

Domestic Violence



Naval Criminal Investigative Service



What is Domestic Violence?

- **UCMJ Article 128 – Assault**
 - Any person who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault.
 - Aggravated assault occurs when a person --
 - (1) commits an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm; or
 - (2) commits an assault and intentionally inflicts grievous bodily harm with or without a weapon;
- **UCMJ Article 92 – Violation of a lawful order issued for the protection of an adult (who has been assaulted)**



DoD Definition of Domestic Abuse

- **Domestic violence or**
- **A pattern of behavior resulting in emotional/ psychological abuse, economic control, and/or interference with personal liberty when such violence or abuse is directed toward a person of the opposite sex who is:**
 - A current or former spouse;
 - A person with whom the abuser shares a child in common;
 - A current or former intimate partner with whom the abuser shares or has shared a common domicile.



DoD Definition of Domestic Violence

- **An offense under the United States Codes, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, who is**
 - A current or former spouse;
 - A person with whom the abuser shares a child in common, or
 - A current or former intimate partner or former intimate partner with whom the abuser shares or has shared a common domicile.



Statistics

- **Over 40%** of new USN Recruits experienced some form of family violence (recent study on USN recruits)
- Every **5** years, DV kills as many people as who died in the Vietnam War (AMA)
- **33%** of female homicide victims are killed by an intimate partner. (DOJ 2003)
- DV is the 3rd **leading cause of injury-related death among women ages 15-44**
- ~ **45%** of all female intimate violence victims live in households with **children under 12** (DOJ, 2000)
- A 2005 study by the Am. Journal of Public Health reported that **31%** of all **pregnancy-related** deaths were the result of **homicide**.
- According to DOJ/CDC, the **BIGGEST** predictor of physical DV is **verbal abuse**



Primary Aggressor

- Person who is the most physically aggressive, NOT necessarily the person who acted first.

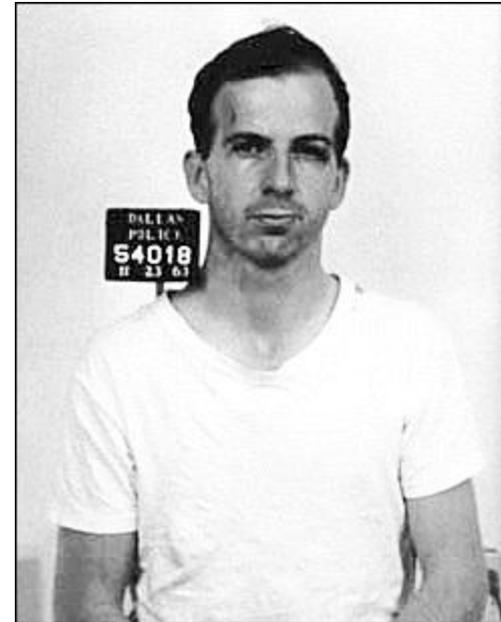
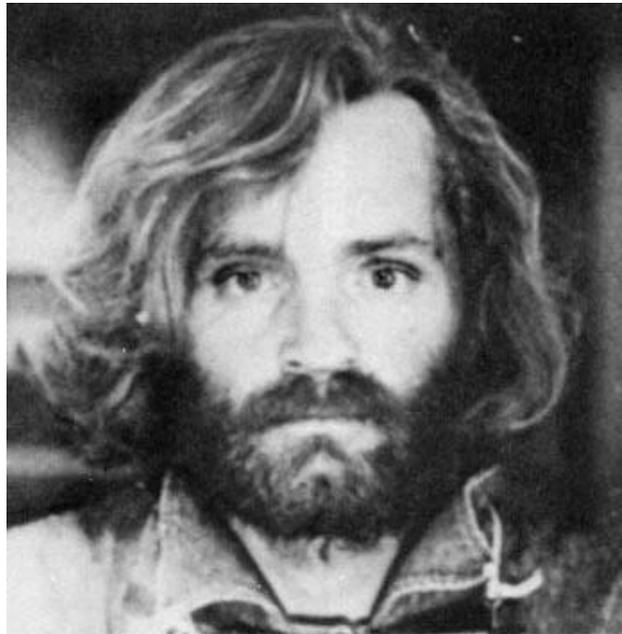
Considerations include:

- Comparative extent of injuries
- Serious threats creating fear of injury
- DV history





Some abused children grow up to become famous...





