

12. (ALL) Please provide any regulations, instructions, directives, or memoranda establishing Service policies for a commander's accountability for preventing and responding to sexual assault.

DOD	<p>DOD SAPRO: The SAPR Program regulations, instructions, directives, and memoranda are listed below:</p> <ul style="list-style-type: none"> <li>• DoD Sexual Assault Prevention and Response Strategic Plan provides the strategic approach the Department is pursuing to reduce and eliminate sexual assault. It can be found at <a href="http://www.sapr.mil">www.sapr.mil</a>.</li> <li>• DoDD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program January 2012, located at <a href="http://www.sapr.mil">www.sapr.mil</a>, provides the general policy of the SAPR program.</li> <li>• DoDI Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Procedures March 2013, located at <a href="http://www.sapr.mil">www.sapr.mil</a>, provides the procedures. The DoDI 6495.02 incorporated Directive-Type Memorandum 11-063, "Expedited Transfer of Military Service Members Who File Unrestricted Reports of Sexual Assault," December 16, 2011, and Directive-Type Memorandum 11-062, "Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault," December 16, 2011.</li> <li>• DTM-092, "Defense Sexual Assault Advocate Certification Program (D-SAACP)" with a projected issuance date of November 2013, will provide the procedures for the DoD certification program for SARCs and SAPR VAs. When issued, will be located at <a href="http://www.sapr.mil">www.sapr.mil</a>.</li> <li>• SECDEF Directives and Memoranda: <ul style="list-style-type: none"> <li>○ On April 20, 2012 Secretary Panetta directed to withhold initial disposition authority from all commanders with the Department of Defense who do not possess at least a special court-martial convening authority and who are not in the grade of O-6 or higher in certain sexual assault cases.</li> <li>○ On September 25, 2012 Secretary Panetta directed the Military Departments to evaluate their pre-command and senior enlisted leader's sexual assault prevention and response training as well as to develop and implement standardized core competencies and learning objectives. This memorandum further required a 2-hour block of instruction and that each Service would provide a SAPR program information and guidance for commanders in a quick reference "Commander's Guide."</li> <li>○ On May 6, 2013 SECDEF directed each Service to undertake a variety of actions to prevent and respond to the crime of sexual assault in the DoD. The overall approach included a focus on leaders establishing an appropriate climate and included directives to enhance commander accountability, to improve response and victim treatment, to ensure safety, to conduct visual inspections of DoD workplaces; and to ensure victim's rights. This included elevation of unit climate survey to the unit commander's next higher level of command; and a requirement that each Service Chief develop recommendations on methods of assessing commander performance in</li> </ul> </li> </ul>
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	<p>establishing proper climates and reporting SAPR principles in their commands.</p> <ul style="list-style-type: none"> <li>○ On August 14, 2013 SECDEF directed implementation of measures to gain greater consistency of effort and to enhance oversight, investigative quality, pre-trial investigations, and victim support. This included specific guidance to commanders to balance the interests of the victim and the accused when determine administrative reassignment or transfer; and direction to establish General Officer/Flag Officer oversight of the response to unrestricted reports of sexual assault. <ul style="list-style-type: none"> <li>▪ USD P&amp;R is currently drafting a Directive-type Memorandum to comply with the August 14, 2013 SecDef initiative requiring a standardized policy across all the Services that mandates status reports of unrestricted sexual assault allegations and actions taken to the first general/flag officer within the chain of command, without delaying reporting to the relevant military criminal investigation organization.</li> </ul> </li> </ul>
CJCS	<p>Provided a copy of the Strategic Direction to the Joint Force on Sexual Assault Prevention and Response, dated 7 May 2012 which is available at: <a href="http://www.jcs.mil/content/files/2012-05/050812085404_Joint_Strategic_Direction_on_Sexual_Assault_(7_May_12).pdf">http://www.jcs.mil/content/files/2012-05/050812085404 Joint Strategic Direction on Sexual Assault (7 May 12).pdf</a></p>
USA	<p>The Army's sexual assault prevention and response, and commander accountability efforts are influenced and/or guided by Army and DOD policy; DODD 6495.01 (Sexual Assault Prevention and Response Program); Department of Defense Instruction 6495.02 (Sexual Assault Prevention and Response Program Procedures); Department of Defense Sexual Assault Prevention and Response Strategic Plan; Strategic Direction to the Joint Force on Sexual Assault Prevention and Response; Memorandum, Secretary of the Army, dtd 28 May 2013, Ensuring the Quality of Sexual Assault Response Coordinators, Sexual Assault Prevention and Response Victim Advocates and Others in Identified Positions of Significant Trust and Authority; and CSA Sends - SHARP Top 10, dtd 3 July 2013. Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program) requires leadership address their annual SHARP Program goals. Additionally, Command Climate Surveys are conducted within 30 days of assuming command (120 days for ARNG and USAR), again at six months and annually thereafter. Finally, commanders also participate in monthly Sexual Assault Review Boards (SARBs) to ensure program services are executed in effective manner, program gaps are identified and addressed, prevention capabilities are improved, and to brief updates on individual cases.</p> <p>Specific prevention responsibilities and requirements for commanders at the ACOM, ASCC, DRU, installation, and unit level are at the following URL: <a href="http://www.apd.army.mil/pdffiles/r600_20.pdf">http://www.apd.army.mil/pdffiles/r600_20.pdf</a>, Army Regulation 600-20, Army Command Policy, paragraph 8-5k/m/o and include:</p>

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- Ensuring deployable SARCs (brigade and higher) and UVAs have received required training prior to performing duties.
- Ensuring unit level SAPR Program training is conducted annually and documented on unit training schedules.
- Advertising the SAPR Program through local means to ensure that Soldiers, Army civilians, Family members, and leaders are aware of the program.
- Posting written sexual assault policy statements and victim services resource chart on the unit bulletin boards. Statements must include an overview of the command's commitment to the SAPR Program; victim's rights; the definition of sexual assault; available resources to support victims; and specific statements that sexual assault is punishable under the UCMJ and other Federal and local civilian laws and that sexual assault is incompatible with Army values.
- Ensuring Soldiers receive pre-deployment and post deployment training related to the prevention and response to sexual assault.
- Emphasizing on sexual assault risks, prevention, and response at all holiday safety briefings.
- Continually assessing the command climate through various methods (for example, focus groups, surveys, talking with Soldiers).
- Conducting periodic assessments of the SAPR Program for program improvement.
- Complying with AR 600-8-8 and appoint same-gender sponsors for first-term Soldiers.

Additional Army guidance to commanders is provided in SHARP Program Synchronization Order 221-12, dated 23 Jun 12.

Commanders must have responsibilities that cannot be delegated to staff and subordinates; responsibilities that place commanders at the center of our system and that can be measured and judged. The Army, like the other services, has moved aggressively to hold commanders accountable for setting a command climate that encourages reporting, deplors conduct that degrades or harasses individuals, and provides a safe environment, free of retaliation, for victims after they come forward. Policy changes to Officer Evaluation Reports, command climate surveys, and the on-going development of metrics to measure objective requirements set for commanders in the processing of allegations and in victim response, will ensure that commanders are held to the highest standard.

The SECARMY Directive regarding changes to the command climate policy is in final staffing and should be published in the next week or so. The Army will provide the new policy as soon as it is published.

Current Army policy, set forth in AR 600-20 Appendix E-2 stating that "Results are intended for the company commander's use and are not reported up the chain of command," has been superseded by the SECDEF directive of 6 May 2013 that provides for superior commander review of results.

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	<p>The SECARMY Directive will impose requirements beyond those set forth in the SECDEF directive of 6 May 2013.</p> <p>The Army policy will require:</p> <p>AC Company Commanders conduct initial command climate assessment within 30 days of assuming command, followed by subsequent assessments six months after assuming command, 12 months after assuming command and annually thereafter.</p> <p>AC Commanders above the Company level will conduct initial command climate assessment within 60 days of assuming command, followed by subsequent assessments 12 months after assuming command and annually thereafter.</p> <p>Within 30 days of completing the assessment, the requesting commander will brief the next higher command on the results and the action plan to address concerns raised in the assessment.</p>
USAF	<p>Please see Tab 8, Acting SecAF’s “Enhancing Commander Assessment and Accountability, Improving Response, and Victim Treatment,” dated 28 October 2013.</p>
USN	<p>The Navy continues to evaluate the tools we provide commanders to ensure they can execute their charge of command. In particular, we are focused on improving the development of leadership and character in our leaders on their way to command. Today, all of our leaders complete high-quality, tailored training on sexual assault prevention and response. This training is designed to help leaders identify factors and environment that surround or contribute to sexual harassment or sexual assault, and understand the response requirements when a sexual assault occurs.</p> <p>While tailored to sexual assault prevention and response, this training is not enough to fully prepare commanders to create an appropriate command climate. The Navy recently instituted a concerted leader development program to guide young officers and enlisted personnel to be effective commanders and senior enlisted leaders. Over the next year, we will advance this program as a cornerstone of our training for future commanders and Senior Enlisted Advisors and leaders.</p> <p>Because of the inherent responsibility of our commanders, our screening processes to select them are rigorous. They include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a formal, command qualification program reviewed and approved by each community flag officer leader (normally, a Vice Admiral)</li> <li><input type="checkbox"/> professional qualification standards for each selected commander</li> <li><input type="checkbox"/> an oral qualification board for each candidate in front of former commanders</li> <li><input type="checkbox"/> a command screen board, led by flag officers</li> <li><input type="checkbox"/> full training, and acknowledgement of, the “Charge of Command”</li> </ul>

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Despite the rigors of the selection and training process, we inevitably have failures and must hold commanders accountable for their command climate, their efforts to maintain a safe work environment of dignity and respect; and the good order and discipline of their commands. Today, we do this by requiring commanders to assess their organizational climate at regular intervals, while requiring those with multiple commands under their leadership to monitor the climates of subordinate commands. We also evaluate our commanders (and all officers) in their regular fitness reports (performance evaluations used for determination of advancement) in three areas: Command Climate / Equal Opportunity, Leadership and in written summary, where documentation of poor command climates would be listed. We hold our commanders responsible and accountable when they do not meet acceptable standards.

There are 1,254 command positions in the Navy. In 2012, Navy relieved 11 commanders for personal misconduct and eight commanders were relieved for failure to provide effective leadership; four of these eight were relieved for poor command climate. Statistics for 2013 are still being compiled.

As part of the Navy's accountability process, commanders are required to brief their Immediate Superior in Command and the first flag officer in the chain of command on each sexual assault incident occurring in their command. As part of that brief, commanders evaluate the command climate of the suspect's command, as well as the factors surrounding the sexual assault, such as location and environment surrounding the incident, demographics, and the role of alcohol. Means to prevent further incidents are discussed.

Our Navy four-star flag officers reinforce accountability for command climate by reviewing these "first flag" reports each quarter, including trends, demographics, common features and environments and best practices to prevent sexual assaults. We apply the insights from the reports to adjust emphasis within our SAPR Program. Empowering our commanders while holding them accountable for identifying and implementing change is critical to changing the culture in the Navy and ensuring we successfully and appropriately prevent and respond to sexual assault across the force.

A series of instructions and other guidance govern specific accountability measures regarding Sexual Assault prevention and response. Summaries are provided below.

Per Navy's current instruction (OPNAVINST 1752.1B, Sexual Assault Victim Intervention), commanders and commanding officers (COs) will implement and support the SAPR program through prevention education using the standardized DoD definitions promulgated for training and education purposes; provide the safest possible physical and emotional Navy environment; and institute and publicize a means of informing the chain of command of situations which may place individuals at risk of sexual assault and provide feedback concerning the

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final disposition suggestions and complaints.

Additionally, they will ensure the following:

- (1) Swift, sensitive and fair response to sexual assault allegations, and when appropriate, prosecution of sexual assault cases;
- (2) All allegations of sexual assault within their ranks are referred, as soon as practicable, to NAVCRIMINVSVC;
- (3) Disposition of sexual assault incidents is reserved for command with a minimum of special courts- martial convening authority, ensure a consistent response to alleged sexual assault; and
- (4) All unrestricted reports of alleged sexual assault that involve victims and alleged offenders who are family members, active duty members, or Reservists on active duty are reported regardless of the military affiliation of the victim or alleged offender. Reports of allegations of active duty members of another Service assigned to a Navy command, regardless of location are also required.

- MILPERSMAN 1910-142 - SEPARATION BY REASON OF MISCONDUCT - COMMISSION OF A SERIOUS OFFENSE

Directs processing is mandatory for sexual misconduct - rape, sexual assault, stalking, forcible sodomy, child sexual abuse, possession or distribution of child pornography, incestuous relationships, or any sexual misconduct.

- NAVADMIN 019/10 – PERSONAL FOR – SEXUAL ASSAULT SPECIAL INCIDENT

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COs will complete an Initial OPREP-3 Navy Blue or Situational report, continuation/follow-on report (as applicable), and final report documenting official resolution of sexual assault cases. This guidance ensured the first flag officer in their chain of command is not only made aware of every sexual assault, but also is aware of command actions taken to prevent sexual assaults.

- NAVADMIN 272/12 - OPNAVINST 3100.6J URGENT CHANGE 3

Directs that COs directly report their assessment in person to the first flag officer in the chain of command within 30 days of receiving a report of sexual assault. The first flag officer will be responsible for tracking all sexual assault offenses under their cognizance.

- ALNAV 038/13 - DEPARTMENT OF THE NAVY COMPREHENSIVE

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## VISUAL INSPECTION OF ALL DON WORKPLACES

Required that all DON Commanders, Commanding Officers, Officers-in-Charge, and civilian directors direct comprehensive and regular inspections of all workplaces and common access spaces under their control for materials to affect the removal of material that a reasonable person would consider degrading or offensive and document any material discovered during the course of workplace inspections. They also remain responsible and accountable for ensuring compliance with this ALNAV, and must provide clear guidance and intent to those members delegated authority to conduct inspections.

- NAVADMIN 158/13 - GUIDANCE FOR SEXUAL ASSAULT PREVENTION AND RESPONSE STAND-DOWN directed Commander Engagement All Hands training and reporting by 1 July 2013 for the active duty component and NLT 22 July 2013 for the Reserve component and deployed personnel.

- NAVADMIN 181/13 - IMPLEMENTATION OF NAVY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM INITIATIVES

All Commanding Officers were directed to take the following actions:

a. Review their compliance with the Navy Equal Opportunity Policy (OPNAVINST 5354.1F, CH-1) and ensure command climate surveys are conducted within 90 days of the CO assuming command, and annually thereafter.

b. If not already completed, conduct a face-to-face debrief of their most recent command climate assessment with their ISIC using the Defense Equal Opportunity Management Institute Organizational Climate Survey, to include a plan of action and milestones for corrective actions. ISICs will certify completion via their administrative chain of command.

c. Use the Sexual Assault Prevention and Response Commander's Guide in shaping their command program.

d. Along with the XO and Command Master Chief, complete the SARC Commander's Toolkit brief with the regional or installation SARC and report completion to their ISIC.

e. Review command policies to ensure adherence to requirements regarding the submission of OPREPs/Unit SITREPs and Sexual Assault Incident Data Collection Reports (NAVPERS Form 1752/1).

- NAVADMIN 216/13 - NAVY PERFORMANCE EVALUATION CHANGES

provides guidance on evaluating performance in two areas: Command or Organizational Climate/Equal Opportunity and Military Bearing/Character. These

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changes should be viewed as complementary and synchronized with the command climate survey outcomes provided to commanding officers and immediate superiors in command. To achieve high marks in these areas, Sailors must demonstrate how they have cultivated or maintained command climates where improper discrimination of any kind, sexual harassment, sexual assault, hazing, and other inappropriate conduct is not tolerated; where all hands are treated with dignity and respect; and where professionalism is the norm.

ADDITIONAL INFO PROVIDED 21 NOV 13:

New service policies concerning the manner in which command climate and/or fostering a climate of dignity and respect in the area of sexual assault is reflected in annual performance appraisals or otherwise.

On August 28, 2013, the Chief of Naval Operations announced a change to BUPERSINST 1610.10C, the Navy Performance Evaluation System via NAVADMIN 216/13 (NAVY PERFORMANCE EVALUATION CHANGES). The change to the performance evaluation system provides guidance on evaluating performance in two areas: Command or Organizational Climate/Equal Opportunity and Military Bearing/Character. These changes should be viewed as complementary and synchronized with the command climate survey outcomes provided to commanding officers and immediate superiors in command. To achieve high marks in these areas, Sailors must demonstrate how they have cultivated or maintained command climates where improper discrimination of any kind, sexual harassment, sexual assault, hazing, and other inappropriate conduct is not tolerated; where all hands are treated with dignity and respect; and where professionalism is the norm. Specifically, NAVADMIN 216/3 states:

1. This change to the performance system reinforces the importance of evaluating Sailors on their contributions to Command or Organizational Climate/Equal Opportunity and Military Bearing/Character, and provides guidance on evaluating performance in these two areas.
2. Every Sailor is accountable on every evaluation or fitness report for contributions to Command or Organizational Climate/Equal Opportunity and Military Bearing/Character. I want to reinforce to raters the importance of these two performance traits. These changes should be viewed as complementary and synchronized with the command climate survey outcomes provided to commanding officers and immediate superiors in command in ref (b). To achieve high marks in these areas, Sailors must demonstrate how they have cultivated or maintained command climates where improper discrimination of any kind, sexual harassment, sexual assault, hazing, and other inappropriate conduct is not tolerated; where all hands are treated with dignity and respect; and where professionalism is the norm.
3. A summary of the change transmittal follows:
  - a. No changes were made to the actual FITREP and EVAL forms.
  - b. Command or Organizational Climate/Equal Opportunity and Military Bearing/Character traits. The guidance reporting seniors should use when evaluating

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	<p>subordinates has changed. Blocks "34" and "35" on officer fitness reports, "35" and "37" on chief petty officer evaluations and blocks "35" and "36" on enlisted evaluations are now required to clearly evaluate how a Sailor has directly contributed to, improved, or sustained a productive and professional command climate.</p> <p>c. To achieve high makes in the above blocks, Sailors must demonstrate how they have cultivated or maintained a positive command climate. These blocks will be used to show how each Sailor reinforces a climate where sexual harassment, sexual assault, hazing, discrimination of any kind, and other inappropriate conduct are not tolerated.</p> <p>4. An electronic downloadable copy of this change transmittal is available at <a href="http://www.public.navy.mil/BUPERS-NPC/REFERENCE/INSTRUCTIONS/BUPERSINSTRUCTIONS/Pages/default.aspx">http://www.public.navy.mil/BUPERS-NPC/REFERENCE/INSTRUCTIONS/BUPERSINSTRUCTIONS/Pages/default.aspx</a></p>
USMC	<ul style="list-style-type: none"> <li>• MCO 1752.5B, Sexual Assault Prevention and Response (SAPR) Program</li> <li>• DoDD 6495.01, Sexual Assault Prevention and Response (SAPR) Program</li> <li>• DoDI 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures</li> <li>• SECNAVINST 1752.4B, Sexual Assault Prevention and Response</li> <li>• DoD instructions are available at: <a href="http://www.dtic.mil/whs/directives/">http://www.dtic.mil/whs/directives/</a></li> <li>• Navy instructions are available at: <a href="http://doni.daps.dla.mil/default.aspx">http://doni.daps.dla.mil/default.aspx</a></li> <li>• Marine Corps instructions are available at: <a href="http://www.marines.mil/News/Publications/ELECTRONICLIBRARY.aspx">http://www.marines.mil/News/Publications/ELECTRONICLIBRARY.aspx</a></li> </ul>
USCG	<p>Coast Guard Regulations {COMDTINST M5000.3(series)}  <a href="http://www.uscg.mil/directives/cim/5000-5999/CIM 5000 3B.pdf">http://www.uscg.mil/directives/cim/5000-5999/CIM 5000 3B.pdf</a></p> <p>Sexual Assault Prevention and Response Manual (COMDTINST M1754.10(series))  <a href="http://www.uscg.mil/directives/cim/1000-1999/CIM 1754 10D.pdf">http://www.uscg.mil/directives/cim/1000-1999/CIM 1754 10D.pdf</a></p> <p>CGIS refers to Coast Guard Investigative Service Roles and Responsibilities (COMDTINST 5520.5(series)) and Sexual Assault Prevention and Response Manual (COMDTINST 1754.10(series)) to provide guidance for Commander's accountability as it relates to their response to reported sexual assaults, and mandatory reporting to CGIS.  <a href="http://www.uscg.mil/directives/ci/5000-5999/CI 5520 SF.pdf">http://www.uscg.mil/directives/ci/5000-5999/CI 5520 SF.pdf</a></p> <p>As is the case with all Coast Guard policy documents "Area, district, and sector commanders, unit commanders, commanding officers of headquarters units, deputy/assistant commandants for directorates, Judge Advocate General and special staff offices at Headquarters shall ensure that the provisions of this (Sexual Assault Prevention and Response) Manual are followed."  The Sexual Assault Prevention and Response Manual does not provide other guidance for holding commanders accountable for preventing and responding to sexual assault.</p>

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SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

APR 20 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
COMMANDERS OF THE COMBATANT COMMANDS  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases

Pursuant to my general court-martial convening authority under Article 22 of the Uniform Code of Military Justice (UCMJ) and Rules for Courts-Martial 306, 401, and 601, I hereby withhold initial disposition authority from all commanders within the Department of Defense who do not possess at least special court-martial convening authority and who are not in the grade of O-6 (i.e., colonel or Navy captain) or higher, with respect to the following alleged offenses: (i) rape, in violation of Article 120; (ii) sexual assault, in violation of Article 120 of the UCMJ; (iii) forcible sodomy, in violation of Article 125 of the UCMJ; and (iv) all attempts to commit such offenses, in violation of Article 80. Additionally, this withholding applies to all other alleged offenses arising from or relating to the same incident(s), whether committed by the alleged perpetrator or the alleged victim of the rape, sexual assault, forcible sodomy, or the attempts thereof.

