Issue Paper

RAND

Formalizing Collaboration

Establishing Domestic Violence Memorandums of Understanding Between Military Installations and Civilian Communities

Laura J. Hickman and Lois M. Davis

During the summer of 2002, the murders involving soldiers stationed at Fort Bragg brought national attention to the issue of domestic violence in military families. Over the course of six weeks, four wives were murdered by their soldier-husbands and one soldier-husband was killed in an incident in which his civilian wife was implicated.[1] The subsequent increase in national attention renewed old questions about how the military could most effectively prevent and respond to domestic violence by or against its service members. Between 2000 and 2003, a comprehensive review was undertaken to address these very questions. Conducted by the Defense Task Force on Domestic Violence (DTFDV), the goal of this review was to outline a strategic plan for improvement of the Department of Defense (DoD) response to domestic violence in military families.

Among the many issues assessed by the DTFDV was collaboration between military installations and civilian communities. Specifically, it assessed the extent to which military policy encouraged installation commanders to seek to establish formal agreements, or memorandums of understanding (MOUs), with neighboring civilian communities about domestic violence–related information-sharing and procedures. In its first-year review, the DTFDV found such agreements were required by the Army, encouraged by the Air Force and Marine Corps, and not addressed by the Navy. Although DoD policy requires that any necessary and appropriate written MOUs shall be developed, the DTFDV recommended that the DoD "require installation/regional commanders to seek MOUs with local communities to address responses to domestic violence."

According to the DTFDV, the purpose of the MOU recommendation was to "improve command awareness of domestic violence issues, improve the delivery of services to and the safety of victims, and to increase accountability of offenders."[2] In its response to Congress, the DoD agreed to implement this recommendation.[3]

Issuing such uniform policy may be a relatively simple matter for the DoD, but if the goal of such a directive is

Defense Task Force on Domestic Violence

Following a directive by Congress in the National Defense Appropriations Act for fiscal year 2000, the Department of Defense (DoD) created a three-year, 24-member task force comprising representatives of each military service and civilian domestic violence experts. The DTFDV review involved examination of official policies and review of practices at selected installations. Because the DoD had no official definition of domestic violence to direct its work, the DTFDV developed its own working definition: In regard to current or former spouses and intimate partners, and other persons who have a child in common,

- the use, attempted use, or threatened use of physical force, violence, a deadly weapon, sexual assault, stalking, or the intentional destruction of property;
- behavior that has the intent or impact of placing a victim in fear of physical injury; or
- a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty.[4]

The DTFDV submitted its findings in three annual reports to the Secretary of Defense. In its first two reports, the DTFDV made a total of 155 recommendations, of which the DoD agreed to implement 116 and give further study to 19.[5] The final 2003 report contained an additional 13 recommendations, but as of this writing the Secretary of Defense has not yet submitted a response to Congress.

the actual establishment of MOUs (rather than the act of merely seeking them), meeting this goal is likely to be a considerable challenge. Increased motivation for military commanders to seek MOUs with civilian communities is not adequate to accomplish the goal. Civilian communities are diverse, independent entities and each must be willing to participate in a formal collaboration with neighboring installations. In this issue paper, we discuss some key examples of challenges that must be addressed in establishing MOUs with civilian communities and provide several recommendations for overcoming such challenges.

WHY ESTABLISH MOUs WITH CIVILIAN COMMUNITIES?

Domestic violence involving active-duty service members is a problem not only for the military but also for civilian jurisdictions. Though separated from surrounding communities in a number of ways, military installations are not islands. Service members and their families regularly visit surrounding communities and many live outside the installation among the civilian population. Any domestic violence that occurs off installations is under the jurisdiction of local civilian authorities. Unfortunately, there are no national or state-level data on the number of service member–involved domestic violence incidents handled by civilian law enforcement. Nor are there any studies we could find that examined this issue. This lack of study is surprising, given that in small municipalities near large concentrations of service members, it is possible that civilian law enforcement personnel spend a considerable amount of time responding to calls involving service members.

Civilian authorities may also have jurisdiction (and may be first responders) over incidents that occur *on* installations. While the traditional conception of a military installation is that of an area under complete federal control, there are many exceptions to this. Specifically, there are four types of jurisdiction affecting the extent to which civilian authorities may be involved in responding to domestic violence on military installations:[6]

(1) **Exclusive federal jurisdiction.** The federal government holds all authority and civilian authorities have essentially no power. Where jurisdiction is exclusively federal, all offenses including domestic violence are handled only by the military or other elements of the federal justice system. For offenses or actions that take place off the installation, civilian authorities have the "right to serve process" on the installation or present legal papers such as arrest warrants, subpoenas, civil orders, and civil process papers. Civilian authorities can enter only with military approval.

