is necessary to stop the behavior. As a result of the passage of the National Defense Authorization Act (Public Law 106-65), the Secretary of Defense convened the Defense Task Force on Domestic Violence in 2000. The task force consisted of members from the departments of Defense, Justice, and Health and Human Services, as well as highly regarded private-sector experts in domestic violence. The task force recently completed its three-year effort, having made hundreds of recommendations to the Secretary of Defense and the United States Congress.

Why is this an issue for local law enforcement? Consider that 70 percent of all military personnel (in all four military branches) are stationed in the U.S. at any given time—and that 70 percent of the service members stationed in the U.S. will reside off base because of the limited supply of military housing on base. As such, it's civilian

law enforcement officials—including sheriffs and their deputies—who will generally be responding to domestic violence calls involving military personnel. Therefore, new procedures that are implemented as a result of the task force's recommendations will have bearing on local law enforcement.

Attitudes concerning domestic violence are officially changing from what some saw as the old-fashioned “under the table,” “keep it quiet” approach to dealing with service members who commit violent acts. In some communities, the modus operandi for law enforcement has been to stay out of the criminal-justice process by calling a soldier's or sailor's commanding officer and simply saying, “Come get your man.” If that describes your department, you need to know that the military is interested in changing this. Expect these informal and ineffective practices to fade away completely within the next few years.

### The Armed Forces Domestic Security Act

The full protocol the task force is recommending to the DoD is currently being reviewed for adoption by all four arms of the military. One major piece that has already been approved, however, is the Armed Forces Domestic Security Act (known technically as P.L. 107-311), sponsored by U.S. Rep. Robin Hayes, R-N.C., following several domestic-violence-related homicides at Fort Bragg in the summer of 2002. The legislation made it through both houses of Congress in the fall of 2002 and was signed into law by President Bush in early December, and it took immediate effect.

The act provides that a civilian order of protection shall have the same force and effect on a military installation as it does within the jurisdiction of the court that issued the

order. In technical terms, the Armed Forces Domestic Security Act extended full faith and credit provisions to military land. This legislation closed a loophole that had prevented civilian court orders—such as a restraining order against a batterer—from having any force on domestic military installations. Because of that loophole, victims of violence residing in military housing had no access to civilian legal tools.

Currently, the reverse has not been put into effect—that is, military orders of protection have not been granted full faith and credit on civilian land. But, there are ways for sheriffs' offices to work with military law enforcement to uphold military protective orders. For example, a sheriff could call a soldier's commanding officer to inform him or her that a violation of the military protective order has occurred at the hands of a service member and that the victim is in possession of a military protective order. Further, a sheriff could gather evidence at the scene for use by the commander or even hold an alleged perpetrator until military police arrive to take the service member into custody.

### Strategic Plan Recommended by the Task Force

The task force was faced with the daunting task of formulating a strategic plan to help the DoD eliminate domestic violence in the military. The group of experts identified major flaws in the military's current response to and criminal investigation of domestic violence incidents. Recognizing that the ultimate goal of eliminating violence altogether would not be realized immediately, the task force developed guiding principles and recommended specific steps to improve crisis intervention as well as prevention.

The key points made in the combined reports of the 24-member task force recom-

ment that the military:

- Create a culture shift that does not tolerate domestic violence, moves from victims holding offenders accountable to the system holding offenders accountable, and that punishes criminal behavior.
- Establish a victim-advocate program with provisions for nondisclosure.
- Implement the task force's proposed intervention process model.
- Replace the Case-Review Committee—which exists chiefly to substantiate domestic violence charges—with a Domestic Violence Assessment and Intervention Team that is equipped to intervene with victims and offenders.
- Enhance system and command accountability and include a fatality-review process.
- Implement Department of Defense-wide training and prevention programs.
- Hold offenders accountable.
- Strengthen local military and civilian community collaboration.
- Evaluate results of domestic-violence prevention and intervention efforts.

### Training for Military Law Enforcement and Best Practices

The task force had several ideas about how best to train military law enforcement personnel. As Valinda Bolton, Training Director for the National Center on Domestic and Sexual Violence, points out, "In the civilian world, law enforcement has long since recognized the need for training in responding to domestic-violence calls. We're hoping that the military will take the best practices from the civilian world and make similar strides in the provision of this kind of training for their own law enforcement."

