



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS, NATIONAL TRAINING CENTER AND FORT IRWIN  
FORT IRWIN, CA 92310-5000

AFZJ-CG

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: NTC Policy Letter 08, Command Response to Domestic Violence

1. REFERENCE: Department of Defense Instruction 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, Incorporating Change 1, September 20, 2011

2. APPLICABILITY: This policy applies to all Service Members and civilian employees assigned to, attached to, or under the operational, administrative, or tactical control of the National Training Center and Fort Irwin.

3. PURPOSE: To provide information regarding the commitment to preventing and eliminating domestic violence within National Training Center and Fort Irwin

4. POLICY:

a. I am committed to the Department of Defense's goal of preventing and eliminating domestic abuse within the Military and insuring the protection and safety of victims as well as holding abusers appropriately accountable for their behavior. Leaders, child care providers, school officials and youth services personnel have a moral and professional obligation to treat every incident of domestic violence seriously (as a potential life/death situation). Domestic violence, to include partner and child abuse, poses a clear threat to the safety and welfare of members of our military community. Leader involvement is the key to successfully addressing the problem of domestic violence in our community. I expect commanders to respond quickly and appropriately to suspicion or knowledge of a domestic violence situation, hold offenders accountable, and assist victims using the full spectrum of available legal and social services.

b. Leaders at all levels will report suspected/known cases of partner or child abuse, which occur on or off post to the Reporting Point of Contact (RPOC) at 760-380-4444/2707. The Military Police (MP) will investigate all domestic violence reports and involve Criminal Investigation Division (CID) and civilian law enforcement, if appropriate. The MPs and/or CID will notify the Victim Advocate at the time of the offense, and later the Department of Social Work (DSW), 760-380-6302, of all reported incidents of domestic violence. The DSW will ensure an immediate report is made to San Bernardino County, Department of Social Services for child maltreatment reports.

c. Leaders should strongly encourage all Soldiers and their spouses to participate in the many educational programs and outreach resources provided throughout the installation. Prevention is always preferable to crisis response. The primary goal of the Family Advocacy Program (FAP),

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located within the Army Community Service (ACS), is education, awareness, and prevention of domestic violence. The FAP offers many programs that enhance and maintain positive family relationships. A list of resources is provided at Encl 1.

d. Should prevention fail, military commanders will take actions listed in Encl 2 (if arrested on post) or 3 (if arrested off post), and 4 Military Protective Order (MPO) DD Form 2873 when they have knowledge of domestic violence involving a member of their command. The commander (or his designated representative in the rank of SFC or above and senior to the Soldier) will issue the (MPO), and its checklist, and maintain the originals in the Soldier's counseling file. Copies of the MPO will be forwarded to the Provost Marshal Office, unit trial counsel, and social worker within 12 hours. A copy will also be provided to the victim. A fill able electronic version of the DD Form 2873 can be accessed by going to the following link: <http://www.dtic.mil/whs/directives/infomgt/forms/efoms/dd2873.pdf>

e. If a civilian court issues an Emergency Protection Order (EPO) against a Soldier, the Fort Irwin civilian court liaison (380-4931) will assist the command in obtaining a copy of the EPO. Leaders must ensure that Soldiers arrested for domestic violence are issued a MPO for offenses occurring on or off the military installation, even if a civilian EPO has been issued.

f. The Department of Social Work (DSW) is the designated treatment proponent for Soldiers and their families involved in domestic violence. Unit commanders will ensure compliance with DSW and Case Review Committee (CRC) treatment/safety recommendations that include Soldier's attendance at all scheduled appointments. Unit commanders and/or First Sergeants will attend CRC meetings involving a Soldier in their command. Commanders will consider administrative and UCMJ actions when Soldiers fail to complete treatment successfully and/or continue to use violence to deal with family conflict.

g. The actions listed in Enclosures 2, 3, and 4 are the minimum actions required of commanders in these situations. Nothing in this policy precludes a commander from taking any other lawful action deemed appropriate.

