

SAMPLE

MOU Between
(INSTALLATION) Installation Law Enforcement Office and
(CITY, COUNTY, or STATE) Law Enforcement Agency

(Consult with the local Staff Judge Advocate and Agreements Manager before completing)

1. **PURPOSE:** To establish written procedures concerning the exchange of information, case investigation, cases involving civilian alleged offenders, jurisdiction, and coordination of efforts and assets between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency in sexual assault cases involving an active duty Service member.

2. **GENERAL:** This MOU does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the (INSTALLATION) Installation Law Enforcement Office and (CITY, COUNTY, or STATE) Law Enforcement Agency. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity. (See DoD Directive 5400.11 (Reference (ah))). As used herein, the term "Service member" refers to an active duty Service member, Military Service Academy cadet or midshipmen, or National Guard or Reserve Service member when performing active service and inactive duty training (as defined in section 101(d)(3) of Reference (a)) or a member of the Coast Guard or Coast Guard Reserve (when the Coast Guard is operating as a service in the Navy).

A. [INSERT PARAGRAPH HERE DEFINING RESPONSE AND INVESTIGATION JURISDICTION FOR THE (INSTALLATION) INSTALLATION LAW ENFORCEMENT OFFICE AND (CITY, COUNTY, OR STATE) LAW ENFORCEMENT AGENCY.]

3. **RESPONSIBILITIES:**

A. The (CITY, COUNTY, or STATE) Law Enforcement Agency agrees to perform the following actions:

(1) When responding to or investigating sexual assault cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency shall ascertain whether the alleged offender is a Service member. If the alleged offender is a Service member, the responding officer(s) shall note on the top of the incident/investigation report "Copy to the (INSTALLATION) Installation Law Enforcement" and the designated Records personnel shall ensure the copy is forwarded.

(2) When responding to or investigating sexual assault cases, the (CITY, COUNTY, or STATE) Law Enforcement Agency shall ascertain whether the victim is a Service member. If the victim is a Service member, the responding officer(s) shall seek the victim's consent to forward a copy of the incident/investigation report to

the (INSTALLATION) Law Enforcement Office so that it can be provided to the victim's commander. If the victim so consents, the responding officer(s) shall note on the top of the incident/investigation report "Copy to the (INSTALLATION) Installation Law Enforcement Office" and the designated Records personnel shall ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall note in the body of the incident/investigation report that the victim did not consent to forwarding the report to the Installation Law Enforcement Office and shall not direct Records personnel to forward the report, but the report shall be provided to the Installation Sexual Assault Response Coordinator. (3) When responding to or investigating sexual assault cases, and the (CITY, COUNTY, or STATE) Law Enforcement Agency ascertains that the alleged offender and the victim are both Service members, the responding officer(s) shall seek the victim's consent to forward a copy of the incident/investigation report to the (INSTALLATION) Law Enforcement Office so that it can be provided to the victim's commander. If the victim so consents, the responding officer(s) shall note on the top of the incident/investigation report "Copy to the (INSTALLATION) Installation Law Enforcement Office" and the designated Records personnel shall ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall note in the body of the incident/investigation report that the victim did not consent to forwarding the report to the Installation Law Enforcement Office and shall not direct Records personnel to forward the report, but the report shall be provided to the Installation Sexual Assault Response Coordinator.

- (4) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent civil protection order (CPO) issued by a court of competent jurisdiction, the responding officer(s) shall ascertain whether the alleged offender is an active duty Service member. If the alleged offender is active duty, the responding officer(s) shall note on the top of the CPO "Copy to the (INSTALLATION) Installation Law Enforcement Office" and the designated Records personnel shall ensure the copy is forwarded. [THIS PARAGRAPH MAY NOT BE NECESSARY IF THE INSTALLATION HAS AN MOU WITH THE LOCAL COURT SPECIFYING THAT THE COURT SHALL FORWARD COPIES OF SUCH CPOS TO THE INSTALLATION.]
- (5) When the (CITY, COUNTY, or STATE) Law Enforcement Agency receives a copy of a temporary or permanent CPO, the responding officer(s) shall ascertain whether the victim is a Service member. If the victim is a Service member, the responding officer(s) shall seek the victim's consent to forward a copy of the CPO to the (INSTALLATION) Installation Law Enforcement Office. If the victim so consents, the responding officer(s) shall note on the top of the CPO "Copy to the (INSTALLATION) Installation Law Enforcement Office" and the designated Records personnel shall ensure the copy is forwarded. If the victim does not consent, the responding officer(s) shall not request that a copy of the CPO be forwarded to the Installation Law Enforcement Office.

