

Building Effective Civilian Responses to Military- Related Victims of Intimate Partner Violence

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*Analysis in progress. Permission to use with proper citation.
Ellen C. Schell, eschell@legalproject.org and Glenna Tinney, gtinney@hwjip.org*

Agenda

- Context and magnitude
- Unique issues of military-related victims and offenders
- What advocates need to know about the military
- What advocates need to know about the National Guard, Reserves, and veterans systems
- Military-related offenders and the criminal justice system
- Coordinated community response to intimate partner violence (IPV)

Our Definition . . .

- Intimate Partner Violence = A pattern of coercive tactics which can include physical, psychological, sexual, economic, and/or emotional abuse, perpetrated by one person against an intimate partner with the goal of establishing and maintaining power and control over the victim.**
- Broader definition than used by military, criminal justice system, etc.

**Adapted from: New York State Office for the Prevention of Domestic Violence, Model Domestic Violence Policy for Counties (Albany, NY, January 1998)

Military-Related

- Active duty military
- Reserves
- National Guard
- Veterans
- Differences and similarities



Brief Overview of Structure of Military

- Four branches under Department of Defense – Army, Navy, Air Force, Marines
- One branch under Department of Homeland Security – Coast Guard
- Reserve Component = Reserves + National Guard
 - Reserves – federal mission
 - Guard – federal and state mission
- Veterans – Department of Veterans Affairs (Benefits, Health, Burials & Memorials)

Brief Overview of Structure of Military

- Each service has
 - Enlisted personnel
 - Non-commissioned officers (NCOs)
 - Warrant officers
 - Officers (commissioned)
- Strict hierarchy with rules against fraternization
- Always someone higher up with authority over someone else

Magnitude

- Over 2 million have served in Iraq and Afghanistan
- Over 500,000 National Guard and Reserves
- Multiple deployments
- Increased OPTEMPO
 - Extended tours
 - Decreased breaks
- Drawdown





Unique Issues

Unique Issues

- Deployment
- Reunion and reintegration
- Combat exposure
- “Battlemind”= Survival
- Post-traumatic stress disorder
- Traumatic brain injury



Common Stress Reactions

- Sleep disturbance
- Bad dreams/nightmares
- Anger/short temper
- Agitation, irritation, annoyance
- Jumpy and easily startled
- Avoiding people and places
- Increased drinking, smoking, drug use
- Mistrust
- Over-controlling or overprotective



Invisible/Signature Wounds

- Traumatic brain injury (TBI)
 - Estimated as many as 20% will experience a TBI (Defense and Veterans Brain Injury Center)
 - Estimated 320,000 experienced probable TBI (2008 Rand Corporation Study)
 - Controversy
- Post-traumatic stress disorder (PTSD)
 - Estimated 300,000 have PTSD or major depression (Rand Study)
- Diagnosis
- Co-occurring disorders
- Estimated only 50% reported or sought help (Rand Study)
 - Warrior mentality and stigma

TBI



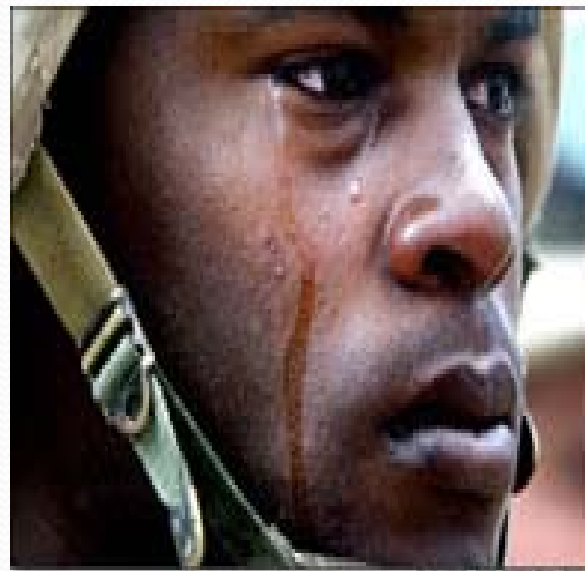
- A traumatically induced disruption of brain function/disturbance of consciousness, resulting in impairment of cognitive, emotional, and physical functioning
 - Cognitive: problems with memory and concentration
 - Emotional: anger, anxiety, poor impulse control, misinterpret communication of others
 - Physical: headaches, fatigue, insomnia
- Blasts **leading cause** of TBI in OIF/OEF
 - Account for 69% of TBI in current conflicts
 - Effects of concussion from blast injury not always immediately apparent