5. Point of contact for this policy is the Fort Irwin Office of the Staff Judge Advocate at 380-3001.

4 Encls

1. Prevention and Response Resources
2. On Post Domestic Violence Checklist
3. Off Post Domestic Violence Checklist
4. Military Protective Order, DD Form 2873

  
TERRY FERRELL  
Brigadier General, USA  
Commanding

DISTRIBUTION: A

### PREVENTION (PHONE #s)

Agency	Description	Phone #
Family Advocacy Program	Classes: Stress; Anger; Couples Communication; Parenting; Effects of Violence on Children; Parents, Children and Divorce.	380-4470
New Parent Support Program	Provides in-home assistance to young and first-time parents. Classes: First Time Parenting and Infant Care & Parenting.	380-4021/8344
Military One Source	On-line: <a href="http://www.militaryonesource.com">www.militaryonesource.com</a> User id: army Password: onesource	1-800-464-8107
Department of Social Work	Counseling: Individual, marital and family. Offers a variety of classes.	760-380-6302
Tricare	Offers family counseling; does not provide marital counseling.	1-800-931-9501
NTC Chaplains	Staffed by chaplains and civilian providers; provide counseling and classes.	380-4213/3421
Behavioral Health	Consider referring service member for a mental health evaluation, if warranted.	380-3631
Alcohol Substance Abuse Program	Consider referring service member for evaluation if alcohol was involved in domestic violence incident.	380-4035/4034

### RESPONSE (PHONE #s)

Agency	Description	Phone #
Provost Marshal Office (Reporting Point of Contact – RPOC for domestic violence incidents.)	<b>Report Incident!</b> Will respond to scene.	760-380-4444/2707
Department of Social Work	<b>Report Incident!</b> * Refer service member and family member for assessment (mandatory for service member). * Will determine whether couple can be safely reunited.	760-380-6302
Victim Advocates	* Provide assistance to Commanders in addressing safety of victims. * Provide information on available resources and services.	760-380-2409/2407/8357
Haley House Women's Shelter in Barstow	Counseling and domestic violence shelter	760- 256-3441
San Bernardino County Sheriff's Dept		760-256-1796
Barstow Police Dept		760-256-2211
Fort Irwin Civilian Court Liaison	Assist Army commanders in coordinating with civilian law enforcement agencies	760-380-4931

## CHECKLIST FOR DOMESTIC VIOLENCE OFFENSES OCCURRING ON POST

NAME OF SUBJECT: \_\_\_\_\_ UNIT: \_\_\_\_\_

NAME OF VICTIM: \_\_\_\_\_

- 1. If a criminal complaint has not been lodged, encourage the victim to notify the military police. If a member of your command/organization has reason to believe an offense has occurred, direct him/her to notify the military police.
- 2. If your Soldier has been apprehended on post, you will be notified by the Military Police Desk Sergeant. A SFC or above must report to the Law Enforcement Center within one hour to pick up the Soldier and receive a preliminary report on what occurred.
- 3. Contact your unit Trial Counsel for legal guidance.
- 4. 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.
- 5. Issue a Military Protective Order (MPO), DD Form 2873, (Encl 4). The provisions in blocks 5a, 5b, and 5c will be effective for a minimum of 72 hours, or until a safety plan has been arranged per paragraph 10 below. A fill able electronic version of the DD Form 2873 can be accessed by going to the following link: <http://www.dtic.mil/whs/directives/infomgt/forms/efoms/dd2873.pdf>
- 6. Determine the need to temporarily restrict the Soldier to the unit area and/or restrict unescorted travel. Indicate these instructions in block 5i of the MPO. Commanders will consult with the unit Trial Counsel prior to imposing any restrictions upon a Soldier's liberty.
- 7. Order the Soldier to immediately turn in all privately owned firearms to the unit's arms room. Have a NCO in the grade of SSG or higher, and senior to the Soldier, accompany the Soldier to his/her home to retrieve items needed to remain in the barracks for 72 hours. Firearms will remain in the custody of the unit until the commander and the department of social work agrees that it is safe to return them to the owner. Order the Soldier to have no contact with firearms unless in the course of normal duty. Commanders may contact Mrs. Hale (380-7227) at the installation weapons registration office to inquire if a Soldier has registered any weapons.
- 8. Refer the Soldier for a mental health evaluation at Behavioral Health (380-3631) and/or Alcohol Substance Abuse Program (380-4035/4034) if substance abuse is known or suspected. If an appointment is warranted, indicate so in block 5e of the MPO.
- 9. Contact the Department of Social Work (DSW) (760-380-6302) to arrange for Soldier to attend the initial one day assessment/ intervention session. Coordinate through the Victim Advocate for the spouse to attend a separate assessment/intervention session. Record this appointment in block 5e of the MPO. The DSW will assess for safety and assist the couple with a plan for reunification. Results of the assessment/intervention will guide the written recommendations made to command, as well as, the family's treatment plan.