(2) **Concurrent jurisdiction.** State and federal governments share authority over the area, and either party may be the first responder and may prosecute offenses. These arrangements vary depending on state and local agreements between civilian and installation authorities.

(3) **Partial jurisdiction.** States give authority to the federal government in some areas of law but reserve their own authority over others. States vary as to which powers are reserved.

(4) **Proprietary-interest jurisdiction.** Except as specified by the Constitution, the federal government does not have jurisdiction and all legal authority is maintained by the state.

The specifics of how installations have come to fall under a particular jurisdiction type are complex. Jurisdiction is largely determined by how and when the military acquired the property and the state's interest in maintaining authority.[7] This complexity leads to a challenging situation for some installations: Because land may be acquired in various ways at different times, the same installation may contain areas under more than one type of jurisdiction. For example, the Army's Fort Monroe is under exclusive federal jurisdiction, except for the southwest corner, which is under concurrent jurisdiction with the state of Virginia.[8]

Neither the DoD nor the individual services appear to maintain records of jurisdiction type on U.S.-based installations in any form.[9] One DoD-sponsored study provides some information about jurisdiction type. The Military Family Resource Center issued a report in 1986 about the status of child abuse and domestic violence programs on U.S.-based installations with exclusive federal jurisdiction. For the study, the services conducted a special review of jurisdiction type for Army, Navy, Air Force, and Marine installations and only those where personnel actually resided.[10] The report does not identify the federal enclaves by name, specify how many of the 141 have portions of land under other forms of jurisdiction, or describe the jurisdiction type of the 733 remaining installations. The report does make clear that some form of civilian jurisdiction over installations is the rule (rather than the exception) and that the majority (87 percent) of service members and their families fall under either shared or complete civilian authority. Because of the multiple base closures after 1986, these numbers are outdated and we could identify no follow-up studies allowing a more current assessment of the distribution of jurisdiction type.

In sum, the military does not hold sole responsibility for responding to domestic violence incidents involving service members. Civilian communities that neighbor installations also share this responsibility, not only for incidents that occur off installations but also, in many areas, for incidents occurring on installations. Collaborative relationships between the installations and neighboring communities may be an effective strategy for addressing this shared responsibility.

In the next sections, we will highlight several key examples of challenges to the formalized collaboration both from the military and the civilian perspective.

CHALLENGES TO THE MILITARY IN COLLABORATING WITH CIVILIAN COMMUNITIES

Civilian communities surrounding military installations differ greatly in state legal context, local political context, size, law enforcement practices and policies, resource availability, and the nature of their relationship with the neighboring installation. All these factors are likely to influence the manner in which they respond to domestic violence involving service members and their level of interest in forging collaborative relationships with neighboring installations. One particularly weighty factor, however, is likely to be the extent to which the civilian community has adopted the philosophy and reforms of the modern domestic violence reform movement.

The Modern Domestic Violence Reform Movement

In the pre-reform era, state laws prohibiting violent acts against others applied, on their face, to offenses against intimate partners. These laws were rarely enforced for spouses. Reformers pressed for legislation that explicitly named intimate partners as a protected class of people and increased the punishment for offenses against them to emphasize the seriousness of domestic violence.[11] Initially, the legal reform efforts focused on establishing and enhancing protections for women married to or separated from violent husbands. Over the past several decades, other relationship types were also recognized and included under domestic violence reform efforts, including present and former cohabitants, and non-cohabiting dating partners. The reform efforts were bolstered by national data sources that consistently revealed the widespread presence of domestic violence in unmarried couples.[12] Most recently, domestic violence within same-sex couples has been legally recognized in some states, such as California.[13] Reformers have also succeeded in widening eligibility requirements for civil protection orders to include most familial and sexually intimate relationships, and requirements for obtaining an order (such as fees and simultaneous filings for divorce) have been reduced.[14] In addition, in many states criminal penalties have been imposed for violations of civil protection orders.[15]

