Safety-Forward Approaches with Military Connected Survivors

May 4, 2023
NOVA is the TA provider for OVW's *Advocating for Military-Connected Survivors* Training and Technical Assistance (TTA) project. This project provides TTA to community advocates and civilian criminal justice professionals responding to military-connected survivors of sexual assault, dating violence, stalking and/or domestic violence.
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Today’s Speakers

- Angela Duhon, MSCJ/FP, CA, Military/Civilian Victim Services Senior Program Manager, National Organization for Victim Assistance (NOVA)
- Ava Ramirez-Ene, Ph.D., Military & Campus TTA Program Coordinator, NOVA
- Katie Chiarantona, MSW, Associate Director, Coordinated Community Response, Department of Defense
Learning Objectives

- Identify Military Demographics
- Discuss Safety Considerations for Military-Connected Survivors
- Define and Discuss Military-Civilian Coordinated Community Response (CCR)
- Describe Advocacy and Safety Planning Options for Military-Connected Survivors
How prepared do you currently feel to provide supportive services to military-connected survivors?

What challenges do you and/or your agency face in supporting military-connected survivors?
Military Demographics

2021 DEMOGRAPHICS PROFILE
ACTIVE DUTY MEMBERS

Service Branch
- 24.7% Air Force/Space Force
- 36.1% Army
- 25.7% Navy
- 13.5% Marine Corps

Gender
- 82.7% Male Active Duty members
- 17.3% Female Active Duty members

Enlisted and Officer
- 82.3% Enlisted
- 17.7% Officers

Average age of Enlisted: 27.1
Average age of Officers: 34.4

Education

<table>
<thead>
<tr>
<th>Enlisted</th>
<th>Officers</th>
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<tbody>
<tr>
<td>1,099,460</td>
<td>236,388</td>
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<tr>
<td>0.1%</td>
<td>0%</td>
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<tr>
<td>76.6%</td>
<td>5.5%</td>
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<tr>
<td>10.2%</td>
<td>1.2%</td>
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<tr>
<td>8.1%</td>
<td>44.8%</td>
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<tr>
<td>1.5%</td>
<td>39.7%</td>
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<tr>
<td>0.5%</td>
<td>8.7%</td>
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Race and Ethnicity
- 31.1% of Active Duty members identify with Racial Minority groups*
- 17.7% of Active Duty members are Hispanic or Latino

*Racial minority includes Black or African American, Asian, American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, Multi-racial, and Unknown

Geographic Location
- 87.6% of Active Duty members are located in the United States and U.S. Territories.
- The map depicts the four U.S. states with the largest percentage of Active Duty members:
  - California: 13.6% of members
  - Texas: 10.1% of members
  - Virginia: 10.0% of members
  - North Carolina: 8.5% of members

Source: 2021 Demographics Profile of the Military Community (Department of Defense) - [https://download.militaryenlistment.gov/2021-03/MCS/Reports/2021_demographics-report.pdf](https://download.militaryenlistment.gov/2021-03/MCS/Reports/2021_demographics-report.pdf)
Military Family Demographics

<table>
<thead>
<tr>
<th>Family Status (n = 1,335,848)</th>
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<tbody>
<tr>
<td>46.1% Single, no children</td>
<td>3.9% Single, with children</td>
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<tr>
<td>14.0% Married to civilian, no children</td>
<td>29.0% Married to civilian, with children</td>
</tr>
<tr>
<td>4.6% Dual-military marriage, no children</td>
<td>2.4% Dual-military marriage, with children</td>
</tr>
</tbody>
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**Active Duty Spouses (n = 594,110)**
- 50.0% Active Duty members are married
- 9.5% of spouses are men
- 90.5% of spouses are women
- 32.0 Average age of spouses
- 50.0% Civilian spouse employment

**Active Duty Children (n = 950,953)**
- 35.4% Active Duty members with children

**Children in each age group**
- 0 to 5 years: 41.0%
- 6 to 11 years: 32.7%
- 12 to 18 years: 22.3%
- 19 to 22 years: 4.0%

**Active Duty Adult Dependents (n = 6,909)**
- 64.0% Over the age of 50+
- 72.5% of adult dependents are women
- 28.1% of adult dependents are associated with Active Duty members in the E5-E6 paygrades

Source: 2021 Demographics Profile of the Military Community (Department of Defense) [Link](https://download.militaryonesource.mil/12036/MOD/Reports/2021-demographics-report.pdf)
Military-Connected Survivors

- **Service Member**
  - Active Duty (full-time)
  - National Guard (full-time or part-time)
  - Reserve (full-time or part-time)
  - Veterans

- **Intimate Partner**
  - Person who is or has been in a social relationship of romantic nature with the accused and is determined to be an intimate partner
  - Current or former spouse
  - Person with whom the alleged abuser shares a child in common
  - Current or former intimate partner with whom the alleged has shared a common domicile