The effective date of this action will be June 28, 2012. The Services have discretion to further elevate initial disposition authority for these offenses.

The special court-martial convening authority shall be responsible for determining what initial disposition action is appropriate, to include whether further action is warranted and, if so, whether the matter should be resolved by court-martial, nonjudicial punishment, or adverse administrative action. The special court-martial convening authority's initial disposition decision shall be based upon his or her review of the matters transmitted, any independent review and recommendation received (including court-martial charges, if any), and consultation with a judge advocate. Subordinate unit commanders are encouraged to provide their own recommendations regarding initial disposition.

Nothing in this directive removes the responsibility of commanders, at every level, to maintain an environment free of sexual assault, to provide support and assistance to victims, and to maintain good order and discipline within their units.

cc:  
Acting USD(P&R)  
Director, Sexual Assault Prevention and Response Office



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OSD004735-12



SECRETARY OF DEFENSE  
 1000 DEFENSE PENTAGON  
 WASHINGTON, DC 20301-1000

AUG 14 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
 CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
 UNDER SECRETARIES OF DEFENSE  
 DEPUTY CHIEF MANAGEMENT OFFICER  
 CHIEFS OF THE MILITARY SERVICES  
 COMMANDERS OF THE COMBATANT COMMANDS  
 CHIEF OF THE NATIONAL GUARD BUREAU  
 DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION  
 DIRECTOR, OPERATIONAL TEST AND EVALUATION  
 GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
 INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
 ASSISTANT SECRETARIES OF DEFENSE  
 DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER  
 ASSISTANTS TO THE SECRETARY OF DEFENSE  
 DIRECTOR, ADMINISTRATION AND MANAGEMENT  
 DIRECTOR, NET ASSESSMENT  
 DIRECTORS OF THE DEFENSE AGENCIES  
 DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Sexual Assault Prevention and Response

Eliminating sexual assault from our Armed Forces remains one of our top priorities. This effort requires our absolute and sustained commitment to providing a safe environment in which every Department Service member and civilian is free from the threat of sexual harassment and assault. Our success depends on a dynamic and responsive approach. We, therefore, must continually assess and strive to improve our prevention and response programs.

On May 6, 2013, I directed a range of initiatives designed to strengthen our program in the areas of commander accountability, command climate, victim advocacy, and safety. Today, I am directing immediate implementation of the following additional measures to gain greater consistency of effort and enhance oversight, investigative quality, pretrial investigations, and victim support:

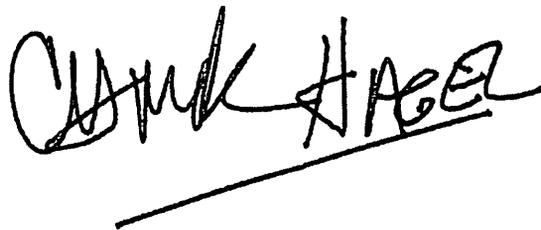
- Improving Victim Legal Support: Secretaries of the Military Departments shall establish a special victim's advocacy program best suited for that Service that provides legal advice and representation to the victim throughout the justice process. Each Service will identify and periodically share best practices, and will establish an initial operating capability not later than November 1, 2013, and a fully established program by January 1, 2014.

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- **Expanding Victim Rights:** General Counsel shall develop draft language for an Executive Order to amend the Manual for Courts Martial to provide victims of crime the opportunity to provide input to the post-trial action phase of courts-martial. Deliver your proposal to me not later than October 15, 2013.
- **Enhancing Protections:** Secretaries of the Military Departments shall develop and implement policy allowing the administrative reassignment or transfer of a member who is accused of committing a sexual assault or related offense, balancing interests of the victim and accused. Implement this provision not later than January 1, 2014.
- **Standardizing Protections:** Under Secretary of Defense for Personnel and Readiness shall ensure current policies prohibiting inappropriate relations between trainers and trainees and recruiters and recruits are consistent across the Services. Report your findings to me not later than November 1, 2013.
- **Elevating Oversight:** Under Secretary of Defense for Personnel and Readiness shall develop policy, standardized across all the Services, that requires status reports of unrestricted sexual assault allegations and actions taken to the first general/flag officer within the chain of command, without delaying reporting to the relevant military criminal investigation organization. Implement this policy not later than November 1, 2013.
- **Enhancing Pretrial Investigations:** Secretaries of the Military Departments shall mandate that judge advocates serve as investigating officers for all Article 32 hearings on sexual assault offense charges. Implement this policy not later than December 1, 2013.
- **Ensuring Investigative Quality:** I am requesting that the Department of Defense Inspector General plan to evaluate the adequacy of closed sexual assault investigations on a recurring basis. Respond to this request within 30 days.

Preventing the crime of sexual assault remains our focus. In addition, when a crime does occur, we must ensure that victims' rights are respected, they are provided responsive and timely support, and related investigations and judicial proceedings, if appropriate, are conducted in a thorough, professional, and fair manner. To this end, the measures outlined above will strengthen our overall sexual assault prevention and response programs and efforts. Remember, we are all accountable and responsible for eliminating this crime from our ranks.

Thank you.



cc:  
Deputy Secretary of Defense



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

SEP 25 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND  
READINESS  
CHIEFS OF THE MILITARY SERVICES

SUBJECT: Evaluation of Pre-Command Sexual Assault Prevention and Response Training

Considerable efforts are now underway within each Military Department and Service focused on combating sexual assault, a terrible crime totally at odds and incompatible with the core values of the Armed Forces of the United States. It is clear to me that each of you is personally engaged in developing innovative prevention strategies, employing new training approaches, and ensuring compassionate and responsive support for sexual assault victims. Your sustained emphasis is indispensable in communicating to commanders and leaders at all levels that prevention of sexual assault is a command and leadership responsibility.

However, we still have much work to do. To that end, in January, I directed an evaluation of the training provided to our prospective commanders and senior enlisted leaders on the Sexual Assault Prevention and Response (SAPR) Program. Based on the results of this review, and consistent with the missions of each Military Service, I am directing you to work together to:

- Develop and implement standardized core competencies and learning objectives applicable to pre-command and senior enlisted leader SAPR training; and
- Develop and implement standardized methods for objectively assessing the effectiveness of pre-command and senior enlisted leader SAPR training.

Furthermore, each Service will review the attached Pre-Command Training assessment report and address the findings within your training programs. Specifically, the Services will:

- Provide a dedicated block of SAPR instruction for commanders and senior enlisted leaders in your courses that allows for sufficient time to achieve learning objectives. This instruction should be interactive and include a variety of vignettes, exercises, and/or discussion. The evaluation team examined courses of various lengths and observed that courses lasting about 2 hours adequately addressed the required learning objectives;
- Provide SAPR program information and guidance for commanders in a quick-reference "Commander's Guide;"

- Assess commanders' and senior enlisted leaders' understanding and mastery of the key SAPR concepts and skills; and
- Develop and implement commander and senior enlisted leader refresher training to sustain skills and knowledge.

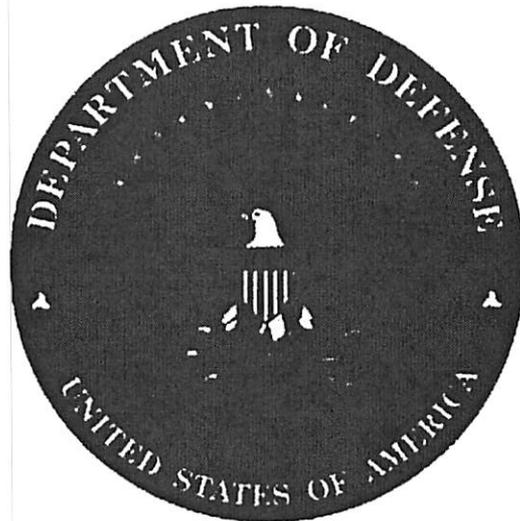
Report to me on the development of these core competencies and methods of assessment, through the Under Secretary of Defense for Personnel and Readiness, by December 20, 2012. All the above measures are to be fully implemented for class start dates after March 30, 2013.

I am convinced that collaboration across the Department of Defense and sharing best practices in sexual assault prevention with all military leaders will make our efforts and programs even more effective.

A handwritten signature in black ink, appearing to be "James M. [unclear]", with a long horizontal flourish extending to the right.

Attachment:  
As stated

cc:  
General Counsel  
Assistant Secretary of Defense for Legislative Affairs  
Assistant Secretary of Defense for Public Affairs



# **Evaluation of Pre-Command Sexual Assault Prevention and Response Training**

**Report to the Secretary of Defense**

**Prepared by the Department of Defense Sexual Assault  
Prevention and Response Office**

**000196**

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## EXECUTIVE SUMMARY

At the direction of the Secretary of Defense, the Sexual Assault Prevention and Response Office (SAPRO) assessed pre-command Sexual Assault Prevention and Response (SAPR) training to identify strengths and areas for improvement. DoD SAPRO visited pre-command training conducted by the Air Force, Navy, and Marine Corps and reviewed Army's newly developed Sexual Harassment / Assault Response and Prevention (SHARP) Program training support package for pre-command training that will be deployed in Summer 2012. DoD SAPRO training experts and subject matter experts evaluated both the method of delivery of SAPR training, as well as the content of the training, to identify strengths and areas for improvement. This report contains the DoD SAPRO Training Evaluation Team's findings and recommendations to the Secretary of Defense.

The Evaluation Team identified a number of practices the Military Services should continue in their SAPR training for commanders:

1. **SAPR training is integrated into the Services' pre- command and senior enlisted advisor courses.**
2. **Some SAPR messages were consistently presented.**
3. **Senior Service leaders' support is presented during the training.**
4. **SAPR expert instructors lead the training sessions.**
5. **A Commander's Guide to SAPR provides a useful toolset that all commanders should receive.**
6. **Practical exercises provide an opportunity to apply learning that should be expanded to all commanders' SAPR training.**

The Evaluation Team also developed a number of recommendations that are designed to build on the successful practices the Military Services have already put into place, will drive improvements in SAPR training for commanders, and support the strategic goals of the Department's SAPR program:

1. **Employ a standardized curriculum across all four Military Services.** There are core program competencies for commanders that do not vary by Military Service. These training topics should be presented consistently and uniformly across the Department. However, each Military Service should be free to supplement the core competencies with Military Service-specific information.
2. **Add quality instructional time to adequately address the SAPR program.** Recommended SAPR course length for commanders is at least two hours.
3. **Expand the use of active learning techniques.** Additional class time should be used for guided small-group discussions and case studies. The Military Services should severely restrict or discontinue the use of slide-based training.
4. **Provide more commander take-away tools.** A standardized set of commander tools would ensure all commanders have a reference with tips on developing unit policies and approaches that prevent sexual assaults, encourage victim reporting, ensure victim assistance, and hold offenders appropriately accountable.

5. **Gather data on learning and training effectiveness.** Assess participants to ensure they have understood and mastered the key SAPR concepts and skills for commanders and senior enlisted advisors. These metrics should become a regular component of each Military Service's Annual Report on Sexual Assault in the Military.
6. **Expand training to capture key tasks for commanders.** Although ensuring all participants have a good foundation in the basics is important, leaders need advanced knowledge if they are to champion the SAPR program in the field. Providing commanders with clear, concise recommendations for use in the field should become a central focus of training.
7. **Discontinue panel presentations as a sole means of SAPR training.** Panel discussions do not provide sufficient time to address the required topics for commanders.

The Recommendations section of this report suggests specific next steps to put these recommendations into action.

## **BACKGROUND AND REQUIREMENT**

The Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO) was established in 2005 to be the single point of responsibility for policy matters related to sexual assault in the military. Although the Department established a variety of training requirements in DoD Instruction 6495.02, multiple internal and external reviews of Sexual Assault Prevention and Response (SAPR) training in the Military Services have identified such training lacks standardized content, is delivered inconsistently, and is missing an evaluation of effectiveness.

On January 18, 2012, the Secretary of Defense directed an assessment of SAPR training provided by the Military Services to officers selected for command and for senior enlisted leaders to identify strengths and areas for improvement be completed within 120 days.

The assessment purpose was to evaluate commander training provided by the Military Services to O-4 through O-7 officers prior to the assumption of command. For senior enlisted leaders, training was defined as that training provided to Command Sergeant Majors, Command Master Chief Petty Officers, and Command Chief Master Sergeants (or equivalent E-9 positions) prior to their assumption of the role of senior enlisted advisor (or equivalent), starting at the battalion and squadron level through brigade, installation, and wing (or equivalent) level.

Due to the short suspense of this tasking, DoD SAPRO recommends that this evaluation be viewed as a rapid discovery, or snapshot, of the Military Services' pre-command training in advance of a more thorough top-to-bottom evaluation of all SAPR training, to be accompanied by development of a standardized SAPR training curriculum.

## **APPROACH**

The Evaluation Team employed a four-step methodology to accomplish the objectives of this task, starting with an environmental scan of pre-command training and the development of data collection instruments. The Team then visited the Military Services' pre-command training programs, whenever possible, to observe the pre-command SAPR training and review the training materials. After analyzing the data collected from these observations, the Evaluation Team developed a set of recommendations for improvement of the pre-command SAPR training provided by the Military Services.

A more detailed overview of the methodology is provided in Appendix A.

## FINDINGS

### STRENGTHS OF CURRENT SAPR TRAINING FOR COMMANDERS

1. **SAPR training is integrated into the Services' pre-command and senior enlisted advisor courses.** The Military Services have made provisions for SAPR training that is integrated into the pre-command preparation for commanders and senior enlisted advisors, as required in DoD Instruction 6495.01.
2. **Certain SAPR messages were consistently presented.**
  - a) Set the right command climate or tone
  - b) Select the right people for the Sexual Assault Response Coordinator (SARC) and SAPR Victim Advocate (VA) roles
  - c) Improper handling of a report can destroy command climate and discourage future reporting
  - d) Sexual assault is an underreported crime
  - e) Substance and alcohol use increases a potential offender's opportunity for sexual assault
  - f) Sexual assaults in the military most often occur between people that know each other
  - g) Commanders refer cases to appropriate offices for investigations
  - h) Definitions of major program elements (e.g. restricted versus unrestricted reports)
3. **Senior Service leaders' support is presented during the training.** Most pre-command SAPR training sessions involve in-person or video messages from a Military Service Chief or other senior Military Service leader about the importance and urgency of the issue and leaders' expectations of subordinate commanders' performance.
4. **SAPR expert instructors lead the training sessions.** The SAPR training provided to commanders and senior enlisted advisors was universally presented by expert instructors who knew the SAPR program and could answer questions about commanders' responsibilities for the SAPR program.
5. **A Commander's Guide to SAPR provides a useful toolset that all commanders should receive.** Most Military Services supplemented SAPR training with a recently published Commander's Guide to SAPR for reference. If integrated into training, these guides could become invaluable tools in the field for commanders and other leaders.
6. **Practical exercises provide an opportunity to apply learning that should be expanded to all commanders' SAPR training.** Some of the Military Services included practical scenarios that required participants to apply and discuss what they learn about the SAPR program. These "applied learning" opportunities hold great promise for reinforcing understanding and recall of key SAPR program components.

## HOW SAPR TRAINING CAN BE IMPROVED

1. **Employ a standardized curriculum across all four Military Services.** Each of the Military Services' training content varied widely. Given the Department-wide focus of the SAPR program, there are core program competencies for commanders that do not vary by Military Service. These training topics should be presented consistently and uniformly across the Services. However, each Military Service should be free to supplement the core competencies with Military Service-specific information. Certain required SAPR messages and content were often missing:
  - a) Male-on-male assault statistics
  - b) Checklist of what a commander or senior enlisted advisor needs to do to execute their SAPR responsibilities
  - c) Impact of sexual assault on mission readiness
  - d) Victim perspective and the impact of trauma on behavior
  - e) Chaplain role and "privilege" definition
  - f) Health providers' role
  - g) Clarifying the difference between a "false report" versus insufficient evidence of an offense
  - h) Detailed recommendations for setting the proper command climate
2. **Add quality instructional time to expand SAPR learning.** Observed SAPR training programs varied from ten minutes in length to over two hours. The longer programs used the increased time to efficiently communicate a greater amount of information. In order to provide time for participants to be actively engaged in learning SAPR concepts and skills and how to apply them as commanders, pre-command SAPR training modules should at a minimum be two hours and combine a presentation with practical exercises. This longer course is the recommended length to adequately address the required learning objectives.
3. **Expand the use of active learning techniques.** Participants learn best in an environment that incorporates adult learning theory, which includes interaction, application of concepts, and group participation. Commanders should be actively engaged in learning SAPR concepts and skills, and challenged with scenarios that allow them to apply their learning. Read-ahead publications, guided small-group discussions, short video presentations, and case studies should comprise most SAPR training. The Military Services should severely restrict or discontinue the use of slide-based training.
4. **Provide more commander take-away tools.** Each Military Service provides commanders handouts and take-away materials from training sessions. A standardized set of commander tools would ensure all commanders have a reference with tips on developing unit policies and approaches that prevent sexual assaults, encourage victim reporting, ensure victim assistance, and hold offenders appropriately accountable.
5. **Gather data on learning and training effectiveness.** Assessing participants to ensure they understand and master the key SAPR concepts and skills for commanders and senior enlisted advisors is an important step in validating training effectiveness. These metrics should become a regular component of each Military Service's Annual Report on Sexual Assault in the Military.
6. **Expand training to capture key tasks for commanders.** Much of the observed training covered SAPR program basic concepts. Although ensuring all participants have

a good foundation in the basics is important, leaders need advanced knowledge if they are to champion the SAPR program in the field. For example, all observed training discussed the importance of setting the “correct tone” or “command climate” within a unit. However, none of the training provided detailed recommendations for how commanders set the “correct tone”. Providing commanders with clear, concise recommendations for use in the field should become a central focus of training.

- 7. Discontinue panel presentations as a sole means of SAPR training.** Two of the observed classes employed short SAPR presentations as part of a panel on personnel topics (e.g. Suicide Prevention, Drug and Alcohol Abuse Prevention, Equal Opportunity, Family Advocacy Program, and Combat Stress Reduction). While panel presentations can be effective when presenters emphasize a common theme or approach shared by the different topics, none of the observed panel presentations were so integrated. Instead, each topic area presented a very short program description followed by a panel question and answer session. Sexual assault is a difficult topic to discuss. As a result, most questions posed by participants to panel members focused on the other programs presented.

## RECOMMENDATIONS

1. The Secretary of Defense should:
  - a. Direct Under Secretary of Defense (USD) for Personnel and Readiness (P&R) to develop standardized core competencies, learning objectives, and supporting training materials to be used in all pre-command and senior enlisted advisor SAPR training.
  - b. Direct USD (P&R) to develop methods and requirements for learning assessments, certification, and outcome reporting for Service Pre-Command training.
2. The Secretary of Defense should direct the Secretaries of the Military Departments to:
  - a. Continue Military Service Secretaries' and Chiefs' emphasis and support of SAPR training for commanders. Military Service Chiefs' emphasis on the SAPR program remains an indispensable means to communicate the urgency of the problem and their expectations for commanders.
  - b. Provide a minimum of two hours of instruction dedicated to SAPR programming for commanders and senior enlisted personnel, allowing for adequate time for small group discussion and practical exercises that involve working on case studies with SAPR experts, experienced commanders, and peers on how to execute SAPR responsibilities and champion the program. The SAPR training modules must focus class time on hands-on, scenario-based learning to allow for coverage of required topics, skill practice, and answering commanders' questions.
  - c. Ensure training content incorporates at a minimum the training subjects required by DoD Instruction 6495.01 and the core competencies, learning objectives and materials developed by USD (P&R).
  - d. Submit the new or revised SAPR training programs, or SAPR training components, for pre-command to the USD (P&R) for policy review prior to implementation, to ensure that all Services are in compliance DoD SAPR training standards.
  - e. Provide SAPR program information and guidance for commanders in a take-away "Commander's Guide" to allow more time in class for active participation and learning. Commander's Guides should be designed to be a complete set of documentation for commanders on their responsibilities in the SAPR program. The Guide should contain the following:
    - i. Standardized commander checklists for responding to both victims and subjects of sexual assault investigations.
    - ii. Key messages and recommendations for how to set the appropriate command tone within a unit and champion the SAPR program.
    - iii. Wallet cards with basic Service SAPR resources (e.g., local contact information, key SAPR program concepts, links to more information, etc.)
    - iv. Website links to key DoD and Service resources

The Guide should also be available in an electronic version available for download from SAPR websites and a mobile version for access on smartphones.