- 10. If you have not yet been contacted by the Victim Advocate, call (760) 380-2409/2407/8357 to ensure a Victim Advocate is assigned, and to further investigate the facts and any safety concerns. If victim desires to reunite with the offender, inform victim of assessment/intervention process at DSW.
- 11. If your Soldier is the victim, complete steps 1, 9, and 10 above. You may need to move the victim into the barracks if arrangements cannot be made to remove the offender from the house. The Victim Advocate may be able to make temporary lodging arrangements for victims with children. If a civilian restraining order is issued, provide a copy to the Department of Emergency Services (DES).
- 12. As most incidents of domestic violence occur during non duty hours, weekends, or holidays commanders will endeavor to comply with the required notifications and coordination's with each agency listed above. In the event that contact cannot be established with an agency, commanders will take the minimum steps necessary to ensure the safety of any victim of domestic violence, that the victim has received medical attention, if required, and issue a military protective order.

\_\_\_\_\_  
 COMMANDER (Printed name and rank)

\_\_\_\_\_  
 COMMANDER (Signature)

FORWARDED TO SJA ON \_\_\_\_\_  
 (Date)

FORWARDED TO DSW ON \_\_\_\_\_  
 (Date)

FORWARDED TO DES ON \_\_\_\_\_  
 (Date)

## CHECKLIST FOR DOMESTIC VIOLENCE OFFENSES OCCURRING OFF POST

NAME OF SUBJECT: \_\_\_\_\_ UNIT: \_\_\_\_\_

NAME OF VICTIM: \_\_\_\_\_

- 1. If a criminal complaint has not been lodged, encourage the victim to notify the civilian police having jurisdiction where the offense occurred. If a member of your command/organization has reason to believe an offense has occurred, direct him/her to notify the civilian police.
- 2. If your Soldier has been apprehended off post and confined, determine the length and conditions of confinement. Generally, confinement will be imposed for a minimum of 72 hours to allow the victim to develop a safety plan.
- 3. If the Soldier has been arrested and released, the MP Desk Sergeant Liaison will attempt to get a military detainer on the Soldier – meaning the Soldier will be released only to the custody of the MPs. If this occurs, you will be notified to have a SFC or above report to either the Fort Irwin Law Enforcement Center within one hour to pick up the Soldier and receive a preliminary report on what occurred. If a Soldier is released by a civilian magistrate to the unit under a “Conditions of Release (COR)” order (or in some counties a "Conditions of Bond" order), the unit will obtain a copy of the COR and ensure that its terms are strictly adhered to. The commander will review the COR and explain its contents to the Soldier until the commander is satisfied that the Soldier fully understands the restrictions of the COR and the penalties for failure to obey it. The unit commander will ensure a copy of the COR and all supporting documentation is delivered to the Office of the Staff Judge Advocate (SJA), DSW, and the DES.
- 4. Contact your unit Trial Counsel for legal guidance.
- 5. Once the Soldier is in your custody, 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.
- 6. Issue a Military Protective Order (MPO), DD Form 2873. If the Soldier has been arrested and released without being confined, the provisions in blocks 5a, 5b, and 5c will be effective for a minimum of 72 hours, or until a safety plan has been arranged per paragraph 10 below. Have a NCO in the grade of SSG or higher and senior to the Soldier accompany the Soldier to his/her home to retrieve items needed to remain in the barracks for 72 hours. A fill able electronic version of the DD Form 2873 can be accessed by going to the following link: <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2873.pdf>
- 7. Determine the need to temporarily restrict the Soldier to the unit area and/or restrict unescorted travel. Indicate these instructions in block 5i of the MPO. Commanders will consult with the unit Trial Counsel prior to imposing any restrictions upon a Soldier’s liberty.