Accompanying these legal changes were changes in the way that individual criminal justice agencies used their resources to respond to domestic violence. For much of American history, laws in most states did not authorize police to make a warrantless arrest for a misdemeanor assault unless it was witnessed by a law enforcement officer—a condition almost never met in domestic violence cases.[16] Even in cases in which arrests were authorized, police officers in many states in the 1960s and 1970s were trained to actively avoid making them in domestic violence situations.[17] In the subsequent reform era, many agencies, including police, prosecutors' offices, courts, and parole and probation agencies, began to form specialized units dedicated largely or exclusively to working with incidents and cases involving domestic violence.[18] The philosophy behind such specialized units is that domestic violence requires targeted resources because of its complexity relative to other types of crimes. Also, domestic violence is thought to require extra attention to reduce the historical tendency of criminal justice agencies to avoid involvement in these cases.[19]

Perhaps the most noticeable recent direction of reform is the emphasis on establishing and enhancing a coordinated community response to domestic violence. This response model is based on the philosophy that, while the criminal justice system plays a vital role, it alone cannot effectively combat domestic violence. It is believed that organizations that come into contact with perpetrators and victims need to work together to propagate a consistent message throughout the community that domestic violence is unacceptable, victims will be protected, and abusers will be held accountable. Thus, communication and coordination are promoted among criminal justice, social service, and nonprofit agencies; citizen groups; major employers; religious and medical communities; and schools.[20] Despite the extensive involvement of non–criminal justice agencies, criminalization remains a key feature of the coordinated community response model.

A number of communities have worked toward establishing or enhancing their coordination of collective resources based on this model. In these communities, coordination may vary from increased communication among criminal justice and social service agencies to the development of strategies to orchestrate the activities of numerous agencies toward reducing domestic violence.[21]

State Domestic Violence Laws

The impact of the domestic violence reform movement has been felt to different degrees in different states. In some states, legislative changes have been far-reaching and consistent with many of the reform movement's goals while other states have made fewer changes. More recently, federal incentives to states offered through the Violence Against Women Act of 1994 helped to increase the similarity of state domestic violence laws.[22] For example, in all states, domestic violence is legally defined by the relationship between the victim and offender and not by a unique type of behavior that only occurs in intimate relationships. Many states define striking another person as a crime but define that same behavior as a domestic violence crime only if the relationship between the victim and the offender fall into particular designated categories.[23] The relationship categories that legally define domestic violence differ from state to state.

For purposes of DoD policymaking, variance in domestic violence law is an issue of most concern in states where a substantial number of military personnel are stationed. We examined variation in domestic violence laws

across 15 such states. Fourteen of the states have Army, Navy, Air Force, or Marine installations with a minimum of 10,000 active-duty service members, as reported in the DoD's fiscal year 2002 Base Structure Report. Those states are California, Colorado, Florida, Georgia, Hawaii, Kansas, Kentucky, Maryland, New York, North Carolina, Oklahoma, Texas, Virginia, and Washington. The 15th state was Alaska, included because of its uniquely isolated location, its small state population, and the proximity of large installations from different services within the state.

As Table 1 shows, in all 15 of these "major military" states, the legal definition of domestic violence includes present and former spouses, present and former cohabitants, and persons who have a child in common, regardless of whether they had previously resided together. Nine of the 15 states define domestic violence to include present or former non-cohabiting dating partners.

The legal definition of domestic violence is important because this designation is often accompanied by particular legal requirements. One important requirement relates to the use of arrest by police officers. For the vast majority

Table 1

Relationship Categories Legally Defining Domestic Violence in 15 States with a Major Military Presence

	Current and former spouses	Present or former cohabitants	Present or former non-cohabitating dating partners	Other persons related by blood and/ or marriage	Persons with a child in common regardless of cohabitation
Alaska	X	X	X	X	X
California	X	X	X	X	X
Colorado	X	X	X		X
Florida	X	X		X	X
Georgia	X	X		X	X
Hawaii	X	X	X	X	X
Kansas	X	X	X		X
Kentucky	X	X		X	X
Maryland	X	X		X	X
New York	X	X		X	X
N. Carolina	X	X	X	X	X
Oklahoma	X	X	X	X	X
Texas	X	X	X	X	X
Virginia	X	X			X
Washington	X	X	X	X	X

of all crimes, police officers have legal discretion to decide whether to make an arrest, even when they believe a crime has occurred and they have identified a suspect. In the case of domestic violence, many states have adopted mandatory arrest laws that prevent police from exercising discretion. These mandatory arrest laws may apply to domestic violence crimes or to violations of civil orders forbidding contact with victims. Table 2 shows the legal requirements for arrest in the 15 major military states. In 6 of the 11 states, such as Alaska and New York, arrest is mandatory for both domestic violence crimes and violation of domestic violence protection orders. In five other states, such as Florida and Oklahoma, police officers have discretion in making arrest for both types of offenses. In the remaining four states, including California and Kentucky, arrest is mandatory for violation of protection orders but discretionary for domestic violence crimes.

