



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON GRAFENWOEHR
UNIT 28130
APO AE 09114-8130

IMEU-GFW-ZA

12 November 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #7; Applicable Rights of Both, Alleged Offender and Alleged Victim

1. **Effective Date.** This policy letter remains in effect until superseded or rescinded.
2. **Scope.** This policy letter is applicable to all FAP personnel, USACID, MPI, SWS, and alleged offenders and victims of Family violence.
3. **Policy.** Each of the above agencies has a responsibility in investigating suspected incidents of Family violence. Each military police desk sergeant will notify Social Work Services (SWS) and either spell out (USACID) or spell out (MPI) based on the alleged victim. On all child sexual and physical abuse reports, USACID will have primary responsibility for formal and informal questioning of Soldiers and civilians suspected of abuse. In cases of child neglect and all spouse abuse allegations MPI will have primary responsibility for formal and informal questioning of Soldiers and civilians suspected of abuse. SWS will gather clinical information for presentation to the Case Review Committee (CRC) for treatment determination only.

a. It will be the local law enforcement agency, i.e. MPI or CID that will advise alleged offenders of their rights regarding questioning. Under UCMJ, Art 31 a person or civilian agent of a person subject to the UCMJ may not question a Soldier suspected of an offense without first informing the Soldier of the nature of the accusation and advising the Soldier that he or she does not have to make any statement regarding the offense of which he or she is accused or suspected of and that any statement the Soldier makes may be used as evidence against him or her in trial by court-martial. In addition, prior to questioning, a Soldier suspect must be advised of his or her right to counsel set out in M.R.E. 305, MCM 2002.

b. In order to provide safety and security for alleged victims, the USAG Grafenwoehr will maintain crisis shelters for spouse abuse victims in each community of Vilseck and Grafenwoehr. Each location is confidential and is maintained through ACS/FAP. A victim advocate will be referred through SWS to the ACS Victim Advocate for cases in which spouse/partner abuse is evident. Emergency Placement Care (EPC) will be provided on cases of child abuse through the Garrison Commander and CRC. Garrison Commander can issue a Child Protective Order (CPO) for the removal of abused children to EPC homes if the case is warranted.

c. SWS will notify unit commanders within 24 hours of alleged incidences to make risk and safety assessments known to command for possible Military Protection Order (MPO). The termination of the MPO will be determined through SWS risk assessment and the final decision for removal will be the command that placed the MPO.

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d. The alleged victim will be offered all available services to provide safety and self-sufficiency. Alleged spouse abuse victims have a right to refuse service however the service will always be offered and he or she will be informed of related information in a timely manner. FAP will also promote the involvement of both parents, when applicable in the New Parent Support Program home visiting intervention process.

4. **Point of Contact.** POC is the Family Advocacy Program Manager, USAG Grafenwoehr, at 476-2650.



NILS C. SORENSON
COL, SF
Commanding

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