



# DOMESTIC AND CHILD ABUSE

## DOD Needs to Clarify Guidance on Incident Determination Committee Notifications

Report to the Committee on Armed Services, House of  
Representatives

September 2024  
GAO-24-106985  
United States Government Accountability Office

Accessible Version

# GAO Highlights

View [GAO-24-106985](#). For more information, contact Kristy E. Williams at (404) 679-1893 or [williamsk@gao.gov](mailto:williamsk@gao.gov).  
Highlights of [GAO-24-106985](#), a report to the Committee on Armed Services, House of Representatives

September 2024

## DOMESTIC AND CHILD ABUSE

### DOD Needs to Clarify Guidance on Incident Determination Committee Notifications

#### Why GAO Did This Study

Domestic and child abuse can result in devastating consequences for military service members and their families. It also can reduce mission readiness. In fiscal year 2023, DOD recorded 26,978 reports of domestic and child abuse incidents, of which 14,110 met the DOD definition of abuse.

House Report 117-397 includes a provision for GAO to review the policies and regulations governing IDCs and the use of decision notification letters. This report (1) describes how military commanders, abuse victims, and alleged abusers may use IDC decisions; and (2) assesses the extent to which the military services have established processes to notify commanders, abuse victims, and alleged abusers of IDC decisions.

GAO conducted site visits at four military installations; analyzed random samples of IDC notifications and incident case logs; reviewed DOD and military service guidance; and interviewed DOD, military service, and civilian officials.

#### What GAO Recommends

GAO recommends DOD clarify its guidance and expectations on incident determination notification methods and content based on its identification and analysis of associated risks. DOD concurred with GAO's recommendation.

#### What GAO Found

Department of Defense (DOD) Incident Determination Committees (IDC) review thousands of reported incidents of domestic and child abuse to determine whether the incidents meet or do not meet DOD's criteria for abuse. DOD guidance states that military commanders, abuse victims, and alleged abusers should be notified in writing of IDC decisions. GAO found that commanders use IDC decisions to inform a range of command responses to abuse incidents, such as directing a service member to attend treatment (see table).

#### Ways That Commanders Use Incident Determination Committee Decisions, as Reported to GAO

- As a partial basis to mandate treatment recommended by the Family Advocacy Program
- As a partial basis to issue or remove a military protective or no-contact order
- As a basis to consult staff judge advocate about next steps
- As a partial basis for nonjudicial punishment
- As a partial basis to pursue an administrative separation
- To bar a civilian alleged abuser from an installation

- To remove a requirement for spousal support when the service member is the abuse victim
- As a basis to relocate family members or the service member

Source: GAO analysis of interviews with military officials. | GAO-24-106985

Note: The examples presented were cited in a least one of 38 interviews and group discussions we conducted with military and civilian officials to discuss commanders' use of IDC decisions.

Additionally, DOD and civilian officials GAO spoke with said they perceive that abuse victims and alleged abusers use IDC decisions in ways outside their intended purpose, such as in support of divorce and child custody legal proceedings. To address this issue, DOD stated that the military services were including in their notifications an explanation of the IDC process and purpose and a statement that the IDC is not a disciplinary proceeding.

However, GAO found that military service IDC decision notification processes vary and that most are at least partially inconsistent with DOD guidance and expectations regarding the method (i.e., verbal or written) and content of notifications. Specifically, GAO found that Navy and Marine Corps notifications are provided in writing, as required by DOD guidance, and that Army and Air Force notifications vary in notification method. GAO also found that the content of notifications varies across the military services and installations, with some explaining the IDC process and purpose and some not. This variation exists because DOD has not clearly communicated to the military services its guidance and expectations for the method and content of notifications. By clarifying notification guidance and expectations based on its analysis of risks associated with different notification methods and content, DOD can help ensure military service notifications communicate consistent information using appropriate methods. Clear and consistent communication to abuse victims and alleged abusers regarding the purpose of IDC decisions could, in turn, help reduce the potential for their use outside the intended context.

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**Abbreviations**

DOD	Department of Defense
DODI	Department of Defense Instruction
FAP	Family Advocacy Program
IDC	Incident Determination Committee
JAG	Judge Advocate General
MCA	Military Community Advocacy

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September 16, 2024

The Honorable Mike Rogers  
Chairman  
The Honorable Adam Smith  
Ranking Member  
Committee on Armed Services  
House of Representatives

Domestic and child abuse can result in devastating consequences for military service members and their families and reduce mission readiness. In fiscal year 2023, the Department of Defense (DOD) recorded 26,978 reports of domestic and child abuse incidents, of which 14,110 met the DOD definition of abuse.<sup>1</sup> DOD's Family Advocacy Program (FAP) is responsible for certain domestic and child abuse prevention and response activities, including abuse determinations and the provision of clinical treatment for abuse victims and alleged abusers. Each military installation with a FAP has an Incident Determination Committee (IDC) that reviews reported incidents of domestic and child abuse and determines whether an incident does or does not meet DOD's criteria for abuse.

According to DOD, the IDC is an administrative process that is separate and distinct from law enforcement and military criminal investigative processes. As such, IDC decisions are not intended to direct command disciplinary decisions or legal proceedings, and they do not affect whether military service members or families are eligible for FAP services, according to DOD officials.<sup>2</sup> If an IDC determines that an incident met DOD's criteria for abuse, the finding and individually identifiable information are entered into FAP's Central Registry, which is intended for data collection and analysis.

In 2020 and 2021, we reported on DOD's efforts to prevent and respond to child abuse and domestic abuse, respectively.<sup>3</sup> We made 18 recommendations directly related to DOD's IDCs, including the oversight and the monitoring of reported incidents to ensure they are brought before an IDC. DOD generally concurred with our recommendations, and as of August 2024, has implemented nine of them. Appendix I provides additional details about the status of these recommendations.

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<sup>1</sup>DOD Instruction 6400.06 defines domestic abuse as domestic violence or a pattern of behavior resulting in emotional or psychological abuse, economic control, or interference with personal liberty that is directed toward a current or former spouse, a person with whom the abuser shares a child in common, or a current or former intimate partner with whom the alleged abuser shares or has shared a common domicile. DOD defines domestic violence, which is an offense under article 128b of the Uniform Code of Military Justice, as a subcategory of domestic abuse. DOD categorizes the types of domestic abuse—including domestic violence—as physical, emotional, sexual, or neglect. DOD Instruction 6400.01 defines child abuse as the physical, sexual, or emotional abuse, or neglect of a child by a parent, guardian, foster parent, or caregiver.

<sup>2</sup>Installation FAPs provide trauma-informed assessment, rehabilitation, and treatment to persons involved in alleged incidents of domestic and child abuse who are eligible to receive treatment in a military treatment facility. This can include victim advocacy, safety plans, and clinical services.

<sup>3</sup>GAO, *Child Welfare: Increased Guidance and Collaboration Needed to Improve DOD's Tracking and Response to Child Abuse*, GAO-20-110 (Washington, D.C.; Feb. 12, 2020); *Domestic Abuse: Actions Needed to Enhance DOD's Prevention, Response, and Oversight*, GAO-21-289 (Washington, D.C.: May 6, 2021).

House Report 117-397 accompanying a bill for the National Defense Authorization Act for Fiscal Year 2023 included a provision for us to review policies and regulations governing IDCs and the use of decision notification letters by military commanders, abuse victims, and alleged abusers.<sup>4</sup> This report (1) describes how military commanders, abuse victims, and alleged abusers may use IDC decisions; and (2) assesses the extent to which the military services have established processes to notify commanders, abuse victims, and alleged abusers of IDC decisions.

For both objectives, we reviewed DOD and military service guidance and documentation governing the IDC.<sup>5</sup> We also conducted one in-person site visit and three virtual site visits with a non-generalizable sample of four installations to obtain information on military service IDC processes and perspectives on IDC decision use. To develop our non-generalizable sample, we selected one installation from each military service based on a mix of criteria that included domestic and child abuse incident counts and the presence of victim advocates.<sup>6</sup>

For our first objective, we reviewed DOD and military service policies regarding the purpose of IDC decisions and their intended use. We reviewed a non-generalizable sample of abuse incident case logs for 20 domestic and child abuse incidents from each installation we selected for site visits to identify any documented IDC decision uses by commanders, abuse victims, and alleged abusers. From each installation we selected for site visits, we also interviewed unit commanders, FAP officials, legal officials, and civilian legal services and advocacy organizations and attorneys to obtain information and perspectives on the use of IDC decisions by commanders, abuse victims, and alleged abusers.

For our second objective, we reviewed DOD and military service guidance and documentation establishing IDC decision notification requirements and processes.<sup>7</sup> We also interviewed installation officials to obtain information and perspectives on IDC decision notifications. We reviewed a non-generalizable random sample of IDC decision notifications for 20 total domestic and child abuse incidents from each installation we selected for site visits, along with two randomly selected notifications from a separate installation in each military service. We compared these IDC decision notifications with DOD guidance and documentation related to the communication method and content of notifications. We also compared IDC decision notification processes

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<sup>4</sup>H.R. Rep. No. 117-397, at 146 (2022).

<sup>5</sup>DOD Manual 6400.01, Volume 1, *Family Advocacy Program (FAP): FAP Standards* (July 22, 2019); DOD Manual 6400.01, Volume 2, *Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System* (Aug. 11, 2016); DOD Manual 6400.01, Volume 3, *Family Advocacy Program: Clinical Case Staff Meeting and Incident Determination Committee* (Aug. 11, 2016) (incorporating change 1, July 16, 2021); OPNAV Instruction 1752.2C, *Navy Family Advocacy Program* (May 20, 2020); Marine Corps Order 1754.11A, *Marine Corps Family Advocacy Program* (Apr. 8, 2021); Department of the Air Force Instruction 40-301, *Family Advocacy Program* (Nov. 13, 2020); Army Directive 2021-26, *Family Advocacy Program Incident Determination Committee and Clinical Case Staff Meeting* (July 12, 2021).

<sup>6</sup>Specifically, our installation selection criteria included at least one installation for each military service; at least one installation outside the continental U.S.; installations within the top 10 for most reported incidents of child and domestic abuse; and installations with at least one victim advocate. FAP victim advocates provide support to victims of domestic abuse, including through risk assessments, safety planning, and providing information on protective orders, military and civilian services and resources, and available benefits.

<sup>7</sup>DOD Instruction 6400.06 *DOD Coordinated Community Response to Domestic Abuse Involving DOD Military and Certain Affiliated Personnel* (Dec. 15, 2021) (incorporating change 3, July 11, 2024); Letter from the Under Secretary of Defense for Personnel and Readiness to the Honorable Jackie Speier (Mar. 15, 2022); U.S. Air Force Deputy Surgeon General Memorandum, *Department of the Air Force Incident Status Determination Notification Letters* (Nov. 13, 2023).

against internal control standards related to risk assessment and communication.<sup>8</sup> Appendix II provides additional details about our objectives, scope, and methodology.