- d. Require commanders and senior enlisted advisors to take a learning assessment developed by USD (P&R) in coordination with the Service Secretaries and Chiefs, to identify commander and senior enlisted growth in knowledge and skills to ensure key messages were retained and to provide a baseline for improvement of the training program. Once the assessment methodology has been determined, assessment results will be incorporated into the Annual Report on Sexual Assault in the Military.
- e. Provide one-time Commanders refresher training to sustain skills and knowledge.

## APPENDIX A: METHODOLOGY

The following is a detailed overview of each step in the methodology the DoD SAPRO Evaluation Team employed to accomplish this training assessment Directive from the Secretary of Defense.

### 1. Perform environmental scan of existing training and develop evaluation instruments

The evaluation team informed the Military Services of the training evaluation Directive from the Secretary of Defense and requested information on the pre-command SAPR training of each Military Service. In a data call sent to Military Services, SAPRO requested that no later than February 22, 2012 each Military Service validate the schools and courses identified by DoD SAPRO, correct any errors, add additional courses needed, and provide additional data about the courses. DoD SAPRO also requested each Military Service submit lesson plans, briefing decks, and other materials for these courses no later than March 2, 2012.

Evaluators planned to observe at least one commander training and one senior noncommissioned officer (NCO) training for each of the Military Services; however, this was not possible within the amount of time allotted due to the Military Services' training schedules, which are determined months in advance.

To collect data during the observations, the DoD SAPRO Evaluation Team developed two instruments: the Course Observation Rating Form and Course Materials Rating Form (provided at Appendix B) and accompanying procedures were created to ensure consistent and thorough reviews would be performed by each evaluator. Criteria were developed based on training standards required in the DoD Instructional Systems Development/Systems Approach to Training (MIL-HDBK-29612)2A.

### 2. Data Collection

Teams of military training experts and SAPR Subject Matter Experts (SMEs) were deployed to perform reviews of each course session offered during the timeframe for this Directive (February through May 2012). Evaluations focused on instructor effectiveness, teaching and learning strategy, course materials and contents, evaluation and course follow-up, and class environment. The evaluators noted best practices, strengths, and weaknesses of the training delivery sessions to identify opportunities for improvement. The DoD SAPRO Evaluation Team validated observations and ratings among multiple observers and compiled their ratings into an overall score for each training course. This score was one of several factors considered by the team in its overall review of pre-command training.

The DoD SAPRO Evaluation Team observed the SAPR training presented at 7 sites to approximately 390 participants. In addition, the team reviewed materials for a 3-hour course currently under development by the Army.

<b>Pre-Command SAPR Training Evaluation – Site Visits</b>		
<b>Course Title and Location</b>	<b>Training Delivery Date and Number of Participants</b>	<b>Organizations Involved in Evaluation</b>
Marine Corps – 1 <sup>st</sup> Sergeants Quantico, VA	8 March 100 Participants*	DoD SAPRO USMC SAPR Program
Marine Corps – Commanders Quantico, VA	22 March 50 Participants*	DoD SAPRO USMC SAPR Program
Navy – Command Leadership Newport, RI	26-27 March 40 Participants*	DoD SAPRO DoN SAPR Program
Navy – Chief of the Boat Newport, RI	26-27 March 20 Participants*	DoD SAPRO DoN SAPR Program
Air Force – Air University Group and Wing Commanders Montgomery, AL	29 March 30 Wing Commander 75 Group Commander Participants*	DoD SAPRO
Air Force – Air Education and Training Command San Antonio, TX	29 March 55 Participants*	DoD SAPRO
Army – Sexual Harassment / Assault Response and Prevention (SHARP) Program (solely course materials)**	10 April scheduled for deployment in August 2012	DoD SAPRO
Air Force – Air Space Command Squadron Peterson  Colorado Springs, CO	7 May 30 Participants*	DoD SAPRO Air Force SAPR Program

\*Numbers of course attendees are approximate for each course listed.

\*\* Currently, General Raymond Odierno presents an Army senior leader's message about SHARP at the pre-command training at Ft. Leavenworth. There is currently no formal SHARP component in the Army pre-command course, despite a specific requirement identified in Army Regulation 135-1. SAPRO reviewed a proposed SHARP Training Support Package (TSP) which is reportedly scheduled for deployment in August 2012.

### **3. Data Analysis**

The Evaluation Team conducted basic statistical analyses (mean and standard deviation) of the course scores but did not observe significant differences or trends. The team then reviewed all eight observers' comments for dominant themes and grouped comments by course strengths and areas for improvement. The team then synthesized comments from each of these two groups into statements of findings.

### **4. Development of Recommendations**

Based on the findings detailed in the section above, the Evaluation Team developed recommendations for what the Military Services should do to strengthen training of commanders and senior enlisted advisors in two subject areas: training delivery (instructor effectiveness, teaching and learning strategy, evaluation and follow-up, and classroom environment) and training content (course materials and content).



**SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000**

**SEP 25 2012**

**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHIEFS OF THE MILITARY SERVICES**

**SUBJECT: Prevention and Reporting of Sexual Assault and Other Misconduct in Initial Military Training**

Sexual assault has no place in the military or the Department of Defense. It is an affront to the American values we defend and the good honor of our Service members and their families. I note that the abhorrent behavior of some is not representative of the men and women in our military who are responsible for the care of our youngest and most vulnerable Service members. We must do everything we can to prevent sexual assault, ensure a climate that supports victims' ability and desire to report this crime, and to hold perpetrators determined to have committed a sexual assault or other offense appropriately accountable.

Regardless of Service or accession method, Department surveys indicate our youngest, newest Service members are the most likely to experience a sexual assault. So that they may become successful soldiers, sailors, airmen, and marines, we owe our people a safe and secure initial military training environment, which includes basic training and follow-on advanced or technical training for enlisted personnel and initial skills training for commissioned officers. We must also verify that the policies and procedures we have in place deter those who would ignore standards and engage in inappropriate behavior or criminal activity. In addition, trainees must have unobstructed access to timely, private reporting of sexual assault and other misconduct. I expect you to convey directly to all personnel within your training organizations the absolute necessity of providing a safe and professional training environment.

While we have put many new policies in place to address sexual assault and its impact on the victim, recent events at Lackland Air Force Base make clear that we still have more work to do. Therefore, I am directing that each Department perform a comprehensive assessment of its initial military training to include, but not be limited to, the following areas:

- Selection, training, and oversight of instructors and leaders who directly supervise initial military training. This review should particularly consider the potential benefits of increasing the number of female training instructors;
- Manning, including the ratio of instructors to students and the ratio of leaders in the chain of command to instructors;
- Internal controls in place to identify and prevent behavior inconsistent with established standards by instructors and leaders throughout all phases of initial military training;

- Student accessibility to Sexual Assault Prevention and Response (SAPR) services;
- Timing, content, and delivery of SAPR-related training; and
- Timing, content, and effectiveness of student feedback mechanisms.

Please report your findings and recommendations back to me, through the Under Secretary of Defense for Personnel and Readiness, by February 8, 2013.

A handwritten signature in black ink, appearing to read "L. R. Brown", with a long horizontal line extending to the right.

cc:  
Under Secretary of Defense for Personnel and Readiness  
General Counsel  
Assistant Secretary of Defense for Legislative Affairs  
Assistant Secretary of Defense for Public Affairs

## Strategic Direction to the Joint Force on Sexual Assault Prevention and Response

7 May 2012



*"Now is the time for us to reflect, not just on the lessons of war, but on who we are and what we do. We are a Profession of Arms, guardians of the Constitution who reflect our Nation's ideals. We are military professionals—every officer, enlisted and civilian—not because we say so, but because of how we serve."*

Chairman's Strategic Direction to the Joint Force, 6 Feb 2012

## Strategic Direction to the Joint Force on Sexual Assault Prevention and Response

Commanders and Leaders of the Armed Forces,

Sexual assault crimes strike at the health, welfare and dignity of our Servicemembers and undermine the readiness of our Force. As military professionals we must fully understand the destructive nature of these acts, lead our focused efforts to prevent them, and promote positive command climates and environments that reinforce mutual respect, trust and confidence. Sexual assault among Servicemembers is a problem we face together, one that can only be solved together. In doing so, we will Keep Faith with Our Military Family—they should expect nothing less, and Renew Our Commitment to the Profession of Arms—we should demand nothing less.

This *Strategic Direction* is written for commanders and leaders to improve awareness of sexual assaults, operationalize our commitment, and facilitate dialogue and open communications across our formations. The Joint Chiefs and Commandant of the Coast Guard, together with our DoD Sexual Assault Prevention and Response Program (SAPR) professionals, penned this guidance to synchronize those efforts. Together, we will operationalize the concerted efforts of the DoD SAPR Office and our Service programs with renewed commitment to eliminate sexual assault crimes within our ranks.

Commanders and leaders at every level must integrate the intent, lines of effort and tenets of this Strategic Direction as a part of our daily command routines and activities. We must take conscious steps to understand, identify and reduce environmental risks, predatory and high-risk behaviors and personal vulnerabilities associated with sexual assaults or other abuse crimes.<sup>1</sup> It is up to you, as commanders and leaders, to safeguard our core values and Service cultures by promoting a climate and environment that incorporates SAPR principles as habitual and inherent characteristics of our commands.

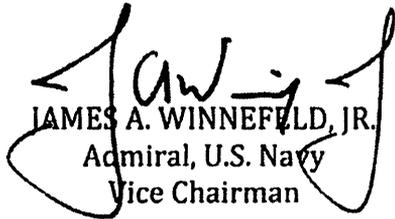
Commanders and leaders must personally read, understand and implement this strategy. We are fully committed to supporting your efforts to put this Strategic Direction into action and operationalize SAPR within your commands across the Joint Force. We will set the conditions for you to take positive actions that reinvigorate our military culture and create command climates and environments based on mutual respect, trust and confidence.

You have our respect, trust and confidence.

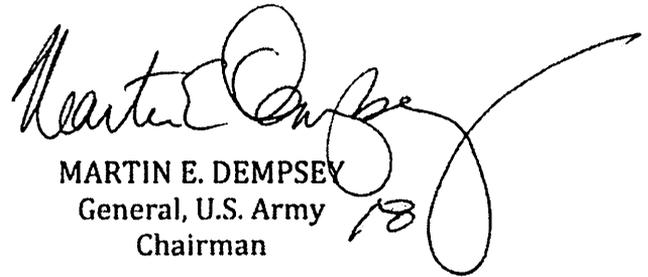
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<sup>1</sup> High-risk behavior includes a range of behaviors that endangers fellow Servicemembers (e.g., hazing, inappropriate social activities, alcohol/drug abuse) while personal vulnerability refers to command climate/environment factors that expose an individual to increased risk (untimely unit integration, lack of proper supervision, communication barriers).

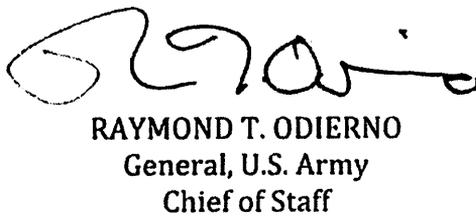
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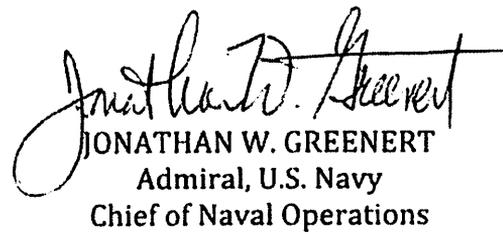
**JAMES A. WINNEFELD, JR.**  
Admiral, U.S. Navy  
Vice Chairman



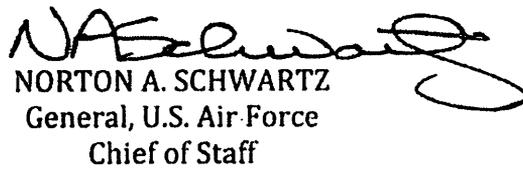
**MARTIN E. DEMPSEY**  
General, U.S. Army  
Chairman



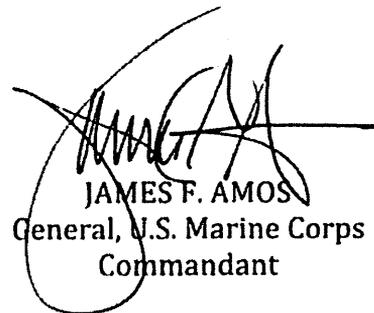
**RAYMOND T. ODIERNO**  
General, U.S. Army  
Chief of Staff



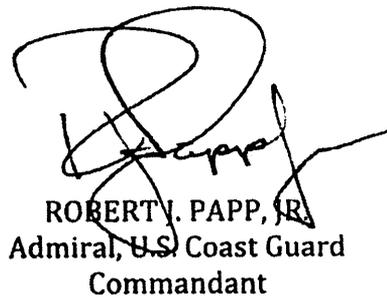
**JONATHAN W. GREENERT**  
Admiral, U.S. Navy  
Chief of Naval Operations



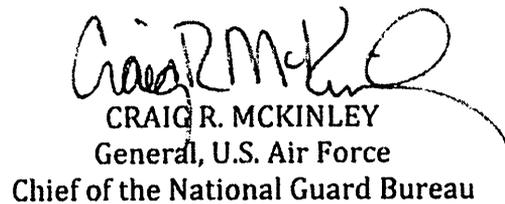
**NORTON A. SCHWARTZ**  
General, U.S. Air Force  
Chief of Staff



**JAMES F. AMOS**  
General, U.S. Marine Corps  
Commandant



**ROBERT J. PAPP, JR.**  
Admiral, U.S. Coast Guard  
Commandant



**CRAIG R. MCKINLEY**  
General, U.S. Air Force  
Chief of the National Guard Bureau

# Strategic Direction to the Joint Force on Sexual Assault Prevention and Response

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## Strategic Direction to the Joint Force on Sexual Assault Prevention and Response

### 1. Introduction / “Why this is important to you...”

Our success as a Joint Force is based first and foremost on our faith in each other, forged from shared sacrifice, common core values and Service cultural diversity. Our faith is the mutual trust that strengthens and jointly binds our separate formations and unique Service capabilities together in pursuit of our National interests. We must preserve this faith and protect the dignity and respect of the men and women entrusted to us against the threats and risks that can erode, injure, or destroy unit cohesion and readiness. We face many threats and risks but threats from within—particularly sexual assaults—have a deleterious effect on our formations. Sexual assaults wound our Servicemembers and Families and deeply scar our profession. We must respond decisively to preserve our time honored trust and faith in each other.<sup>2</sup>

*Sexual Assaults endanger our own, violate our professional culture and core values, erode readiness and team cohesion and violate the sacred trust and faith of those who serve and whom we serve.*

As we look across the Force, the Joint Chiefs, Commandant of the Coast Guard and I are dissatisfied—despite our years of concerted effort—with the progress we have made in reducing sexual assault across our formations. Evidence clearly indicates that gaps remain between the *precepts* of the DoD Sexual Assault Prevention and Response (SAPR) Program and its full *implementation* at command and unit levels. Commanders must close these gaps by exercising the full measure of their authorities, options and resources to imbue a culture and cultivate a climate/ environment that is resilient to the risks and vulnerabilities associated with sexual assault.<sup>3</sup> This will require us to enhance unit sexual assault awareness, reinvigorate efforts to encourage open communication and timely reporting, appropriately hold offenders accountable and provide responsive victim services—all this, reinforced and insulated by a culture that will not tolerate sexual assault.

### 2. Mission and Intent / “What we will do...”

#### a. Mission.

Commanders reduce—with a goal to eliminate—incidents of sexual assault through improved prevention, accountability and victim advocacy/services at all levels of the Joint

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<sup>2</sup> Sexual assault is defined as intentional sexual contact, characterized by the use of force, threats, intimidation, abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts.

<sup>3</sup> There is an important distinction here between culture and climate/environment: Culture represents inherent aspects of professionalism and core values that promote social responsibility, team cohesion and trust; climate/environment represent those actions by commanders to integrate unit members, build team cohesion, and provide seamless oversight to reduce high-risk behavior (e.g., responsible drinking and social activities that contribute to Servicemember risk and vulnerability).

Force in order to preserve a culture of trust and respect consistent with the Profession of Arms and our core values and to maintain the health, discipline and readiness of the Joint Force.

b. Purpose.

We will operationalize the SAPR Program throughout the Joint Force, across all Services and within all commands. This reaffirms our enduring obligation to protect our Servicemembers and their Families, strengthen the force and preserve the confidence of America's Profession of Arms.

c. Method and Objectives.

As a matter of standard procedure we will operationalize sexual assault prevention and response. This is not just about a program, it is about leadership. Sexual assault prevention and response must be inculcated into our every-day planning, training and mission execution. I am confident that more can and will be done to optimize all phases of our sexual assault prevention and response. Together, we will execute this plan to—

- Demonstrate our leadership commitment to sexual assault prevention and response as one of our most vital missions;
- Emphasize Joint Force, Service and command readiness; every sexual assault profoundly affects the readiness of both the victim and offender and erodes team cohesion;
- Enhance leader and Servicemember awareness and education regarding our obligation to prevent, identify and respond to the environmental risks, predatory and high-risk behaviors and personal vulnerabilities associated with the crime of sexual assault;<sup>4 5</sup>
- Increase unity of effort across all Services through a joint perspective and consistent application of prevention, intervention and response; and
- Reaffirm confidence and trust in keeping faith with our Servicemembers and families.

d. End State.

Commanders, leaders and Servicemembers have fully operationalized the *Sexual Assault Prevention and Response Program* across the Joint Force—in our accession commands and Service academies, across our training bases and throughout our

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<sup>4</sup> High-risk behavior includes a range of behaviors that endangers fellow Servicemembers (e.g., hazing, inappropriate social activities, alcohol/drug abuse) while personal vulnerability refers to command climate/environment factors that expose an individual to increased risk (untimely unit integration, lack of proper supervision, communication barriers).

<sup>5</sup> As of 28 June 2012, Article 120 of the UCMJ will be amended to reflect four distinct offenses: Rape, Sexual Assault, Aggravated Sexual Contact and Abusive Sexual Contact. The term "crimes of sexual assault" as used in this document encompasses these offenses along with Forcible Sodomy (Article 125) and Attempts to commit these offenses (Article 80).

operational commands worldwide. We have reinforced our cultural imperatives of mutual respect and trust, professional values and team commitment that underscore a military culture and environment where sexual assault is not tolerated.

### 3. Background / "What we need to know..."

The crime of sexual assault has serious consequences for both the victim and the accused. The severity of these consequences underscores the importance of impartially administering justice in order to promote accountability and confidence that such allegations are taken seriously. Commanders exercise accountability through appropriate utilization of the full range of disciplinary options afforded by the Uniform Code of Military Justice (UCMJ) as well as a variety of administrative measures.

DoD's policy and focus on "sexual assault" crimes more broadly incorporates numerous inappropriate and prohibited criminal misconduct other than the singular offense of forcible rape as commonly referenced in popular media. It also includes other unwanted sexual acts and contact that are aggravated or abusive in nature. DoD's definition [and statistics] regarding sexual assault incidents reflects this more encompassing scope and approach to the full spectrum of sexual assaults—reflecting our higher standard of accountability than most civilian jurisdictions.

In 2007, Congress amended the UCMJ to address a wide range of sexual assault offenses under a single article, Article 120, which has since been amended again and will take effect on *June 28, 2012*. These amendments reorganize, revise and simplify the Article into four distinct offenses: *Rape, Sexual Assault, Aggravated Sexual Contact and Abusive Sexual Contact*. These four distinct offenses, when coupled with *Forcible Sodomy* (Article 125, UCMJ) and *Attempts* to commit these offenses (Article 80, UCMJ), constitutes the category of sexual assault crimes within DoD's SAPR Program. The excerpt below is illustrative of inappropriate behavior that often leads to the criminal act of Sexual Assault:

#### UCMJ Article 120 Excerpt for Education and Training

IAW Article 120(b), UCMJ, *Sexual Assault*, any person subject to this chapter who—

- (1) commits a sexual act upon another person by –
    - (a) threatening or placing that other person in fear;
    - (b) causing bodily harm to that other person;
    - (c) making a fraudulent representation that the sexual act serves a professional purpose; or
    - (d) inducing a belief by any artifice, pretense, or concealment that the person is another person;
  - (2) commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or
  - (3) commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—
    - (a) impairment by any drug, intoxicant, or other similar substance and that condition is known or reasonably should be known by the person; or
    - (b) a mental disease or defect, or physical disability and that condition is known or reasonably should be known by the person;
- ...is guilty of sexual assault and shall be punished as a court-martial may direct.