Mental Health Issues

- VA estimates 44% OIF/OEF veterans have psychological conditions
- 14% of those returning have serious mental health issues (PTSD or depression) (Walter Reed Army Institute of Research study)
- OIF/OEF veterans with major depression, receiving VA services, have a 9.1-fold increase risk of suicide, compared to those w/o major depression
- Self medicating/substance abuse (associated with PTSD and TBI)

PTSD

- *The person has been exposed to a traumatic event in which both of the following have been present:*
 - (1) the person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others
 - (2) the person's response involved intense fear, helplessness, or horror



PTSD

- VA estimates 15% of OIF/OEF veterans have PTSD
 - Of the 40% who have sought mental health care, 49.8% have PTSD problems
 - Difference between active duty and Guard and Reserves
- Symptoms of PTSD:
 - Re-experiencing
 - Avoidance and numbing
 - Hypervigilance and increased arousal
- PTSD is a treatable condition

Significance for Victims

- Most returning military **do not become abusive**
- Veterans with PTSD consistently found in research studies to have higher incidence of IPV perpetration than veterans without PTSD
- Veterans with PTSD report significantly higher rates of generally violent behaviors and aggression than veterans without PTSD
- Over one half (53.2%) OIF/OEF veterans presenting for care at a VA Deployment Health Clinic endorsed at least one act of physical aggression against an intimate partner in the past 4 months

Considerations for Advocates

- Confusion/guilt
- Caretaker role
- Risk and danger assessment
 - Context of the violence
 - Firearms
 - Depression/suicide
 - Co-occurring conditions
- Safety planning
- Resources
- Support system
- Immigration status



Lethal IPV

- 2008 Surveillance of Violent Deaths Report, National Center for Injury Prevention and Control:
 - Majority of the violent deaths were secondary to IPV and/or relationship problems
 - Two hundred of the incidents involved homicide followed by suicide
 - 20% of all suicides were by former and current military personnel
 - Homicide-suicide accounts for 27-32% of lethal IPV incidents in general population
- Predominant risk markers include guns, patterns of estrangement and reunion, and offender's poor mental health

What Advocates Need to Know About the Military



What Advocates Need to Know About the Military

- This IS an entirely different world
- Has its own rules and world view
- You may not agree with it, but you should understand it in order to work within it
- It is a different “game” and you will “play” it better if you understand the rules

What Advocates Need to Know About the Military

- Rank and respect are two of the most important things in the military
- ASK the rank of the person you're talking to, and use the title when you speak to that person, unless they tell you otherwise
- Rarely will you get into trouble being too respectful

What Advocates Need to Know About the Military

- Make at least some effort to understand the various ranks of people you might be dealing with
- Different rules and possibilities of punishment for different ranks
- Different levels of responsibility
- Different levels of ability to make things happen

What Advocates Need to Know About the Military

- Commanding officers have very broad powers to issue orders to subordinates, as long as they are lawful orders
- A lawful order given **MUST** be obeyed, or the disobeying SM (service member) is subject to punishment
- Most important concern is military readiness and fitness for duty – Good Order and Discipline

What Advocates Need to Know About the Military

- For this reason, things can get done in the military with far less fuss than in the civilian world
 - Removal from home
 - Military Protective Order
 - Prohibition from coming on base
 - Family support
- This can be a distinct advantage to your client

What Advocates Need To Know About the Military

- BUT, because military readiness and fitness for service IS of ultimate importance, a SM victim may be vulnerable to some things that would not be problems for victims in the civilian world
- Possible consequences for SM abuser and family may be severe

What Advocates Need to Know About the Military

- Active-duty, full-time military has system to respond to IPV cases
 - Family Advocacy Program
 - Consists of treatment providers and victim advocates
 - If you have a military base nearby, get to know these folks
 - They can be helpful
 - Understand differences between restricted and unrestricted reporting options

What Advocates Need to Know About the Military

- Restricted reporting
 - Basically confidential report
 - No report to chain of command
 - No report to law enforcement
 - Victim can get medical and victim advocacy services, so has access to support and information regarding unrestricted reporting.