We conducted this performance audit from August 2023 to September 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

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### Domestic and Child Abuse

DOD defines four types of domestic and child abuse: physical, emotional, sexual, and neglect (see table 1).<sup>9</sup>

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**Table 1: Department of Defense (DOD) Definitions for Types of Domestic and Child Abuse**

Abuse category	DOD definition
Physical	<b>Spouse/Intimate Partner/Child:</b> The non-accidental use of physical force such as grabbing; pushing; holding; slapping; choking; punching; kicking; sitting or standing upon; lifting and throwing; burning; immersing in hot liquids or pouring hot liquids upon; hitting with an object, such as a belt or electrical cord; and assaulting with a knife, firearm, or other weapon that causes or may cause significant impact.
Emotional	<b>Spouse/Intimate Partner:</b> A type of domestic abuse including acts or threats adversely affecting the psychological well-being of a current or former spouse or intimate partner, including those intended to intimidate, coerce, or terrorize the spouse or intimate partner. Such acts and threats include those presenting likely physical injury, property damage or loss, or economic injury. <b>Child:</b> A type of child abuse including non-accidental acts resulting in an adverse effect upon the child's psychological well-being. Emotional abuse includes intentional berating, disparaging, or other verbally abusive behavior toward the child, and excessive disciplinary acts that may not cause observable physical injury.
Sexual	<b>Spouse/Intimate Partner:</b> A sexual act or sexual contact with the spouse or intimate partner without the consent of the spouse or intimate partner or against the expressed wishes of the spouse or intimate partner. Includes abusive sexual contact with a spouse or intimate partner, aggravated sexual assault of a spouse or intimate partner, aggravated sexual contact of a spouse or intimate partner, rape of a spouse or intimate partner, sodomy of a spouse or intimate partner, and wrongful sexual contact of an intimate partner. <b>Child:</b> The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

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<sup>8</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

<sup>9</sup>The military services use the definitions in conjunction with the voting criteria—also referred to as the decision tree algorithm—outlined below, to determine if incidents meet DOD's criteria for abuse.



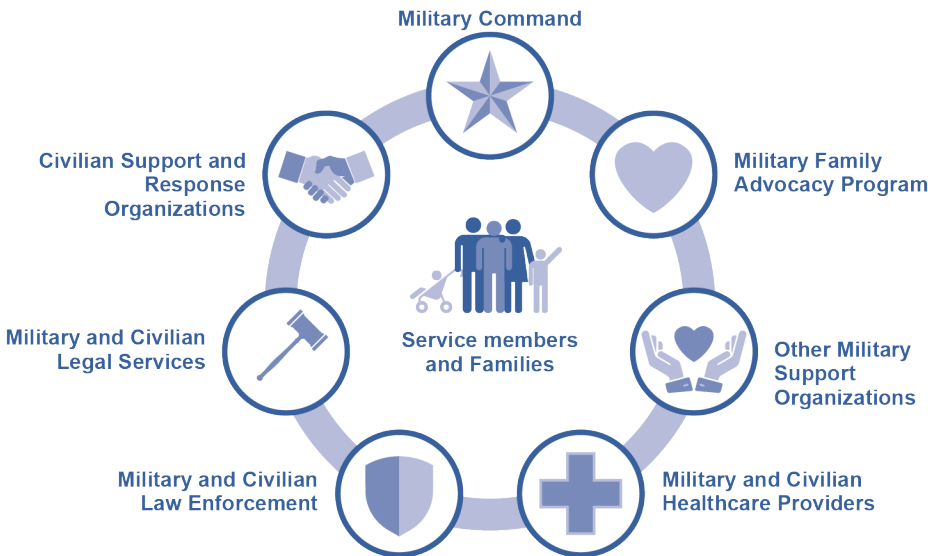
Abuse category	DOD definition
Neglect	<p><b>Spouse:</b> A type of domestic abuse in which the alleged abuser withholds necessary care or assistance for his or her current spouse who is incapable of self-care physically, psychologically, or culturally, although the caregiver is financially able to do so or has been offered other means to do so.</p> <p><b>Child:</b> The negligent treatment of a child through egregious acts or omissions below the lower bounds of normal caregiving, which shows a striking disregard for the child’s well-being, under circumstances indicating that the child’s welfare has been harmed or threatened by the deprivation of age-appropriate care.</p>

Source: DOD Manual 6400.01, Volume 3, and DOD Instruction 6400.03 | GAO-24-106985

## Organizations with Key Roles in Addressing Military Domestic and Child Abuse

DOD and civilian organizations share responsibility for preventing, responding to, and resolving incidents of domestic and child abuse, as shown in figure 1. This shared responsibility is known as a coordinated community response, which DOD defines as a comprehensive, collaborative, and victim-centered response that includes prevention, education, response, and recovery components. The model includes multiple offices and agencies within the military and civilian community.

**Figure 1: Selected DOD and Civilian Organizations Involved in the Coordinated Community Response to Domestic and Child Abuse Incidents**



Source: GAO analysis of Department of Defense (DOD) information. | GAO-24-106985

Note: In this figure, DOD Family Advocacy Program (FAP) entities—including DOD FAP, military service FAPs, and installation FAP offices—are presented collectively as the Military Family Advocacy Program.

The following entities and personnel play key roles in preventing and responding to domestic and child abuse involving a military service member or their family.

**Under Secretary of Defense for Personnel and Readiness.** The Under Secretary of Defense for Personnel and Readiness collaborates with DOD component heads to establish programs and guidance to implement the FAP, among other things. It also programs, budgets, and allocates funds and other resources for the FAP. The Assistant Secretary of Defense for Manpower and Reserve Affairs, under the authority of the Under Secretary

of Defense for Personnel and Readiness, provides policy, direction, and oversight of the FAP. Under the authority, direction and control of the Assistant Secretary of Defense for Manpower and Reserve Affairs, the Deputy Assistant Secretary of Defense for Military Community and Family Policy is responsible for collaborating with the Secretaries of the military departments to monitor compliance with FAP standards. According to DOD, within Military Community and Family Policy, the Military Community Advocacy (MCA) Directorate is responsible for overseeing and managing the FAP as well as the department's other congressionally mandated programs for the prevention and response to child abuse and neglect, domestic abuse, intimate partner abuse, child and youth initiated problematic sexual behaviors, and harmful behaviors in children and youth. According to DOD officials, in August 2024, Military Community and Family Policy's oversight responsibilities concerning the FAP, along with the MCA Directorate, were transferred to the Executive Director for the Office of Force Resiliency.<sup>10</sup>

**DOD FAP.** DOD FAP serves as a key element of DOD's coordinated community response to prevent and respond to reports of domestic and child abuse in military families. To execute these responsibilities, DOD has personnel that deliver FAP services, including credentialed and licensed clinical providers. The department prescribes uniform standards for all military service FAPs through DOD Manual 6400.01, Volume 1, *Family Advocacy Program (FAP) Standards*.<sup>11</sup> In addition, DOD prescribes uniform standards for recording and submitting military service domestic and child abuse incident data through DOD Manual 6400.01, Volume 2, *Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System*.<sup>12</sup> DOD uses these standards to promote public awareness; aid prevention, early identification, reporting, and coordinated, comprehensive intervention and assessment; and support victims of domestic and child abuse.

**Military service FAPs.** Each military department Secretary is responsible for developing service-wide FAP policy that addresses any unique requirements for their respective installation FAPs. In addition, each military service has a FAP headquarters entity that develops and issues implementing guidance for the installation FAPs they oversee.<sup>13</sup>

**Installation FAPs.** Installation FAPs implement DOD and military service policies and guidance for incident reporting; victim advocacy; the IDC, discussed further below; and treatment. Treatment efforts encompass trauma-informed assessment, rehabilitation, and treatment generally to persons who are involved in alleged incidents of domestic or child abuse who are eligible to receive treatment in a military treatment facility.<sup>14</sup>

**Incident reporting:** At installations, adult victims of domestic abuse who are eligible to receive medical care from DOD and who report the abuse to the military have the option to make a restricted report or unrestricted report, and non-spouse intimate partners who are victims of domestic abuse but are not

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<sup>10</sup>The Secretary of Defense directed this action in response to recommendations from the Suicide Prevention and Response Independent Review Committee, which were outlined in a memorandum on September 26, 2023.

<sup>11</sup>DOD Manual 6400.01, Vol. 1, *Family Advocacy Program (FAP): FAP Standards* (July 22, 2019).

<sup>12</sup>DOD Manual 6400.01, Vol. 2, *Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System* (Aug. 11, 2016).

<sup>13</sup>The Air Force Family Advocacy Program is a Department of the Air Force program and therefore serves both the Air Force and Space Force.

<sup>14</sup>DOD Instruction 6400.06. When involved individuals are not eligible for treatment in a military treatment facility—such as non-spouse intimate partners who are civilians and their children—FAP can provide safety planning and referral to civilian resources.

eligible to receive medical care from DOD have the option to make an unrestricted report. A restricted report does not require notification to the command or law enforcement and is not brought before an IDC but allows eligible abuse victims to receive medical care and other support services. An unrestricted report requires notification to the command and law enforcement and is brought before an IDC.<sup>15</sup> There are no restricted reporting options for suspected child abuse incidents. Additionally, in some cases, a victim may not have the option to make a restricted report if the command or law enforcement have been otherwise notified of the abuse or if FAP determines the victim is in immediate risk of serious harm.

**Victim Advocacy:** FAP victim advocates provide support to victims of domestic abuse and the non-abusing parent of child abuse victims, including risk assessment and safety planning, information on protective orders, assistance gaining access to military and civilian services and resources, and information on available benefits, such as transitional compensation.<sup>16</sup> The victim advocate may help abuse victims prepare a victim impact statement to aid with military commands and military and civilian courts, and attend related proceedings.

**Treatment:** Each reported incident is discussed at a clinical case staff meeting comprising personnel from FAP and others to coordinate the management of the case. The clinical case staff meeting results in clinical recommendations for support services and clinical counseling for abuse victims and treatment for abusers. DOD FAP training material states that treatment is not dependent on whether an incident is determined to meet DOD's criteria for abuse at the IDC, meaning that an abuse victim or alleged abuser may voluntarily receive support services, clinical counseling, and treatment prior to and regardless of that determination.

**Service Judge Advocates.** The Judge Advocate General's (JAG) Corps of each military department is headed by a Judge Advocate General.<sup>17</sup> These heads oversee the delivery of legal services to eligible clients. Legal services include providing legal assistance to eligible personnel on personal, civil, and legal matters; advising commanders on military justice and disciplinary matters; and providing legal advice to military investigative agencies. In December 2023, the Army, Navy, Air Force, and Marine Corps each established an Office of Special Trial Counsel to provide independent authority in the investigation, litigation, and initial disposition of covered offenses such as sexual assault and domestic violence. Among other things, this action

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<sup>15</sup>Restricted reporting is a process allowing adult victims of domestic abuse (e.g., emotional, physical, sexual or neglect) who are eligible to receive medical care from DOD to report an incident and receive medical care, advocacy, treatment, and supportive services without initiating a military investigative process or notification to the abuse victim's or alleged abuser's commander or supervisor. Conversely, unrestricted reporting is a process by which an adult victim of domestic abuse reports an incident to initiate command involvement and law enforcement investigative processes, where the alleged abuser may be subject to criminal or disciplinary action.