Commanders should immediately coordinate with their Judge Advocates to ensure that they fully understand pending changes to Article 120 of the UCMJ. Similarly, they must ensure that all leaders and Servicemembers thoroughly understand DoD's more encompassing scope regarding sexual assault. While most Servicemembers inherently understand the more serious offense of Rape, many do not fully appreciate the criminal elements or misconduct associated with the lesser offenses of Sexual Assault, Aggravated Sexual Contact and Abusive Sexual Contact.

Most incidents of rape or sexual assault occur between people who know each other and on military installations, particularly in barracks and other high-density housing. Instead of an unknown attacker, the offender is frequently a young Servicemember who looks just like every other hard-working young person in the unit. Furthermore, instead of a victim with bruises and cuts, many victims will show no outward injuries. Also, alcohol is involved in the majority of sexual assault cases reported in the military, yet there are no clear guidelines on how much alcohol or what level of intoxication negates a person's capacity to consent.

These dynamics of sexual assault crimes highlight the importance of education and training on the consequences of high-risk behaviors that are often precursors to the offense. Commanders must train Servicemembers to ensure they understand, for example, the consumption of alcohol can impair the judgment of both parties and the consequences of an alcohol-related sex crime can have a significant and long-lasting impact on the victim, offender; unit cohesion; and, ultimately, the readiness of the Joint Force.

#### 4. Implementing Instructions / "How we will do it..."

a. The Joint Force will meet the Chairman and Joint Chief's intent to imbue a professional culture and command climate/environment to reduce sexual assaults by operationalizing and synchronizing the SAPR Program across the Services, at all levels of command, both at home station and while deployed. Commanders will operationalize sexual assault prevention and response along five Lines of Effort (LOE) supported by five Overarching Tenets. The implementing LOEs of Prevention, Investigation, Accountability, Advocacy and Assessment are reinforced by the Overarching Tenets of Leadership, Communication, Culture/Environment, Integration and Resourcing.

(1) LOEs: Simply put, LOEs represent SAPR Program specific activities. Implementation of the LOEs is intended to enhance the execution of specific areas of sexual assault prevention and response, from establishment of a healthy command climate/environment, through receipt of a sexual assault report, to final case disposition and victim recovery. Program LOEs also identify key actions and objectives and establish metrics to assess and modify ongoing efforts as part of an enduring improvement cycle. The LOEs translate the SAPR Program policies and processes as a natural part of command climate/environment—a climate/environment predicated on mutual respect, social responsibility and behavioral accountability.

(2) **Overarching Tenets:** Overarching Tenets, on the other hand, represent precepts essential to refining a professional culture and command climate/environment. They set conditions to optimize program implementation. All five Tenets must be realized in order to achieve optimal integration of the SAPR Program into the command environment—a weakness in one diminishes the whole. Overarching Tenets work hand in hand with LOEs to operationalize the program as a natural extension of a unit culture based on professionalism, core values, trust and, ultimately, reaffirm the military’s enduring commitment to the health and readiness of its Servicemembers and their Families.

b. **Lines of Effort:** Each Line of Effort includes “Actions” to assist the Joint Force in reducing gaps/seams to enhance efforts to operationalize the SAPR Program in commands at all echelons. Each Action is labeled as (E) Emphasize—because it is prescribed within the SAPR Program, but requires additional emphasis; or (O) Operationalize—because it represents a new Action to better operationalize the SAPR Program.

(1) **Prevention:**

*What?* Prevention is the most critical LOE; it ultimately defines program success. Unlike the other LOEs, prevention has neither a beginning nor an end. It informs and is informed by the other LOEs. There are tangible aspects of prevention that promote a positive command *climate/environment* including program education and training. However, there are also intangible aspects that translate education and training to promote a professional *culture* that imbues knowledge, awareness, communication, personal responsibility and the empowerment to act.

*Why?* Effective prevention efforts reduce environmental risks, predatory and high-risk behaviors and personal vulnerabilities associated with the crime of sexual assault—in the barracks, during social activities, involving alcohol consumption, among our youngest Servicemembers and often during transitions. Sexual assault erodes our professional culture, command environment, team cohesion, Servicemember and Family trust and unit readiness.

(a) **Actions (objectives included as sub-bullets):**

- (O) Incorporate specific sexual assault prevention and response monitoring, measures and education into normal command training, readiness and safety forums (e.g., quarterly training guidance, unit status reports, safety briefings).
  - Increases command awareness, emphasis, mentoring and standardization at all levels of command.
  - Promotes and integrates sexual assault prevention and reporting as an inherent part of unit training, operations and readiness.
- (O/E) Provide SAPR training and education programs during Professional Military Education (PME) for all Servicemembers.
  - Stratifies sexual assault education/communication at increasing levels of PME.
  - Strengthens the Profession of Arms—professionalism, culture and core values.

- Establishes sexual assault prevention and response as a commander's priority and integrates it within the command climate/environment to improve health, discipline and readiness.
- (E) Ensure commanders receive training on sexual assault prevention and response during pre-command courses.
  - Educates commanders on the SAPR Program and command roles/responsibilities.
  - Promotes ownership and facilitates program integration as a matter of routine unit operations.
- (O) Establish transition policy that ensures Servicemember sponsorship, unit integration and immediate assignment into a chain of command.
  - Contributes to a positive command climate/environment, team cohesion, member safety/accountability and reduces transitional stressors.
- (O) Establish clear policy to reduce the impact of high-risk behaviors and personal vulnerabilities to sexual assaults and other crimes against persons (e.g., alcohol consumption, barracks visitation, transition policy).
  - Incorporates high-risk behavior and personal vulnerability analysis and mitigation into commander's assessment of environmental and operational risks.
  - Mitigates identified risk factors that often contribute to sexual assault crimes.
- (O) Conduct a command climate survey within the first 120 days of assuming command and annually as appropriate.
  - Increases communication and candid feedback from unit members regarding organizational culture, command climate/environment, health and discipline.
  - Informs commanders on focused areas of strength (sustain) and weakness (improve) to refocus efforts to promote a positive climate/environment.
- (E) Services partner with OSD *Sexual Assault Prevention and Response Office* to review and update the 2008 Department of Defense Sexual Assault Prevention Strategy.
  - Integrates Service lessons, best practices and unique cultural perspectives.
  - Improves DoD's SAPR Strategy via joint/inter-Service program synchronization and standardization.
- (O) Implement DoD's requirement to explain sexual assault policies to all Servicemembers within 14 days of their entrance on active duty.
  - Educates our newest Servicemembers to ensure they understand our military culture will not tolerate sexual assault and to inform them what to do in the event of an offense.

(b) Metrics:

- Monitor integration of sexual assault prevention and response into training and readiness forums at O3-O6 level commands.
- Incorporate sexual assault prevention and response into Service PME at all levels based on Service assessment and determination of training/contact time.
- Incorporate sexual assault prevention and response into Service pre-command courses and monitor/document commander attendance within Service guidelines.
- Track command climate surveys within 120 days of assuming command and annually as appropriate.

(2) Investigation:

*What?* An investigation begins with an unrestricted report of sexual assault and continues until all available facts/evidence are gathered, analyzed and the case is submitted to the commander for action. Investigations play a pivotal role across each LOE, informing both concurrent and subsequent LOE execution. All unrestricted reports will be immediately referred to a Military Criminal Investigative Organization (MCIO) for investigation in a manner that respects the dignity of the victim while safeguarding the due process rights of the alleged offender. Investigations are independent of the chain of command to guarantee they are free from the perception of undue command influence.

*Why?* Without an effective investigative process, commanders lack the information necessary to make an informed decision regarding the merits of the investigative findings. Investigators play a critical role in the SAPR process because they are often the first to make contact with both victims and alleged offenders and ensure timely collection and preservation of facts and evidence. Investigators work jointly with other Services and with external law enforcement agencies to ensure a thorough and timely investigation.

(a) Actions (objectives included as sub-bullets):

- (O) Develop joint doctrine for investigations to incorporate Service interoperability and command independence consistent with authorities of MCIOs in the operational/institutional environment.
  - MCIOs remain autonomous from the chain of command and produce independent investigations, free from the perception of undue command influence.
  - Ensures MCIOs utilize common operating procedures to optimize joint investigative standardization and efficiency.
- (O) Establish a quarterly MCIO Council (HQs Quantico) to assess and validate joint investigative technology, best practices and resource efficiencies benched against external law enforcement agencies.
  - Promotes the development of joint interoperability of sexual assault investigations in both the operational and institutional environments.
  - Improves joint/inter-Service efficiencies including manpower, equipment/technology, timeliness and resources.
- (E) Assess and coordinate with the United States Army Criminal Investigation Laboratory (USACIL) to improve unique Service investigative support with or without Service liaison to facilitate evidence processing.
  - Improves investigative rigor, resourcing and timeliness.
- (O/E) Refer all sexual assault crimes to a Service MCIO to establish investigative oversight and coordination.
  - Ensures senior investigative organizations provide requisite oversight of sexual assault criminal investigations.
  - Aligns sexual assault investigations with SAPR Program resourcing.
  - Leverages the Services' most experienced investigators in the conduct of sexual assault investigations.

- (O) Ensure prompt MCIO investigative notification to commanders concurrent with initiating an investigation of a sexual assault crime.
  - Ensures appropriate safeguards are implemented to increase the security and safety of the unit/community.
  - Provides appropriate safeguards to mitigate potential risks and self-harm to the alleged offender that may be associated with investigative-induced stress.
- (E) Incorporate GAO recommendation for [early] coordination between investigators and judge advocates when initiating a sexual assault investigation.
  - Improves the military justice process to ensure more timely, thorough and efficient reporting, investigations and accountability.
  - Optimizes functional expertise and resource efficiency.

(b) Metrics:

- Publication of joint doctrine for Service investigative interoperability and independence.
- Quarterly MCIO Council assessments and findings are incorporated into Service-specific orders and regulatory guidance to promote joint application.
- Investigative laboratory support meets mutually agreed MCIO requirements for investigative timeliness, thoroughness and efficiency.
- Monitor/assess referral of sexual assault allegations to Service MCIOs.
- GAO recommendations have been fully implemented to ensure optimization of resources.

(3) Accountability:

*What?* Accountability is an enduring aspect of command. The Accountability LOE encompasses those actions specific to adjudicating an alleged sexual assault crime from the initial unrestricted report through its appropriate disposition. Commanders must take action to protect the health and safety of the victim while safeguarding the due process rights of the alleged offender; support the ongoing investigation; and take appropriate action based on the facts and evidence in consultation with legal counsel. Within the limits of commanders' authorities, they may dispose of an alleged offense by forwarding court-martial charges, preferring court-martial charges, imposing non-judicial punishment, applying administrative action, or taking no action when appropriate. The objective of military justice is to fairly dispose of all allegations in a timely manner at the most appropriate level.

*Why?* Preserving and promoting good order and discipline are inherent responsibilities of every commander. Their authority extends to all aspects of the unit's mission, morale and discipline. When presented with the results of a sexual assault investigation, commanders are charged with making the initial disposition decision. This is one of the most important decisions they will make, with broad ranging consequences to the victim, alleged offender and the unit. The latter cannot be overstated; commanders' decisions have a direct impact on command climate/environment and unit/team cohesion and readiness. Only commanders can fully balance the many factors that affect their

decisions. Commanders are responsible for making dispositions that are warranted, appropriate and fair.

(a) Actions (objectives included as sub-bullets):

- (O) Expand the availability, sequencing and scope of commanders' legal courses across the Services (e.g., range of command legal authorities and options).
  - Emphasizes an understanding of the military justice system in synchronization with the timing of command assignments.
  - Provides commanders the necessary information to execute their authorities and responsibilities, particularly for adjudicating complex disciplinary actions such as sexual assault crimes.
- (E) Ensure judge advocates, investigators and victim-witness assistance personnel receive specialized training for responding to allegations of sexual assault.
  - Emphasizes the serious, sensitive nature of sexual assault with respect to its effect on the victim, alleged offender and unit personnel.
  - Instills greater trust and confidence in military justice and accountability.
- (O) Implement new OSD policy to withhold initial disposition authority in certain sexual assault cases from all commanders who do not possess at least Special Court Martial Convening Authority (SPCMCA) and who are not in the grade of O6 (i.e., colonel or Navy captain) or higher, with respect to the following alleged offenses: Rape, Sexual Assault, Forcible Sodomy and Attempts to commit such offenses.
  - This will ensure that cases of sexual assault receive a high level of command attention, given the seriousness of those offenses.

(b) Metrics:

- Services monitor training requirements to ensure the optimal number of commanders, judge advocates and investigators receive appropriate specialized training.
- Services monitor and assess the number and type of sexual assault allegations, investigative findings and dispositions in accordance with the "Assessment" LOE.
- Services have fully implemented the new policy to withhold initial disposition authority in certain sexual assault cases.

(4) Advocacy:

*What?* The Advocacy LOE encompasses those actions involving response, protection and care for Servicemembers from initiation of a restricted/unrestricted report through offense disposition and victim recovery. For purposes of this document, the Advocacy LOE includes both victim and alleged offender protections and services. It includes appropriate care and legal support of the alleged offender and reporting, advocacy coordination, medical services, legal support and [behavioral health] counseling for the victim. To achieve this balance, commanders must establish a positive command climate/environment free of stigma, where all Servicemembers have faith in fair and

impartial due process and victims have enough confidence and trust in their chain of command to report sexual assault.

*Why?* Successful advocacy is achieved through effective relationships between commanders, service providers and Servicemembers. Commanders can strengthen this relationship by assigning the most qualified and trained professionals to serve in critical advocacy positions. This emphasis on advocacy will deepen individual trust, health and team/Servicemember readiness and productivity.

(a) Actions (objectives included as sub-bullets):

- (E) Commanders must appoint qualified, trained and certified professionals to serve as their Sexual Assault Response Coordinator (SARC) and Victim Advocate (VA).
  - Establish clear leader and program commitment and priority while standardizing advocacy services across the Joint Force.
  - Deepens trust with the victim and their Families while improving access to the victim services network and enhancing intervention timeliness and recovery.
  - Ensures commanders are aware, appropriately advised and implement effective sexual assault prevention and response programs/efforts.
- (E) Ensure alleged offenders are given all the due process rights and protections afforded by the Constitution and the UCMJ; provide legal and medical services/counseling to address stress associated with the investigation.
  - Reduces stress by ensuring access to medical, chaplain and administrative services to support personal and Family affairs.
- (O/E) Improve the portability of victim care services to provide expeditionary program capabilities to the Joint Force and accessibility/continuity of care within the Reserve Component (RC).
  - Ensures every victim of the Active/Reserve Components have access to the full spectrum of SAPR services and provides continuity of care during contingency deployments and while assigned to the RC in each state and territory.
  - Improves service standardization across the Joint Force to facilitate inter-Service support at remote locations.
- (O) Allow RC Servicemembers who are victims of sexual assault while on active duty to remain on active duty status to obtain the treatment and support afforded active duty members.
  - Ensures every victim has access to the full spectrum of SAPR services and provides continuity of care during contingency deployments and within the RC.
- (E) Strengthen service provider participation in an integrated victim services network of care.
  - Improves integration of SAPR support and services including legal, medical and counseling.
  - Expands network capability and capacity.

(b) Metrics:

- Program and service measures for qualifying, training and certifying SARC and VA service providers (e.g., education, experience, certification and continuity).
- Portability measures to ensure continuity/continuum of victim care services for both AC/RC Servicemembers across the Joint Force.

(5) Assessment:

*What?* The Assessment LOE closes the loop to create a continuous cycle of execution from Prevention through each subsequent LOE. It represents an enduring process of data collection, analysis and assessment that assists commanders, program managers, service providers, investigators and judge advocates in evaluating and improving program and service efficacy. The Assessment LOE cuts across each LOE to incorporate sexual assault prevention and response measures (including an assessment of the impact of stigma), sexual assault reporting (restricted/unrestricted), victim services, investigative referrals, investigations, investigative findings, command/judicial referrals and case dispositions.

*Why?* Assessments are essential to improving sexual assault prevention and response programs/services to enhance the seamless coverage across each LOE as part of an enduring improvement cycle. This will ensure that programs and services are adaptive, flexible and oriented toward achieving jointness, while preserving unique Service requirements. SAPR Program assessments have already paid huge dividends. For example, past program assessments helped provide a realignment of resources to deliver specialized sexual assault training to investigators and judge advocates. Also, assessments were a key driver in modifying the program to incorporate restricted reporting to reduce stigma to reporting and increase services to the full set of identified victims.

(a) Actions (objectives included as sub-bullets):

- (O/E) Identify a standard set of sexual assault reporting metrics to be tracked across the Services.
  - Achieves a comparison of qualitative data for use in determining program progress/success.
  - Establishes well-defined measures for each Service to assess program effectiveness (e.g., sexual assault reduction, sexual assault response).
  - Fosters jointness through a common expression that enables inter-Service sharing of best practices, interoperability and resource alignment.
- (O) Explore whether the DoD SAPR Program can “operationalize” reporting in support of commanders at all echelons rather than focusing solely on higher headquarters reporting.
  - Qualitative data enables the development of procedures for commanders to evaluate and improve their command climate/environment.
- (E) Enhance awareness and maximize utilization of the Defense Sexual Assault Incident Database (DSAID) across the Services.

- Provides a 'closed-loop' reporting system for case-level monitoring and information from initial allegation through command disposition, allowing commanders to assess program implementation.
- Creates transparency for sexual assault related data and provides a standardized process for data analysis and comparison to inform SAPR policy, processes and resourcing.
- (O) Review personnel policies to monitor administrative/legal actions to appropriately address retention of convicted sexual offenders across the Joint Force.
  - Ensures visibility and promotes consistency across each of the Services.

(b) Metrics:

- Develop a standardized set of metrics with common collection, analysis and assessment protocols that can provide a common operating picture across the Joint Force, while preserving unique Service requirements and capabilities.
- Metrics will also align alleged offenses with their disposition to clarify the number of offenses as a percentage of the disposition (e.g., Courts Martial, UCMJ, or Administrative Action). This metric breakout is as follows:
  - First stratify sexual assault allegations in accordance with the new Article 120 (June 28, 2012) as: (1) Rape, (2) Sexual Assault, (3) Aggravated Sexual Contact, or (4) Abusive Sexual Contact. Next,
  - Determine the number of allegations (by Article 120 stratification) that were substantiated by an MCIO investigation; of the number that were substantiated, how many were disposed of by courts martial, UCMJ and/or administrative separation.
  - For example, metrics for "sexual assault" dispositions might be reported as: XX sexual assault allegations; XX were referred to proper civilian authorities; XX were substantiated and disposed; of those disposed: XX% had court martial charges preferred; XX% went to non-judicial punishment; and XX% resulted in adverse administrative action (e.g., administratively separated from the military).
- DSAID is fully implemented across the Services and incorporated into future assessments.

c. Overarching Tenets:

The following Overarching Tenets set conditions to operationalize each of the LOEs throughout all Service commands. Overarching Tenets cut across all LOEs and are essential to synchronizing and standardizing SAPR Program execution across the Joint Force—from joint/Service basing to forward stationed and deployed units worldwide. Commanders must inculcate these Tenets to set conditions for SAPR Program capabilities; assist in transitioning those capabilities into our command climate/environment; and operationalize those capabilities as part of our enduring commitment to the health and readiness of our Servicemembers and their Families. Overarching Tenets include:

**(1) Leadership:**

- Preventing sexual assaults is commander business; SAPR is a commander's program and the responsibility of leaders at every level.
- Sexual assault prevention, intervention and response starts with every commander who—through personal example—mentors subordinate commanders, leaders and Servicemembers at all levels.
- Leaders at every level must remain vigilant to identify environmental risks, predatory and high-risk behaviors and personal vulnerabilities associated with the crime of sexual assault and take steps to mitigate them.

**(2) Communication:**

- Effective communication by commanders is imperative to achieving comprehensive sexual assault prevention, intervention and response.
- Commanders communicate prevention by establishing a climate/environment based on mutual respect, trust and professional values.
- Commanders must promote dialogue that encourages awareness, intervention and removes barriers to reporting sexual assault within the unit.

**(3) Culture and Climate/Environment:**

- A culture of mutual respect, trust and professional values is foundational to establishing command climates/environments free of sexual assaults.
- Command climates/environments enriched by appropriate leader oversight, team cohesion, social responsibility, regulated living conditions and responsible alcohol consumption will reduce the risks and vulnerabilities associated with sexual assaults.
- An effectively applied military justice system holds offenders accountable, promotes good order and discipline and discourages criminal behavior.

**(4) Integration:**

- Establishment of a well-defined joint climate/environment is imperative to promoting Service integration and assuring individual/unit security, health and readiness.
- Commanders must actively sponsor and integrate newly arriving Servicemembers into their commands with special emphasis on those transitioning from initial training to their first operational assignment.
- Integration of individual Servicemember augmentees is equally important as they transition forward to theaters of operation.