In addition to requirements for arrest, designation as domestic violence can trigger other requirements such as mandatory jail time, short- or long-term prohibition from returning to a home shared with the victim, and successful

Table 2

Arrest Requirements for Domestic Violence Crimes and Violation of Protection Orders in 15 States with a Major Military Presence

	Misdemeanor DV Arrest		Protection Order Violation Arrest	
	Discretionary	Mandatory	Discretionary	Mandatory
Alaska		X[a]		X
California	X			X
Colorado		X		X
Florida	X		X	
Georgia	X		X	
Hawaii	X		X	
Kansas		X		X
Kentucky	X			X
Maryland	X			X
New York		X		X
N. Carolina	X			X
Oklahoma	X		X	
Texas	X		X[b]	
Virginia		X[c]		X[c]
Washington		X[d]		X

[a] If in the past 12 hours.

[b] Mandatory if occurs in officer's presence. Since this is uncommon, we have classified the law as discretionary.

[c] Except under "special circumstances." These are not defined in the statute.

[d] If in the past four hours and victim is injured or in fear of serious injury.

completion of a state-approved domestic violence intervention program that can range up to 52 weeks in length. For example, following arrest, the state of Georgia sets higher bail amounts for domestic violence cases and more stringent conditions of release than in other cases involving similar levels of violence.[24] The state of Texas allows persons arrested for domestic violence to be held for up to two days after bail is posted if there are concerns about victim safety.[25] Also in Texas, a second conviction for a misdemeanor-level domestic violence crime, punishable by a maximum of one year in jail and a $4,000 fine, is treated as a felony, punishable by 2–10 years in prison and a fine of up to $10,000.[26] In Hawaii, conviction of violation of a domestic violence order of protection is a misdemeanor criminal offense that triggers a mandatory two-day jail sentence; a second conviction triggers a mandatory 30-day jail

sentence.[27] In the state of New York, violation of a protective order is a felony criminal offense if the abuser intentionally places the victim in fear of serious harm (punishable by up to four years in state prison) or causes injury (punishable by up to seven years in state prison).[28]

Local Enforcement of State Law

Though state law may mandate particular actions in domestic violence cases, this does not mean that there is consistency in response by communities within each state. The enforcement of state law is essentially a local function. Communities vary widely in the extent to which state-level changes have influenced their response to domestic violence. Municipal and county-level criminal justice agencies have a considerable amount of latitude to set their own priorities, establish their own policies and special programs, and manage their own resources. Consequently, the zeal with which a law is enforced can vary widely by location and is influenced by a variety of factors.[29] For example, cities and counties vary in the attention they give and the resources devoted to enforcing laws related to prostitution, gang violence, or hate crimes. In this regard, local response to domestic violence is no different from that to other crimes. Moreover, police agencies may make enforcement of particular laws a priority, but prosecutors may not. Thus, a large number of arrests may result in relatively few convictions.

There is no source of data on the distribution of local criminal justice agencies that have placed a priority on and consistently enforce state domestic violence laws. But it appears anecdotally that such priorities are more likely in communities that have adopted some form of a coordinated community response to domestic violence. For example, domestic violence has been made a priority of law enforcement and prosecutors in communities such as Quincy, Massachusetts; San Diego, California; and Multnomah County, Oregon, all of which have become national models for coordinated response to domestic violence. Within these areas, law enforcement and prosecutors also work actively together and with social service agencies and community groups to address domestic violence.

State Laws and Local Response: Relevance to the Military

In seeking to form collaborations with civilian communities, recognizing variation across and within states is vital. Communities in states with similar domestic violence laws may share some similarities in their approach to the problem. Within each state, however, there are likely to be considerable dissimilarities, ranging from nonenforcement of state law to innovative approaches that go beyond interventions specified in state law. For example, in mandatory arrest states and those states with the broadest definition of domestic violence, more service members may be arrested by civilian authorities for domestic violence than in other states. However, this is only likely if installations in the former states neighbor communities that have placed a priority on addressing domestic violence.

The DTFDV recommended that the military seek from civilian authorities information about service member involvement in domestic violence (and be willing to share its own information in that regard). For installation commanders in mandatory arrest states, it may be tempting to assume that agreements about sharing of police arrest reports are sufficient to learn about involvement of military personnel in domestic violence. Because of variations in local enforcement, however, commanders in all states are likely to gain more information if they could see a civilian police report of any domestic violence call involving service members, rather than only those calls that result in arrest.

