For over fifteen years, the Battered Women’s Justice Project (BWJP) has worked with both civilians and military personnel on strengthening the military’s response to intimate partner violence. Through its OVW-funded Military & Veterans Advocacy Program BWJP provides specialized training, technical assistance and resources to improve outcomes for military-related intimate partner violence and military sexual assault survivors and their families. This newsletter offers an overview of one of the primary mechanisms available to survivors of military-related intimate partner violence, and additionally, highlights some of the Military Advocacy Project’s substantial resources for survivors, advocates, attorneys, policymakers and military personnel.

Responding to Domestic Violence and Abuse in the U.S. Armed Forces

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In the fiscal year 2014, there were 690,460 married couples in which one or both spouses were serving within one of the four Department of Defense (DoD) service branches (Army, Navy, Air Force, and Marine Corps). Among those couples, there were 16,287 reported incidents of domestic abuse (violent and non-violent) of which 7,464 were substantiated through DoD criteria. Another 969 incidents of former spouse/intimate partner abuse were also substantiated (DoD FAP FY14 Data).
Fortunately, the U.S. Armed Forces has several options for responding to domestic violence and abuse including the issuance and enforcement of protection orders. If the alleged offender is an active duty servicemember, a victim can seek a military protection order (MPO) from the servicemember's commanding officer. A violation of an MPO is equivalent to disobeying a direct order and is prosecutable within the military justice system. However, MPOs generally do not meet due process requirements under the U.S. Constitution, and therefore are not enforceable by civilian law enforcement and criminal justice systems. A victim may contact the Family Advocacy Program (FAP) located on the servicemember's installation for assistance and advice on obtaining an MPO. A servicemember's commanding officer has discretion as to whether or not to issue an MPO. He or she may issue one automatically upon knowledge of a domestic violence allegation and, notably, may do so regardless of a victim’s wishes.

Unlike MPOs, civilian protection orders (CPOs) can be issued against anyone and, per the Armed Forces Domestic Security Act, carry the same weight on military property as they do in civilian communities. Like violations of MPOs, servicemembers may be subject to administrative or disciplinary action for violating CPOs. While DoD civilian employees are generally not subject to military justice proceedings, they may receive appropriate administrative or disciplinary action for violating CPOs. They and non-DoD civilians may also be barred from military property.

Military Response to Enforcing Military and Civilian Protection Orders

BWJP recently hosted the webinar “Military Response to Enforcing Military and Civilian Protection Orders.” Navigating the military response to domestic violence can be daunting when assisting military-related victims. The area that may be the most complicated is protection orders: both those issued by civilian courts and those by military commanders. During this webinar, the presenter explains key features and players within the military system and their role in the issuance, service, jurisdiction, and enforceability of protection orders to include firearms possession and use. To view the webinar, click here.

A Handbook for Civil Attorneys

This 2014 publication by Ellen Schell, Representing Victims of Intimate Partner Violence Connected with the Military – A Handbook for Civil Attorneys, provides additional information on seeking protection orders for military-involved survivor of IPV, as well as seeking other related relief.