



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st ARMORED DIVISION AND FORT BLISS
11685 SERGEANT MAJOR BOULEVARD
FORT BLISS, TX 79916-6816

REPLY TO
ATTENTION OF:

AFBL-CG

10 January 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Letter #6, Domestic Violence and Child Abuse/Neglect, Sexual Assault and Sexual Harassment (Updated)

1. References:

- a. AR 608-18, Army Family Advocacy Program, 13 September 2011
- b. AR 600-20, Chapter 7, Army Command Policy, Sexual Harassment, 18 March 2008 (RAR, 4 August 2011).
- c. AR 600-20, Chapter 8, Army Command Policy, Sexual Assault Prevention and Response Program, 18 March 2008 (RAR, 4 August 2011).
- d. Uniform Code of Military Justice, Art. 31(b), 2008 Edition
- e. Domestic Violence Offender Gun Ban of 1997, "Lautenberg Amendment"
- f. ALARACT 182/2010 Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation and Training

2. Domestic violence to include child abuse / neglect, sexual harassment, sexual assault and sex crimes are incompatible with Army Values and adversely affect morale, welfare, and discipline and mission readiness. They threaten the victims, Families, neighbors, Soldiers' careers and unit integrity. Victims of domestic violence, child abuse and neglect, sexual assault and sexual harassment will be treated with compassion, dignity, and respect at all times. The rights of victims and offenders will be respected to ensure safety of all parties. Commanders, leaders, and supervisors at all levels are responsible for providing a safe and healthy environment for Soldiers, DA civilians, Contractors and Family Members to live, work, and participate in recreational activities on and off the installation.

Domestic violence is defined as the use, attempted use, or threatened use of force or violence against a person or a violation of a lawful order issued for the protection of a person who is: (1) A current or former spouse; (2) A person with whom the abuser shares a child in common; or (3) A current or former intimate partner with whom the abuser shares or has shared a common domicile. Sharing a domicile is defined as signing a lease together or living in the same residence for at least 30 days.

Child abuse is the physical injury, sexual maltreatment, emotional maltreatment, deprivation of necessities, or any other maltreatment by a parent, guardian, or any other person who is responsible for a child's welfare on a temporary or permanent basis. The prevention of child abuse and neglect, its attendant problems, the protection of victims of abuse, the identification, treatment, and the rehabilitate of the abuser are paramount. Commanders are encouraged to work

AFBL-CG

SUBJECT: Command Policy Letter #6, Domestic Violence, Sexual Assault and Sexual Harassment

with the FAP on cases of abuse and neglect, work to protect children of abuse and encourage the participation of both parents in New Parent Support Home Visitation activities.

3. Sexual assault is a crime defined as intentional sexual contact characterized by the use of force, threat of force, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal), indecent assault (unwanted, inappropriate sexual contact of fondling), or attempts to commit these acts.

4. Both domestic violence and sexual assault are crimes that can occur without regard to the gender, spousal relationship, or age of the victim. Victims of domestic violence and sexual assault will be treated with compassion, dignity, and respect at all times. Commanders, leaders, and supervisors at all levels are responsible for providing a safe and healthy environment for Soldiers, DA civilians, Contractors and Family members to live, work, and participate in recreational activities on and off the installation.

5. Report all instances of domestic violence cases (on and off the installation) to the Provost Marshal's Office (PMO). The PMO will conduct National Crime Information Center checks on those suspected of domestic violence and will notify the Soldier's chain of command and Office of the Staff Judge Advocate (SJA). Report all instances of suspected and actual child abuse / neglect (on and off the installation) to Texas Department of Protective and Regulatory Services and the PMO. A Family Advocacy Program Victim Advocate (VA) will provide information to adult victims on the Restricted and Unrestricted reporting options, and advocacy support to victims of child abuse/neglect, as well as appropriate safety planning. These are unrestricted reports.

Under the Restricted Reporting option victims may report their incident to the Family Advocacy Program Manager, Unit Victim Advocate (UVA), Social Work Service (SWS) or William Beaumont Army Medical Center (WBAMC) health care providers and receive medical and other support services without law enforcement or command notification. Disclosing a domestic violence incident to persons outside these specific personnel may result in an unrestricted report. Restricted reporting options do not apply to child abuse and neglect cases.