What Advocates Need to Know About the Military

- Restricted reporting
 - Exceptions (when report will not remain confidential)
 - Prevent or lessen serious or imminent threat to health or safety of victim or another person
 - Suspected child abuse
 - Command hears about incident some other way (friend – if SM, duty to report)
 - Only available to active-duty personnel – not Guard and Reserve, civilian contractors, etc.

What Advocates Need to Know About the Military

- Unrestricted reporting
 - Report may be made through
 - Service member's command
 - Military law enforcement
 - Family Advocacy Program
 - Investigations of unrestricted reports
 - Law enforcement
 - Incident status investigation

What Advocates Need to Know About the Military

- Incident Status Investigation
 - Done by Incident Determination Committee made up of:
 - Command Representative
 - FAP Representative
 - Law Enforcement
 - JAG office
 - Purpose to determine whether incident meets DoD definition of “domestic abuse”

What Advocates Need to Know About the Military

- Domestic Abuse = Domestic violence or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person of the opposite sex who is: a current or former spouse, a person with whom the abuser shares a child in common, or a current or former intimate partner with whom the abuser shares or has shared a common domicile.

What Advocates Need to Know About the Military

- Domestic Violence = An offense under the USC, the UCMJ, or State law involving the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is: a current or former spouse; a person with whom the abuser shares a child in common; or a current or former intimate partner with whom the abuser shares or has shared a common domicile.

What Advocates Need to Know About the Military

- Three possible outcomes of investigation*
 - Substantiated
 - Suspected
 - Unsubstantiated
 - * Note that these particular labels may be slightly different on some bases or in some services, but the structure is the same

What Advocates Need to Know About the Military

- If unsubstantiated – No treatment plan
- If substantiated, make appropriate referrals for
 - Safety Planning
 - Clinical Treatment
 - Case Management
- If suspected, further investigation
- Does NOT deal with discipline or accountability
- If treatment does not go well, or there's any other reason, commanding officer can discipline SM

What Advocates Need to Know About the Military

- Transitional Compensation
 - Money paid to an abused spouse and/or children to cover living expenses where SM no longer has military paycheck due to DV or child abuse conviction
 - Available to victim of DV or parent of child abused by SM
 - Must be married to SM abuser
 - SM must have served at least 30 days active duty
 - SM must have been discharged, or sentenced to forfeiture of all pay and allowances, due to a domestic violence or child abuse offense.

What Advocates Need to Know About the Military

- Transitional Compensation
 - Application made through Commanding Officer or Legal Officer
 - Minimum 12 months, maximum 36 months duration of benefits
 - Not taxable to victim
 - Victim and children can also keep health, commissary & exchange benefits for same time periods

What Advocates Need to Know About the Military

- Transitional Compensation
 - Benefits will terminate if
 - Victim remarries
 - Victim resumes living with abusive SM
 - Spouse is found to have been active participant in abuse of a dependant child
 - DV conviction is reduced to lower offense or separation from service is revoked

References

- DoD Instruction 6400.06, Domestic Abuse Involving DoD and Certain Affiliated Personnel

<http://www.dtic.mil/whs/directives/corres/pdf/640006p.pdf>

- Understanding the Military Response to Domestic Violence, Tools for Civilian Advocates

<http://www.bwjp.org/articles/article-list.aspx?id=30>

What Advocates Need to Know About the Military

- Active-duty military system is somewhat different than the National Guard, Reserves, and veterans systems
 - Jurisdiction
 - Services
 - Regulations
 - Victim safety
 - Offender accountability
- Department of Veterans Affairs

Accountability For Military-Related Offenders



Military Discipline & Justice

- Military punishment or non-punitive administrative action is generally based on SM's fitness for duty and how their actions affect the proper functioning of the military unit or reflect on the military in general
- This is why SM victims may be subject to actions that appear punitive

Military Discipline & Justice

- Range of options for commanding officer
- Commander required to resolve charge at lowest possible level, considering all facts and circumstances
- Purpose to achieve and maintain good order and discipline
- Commanders have discretion within this framework