<sup>16</sup>DOD will make monthly transitional compensation payments and provide other benefits for qualifying spouses or dependents. Pursuant to 10 U.S.C. § 1059 and DOD Instruction 1342.24, *Transitional Compensation (TC) for Abused Dependents* (Sept. 23, 2019) spouses and dependents of active duty members who are victims of dependent abuse, defined as abuse of the spouse or dependent child of the servicemember that constitutes a criminal offense, are eligible for transitional compensation where the service member abuser is: 1) convicted by a court-martial for a dependent abuse offense, and receives a sentence that includes a bad-conduct discharge, dishonorable discharge, dismissal, or forfeiture of all pay and allowances; or (2) is administratively separated from the service on a basis which includes a dependent abuse offense.

<sup>17</sup>While the Marine Corps does not have a JAG Corps like the other military services, it has a Judge Advocate Division, which is headed by the Staff Judge Advocate to the Commandant of the Marine Corps. In this report we use the term "JAG Corps" to refer to this function for all the military services. The Space Force does not have its own JAG Corps or judge advocates; rather, Air Force judge advocates perform these roles on behalf of the service.

removed the initial disposition authority from the chain of command of service members involved in these covered offenses and placed it within the relevant Office of Special Trial Counsel.

In addition, legal counsel, known as Special Victims' Counsel or Victims' Legal Counsel, provide legal advice and representation to military and dependent sexual assault and stalking victims. The National Defense Authorization Act for Fiscal Year 2020 required DOD to expand these services to qualifying victims of domestic violence offenses.<sup>18</sup> The Uniform Code of Military Justice contains the substantive and procedural laws governing the military justice system for those incidents of abuse that are criminal in nature, such as a violation of article 128b, domestic violence.<sup>19</sup> Consequently, eligible domestic violence and child abuse victims may receive representation and advocacy throughout the military justice process.

**Civilian support and response organizations.** Civilian organizations may assist in responding to and resolving incidents of domestic or child abuse. Such organizations include child advocacy centers, domestic abuse shelters, legal services organizations, medical facilities, and civilian law enforcement. Military installations may establish memoranda of understanding with civilian organizations to set the parameters of their coordination and help guide the reporting of and response to these incidents.<sup>20</sup> For example, installations may seek support from domestic abuse shelters in the local area to provide safe housing to victims of domestic abuse, and legal services organizations can help victims obtain a civilian protective order or with family law issues, such as child custody and divorce.

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## The IDC Process

Each military installation with a FAP has an IDC that reviews reported incidents of domestic and child abuse to determine whether they meet DOD's criteria for abuse. In August 2016, DOD issued guidance standardizing the IDC process across the military services.<sup>21</sup> According to this guidance, every reported incident of abuse or neglect must be presented to the IDC unless there is no possibility that the incident could meet any of the criteria for physical, emotional, or sexual abuse or neglect.<sup>22</sup> As of August 2022, each service had established an IDC process in accordance with DOD guidance.<sup>23</sup>

Once an incident is reported to the installation FAP office, FAP officials interview abuse victims, alleged abusers, and other family members—such as a non-abusing parent—who may have awareness of the incident

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<sup>18</sup>Pub. L. No. 116-92 (2019).

<sup>19</sup>Changes to the Uniform Code of Military Justice in January 2019 created article 128b to specifically cover instances of domestic violence, which were previously classified under the general article for assault.

<sup>20</sup>In [GAO-21-289](#), we recommended that each military service develop a process to ensure installation FAPs attempt to enter into memoranda of understanding with civilian organizations, as appropriate. As of August 2024, the Army, Navy, and Marine Corps had implemented this recommendation and the Air Force had not.

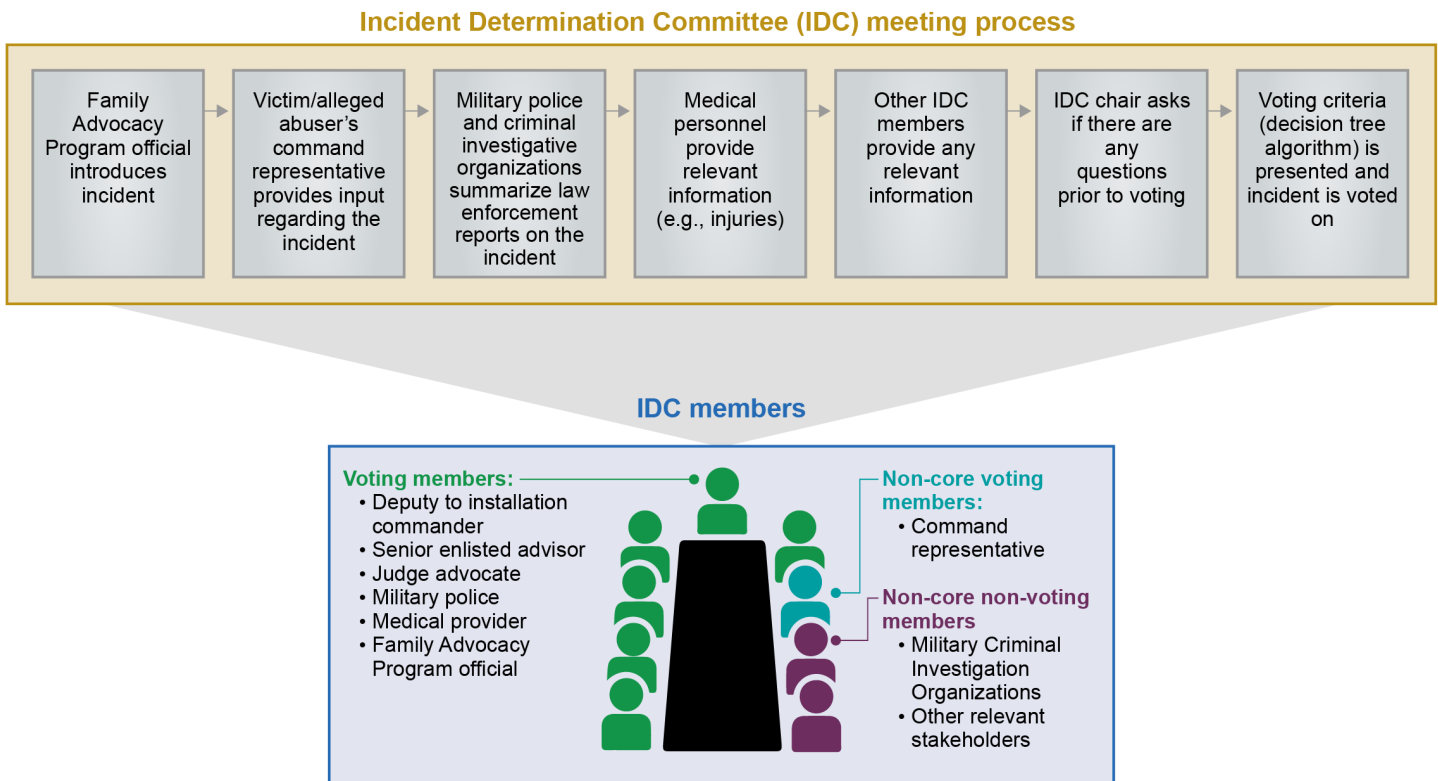
<sup>21</sup>DOD Manual 6400.01, Vol. 3, *Family Advocacy Program: Clinical Case Staff Meeting and Incident Determination Committee* (Aug. 11, 2016) (incorporating change 1, effective July 16, 2021).

<sup>22</sup>In [GAO-21-289](#), we recommended the military services develop a risk-based process to consistently monitor how allegations of domestic abuse are screened at installations to help ensure that all domestic abuse allegations that should be presented to an Incident Determination Committee are consistently presented. As of June 2024, the Navy had implemented this recommendation, but the Army, Marine Corps, and Air Force had not.

<sup>23</sup>The Air Force refers to the IDC as the Central Registry Board.

to obtain additional details on the incident and to conduct risk assessments. FAP officials then conduct the IDC meeting to determine if the reported incident meets DOD’s criteria for abuse. See figure 2 for details on the IDC process and membership.<sup>24</sup>

**Figure 2: Incident Determination Committee Process and Membership**



Source: GAO analysis of Department of Defense information. | GAO-24-106985

Note: Voting criteria—also referred to as the decision tree algorithm—consist of voting on whether an act of abuse occurred, whether there was an impact, and if any exclusions apply that might justify actions that would otherwise be considered abuse. For example, a spouse who takes action to defend against physical abuse.

When voting on an incident, the IDC specifically considers whether there is a preponderance of evidence that an act of abuse occurred based on the information presented. Preponderance of evidence is an evidentiary standard requiring that the information that supports the report that an act of abuse occurred is of greater weight or more convincing than the information that indicates an act of abuse did not occur.<sup>25</sup> During one of the IDCs we observed, the IDC chair described the preponderance of evidence as a 51 percent or above likelihood that an act of abuse occurred.

<sup>24</sup>Navy, Marine Corps, and Air Force guidance documents state that the IDC should occur within 60 calendar days of the referral, while Army guidance specifies 45 business days.

<sup>25</sup>The preponderance of the evidence standard does not require proof beyond a reasonable doubt, another common evidentiary standard that is required for a criminal conviction. Proof beyond a reasonable doubt means proof to an evidentiary certainty, although not necessarily to an absolute or mathematical certainty. It is a greater degree of certainty than that required by the preponderance of the evidence standard.

The voting criteria—also known as the Decision Tree Algorithm—consist of three categories: act of abuse, impact of abuse, and exclusions. A simple majority of votes for each of these three categories determines whether an incident meets the criteria for abuse or not. In the event of a tie, the IDC chair’s vote is counted twice.

- **Act of Abuse:** If the IDC votes that an act of abuse did not occur, voting is complete, and the incident would not meet DOD’s criteria for abuse.
- **Impact of Abuse:** If the IDC votes that an act of abuse did occur, committee members will vote on whether there was an impact or potential for impact for the victim.<sup>26</sup> If the IDC determines there was no impact or potential impact to the victim, the incident would not meet DOD’s criteria for abuse.
- **Exclusions:** If the IDC determines that both an act of abuse occurred and there was an impact of the abuse then the IDC votes on whether any exclusions apply that would result in the incident not meeting DOD’s criteria for abuse.<sup>27</sup> Such an exclusion might include, for example, a spouse who is being physically abused and takes action to defend herself or himself by using physical force necessary to stop the abuse.

According to DODI 6400.06, FAP officials are responsible for notifying commanders, abuse victims, and alleged abusers of the IDC decision—also known as an Incident Status Determination—in writing. Installation FAP officials told us that IDC decisions are communicated to service members via the service member’s command and through FAP. However, FAP is solely responsible for communicating the decision to non-service members. When requested by the victim or alleged abuser, IDC determinations may be reconsidered through an incident status determination review process, which varies by service.

