



DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION AND U.S. ARMY HAWAII
580 KOLEKOLE AVENUE
SCHOFIELD BARRACKS, HAWAII 96857-6000

APVG-CG

04 AUG 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Hawaii Policy Letter #12 – Commanders' 72-hour Physical Separation of Parties Involved in Domestic Violence

1. References.

- a. Army Regulation (AR) 27-10, Military Justice, 3 October 2011.
- b. AR 600-20, Army Command Policy, 6 November 2014.
- c. AR 608-18, The Army Family Advocacy Program, 30 October 2007 (RAR 13 September 2011).
- d. ALARACT 063-2013, Control and Reporting of Privately-Owned Weapons, 25 March 2013.

2. Purpose. This policy memorandum implements a commander's 72-hour minimum period of physical separation for Soldiers and/or their Civilian Spouses involved in domestic disputes on or off U.S. Army installations.

3. General. Violence against a spouse is contrary to the values and standards of the U.S. Army. Spouse abuse is a community issue, which requires a consistent and coordinated community response.

4. Applicability. This policy applies to all Soldiers, Civilians, Family Members, contractors, and other personnel who work on, reside on, or visit any U.S. Army installations, facilities, or work sites in Hawaii.

5. Responsibilities.

a. Commanders.

(1) When an active duty Soldier is identified by the Military Police (MPs) as the offender in a domestic disturbance involving physical assault, commanders, upon notification by the Provost Marshal Office (PMO) or Honolulu Police Department (HPD), will place the Soldier in the barracks or with a command-assigned individual for a minimum of 72 hours. The command-assigned individual must be an officer or non-commissioned officer (NCO), no less than one grade higher than the offender, and must

APVG-CG

SUBJECT: U.S. Army Hawaii Policy Letter #12 – Commanders' 72-hour Physical Separation of Parties Involved in Domestic Violence

not reside in close proximity to the victim. To ensure victim safety, commanders will maintain accountability of the Soldier at all times.

(2) When a civilian spouse is the offender in a domestic disturbance involving physical assault, commanders will keep the Soldier's safety the highest priority and will use appropriate, cautionary measures, to include placing the victim-Soldier in the barracks or seeking a temporary bar from the installation for the offender-civilian spouse.

(3) In situations where a domestic dispute does not involve physical assault, the commander may institute a 72-hour physical separation based on the circumstances and the recommendations of the MPs or Social Work Services (SWS).

(4) In dual-military cases, commanders will require that the Soldier-victim remains in the couple's residence and that the offender-Soldier is placed in the barracks or with a command-assigned individual.

(5) In dual-military cases involving mutual abuse, commanders will place the party identified by the MPs as the primary offender in the barracks, in the interest and welfare of the victim and couple's minor children, if applicable.

(6) If the offender-Soldier resides on-post and the commander has reasonable grounds to believe the offender-Soldier is at risk for suicide or causing harm to others, the commander may request that the offender-Soldier bring his/her privately-owned weapons to the unit's arms room. If the offender-Soldier resides off-post, commanders may request that the offender-Soldier bring his or her privately owned weapons to the unit's arms room; however, if the Soldier is unwilling to voluntarily surrender his or her off-post, privately-owned weapons, the Soldier cannot be ordered to comply with the request. Soldiers unwilling to voluntarily surrender privately-owned, off-post weapons may be ordered to temporarily reside on, and be restricted to, post. Commanders should seek the advice from their servicing judge advocate prior to taking any action concerning privately owned weapons maintained off-post.

(7) When appropriate, commanders may revoke pass or leave privileges of the offender-Soldier subject to the provision of this policy.

(8) Where the offender-Soldier must retrieve basic necessities from his/her home, the commander will ensure that the victim is notified in advance and assign an escort officer or NCO no less than one grade higher than the offender, to accompany the Soldier to ensure that the Soldier returns to the barracks or home of the command-

APVG-CG

SUBJECT: U.S. Army Hawaii Policy Letter #12 – Commanders' 72-hour Physical Separation of Parties Involved in Domestic Violence

assigned individual. The commander will ensure that the offender understands that this is a one-time visit during the 72-hour separation period.

(9) Commanders will contact SWS the next working day after the incident for case management.

(10) Commanders will consult with the case manager before allowing a couple to reunite after the 72-hour separation.

(11) Commanders should consider issuing a military protective order (DD Form 2873) to the alleged offender-Soldier to minimize contact and safeguard the victim.

b. Social Work Services.

(1) The assigned case manager will contact the commander within 24 hours of receipt of the blotter report.

(2) SWS will act as a consultant to the commander when the 72-hour separation is concluded.

c. PMO. The PMO will notify the commander of the incident to begin the 72-hour minimum period of physical separation.

6. This memorandum supersedes policy memorandum USARHAW Policy Letter #13, dated 5 November 2014 and remains in effect until superseded or rescinded in writing.

7. The point of contact for this memorandum is Ms. Cindy Morita, Family Advocacy Program Manager, at (808) 655-4778.



CHRISTOPHER G. CAVOLI
Major General, USA
Commanding

DISTRIBUTION:

A