



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
2700 INDIANA AVENUE
FORT CAMPBELL, KY 42223-5656

AFZB-CG

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Policy Letter #7 – Command Response to Incidents of Domestic Violence

1. Purpose: This installation policy implements the domestic violence prevention and response guidance contained in Department of Defense (DoD) Instruction 6400.06, DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, 15 December 2022, incorporating Change 3 effective 11 July 2024 and Army Regulation (AR) 608-18, The Army Family Advocacy Program (FAP), 30 October 2007 with Rapid Action Revision (RAR) 13 September 2011.

2. Domestic violence poses a clear threat to the safety and welfare of the members of our military community and mission readiness. The greater the crisis and risk to our Service Members (SM) and their Families, the greater the need to move quickly, focusing on the safety and protection of the people involved. I expect commanders to respond rapidly to all reports of domestic violence (spouse, intimate partner, and child) and encourage unit trial counsel to assist with these matters.

3. Actions taken under this policy should be thorough, fair, and consistent for all alleged incidents of domestic violence regardless of rank or position of the offender or victim.

4. Commanders will:

a. Immediately report suspected cases of spouse, partner, or child abuse alleged to have occurred on or off post to Blanchfield Army Community Hospital (BACH) FAP and the Fort Campbell Provost Marshal Office who serve as the 24-hour reporting points of contact (RPOC) for all incidents of domestic violence or child abuse.

b. Take the actions listed in Enclosure 1, Commander's Response to Domestic Violence Checklist, immediately upon becoming aware of a domestic violence incident (physical, verbal, emotional, neglect or sexual). These protective measures are designed to safeguard members of the military community while an incident is investigated by law enforcement, assessed by BACH FAP, and when appropriate, adjudicated through administrative or judicial processes. Nothing in this policy prevents a Commander from taking additional, appropriate, lawful action. Command response will be consistent with the responsibilities set forth at DoDI 6400.06, para. 3.5.

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c. Consult with BACH FAP to ensure that each party has information about available services. Safety is my top priority.

d. Direct the involved Service Member(s) (SM) to attend the scheduled assessment at BACH FAP IAW AR 608-18.

e. Attend Incident Determination Committee meetings involving a SM in their command as mandated by AR 608-18 and IAW DOD Manual 6400.01 VOL 3.

5. Commanders should be aware of and encourage attendance of newly married couples and new parents in classes specially designed to address issues relevant to these life changes. Commanders will strongly encourage parents who are SMs, both fathers and mothers, to enroll in the New Parent Support Program (NPSP) and participate in the NPSP Home Visitation Program, which support Families through a comprehensive combination of services before and after a child's birth. The NPSP Home Visitor is an important voluntary program designed to increase parental skills and decrease incidents of child abuse.

6. All Fort Campbell leaders and SMs will immediately report suspected or known cases of spouse, partner, or child abuse involving a Fort Campbell SM, whether on or off post, to the RPOC. Not reporting, even at the request of the person being abused, perpetuates the cycle of violence and is not an option for us as SMs. (Talia's Law).

7. Where the SM is the alleged offender, Commanders will immediately take appropriate action regarding SM access to weapons following an alleged incident of domestic violence. Commanders will require SMs identified as alleged offenders who live on post to turn in all personally owned firearms (POF) to the unit arms room for a minimum of 30 days after an alleged incident of domestic violence. SMs identified as alleged offenders who live off post should be encouraged to immediately turn in POFs to the unit arms room or make other arrangement to limit access.

8. The AR 608-18 stipulates mandatory FAP briefings for Company and Unit Commanders and senior enlisted, E7 through E9, within 45 days of appointment to a command position (either prior to or after appointment), and annual training thereafter. In addition, all Company and Unit Commanders are responsible for scheduling annual FAP awareness briefings for all SMs.

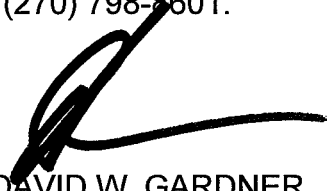
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9. The Directorate of Family and Morale, Welfare and Recreation Family Advocacy Program and the Blanchfield Army Community Hospital's Family Advocacy Program are the POCs for this policy at (270) 412-5500 or (270) 798-8601.

2 Encls

1. Commander's Response to Domestic Violence Checklist
2. DA Form 4856



DAVID W. GARDNER
Major General, USA
Commanding

DISTRIBUTION: A

Enclosure 1 to Policy 7 – Commander’s Response to Domestic Violence Checklist

SM(s) involved: _____

Date of incident: _____ Date MPO issued: _____

Upon notification or discovery of an event of domestic violence, commanders will:

_____1. Immediately notify the Blanchfield Army Community Hospital Family Advocacy Program (BACH FAP) and the Provost Marshal’s Office (PMO), installation reporting points of contact (RPOC), of all Domestic Violence incidents, including incidents occurring off-post. BACH FAP will receive the report and coordinate a date and time for the Service Member (SM) to be seen. Additionally, Family Members (FM) should be encouraged to schedule an appointment with BACH FAP.

a. Contact BACH FAP at (270)798-8601 during duty hours and (270)798-8400 during non-duty hours.

b. Contact the PMO at (270)798-7111/2/3 for non-emergencies and 911 for emergencies.