**(5) Resourcing:**

- Effective and efficient resourcing of SAPR Programs supports prevention, investigations, accountability, advocacy and assessments.
- Services and Combatant Commanders resource SAPR Programs to provide continuity for supported units from deployment through redeployment.
- Commanders provide sufficient oversight, engagement and personnel to achieve the actions/objectives outlined in this document.

## 5. Chairman, JCS and Commandant Strategic Actions / "What you can expect from us..."

The Joint Chiefs, Commandant and I pledge our personal commitment to shape and set conditions to assist commanders and leaders across the Joint Force in their efforts to reduce sexual assaults. Sexual assault within our ranks is a problem that we face together, one that can only be resolved together. We plan to execute the following unified strategy to provide a joint and inter-Service approach to:

- Engage commanders, leaders and joint/Service communities to promote the health and discipline of the Force by reducing environmental risks, predatory and high-risk behavior and personal vulnerabilities associated with the crime of sexual assault;
- Partner with Combatant Commands to identify additional requirements and tailor solutions to improve sexual assault prevention, accountability and services for forward stationed commands and deploying forces;
- Incorporate the tenets of SAPR into joint doctrine to improve the health and discipline, integration and capability of the Joint Force to facilitate similar improvements in Service doctrine and training;
- Work closely with DoD to shape Service policy, program and resourcing to fully operationalize the SAPR Program across the Joint Force;
- Engage Congress, in coordination with OSD, to assist in developing impactful DoD/Service legislation, inform appropriate resourcing and program implementation and promote transparent discourse; and
- Lead a quarterly Executive Council of the JCS dedicated to a candid and enduring dialogue designed to assess the effectiveness of operationalizing SAPR into commands across the Joint Force.

The final strategic action, implementing a quarterly Executive Council, will focus on a recurring and comprehensive assessment of this strategy, including our progress in operationalizing SAPR; Service best practices; and ultimately, reinforcing a culture where sexual assault is not tolerated.

## 6. Way Ahead / "...and together, we will act now!"

The Service Chiefs and I are deeply committed to promoting a professional culture and command climate that is vigilant against the environmental risks, predatory and high-risk behaviors and personal vulnerabilities associated with the crime of sexual assault. We call on you as commanders and leaders (at every level) to personally read, understand and implement this strategy. Sexual assault prevention and response is more than a program and more than mandatory training – it must be an extension of each of us, intuitive in the way we think, plan and operate.

Sexual assault is a problem that we face together, one that can only be resolved together. Ours will be a Joint Force worthy of the faith of the American people, worthy of the confidence in our chain of command and worthy of the trust of those we serve and with whom we serve. Our Profession of Arms demands nothing less and we will accept nothing less.



**SECRETARY OF THE ARMY  
WASHINGTON**

**28 MAY 2013**

**MEMORANDUM FOR**

**ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS)  
DEPUTY CHIEF OF STAFF, G-1  
THE SURGEON GENERAL**

**SUBJECT: Ensuring the Quality of Sexual Assault Response Coordinators, Sexual Assault Prevention and Response Victim Advocates and Others in Identified Positions of Significant Trust and Authority**

1. Reference Memorandum, Secretary of Defense, 17 May 13, subject: Sexual Assault Prevention and Response Stand-down.
2. Sexual assault response coordinators (SARCs) and sexual assault prevention and response victim advocates (SAPR VAs) are our "frontline forces" in support of commanders in the fight against sexual assault—a crime that erodes our readiness and violates our values. Together with recruiters, drill sergeants and Advanced Individual Training platoon sergeants, these persons occupy positions of significant trust and authority. We must ensure that only the best people serve in these important positions.
3. To ensure greater accountability in the appointment of SARCs and SAPR VAs, I am reserving the authority to appoint SARCs to the first general officer or member of the Senior Executive Service in the SARC position's chain of command. Further, I am reserving the authority to appoint SAPR VAs to the brigade commander, or his or her equivalent-level commander or civilian supervisor (serving in a grade no lower than colonel or GS-15), with cognizance over the position. Designation as an appointing authority may not be transferred or delegated.
4. The Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)) shall develop and promulgate policy and guidance requiring that all commanders and supervisors immediately initiate a records review to guarantee that SARCs, SAPR VAs, recruiters, drill sergeants and Advanced Individual Training platoon sergeants meet the highest standards of character, conduct and personal integrity. This review will likely encompass more than 20,000 personnel records. The policy and guidance the ASA (M&RA) develops shall require that, henceforth, this records review shall be conducted for all personnel being considered for appointment to these positions. In implementing this requirement, the ASA (M&RA) shall ensure that:
  - a. the records review is holistic and encompasses the list of records systems and databases specified in the enclosure;

**SUBJECT: Ensuring the Quality of Sexual Assault Response Coordinators, Sexual Assault Prevention and Response Victim Advocates and Others in Identified Positions of Significant Trust and Authority**

b. the responsible appointing authority reviews the entire record of each individual Soldier or employee, focusing on the whole person, before deciding whether to appoint or retain that person in a position identified in paragraph 2;

c. credible evidence of criminal activity related to a sexual offense, sexual impropriety, domestic violence, stalking, substance abuse, or a criminal offense involving a child or children is made a non-waivable, mandatory disqualification for appointment to or retention in all of the positions identified in paragraph 2;

d. a reporting mechanism is immediately developed that compiles results of this, and future, records reviews on an installation-by-installation basis, and that the results include a by-name confirmation that the records review has been completed; a listing of the records reviewed; and, for each individual Soldier or employee, the resulting suitability determination;

e. the reporting mechanism referenced in paragraph 4d shall include results of the behavioral health interview process described in paragraph 5;

f. the responsible appointing authority reviews and validates any selection criteria waiver (for example, grade/rank requirements) that may have been granted to a currently serving SARC or SAPR VA and revalidate with the Deputy Chief of Staff (DCS), G-1 the selection criteria waiver authority, that any such waiver was and remains appropriate;

g. the Army wide consolidated results of the records review of individual Soldiers and employees currently serving in the positions identified in paragraph 2 is reported to me no later than 15 October 2013;

h. in coordination with servicing legal counsel, standards and processes are promulgated for the disqualification for, or removal from the positions identified in paragraph 2; and

i. the policies, procedures and regulations governing the selection of recruiters, drill sergeants and Advanced Individual Training platoon sergeants be amended to note the records review and behavioral health interview requirements set forth in this memorandum, including the list of record systems and databases specified in the enclosure.

5. The Surgeon General (TSG) will immediately initiate behavioral health interviews for all persons currently serving in a position identified in paragraph 2 and for any individuals selected for, but pending appointment to, such positions. The purpose of these interviews is twofold. First, the interviews will enhance the behavioral health and

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**SUBJECT: Ensuring the Quality of Sexual Assault Response Coordinators, Sexual Assault Prevention and Response Victim Advocates and Others in Identified Positions of Significant Trust and Authority**

well-being of these persons, whose duties are often taxing and stressful, by providing them an opportunity for behavioral health consultation, free from any stigma. Second, the interviews will be another mechanism by which we can identify persons who may not be suitable for service in these positions. These interviews will be conducted by appropriate behavioral health professionals, following a generally standardized format, in accordance with the following guidance:

- a. after the interview, the behavioral health professional will provide the responsible appointing authority with a by-name report that documents that the interview was conducted and includes a recommendation regarding suitability of the person for a position identified in paragraph 2;
- b. the responsible appointing authority will provide a report to the senior commander/manager regarding the conduct of behavioral health interviews. This report will be limited to the fact that the interviews were conducted, any action taken with regard to any individual Soldier or employee and the reason for such action. The senior commander/manager will, in turn, consolidate this information and provide it to DCS, G-1, who will subsequently report both the collated data and individual matters of note to me;
- c. the Army wide consolidated results will be provided to me no later than 15 October 2013;
- d. after this initial conduct of interviews for currently serving SARCs and SAPR VAs, such interviews will become a mandatory component of appointment to, and retention in, the positions identified in paragraph 2. These reviews will be conducted before appointment and then annually thereafter for the duration of service in the position; and
- e. the interviews will be organized and conducted so that they do not affect the delivery of behavioral health services in the Army. If the delivery of behavioral services in the Army is affected in any way by the requirements of this memorandum, the ASA (M&RA), DCS, G-1 and TSG shall immediately notify me and present to me a plan to mitigate the impact.

6. In implementing this directive, management officials must fulfill all statutory and contractual labor relations obligations, consistent with guidance to be issued by the DCS, G-1. Further, any responsible appointing authority, commander or supervisor contemplating adverse action as the result of compliance with this directive, whether such action involves an individual military member, Federal employee or a contractor or contractor employee, will consult with his/her servicing legal advisor.

**SUBJECT: Ensuring the Quality of Sexual Assault Response Coordinators, Sexual Assault Prevention and Response Victim Advocates and Others in Identified Positions of Significant Trust and Authority**

**7. Given the vital missions these persons perform, it is also imperative that the Army develop enhanced suitability screening tools, processes and programs that mirror the mechanisms used for screening personnel in our most sensitive programs. Accordingly, the ASA (M&RA) will initiate a comprehensive effort to develop and implement such tools, processes or programs to ensure that only the best qualified and most suitable persons are selected for, assigned to and retained in the positions identified in paragraph 2. This effort will include the following:**

**a. an indepth review of existing screening tools, processes and programs, whether currently used by the Department of Defense or the Army (for example, for persons assigned to special operations, personnel reliability programs or other special activities); the U.S. Government; or the private sector. This review will include (i) a survey of any relevant medical and scientific research regarding the effectiveness and reliability of such tools, processes or programs; and (ii) a critical analysis of these tools, processes and programs that assesses their applicability to the positions identified in paragraph 2. This latter analysis will address all relevant implementation factors, including, but not limited to, effectiveness, scientific reliability, relevance to specific categories of sensitive duties, resourcing and related legal and practical concerns;**

**b. to the extent that no existing screening tool, process or program, or combination thereof, is readily transferable for the Army's purposes as set forth in this memorandum, a plan to develop one; and**

**c. a report documenting the results of this review, and proposing courses of action for implementing a viable screening tool, process or program, for presentation to me for action no later than 15 July 2013. Appropriate documentation in a regulation or directive, of the elected course of action and the policies governing its implementation, shall be fully staffed with all appropriate stakeholders and presented to me for approval no later than 30 November 2013.**

**8. No later than 30 November 2013, the ASA (M&RA), together with the DCS, G-1 and TSG, will develop and present for my review a comprehensive proposal for an enhanced background check program that, in concert with the behavioral health interviews conducted in accordance with paragraph 5 and the screening mechanism to be developed in accordance with paragraph 7, will further increase confidence in the qualifications and suitability of persons for appointment to, or retention in, the positions identified in paragraph 2. The proposed enhanced background check program will include appropriate measures to ensure that persons seeking appointment to, or retention in, such positions are properly vetted and screened, both at initial appointment and regular intervals throughout their service. The comprehensive proposal will enumerate appropriate suitability criteria, as well as mandatory and discretionary disqualifying factors. Further, the adjudicative results of any such background checks**

**SUBJECT: Ensuring the Quality of Sexual Assault Response Coordinators, Sexual Assault Prevention and Response Victim Advocates and Others in Identified Positions of Significant Trust and Authority**

must be available to appointing authorities for review and consideration in advance of a civilian applicant's/candidate's appointment into the Federal civil service or, if already a civilian employee, before selection for a position identified in paragraph 2. For military personnel, the results of any such check must be available before the Soldier's selection for and assignment to a position identified in paragraph 2. In developing their comprehensive proposal for this enhanced background check program, the ASA (M&RA), DCS, G-1 and TSG will specifically consider and recommend to me whether, in accordance with national policy, the objectives of the enhanced program could be appropriately furthered by:

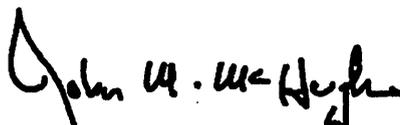
- designating military duty positions, including those identified in paragraph 2, as National Security Positions and applying national security standards in adjudicating the results of completed background checks;
- designating all positions identified in paragraph 2 as Public Trust Positions for purposes of fill by a civilian employee or contractor; and
- leveraging the ongoing Department of Defense Central Adjudication facility consolidation to secure professional adjudication of information derived from such background checks;
- instituting a requirement for recurring periodic or continuous background checks and suitability evaluations for all persons holding positions identified in paragraph 2.

The comprehensive proposal for an enhanced background check program will include appropriate options, as feasible; a general implementation plan, timeline and milestones for each option presented; and a general cost-benefit analysis of each.

9. Finally, the ASA (M&RA) will establish a department wide working group to explore other options for ensuring the qualifications and suitability of, and incentivizing service as, a SARC or SAPR VA to ensure that the best-qualified and most suitable individuals seek out and are selected for service in these positions. This working group will structure its review to capture any different circumstances or factors that may affect civilian as opposed to military SARC or SAPR VA recruitment and retention. Additionally, this working group will review and make recommendations on the appropriate grade for SARCs and SAPR VAs; the appropriate reporting and organizational structure linking SARCs and SAPR VAs to their commands and associated organizations (such as the local medical treatment facility); and the correct scope of SARC and SAPR VA authorities and duties. The charter for this working group will be presented to me for approval no later than 15 June 2013 and its recommendations presented to me for review and action no later than 31 October 2013.

**SUBJECT: Ensuring the Quality of Sexual Assault Response Coordinators, Sexual Assault Prevention and Response Victim Advocates and Others in Identified Positions of Significant Trust and Authority**

10. I expect all Army leaders and other personnel to provide their complete support to this effort and, upon request, to those officials tasked by this memorandum.



John M. McHugh

Encl

CF:

Principal Officials of Headquarters, Department of the Army  
Commander

- U.S. Army Forces Command
- U.S. Army Training and Doctrine Command
- U.S. Army Materiel Command
- U.S. Army Pacific
- U.S. Army Europe
- U.S. Army Central
- U.S. Army North
- U.S. Army South
- U.S. Army Africa/Southern European Task Force
- U.S. Army Special Operations Command
- Military Surface Deployment and Distribution Command
- U.S. Army Space and Missile Defense Command/Army Strategic Command
- U.S. Army Cyber Command
- U.S. Army Network Enterprise Technology Command/9th Signal Command (Army)
- U.S. Army Medical Command
- U.S. Army Intelligence and Security Command
- U.S. Army Criminal Investigation Command
- U.S. Army Corps of Engineers
- U.S. Army Military District of Washington
- U.S. Army Test and Evaluation Command
- U.S. Army Installation Management Command

- Superintendent, United States Military Academy
- Director, U.S. Army Acquisition Support Center
- Executive Director, Arlington National Cemetery
- Commander, U.S. Army Accessions Support Brigade
- Director, Army National Guard
- Director of Business Transformation

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## **Records Screening Requirements**

1. In conducting the records check mandated in paragraph 4 of this memorandum, appointing authorities, commanders and supervisors will obtain and review any reasonably available record pertaining to the individual Soldier or employee at issue and will, at a minimum, obtain and review the following records:

a. The records identified in the Department of Defense definition for "Installation Records Check" in Department of Defense Instruction 1402.5 (Criminal History Background Checks on Individuals in Child Care Services), January 19, 1993. This will include, at a minimum:

- (1) Police records (base and/or military police, security office, criminal investigators or local law enforcement);
- (2) Army Substance Abuse Program, or its equivalent in the other Services, records;
- (3) Family housing records;
- (4) Family Advocacy Program records;
- (5) Army Central Registry records;
- (6) Behavioral health records maintained at the military treatment facility (for Soldiers and civilians otherwise entitled to care at the facility); and
- (7) Any other record maintained on the installation that may be relevant.

b. a check of the U.S. Department of Justice National Sex Offender Registry.

c. records maintained in the individual's Army Military Human Resource Record, including the restricted portion of such record (or precursor record system for Soldiers and former Soldiers) and the Official Personnel Folder or adverse action file(s) (for civilian employees). Appointing authorities will coordinate with U.S. Army Human Resources Command or the Civilian Human Resources Agency for review of the applicable record. The command/agency will advise the appointing official of any adverse information recorded in the person's record.

d. Department of the Army Inspector General files.

e. U.S. Army Criminal Investigation Command/Crime Records Center databases.

f. Any other records that may be relevant to qualification and suitability for a position of trust and authority, as identified in paragraph 2 of the base memorandum,

including any records relevant to the criteria identified in paragraph 8-6, Army Regulation 600-200 (Army Command Policy), 18 March 2008 or successor publication.

2. . Responsible appointing authorities will ensure that they document any records, and the content thereof, obtained and checked pursuant to paragraph 4 of the base memorandum.



SECRETARY OF THE ARMY  
WASHINGTON

27 SEP 2013

MEMORANDUM FOR SEE DISTRIBUTION

**SUBJECT: Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)**

1. References:

- a. Memorandum, Secretary of Defense, May 6 2013, subject: Sexual Assault Prevention and Response.
- b. Army Regulation (AR) 600-20 (Army Command Policy), 18 March 2008, Rapid Action Revision Issued 20 September 2012.
- c. AR 623-3 (Evaluation Reporting System), 5 June 2012.
- d. Department of the Army (DA) Pamphlet 623-3 (Evaluation Reporting System), 5 June 2012.

2. Both officers and noncommissioned officers (NCOs) must commit themselves to eliminating sexual harassment and assault and to fostering climates of dignity and respect in their units. The Army is taking important steps to provide new training for our leaders, strengthen our training enterprise for all Soldiers, improve our investigative and military justice capabilities and further professionalize our first responders. Even with strong leader emphasis and innovative new programs, we continue to strive for greater progress in preventing sexual assault in our ranks. In response to the guidance in reference 1a, this directive enhances the Evaluation Reporting System to assess how officers and NCOs are meeting their commitments and to hold them appropriately accountable.

3. Effective immediately for any officer or NCO whose rating period begins after the date of this document, I direct the following changes to the Evaluation Reporting System:

- a. All officers and NCOs will include goals and objectives in furtherance of the commitments outlined in paragraph 2 when completing DA Form 67-9-1 (Officer Evaluation Report Support Form) or DA Form 2166-8-1 (NCOER Counseling and Support Form).
- b. When completing Part V, block b of DA Form 67-9 (Officer Evaluation Report), or Part IV, block d of DA Form 2166-8 (NCO Evaluation Report), raters will assess how

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**SUBJECT: Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)**

well the rated officer or NCO fostered a climate of dignity and respect and adhered to the Sexual Harassment/Assault Response and Prevention (SHARP) Program. This assessment should identify, as appropriate, any significant actions or contributions the rated officer or NCO made toward:

- promoting the personal and professional development of his or her subordinates;
- ensuring the fair, respectful treatment of assigned personnel; and
- establishing a workplace and overall command climate that fosters dignity and respect for all members of the group.

This assessment should also identify, as appropriate, any failures by the officer or NCO to foster a climate of dignity, respect and adherence to the SHARP Program. Additionally, if the rated officer or NCO had a substantiated incident of sexual harassment or sexual assault in his or her unit, the assessment must note the incident and explain how the officer or NCO addressed it.

4. Raters and senior raters will document any substantiated finding, in an Army or Department of Defense investigation or inquiry, that an officer or NCO:

- committed an act of sexual harassment or sexual assault;
- failed to report a sexual harassment or assault;
- failed to respond to a complaint or report of sexual harassment or sexual assault; or
- retaliated against a person making a complaint or report of sexual harassment or sexual assault.

In such cases, the rater and senior rater will take the following actions:

a. The rater will mark "No" in Part IV, block a5 (Respect) of DA Form 67-9 or Part IV, block a3 (Respect/EO/EEO) of DA Form 2166-8. The rater will also include a statement describing why he/she marked "No" in either Part V, block b of DA Form 67-9 or Part IV, block a of DA Form 2166-8 (for example, "Does not support the SHARP Program because of failure to report an incident.").

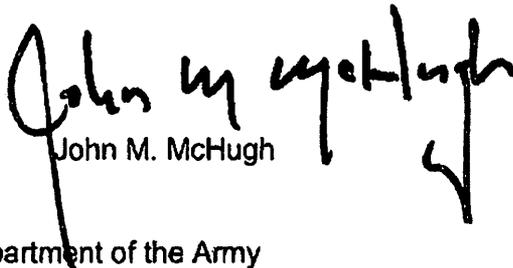
b. The senior rater will further comment on the matter in Part VII, block c of DA Form 67-9 or Part V, block e of DA Form 2166-8, as appropriate.

**SUBJECT: Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)**

5. The Deputy Chief of Staff, G-1 is the proponent for this policy and, in coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs), will issue appropriate guidance to implement this directive. This directive cancels and takes precedence over any contrary guidance in references 1b through 1d, or in any other relevant Army policy document.

6. The Deputy Chief of Staff, G-1 will incorporate this directive into the next revision of references 1b through 1d and will ensure that the policies set forth herein are incorporated into future versions of regulations, forms, policies, procedures and guidance for officer and NCO evaluations. This directive will remain in effect until each regulation and form is revised.

7. The point of contact for this action is U.S. Army Human Resources Command (AHRC-PDV-E), commercial 502-613-9019, DSN 983-9019, or [usarmy.knox.hrc.mbx.tagd-eval-policy@mail.mil](mailto:usarmy.knox.hrc.mbx.tagd-eval-policy@mail.mil).