Military Discipline & Justice

- Discipline can be
 - Administrative or “non-punitive”
 - Counseling, reprimands, admonitions
 - Extra-military instruction
 - Discharge – honorable, general
 - Punitive
 - Non-judicial – Article 15, Captain’s Mast, Mast
 - Judicial – UCMJ Courts-martial
 - Discharge – dishonorable or bad conduct

Military Discipline & Justice

- Military authorities have exclusive jurisdiction over offenses that happen on military property
- Military and civilian authorities have concurrent jurisdiction over offenses that happen on civilian property (i.e., “off base”)
- Not uncommon for both military and civilian prosecutors to seek charges against the same individual for the same offense(s)
- Typically, prosecutors will confer and decide which jurisdiction will prosecute

Military Discipline & Justice

- Goals of military justice system
 - Promote justice
 - Assist in maintaining “good order and discipline” within the armed forces
 - Promote efficiency and effectiveness in the military establishment, thereby strengthening national security
 - *Emphasis is on the unit, not the individual*

Military Discipline & Justice

- Uniform Code of Military Justice (UCMJ)
 - Basic criminal code of the military
 - Contains both “common” offenses (homicide, sex crimes, crimes against property, drugs, etc.) and uniquely military offenses (absence offenses, subordination, orders violations, behavior in combat, etc.)



Military Discipline & Justice

- Uniform Code of Military Justice (UCMJ)
 - Applies to ALL active-duty servicemembers at ALL places, at ALL times
 - Does NOT apply to inactive reservists
 - Does NOT apply to civilian GS workers or contractors (unless specifically designated)



Military Discipline & Justice

- Uniform Code of Military Justice (UCMJ)
 - Military offenses carry maximum sentences but no minimum
 - Sentence will include all/some of the following:
 - 1) Confinement
 - 2) Reduction in rank
 - 3) Fines and/or forfeitures
 - 4) Discharge



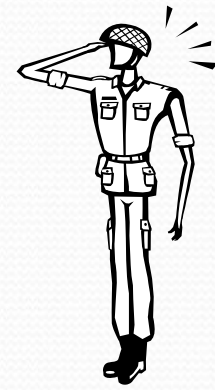
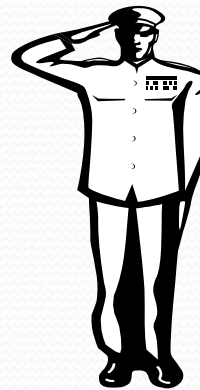
Military Discipline & Justice

- Courts-Martial
 - Three types
 - Summary Court-martial
 - Special Court-martial
 - General Court-martial
 - Full rights and protections for accused available – in some cases more than in civilian world
 - NO Right to Grand Jury – specifically inapplicable to military
 - Article 32 investigation procedure instead – unless knowingly and intelligently waived



Military Discipline & Justice

- Military Justice “Out”
 - The Military Rules of Evidence provide that “good military character” evidence alone may support an acquittal. MRE 404(a)(1)
 - Can be a problem with domestic violence cases where sometimes abusers are the “perfect soldiers” (or sailors, or Marines, or airmen)



Justice-Involved Veterans

- 1,159,500 veterans arrested in 2007 (BJS)
- Veterans account for 9 out of 100 people in U.S. jails/prisons daily
- Veterans now serving prison terms are between the ages of 25 and 34
- Increasing numbers of OIF/OEF veterans involved in the justice system



Justice-Involved Veterans

- BJS, 2002:
 - 61% serious medical problem (ever)
 - 65% substance dependency
 - 29% psychiatric diagnosis
 - 10% PTSD
 - 18% homeless year before arrest
 - 45% two or more state prison incarcerations
 - 70% non-violent offenders

Veterans Treatment Courts



Veterans Treatment Courts

- Response to a growing number of veterans appearing on court dockets with substance abuse and mental health issues
- Serve veterans struggling with addiction, serious mental illness and/or co-occurring disorders
- Promote sobriety, recovery and stability through a coordinated response
- Combine rigorous treatment and accountability for veterans facing incarceration
- There are currently 40 Veterans Treatment Courts (VTCs) nationwide with more in the planning stages
- Services Education and Rehabilitation for Veterans (SERV) Act

What A VTC Is

- A hybrid drug and mental health court based on the successful treatment court model
- Places justice-involved veterans in appropriate treatment while under close judicial supervision
- Allows participants to go through the treatment court process with other veterans
- Utilizes partnerships with the federal, state and local agencies, Veterans Service Organizations and mentor/peers