When an IDC determines an incident met DOD’s abuse criteria, it is submitted and tracked within the Central Registry database. Incidents that do not meet the criteria are included in the Central Registry database, but individually identifiable information is not tracked. DOD uses the aggregate data in this registry to produce annual reports to Congress on the incidence of reported abuse, analyze the scope of abuse and trends, facilitate background checks, and support budget requests for domestic and child abuse prevention resources.

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## Commanders, Abuse Victims, and Alleged Abusers Use IDC Decisions in Various Ways

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### Commanders Use IDC Decisions to Direct Treatment, Enforce Safety Measures, and Inform Other Actions

We found that unit commanders use IDC decisions to inform a range of command responses to domestic and child abuse incidents. These responses include directing treatment, enforcing safety measures, and taking

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<sup>26</sup>In cases of sexual abuse, the IDC only votes on whether the act occurred because significant impact is assumed based on the act itself.

<sup>27</sup>There are no exclusions for sexual abuse.

administrative or disciplinary actions such as nonjudicial punishment.<sup>28</sup> According to DOD Instruction 6400.06, commanders have an overriding responsibility for the response to abuse, including for victim safety and abuser accountability if the alleged abuser is a service member. Additionally, DOD guidance states that while commanders may consider information presented at the IDC when determining administrative or disciplinary action, they may not take such actions based solely on IDC decisions. For example, military service officials told us commanders may use information from a civilian police report discussed at an IDC as a partial basis for ordering a service member to attend FAP recommended treatment, issuing a no contact or protective order to address safety concerns, or pursuing an administrative discharge against an alleged abuser.<sup>29</sup>

Unit commanders and other cognizant military officials we interviewed told us that the most common way commanders use IDC decisions is to help decide whether to order a service member attend FAP recommended treatment.<sup>30</sup> For example, commanders of service members who are alleged abusers in incidents that meet DOD's criteria for abuse may require the service member to attend substance abuse or anger management treatment.<sup>31</sup> Other common ways we were told commanders use IDC decisions were as partial bases for nonjudicial punishment and the issuance or removal of protective orders. Table 2 shows ways that commanders use IDC decisions, according to unit commanders and other cognizant military officials we interviewed.

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<sup>28</sup>Examples of administrative actions include performance counseling, a letter of reprimand, or administrative separation. Nonjudicial punishment is a military justice option available to commanders. It permits commanders to resolve allegations of minor misconduct against a military member without resorting to court-martial. Examples of nonjudicial punishment include forfeiture of pay or restriction to specified areas.

<sup>29</sup>In cases of domestic violence or other covered offenses, the Office of Special Trial Counsel has initial disposition authority. Commanders may take disciplinary action—other than special or general court-martial—over covered offenses if the Office of Special Trial Counsel declines to pursue charges. For more details about the new Office of Special Trial Counsel offices and their authorities, see GAO, *Military Justice: Actions Needed to Help Ensure Success of Judge Advocate Career Reforms*, [GAO-24-106165](#) (May 2, 2024).

<sup>30</sup>Within the military, we spoke with service headquarters and installation officials, including unit commanders, staff judge advocates, victims' legal counsel, legal assistance judge advocates, FAP counselors, and victim advocates. Within the civilian sector, we spoke with officials from legal, advocacy, and child welfare organizations near the military installations we selected for site visits. See appendix II for additional details on our scope and methodology.

<sup>31</sup>In the Navy, commanders are normally expected to pursue administrative separation for service members who do not complete treatment recommended by FAP, unless a waiver is obtained. According to DOD guidance, commanders may, at their discretion, pursue administrative separation of a service member for a variety of reasons, including misconduct and failure to complete drug or alcohol treatment.

**Table 2: Ways That Commanders Use Incident Determination Committee Decisions, as Reported to GAO**

- As a partial basis to mandate treatment recommended by the Family Advocacy Program
- As a partial basis to issue or remove a military protective or no-contact order
- As a basis to consult staff judge advocate about next steps
- As a partial basis for nonjudicial punishment
- As a partial basis to pursue an administrative separation
- To bar a civilian alleged abuser from an installation
- To remove a requirement for spousal support when the service member is the abuse victim
- As a basis to relocate family members or the service member

Source: GAO analysis of interviews with military officials. | GAO-24-106985

Note: The examples presented were cited in a least one of 38 interviews and group discussions we conducted with military and civilian officials to discuss commanders' use of IDC decisions.

Unit commanders we interviewed generally stated that they do not take actions based solely on IDC decisions. Rather, before acting following an IDC decision, some commanders told us they consider the information presented at the IDC as well as other information known about the service member and the incident itself. These unit commanders told us that this is especially the case for administrative and disciplinary actions, which are typically already in motion prior to an IDC decision. In those instances, the IDC decision or deliberations may provide some additional context about the incident but are not a key determinant of the command action, according to unit commanders. While more serious incidents of abuse may result in disciplinary actions, such as court-martial under the Uniform Code of Military Justice, unit commanders told us that not all instances of abuse necessitate disciplinary actions.<sup>32</sup> For example, certain instances of alleged abuse—such as emotional abuse—may not be considered criminal but would likely benefit from services provided by FAP. In cases such as these, the unit commander may also opt not to take any action.

By contrast, DOD officials, including staff judge advocates, victims' legal counsel, legal assistance judge advocates, FAP counselors, and victim advocates told us of situations where it appeared that commanders may have taken or not taken administrative or disciplinary action based solely on IDC decisions. For example, some of these officials told us they had observed instances in which it appeared that commanders had not sought criminal prosecution for domestic violence because the incidents did not meet the criteria for abuse at the IDC. However, other officials noted that while they perceived a connection between command actions and IDC decisions, it was difficult to ascertain whether these commanders were acting based solely on an IDC decision because commanders have other sources of information and broad discretion to determine actions that are needed to maintain the safety of those involved in incidents of abuse and to hold alleged abusers accountable.

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<sup>32</sup>The Uniform Code of Military Justice contains the laws governing the military justice system for those incidents of abuse that may be more serious or criminal in nature. Investigations into serious offenses, such as sexual assault, are usually conducted by the cognizant military criminal investigative organization. For less serious offenses, such as minor physical altercations, the investigative authority usually rests with the installation security force or military police. In cases involving minor offenses, the unit commander of the suspected service member may conduct an inquiry and take disciplinary action, such as non-judicial punishment.



## Abuse Victims and Alleged Abusers Reportedly Use IDC Decisions in Ways Outside of Their Intended Purpose

DOD and civilian officials we spoke with told us that they have observed and believed abuse victims and alleged abusers use IDC decisions in ways outside of their intended purpose, such as for divorce and child custody proceedings. DOD guidance states that abuse victims and alleged abusers should be notified of IDC decisions and recommended supportive services in writing but does not address IDC decision notification uses.<sup>33</sup> DOD officials told us that the purpose of IDC decision notifications is to inform individuals of the IDC outcomes, and that they are therefore not intended to be used as evidence in any type of military or civilian legal proceeding. Consistent with those expectations, in March 2022, DOD stated in a letter to a member of Congress that the military services had recently begun ensuring that IDC decision notifications explain the IDC process and purpose and state that the IDC is not a disciplinary proceeding.

Military and civilian officials told us they perceive that abuse victims and alleged abusers use IDC decisions in support of various military and civilian legal proceedings and actions (see table 3). The most common perceived uses that military and civilian officials reported to us involved the use of IDC decisions as evidence in civilian divorce, child custody, or protective order proceedings to demonstrate that abuse did or did not occur. DOD and civilian officials told us that because IDC decisions can provide a measure of validity to abuse victim and alleged abuser accounts, each of these groups may be inclined to use decisions in military and civilian legal contexts if they believe it may be to their benefit.

**Table 3: Examples of Uses of Incident Determination Committee Decisions by Abuse Victims and Alleged Abusers, as Reported to GAO**

Type of Use	Abuse Victim	Alleged Abuser
To support a divorce proceeding	yes	yes
To support a child custody proceeding	yes	yes
To assist in obtaining or disputing military and civilian protective orders	yes	yes
To refute an administrative separation		yes
To assist in spousal financial support decision	yes	yes

Source: GAO analysis of discussions with DOD, military service, and civilian officials. | GAO-24-106985

Note: The examples presented were cited in a least one of 38 interviews and group discussions we conducted with military and civilian officials to discuss abuse victims and alleged abusers' use of IDC decisions.

According to DOD officials, the use of IDC decisions in civilian court proceedings, to refute administrative separations, or to influence military protective orders does not align with the intent of decision notifications to inform abuse victims and alleged abusers of the IDC outcome. DOD and military service FAP officials also told us they had concerns related to the use of IDC decisions by abuse victims and alleged abusers, especially in civilian legal proceedings. These concerns were based principally on their belief that participants in such proceedings may not be familiar with the IDC's purpose, what an IDC decision means, and what evidentiary standards are used by the IDC. For example, military judge advocates told us that local civilian courts may improperly interpret IDC decisions, such as by considering them as evidence that the military concluded that

<sup>33</sup>DOD Instruction 6400.06.

acts of abuse did or did not occur. This can result in information being improperly introduced into a proceeding or improperly weighed against other information.

Military judge advocates also told us that they had concerns about the use of IDC decisions due to the timing of IDC proceedings in relation to parallel law enforcement or legal proceedings. These concerns stem from the idea that information used at IDC proceedings may not align with the information available during other proceedings. For example, military service guidance specifies that a reported incident should be brought before the IDC within no more than 60 calendar days after it is reported.<sup>34</sup> However, according to military criminal investigators and judge advocate officials, law enforcement investigations may take longer to complete and have access to other types of evidence that the IDC may not. As a result, the conclusions reached by each process about the incident may not align, furthering the potential for unintended use of IDC decisions.

DOD officials stated that the use of IDC decisions by abuse victims and alleged abusers outside of their intended purpose can also have positive or negative effects on the individuals involved, depending on the manner of use and the specifics of the incident. For example, some military service FAP officials told us that if the IDC determined an incident met DOD's criteria for abuse, a victim could use it to aid in obtaining a protective order or to support a request to not provide financial support to an alleged abuser, if the victim is the service member and the alleged abuser is a civilian. However, military service FAP officials also noted that if the IDC determines an incident did not meet the criteria for abuse, an alleged abuser may use the IDC decision as evidence to refute claims of abuse in a child custody or divorce proceeding. As a result, IDC decisions can have significant implications beyond determining if an incident meets DOD's criteria for abuse and should be entered into the Central Registry database.

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## Military Service Notification Processes Vary and Most Are at Least Partially Inconsistent with DOD Guidance and Expectations

Military service IDC decision notification processes vary and most are at least partially inconsistent with DOD guidance and expectations related to the method (i.e., verbal or written) and content of notifications.<sup>35</sup> Specifically, we found that Navy and Marine Corps notifications to commanders, abuse victims, and alleged abusers are provided in writing, as required by DOD guidance, and that Army and Air Force notifications vary in notification method by installation.<sup>36</sup> We also found that the content of written notifications varies across the military services and individual installations. Specifically, some service notifications explain the IDC purpose

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<sup>34</sup>OPNAV Instruction 1752.2C *Navy Family Advocacy Program* (May 20, 2020); Marine Corps Order 1754.11A, *Marine Corps Family Advocacy Program* (Apr. 8, 2021); Department of the Air Force Instruction 40-301, *Family Advocacy Program* (Nov. 13, 2020); Army Directive 2021-26, *Family Advocacy Program Incident Determination Committee and Clinical Case Staff Meeting* (July 12, 2021). The military service timelines vary between 45 business days and 60 calendar days.