- **Civilian Dependent**
  - Adult or Child

Photo credit: Williams James College
Military/Civilian Communication & Collaboration

• “Warm hand-off”
  – Seamless and coordinated care between first responders
  – Trauma-informed, survivor-centered approach

• Why?
  – Survivor’s choice to access to military and/or civilian services/benefits
  – No matter what system they initially seek services from, they must receive the same standard of care!
  – Military members and dependents regularly PCS/relocate

• How?
  – Meet with your military counterparts to develop partnerships and formalize MOUs
  – Know their names!
Safety Forward Approaches w/Military-Connected Survivors – May 04, 2023
Family Advocacy Program (FAP)

- 230+ FAPs in the U.S. and overseas
- FAP provides prevention services to help foster healthy family relationships
- FAP also provides response services after an incident of domestic abuse:
  - Victim advocacy
  - Counseling and supportive services
  - Abuser treatment, when appropriate
Family Advocacy Program (FAP)

- Eligibility:
  - Service members on active status (Active-duty and activated Guard and Reserve, “on orders”)
  - Dependents of active status Service members (eligible for care in military medical system)
  - Civilian non-dependents receive intake, risk assessment and safety planning, and warm hand-off
Reporting Options for Adult Abuse

• Restricted (confidential)
  – Family Advocacy Program Domestic Abuse Victim Advocate/Family Advocacy Program Clinician can take a restricted report
  – Medical providers (in most states — know your state laws) can uphold victim’s right to restricted report and refer to the Family Advocacy Program
  – Restricted reporting is limited to adult domestic abuse victims who are eligible to receive medical care from the DoD
Reporting Options for Adult Abuse

• Unrestricted (not confidential)
  – Law enforcement and Command will be notified
  – Investigation may be initiated

• Situations in which a report cannot be restricted
  – Victim or another person is in immediate danger or risk for physical harm
  – Command or law enforcement becomes aware of incident through other means

* If the domestic abuse also involves alleged child abuse and neglect, the child abuse and neglect must be reported but domestic abuse incident may remain restricted
Unique Safety Considerations

• **Civilian Partner Victims:**
  - May be stationed at a location far from family, friends, or a support system
    - Abuser can use military assignment to further intentionally isolate the victim
  - Fear that reporting will jeopardize abuser’s career and victim/family will lose livelihood (access to housing, medical care, education benefits, income)
  - Abuser can convince victim that the military doesn’t care about the victim, will believe/protect the abuser, won’t help
Unique Safety Considerations

• **Civilian Partner Victims:**
  – Civilian spouses and intimate partners may have difficulty finding employment
  – Operational Requirements – life for Service member and family can be chaotic
    • Deployment cycle
    • Training assignments
  – Stigma
Unique Safety Considerations

- **Service Member Victims:**
  - May be stationed at a location far from family, friends, or a support system
  - Abuser can use military assignment to further intentionally isolate the victim
  - Fear that reporting will jeopardize victim’s career and victim/family will lose livelihood (access to housing, medical care, education benefits, income)
  - Abuser can threaten to cause embarrassment or report other behaviors to the military
Unique Safety Considerations

- **Service Member Victims:**
  - Fear that reporting will not remain confidential and other unit or community members will know
  - Operational Requirements – life for Service member and family can be chaotic
    - Deployment cycle
    - Training assignments
  - Stigma
Military Resources to Mitigate Safety Concerns

- Availability of military resources depends on whether the report is restricted or unrestricted (CCR involvement), and beneficiary status

- **Unrestricted:**
  - Military Protective Orders/No-contact orders
  - Expedited Transfers, Safety Moves, Early Return of Dependents
  - Transitional Compensation for Abused Dependents
  - Restrict Service member abuser’s movement or civilian abuser’s access to installation
  - Military justice system can investigate and prosecute domestic violence subject to jurisdiction agreements
Military Resources to Mitigate Safety Concerns

- **Unrestricted OR Restricted:**
  - Domestic Abuse Advocacy
  - Medical care
  - Risk assessment and safety planning
  - Counseling
  - Warm hand-off to civilian or other military resources as needed
  - Special Victims Counsel/Victims’ Legal Counsel
Military Protective Orders (MPOs)

- An order issued by an active-duty member’s command prohibiting the member from contacting or communicating with a protected person or members of the protected person’s family or household

- MPOs are applicable to locations beyond a CPO’s jurisdiction, even outside of the continental United States

- Issuance of an MPO is by command authority and does not afford due process

- MPOs must be entered into the National Crime Information Center database by military law enforcement, which makes them visible to civilian law enforcement

- Some elements of the MPO represent command documenting, not ordering or authorizing (e.g., custody and visitation arrangements)
Benefits of Military Protective Orders (MPOs)

