



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

IMGF-ZA

9 6 MAR 2012

MEMORANDUM FOR SEE DISTRIBUTION

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

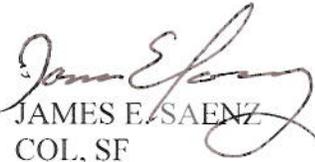
1. **Effective Date:** This policy letter remains in effect until superseded or rescinded.
2. **Scope:** This policy letter is applicable to all Family Advocacy Program (FAP) personnel, U.S. Army Criminal Investigation Division (USACID), Military Police Investigators (MPI), Social Work Services (SWS), and alleged offenders and victims of Family violence.
3. **Policy:** Each of the above agencies have a responsibility investigating suspected incidents of Family violence. Each military police desk sergeant will notify SWS, USACID or 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, Article 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 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 Rose Barracks and East Camp. 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 incidents 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:** The Point of contact for this memorandum is the USAG Grafenwoehr Family Advocacy Program Manager, 476-2650.


JAMES E. SAENZ
COL, SF
Commanding

DISTRIBUTION:

All Family Advocacy Program (FAP) Personnel
U.S. Army Criminal Investigation Division (USACID)
Military Police Investigators (MPI)
Social Work Services (SWS)
Unit Commanders
Unit Senior Non-commissioned Officers