<sup>35</sup>DOD Instruction 6400.06, *DOD Coordinated Community Response to Domestic Abuse Involving DOD Military and Certain Affiliated Personnel* (Dec. 15, 2021) (incorporating change 3, July 11, 2024); Letter from the Under Secretary of Defense for Personnel and Readiness to the Honorable Jackie Speier (Mar. 15, 2022).

<sup>36</sup>According to installation FAP officials, the IDC decision is communicated to the service member via the service member's command and through FAP officials, when possible. In addition, a command representative attends the IDC meeting and can present relevant information related to the incident. The command representative has a vote in determining whether the incident did or did not meet DOD's criteria for abuse and is in attendance when the vote is determined. For the installations that provide written notification, the commanders are generally notified in writing of the IDC decision and instructed to share the decision with the service member, according to installation officials.

and process and state that it is not a disciplinary proceeding, consistent with DOD's expectations for decision notifications that were communicated to Congress, while other service notifications do not.<sup>37</sup> We could not determine what was communicated during verbal notifications because the military services do not keep records of the information shared with abuse victims and alleged abusers.<sup>38</sup>

**Navy.** Navy IDC guidance requires IDC decision notifications to be provided in writing to commanders, abuse victims, and alleged abusers. According to Navy FAP officials, written notifications should be made using a standard letter template, which includes information on the IDC process and purpose and states that the IDC is not a disciplinary proceeding. We found that the Navy installations in our sample issued written notifications to commanders, abuse victims, and alleged abusers, generally using the standard letter template.<sup>39</sup>

Additionally, the notification letters in our sample stated that the letters should not be used in legal proceedings and that the sole purpose of an IDC decision is to assess clinical interventions provided by or referred by FAP. However, according to DOD FAP training materials, IDC decisions are not intended to affect FAP treatment, creating the risk for recipients to misunderstand the purpose of the IDC decision and notification.

**Army.** Army IDC guidance does not establish a process for the method and content of IDC decision notifications, allowing installation FAPs to choose their approach according to Army FAP headquarters officials. These officials also stated that the Army does not have a standard letter template for written notifications.

We found that the method of Army IDC decision notifications varied across the installations in our sample, with some issuing written notifications to certain parties as required by DOD, and some notifying other parties verbally or indeterminately, if at all. Specifically, for the Army installations in our sample, service member abuse victims and alleged abusers were provided written notification of IDC decisions. However, non-service member abuse victims and alleged abusers were notified of the IDC decision verbally. Additionally, one installation in our sample was unable to provide documentation of verbal or written notification of an IDC decision for some non-service member abuse victims and alleged abusers.

Army installations also differed in the content provided in written notifications. For example, one installation did not explain the IDC process and purpose or state that the IDC is not a disciplinary proceeding in the written notifications we reviewed. The other installation did not explain the IDC process or purpose but did state that the IDC is not a disciplinary proceeding.

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<sup>37</sup>According to DODM 6400.01, Vol. 3, the purpose of the IDC is to decide which reports for suspected child or domestic abuse meet the DOD definition for abuse, requiring entry into the respective military service FAP Central Registry. Our descriptions of service member and non-service notifications are based on documentation provided by military service installation officials. We requested commander, abuse victim, and alleged abuser IDC decision notifications for a sample of IDC decisions but did not speak directly with the commander, abuse victim, and alleged abuser involved in each incident to verify they received the notification documentation provided.

<sup>38</sup>See appendix III for standard letter templates provided by the Navy, Marine Corps, and Air Force for notifying commanders, abuse victims, and alleged abusers of IDC decisions.

<sup>39</sup>For one installation in our sample, the IDC decision notifications we reviewed with situation findings dates between July 2022 and March 2023 did not fully align with the standard letter template, which was last revised in February 2022. Specifically, these letters stated the IDC process and purpose but did not state that the IDC was not a disciplinary proceeding. However, IDC decision notifications for incidents we reviewed at that installation with situation findings dates after March 2023 did fully align with the template. Installation officials told us the addition of the statement that the IDC is not a disciplinary proceeding to the notification letters was made to incorporate updated language provided by Navy FAP headquarters.

**Marine Corps.** Marine Corps IDC guidance does not establish a process for the method and content of IDC decision notifications, allowing installation FAPs to choose their approach. The Marine Corps has developed a letter template that includes standard information to communicate in written notifications, but installations can choose whether to use the template according to Marine Corps FAP headquarters officials.

For the Marine Corps installations in our sample, service member abuse victims and alleged abusers were provided written notification of IDC decisions. The template and letters provided to service member abuse victims and alleged abusers that we reviewed explained the IDC process and purpose and stated that the IDC is not a disciplinary proceeding. However, one installation in our sample recorded the notification of non-service member abuse victims and alleged abusers in its system, but it did not maintain the written notifications. Additionally, another installation notified non-service member abuse victims and alleged abusers using a letter that did not explain the IDC process and purpose or state that the IDC is not a disciplinary proceeding.

**Air Force.** Air Force guidance delineates a standard process whereby commanders, abuse victims, and alleged abusers are to be notified in writing of IDC decisions, although it also states that verbal notifications to alleged abusers and abuse victims will suffice if documented in the Air Force's system of record.<sup>40</sup> In November 2023, the Office of the Air Force Surgeon General approved a request for a waiver to allow Air Force FAP offices to stop sending written notifications due to concerns of unintended use by commanders, abuse victims, and alleged abusers.<sup>41</sup> Air Force FAP headquarters officials told us that the decision to waive the requirement for written notification was shared with Air Force installation FAPs in the summer of 2023 so some installations may have begun providing verbal-only notifications prior to the approval of the memorandum. The Air Force shared its decision to waive the written requirement with DOD MCA in a May 2023 email exchange, to which MCA responded supportively.<sup>42</sup> However, as of June 2024, the Air Force had not updated its guidance to reflect the waiver.

Air Force officials stated that while they have waived the requirement for written notification, they will still provide written notifications to abuse victims and alleged abusers if requested. Air Force FAP headquarters has developed a standard letter template that all Air Force installations are expected to use if a notification is made in writing, according to Air Force officials. This template includes information on the IDC process and purpose and states that the IDC is not a disciplinary proceeding.

We found that the method of Air Force IDC decision notifications varied at the installations in our sample, with some issuing written notifications to certain parties as required by DOD and Air Force guidance, and some notifying other parties verbally or indeterminately, if at all.<sup>43</sup> Specifically, for the Air Force installations in our sample, some service member abuse victims and alleged abusers were provided written notification of an IDC decision using the standard letter template, while some others were notified verbally. Additionally, non-service member abuse victims and alleged abusers were generally notified of IDC decisions verbally. In a few

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<sup>40</sup>DAFI 40-301.

<sup>41</sup>U.S. Air Force Deputy Surgeon General Memorandum, *Department of the Air Force Incident Status Determination Notification Letters* (Nov. 13, 2023).

<sup>42</sup>Specifically, the Air Force shared the decision in an email exchange with an official in the DOD Family Advocacy Program Office.

<sup>43</sup>One installation in our sample began verbally notifying commanders, abuse victims, and alleged abusers of IDC decisions in September 2023. Officials told us they made this change in response to the memorandum waiving the written notification requirement signed by the Air Force Deputy Surgeon General in November 2023.

instances, no documentation of written or verbal notifications for service members and non-service members was provided to us.

Officials from each of the military services told us they generally prefer written notifications to verbal notifications because written notifications reduce the risk that IDC decisions and key information about the IDC process are not clearly communicated to commanders, abuse victims, and alleged abusers. Specifically:

- Unit commanders told us that they prefer written notifications because written notifications document what information was communicated to service members, help ensure that communications are clear, and help with command record keeping.
- Military service legal officials, including staff judge advocates and victims' legal counsel, stated that they prefer written notifications because written notifications better protect abuse victims' and alleged abusers' rights to request reconsideration of an IDC decision.<sup>44</sup>
- Victim advocates told us that written notifications are more effective than verbal notifications because written notifications help ensure that abuse victims receive the same information about the IDC process as alleged abusers, regardless of whether they are a service member or not.
- Military service FAP officials told us they prefer written notifications with disclaimer language explaining the intended and unintended uses of IDC decision notifications because they provide the best way to prevent unintended use by victims and alleged abusers, especially in legal proceedings.

Contrastingly, some military officials told us there are benefits to communicating IDC decisions verbally. For example, victim advocates and FAP installation officials told us that it can sometimes be challenging to contact abuse victims and alleged abusers, especially if they are not service members and FAP officials do not have their address or phone number. In such instances, these officials believed, attempting to notify abuse victims and alleged abusers of IDC decisions both verbally and in writing is best.

Additionally, military service judge advocates noted that although written notifications with disclaimer language would likely help prevent unintended use, notification letters could still be entered into legal proceedings because judges have discretion to determine what evidence is admissible. Accounting for such perspectives, some installation FAP officials told us that communicating IDC decisions verbally only is the best way to reduce the risk of unintended use of these decisions in legal proceedings as well as reduce the administrative burden on FAP officials to provide the decisions in writing. However, installation FAP officials also told us that even if IDC decisions were only communicated verbally, abuse victims or alleged abusers could still use IDC decisions in legal proceedings because they have the right to request copies of their FAP records which include the IDC decision.

DODI 6400.06 states that commanders, abuse victims, and alleged abusers should be notified of IDC decisions in writing. Additionally, in March 2022, DOD noted in a letter to a member of Congress that communicating IDC decisions in writing is the most effective way to ensure that all affected parties receive IDC decision notifications. The letter further asserted that the military services had begun to provide clarity and prevent the unintended use of IDC decisions by including in the written notification (1) information on the IDC

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<sup>44</sup>According to military service guidance, abuse victims and alleged abusers have 30 days in the Army and Air Force, and 60 days in the Navy and Marine Corps from the day they are notified of an IDC decision to request reconsideration. MCO 1754.11; DAFI 40-301; OPNAVINST 1752.2C; and Army Directive 2021-26.

process and purpose, and (2) that the IDC is not a disciplinary proceeding.<sup>45</sup> In March 2024, DOD officials confirmed that IDC decision notifications should include information on the IDC process and purpose and that the IDC is an administrative process and not a disciplinary one. In addition, *Standards for Internal Control in the Federal Government* state management should internally communicate the necessary quality information to achieve the entity's objectives.<sup>46</sup> The standards also state that management should identify, analyze, and respond to risks related to achieving the defined objectives.