- 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 SSG or higher and senior to the Soldier to the Soldier's home to retrieve any firearms and items needed to remain in the barracks for 72 hours. Firearms will remain in the custody of the unit until the commander and the Department of Social Work (DSW) agree that it is safe to return them to the owner. Order the Soldier to have no contact with firearms unless in the course of normal duty. Commanders may contact Mrs. Hale (380-7227) at the installation weapons registration office to inquire if a Soldier has registered any weapons.
- 9. Refer the Soldier for a mental health evaluation at Behavioral Health (380-3631) and/or Alcohol Substance Abuse Program (380-4035/4034) if substance abuse is known or suspected. If an appointment is warranted, indicate so in block 5e of the MPO.
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- 12. If your Soldier is the victim, complete steps 1,10, and 11 above. You may need to move the victim into the barracks if arrangements cannot be made to remove the offender from the house. The Victim Advocate can make temporary lodging arrangements for victims with children. If a civilian restraining order is issued, provide a copy to the Department of Emergency Services (DES).
- 13. As most incidents of domestic violence occur during non duty hours, weekends, or holidays commanders will endeavor to comply with the required notifications and coordination's with each agency listed above. In the event that contact cannot be established with an agency, commanders will take the minimum steps necessary to ensure the safety of any victim of domestic violence, that the victim has received medical attention, if required, and issue a military protective order.

\_\_\_\_\_  
 COMMANDER (Printed name and rank)

\_\_\_\_\_  
 COMMANDER (Signature)

FORWARDED TO SJA ON \_\_\_\_\_  
 (Date)

FORWARDED TO DSW ON \_\_\_\_\_  
 (Date)

FORWARDED TO DES ON \_\_\_\_\_  
 (Date)

**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):** To inform the service member and the protected person that the commanding officer is issuing an order to the member prohibiting contact or communication with the protected person or members of the protected person's family or household and directing that the member take specified actions that support, or are in furtherance of, the prohibition.

**ROUTINE USE(S):** Any release of information outside of the Department of Defense shall be compatible with the purposes for which the information is being collected and shall be in accordance with an established routine use for the record system where the information is maintained.

**DISCLOSURE:** Voluntary. Failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

<b>1. SERVICE MEMBER</b>				<b>2. PROTECTED PERSON</b> <i>(Important: see NOTE)</i>			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
c. UNIT				c. UNIT			
d. INSTALLATION				d. INSTALLATION			

**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 _____		Property Settlement Custody and/or Visitation

<p><b>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</b> <i>(Initial applicable portions):</i></p>	
	<p>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.</p>
	<p>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:</p>
	<p>c. The above-named service member will vacate the military residence shared by the parties located at:</p>
	<p>d. Until further notified, the above-named service member will be provided temporary military quarters at:</p>
	<p>e. The above-named service member will attend the following counseling:</p>
	<p>f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.</p>
	<p>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.</p>
	<p>h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.</p>
	<p>i. Other specific provisions of this order:</p>
<p><b>6. DURATION:</b> The terms of this order shall be effective until _____, unless sooner rescinded, modified, or extended in writing by me.  <b>ENFORCEABILITY:</b> Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.</p>	
a. COMMANDING OFFICER'S SIGNATURE	b. DATE (YYYYMMDD)
<p><b>7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.</b></p>	
a. SERVICE MEMBER'S SIGNATURE	b. DATE (YYYYMMDD)
<p><b>DISTRIBUTION:</b> Service member _____ Protected person (Custodial parent of protected child) _____  Service member's local personnel file _____</p>	

DD FORM 2873 (BACK), JUL 2004