The task force's recommendations for military law enforcement included: developing a standardized domestic-violence curriculum to offer as part of the initial training of military police; ensuring that local military-police patrol officers receive specialized, relevant training within 90 days of being assigned duties that would typically require them to respond to domestic-violence incidents; creating mobile training teams to expedite delivery of this training to military-police patrol officers at the installation level; developing a comprehensive list of state-of-the-art equipment necessary to conduct a proper investigation of an incident; and initiating an evidence-based prosecution-training module for staff judge advocates (military lawyers).

The group of experts also scoured the country for the best practices in the area of investigative protocols for domestic violence. These call

for military law enforcement to:

- Interview victim, suspect, children and witnesses separately and privately.
- Determine whether injuries are the result of self-defense.
- Determine the predominant/primary aggressor.
- Conduct a "lethality assessment."
- Take photos of the victim (with or without injury), alleged offender (with or without injury), any children (with or without injury), damaged property, bloody clothing, weapons and the crime scene.
- Take follow-up photographs 48 hours

after the incident. (At this point, many injuries have resulted in obvious traumatic bruising that may not have been visible directly after the assault.)

- Record what everyone knows about any prior history of domestic violence between victim and alleged offender.

(The full text of the task force's recommended protocol can be found on pages 73-104 (Chapter 1, Issue 1.C) of the third-year report. The report is available on-line, at: [www.dtic.mil/domesticviolence/reports/DV\\_RPT3.PDF](http://www.dtic.mil/domesticviolence/reports/DV_RPT3.PDF))

Continues on page 69

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seniors become more informed and involved with issues affecting their lifestyle.

Unfortunately, seniors are all too often the victims of consumer fraud and scams. Those who have given so much to our society sometimes end up being the most vulnerable citizens among us. Because consumer education and fraud prevention are so important, we established a grant program through the Attorney General's Office to help fund Triad programs and services. These grants are from monies received from consumer settlements in various consumer fraud cases that our office has settled. An easy-to-complete, two-page grant application was created and distributed to the 14 Hoosier Triads. Grants will be awarded to help finance programs, products or services that county Triad groups are promoting to serve senior citizens in their area.

This May, a Triad link was added to the Attorney General's Web site: [www.in.gov/attorneygeneral](http://www.in.gov/attorneygeneral). One section on the site includes all the pertinent information of each local Triad, including contact person and phone number, place and time of their regular monthly meeting and various events that each Triad has sponsored or will sponsor in the near future. By providing this link, we hope to help get the word out to more seniors who may be interested in starting a local program. We also wanted to provide a communications tool to help existing Triad members exchange program ideas that can make a difference in their communities.

Through statewide conferences, a grant program and Web site link, the Indiana Attorney General's Office is demonstrating ongoing support to seniors and law enforcement officials who are making a difference in Hoosiers' safety and quality of life. I am pleased to be a part of this growing and exciting partnership. ☺



Indiana Attorney General Stephen Carter

## As Military Addresses Domestic Violence, Sheriffs and Deputies Have Role to Play

continued from page 65

### The Role of Civilian Law Enforcement

Until now, the military system hasn't elevated civilian law enforcement to the role of full partner in the intervention process. But things are changing. And an effective beginning to a new kind of partnership with your local installation is to create a Memorandum of Understanding (MoU) with the commander. The MoU encourages open communication and complete access between civilian and military bodies. In a MoU, the parties draft an agreed-upon approach to responding to domestic-violence incidents. Local law enforcement can then feel comfortable making an arrest, gathering evidence, interviewing victims, enforcing a protective order and the like.

Further, the MoU can eliminate any confusion that may result from the major policy changes under way—so your staff will see that the military is indeed serious about addressing the domestic violence issue. And such a document provides an opportunity to further educate your own department on the issue of domestic violence. Together with the Armed Forces Domestic Security Act and the four elements of the task force's strategic plan, the MoU should significantly improve victim safety and offender accountability in all branches of the U.S. military. And as a sheriff or deputy, you have an important role to play in that process. ☺

### SPECIAL ANNOUNCEMENT

## NSA to Sponsor Admissions to the Supreme Court Bar of the United States

The National Sheriffs' Association as a group sponsor will move the admission of up to 15 admittees to the Supreme Court Bar of the United States in a ceremony February 25, 2004 in Washington, D.C. before the open court.

Eligible sheriff-attorneys and/or members of NSA's Legal Advisors Section who have three or more years of admission to a state bar and who are interested in being admitted to the Supreme Court Bar of the United States should immediately contact NSA General Counsel Richard Weintraub at (703) 836-7827 for specific details.