Military service notification processes vary, and most are at least partially inconsistent with DOD guidance and expectations, because DOD has not clearly communicated to the military services its guidance and expectations regarding the method and content of IDC notifications based on the identification and analysis of risks associated with different methods and content. Although DOD has established a written notification requirement in DODI 6400.06, it responded supportively to the Air Force's waiver of the written notification requirement, contributing to variation in the services' approaches. Additionally, according to DOD officials, DOD neither coordinated this waiver with the other services nor formally communicated to them its support for the Air Force deviating from established policy. Further, military service FAP officials we interviewed were generally unaware of the written notification requirement in DODI 6400.06 as well as the written notification content specified in DOD's March 2022 letter to a member of Congress. DOD MCA officials acknowledged this confusion and told us that that DOD Manual 6400.01, Volume 3, *Family Advocacy Program: Clinical Case Staff Meeting and Incident Determination Committee* would be a more appropriate vehicle for conveying the written notification requirement because the manual houses most IDC guidance. These officials also told us that military service FAP officials were consulted when DOD developed its March 2022 letter but that they did not formally direct the military services to include specific content in IDC decision notifications and could not confirm that service officials were provided with the information contained in the letter.

Further, although MCA officials told us they considered some risks associated with the method and content of notifications when developing the March 2022 letter, such as notification receipt and unintended use, DOD has not comprehensively identified, analyzed, or incorporated those risks into its notification guidance. MCA officials told us they have considered eliminating the requirement for written notifications due to concerns over unintended use of IDC decisions and noted that an analysis of IDC notification processes is needed to determine what changes, if any, should be made to the IDC notification policy. These officials further stated that they have not fully assessed the pros and cons of different notification methods, or amended existing guidance, because the department is considering broader modifications to the IDC construct and process. However, MCA officials estimated that any department-wide changes to the IDC would not be fully implemented until 2028 at the earliest, underscoring the need for a consistent DOD-wide approach to notifications in the interim period.

By clarifying its notification guidance and expectations based on its analysis of risks associated with different notification methods and content, DOD can help ensure that military service notifications comply with DOD's guidance and expectations and communicate consistent information to commanders, abuse victims, and alleged abusers. In doing so, DOD may enhance recipients' understanding of the purpose of IDC decisions and reduce the potential for unintended use of IDC decisions.

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<sup>45</sup>Letter from the Under Secretary of Defense for Personnel and Readiness to the Honorable Jackie Speier (Mar. 15, 2022).

<sup>46</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

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## Conclusions

Domestic and child abuse can result in devastating consequences for military service members and their families and reduce mission readiness. DOD has acknowledged the importance of clearly notifying key parties of IDC abuse determinations by requiring written notifications. The department has also conveyed to a member of Congress its expectations for the content of notifications to help prevent abuse victims and alleged abusers from using IDC decisions in ways outside their intended purpose, such as for divorce and child custody proceedings. However, military service IDC decision notification processes vary, and most are at least partially inconsistent with DOD guidance and expectations related to the communication method and content of notifications because DOD has not clearly communicated its notifications guidance or expectations to the military services or analyzed risks associated with different methods and content. By clarifying its notification guidance and expectations based on an analysis of risks associated with different notification methods and content, DOD can help ensure that military service notifications comply with its guidance and expectations and communicate consistent information to commanders, abuse victims, and alleged abusers. In doing so, DOD may enhance recipients' understanding of the purpose of IDC decisions and reduce the potential for unintended uses of IDC decisions.

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## Recommendations for Executive Action

We are making the following recommendation to the Department of Defense:

The Secretary of Defense should ensure the Under Secretary of Defense for Personnel and Readiness clarifies DOD's guidance and expectations regarding incident determination notification methods and content based on its identification and analysis of associated risks. (Recommendation 1)

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## Agency Comments

We provided a draft of this report to DOD for review and comment. In its response, reproduced in appendix IV, DOD concurred with our recommendation. DOD also provided technical comments, which we incorporated as appropriate.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Defense, the Secretary of the Navy, the Commandant of the Marine Corps, the Secretary of the Army, the Secretary of the Air Force, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions concerning this report, please contact me at (404)-679-1893 or [williamsk@gao.gov](mailto:williamsk@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.

A handwritten signature in black ink that reads "Kristy E. Williams". The signature is written in a cursive, flowing style.

Kristy E. Williams  
Director, Defense Capabilities and Management



# Appendix I: Status of GAO Recommendations Related to DOD's Incident Determination Committees

This appendix presents the status of 18 recommendations directly related to DOD's Incident Determination Committees (IDC) from our prior work on domestic and child abuse, as of August 2024. In May 2021, we issued a report that evaluated the Department of Defense's (DOD) efforts to prevent and respond to domestic abuse, including domestic violence.<sup>1</sup> We made 32 recommendations to improve the department's ability to prevent and respond to domestic abuse incidents, nine of which were directly related to DOD's IDC. Specifically, these nine recommendations related to IDC oversight and the monitoring of reported incidents to ensure they are brought before an IDC. As of August 2024, DOD and the military services had implemented two of our nine recommendations, as shown in figure 3.

**Figure 3: Status of Department of Defense and Military Service Progress on Nine GAO Recommendations to Address DOD's Efforts to Respond to Domestic Abuse, as of August 2024**

Recommendation	Implementing agency	Implemented?
12 Secretary of Defense should ensure the Under Secretary of Defense for Personnel and Readiness updates its Family Advocacy Program (FAP) manual to (1) add and fully define reasonable suspicion as the standard for determining whether an allegation meets the initial threshold to be referred to the Incident Determination Committee (IDC), and (2) establish standardized criteria for determining whether reported allegations of abuse meet that threshold.	Department of Defense	✗
13 Army develop a risk-based process to consistently monitor how allegations of domestic abuse are screened at installations to help ensure that all domestic abuse allegations that should be presented to an IDC are consistently presented.	Army	✗
14 Navy develop a risk-based process to consistently monitor how allegations of domestic abuse are screened at installations to help ensure that all domestic abuse allegations that should be presented to an IDC are consistently presented.	Navy	✓
15 Marine Corps develop a risk-based process to consistently monitor how allegations of domestic abuse are screened at installations to help ensure that all domestic abuse allegations that should be presented to an IDC are consistently presented.	Marine Corps	✗
16 Air Force develop a risk-based process to consistently monitor how allegations of domestic abuse are screened at installations to help ensure that all domestic abuse allegations that should be presented to an IDC are consistently presented.	Air Force	✗
22 Army update its schedule and milestones and identify and assign resources needed for implementation of the IDC Army-wide.	Army	✓
23 Secretary of Defense ensure the Under Secretary of Defense for Personnel and Readiness updates its FAP oversight framework to include oversight of IDC proceedings.	Department of Defense	✗
24 Army establish a formal process to monitor IDCs to ensure they are conducted in accordance with DOD and service policy.	Army	✗
25 Air Force establish a formal process to monitor IDCs to ensure they are conducted in accordance with DOD and service policy.	Air Force	✗

Source: GAO analysis of Department of Defense information. | GAO-24-106985

<sup>1</sup>GAO, *Domestic Abuse: Actions Needed to Enhance DOD's Prevention, Response, and Oversight*, GAO-21-289 (Washington, D.C.: May 6, 2021).

In February 2020, GAO issued a report that evaluated how DOD addresses incidents of child abuse and child-on-child abuse occurring on a military installation or involving military dependents.<sup>2</sup> We made 23 total recommendations to improve how the department addresses incidents of child abuse and child-on-child abuse, nine of which were directly relevant to the IDC. These recommendations related to oversight to ensure incidents are brought before the IDC and IDC membership, among other things. As of August 2024, DOD and the military services had implemented seven of our nine recommendations, as shown in figure 4.

**Figure 4: Status of Department of Defense and Military Service Progress on Nine GAO Recommendations to Address DOD's Efforts to Respond to Child Abuse, as of August 2024**

Recommendation	Implementing agency	Implemented?
7 Army develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee (IDC) are consistently presented and therefore tracked.	Army	✓
8 Navy develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an IDC are consistently presented and therefore tracked.	Navy	✓
9 Marine Corps develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an IDC are consistently presented and therefore tracked.	Marine Corps	✗
10 Air Force develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an IDC are consistently presented and therefore tracked.	Air Force	✗
12 Secretary of Defense, in collaboration with the Secretaries of the military departments, should expand the voting membership of the IDC to include medical personnel with the requisite knowledge and experience.	Department of Defense	✓
13 Army establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program (FAP) and military law enforcement organizations will follow, and available victim services.	Army	✓
14 Navy establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the FAP and military law enforcement organizations will follow, and available victim services.	Navy	✓
15 Marine Corps establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the FAP and military law enforcement organizations will follow, and available victim services.	Marine Corps	✓
16 Air Force establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the FAP and military law enforcement organizations will follow, and available victim services.	Air Force	✓

Source: GAO analysis of Department of Defense information. | GAO-24-106985

<sup>2</sup>GAO, *Child Welfare: Increased Guidance and Collaboration Needed to Improve DOD's Tracking and Response to Child Abuse*, GAO-20-110 (Washington, D.C.: Feb. 12, 2020).

## Appendix II: Objectives, Scope, and Methodology

This report (1) describes how military commanders, abuse victims, and alleged abusers may use Incident Determination Committee (IDC) decisions; and (2) assesses the extent to which the military services have established processes to notify commanders, abuse victims, and alleged abusers of IDC decisions.

To address these objectives, we reviewed Department of Defense (DOD) and military service guidance and documentation governing the IDC; interviewed DOD, military service, and civilian officials; and conducted one in-person site visit and three virtual site visits—as described below—with a non-generalizable sample of four military installations to obtain information on military service IDC processes and perspectives on IDC decision use.<sup>1</sup>

To develop our non-generalizable sample of military installations for site visits, we requested and obtained military service Family Advocacy Program (FAP) data on the number of domestic and child abuse incidents by installation for fiscal years 2021–2023. We selected data from this time frame because it constituted the most recent and complete data available at the time of our review.<sup>2</sup> We selected one installation from each military service based on the following criteria:

- at least one installation for each military service;<sup>3</sup>
- at least one installation outside the continental U.S.;
- installations must be within the top 10 for most reported incidents of child and domestic abuse; and
- installations have at least one victim advocate listed on the victim advocate personnel roster provided by each of the military services' FAP headquarters.<sup>4</sup>

We also excluded installations that we had visited as part of prior work on domestic and child abuse, even if they met the criteria above. The installations selected for site visits were Fort Campbell, Kentucky; Joint Base

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<sup>1</sup>DOD Manual 6400.01, Volume 1, *Family Advocacy Program (FAP): FAP Standards* (July 22, 2019); DOD Manual 6400.01, Volume 2, *Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System* (Aug. 11, 2016); DOD Manual 6400.01, Volume 3, *Family Advocacy Program: Clinical Case Staff Meeting and Incident Determination Committee* (Aug. 11, 2016) (incorporating change 1, July, 16, 2021); DOD Instruction 6400.06 *DOD Coordinated Community Response to Domestic Abuse Involving DOD Military and Certain Affiliated Personnel* (Dec. 15, 2021) (incorporating change 3, July 11, 2024); OPNAV Instruction 1752.2C *Navy Family Advocacy Program* (May 20, 2020); Marine Corps Order 1754.11A, *Marine Corps Family Advocacy Program* (Apr. 8, 2021); Department of the Air Force Instruction 40-301, *Family Advocacy Program* (Nov. 13, 2020); Army Directive 2021-26, *Family Advocacy Program Incident Determination Committee and Clinical Case Staff Meeting* (July 12, 2021).