John M. McHugh

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  - U.S. Army Medical Command
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- (CONT)

**SUBJECT: Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)**

**DISTRIBUTION: (CONT)**

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**Director, Army National Guard  
Director of Business Transformation  
Commander, U.S. Army Human Resources Command**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

APR 20 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
COMMANDERS OF THE COMBATANT COMMANDS  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases

Pursuant to my general court-martial convening authority under Article 22 of the Uniform Code of Military Justice (UCMJ) and Rules for Courts-Martial 306, 401, and 601, I hereby withhold initial disposition authority from all commanders within the Department of Defense who do not possess at least special court-martial convening authority and who are not in the grade of O-6 (i.e., colonel or Navy captain) or higher, with respect to the following alleged offenses: (i) rape, in violation of Article 120; (ii) sexual assault, in violation of Article 120 of the UCMJ; (iii) forcible sodomy, in violation of Article 125 of the UCMJ; and (iv) all attempts to commit such offenses, in violation of Article 80. Additionally, this withholding applies to all other alleged offenses arising from or relating to the same incident(s), whether committed by the alleged perpetrator or the alleged victim of the rape, sexual assault, forcible sodomy, or the attempts thereof.

The effective date of this action will be June 28, 2012. The Services have discretion to further elevate initial disposition authority for these offenses.

The special court-martial convening authority shall be responsible for determining what initial disposition action is appropriate, to include whether further action is warranted and, if so, whether the matter should be resolved by court-martial, nonjudicial punishment, or adverse administrative action. The special court-martial convening authority's initial disposition decision shall be based upon his or her review of the matters transmitted, any independent review and recommendation received (including court-martial charges, if any), and consultation with a judge advocate. Subordinate unit commanders are encouraged to provide their own recommendations regarding initial disposition.

Nothing in this directive removes the responsibility of commanders, at every level, to maintain an environment free of sexual assault, to provide support and assistance to victims, and to maintain good order and discipline within their units.

cc:  
Acting USD(P&R)  
Director, Sexual Assault Prevention and Response Office

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 UNCLASSIFIED/  
 FM CNO WASHINGTON DC//N00//  
 TO NAVADMIN  
 INFO CNO WASHINGTON DC//N00//  
 UNCLAS//N05000//  
 NAVADMIN 181/13  
 MSGID/GENADMIN/CNO WASHINGTON DC/N00/JUL//

SUBJ/IMPLEMENTATION OF NAVY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM INITIATIVES//

REF/A/DOC/DODINST 6495.02/28MAR13//  
 REF/B/DOC/OPNAVINST 1752.1B/29DEC06//  
 REF/C/DOC/OPNAVINST 5354.1F CH-1/20SEP11//  
 REF/D/DOC/OPNAVINST F3100.6J/4OCT11//  
 NARR/ REF A IS DODINST 6495.02, SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM PROCEDURES. REF B IS OPNAVINST 1752.1B, SEXUAL ASSAULT VICTIM INTERVENTION PROGRAM. REF C IS OPNAVINST 5354.1F CH-1, NAVY EQUAL OPPORTUNITY POLICY. REF D IS OPNAVINST F3100.6J, SPECIAL INCIDENT REPORTING PROCEDURES.//  
 POC/PAUL ROSEN/CAPT/OPNAV N17/TEL: (703)604-5041/TEL: DSN 664-5041/E-MAIL: PAUL.S.ROSEN(AT)NAVY.MIL//

RMKS/1. This NAVADMIN directs organizational changes and Fleet-wide implementation of the initiatives successfully piloted in the San Diego Fleet Concentration Area and Fleet Training Center, Great Lakes in support of the Department of the Navy Sexual Assault Prevention and Response (SAPR) Program. These changes and initiatives will build upon the existing guidance and direction in references (b) through (d). Accountable personnel will make changes to applicable programs and instructions to institutionalize these endeavors.

2. The following organizational changes are effective immediately:

a. Director, Twenty-First Century Sailor Office (OPNAV N17) is designated as the Chief of Naval Operations SAPR Officer and will direct the implementation of Navy-wide SAPR efforts on behalf of the CNO and VCNO.

b. Chief of Naval Personnel will provide a dedicated SAPR Officer in the grade of O-4 or above to the following commands: U.S. Fleet Forces, U.S. Pacific Fleet, U.S. Naval Forces Europe, U.S. Naval Forces Central Command, Naval Surface Forces, Naval Submarine Forces, Naval Air Forces, Bureau of Medicine and Surgery, Navy Expeditionary Combat Command, the Systems Commands (NAVSEA, NAVAIR, SPAWAR, NAVFAC), and U.S. Fleet Cyber Command. These designated SAPR Officers will report directly to their respective Commander.

c. Commander, Navy Installations Command (CNIC), in conjunction with appropriate Navy Component Commands (BSO), will begin the process of hiring, training, and assigning Deployed Resiliency Counselors (DRC) to CVN and LHD/LHA commands. The DRC is a dedicated civilian professional with Sexual Assault Response Coordinator (SARC) training, certification, and credentials who is able to take restricted and unrestricted reports of sexual assault and connect victims with the spectrum of care and available assistance. DRCs will deploy with Carrier Strike Groups, Expeditionary Strike Groups, and Amphibious Ready Groups to provide professional support continuity to deployed

Sailors to ensure victims remain connected to resources throughout their deployment. These individuals should be in place by the end of FY14.

3. Fleet Commanders (USFF, CPF, CNE, CUSNC) will be the Supported Commanders, and Regional/Installation Commanders will be the Supporting Commanders, for the implementation of the following actions no later than (NLT) 1 October 2013.

a. Institute roving barracks patrols with the intent of increasing the visible presence of leadership to deter behavior that may lead to sexual assault or other misconduct. All Fleet unit commands (afloat and shore) with Sailors living in barracks will participate in these patrols. For standardization, patrols will be conducted in accordance with region/base guidance and training. Roving patrols will be led by Chief Petty Officers and/or experienced Officers (O-3) and augmented with First Class Petty Officers. The timing, composition, frequency, and duration of these tours will be tailored at each location based on guidance from the Fleet Commander.

b. Ensure all Sailors residing in barracks attend indoctrination training within 30 days of occupancy.

c. Ensure personnel screened and assigned as barracks Resident Advisors (RA) are mature, effective leaders. Personnel selected as an RA must be First Class Petty Officers or above and are required to attend RA training. CNIC will verify standardized RA training, to include their role in preventing sexual assaults, is in place NLT 31 July 2013.

d. Conduct surveys of facilities to identify areas that require better lighting, visibility, or other safety improvements to reduce the vulnerability of Sailors while walking on base.

e. Designate a Flag Officer, reporting to you, as the SAPR program leader for each Navy installation/Fleet Concentration Area and associated local commands. This designated Flag Officer will establish routine coordination meetings with appropriate installation/local command representatives, and local community and civic leaders to review SAPR program efforts. This designated Flag Officer will also ensure that community outreach and engagement—including base and region commander cooperation, coordination and consultation with local law enforcement, hospitals and hotels—is part of each area's prevention and response measures. Operational Flag Officers assigned to command positions, but not designated as lead for an oversight group, will participate to the maximum extent practicable. Local Naval Criminal Investigative Service (NCIS) representatives, Region Legal Service Offices, and installation SARCs will be included in these coordination meetings whenever possible.

f. Ensure monthly Sexual Assault Case Management Group meetings, chaired by the installation Commanding Officer (CO) or Executive Officer (XO), are conducted as required by references (a) and (b). XOs must attend these meetings when their command has an active case and the unit is at home station. During periods when the unit is underway or deployed, the Immediate Superior in Command (ISIC) or another appropriate representative will attend.

g. Ensure installation and regional SARCs and Victim Advocates continue to have appropriate access to command spaces to perform their duties.

h. Provide quarterly consolidated reports to OPNAV N17 (reporting requirements to be published SEPCOR).

4. All commands are directed to take the following actions:

a. Review their compliance with reference (c) and ensure command climate surveys are conducted within 90 days of the CO assuming command, and annually thereafter.

b. If not already completed, conduct a face-to-face debrief of their most recent command climate assessment with their ISIC using the Defense Equal Opportunity Management Institute Organizational Climate Survey, to include a plan of action and milestones for corrective actions. ISICs will certify completion via their administrative chain of command.

c. NLT 31 July 2013, ISICs will have full visibility of their units' command climate survey data and any future command climate surveys. This requirement for ISIC review and full visibility of command climate results complies with recent Department of Defense (DoD) guidance and applies to all commands.

d. Commanding Officers are to use the Sexual Assault Prevention and Response Commander's Guide in shaping their command program. Guides are distributed at Major Command, PCO, and PXO courses at Command Leadership School. An electronic copy of the guide may be viewed on the Navy Personnel Command's Sexual Assault page at the following link

<http://www.public.navy.mil/bupersnpc/support/readiness/Pages/SexualAssault.aspx>. Commands may request additional copies via email from the Department of Navy Sexual Assault Prevention and Response Office (DoN SAPRO). DoN SAPRO POC is Lori Zinck, lori.zinck(AT)navy.mil, COMM (703)695-4211.

e. In accordance with reference (a), COs, XO's, and Command Master Chiefs will complete the SARC Commander's Toolkit brief with the regional or installation SARC and report completion to their ISIC.

f. Review command policies to ensure adherence to reference (d) requirements regarding the submission of OPREPs/Unit SITREPs and Sexual Assault Incident Data Collection Reports (NAVPERS Form 1752/1).

5. For your awareness, the Acting Director, NCIS will be submitting a plan to the Department of the Navy Assistant for Administration to hire and fund sufficient NCIS Special Agents and Investigators to surge the initial response and further enhance the timeliness of sexual assault investigations.

6. The above actions have proven effective at Training Support Center, Great Lakes and in the San Diego Fleet Concentration Area in improving the safety of our Sailors and reducing incidents of sexual assault. Our leadership is demonstrated in our commitment to the safety and security of our Sailors. While these actions are primarily focused on prevention, they also serve as a deterrent and reinforce our Commander's responsibility for victim support. Victims of sexual assault must be assured that they will be supported, they will be provided options in accordance with DoD guidance, their allegations will be investigated, and that offenders will be held appropriately accountable. I appreciate your leadership and support of this important effort across the Fleet.

7. Released by the Chief of Naval Operations.//

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SUBJ/GUIDANCE FOR SEXUAL ASSAULT PREVENTION AND RESPONSE STAND-DOWN//

REF/A/MSG/CNO WASHINGTON DC//N1//051536ZJUN13//

AMPN/REF A IS NAVADMIN 156/13, SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) STAND-DOWN.

RMKS/1. Per ref (a), this message provides details for the Sexual Assault Prevention Response (SAPR) Stand-down (SD), which includes Commander Engagement All Hands training; active review of the credentials and qualifications and professional ethics training for recruiters, Sexual Assault

Response Coordinators (SARCs) and SAPR Victim Advocates (VA) (including collateral duty unit SAPR-VAs); and focused refresher training for institutional instructors and SAPR first responders.

2. Background. The intent of this SD is to ensure service members and civilian personnel clearly understand they are accountable for fostering a climate where sexist behaviors, sexual harassment and sexual assault are not tolerated, condoned or ignored; where dignity, trust and respect are core values we live by and define how we treat one another; where victims' reports are treated with the utmost seriousness, their privacy is protected and they are treated with sensitivity; where bystanders are motivated to intervene because offensive or criminal conduct is neither tolerated nor condoned; and where offenders know they will be held appropriately accountable by an effective system of justice.

3. Execution. Navy's SAPR-SD Commander Engagement All Hands training will be comprised of a focused facilitated engagement led by the Command Triad (commanding officer/executive officer/command master chief). Each session will begin with video presentations by the Secretary of the Navy (SECNAV) and Chief of Naval Operations (CNO) and conclude with a video by the Master Chief Petty Officer of the Navy (MCPON). A group of 25-30 training participants is ideal for maximum participation in the facilitated discussions. The group size is recommended not to exceed 50 participants to meet training quality intent. Large commands may consider using post-command officers and command qualified master and senior chiefs/leading chief petty officers as additional facilitators to meet group size for training intent.

a. Success of the Commander Engagement All Hands training rests entirely on the command's commitment to delivering quality, professional training that engages all levels of leadership - military and civilian, junior and senior - in the discussion about sexual assault. The estimated length of this training

is 120 minutes. However, training may continue beyond the allotted time.

b. Civilian employees are invited, and encouraged to participate in the Commander Engagement All Hands training alongside their military co-workers.

Sailors assigned to other services are also encouraged to complete Navy SAPR-SD Commander Engagement All Hands training, but may document SAPR-SD completion after attending host service SAPR-SD training. Leaders and stakeholders such as the local SARC, SAPR-VA, Judge Advocate General (JAG), and chaplain are encouraged to participate to the maximum extent possible.

c. Additional Mandatory Activities. Key components of the Navy's SAPR-SD, in addition to the Commander Engagement All Hands training, include mandatory activities targeted at organizations and personnel in direct and often first contact with our new Sailors as well as first responders to victims of sexual assault. Due to the critical nature of these key positions, additional review of credentials and refresher training is warranted and required.

Further detail on the additional mandatory activities is contained in paragraph 5 below; the activities include:

- (1) Review of credentials and qualifications of SARCs and SAPR-VAs.
- (2) Professional ethics and standards-of-conduct training for recruiters, SARCs and SAPR-VAs.
- (3) Review of credentials and qualifications of training center and institutional instructors, Recruit Training Command (RTC) recruit division commanders, Naval Criminal Investigative Service (NCIS) investigators, and sexual assault nurse examiners.
- (4) SAPR refresher training for all training center and institutional instructors and those charged with initial accession training pipelines, health care providers, Fleet and Family Support Center counselors, chaplains, JAG personnel, and NCIS investigators.

4. Training Elements. The SAPR-SD Commander Engagement All Hands training is composed of two primary elements: video presentation and facilitated discussion. The SAPR-SD Commanders All Hands Engagement facilitators guide and videos are available for download at <http://www.sapr.navy.mil> under the SAPR-SD section.

a. The video includes a SECNAV and CNO introduction message which must be played at the beginning of each SD session. The video is designed to set up and establish the tone for the Command Triad facilitated discussion that follows. The facilitated discussion concludes with a message from the MCPON and must be played prior to the end of the session. In the event any command cannot access the videos, transcripts of the videos are included in the facilitator guide and will be read verbatim by the Command Triad during the training.

b. The facilitators guide is not designed to be a rigid script; rather, it is designed to equip Command Triads with thought-provoking questions about SAPR and engage commands in meaningful discussion. The guide is composed of facilitated questions that follow the introduction messages by SECNAV and CNO.

5. Additional Mandated Activities Details. Further details on the additional mandated activities are listed below.

a. Active review of credentials and qualifications of SARC and SAPR-VAs, and recruiters.

(1) SARC and SAPR-VA Credentials and qualifications review. All region commanders and commanding officers are required to complete an active review of credentials and qualifications of regional and installation SARCS and SAPR-VAs assigned to their command. This includes volunteer SAPR-VAs serving as unit SAPR-VAs.

The review shall be completed prior to 1 July 2013. A template letter with instructions for completion and submission of this review is located at [http://www.cnic.navy.mil/content/dam/cnic/hq/pdfs/n91\\_fleet\\_and\\_family\\_support\\_program/sexual\\_assault\\_prevention\\_and\\_response/saprvalidationletter.pdf](http://www.cnic.navy.mil/content/dam/cnic/hq/pdfs/n91_fleet_and_family_support_program/sexual_assault_prevention_and_response/saprvalidationletter.pdf)

(2) Recruiter credentials and qualifications review.

Commander, Navy Recruiting Command (CNRC) will rescreen all recruiters by: reviewing required SAPR-Leadership (SAPR-L)/SAPR-Fleet (SAPR-F)/SAPR Khaki (SAPR-K) training documentation, reviewing security clearance status to verify

no documented adverse behavior, review Navy Standard Integrated Personnel System record for pre-service offenses and offenses conducted while on active duty, and review Alcohol Drug Management Information Tracking System for significant alcohol offenses. Each recruiter will sign a Page 13 acknowledging full disclosure of any offenses committed since entering the Navy, complete and thorough understanding of sexual assault, sexual harassment, and fraternization policies, covenant contract to adhere to the policies and report any known violations, and a commitment to dissuade, detect

and deter. The final certification for continued recruiting duty will be authorized by the Navy recruiting district commanding officer.

b. Targeted professional ethics and standards-of-conduct refresher training for recruiters, SARCs and SAPR-VAs, which emphasizes how violations impact mission readiness. This training will be provided by Commander, Navy Installations Command (CNIC) for SARCs and SAPR-VAs and CNRC for recruiters.

c. Active review of credentials and qualifications of training center and

institutional instructors (United States Naval Academy, Reserve Officer Training Corps, and Officer Candidate School), RTC recruit division commanders, NCIS investigators, sexual assault nurse examiners, and those qualified to conduct sexual assault forensic examinations. Reviews of credentials and qualifications will be conducted by individual cognizant organizations.

d. Targeted SAPR refresher training, utilizing our successful SAPR-L and SAPR-F training programs and other Department of the Navy SAPR Office resources, for all training center and institutional instructors, health care providers, Fleet and Family Support Center counselors, chaplains, JAG personnel, and NCIS investigators. Commander, Naval Education Training Command and Commander, Naval Service Training Command will coordinate and provide training for training centers and institutional instructors. Chief, Bureau of Medicine and Surgery will coordinate and provide training for health

care providers. CNIC will coordinate and provide training for Fleet and Family Support Center counselors. The Chief of Chaplains will coordinate and provide training for chaplains. Office of the JAG will coordinate and provide

training for JAG personnel. NCIS will coordinate and provide training for their investigators.

6. Training and reporting timeline. SAPR-SD Commander Engagement All Hands training and reporting will be completed NLT than 1 July 2013. Reserve component and deployed personnel will commence their SD commensurate with the active component with the intent to complete as much as possible by 1 July 2013 and complete NLT 22 July 2013.

7. Training documentation. All active, reserve, and civilian personnel training must document completion of SAPR-SD Commander Engagement All Hands

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training in the Fleet Training Management Planning System (FLTMPS).

a. FLTMPS access. FLTMPS is part of the Navy Training Management and Planning System (NTMPS) suite of applications. Only command designated personnel possessing FLTMPS accounts with approved course completion access will be able to record SAPR-SD training completions by using the FLTMPS learning event completion form (LECF).

(1) FLTMPS users who do not have access to the LECF will see a message in red font stating, "you are not authorized to view this page" when they click on the button labeled "LRNG EVENT COMPL FORM" on the top menu of FLTMPS. If necessary, command personnel may request FLTMPS access using the FLTMPS online application request system (OARS) at [https://ntmpswb.nwptf.nuwc.navy.mil/oars\\_net/default.aspx](https://ntmpswb.nwptf.nuwc.navy.mil/oars_net/default.aspx). Users must ensure the course completion reporting and authorizing officer sections of OARS are properly completed and the approving official's e-mail address entered. Immediately upon submission by the applicant, a system generated e-mail is sent to the approving official for review/approval. Once the request is approved, it is automatically forwarded for processing to the NTMPS support office. Upon review and processing by the NTMPS support office, the applicant will receive electronic notification of their account status.

(2) Senior commands may apply for course completion access to document training for their subordinate commands (unit identification codes (UICS)) by contacting the NTMPS support office toll-free in the U.S. at 1-866-438-2898, or commercial (850) 438-2898. Customer service representatives are available weekdays from 0700-1800, EST, via email at [ntmps.support@navy.mil](mailto:ntmps.support@navy.mil).

b. Detailed FLTMPS documentation instructions:

- (1) Login to FLTMPS at <https://ntmpswb.nwptf.nuwc.navy.mil/fltmpls/>.
- (2) Click on login with CAC card button.
- (3) On the top menu, select the LRNG EVENT COMPL form button (located between the ADMIN and COURSES buttons).
- (4) Select GMT and OTHER TRAINING REPORT GROUP.
- (5) Select SEARCH BY COURSE.
- (6) Enter CIN "SAPR-SD" then select filter.
- (7) Select course "SAPR-SD".
- (8) If you have access to enter completions for more than one activity, then select the desired activity from the activity selection box. Click the run report button. This will load the SAPR-SD LECF form. If you only have access for one command, the selection box will not appear and you will be directed to the SAPR-SD LECF entry form.
- (9) The LECF form will automatically populate with all command personnel including Navy contractors whom are not required to attend SAPR-SD training. Training department personnel with LECF access can determine which personnel have completed training via the "VIEW COURSE COMPLETIONS" hyperlink in the LECF module; other command personnel can utilize the "ONBOARD COURSE GRADUATES BY UIC" report.
- (10) Commands may view and download personnel rosters using either method listed in paragraph 7(b.) (9) to assist in recording and validating training completions.
- (11) Command Triads are responsible for ensuring training officers/command representatives enter SAPR-SD training completions in a timely manner.