Separation Violence

- Escalation of threats and violence at time of separation
- 73% of battered women seek emergency medical services after separation
- Up to 75% of domestic homicides reported to LE are made **AFTER** separation
- Women most likely to be killed when attempting to report abuse or leave the abuser



Stalking, UCMJ Article 120a

- Any person subject to this section:
- (1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family;
- (2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family; and
- (3) whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself or to a member of his or her immediate family; is guilty of stalking and shall be punished as a court-martial may direct.



The crime of stalking is still committed even if.....

- The stalker was not given actual notice that the person did not want the stalker to contact or follow the person, and
- The stalker did not intend to frighten, intimidate or harass the person.





Lethality Indicators

- Job loss/Threat of Job Loss/Financial Strain
- Victim Recently Left
- Pending Divorce, Child Custody Battles
- Alcohol Abuse
- Access to Weapons/Threats of Same
- Access to Victim
- Violations of Protection Orders
- Stalking
- Depression
- Obsessive about Partner





The Lautenberg Amendment - 1996

- Amended the Gun Control Act of 1968
- Makes it a felony for anyone convicted of a “misdemeanor crime of domestic violence” to ship, receive, or possess firearms or ammunition
- There is NO military or law enforcement exception



What is a Misdemeanor?



- Defined by Federal or State Law
 - Does NOT include NJP/Office Hours/Captain's Mast, Summary Courts-Martial, CRC findings
 - Courts-martial are NOT classified as misdemeanor or felonies
- **DoD policy applies to felony and misdemeanor convictions at General and Special Courts-Martial that otherwise meet the definition of "crime of domestic violence."**



DoD Confidentiality Policy for Victims of Domestic Violence

- **Confidential/Restricted Reporting:**
 - Allows an adult victim of domestic abuse, who is eligible to receive military medical treatment, including civilians and contractors who are eligible to receive military healthcare outside the Continental United States on a reimbursable basis, the option of reporting an incident of domestic abuse to specific individuals without initiating the investigative process or notification to the victim's or alleged offender's command





DoD Policy of Restricted Reporting

- A person desiring a restricted report can report the domestic violence to one of the following individuals:
 - A victim advocate
 - The supervisor of the victim advocate (SARC)
 - A healthcare provider
 - Chaplain



Exceptions to Restricted Reporting

- When authorized by the victim
- To prevent or lessen a serious or imminent threat to health or safety of victim or another person. For example:
 - Homicidal or suicidal
 - Stalking
 - Abuse during pregnancy
 - Strangulation
 - A weapon used
 - Forced sex
- Belief that child abuse has also occurred
- Disability Retirement Boards
- When required for supervision of victim services
- When disclosure is ordered by federal or state statute





Unrestricted Reporting

- A domestic abuse incident is referred to law enforcement and an investigation is initiated.
- Military personnel are required to notify appropriate authorities of criminal activity, to include domestic abuse.
- In the event information about a domestic abuse incident is disclosed to command or FAP from a source independent of the restricted reporting avenues, law enforcement will be notified and will conduct an investigation.
- If the victim disclosed the event to someone other than the restricted reporting authorized individuals, an investigation may be initiated and FAP notified.



A 9-Year-Old Witness

- It was a little before dawn on Feb. 20, 2006, in a bedroom in Edwardsville, Ill. Carol Trevino and her 9-year-old son were startled awake by a series of booms. “What was that?” Carol Trevino asked her son.
- In seconds, Sgt. Jon Trevino, her estranged husband, barged through the door, according to a police report. Carol Trevino had just enough time to reach for her pepper spray before he shot her six times, the last time in the head. Then he shot himself.
- Their son, wide-eyed, sat in bed watching his life explode, bullet by bullet.
- Few details escaped the boy’s notice. His father used a silver gun and it “didn’t have a wheel on it, like the cowboys used,” he told police. The boy could even name the precise time of his mother’s death: 4:32 a.m., as the glowing clock read.