<sup>2</sup>We did not assess the reliability of FAP domestic and child abuse incident data because the data were only used for selecting installations for site visits and did not affect our findings.

<sup>3</sup>Space Force installations were included with the Air Force because Air Force FAP covers both services.

<sup>4</sup>FAP victim advocates can provide support to victims of domestic abuse, including through risk assessments, safety planning, providing information on protective orders, military and civilian services and resources, and available benefits. The victim advocate for Robins Air Force Base was unable to meet with us because they were out of the office for an extended period during our site visit. Additionally, we selected Marine Corps Air Station Cherry Point over another installation that had two more incidents because Cherry Point had an additional victim advocate.

Pearl Harbor-Hickam, Hawaii; Marine Corps Air Station Cherry Point, North Carolina; and Robins Air Force Base, Georgia.<sup>5</sup>

For our first objective, we reviewed DOD and military service policies and guidance regarding the purpose of IDC decisions and their intended use. To identify any documented IDC decision uses by commanders, abuse victims, and alleged abusers, we reviewed from each installation we selected for site visits a non-generalizable, randomly selected sample of abuse incident clinical case logs for 20 domestic and child abuse incidents from the last quarter of fiscal year 2022 through the end of fiscal year 2023. We selected this timeframe because, in March 2022, DOD noted in a letter to a Member of Congress that IDC decision notifications are made in writing, that the military services had begun to include information on the IDC process and purpose, and that the IDC is not a disciplinary proceeding. We also interviewed DOD, service headquarters, and installation officials, including staff judge advocates, victims' legal counsel, legal assistance judge advocates, FAP counselors, and victim advocates. At the four installations we conducted site visits, we also observed an IDC to better understand how incidents are reviewed and determinations are made. Further, to get perspectives from unit commanders about how they have used IDC decisions, we randomly selected three-to-five unit commanders who had participated in an IDC within the last year for group interviews at each military installation we selected for site visits. This resulted in interviews with a total of 15 unit commanders. In addition, within the civilian sector, we spoke with officials from nine organizations, including legal, advocacy, and child welfare organizations near the military installations we selected for site visits. We spoke with these officials to obtain information and perspectives on the use of IDC decisions by commanders, abuse victims, and alleged abusers.

For our second objective, we reviewed DOD and military service guidance and documentation establishing IDC decision notification requirements and processes, including the communication method and content of those notifications.<sup>6</sup> We interviewed installation officials to obtain information and perspectives on IDC decision notifications. We also reviewed a non-generalizable random sample of IDC decision notifications for 20 total domestic and child abuse incidents from each of the four installations we selected for site visits, along with two randomly selected notifications from a separate installation within each military service.<sup>7</sup> In total we reviewed documentation provided for IDC decision notifications from eight installations, for a total of 88 incidents that had a situation findings date between the last quarter of fiscal year 2022 through the end of fiscal year 2023.<sup>8</sup> The randomly selected additional installations were Schofield Barracks, Hawaii; Souda Bay, Greece; Camp Butler, Japan; and Columbus Air Force Base, Mississippi.

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<sup>5</sup>Our site selection installation for the Air Force was originally Minot Air Force Base, North Dakota based on our selection criteria. However, Minot Air Force Base was experiencing staffing challenges that would make it challenging to accommodate our review, therefore we selected the next Air Force installation on our list.

<sup>6</sup>DOD Instruction 6400.06 *DOD Coordinated Community Response to Domestic Abuse Involving DOD Military and Certain Affiliated Personnel* (Dec. 15, 2021) (incorporating change 3, July 11, 2024); Letter from the Under Secretary of Defense for Personnel and Readiness to the Honorable Jackie Speier, (Mar. 15, 2022); Deputy Surgeon General Memorandum *Department of the Air Force Incident Status Determination Notification Letters* (Nov. 13, 2023).

<sup>7</sup>Because Joint Base Pearl Harbor-Hickam was our selection representing the Navy, we used incident data for only those incidents involving Navy service members.

<sup>8</sup>Service member and non-service member notification documentation was provided by military service installation officials. We requested commander, abuse victim, and alleged abuser IDC decision notification for a sample of IDC decisions but did not speak directly with the commander, abuse victim, and alleged abuser involved in each incident to verify they received the notification documentation provided.

We compared these IDC decision notifications with DOD guidance and expectations related to the communication method (i.e., written or verbal) and DOD intended content of notifications. To conduct this comparison, one analyst compared each installation sample of IDC decision notifications to determine if they aligned with DOD guidance and expectations. A second analyst reviewed the comparison and provided comments. The two analysts discussed any differences and made resulting changes to the analysis as needed. We also compared IDC decision notification processes against *Standards for Internal Control in the Federal Government*.<sup>9</sup> Specifically, we determined that the risk assessment and information and communication control components were significant to this objective, along with the underlying principles that management should identify, analyze, and respond to risks and use quality information to achieve the entity’s objectives.

Table 4 presents the DOD and non-DOD organizations we visited or contacted during our review to address our two objectives.

**Table 4: DOD and Non-DOD Locations Visited or Contacted by GAO**

Organization	Location visited or contacted
Department of Defense (DOD)	<ul style="list-style-type: none"> <li>DOD Office of the Under Secretary of Defense for Personnel and Readiness, Washington, D.C.</li> <li>Family Advocacy Program (FAP), Virginia</li> </ul>
Department of the Army	<ul style="list-style-type: none"> <li>Army Criminal Investigation Command, Marine Corps Base Quantico, Virginia</li> <li>Army FAP, Washington, D.C.</li> <li>U.S. Army Installation Management Command, Joint Base San Antonio, Texas</li> <li>U.S. Army Medical Command, Joint Base San Antonio, Texas</li> <li>U.S. Army Office of the Judge Advocate General, Washington, D.C.</li> <li>Fort Campbell, Kentucky</li> <li>Schofield Barracks, Hawaii</li> </ul>
Department of the Navy	<ul style="list-style-type: none"> <li>Naval Criminal Investigative Service, Marine Corps Base Quantico, Virginia</li> <li>Navy FAP, Washington, D.C.</li> <li>Office of the Judge Advocate General, Washington, D.C.</li> <li>Joint Base Pearl Harbor-Hickam, Hawaii</li> <li>Naval Support Activity Souda Bay, Greece</li> </ul>
United States Marine Corps	<ul style="list-style-type: none"> <li>Marine Corps FAP, Virginia</li> <li>Marine Corps Air Station Cherry Point, North Carolina</li> <li>Camp Butler, Japan</li> </ul>
Department of the Air Force	<ul style="list-style-type: none"> <li>Air Force FAP, Joint Base San Antonio, Texas</li> <li>Air Force Legal Operations Agency, Joint Base Andrews, Maryland</li> <li>Air Force Office of Special Investigations, Marine Corps Base Quantico, Virginia</li> <li>Minot Air Force Base, North Dakota</li> <li>Robins Air Force Base, Georgia</li> <li>Columbus Air Force Base, Mississippi</li> </ul>

<sup>9</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

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**Appendix II: Objectives, Scope, and Methodology**

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<b>Organization</b>	<b>Location visited or contacted</b>
Civilian Organizations	<ul style="list-style-type: none"><li>• Bennett Law &amp; Mediation Services, LLC, Warner Robins, Georgia</li><li>• Child Protective Services, Honolulu, Hawaii</li><li>• Craven County Department of Social Services, New Bern, North Carolina</li><li>• Domestic Violence Action Center, Honolulu, Hawaii</li><li>• Kentucky Legal Aid, Madisonville, Kentucky</li><li>• New York University, New York, New York</li><li>• Pennsylvania State University, University Park, Pennsylvania</li><li>• Sexual Assault Center, Crisis Line &amp; Safe House of Central Georgia, Inc., Macon, Georgia</li><li>• Tennessee Department of Children's Services, Clarksville, Tennessee</li></ul>

Source: GAO | GAO-24-106985

We conducted this performance audit from August 2023 to September 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix III: Incident Determination Committee Decision Notification Letter Templates

This appendix presents Incident Determination Committee (IDC) decision notification letter templates for the Navy, Marine Corps, and Air Force as of June 2024. The Navy, Marine Corps, and Air Force use these templates to notify commanders, abuse victims, and alleged abusers of IDC decisions. The Air Force generally stopped providing written notifications in November 2023, but uses the below template when written notification is provided according to Air Force officials. The Army does not have a standard letter template due to limitations with the FAP system of record, according to Army FAP officials.

Figure 5: Navy IDC Decision Notification Letter Template as of June 2024

[This letter needs to be serialized [usually by the CO's Admin. Staff] and may include multiple allegations which are in the same case record. This is the letter brought to IDC, signed by the Chairperson and provided to the Command Representative. Upload a signed copy to the clients' case folders.]

**COMMAND LETTERHEAD**

1752  
Ser N91/xxx  
dd mm yy

From: Commanding Officer, **Name of the Installation**  
To: Commanding Officer, **Command Name**

Subj: RESULTS OF INCIDENT DETERMINATION COMMITTEE (IDC),  
ICORANK/RATE SPONSOR FULL NAME, BRANCH IDENTIFIER

Ref: (a) OPNAVINST 1752.2C  
(b) DODM 6400.01-V3  
(c) MILPERSMAN 1910  
(d) SECNAVINST 1920.6D

Encl: (1) Procedure to Request an IDC Review

1. Per reference (a), the IDC met on DATE, to consider the allegations of **type of abuse** involving **Sponsors full name and rank** and **his/her spouse/partner/child**. After careful consideration of all available information, the IDC determined that the case/s:

(a) met/ did not meet criteria for **type of abuse** of **full name and title** by **offender's full name and title**.

[(x) met/ did not meet criteria for **type of abuse** of **full name and title** by **offender's full name and title**.]

2. **Process and Materials Reviews.** The IDC used the Decision Tree algorithm outlined in reference (b) and considered the following information in order to vote on the allegation(s):

- € Service member's statement
- € Family member's statement
- € County Sheriff's Report
- € Base Security Report
- € NCIS report
- € CPS Report
- € Witness Statement
- € Command statement
- € Other:

Controlled by: Department of the Navy  
Controlled by:  
CUI Category: PRVCY  
Distribution/Dissemination Control: FEDCON  
POC:

3. **Right to Request Review.** Per reference (a), the offender, victim, non-offending parent or guardian, and command have the right to request a review of the incident determination. **Please note that most requests for review must be made within 60 days of receipt of this message.** Service Members requesting review should notify their command; family members should contact the FAP case manager. Commands should review and discuss the results of the IDC with the sponsor and provide the sponsor with Enclosure (1), Procedures to Request a Review of the Determination.