From: The National Association of Drug Court Professionals

What A VTC Is Not

- “Get-out of jail free” card
- “One size fits all”
- Focused on substance abusers over mental health
- Accepts only non-violent offenders
- Forces clients into treatment

From: The National Association of Drug Court Professionals

VTC Key Components

1. Integrates alcohol, drug treatment, mental health treatment, medical services with justice system case processing
2. Using a non-adversarial approach, prosecution and defense promote public safety while protecting participants' due process rights
3. Eligible participants are identified early and placed in VTC
4. Access to a continuum of alcohol, drug, mental health and rehabilitation services

From: The National Association of Drug Court Professionals

VTC Key Components

5. Abstinence is monitored by frequent alcohol and drug testing
6. Coordinated strategy governs Court's responses to participants' compliance
7. Ongoing judicial interaction with each veteran is essential
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

VTC Key Components

9. Continuing interdisciplinary education promotes effective Court planning, implementation, and operations
10. Forging partnerships among the Veterans Administration, public agencies, and community-based organizations generates local support and enhances Court effectiveness

IPV and VTCs

- Considerations
 - Victim safety and advocacy
 - Offender accountability
 - Eligibility: batterers/non-batterers
 - Assessment and treatment for IPV
 - Assessment and treatment for co-occurring disorders
 - Monitoring and supervision
 - Lautenberg Amendment: Firearms
 - Civil issues (e.g., divorce, custody, support)
 - Protection orders
- Know what is happening in your jurisdiction



Military/Civilian Coordinated Community Response

Coordinated Community Response (CCR)

- Model draws from experience in Duluth, MN and other progressive cities
- CCR approaches are guided by *systemic change perspectives*, taking account of the diverse experience of victims, ongoing risk assessment, tracking case outcomes, and constructive problem-solving

Elements of a CCR Intervention Project

- Identifies shared underlying assumptions and builds a shared framework to guide intervention in IPV cases
- Assists intervening agencies in developing and implementing policies and operating procedures that reflect the shared framework
- Monitors/tracks cases from initial contact through case closure to ensure practitioner and offender accountability
- Coordinates the exchange of information and interagency communication and decision making related to IPV cases

Elements of a CCR Intervention Project

- Ensures that victims and other at-risk family members have access to resources and services that offer safety and protection
- Utilizes a combination of sanctions, restrictions, and rehabilitation services to hold offenders accountable and to protect victims from further abuse
- Works to undo harm to children
- Evaluates the CCR from the standpoint of victim safety

BWJP CCR Demonstration Project

- The goal of this project was to create guidelines for coordinating the response of civilian and military agencies to IPV cases involving military personnel that:
 - Enhance victim safety and autonomy
 - Effectively hold perpetrators accountable for ending their violence
 - Provide safety and support to children exposed to violence in these families

Demonstration Project

- Demonstration sites
 - Naval Air Station, Jacksonville, Florida and Naval Station, Mayport, Florida
 - Ft. Campbell, Kentucky
- Considerations
 - Chain of command
 - Military core values
 - Movement and turnover
 - Family Advocacy Programs

Demonstration Project

- Considerations continued:
 - Implications of reporting abuse
 - Limitations of confidentiality
 - Military jurisdiction
 - Defense Task Force on Domestic Violence
- Collaborating for Safety: Coordinating the Military and Civilian Response to Domestic Violence – Elements and Tools found on the BWJP Web site at:
http://www.bwjp.org/bwjp_home.aspx

Take Home Points

- Know which military-related system is involved
- Understand how each system works
- Know the services available to military-related victims and offenders in your jurisdiction
- Develop relationships with the military-related providers

Take Home Points

- Consider the unique issues in military-related cases in completing a thorough risk/danger assessment and safety plan
- Seek technical assistance if needed
- Explore developing a military/civilian CCR

Contact Information

Ellen C. Schell

CDWBA Legal Project, Inc.

518-435-1770 (work)

518-727-3161 (cell)

eschell@legalproject.org

Glenna Tinney

Military Advocacy Program Coordinator

Battered Women's Justice Project

703-822-8118

gtinney@bwjp.org



Questions/Discussion