2005-2006 Domestic Violence Assessment

FINDINGS

- 3,803 incidents of domestic violence (DV) within the DoN (USN: 61% / USMC: 39%)
- The readiness of 2,505 military members was impacted in some way as a result of a DV incident.
- Most DV incidents (59%) occurred in an off base residence
- In 15% of cases, a child (or children) witnessed the violence, and in 2% the subject also assaulted a child or an adult witness.
- 83% spouses, 11% 'boyfriend & girlfriend' and 1% involved separated spouses
- 15 DV death cases were uncovered that resulted in 11 homicides and five suicides (one case was a 'murder/suicide').

TRENDS

- 2005 - 2006 DV incidents increased 4%



Triggers and Causal Factors

- **Triggers** – situational/dynamic stressors related to the present instance of domestic violence
- **Causal factors** – long-term intrapsychic factors (internal personal pre-dispositions) or societal influences
- Five most common triggers:
 - Suspected Infidelity
 - Alcohol/drug problems
 - Relationship end
 - Children
 - Money/religion





The Impact of War

- A 2006 study in The Journal of Marital and Family Therapy looked at veterans who sought marital counseling at a Veterans Affairs medical center in the Midwest between 1997 and 2003.
- Those diagnosed with **PTSD** were “*significantly more likely to perpetrate violence toward their partners,*” the study found, with *more than 80 percent* committing at least one act of violence in the previous year, and *almost half* at least one severe act.



USN Regulation 1137

- Obligation to Report Offenses
 - **USN personnel will report, as soon as possible to superior authority all offenses under the UCMJ which come under their observation, except when such persons are themselves already criminally involved...**



Sgt. Erin Edwards

- A few months after Sgt. William Edwards and his wife, Sgt. Erin Edwards, returned to a Texas Army base from separate missions in Iraq, he assaulted her mercilessly. He struck her, choked her, dragged her over a fence and slammed her into the sidewalk.
- As far as Erin Edwards was concerned, that would be the last time he beat her.
- Unlike many military wives, she knew how to work the system to protect herself. She served as an aide to a brigadier general at Fort Hood.
- With the general's help, she quickly arranged for a future transfer to a base in New York. She pressed charges against her husband and secured an *order of protection*. She sent her two children to stay with her mother. And she received assurance from her husband's commanders that he would be barred from leaving the base unless accompanied by an officer.



Sgt. Erin Edwards



- On the morning of July 22, 2004, William Edwards easily slipped off base, skipping his anger-management class, and drove to his wife's house. He waited for her to step outside and then, after a struggle, *shot her point-blank in the head before turning the gun on himself*. Both were 24.
- During an investigation, Army officers told the local police that they did not realize Erin Edwards had been afraid of her husband. And they acknowledged that despite his restrictions, William Edwards had not been escorted off base "on every occasion."



Military Protective Orders

OPNAVINST 1752.2A

- **Similar to TRO issued by Civil Court**
- **Can be issued after hearing only one side of the story (ex parte)**
- **Cognizant Officer determines it is necessary to ensure the safety and protection**
- **If ex parte, MPO should normally not be more that 10 days**





Purposes of a MPO

- Stabilizes the situation
- Provides additional time for investigation
- Administrative, NOT Punitive
- Attempt to ensure safety of designated person(s)
- **Attempt to protect subject from additional allegations concerning child/spouse abuse while order in effect**
- As crisis abates, and facts determined via investigation, final decision regarding decision to extend MPO should be made by CO, with input from FAR/LE, if possible





MPOs May Include Direction to...

- Stay away from designated person(s)
- Stay away from designated areas, including military housing, family residence, schools, place of employment, daycare centers
- Leave a public place if victim and offender find themselves in same location or facility
- Refrain from contacting, harassing, stalking or touching designated person



Why doesn't she leave???

- Fear:
 - More violence
 - Losing child custody
 - Losing financial support
- Women attempting to *leave* the abuser are at a **75% higher risk** of being killed than those who *stay*.
- Ashamed of being a victim or blames themselves for the violence





What Can We Do?

- Communicate with FAR/VSS/NCIS/CID
- MILPERS 1754-030: Suggestion for Financial Support
- Report and Refer to Appropriate Resources



Questions?