4. **Administrative, Legal and Disciplinary Action.** An IDC meeting is not a disciplinary proceeding in accordance with chapter 47 of Title 10, United States Code, also known and referred to as the "Uniform Code of Military Justice (UCMJ)" and the requirements for due process for UCMJ disciplinary proceedings are inapplicable to Incident Determination Committee (IDC) meetings and actions. The IDC review process is based solely on the FAP administrative criteria, and the determination is made solely for the purpose of accessing clinical interventions provided by or referred through the FAP. The process is not based on any criminal statutes and should not be used as evidence regarding any alleged military or civilian criminal offense or in any civil proceedings. Pursuant to reference (b), a commander may not take administrative or disciplinary action against a Service Member based solely upon the determination of the IDC, although they may take such action following an independent review of the alleged conduct. The commander is encouraged to contact their servicing Staff Judge Advocate regarding possible administrative or disciplinary action.

5. **Administrative Separation Processing.** Administrative Separation Processing is governed by references (c) and (d) and is not required as a result of an IDC determination. [However, as the IDC has determined this case meets criteria for child sexual abuse, PERS-832/834 will direct administrative processing if the command does not choose to initiate administrative processing.]

6. If you have any questions regarding the information above, please contact the Family Advocacy Program case manager, **Name** at **phone number** or your servicing Staff Judge Advocate.

CO SIGNATURE BLOCK

Copy to:  
Service Member  
Civilian family member/partner

Controlled by: Department of the Navy  
Controlled by:  
CUI Category: PRVCY  
Distribution/Dissemination Control: FEDCON  
POC:

Source: U.S. Navy. | GAO-24-106985

Appendix III: Incident Determination Committee Decision Notification Letter Templates

Figure 6: Marine Corps IDC Decision Notification Letter Template as of June 2024


<p style="text-align: center;">[Letterhead]</p> <p>From: [enter Installation] To: [enter Recipient] Subj: INCIDENT STATUS DETERMINATION (ISD) Ref: (a) DoDM 6400.01-V3 (b) MCO 1754.11A</p> <p>1. In accordance with references (a) and (b), the Incident Determination Committee (IDC) met on [date] to review [an incident/incidents] of [type(s) of abuse] involving [name of addressee] as [sponsor/alleged abuser/victim/non-abusing parent/if both]. The IDC determined the incident [met/did not meet] the Department of Defense (DoD) criteria for abuse in accordance with reference (a). As such, the Incident Status Determination (ISD) [will/will not] be entered into the DoD Central Registry.</p> <p>2. Reconsideration requests may be submitted by the alleged abuser, victim, and non-abusing parent or guardian on behalf of a child victim in accordance with reference (a). Requests must be made within 60 calendar days of this notification of the ISD. Criteria and requirements for reconsideration requests for this ISD are located in Chapter 8 of reference (b). A copy of this letter should be included with the request.</p> <p>3. An IDC meeting is not a disciplinary proceeding in accordance with Chapter 47 of Title 10, United States Code, also known as the Uniform Code of Military Justice (UCMJ), and the requirements for due process in UCMJ disciplinary proceedings are inapplicable to IDC meetings and actions. The ISD is based on DoD policy administrative criteria for the purposes outlined in reference (a). This letter serves only to inform the alleged abuser, victim, or non-abusing parent of the determination from the IDC and should not be used as evidence in disciplinary proceedings as it may not meet all applicable legal requirements.</p>	<p>4. A commander may not take administrative or disciplinary action against a Service member based solely on an ISD for an act of child abuse or domestic abuse allegedly committed by that Service member; however, commanders may take disciplinary or administrative action based on legal or other appropriate advice independent of the ISD. All parameters for use of information presented to the IDC are included in the references.</p> <p>5. If you have any questions regarding this determination or the process for reconsideration requests, please contact the FAP at [enter phone number].</p> <p style="text-align: right;">[Signature block]</p> <p>Copy to: [enter]</p>
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Source: U.S. Marine Corps. | GAO-24-106985



Appendix III: Incident Determination Committee Decision Notification Letter Templates

Figure 7: Air Force IDC Decision Notification Letter Template as of June 2024



**DEPARTMENT OF THE AIR FORCE**  
87TH AIR BASE WING (AMC)  
JOINT BASE MCGUIRE-DIX-LAKEHURST, NJ

11 September 2023

MEMORANDUM FOR XX SFS/CC  
Ann XXX

FROM: (Installation Deputy Commander)

SUBJECT: Central Registry Board (CRB) Incident Determination

1. The CRB met on 11 September 2023 to review incident # involving Ann XXX. The allegation was adult physical and emotional maltreatment of Ann XXX by A1C YYY. The board determined the incident **deferred / met / did not meet** the criteria set forth in DoDM 6400.01, Volume 3, for physical maltreatment and **deferred / met / did not meet** the criteria set forth in DoDM 6400.01, Volume 3, for emotional maltreatment. Only met criteria incidents will be reported to the DoD Central Registry database.

2. IAW DAFI 40-301, if the alleged offender or victim disagrees with the determination, either may request an Incident Status Determination Review (ISDR). The request must be submitted in writing to the Family Advocacy Office within 30 days of notification of the CRB determination. The Family Advocacy Office will present the ISDR request to the CRB Chairperson. An ISDR may be granted when there is new information that was not presented to the CRB, and that information could affect the outcome determination. An ISDR may also be granted if the committee failed to comply with the CRB's published directives and standards. A signed and dated copy of this letter must be attached to the request.

3. Per DODM 6400.01 Volume 3, Incident Determination Committee (IDC) and Clinical Case Staffing Meeting, "the purpose of an IDC [CRB] is to decide which reports for suspected child abuse or domestic abuse meet the *DoD definition of abuse*" (emphasis added). An IDC/CRB meeting is not a disciplinary proceeding in accordance with chapter 47 of Title 10, United States Code, also known and referred to as the "Uniform Code of Military Justice (UCMJ)" (Reference (k)), and the requirements for due process for UCMJ disciplinary proceedings are inapplicable to IDC/CRB meetings and actions.

4. The CRB findings are to be shared between you and Ann XXX. This letter serves as verification of the date of notification. Both of you must sign and date this letter and provide a copy to Ann XXX as a record of the CRB determination date. Questions may be addressed to the Family Advocacy Office at (DSN) 650-9680 or (COMM) 609-754-9680.

// Original Signed //  
XXX, COLONEL, USA  
Deputy Commander - Army

\_\_\_\_\_  
Commander Signature / Date Signed

\_\_\_\_\_  
Sponsor Signature / Date Signed

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Source: U.S. Air Force. | GAO-24-106985

# Appendix IV: Comments from the Department of Defense



FORCE RESILIENCY

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

Ms. Kristy Williams  
Director, Defense Capabilities Management  
U.S. Government Accountability Office  
441 G Street, NW  
Washington DC 20548

Dear Ms. Williams:

This is the Department of Defense (DoD) response to the GAO Draft Report GAO-24-106985, "Domestic and Child Abuse: DOD Needs to Clarify Guidance on Incident Determination Committee Notifications," dated August 8, 2024 (GAO Code 106985).

The Department appreciates the opportunity to comment on the draft report. We concur with the sole recommendation to clarify DoD's guidance and expectations regarding incident determination notification methods and contact based on its identification and analysis of associated risks. Please note the DoD official responsible for such policy is now the Executive Director, Office of Force Resiliency.

The point of contact for this effort is Lisa Eaffaldano, who can be reached at 703-474-8774, [lisa.m.eaffaldano.civ@mail.mil](mailto:lisa.m.eaffaldano.civ@mail.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth B. Foster".

Elizabeth B. Foster  
Executive Director, Force Resiliency

# Accessible Text for Appendix IV: Comments from the Department of Defense

Ms. Kristy Williams

Director, Defense Capabilities Management  
U.S. Government Accountability Office  
441 G Street, NW  
Washington DC 20548

Dear Ms. Williams:

This is the Department of Defense (DoD) response to the GAO Draft Report GAO-24-106985, "Domestic and Child Abuse: DOD Needs to Clarify Guidance on Incident Determination Committee Notifications," dated August 8, 2024 (GAO Code 106985).

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The point of contact for this effort is Lisa Eaffaldano, who can be reached at 703-474-8774, [lisa.m.eaffaldano.civ@mail.mil](mailto:lisa.m.eaffaldano.civ@mail.mil).

Sincerely,

Elizabeth B. Foster  
Executive Director, Force Resiliency

# Appendix V: GAO Contact and Staff Acknowledgments

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## GAO Contact

Kristy E. Williams, (404) 679-1893 or [williamsk@gao.gov](mailto:williamsk@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Ryan D'Amore (Assistant Director), Jordan Tibbetts (Analyst in Charge), Vincent Buquicchio, Caroline Christopher, Brenda Farrell, Amie Lesser, Paul Seely, Michael Silver, and Lillian Moyano Yob made key contributions to this report.

## Related GAO Products

*Domestic Abuse: Actions Needed to Enhance DOD's Prevention, Response, and Oversight.* [GAO-21-289](#). Washington, D.C.: May 6, 2021.

*Domestic Violence: Improved Data Needed to Identify the Prevalence of Brain Injuries among Victims.* [GAO-20-534](#). Washington, D.C.: June 12, 2020.

*Child Welfare: Increased Guidance and Collaboration Needed to Improve DOD's Tracking and Response to Child Abuse.* [GAO-20-110](#). Washington, D.C.: February 12, 2020.

*Sexual Violence: Actions Needed to Improve DOD's Efforts to Address the Continuum of Unwanted Sexual Behaviors.* [GAO-18-33](#). Washington, D.C.: December 18, 2017.

*Military Personnel: DOD Has Processes for Operating and Managing Its Sexual Assault Incident Database.* [GAO-17-99](#). Washington, D.C.: January 10, 2017.

*Sexual Violence Data: Actions Needed to Improve Clarity and Address Differences Across Federal Data Collection Efforts.* [GAO-16-546](#). Washington, D.C.: July 19, 2016.

*Gun Control: Analyzing Available Data Could Help Improve Background Checks Involving Domestic Violence Records.* [GAO-16-483](#). Washington, D.C.: July 5, 2016.

*Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented.* [GAO-16-61](#). Washington, D.C.: November 4, 2015.

*Military Personnel: Actions Needed to Address Sexual Assaults of Male Servicemembers.* [GAO-15-284](#). Washington, D.C.: March 19, 2015.

*Military Justice: Oversight and Better Collaboration Needed for Sexual Assault Investigations and Adjudications.* [GAO-11-579](#). Washington, D.C.: June 22, 2011.

*Military Personnel: Sustained Leadership and Oversight Needed to Improve DOD's Prevention and Treatment of Domestic Abuse.* [GAO-10-923](#). Washington, D.C.: September 22, 2010.

*Military Personnel: Status of Implementation of GAO's 2006 Recommendations on DOD's Domestic Violence Program.* [GAO-10-577R](#). Washington, D.C.: April 26, 2010.

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