8. Questions about the SAPR-SD can be directed to  
navysaprstanddown(at)navy.mil or (703) 604-0018/DSN 664.

9. Release by Vice Admiral S. R. Van Buskirk, N1.//

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SUBJ: NAVY PERFORMANCE EVALUATION CHANGES  
UNCLASSIFIED/ PASS TO ALL OFFICE CODES:  
FM CNO WASHINGTON DC//N1//  
TO NAVADMIN  
INFO CNO WASHINGTON DC//N1  
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SUBJ/NAVY PERFORMANCE EVALUATION CHANGES//

REF/A/DOC/BUPERS/20APR11//  
REF/B/MSG/CNO WASHINGTON DC/N00/181228ZJUL13//  
NARR/REF A IS BUPERSINST 1610.10C, THE NAVY PERFORMANCE EVALUATION SYSTEM.  
REF B IS NAVADMIN 181/13, IMPLEMENTATION OF NAVY SEXUAL ASSAULT PREVENTION  
AND RESPONSE PROGRAM INITIATIVES.

RMKS/1. This NAVADMIN is to announce the release of change transmittal 1 to ref (a). This change to the performance system reinforces the importance of evaluating Sailors on their contributions to Command or Organizational Climate/Equal Opportunity and Military Bearing/Character, and provides guidance on evaluating performance in these two areas.

2. Every Sailor is accountable on every evaluation or fitness report for contributions to Command or Organizational Climate/Equal Opportunity and Military Bearing/Character. I want to reinforce to raters the importance of these two performance traits. These changes should be viewed as complementary and synchronized with the command climate survey outcomes provided to commanding officers and immediate superiors in command in ref (b). To achieve high marks in these areas, Sailors must demonstrate how they have cultivated or maintained command climates where improper discrimination of any kind, sexual harassment, sexual assault, hazing, and other inappropriate conduct is not tolerated; where all hands are treated with dignity and respect; and where professionalism is the norm.

3. A summary of the change transmittal follows:

- a. No changes were made to the actual FITREP and EVAL forms.
- b. Command or Organizational Climate/Equal Opportunity and Military Bearing/Character traits. The guidance reporting seniors should use when evaluating subordinates has changed. Blocks "34" and "35" on officer fitness reports, "35" and "37" on chief petty officer evaluations and blocks "35" and "36" on enlisted evaluations are now required to clearly evaluate how a Sailor has directly contributed to, improved, or sustained a productive and professional command climate.
- c. To achieve high marks in the above blocks, Sailors must demonstrate how they have cultivated or maintained a positive command climate. These blocks will be used to show how each Sailor reinforces a climate where sexual harassment, sexual assault, hazing, discrimination of any kind, and other inappropriate conduct are not tolerated.

4. An electronic downloadable copy of this change transmittal is available at <http://www.public.navy.mil/BUPERS-NPC/REFERENCE/INSTRUCTIONS/BUPERSINSTRUCTIONS/Pages/default.aspx>

5. Point of contact is Mr. James A. Price at (901) 874-4857/DSN 882 or via e-mail at [james.a.price@navy.mil](mailto:james.a.price@navy.mil).

6. Released by Vice Admiral W. F. Moran, N1.//

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DEPARTMENT OF THE NAVY  
 OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
 2000 NAVY PENTAGON  
 WASHINGTON, D.C. 20350-2000

OPNAVINST 1752.1B  
 N135  
 29 Dec 06

OPNAV INSTRUCTION 1752.1B

From: Chief of Naval Operations

Subj: SEXUAL ASSAULT VICTIM INTERVENTION (SAVI) PROGRAM

Ref: (a) DOD Directive 6495.1 of 6 Oct 05  
 (b) DOD Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures, of 23 Jun 06  
 (c) SECNAVINST 1752.4A  
 (d) OPNAVINST 1752.2A  
 (e) Manual for Courts-Martial (MCM), United States 2005  
 (f) MILPERSMAN  
 (g) SECNAVINST 1920.6C  
 (h) OPNAVINST 5350.4C  
 (i) OPNAVINST 5800.7  
 (j) NAVMEDCOMINST 6310.3  
 (k) SECNAVINST 1730.7B  
 (l) OPNAVINST 3100.6H (NOTAL)  
 (m) SECNAVINST 5430.107  
 (n) OPNAVINST 5354.1E  
 (o) Public Law 109-162, Section 596 of National Defense Authorization Act for Fiscal Year 2006  
 (p) DOD Directive 6025.18 of 19 Dec 02

Encl: (1) Definitions  
 (2) Crime Victim's Bill of Rights  
 (3) Navy Policy Regarding Confidentiality for Victims of Sexual Assault  
 (4) Commander's Checklist for Prevention and Response to Allegations of Sexual Assault

1. Purpose. To issue policy, prescribe procedures, and assign responsibility for implementation of the Sexual Assault Victim Intervention (SAVI) Program within the U.S. Navy. References (a) through (p) apply. All Navy commands shall be knowledgeable of, adhere to, and provide all sexual assault prevention, and response requirements contained in references (a) and (b). This instruction is a complete revision and should be read in its entirety.

2. Cancellation. OPNAVINST 1752.1A.

3. Scope. This instruction establishes internal Navy policy only and is not intended to, nor does it, create any rights, substantive or procedural, enforceable at law or equity by any victim, witness, suspect, accused, or other person in any matter, civil or criminal, and places no limits on the lawful prerogatives of the Navy or its officials.

4. Definitions. Terms used in this instruction are defined in enclosure (1). Sexual assault as used in this instruction applies to all such offenses against persons 18 years of age or older, that are not otherwise considered child sexual abuse or domestic abuse as defined in reference (d) and enclosure (1). Sexual harassment is covered by reference (n).

5. Discussion. The Navy SAVI Program was established in 1994 for the purpose of providing consistent, standardized response to sexual assault incidents through sexual assault awareness and prevention education, victim advocacy, and data collection. Sexual assault is defined in reference (a) and enclosure (1).

6. Policy

a. Sexual assault is a criminal act incompatible with the Department of Navy (DON) core values, high standards of professionalism, and personal discipline. Military personnel alleged to have committed a sexual assault offense may be subject to trial and, if found guilty, punishment by court-martial under reference (e). Additionally, such military personnel are subject to being processed for administrative separation per reference (f), articles 1910-142 or 1910-010. Commanders shall take appropriate action under U.S. laws and regulations on all allegations of sexual assault.

b. The goal of the Navy is to reduce sexual assault by providing a culture of prevention, education, and training response capability, victim support, reporting procedures, and accountability that enhances the safety and well-being of all. Alcohol abuse is an associated factor in many sexual assault cases. Promoting and supporting the responsible use of alcohol, including abstinence, will assist greatly in reducing sexual assault reference (h).

c. Per enclosure (2) and reference (i), DON will treat all victims of sexual assault with fairness and respect, to include timely access to appropriate services.

All servicemembers and DON employees will ensure sensitive, coordinated, and effective management of sexual assault cases, to include access to a Sexual Assault Response Coordinator (SARC) and/or Victim Advocate (VA).

d. Victims of sexual assault often feel further victimized by the criminal justice system when questioned about their conduct or inaction during an assault. In cases where the victim's behavior may be considered an offense under the UCMJ, it is important not to blame the victim (either directly or indirectly) for the assault by focusing on their behavior, to consider all circumstances surrounding the assault and the impact upon the victim before taking any appropriate administrative or disciplinary action against the victim. Commanders should consult with their servicing legal office and exercise their authority, where appropriate, to defer disciplinary action regarding a victim's misconduct until after final disposition of the sexual assault.

7. Applicability. This instruction applies throughout the U.S. Navy to:

a. Active duty members of the military services (Army, Navy, Air Force, Marine Corps, and Coast Guard, when operating as a service in the Navy,) who are eligible to receive treatment in a military treatment facility (MTF) and their legal family members.

b. Members of the National Guard and Reserve component of the military services and their legal family members when performing active services and inactive duty training.

c. On a space-available basis, retired members of the military services and their legal family members.

d. Non-foreign hire civilian employees of the Department of Defense (DOD) in overseas locations, and their legal family members, for services that are not available in the local community.

e. Victims of sexual assault incidents occurring under DON jurisdiction are eligible, regardless of affiliation, for available advocacy services on a humanitarian basis.

8. Action. Commanders and commanding officers (COs) will implement and support the SAVI program through:

a. Prevention. The following elements will implement the prevention component of the SAVI Program:

(1) All prevention education will use the standardized DOD definitions, per reference (a) and enclosure (1), promulgated for training and education purposes.

(2) All servicemembers will receive periodic, mandatory sexual assault awareness and prevention training during pre-commissioning, upon initial entry and throughout professional military education. The focus of this training is to ensure that all personnel have a working knowledge of what constitutes sexual assault and sexual harassment, why sexual assault is a crime, personal avoidance of risk, and the meaning of consent. Additionally, the training should provide personnel with information on the reporting options available to them and the exceptions and/or limitations of each option.

(3) Sexual assault prevention and response training will be incorporated into leadership development (to include civilian supervisors of servicemembers) and professional military education, with content tailored to the level of supervisory responsibility. All leadership training will include sensitive handling of and reporting options for sexual assault victims.

(4) Servicemembers shall receive annual sexual assault prevention and response training updates at the command level. Training will be scenario-based, using real-life situations to demonstrate the cycle of reporting, response, and accountability procedures. Training for junior personnel will incorporate adult learning theory, including group participation and action.

(5) Mandatory deployment training shall focus on host country and coalition partner customs, mores' and religious practices to provide servicemembers an awareness of cultural differences and operational factors that apply in areas outside the United States (port calls, overseas duty stations), risk reduction factors, procedures for reporting sexual assault, and awareness of support systems and responder personnel.

(6) COs shall provide the safest possible physical and emotional Navy environment. COs shall institute and publicize a means of informing the chain of command of situations which may place individuals at risk of sexual assault and provide feedback concerning the final disposition of suggestions and complaints.

b. Victim Support and Care. COs shall implement the victim support and care component of the SAVI program by ensuring:

(1) Immediate 24/7 sexual assault response capability in all locations, including deployed locations, and timely access to appropriate victim services, including medical care, victim advocacy, counseling, criminal investigation of unrestricted reports, per enclosure (3), Victim and Witness Assistance Program (VWAP) information, and chaplain support. Tenant and deploying commands that have access to installation services at the time of report shall utilize installation victim support services to the maximum extent possible and shall not develop SAVI programs that operate independently from the installation Sexual Assault Response Coordinator (SARC) who has been designated to coordinate these issues for the command.

(2) Mandatory activation of an on-call victim advocate at the time of the sexual assault report to provide victims with information, emotional support, and guidance through the various medical, mental health, legal, and investigative processes. Ongoing victim advocacy, beyond the initial response, is provided at the request of the victim.

(3) Strict compliance with restricted and unrestricted reporting requirements as outlined in enclosure (3) and references (a) and (b).

(4) Victims of sexual assault receive sensitive care and support to ensure that they are not re-victimized as a result of reporting the incident. Per reference (i), Navy personnel who are involved with sexual assault victims shall ensure case related information is shared only for official purposes with only those who have a legitimate need-to-know. Naval Criminal Investigative Service (NAVCRIMINVSVC) special agents are presumed to have a need-to-know with regard to unrestricted sexual assault information and material relevant to the performance of their official duties as outlined in reference (m). Sensitivity to victim privacy is paramount.

(5) Victims are advised of their rights as delineated in reference (i) and enclosure (2), and are made aware of and encouraged to exercise their options during each phase of the medical, investigative, and legal processes. This includes ensuring victims of sexual assault are advised of their rights to apply for compensation from State compensation programs, as applicable.

(6) Assignment of a trained SAVI Command Liaison to act as the single point of contact between a victim and the command executive level following an allegation of sexual assault. This command liaison has direct access to the CO and is responsible for promoting responsive command management of the alleged assault, acting as the command representative to the Sexual Assault Case Management Group (SACMG), and ensuring that the concerns and needs of the victim are communicated to the CO.

(7) Victims of sexual assault receive reasonable protection from the alleged offender(s). In cases where the victim and alleged offender are assigned to the same command, COs should consider relocating the victim or offender until the case is legally settled and/or the victim is considered out of danger. The CO will consider both the physical and emotional well-being of the victim in making this decision. The victim's preference should receive primary consideration if at all practicable.

(8) All unrestricted reports of sexual assault involving active duty victims in the command are reviewed by the SACMG on a monthly basis to facilitate monthly victim updates and ensure system coordination, accountability, and victim access to quality services.

(9) Victims receive, at a minimum, monthly updates on the status of their cases until final disposition. The SAVI Command Liaison will coordinate with the responsible NAVCRIMINVSVC special agent and installation SARC to meet this requirement.

(10) All servicemembers, family members, and civilian personnel are made aware of Navy and civilian resources available to assist victims of sexual assault, including Navy chaplains. Communications with Navy chaplains are unconditionally confidential under reference (k).

(11) All administrative separation actions involving victims of sexual assault are reviewed by the Commander, Navy Personnel Command (COMNAVPERSCOM) to ensure that a victim receives full and fair consideration of their military service and that such determinations are consistent and appropriate as per reference (a).

c. Accountability. Commanders shall ensure:

(1) Swift, sensitive and fair response to sexual assault allegations, and when appropriate, prosecution of sexual assault cases.

(2) All allegations of sexual assault within their ranks are referred, as soon as practicable, to NAVCRIMINVSVC. Internal command inquiry or investigation shall be reserved only for incidents of alleged sexual assault for which NAVCRIMINVSVC or civilian law enforcement has declined to investigate. Commanders shall ensure that all levels of command authority, including command duty watch standers, are advised of and adhere to this requirement.

(3) Disposition of sexual assault incidents is reserved for command with a minimum of special courts-martial convening authority, to ensure a consistent response to alleged sexual assault.

d. Data Collection and Reporting. Commanders and COs will ensure:

(1) All unrestricted reports of alleged sexual assault that involve victims and alleged offenders who are family members, active duty members, or Reservists on active duty will be reported regardless of the military affiliation of the victim or alleged offender. Reports of allegations of active duty members of another Service assigned to a Navy command, regardless of location are also required. Submit reports via the OPREP-3 NAVY BLUE or OPREP-3 NAVY UNIT SITREP, per the format for reporting sexual assault incidents contained in reference (1). Include in the SITREP the data elements contained in NAVPERS 1752/1, Sexual Assault Incident Data Collection Report Form (appendix A of enclosure (2) to reference (c)) per the following guidelines:

(a) Messages must also be submitted on incidents involving civilians sexually assaulted on property under DON jurisdiction. Per reference (1) requirements, reporting commands for both victim and alleged offender will coordinate efforts for submission.

(b) If neither the victim nor alleged offender is a Navy member, the commander of the installation or activity where the sexual assault occurs will report per reference (1) requirements.

(2) NAVPERS 1752/1 is intended to serve as a recording/reporting tool for capturing information required for inclusion in the initial and follow-on message traffic.

(3) The command with cognizance over the victim is responsible for forwarding monthly continuation (status)/follow-on OPREP-3 NAVY UNIT SITREPs to provide new or revised information only, with a final OPREP-3 NAVY UNIT SITREP documenting official resolution of the case. A final, official resolution refers to completion of judicial, investigative, disciplinary, and/or administrative actions (e.g., defendant found guilty/not guilty, alleged perpetrator administratively separated, no action taken due to insufficient evidence).

(4) Incidents involving both sexual harassment and sexual assault must be reported per reference (1) requirements.

#### 9. Responsibilities

a. Chief of Naval Operations (CNO) (N135) shall establish policy and ensure the SAVI program meets command, servicemember, and family member needs.

b. Commander, Navy Installations Command (CNIC), as the Navy SAVI Program manager, is responsible for managing, implementing and overseeing the program. CNIC shall:

(1) Promulgate guidance to regional and installation commands for management and implementation of the Navy SAVI program.

(2) Plan for and distribute fiscal, personnel, and program resources in coordination with regional commanders.

(3) Ensure installation SAVI programs incorporate a coordinated approach between medical, legal, investigations, security, chaplains, Fleet and Family Support Centers (FFSC), operational and tenant commands, and civilian resources.

(4) Ensure regional or installation commanders collaborate with and establish written memorandums of understanding (MOUs) with local community providers and other military services as appropriate.

(5) Develop written response protocols, per reference (b), ensuring timely access to appropriate victim services and

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procedures that outline SARC and other first responder responsibilities.

(6) Establish standards for initial and periodic refresher sexual assault training for SARCs, VAs, SAVI Command points of contact (POCs), SAVI Command Liaisons and SAVI Data Collection Coordinators (DCC).

(7) Develop required initial and periodic refresher training for SARCs and VAs (both afloat and ashore) incorporating required content as outlined in reference (b), enclosure (6).

(8) Coordinate with Naval Education and Training Command (NETC) and provide subject matter expertise with respect to development and implementation of prevention training identified in paragraph 8a of this instruction and reference (b), enclosure (1).

(9) Coordinate with other responsible Navy entities on the development of responder training requirements as outlined in reference (b).

(10) Coordinate with Navy alcohol/drug abuse prevention education per reference (g) to ensure sexual assault awareness and prevention training is incorporated into all Navy alcohol/drug abuse prevention education due to the high correlation between alcohol abuse for both perpetrators and victims.

(11) Monitor and oversee Navy SARC use of a DOD-managed central database for restricted and unrestricted sexual assault cases, analyzing data for required annual reporting to the Secretary of Defense (SECDEF) through the Sexual Assault Prevention and Response Office (SAPRO) and the Navy chain of command, per references (a) and (b).

(12) Develop and implement a public awareness plan which publicizes and promotes sexual assault awareness, prevention and SAVI program services.

(13) Monitor and assess SAVI program effectiveness.

c. Component commanders shall:

(1) Provide a POC to serve as a liaison between subordinate commands and CNIC regarding all aspects of Navy SAVI program implementation.

(2) Ensure subordinate commands report alleged incidents and inform CNIC installation and regional commanders of all unrestricted reports of sexual assault.

(3) Ensure subordinate commands work closely with the installation SARC in developing and administering all components of the SAVI Program.

(4) Ensure subordinate commands develop an immediate, coordinated and effective 24/7 response capability whenever installation SAVI responder resources are not available.

(5) Ensure subordinate commands maximize sexual assault victim privacy through response protocols that strictly limit required chain of command notifications to the smallest possible number with a need-to-know, that limit general access to command sexual assault message traffic, and that discourages gossip and speculation within the ranks.

(6) Ensure subordinate commands designate a SAVI command POC who is responsible for facilitating command awareness and prevention training, maintaining current information on victim resources, and providing oversight of compliance with command SAVI Program requirements.

(7) Ensure subordinate commands designate a command Data Collection Coordinator (DCC), responsible for obtaining data on sexual assault incidents necessary to meet reporting requirements as outlined in paragraph 8d of this instruction.

d. Regional commanders shall:

(1) Promulgate guidance to installation commanders for management and implementation of the Navy SAVI program.

(2) Ensure installation SAVI programs incorporate a coordinated approach between medical, legal, investigations, security, chaplains, FFSC, operational and tenant commands, and civilian resources.

(3) Facilitate and ensure installation commanders collaborate with and establish written MOUs with local community providers and other military services as appropriate.

e. Installation commanders shall:

(1) Ensure an effective SAVI program that incorporates a coordinated approach between medical, mental health, legal, investigative, security, chaplain, FFSC, and civilian resources.

(2) Designate a SARC to provide overall local management of the SAVI program and to implement and administer provisions contained in this instruction and in reference (b).

(3) Ensure servicemembers and their family members have access to a well-coordinated, highly responsive victim advocate program.

(4) Ensure availability of psychological and supportive counseling for sexual assault victims.

(5) Where appropriate and useful, establish MOUs with relevant community agencies to supplement efforts to implement program requirements.

(6) Establish a SACMG as outlined in reference (b).

(7) Provide the safest possible emotional and physical environment with particular emphasis on proper street lighting, enhanced barracks/berthing/housing safety and base security, and the responsible use of alcohol on board Navy installations.

(8) Ensure that sexual assault prevention initiatives respect diversity when imposing restrictions on personnel.

(9) Ensure SARCs and installation VAs receive required initial and refresher training.

f. COs shall:

(1) Ensure Navy's sexual assault prevention policy becomes an integral part of day-to-day personnel management.

(2) Provide the safest possible emotional and physical command environment.

(3) Designate a SAVI command POC that is responsible for facilitating awareness and prevention training, maintaining current information on victim resources, and providing oversight of command compliance with SAVI program requirements.

(4) Designate a command DCC, responsible for obtaining data on sexual assault incidents necessary to meet reporting requirements as outlined in paragraph 8d of this instruction.

(5) Utilize enclosure (4), to develop a comprehensive command prevention and response to allegations of sexual assault.

(6) Ensure the availability of trained victim advocates within the ranks to respond to victims whenever sexual assault occurs in locations where installation victim advocates are not available (e.g., when deployed). Trained victim advocates report to the responsible installation SARC when performing advocate duties.

(7) Ensure victim advocates who provide support when the command is deployed or underway have been screened by the responsible installation SARC and have received 30 hours of initial victim advocate training before providing support to victims.

