



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FIRES CENTER OF EXCELLENCE AND FORT SILL
455 MCNAIR AVENUE, SUITE 100
FORT SILL, OKLAHOMA 73503

OCT 13 2023

ATZR-C

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CG Policy Memorandum #6A, Command Response to Incidents of Domestic Violence

1. References.

a. Army Regulation (AR) 608-18, The Army Family Advocacy Program, 30 October 2007

b. AR 190-45, Law Enforcement Reporting, 27 September 2016

c. DoD Instruction 6400.06, DOD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, 15 December 2021, incorporating Change 2, 16 May 2023

d. DoD Instruction 6490.4, Mental Health Evaluation of Members of the Armed Forces, 4 March 2013 incorporating Change 1 effective 22 April 2020

e. Domestic Violence Amendment to the Gun Control Act of 1968 (18 U.S.C §922), the Lautenberg Amendment 18 U.S.C. §921(a)(33)(A)

2. Our military community is not immune from domestic violence. Commanders have a vital role in the coordinated community response to domestic abuse. I expect commanders to respond to all reports of domestic violence and encourage you to use the resources available within our community to assist with these matters. An appropriate response includes, but is not limited to, the requirements listed below.

3. Pursuant to 18 U.S.C. §921(a)(33)(A), domestic violence as applicable to the Lautenberg Amendment is defined as: An offense that involves the use or attempted use of physical force, or threatened use of a deadly weapon committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person who was similarly situated to a spouse, parent, or guardian of the victim, or by a person who has a current or recent former dating relationship with the victim. Similarly, AR 190-45, Paragraph 4-16 defines domestic violence as including the use, attempted use, or threatened use of force or

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violence against a person or a violation of a lawful order issued for the protection of a person, who is (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common domicile.

4. Unit commanders will take the actions listed in Enclosure 1, Domestic Violence Checklist, when you become aware of an allegation of domestic violence involving a member of your command. All commanders will sign the checklist, maintain a copy in the Soldier's counseling file and forward a copy to the assigned unit Trial Counsel from the Office of the Staff Judge Advocate. If the commander becomes aware that an allegation of domestic violence involves a weapon, injury to a victim, or a threat to injure the victim, the commander will refer the Soldier to Community Behavioral Health Services for an assessment.

5. Unit commanders will issue a Military Protective Order (DD Form 2873) to safeguard victims, quell disturbances, and maintain good order and discipline by providing victims time to pursue protective orders through the civilian courts or to support existing civilian orders of protection. Unit commanders will provide copies of the signed Military Protective Order to the Soldier, the protected person, the Fort Sill Police (phone: 442-2103) and their assigned Trial Counsel.

6. If a civilian court issues any protective or restrictive order against a Soldier for service on Fort Sill, the Civil Liaison Office or Desk Sergeant, Fort Sill Police will immediately notify the unit's first sergeant or commander who will make the Soldier available for the service.

7. The actions listed in Enclosure 1 are the minimum actions required of commanders in these situations. Nothing in this policy memorandum precludes a commander from taking any other lawful action deemed appropriate. These protective measures are designed to safeguard members of the military community while the case is assessed by Social Work Services and investigated by the Fort Sill Military Police or Criminal Investigation Division and when deemed appropriate, adjudicated through administrative or judicial processes.

8. Commanders will ensure all Soldiers are aware of the content and effect of the Lautenberg Amendment, as implemented in Army Regulation 600-20, paragraph 4-23. Under the Lautenberg Amendment, many Soldiers with a qualifying conviction for domestic violence are incapable of performing their assigned duties. If a commander knows or has reasonable cause to believe that a Soldier has a qualifying conviction, the commander must consult with their servicing Trial Counsel and take all reasonable action to investigate. The commander must also immediately retrieve all Government issued firearms and ammunition from the Soldier. A commander at any level may initiate the investigation by ordering the Soldier to complete DD Form 2760 (Qualification to Possess Firearms or Ammunition). Soldiers with qualifying convictions must be

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identified and reported to HQDA to ensure compliance with the law. Soldiers who have or may have a qualifying conviction should be referred to a legal assistance attorney. A legal assistance attorney will be available to assist the Soldier in seeking expungement of a qualifying conviction or a pardon, and to provide guidance on lawful disposal or sale of any privately owned firearms and ammunition. Individuals with qualifying convictions will not be assigned individual weapons or ammunition. Soldiers will be given a reasonable time to seek expungement of or to obtain a pardon for a qualifying conviction and may extend up to one year for that purpose upon consideration of the factors outlined in AR 600-20, paragraph 4-22(c)(8)(a through I).

9. This policy applies to all Soldiers assigned to Fort Sill units, commands, tenant units, and activities.

10. This CG Policy Memorandum supersedes CG Policy Memorandum, ATZR-C, 13 August 2022, subject: CG Policy Memo 6A, Command Response to Incidents of Domestic Violence.

11. The point of contact for this memorandum is the Office of the Staff Judge Advocate, Chief, Military Justice, (580) 442-1765.



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