The variation between and within states in domestic violence response is likely to make this task much more challenging for some installation commanders than others. For example, in communities such as Colorado Springs, Colorado, where the civilian agencies have already worked toward establishing a coordinated community response, installation commanders are likely to have greater and quicker success at establishing collaborative relationships than in communities with little experience in domestic violence response collaboration.

In the former case, civilian communities may initiate conversations with neighboring installations about domestic violence, seek active participation of military representatives in domestic violence planning bodies, and encourage the formation of domestic violence MOUs. In civilian communities without an established or developing coordinated community response, a greater investment on the part of the DoD and local installation commanders would likely be required to achieve the same goal. For example, the DoD might need to provide training to commands on initiating contacts and on forming relationships with inexperienced civilian communities. Commands might need additional funding from the DoD to lay the groundwork for such relationships with these "inexperienced" communities. Because much more time, resources, and creativity are required of installation commanders in working with such communities, it is likely that the DoD will need to strongly and repeatedly communicate the importance it places on the formation of collaborative relationships and MOUs.

Complicating matters further is that installations neighbor more than one civilian jurisdiction. Service members at larger installations in particular may live in several different municipalities or even in several counties. For example, according to the 2002 DoD Base Structure Report, the nearest civilian city to the Army's Fort Lewis and McChord Air Force Base is Tacoma, Washington, located in Pierce County. In Pierce County alone, there are 13 differ-

ent municipal law enforcement agencies, one county-level agency, and a district covered by the state-level police agency. For installations near state borders, such as the Army's Fort Campbell, service members may live in different states, subject to different state laws. Consequently, a single installation command may need to seek collaborative relationships and negotiate agreements with agencies in multiple jurisdictions that differ in existing programs and resources, organizational pressures and structures, history of collaboration, and interest in domestic violence issues.

Given this situation, the DoD may need to provide installation commanders with guidance about whether a directive to form collaborative relationships applies to all neighboring communities where service members live or whether a subset of these communities may be selected based on criteria such as service member population. If the latter is the preferred strategy, existence of a coordinated community response should not be a key criterion for selection because commanders are more likely to learn about domestic violence involving service members in these communities than in communities where domestic violence has not been made a priority.

In sum, whatever guidance the DoD offers to installation commanders on forming collaborative relationships, it must recognize the wide variation among the civilian communities that surround military installations. To be most useful, guidance to commanders cannot be uniform because one size will not fit all installations and locations. At the same time, commanders need some detailed direction about how to forge workable agreements with local jurisdictions having varying levels of existing community collaboration and resources. Without such assistance, it is less likely that the DoD directive to form such MOUs would be fully implemented. The DoD is currently working on model MOUs to provide examples for installation commanders to follow. While this will undoubtedly be helpful, it is likely that a number of different MOU models would be needed to account for the variation in local jurisdictions.

CHALLENGES TO CIVILIAN COMMUNITIES IN COLLABORATING WITH THE MILITARY

While civilian responses may vary in a number of ways, communities neighboring installations share similar challenges and have some concerns in dealing with domestic violence involving service members. For example, civilians may be hesitant to form collaborative relationships because of the considerable differences between their approach to the issue of domestic violence compared with that of the military. The military maintains both a quasi–Employee Assistance Program and a disciplinary approach. While the installation-based Family Advocacy Program (FAP) conducts an assessment of the victim, alleged offender, and any children in the home, the military law enforcement office conducts the investigation. FAP workers are either social workers, marriage or family therapists, or psychologists. Findings from both the FAP assessments and the law enforcement investigation are reviewed by a Case Review Committee from a clinical rather than a criminal perspective.[30] Law enforcement personnel also independently present their investigation findings to the service member's commander for consideration of the appropriateness of disciplinary action. Military commanders make final intervention and disciplinary decisions.[31] When military law enforcement officers respond to calls on installations that involve domestic violence, they may make arrests, remove one party from the residence, or simply restore order. However, the role of military law enforcement is typically oriented toward referral for FAP services, rather than the collection of evidence for potential prosecution of criminal behavior. In most states, however, reformers have had success altering the civilian approach to domestic violence from that of an individual family problem to that of a criminal matter requiring formal intervention. Thus, allegations are likely to be investigated as crimes by police officers and pursued by prosecutors, and criminal courts determine guilt and sentence offenders.

