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Department of the Air Force

INTIMATE PARTNER VIOLENCE AND DOMESTIC ABUSE



December 2023

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DACOWITS RFI #5

a. Copies of or links to all published regulations, policies, and other instructions or guidance addressing the matter of domestic and intimate/dating partner abuse and outlining the range of response and care resources, procedures, and protection measures.

- DAFI 40-301 – *Family Advocacy Program*
(https://static.e-publishing.af.mil/production/1/af_sg/publication/dafi40-301/dafi40-301.pdf)
- Department of the Air Force policy for all aspects of Family Advocacy Program (FAP)
- Addresses all responses, resources, procedures and treatment of domestic, child, and intimate partner abuse
- “Dating” abuse is not FAP and falls under SAPR and is not included in this guidance



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b. Provide DoD and Service policy definitions of domestic abuse/violence and whether those inflicting such abuse or violence include persons other than spouses, such as intimate or dating partners.

- Within DAF FAP, we reference DOD definitions.
- Per DoDI 6400.06 - *DOD COORDINATED COMMUNITY RESPONSE TO DOMESTIC ABUSE INVOLVING DOD MILITARY AND CERTAIN AFFILIATED PERSONNEL*:
- **Domestic abuse**: Domestic violence, or a pattern of behavior resulting in emotional or psychological abuse, economic control, or interference with personal liberty that is directed toward a person who is a: Current or former spouse; Person with whom the alleged abuser shares a child in common; Current or former intimate partner with whom the alleged abuser shares or has shared a common domicile; or Person who is or has been in a social relationship of a romantic or intimate nature with the accused and determined to be an intimate partner (as defined below).



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b. (continued) Provide DoD and Service policy definitions of domestic abuse/violence and whether those inflicting such abuse or violence include persons other than spouses, such as intimate or dating partners.

- **Domestic violence:** An offense under the U.S.C., the UCMJ, or State or local law involving the use, attempted use, or threatened use of force or violence against a person, or a violation of a lawful order issued for the protection of a person, who is a: Current or former spouse; Person with whom the alleged abuser shares a child in common; Current or former intimate partner with whom the alleged abuser shares or has shared a common domicile; or Person who is or has been in a social relationship of a romantic or intimate nature with the accused and determined to be an intimate partner. This may include offenses as defined in Section 928b of Title 10, U.S.C. With respect to eligibility for legal assistance, alleged domestic violence offense is defined in Section 1044 of Title 10, U.S.C. (See Section 548 of PL 116-92).:



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b. (continued) FAP & Military Services: Provide DoD and Service policy definitions of domestic abuse/violence and whether those inflicting such abuse or violence include persons other than spouses, such as intimate or dating partners.

- **Intimate partner:** Within the context of eligibility for FAP services, a person who is or has been in a social relationship of a romantic or intimate nature with the alleged abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the person and the alleged abuser. An intimate partner is informed by, but not limited to, the totality of factors such as: Previous or ongoing consensual intimate or sexual behaviors. History of ongoing dating or expressed interest in continued dating or the potential for an ongoing relationship (e.g. history of repeated break-ups and reconciliations). Self-identification by the victim or alleged abuser as intimate partners or identification by others as a couple. Emotional connectedness (e.g., relationship is a priority, partners may have discussed a future together). Familiarity and knowledge of each other's lives.



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c. Identify policy, reporting, or other changes or updates to policies made in the last four years (FY20-FY23) related to reporting, data collection, resources available to abuse victims and coordination with civilian authorities.

- DAFI 40-301, Family Advocacy Program is under rewrite for significant updates/changes with an estimated date of completion of 2024
- DAF is working a Memorandum of Understanding (MOU) with the National Children’s Alliance, the accrediting body for Child Advocacy Centers (CACs) across the country
 - A final copy of the MOU is being routed for signature to facilitate local working relationships with installation FAPs
 - This action is being undertaken by all the services
- SECAF directed a Cross Functional Review in 2023 to identify gaps in the DAF FAP leading to policy changes to improve victim services and resourcing of increased Domestic Abuse Victim Advocates (DAVAs), Family Advocacy Officers (FAOs) and FAP staff
 - DAF recently funded 5 more OCONUS DAVAs and is working 14 more CONUS



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d. Provide data/metrics collected regarding the number of domestic and intimate partner abuse incidents reported or otherwise known to authorities for FY12-FY22 and include a breakout of whether the incidents involved spouses or intimate/dating partners, as well as the genders of the abusers and victims. If available, provide a breakdown of the total number by type of domestic and intimate partner abuse incidents (e.g., physical, emotional, sexual). However, do not include data for child abuse or neglect incidents.

- Data pull required across multiple database systems and is currently underway.



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e. Are military authorities required to notify civilian authorities when a military protection order (MPO) is issued?

- Yes. See, 10 USC Sec. 1567a; DAFI 51-201, *Administration of Military Justice*, para. 4.15.9, 4.15.10; DoDI 6400.06, *DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel*, para. 3.5.d(3)(b)(3); DoDI 6495.02 Vol. 1, *Sexual Assault Prevention and Response: Program Procedures*, Enclosure 5, para. 8.b.

f. What are the criteria for issuance of an MPO and who has the authority to issue such an order? What is the governing regulation and link thereto?

- An MPO is a formal protective order. MPOs are appropriately used to ensure a person is protected from a subject during criminal investigations and prosecutions. Unlike a no-contact order, an MPO offers broad protections to the person being protected. An MPO affords the commander the opportunity to: limit communications; prohibit a subject or accused from being within a certain physical distance of a protected person or protected person's household, residence and workplace; mandate counseling; require disposal of firearms located on the installation; and take other such measures necessary to ensure adequate protection of the protected person. MPOs are generally used in all cases involving domestic violence or sexual assault, though commanders may elect to use a no-contact order if more appropriate in the particular case. DAFI 51-201, *Administration of Military Justice*, para. 4.15.1. Only a commander on G-Series orders may issue an MPO. *Id.*, para. 4.15.2.

Governing regulations:

DoDI 6400.06, *DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel*, para. 3.5.d. -- https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/640006p.pdf?ver=vX8kQHt201rXkVrKDq9_jA%3d%3d
DoDI 6495.02 Vol. 1, *Sexual Assault Prevention and Response: Program Procedures*, Enclosure 5, para. 8 --
https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/649502_vol01.PDF?ver=onrMrl4-MNbCcN4PkGmWVQ%3d%3d
DAFI 51-201, *Administration of Military Justice*, Section 4C -- https://static.e-publishing.af.mil/production/1/af_ja/publication/dafi51-201/dafi51-201.pdf



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g. How many MPOs have been issued in the last 10 years to safeguard servicewomen?

- This information is being retrieved and will be provided soonest.

h. What efforts are being undertaken to ensure no dangerous weapons are in a household where both the abuser and victim reside?

- When a FAP referral is received, an assessment for safety and risk factors is performed immediately
- This assessment explicitly includes access to weapons
- If weapons are present/acknowledged by anyone, FAP informs the command and LE who can take action accordingly



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i. Identify policies in place and resources available which provide immediate assistance and safe housing for military abuse victims.

- Per DODI 6400.06, commanders will, “secure safe housing for the victim as needed”
- Specific responses are unique to each installation
 - Most installations (especially in OCONUS locations) utilize a dorm room or lodging room
 - Many of our CONUS locations also have MOUs with local shelter organizations when available



Questions?