_____2. Upon becoming aware of an incident of Domestic Violence, Commanders will take appropriate action to safeguard the parties, quell disturbances, and maintain good order and discipline as follows:*

a. SM as Alleged Offender.

(1) Issue a DD Form 2873, Military Protective Order (MPO), immediately to any SM alleged to be an offender in an incident of Domestic Violence to safeguard all parties, quell disturbances, and maintain good order and discipline.

(2) Commanders will use DD Form 2873, appropriately completing paragraphs 6 and 7, to separate the SM from the other parties involved in an alleged incident at least until BACH FAP has completed an initial assessment and created a safety plan, but in no case for less than 24 hours. MPOs should prohibit the alleged offending SM from contacting or communicating with the involved persons.

(3) MPOs shall remain in effect until the Commander cancels the MPO or modifies the order. While in effect, Commanders shall review MPOs no less than every 45 days. If modification or cancellation of the MPO is warranted, Commanders shall take such action at the time warranted, even when prior to the required 45-day review.

* Special Court-Martial Convening Authorities may, after consulting with a judge advocate, decline to issue protective orders if the alleged conduct does not rise to a violation of the Uniform Code of Military Justice (e.g., verbal arguments with no threats).

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Commanders will initiate a new DD 2873 to modify an existing MPO and appropriately mark block 1b. Cancellation of MPOs will be effectuated using Form DD 2873-1.

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(Continuation)

(4) Commanders will provide copies of the issuance, any modification, and cancellation of an MPO to:

(a) SM: _____
Date

(b) Unit Trial Counsel: _____
Date

(c) BACH FAP: _____
Date

Phone: (270)798-8601

Email: usarmy.campbell.medcom-bach.mesg.family-advocacy-program@health.mil

(d) Victim Advocate Program: _____
Date

Fax: (270)798-5633 Phone: (270)412-5500

(e) Fort Campbell Police: _____
Date

Fax: (270)798-7360 Phone:(270)798-7111

(f) The Protected Person: _____
Date

b. SM as Alleged Victim.

(1) When a SM is identified as an alleged victim of domestic violence, the Commander will issue an administrative No Contact Order to the SM to safeguard the SM using the template DA Form 4856, Developmental Counseling Form, at Enclosure 2. Commanders should consult unit trial counsel when completing the form. The Commander will provide the SM with a copy of the order. The DD 2873 will not be used for this purpose.

(2) If a SM initially identified as an alleged victim is later determined to be an alleged offender, such as in the case of a mutual affray, Command will initiate issuance of the DD 2873 at that time, consistent with paragraph 2.a. above.

(3) Commanders should advise an alleged victim SM of his or her right to consult with a legal assistance attorney regarding Civilian Protective Orders (CPO).

_____ 3. Commanders will secure the SM by creating a temporary housing plan that separates the parties and promotes safety for all, including children. SMs should most frequently be placed in the barracks; however, the Commander can authorize alternatives to include staying with another unit member, friends, or at a hotel. Should

Enclosure 1 to Policy 7 – Commander’s Response to Domestic Violence Checklist
(Continuation)

safety or safe transit of children be a concern, contact BACH FAP for coordination with local Child Protective Services authorities to assess immediate child safety needs.

a. The separation allows for a cooling off period, and Commanders should establish a system to monitor the SM during and after this period.

b. Commanders will not return the parties to co-habitation until BACH FAP has assessed the SM and created a safety plan, but in no case shall the parties return to co-habitation in less than 24 hours.

____ 4. Commanders will immediately take appropriate action regarding SM access to weapons following an alleged incident of domestic violence. When a SM is identified as an alleged offender, Commanders will require such SMs living on post to turn in all personally owned firearms (POF) to the unit arms room for a minimum of 30 days after an alleged incident of domestic violence. SMs involved in domestic violence who live off post should be encouraged to immediately turn in POFs to the unit arms room or make other arrangement to limit access. Consult with the unit trial counsel about options and SM compliance with any CPO.

____ 5. Only after referring the Domestic Violence investigation to law enforcement for investigation and consulting with the unit trial counsel and providing a military suspect their Article 31 rights under the Uniform Code of Military Justice, counsel the military suspect about their alleged misconduct.

____ 6. Document the measures taken, the date they were taken, and determine if other measures (command referral to behavioral health, counseling, etc.) are appropriate.