Given the difference in orientation, it is likely that disagreements will arise between military and civilian authorities about intervention policy in domestic violence cases. To the extent that civilian communities focus on the application and enforcement of criminal sanctions, they may be less amenable to agreements that would refer service members to installations for clinical interventions. Likewise, installations may resist cooperative relationships with civilian communities that do not emphasize a clinical, whole-family-oriented approach. Therefore, any MOU would need to address these differences in methods of handling domestic violence cases and arrive at a mutually agreeable strategy.[32]

Another challenge to civilian communities concerns the unique circumstances that may arise in military-involved cases that interfere with a community's (or state-required) method for holding domestic violence abusers accountable for their behavior. For civilian defendants, there are very few legitimate excuses for failure to appear in court or complete a required domestic violence intervention program. In the case of service members, however, legitimate military needs can interfere with scheduled court appearances, court orders, or prosecutor agreements. For example, service members may be deployed, otherwise relocated, or required to participate in activities on installations that may take precedence over participation in a civilian intervention program. Civilian communities may find an inconsistent response from commands (across and within the same installation) in seeking to ensure that service members attend court and participate in intervention programs. Thus, MOUs need to address this issue so that there is a predictable and agreed-upon response from the military.

Another challenge faced by civilian communities is the need for provision of services for victims of domestic violence involving service members. While most installations have programs available for victims of such violence, there are reasons why these victims may turn to civilian community resources instead. While the DoD has yet to adopt a regulation defining domestic violence, its present policy encompasses only abuse between officially recognized military family members, i.e., current spouses.[33] Ex-spouses and unmarried cohabitating and dating partners do not qualify for military services, such as domestic violence–specific help through installations' FAPs.[34] Thus, any assistance provided to this class of victims must come from civilian communities.

Spouses who do qualify for FAP services may also choose to utilize civilian rather than military resources. FAP counseling and other assistance is not confidential. DoD policy mandates that commanding officers be notified about reports of spouse abuse.[35] Previous military studies have found that this mandatory reporting discourages victim use of military services for domestic violence, for several reasons including fear of retaliation from the abuser and especially because of concerns about negative career impacts.[36] MOUs therefore need to explicitly recognize that some service members and their intimate partners utilize civilian services in lieu of military resources and thus agreements regarding referral and confidentiality are critical.

Some of these areas of potential difficulty in forming MOUs may be addressed if the recommendations of the DTFDV are fully implemented. The DTFDV recommends that the military orientation toward domestic violence shift in the direction of the predominant civilian model, which treats such abuse as criminal behavior. This shift would produce more areas of commonality in approach and likely facilitate the formation of collaborative relationships.

RECOMMENDATIONS

If collaborative relationships between installations and civilian communities are to be established and maintained, it is important for them to be supported by formal agreements. This was the motivation behind the recommendation of the DTFDV that the DoD direct installation commanders to seek MOUs with neighboring civilian communities. The DTFDV recommended that the DoD provide guidance to installation commanders about how to form these MOUs, and in response, the DoD has been developing example MOUs that may serve as models for installation commanders. This will certainly be helpful to commanders, but because they are intended to have broad applicability, these model MOUs are not likely to be sufficient. Civilian communities are widely varied and it is unlikely that all key agencies within them will agree to a uniform MOU developed as a model by the DoD. Moreover, it is not possible for these model MOUs to respond to local conditions in sufficient detail. Therefore, we recommend that, when the DoD distributes the model MOUs, it strongly communicate to installation commanders that they are examples that can serve as a place to start but do not represent the end of the process. Many civilian agencies may be willing to sign the model MOU developed by the DoD, but these agreements may require considerable refinement to best suit local circumstances.

It is likely that installation commanders will require continuing assistance and support from the DoD and the services in working toward the collaborative relationships necessary to support the formation of MOUs. A good example of such support is the Incentive Program for Improving Responses to Domestic Violence established by the DoD in fiscal year 2000. The program provides funding on a competitive basis to installations seeking to establish or enhance domestic violence coordination internally, with other installations, and with civilian agencies. Since its inception, the incentive program has made a total of five awards involving seven installations. It provides a potentially valuable mechanism for supporting, in particular, the resource-intensive early steps of forming collaborative relationships. To have a noticeable impact, however, the program must be considerably expanded.

Because collaborative relationships are partnerships, the role of civilian communities cannot be ignored. The DTFDV recommended that the U.S. Violence Against Women Office (VAWO) develop an incentive program for civilian communities to support the birth and growth of collaborations with military installations. VAWO has had significant success with its existing incentive programs for local civilian communities in encouraging the formation of domestic violence response collaborations among civilian agencies. Thus, it is likely that an incentive program targeted specifically toward civilian-military collaborations would provide a catalyst for more civilian communities to seek out these relationships. It could also support the testing of innovative programs and practices in communities that have already established some level of cooperation with neighboring installations.

