

FORCE MANAGEMENT
POLICY

ASSISTANT SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MAR 18 2002



MEMORANDUM FOR THE JUDGE ADVOCATE GENERAL OF THE ARMY
THE JUDGE ADVOCATE GENERAL OF THE NAVY
THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE
THE STAFF JUDGE ADVOCATE TO THE COMMANDANT
OF THE MARINE CORPS

THROUGH: GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE *WJH* 3/17/02

SUBJECT: Domestic Violence Prosecution Training

In its initial report, the Defense Task Force on Domestic Violence recommended that DoD initiate an "evidence-based prosecution training module for Staff Judge Advocates." In response to that recommendation, the Deputy Secretary of Defense agreed that DoD would review existing training in this area and implement any appropriate changes. The recommendation and DoD response are attached.

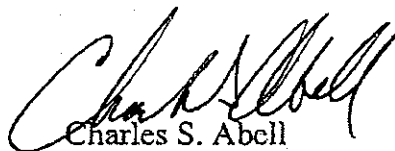
To implement the DoD response to this recommendation, I ask you to review the training now available to prepare your judge advocates to prosecute domestic violence cases, to include training received during initial military legal courses and additional resident or non-resident training provided by your training institutions or other sources. Upon completion of your review, I request that you implement any changes you deem necessary.

Among other aspects of training, you may want to review training in those skills that are often relevant in domestic violence cases. These skills include techniques for gaining victim cooperation and avoiding victim unavailability at trial, the use of expert witnesses to explain why a victim might be reluctant to testify or recant a previous statement, and the use of evidence other than eyewitness testimony in domestic violence cases.

In reviewing existing domestic violence prosecution training and making any appropriate changes, I encourage you to review and incorporate the best practices of other Services and the civilian community.



Thank you for your attention to this important matter.



Charles S. Abell

Attachment:

As stated

cc:

General Counsels of the Military Departments

Issue 2C – Military Criminal Justice Training

That the DoD –

- Develop, in collaboration with the Military Services and the DTFDV, standardized domestic violence training for military police to be included in their initial training.
- Ensure that local military police patrol officers receive specialized relevant training within 90 days of being assigned duties that would typically require them to respond to domestic violence.
- Create, in collaboration with the Military Services and the DTFDV, mobile training teams to expedite delivery of domestic violence training to military police patrol officers at the installation level.
- Develop, in collaboration with the Military Services and the DTFDV, a comprehensive list of state-of-the-art equipment necessary to conduct a proper investigation of an alleged domestic violence incident.
- Initiate, in collaboration with the Military Services and the DTFDV, an evidence-based prosecution-training module for Staff Judge Advocates.

DOD RESPONSE: DoD agrees with the first two recommendations and will amend DoDD 6400.1 to include the content issues developed by the DTFDV that the Services' training must include. DoD will study the cost of implementing the third recommendation. DoD agrees to review existing current investigative equipment requirements and prosecution training for Staff Judge Advocates and implement appropriate changes.