6. When notified of a domestic violence or child abuse/neglect incident involving a Soldier, regardless of rank, the commander may issue a "no contact order" for a minimum of 72 hours, whether the incident occurred on or off the installation, and follow procedures outlined in AR 608-18. The unit will provide on-post billeting for the Soldier, if available.

7. The Family Advocacy Program prevention staff will provide domestic violence awareness classes to all Soldiers assigned on Fort Bliss annually and all new Commanders within 45 days of their assumption of command. Child Abuse and Detection classes will be provided as an annual and as refresher training to all agencies that work with and/or provide services to children (i.e. Chaplains, CYSS, WBAMC, and PMO).

8. WBAMC Social Work Service will provide treatment for Soldiers and Family members, and supervises the Case Review Committee. Commanders will attend the CRC meetings and ensure Soldiers involved in domestic violence incidents attend recommended treatment.

9. Service members who are victims of sexual assault may report the incident in a Restricted or Unrestricted manner. On notification of a sexual assault, the installation Sexual Assault Response Coordinator (SARC) will be notified immediately. The SARC will advise the victim regarding his or her options for restricted and unrestricted reporting, and available services. Under the restricted option a Soldier may report their assault to the installation Sexual Assault Response Coordinator (SARC), UVA, and William Beaumont Army Medical Center (WBAMC) personnel and receive medical and other support services without law enforcement or command notification. Disclosing a sexual assault to persons outside these specific personnel may result in an unrestricted report.

10. Commanders, leaders and supervisors will ensure Soldiers and civilians are trained on the revised Sexual Harassment Assault Response Program (SHARP) training support package annually. The Fort Bliss SARC/SHARP personnel will be available to support the training. Commanders will also ensure that SHARP training is fully integrated into newcomer's briefs, training courses, holiday and weekend safety briefings; and before, during and after deployment.

11. Commanders will select Soldiers for training as a SHARP per ALARACT 123/2011. Selectees will be on appointment orders signed by the brigade commander or higher, have one year retainability and a clear background check. SHARP selectees are required to complete the 80 hr SHARP course. A copy of SHARP certificate will be maintained in the installation Equal Opportunity (EO) office and Soldiers' personnel file. SHARP personnel are required to maintain and update contact information with the installation EO; maintain an information board within their units; post victim reporting options and contact information in unit common areas; and attend refresher training conducted throughout the year.

12. Sexual Harassment is defined as a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, verbal (and non-verbal), or physical conduct of a sexual nature between the same or opposite genders when:

a. Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

b. Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decision affecting that person; or

c. Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment.

13. Sexual harassment demeans the dignity and respect of another person and impacts morale, discipline, and cohesiveness. It will not be tolerated on this installation. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control,

AFBL-CG

SUBJECT: Command Policy Letter #6, Domestic Violence, Sexual Assault and Sexual Harassment

influence, or affect the career, pay or job of an individual is engaging in sexual harassment. Similarly, any individual who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment. It diminishes the high standards of honesty, integrity, and organizational values necessary for accomplishing the Army's mission. Sexual harassment is punishable under the UCMJ and any person who is found guilty of sexual harassment will be disciplined as warranted.

14. Individuals who feel that they are being or have been sexually harassed should make it clear that the behavior is offensive and are encouraged to report the incident to their supervisor, Equal Opportunity Leader / Advisor, chain of command, or the Inspector General's Office.

Commanders, managers, and leaders at all levels will ensure that anyone filing a complaint alleging sexual harassment will be protected against acts or threats of reprisal and retaliation.

15. Allegations of sexual harassment will be investigated and resolved promptly at the lowest level possible or by formal disciplinary or administrative action. Commanders, managers, and supervisors will take prompt and decisive action when such sexual harassment is substantiated. The Army's policy and Fort Bliss policy is zero tolerance for sexual harassment and discrimination.

16. All Soldiers will receive semi-annual Prevention of Sexual Harassment (POSH) training that provides guidance on what constitutes sexual harassment and the avenues available for reporting sexual harassment.

17. Commanders have a responsibility to create an environment where safety is promoted and individuals feel free to report incidents of sexual assault.

18. Personnel are subject to the Uniform Code of Military Justice (UCMJ) who fails to comply with the provisions of this policy memorandum may be subject to punishment under the UCMJ and; or adverse administrative action authorized by applicable regulations.

19. Units will permanently post a copy of this policy memorandum on all unit bulletin boards and in work areas.



DANA C. H. PITTARD
MG, USA
Commanding

DISTRIBUTION:

A