Finally, the DoD and VAWO (either jointly or separately) should consider funding a research program targeting the factors that facilitate and hinder collaborative relationships between civilian communities and military installations. The lack of knowledge in this area is glaring in light of the rapidly growing body of knowledge about the fundamentals of successful domestic violence response collaborations among civilian organizations. While this latter body of knowledge can provide some information, the unique features of the military raise many more complex issues for collaboration that require specific examination. The products of the research program would serve the critical role of providing direction to local jurisdictions seeking to anticipate and overcome challenges to successful

collaboration. It could also inform the development of incentive programs by highlighting the types of partnership models that the DoD and/or VAWO should encourage. Ultimately, once some fundamental knowledge has been acquired in this area, a research program could assess the outcomes of established collaborative relationships. In particular, it could address whether improved collaboration leads to reductions in domestic violence incidents and increases victim safety.

ENDNOTES

1 For a description of these incidents, see U.S. Army Surgeon General, *Fort Bragg Epidemiological Consultation Report*, Washington, D.C.: Department of the Army, October 18, 2002.

2 Defense Task Force on Domestic Violence, *Second Year Report*, Arlington, Va.: DTFDV, 2002, p. 25.

3 Office of the Secretary of Defense, *DoD Response to Recommendations in the Initial Report of the Defense Task Force on Domestic Violence*, Washington, D.C.: U.S. Department of Defense, November 19, 2001.

4 Defense Task Force on Domestic Violence, *First Year Report*, Arlington, Va.: DTFDV, 2001, p. 82.

5 Defense Task Force on Domestic Violence, *Third Year Report*, Arlington, Va.: DTFDV, 2003.

6 Blanchard, R., *Protecting Children in Military Families: A Cooperative Response*, Washington, D.C.: U.S. Department of Health and Human Services, 1992.

7 Castlen, S. E., and G. O. Block, "Exclusive Federal Legislative Jurisdiction," *Military Law Review*, Vol. 154, 1997, pp. 106–143.

8 Department of the Army, *Military Justice Jurisdiction/Civilian Prosecutions for Fort Monroe, Virginia*, TRADOC Regulation 27-3, Fort Monroe, Va.: Training and Doctrine Command, U.S. Department of the Army, February 2001.

9 We contacted the DoD's Public Information Office, the DoD's Criminal Investigation Office, and the criminal investigation office–equivalent for each service. We were informed that jurisdiction type was not recorded or tabulated by these offices and it would be necessary to contact each installation to ascertain its jurisdiction type(s).

10 Military Family Resource Center, *Implementation of Department of Defense Child and Spouse Abuse Programs in Areas of Exclusive Federal Jurisdiction*, Arlington, Va.: Military Family Resource Center, Office of the Assistant Secretary of Defense for Force Management and Personnel, 1986.

11 Frisch, L.A., and L. A. Caruso, "The Criminalization of Woman Battering: Planned Change Experiences in New York State," in A. R. Roberts, ed., *Helping Battered Women: New Perspectives and Remedies*, New York: Oxford University Press, 1996, pp. 102–131.

12 For example, according to the National Crime Victimization Survey, between 1993 and 1998, married victims experienced a lower rate of domestic violence than those divorced or separated from and those never married to their abusive partner. Rennison, C. M., and S. Welchans, *Intimate Partner Violence*, Washington, D.C.: U.S. Department of Justice Bureau of Justice Statistics, May 2000.

13 Younglove, J. A., M. G. Kerr, and C. J. Vitello, "Law Enforcement Officers' Perceptions of Same Sex Domestic Violence," *Journal of Interpersonal Violence*, Vol. 17, 2002, pp. 760–772.

14 Hart, B., *State Codes on Domestic Violence: Analysis, Commentary, and Recommendations*, Reno, Nev.: National Council of Juvenile and Family Court Judges, 1992.

15 Garner, J. H., and J. Fagan, "Victims of Domestic Violence," in R. C. Davis, A. Lurigio, and D. P. Rosenbaum, eds., *Victims of Crime*, Newbury Park, Calif.: Sage Publishing, 1997, pp. 53–85.

16 Pleck, E., *Domestic Tyranny: The Making of American Social Policy Against Family Violence from Colonial Times to the Present*, New York: Oxford University Press, 1987.

17 Bard, M., *Training Police as Specialists in Family Crisis Intervention*, Washington, D.C.: U.S. Department of Justice, 1970.