- (6) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall designate an employee from Records who shall be directly responsible for forwarding copies of incident/investigation reports and CPOs to the (INSTALLATION) Installation Law Enforcement Office when directed to do so by notations at the top of the reports or CPOs. The (CITY, COUNTY, or STATE) Law Enforcement Agency employee shall also be responsible for receiving and processing of MPOs forwarded from the (INSTALLATION) Installation Law Enforcement Office.
 - (7) When the (CITY, COUNTY, or STATE) Law Enforcement Agency becomes aware of a violation of a term or provision of an MPO, the responding officer(s) shall notify the designated representative from the (INSTALLATION) Installation Law Enforcement Office of the violation.
 - (8) The (CITY, COUNTY, or STATE) Law Enforcement Agency shall provide the (INSTALLATION) Installation Law Enforcement Office with an area for Installation Law Enforcement investigators to conduct interviews of Service members who are involved in sexual assault incidents.
 - (9) The (INSTALLATION) Installation Law Enforcement office shall, when appropriate, conduct joint investigations with the (CITY, COUNTY, or STATE) Law Enforcement Agency if incidents of sexual assault involve Service members.
 - (10) When the victim in a sexual assault incident has been identified as a Service member, the (CITY, COUNTY, or STATE) Law Enforcement Agency responding officer(s) shall provide the victim with basic information, acquired from the Installation Law Enforcement Office (below) about installation resources available to sexual assault victims.
 - (11) As new law enforcement officers begin duty with the (CITY, COUNTY, or STATE) Law Enforcement Agency, their immediate supervisor shall provide them with copies of this MOU and basic instruction for effectuating the provisions of this MOU.
- B. The (INSTALLATION) Installation Law Enforcement Office agrees to perform the following actions:
- (1) The (INSTALLATION) Installation Law Enforcement Office shall designate an individual to act as liaison to the (CITY, COUNTY, or STATE) Law Enforcement Agency and to receive copies of incident/investigation reports stemming from an incident occurring off of the installation and CPOs involving Service members.
 - (2) Upon receipt of a copy of an incident/investigation report stemming from incidents occurring off of the installation or a CPO involving a Service member, the (INSTALLATION) Installation Law Enforcement Office shall immediately notify the Service member's Command.

- (3) When the (INSTALLATION) Installation Law Enforcement Office receives a copy of an MPO from a Service member's Command, and if that Service member is living off of the installation, the (INSTALLATION) Installation Law Enforcement office shall forward a copy of the MPO to the (CITY, COUNTY, or STATE) Law Enforcement Agency with jurisdiction over the area in which the Service member resides.
- (4) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, STATE, OR COUNTY) Police Department with an area for Police Department officers or investigators to conduct interviews of Service members who are involved in sexual assault incidents.
- (5) The (INSTALLATION) Installation Law Enforcement office shall, when appropriate, conduct joint investigations with the (CITY, COUNTY, or STATE) Law Enforcement Agency if incidents of sexual assault involve Service members.
- (6) The (INSTALLATION) Installation Law Enforcement Office shall assist the (CITY,COUNTY, or STATE) Law Enforcement Agency when investigating cases that occurred off base by providing information such as medical records, Military Service records, and incident/investigation reports from incidents occurring under the jurisdiction of the Installation Law Enforcement Office in accordance with the provisions of Section 552a of Reference (ab) and Reference (ac).
- (7) The (INSTALLATION) Installation Law Enforcement Office shall provide the (CITY, COUNTY, or STATE) Law Enforcement Agency with basic information, in the form of quick reference cards or brochures, about installation resources available to sexual assault victims.
- (8) [INSERT A PARAGRAPH HERE STATING PROPER INSTALLATION PROCEDURE FOR RESPONDING TO SEXUAL ASSAULT INCIDENTS OCCURRING ON THE INSTALLATION INVOLVING CIVILIAN ALLEGED OFFENDERS.]
- (9) As new personnel begin duty with the (INSTALLATION) Installation Law Enforcement office, their immediate supervisor shall provide them with copies of this MOU and basic instructions on effectuating the provisions of this MOU.

4. EFFECTIVE ADMINISTRATION AND EXECUTION OF THIS MOU:

- A. This MOU shall be reviewed annually and shall remain in full force and effect until specifically abrogated by one of the parties to this agreement with 60 days written notice to the other party.
- B. Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of this MOU that

channels of communication shall be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.

- C. Personnel from the (INSTALLATION) Installation Law Enforcement Office and from the (CITY, COUNTY, or STATE) Law Enforcement Agency shall meet, as necessary and appropriate, to discuss open cases involving Service members and to share information regarding reciprocal investigations.
- D. The primary POC for this agreement is (INSTALLATION POC NAME; OFFICE OR ACTIVITY NAME, STREET ADDRESS, CITY, STATE, ZIP CODE, PHONE NUMBER, ORGANIZATIONAL EMAIL).