- Does not require victim to appear with abuser in court
- Can be issued more swiftly than CPOs
- Provides awareness to law enforcement who may respond to a violation
- Can deter a Service member abuser
- Can be tailored to victim’s needs, but cannot be less restrictive than a CPO, if a CPO is in place
- Violation allows command administrative authority to discipline Service member abuser
- Applicable outside civil jurisdictions
- Do not expire until Commander terminates or replaces
Limitations of Military Protective Orders (MPOs)

- Can only be issued against Service members who fall under Commander’s authority (not civilians)
- Are NOT enforceable by civilian law enforcement unless the abuser is engaging in another crime when law enforcement responds
- Do NOT invoke the Lautenberg Amendment – may restrict government issued firearms
- In order for a Commander to enforce an MPO, they must be notified of the violation
- Violation of MPO is punishable by command, not criminal, action (e.g., not arrest and detainment) as determined by commander
  - If on-installation, military law enforcement can apprehend
Civil Protection Orders (CPOs) in Military Context

- Civil Protection Orders are fully enforceable on the installation and can be prosecuted under the Uniform Code of Military Justice.
- Commander can arrange for civilian abuser to be barred from the installation or escorted if needed to ensure the CPO is not violated.
- Service members may continue to use firearms in the line of duty even if subject to a CPO, but not following conviction.
Expedited Transfers, Early Return of Dependents, & Safety Moves

- Expedited Transfer
  - Available to Service member victims and their dependents of physical or sexual domestic violence

- Safety Move*

- Early Return of Dependents*

- All options subject to command approval

* Not exclusive to domestic abuse, but can be approved for domestic abuse situations
Transitional Compensation for Abused Dependents

• Temporary resource that provides financial support, access to medical benefits through the local military treatment center or TriCare, as well as other ID covering base privileges

• Benefits are 12-36 months, dependent on Service branch policy

• Monetary amount is standardized by number of dependents
Transitional Compensation for Abused Dependents

• Eligibility:
  – Dependents who have an unrestricted report, AND
  – Residing in the household during the time of the abusive incident, AND
  – Who are no longer living with the sponsor, AND
  – Whose active-duty Service member sponsor has been separated from the military at least in part for dependent abuse.
  – OR suspension or deferral of total forfeiture of pay and allowances pursuant to a sentence of a court-martial.
Best Practices

- Connect with Domestic Abuse Victim Advocates on nearby installations.
  - If victim chooses to work with civilian victim advocate, military domestic abuse victim advocate can provide consultation and access to command and resources as needed
- Inform victims of all military options, including benefits and limitations of working with command and military CCR (military domestic abuse victim advocate can help)
- Communicate risk and safety needs and provide regular updates to CCR members
- Request temporary housing options for victim safety
  - If abuser is Service member, command can mandate Service member reside on base
  - If victim is Service member, determine command options for temporary housing or victim can stay on base at their own expense if command is not involved.
Best Practices

- Encourage a victim to request BOTH and Military and Civil Protection Order, to provide more authority for enforcement and community awareness.

- Civilian Law Enforcement best practice – know how to contact Service member’s installation military police for notification of incidents and potential violations of Military Protection Orders.

- If commander is involved, ensure they are notified of Civil Protection Order.
  - Consider requesting the installation or garrison commander bar a civilian abuser from the installation or request escort – work with victim advocate.

- Ensure both civilian and military law enforcement are informed as either may exercise investigative jurisdiction over the alleged offenses.

- Service member victim can request reassignment through Command.
Scenario 1

You are working with a civilian spouse victim who has not reported the abuse they are experiencing from the Service member to the military.

- Can you recommend that the victim request a Military Protection Order?
- What steps would you take with the victim to request a military protection order?
Scenario 2

You are working with a civilian intimate partner victim who lives off the installation/military base. The command was notified of the abuse, and issued a Military Protection Order that specified no contact. The victim shares with you that the abuser has been reaching out to their shared friends through social media asking the victim if they can come to the victim’s house to collect belongings.

- What do you recommend?
- Can law enforcement intervene?

What steps would you take with the victim to request a military protection order?
Scenario 3

You are working with a civilian spouse victim who has both a military and civil protection order against the Service member abuser. The civilian spouse needs to access the installation/military base to take their children to the child care center.

- What steps can you take to provide the victim options for safety on base?

What steps would you take with the victim to request a military protection order?
Scenario 4

You are working with a military member victim who is experiencing abuse from their civilian spouse. They have not reported to the military, and are increasingly concerned for their safety remaining in the home with the abuser.

- What safety options are available if the member files a restricted report?
- What safety options are available if the member files an unrestricted report?
  - What other considerations are important when safety planning?
Scenario 5

You are working with a military member victim who is experiencing abuse from their military member spouse.

- Why might the victim not want their military commander to know?
  - Would you refer the victim to the Family Advocacy Program?
Questions?

Third Saturday in May
May 20, 2023
Advocating for Military-Connected Survivors Project

For specialized training & technical support, please contact:

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