____ 7. Forward the checklist and accompanying documentation to:

SM’s counseling file:

Unit Trial Counsel:

_____ Date

_____ Date

_____ Commander (Printed name and rank)

_____ Commander’s Signature

Enclosure 2 to Policy 7 – DA Form 4856, Developmental Counseling Form

DEVELOPMENTAL COUNSELING FORM		
For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.		
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.	
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.	
ROUTINE USES:	The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.	
DISCLOSURE:	Disclosure is voluntary.	
PART I - ADMINISTRATIVE DATA		
Name (Last, First, MI)	Rank/Grade	Date of Counseling
Organization	Name and Title of Counselor	
PART II - BACKGROUND INFORMATION		
Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)		
<ul style="list-style-type: none"> - This counseling outlines orders for no contact for [INSERT RANK AND NAME] IAW 101st Airborne Division Commanding General Policy Letter #7. - [INSERT RANK AND NAME], you and/or your family member(s) have been identified as an alleged victim of domestic abuse. The purpose of this order is to help ensure and maintain the safety and wellbeing of you and/or your family member(s) by ordering you to have no contact with your alleged abuser. This order also includes additional provisions detailed in the Plan of Action to promote the safety and wellbeing of you and/or your family member(s). 		
PART III - SUMMARY OF COUNSELING		
Complete this section during or immediately subsequent to counseling.		
Key Points of Discussion:		
<ul style="list-style-type: none"> - Effective immediately, you are ordered to have no contact with your alleged abuser: <p>Alleged Abuser Last Name: First Name: Gender: Grade, Unit & Installation (if applicable): DOB (YYYYMMDD): Height: Weight: Eye Color: Hair Color: Race: Vehicle Information: SSN: Other ID:</p> <ul style="list-style-type: none"> - No contact means you are not permitted to engage in any contact or communication with your alleged abuser listed above. The term "communication" includes, but is not limited to, communication in person, or through third party, via face-to-face contact, telephone, in writing by letter, data fax, electronic mail or via the internet or social media. If your alleged abuser initiates any contact with you, you must immediately notify me regarding the facts and circumstances surrounding such contact. This does not apply to communications that occur through either your and/or your alleged abuser's legal counsel (attorneys). - You shall remain at all times and places at least [INSERT NUMBER] feet away from your alleged abuser, including but not limited to residences and workplaces. If you do encounter your alleged abuser in public, you will remove yourself from the situation and report it to me immediately. This provision does not apply to proximity during any court appearances involving both of you as parties and where any communication is conducted via your respective attorneys and/or the judge. - This order also includes additional provisions detailed in the Plan of Action. - This order is for the safety and wellbeing of you and/or your family member(s) and is in no way a punitive, adverse, or negative action against you. However, violations of this order may constitute a violation of Article 90 of the UCMJ. - Any requests for exceptions to this order must be approved in advance by me in writing. - This order shall remain in effect until [ENTER EXPIRATION DATE] unless you are notified by me in writing of its earlier modification or rescission. 		
OTHER INSTRUCTIONS		
This form will be destroyed upon: reassignment (<i>other than rehabilitative transfers</i>), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.		

Enclosure 2 to Policy 7 – DA Form 4856, Developmental Counseling Form
(Continuation)

Plan of Action (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)

In addition to the order to have no contact, the following additional provisions are also ordered:

- You are required to attend an initial assessment appointment through the Family Advocacy Program on [INSERT DATE/TIME or indicate TBD].

Residence [IF THE ALLEGED ABUSER IS A CIVILIAN THAT WILL REMAIN IN A SHARED RESIDENCE]

- Because your alleged abuser cannot be ordered to vacate your shared residence, you will vacate the shared residence located at: [INSERT ADDRESS].
- You will be provided temporary military quarters at: [INSERT ADDRESS or TBD if still coordinating]
- If you intend to transport and/or store any personally owned firearms (POF) on the Fort Campbell installation while residing in temporary military quarters, you must register your POF at the Fort Campbell Visitor Control Center. If your temporary military quarters are in the barracks, your POF must be stored in the unit arms room.
- This will remain in effect until expiration, modification, or rescission of this order, but in no case for less than 72 hours from the incident triggering this action.

Firearms [IF THE COUNSELED SOLDIER DEMONSTRATES THEY ARE A RISK TO SELF OR OTHERS]

At this time, I have assessed that your access to firearms poses a risk to you, your family member(s), and/or others. In order to mitigate that risk, the following provisions apply:

- You will surrender your government weapons custody card immediately.
- You will limit your access to any personally owned firearms (POF) by: [DESCRIBE PLAN, e.g., voluntarily turn POF into unit arms room if remaining in off-post residence, ordered to turn POF into unit arms room if residing in on-post privatized housing or barracks, have a family member or friend take possession of the POF and secure them in a different location, etc.]
- If your plan to limit access to POF involves transporting and/or storing POF on the Fort Campbell installation, you must register your POF at the Fort Campbell Visitor Control Center.
- These firearms provisions will remain in effect until I have determined that the risk of harm has subsided.

Firearms [IF THERE IS NO DEMONSTRATED RISK TO SELF OR OTHERS]

- In order to reduce the potential for harm to yourself or others following the incident with your alleged abuser, I am encouraging you to exercise prudent firearm safety measures such as: voluntarily removing or limiting your access to your personally owned firearms (POF) for a 72-hour "cool down" period, using gun trigger locks, storing POF in locking gun safes, not handling POF while emotionally upset or after consuming alcohol, etc.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: I agree disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____ Date: _____

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor: _____ Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.