18 Fagan, J., *The Criminalization of Domestic Violence: Promises and Limitations*, National Institute of Justice Monograph, Washington, D.C.: National Institute of Justice, U.S. Department of Justice, 1996.

19 Hart, B., "Battered Women and the Criminal Justice System," *American Behavioral Scientist*, Vol. 36, 1993, pp. 624–638.

20 Shepard, M. F., and E. L. Pense, *Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond*, Thousand Oaks, Calif.: Sage Publishing, 1999; Sullivan, C. M., and N. E. Allen, "Evaluating Coordinated Community Responses for Abused Women and Their Children," in S. A. Graham-Bermann and J. L. Edleson, eds., *Domestic Violence in the Lives of Children: The Future of Research, Intervention, and Social Policy*, Washington, D.C.: American Psychological Association, 2001, pp. 269–282.

21 Worden, A. P., *Models of Community Coordination in Partner Violence Cases: A Multi-Site Comparative Analysis, Final Report*, Washington, D.C.: National Institute of Justice, 2001.

22 Miller, N., *Domestic Violence Legislation Affecting Police and Prosecutor Responsibilities in the United States: Inferences from a 50-State Review of State Statutory Codes*, Alexandria, Va.: Institute for Law and Justice, 1998.

23 While "domestic violence" is the most commonly used term for referring to violence and abuse between intimate partners, some states may use variants of this term in their statutes such as "domestic abuse" or "family violence."

24 Unannotated Georgia Code, Section 17-6-1 (f)(2).

25 Texas Code of Criminal Procedure Article 17.29.

26 Texas Penal Code, Section 22.01 (b)(2).

27 Hawaii Rev. Stat., Section 586-11.

28 New York Penal Law, Sections 215.51, 215.52.

29 Sherman, L. W., "Causes of Police Behavior: The Current State of Quantitative Research," *Journal of Research in Crime and Delinquency*, Vol. 17, 1980, pp. 69–100.

30 In its final report, the DTFDV has recommended that the DoD replace the CRC with a Domestic Violence Assessment and Intervention Team, and the DoD response to this recommendation is still pending.

31 Moriarty, L. J., and E. H. Graves, "Victim Reports of Partner Violence in the Air Force: Strategies for Increased Reporting," in P. J. Mercier and J. D. Mercier, eds., *Battle Cries on the Home Front: Domestic Violence in Military Families*, Springfield, Ill.: Charles C. Thomas, 2000, pp. 157–177.

32 Another factor that may complicate or hinder the development of a formal MOU is any concerns that civilian agencies and/or the military may have regarding the issue of liability.

33 In its second report, the DTFDV recommended two possible definitions for adoption by the DoD but the DoD rejected both proposals and reported to Congress that it intended to develop its own definition. To our knowledge, an alternate definition has not yet been adopted.

34 Defense Task Force on Domestic Violence, *Second Year Report*, Arlington, Va.: DTFDV, 2002.

35 U.S. General Accounting Office, *Military Dependants: Services Provide Limited Confidentiality in Family Abuse Cases*, Washington, D.C.: GAO, April 2000.

36 Caliber Associates, *Abuse Victims Study Final Report*, Arlington, Va.: Caliber, 1994; Caliber Associates, *Final Report on the Study of Spousal Abuse in the Armed Forces*, Arlington, Va.: Caliber, 1996.

This research in the public interest was supported by RAND, using discretionary funds made possible by the generosity of RAND's donors, the fees earned on client-funded research, and independent research and development (IR&D) funds provided by the Department of Defense. A related issue paper (Approaches to Making Military-Civilian Domestic Violence Collaborations Work) *is available at www.rand.org/publications/IP/IP254/1/. RAND is a nonprofit institution that helps improve policy and decisionmaking through research and analysis. Results of specific studies are documented in other RAND publications and in professional journal articles and books. To obtain information about RAND studies or to order documents, contact Distribution Services (Telephone: 310-451-7002; toll free 877-584-8642; FAX: 310-451-6915; or email: order@rand.org). Abstracts of RAND documents may be viewed at www.rand.org. RAND® is a registered trademark.*

RAND

1700 Main Street, P.O. Box 2138, Santa Monica, California 90407-2138 • Telephone 310-393-0411 • FAX 310-393-4818
1200 South Hayes Street, Arlington, Virginia 22202-5050 • Telephone 703-413-1100 • FAX 703-413-8111
201 North Craig Street, Suite 202, Pittsburgh, Pennsylvania 15213-1516 • Telephone 412-683-2300 • FAX 412-683-2800

IP-254-1-RC (2003)