(8) At the time of designation, ensure the command DCC and SAVI Command POC receive two hours and four hours of required training, regarding performance of their responsibilities under the SAVI Program.

g. NAVCRIMINVSVC shall:

(1) Establish standards for initial and periodic responder training for criminal investigators and special agents.

(2) Develop and ensure criminal investigators and special agents receive initial and periodic responder training incorporating the required content outlined in reference (b), enclosure (6).

(3) The responsible special agent provides monthly case status updates to victims of sexual assault until the

investigation is complete and sent to command for adjudication.

(4) Ensure special agent participation in the SACMG.

h. CNO, Special Assistant for Naval Investigative Matters and Security (N09N) shall:

(1) Establish standards for initial and periodic responder training for security forces.

(2) Develop and ensure security forces receive initial and periodic refresher responder training incorporating the required content outlined in reference (b).

i. Office of Judge Advocate General (OJAG) shall:

(1) Establish standard for initial and periodic refresher sexual assault baseline and trial counsel training for judge advocates.

(2) Develop and ensure all judge advocates receive baseline initial and periodic refresher responder training incorporating the required content outlined in reference (b), enclosure (6).

(3) Develop and ensure all judge advocate trial counsel receive initial and periodic refresher training incorporating the required content outlined in reference (b), enclosure (6).

(4) Provide advice, instruction, and guidance regarding the legal aspects of sexual assaults and responder training.

(5) Ensure judge advocates provide consultation to installation SARCs and health care providers (HCPs) regarding the presence or absence of exceptions under restricted reporting.

(6) Ensure judge advocate participation in the SACMG.

j. NETC shall, in coordination with CNIC, who provides subject matter expertise, develop, implement, and execute the prevention training identified in paragraph 8a of this instruction and as outlined in reference (b).

k. Chief, Bureau of Medicine and Surgery (BUMED) shall:

- (1) Establish standards for initial and periodic refresher sexual assault training for HCPs. Standards for baseline training and for HCPs performing Sexual Assault Forensic Exams (SAFEs) will be established.
- (2) Develop and ensure all HCPs receive baseline initial and periodic refresher responder training incorporating the required content outlined in reference (b), enclosure (6).
- (3) Develop and ensure all HCPs performing SAFEs received initial and period refresher training incorporating the required content outlined in reference (b), enclosure (6).
- (4) Ensure MTFs establish MOUs with civilian medical facilities that include procedures for collection and forwarding of forensic evidence to the MTF under restricted reporting if at all possible.
- (5) Ensure comprehensive medical management for victims of sexual assault.
- (6) Ensure MTF commanders establish an official collateral HCP duty within each MTF as the primary POC concerning DOD and Navy sexual assault policy and updates in sexual assault care.
- (7) Reinforce policy set forth in reference (j), to minimize re-victimization, and establish guidance and protocols for medical response to sexual assault.
- (8) Ensure trained/privileged HCP participation in the SACMG.

1. CNO, Director of Religious Ministries/Chief of Chaplains of the Navy (N097) shall:

- (1) Coordinate with the Chaplains School to provide and establish standards for initial and periodic sexual assault training for chaplains.
- (2) Develop and ensure chaplains receive initial and periodic refresher sexual assault responder training incorporating required content areas outlined in reference (b), enclosure (6).

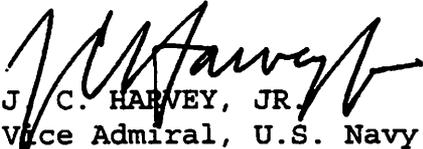
(3) Reinforce policy that ensure chaplains provide pastoral and spiritual counseling to victims of sexual assault as requested by the victim, per guidelines established by reference (i).

(4) Ensure chaplain participation in the SACMG.

10. Data Collection, Reporting, and Form

a. Incidents of sexual assault shall be reported to the responsible Echelon 2 commands by means of an OPREP-3 NAVY BLUE or OPREP-3 NAVY UNIT SITREP as outlined in reference (1). CNIC will coordinate the collection and submission of the annual restricted report incident data to SECDEF through the SAPRO as outlined in reference (b).

b. DD 2873 (Jul 2004), Military Protective Order (MPO) and DD 2907 (Jun 2006), Victim Reporting Preference Statement are available at  
<http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

  
J. C. HARVEY, JR.  
Vice Admiral, U.S. Navy  
Deputy Chief of Naval Operations  
(Manpower, Personnel, Training  
and Education)

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**DEFINITIONS**

1. Assault - The use of unlawful force or violence either as an overt act with the intent of inflicting bodily harm, or as an unlawful demonstration of violence, through an intentional or culpably negligent act or omission, either of which creates in the mind of another a reasonable apprehension of receiving immediate bodily harm.
2. Child Sexual Abuse - Illegal sexual activity with a child for the purpose of sexual gratification of the alleged offender or some other individual; including child exploitation, sodomy, molestation, rape or intercourse with a child.
3. Domestic Abuse - (1) Domestic Violence or (2) a pattern or behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty when such violence or abuse is directed toward a person of the opposite sex who is: (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common domicile.
4. Domestic Violence - An offense under the U.S.C., the Uniformed Code of Military Justice (UCMJ), or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or the violation of a lawful order issued for the protection of a person of the opposite sex, who is: (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common domicile.
5. Health Care Provider (HCP) - Applies to those individuals who are employed or assigned as healthcare professionals; those who are credentialed to provide healthcare services at a military medical, dental, or military family support center; or those who provide care at a deployed location or in an official capacity. HCP's include military, DOD civilians or DOD contractors. The definition includes Fleet and Family Support (FFS) program clinicians that function in a government oversight and/or supervisory capacity.

6. Restricted Reporting - Defined at enclosure (3) of this instruction.

7. Sexual Assault - Sexual assault can be defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender. For this instruction, the term sexual assault will be used generically to include all of the terms listed in (1) through (5) below and applies to adult victims and perpetrators.

a. Assault with Intent to Commit Rape - An assault with intent to commit rape. The accused must have intended to complete the offense of rape and to overcome any resistance by force.

b. Assault with Intent to Commit Sodomy - An assault against a human being committed with the specific intent of completing the offense of sodomy.

c. Indecent Assault - An assault with the intent to gratify the lust or sexual desires of the accused.

d. Rape - An act of penile-vaginal intercourse by force and without consent. Penetration, however slight, is sufficient to complete the offense.

e. Forcible Sodomy - An act done by force and without consent whereby one person takes into their mouth or anus the sexual organ of another person (of the same or opposite sex) or of an animal; places their sexual organ in the mouth or anus of another person or of an animal; places their sexual organ in any opening of the body other than the sexual parts of another person; or has penile-vaginal intercourse with an animal. Penetration, however slight, is sufficient to complete the offense.

8. Sexual Assault Response Coordinator (SARC) - A military, DOD civilian, or DOD contractor at an installation who serves installation, tenant and operational commanders as the central

POC with responsibility for ensuring that training and responsive care is properly coordinated and provided to victims of sexual assault.

9. Sexual Harassment - A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

10. Victim - For purposes of this instruction, a victim is any person who either reports the commission of a sexual assault upon themselves, or is identified, based upon the report of another person or other information, as a person who has been subjected to a sexual assault.

**CRIME VICTIM'S BILL OF RIGHTS**

Per reference (i), a crime victim has the following rights:

1. The right to be treated with fairness and with respect for the victim's dignity and privacy.
2. The right to be reasonably protected from the accused offender.
3. The right to be notified of court proceedings.
4. The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
5. The right to confer with the attorney for the government in the case.
6. The right to receive available restitution.
7. The right to be provided information about the conviction, sentencing, imprisonment, and release of the offender.

Enclosure (2)

400376

**NAVY POLICY REGARDING CONFIDENTIALITY  
FOR VICTIMS OF SEXUAL ASSAULT**

1. The Navy is fully committed to ensuring victims of sexual assault are protected; treated with dignity and respect; and provided support, advocacy, and care. Sexual assault is the most under-reported violent crime in our society. Assuring privacy and providing a confidential disclosure option are critical to discharging our commitment to fully support victims of sexual assault. The magnitude of these changes requires extensive, in-depth training for Navy personnel and specialized training for commanders, victim advocates, SARCs, NAVCRIMINVSVC, law enforcement, chaplains, legal staff, and HCPs.

2. This policy provides for confidential, restricted reporting for service member victims of sexual assault, per reference (a). Other DON personnel who are victims of sexual assault will be afforded the option of reporting to civilian law enforcement whenever the sexual assault does not fall under Navy jurisdiction or when reporting is not otherwise required by law or international agreement.

3. For the purpose of this policy, confidentiality or confidential reporting is defined as providing an option for victims of sexual assault to report the assault to specified individuals without triggering mandatory command notification or official investigation of the incident. This option affords a victim access to medical care, counseling, and victim advocacy without initiating the investigative process. Consistent with reference (k), victims may also report a sexual assault to a chaplain and be afforded confidential communication which is not altered or affected by new DOD requirements.

4. The Navy is committed to establishing a system whereby a victim can maintain confidentiality with the understanding that fully reporting an incident activates both victim services and accountability actions. Servicemembers who are sexually assaulted have the following two reporting options:

a. "Unrestricted" reporting affords victims of sexual assault official investigation of their allegation, in addition to receiving available victim support and care. Victims making unrestricted reports should use current reporting channels (i.e., chain of command, command SAVI POC, law enforcement, or

Enclosure (3)

400372

the installation SARC. The responsible (on-call) Victim Advocate will be notified immediately upon receipt of an unrestricted report and will offer the victim support and information per this instruction.

b. "Restricted" reporting permits victims to disclose sexual assault to specified individuals without triggering mandatory command notification or official investigation.

(1) Service members who are sexually assaulted and desire restricted reporting must report the sexual assault to the installation SARC, SAVI VA, or a HCP. Licensed clinicians who are privileged to provide clinical services in a FFSC are considered HCPs and may receive a restricted report of sexual assault from a service member victim. Consistent with current policy, victims may also report the sexual assault to a chaplain. Although a report to a chaplain is not a restricted report under this policy, it is a communication that may be protected under the Military Rules of Evidence or applicable statutes or regulations. Restricted reporting is in addition to the current protections afforded privileged communications with a chaplain and does not alter or affect those protections.

(2) HCPs, both afloat and ashore, will initiate appropriate care and treatment, activate the responsible, on-call SAVI VA, and report the assault to the installation SARC in lieu of reporting to law enforcement or the command.

(3) As required in this instruction, the responsible VA will respond, offer advocacy and support, and provide the victim information on the process of restricted and unrestricted reporting. Victims will be informed and will acknowledge in writing, using DD 2910, Victim Reporting Preference Statement their understanding of restricted reporting, the exceptions to and limitations on, restricted reporting, including their understanding that restricted reporting limits the availability of protective actions that can be taken without command notification and may hinder the government's ability to prosecute the assailant.

(4) With the victim's consent, a trained DON/DOD HCP may conduct a Sexual Assault Forensic Examination (SAFE) in a manner that collects and preserves evidence with non-identifying information about the victim. In the absence of a trained DOD

provider, the victim will be appropriately referred to a non-DoD HCP for the SAFE, which may preclude collection of forensic evidence under restricted reporting. SARCs, VAs or HCPs shall inform the victim of any State or local reporting requirements whenever a SAFE is conducted by a civilian medical facility. DON procedures for storage and retrieval of forensic evidence are as follows:

(a) The installation SARC or VA will assign a Forensic Evidence Storage Number using the convention promulgated by CNIC, noting that number on the signed DD 2910 and providing that number to the HCP. The HCP will note the number in the member's medical record and on the exterior of the SAFE kit.

(b) The SARC is responsible for notifying NAVCRIMINVSVC Regional Forensic Laboratory that a SAFE has been collected under restricted reporting and is being mailed by the responsible MTF. The MTF is responsible for maintaining chain of custody, packaging and mailing the SAFE using procedures that have been disseminated by BUMED.

(c) Forensic evidence collected under restricted reporting will be maintained for one year and then destroyed. The installation SARC is responsible for tracking SAFE destruction dates and for using all means possible to notify the victim 30 days prior to destruction that the forensic evidence is scheduled for destruction. This notification is to provide the victim a last opportunity to reconsider their restricted report and not to extend the destruction date.

(d) When a victim elects to change from restricted to unrestricted reporting, the SARC will notify NAVCRIMINVSVC, ensure the change in reporting is noted on the victim's DD 2910 and provide the Forensic Evidence Storage Number to the responsible Special Agent, who will follow NAVCRIMINVSVC established protocols.

5. When a victim discloses sexual assault to someone other than the Installation SARC, VA, or HCP, the victim will be informed that such disclosures may result in command notification and a full investigation of the allegations.

6. When a sexual assault is disclosed to the command or to law enforcement from a source independent of the specified individuals identified above, the command shall report the incident to NAVCRIMINVSVC, who remains authorized to initiate an independent investigation of the complaint. Per reference (b), if an investigation of the sexual assault is initiated as a result of information being disclosed to command or law enforcement from a source independent of the restricted reporting options, any covered communications disclosed to the SARC, VA, or HCP under restricted reporting shall not be disclosed to command or law enforcement until the victim authorizes disclosure in writing or another exception applies.

7. In cases where a service member victim elects restricted reporting, the SARC, responsible VA or HCP may not disclose covered communications to command authorities or law enforcement, either within or outside DOD, except as provided in paragraph 10 below. Covered communications include verbal, written or electronic communications of personally identifiable information concerning a sexual assault victim or alleged assailant provided by the victim to one of the specified individuals regarding their sexual assault. Per reference (a), any other offenses revealed by the victim when making a restricted report of sexual assault are considered covered communications and will not be disclosed except as authorized in paragraph 10 below.

8. The installation SARC shall report information concerning sexual assault incidents within 24 hours of the sexual assault report. This report will be made to the victim's commander and the installation commander, for incidents occurring on the installation. This report is for the purposes of public safety and command responsibility and will be absent any information that could reasonably lead to personal identification of the victim or the alleged assailant. This new reporting channel affords commanders better understanding of the true scope of sexual violence within the Navy, at least some of which has been previously unreported. Per reference (a), the commander may use the information to enhance preventive or training measures, or to assess the organization's climate for contributing factors, but may not use for investigative purposes or in a manner that is likely to discover, disclose or reveal the identities being protected. Commands are not required to forward OPREP-3 NAVY BLUE or OPREP-3 NAVY UNIT SITREPs for restricted reports.

9. Per reference (p), confidentiality of medical information will be maintained regardless of whether the victim chooses restricted or unrestricted reporting.

10. When a victim elects restricted reporting, the prohibition on disclosing covered communications will be suspended when:

a. The victim provides written authorization to disclose to command officials or law enforcement.

b. Disclosure to command officials or law enforcement is necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person.

c. Disclosure to disability retirement board and officials by a HCP is required for fitness for duty in disability determinations, limited to only the information necessary to process disability retirement determinations.

d. Disclosure is required for the supervision of direct victim treatment or services by the installation SARC, responsible VA, or HCP.

e. Disclosure is required by Federal or State statute or applicable U.S. international agreement or is ordered by military or civilian courts of competent jurisdiction. In the latter case, the Installation SARC, responsible VA, or HCP will consult with the servicing legal office, to determine if the criteria apply and they have a duty to obey before they disclose information other than non-identifying information.

11. HCP's may inform commands of any possible adverse duty impact related to a victim's medical condition and prognosis per reference (p). These circumstances do not warrant an exception to confidentiality policy whereby details of sexual assault are considered covered communication and may not be disclosed.

12. Improper disclosure of covered communications, improper release of medical information, or other violations of this policy are prohibited and may result in discipline under the UCMJ or State statute, loss of professional credentials, or other adverse personnel or administrative actions.

13. Restricted reporting does not create any actionable rights for the alleged offender or the victim, nor does it constitute a grant of immunity for any actionable conduct by offender or victim. Covered communications that have been disclosed may be used in disciplinary proceedings against the offender or victim, even if the communication was improperly disclosed.

14. DOD and Navy leadership recognize the potential impact of restricted reporting on investigations and the ability of commanders to hold perpetrators accountable. Such risks were carefully considered and were outweighed by the overall interest of providing sexual assault victims access to medical care and support.

**COMMANDER'S CHECKLIST FOR PREVENTION AND RESPONSE TO  
ALLEGATIONS OF SEXUAL ASSAULT**

COs are responsible for ensuring a command climate that condemns sexual assault; provides victims with sensitive care, resources, and support; reports incidents of sexual assault; and holds offenders accountable for their actions.

The following checklist includes the all essential elements for meeting command SAVI Program requirements and for ensuring effective command prevention and response to incidents of sexual assault. Following these guidelines ensures that commanders address all areas and provide a timely and sensitive response to each incident of sexual assault.

**BEFORE SEXUAL ASSAULT OCCURS -- PREVENTION**

To ensure effective prevention of sexual assault, Commanders shall:

- Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of all of its members.
- Reassure members of your personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.
- Ensure a safe emotional and physical environment for all members of the command. Institute and publicize a means for members to inform the chain of command of situations that place individuals at risk of sexual assault.
- Reiterate your "zero tolerance" policy on sexual assault and the potential consequences for those who violate the law.
- Ensure command-wide compliance with annual mandatory sexual assault awareness and prevention education GMT requirements, to include use of the DOD definition of sexual assault. Emphasize the importance of the command zero tolerance message through leadership participation in sexual assault GMT.

Keep a "finger on the pulse" of the organization's climate and respond with appropriate action toward any negative trends that may emerge.

Include sexual assault questions regarding command involvement in preventing sexual assault incidents during command climate assessments.

Carefully select command Drug and Alcohol Program Advisor (DAPA) and ensure they are trained in the SAVI program, emphasizing the link between sexual assault and alcohol misuse.

Provide ongoing unit education regarding responsible use of alcohol and Navy Alcohol and Drug Abuse Prevention (NADAP) programs. Promote positive social programs through Morale, Welfare, and Recreation (MWR).

\_\_\_\_\_ (Date) Designate a command SAVI POC who is responsible for:

Coordinating and implementing command awareness and prevention education training.

Maintaining current information on available victim support services in the geographical area.

Ensuring command SAVI Program compliance including collection and maintenance of sexual assault data by the designated DCC.

Ensure SAVI Command POCs receive four hours of required training on sexual assault responsibilities under the SAVI Program.

**BEFORE SEXUAL ASSAULT OCCURS -- RESPONSE PREPARATION**

Commanding Officers shall:

\_\_\_\_\_ (Date) Request a brief from the installation SARC on installation sexual assault incident management and resources. The SARC is typically located at the FFSC.

Ensure good coordination between installation and command assets when preventing or responding to sexual assault incidents.

Establish good working relationship with installation SARC to ensure effective and ongoing command interface regarding sexual assault prevention and response.

\_\_\_\_\_ (Date) Educate all members on the DOD/Navy confidentiality policy and include:

Publicize broadly that members may make restricted reports of sexual assault to the installation SARC, designated VA, or HCP. Reports to chaplains are also confidential.

Publish names and contact information for personnel to whom restricted reports may be made.

**Pre-deployment Planning:**

Ensure availability of trained, volunteer VAs aboard to respond if a sexual assault occurs in foreign ports or while underway.

Ensure sufficient trained VAs to ensure 24/7 response to sexual assault whenever Navy installation assets are not available.

Ensure VAs report to the installation SARC for oversight and supervision of all advocacy responsibilities and services.

Ensure the installation SARC screens and trains all volunteer VAs to ensure a good fit for this very sensitive position.

Ensure afloat/deploying VAs receive required initial and refresher training.

Identify both immediately available and nearby trained medical, investigatory, and chaplain assets that can be utilized if a sexual assault occurs in foreign ports or while underway.

Ensure member compliance with deployment sexual assault training.

\_\_\_\_\_ (Date) Appoint a DCC, who liaisons with governmental agencies to obtain and maintain required sexual assault data for command reporting requirements.

- Provide clear direction to the DCC regarding tracking of required message traffic and thorough collection of sexual assault information, ensuring that the victim and accused are not contacted for this information.
- Ensure DCC attends two hours of required training on sexual assault responsibilities under the SAVI Program.
- \_\_\_\_\_ (Date) Conduct a review of command sexual assault awareness and prevention education, reporting, and victim support processes, and watch stander protocols to ensure they meet program standards and are in keeping with this checklist.

**WHEN A SEXUAL ASSAULT OCCURS -- VICTIM:**

Upon receipt of a report that a member has been sexually assaulted, the CO shall:

- Ensure the physical and emotional safety of the victim, determine if the alleged offender is still a threat to the victim, and if the victim needs/desires protection.
- Ensure the victim receives emergency medical treatment if indicated and offer medical care in all circumstances. Assist with or provide immediate transportation for the victim to the appropriate medical facility.
- Ensure the victim is advised of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while awaiting arrival of NAVCRIMINVSVC.
- Collect only necessary information to include the victim's identity, location, and time of the incident, name and/or description of the offender(s), taking care not to ask detailed questions or pressure the victim for information about the incident.
- Activate the on-call VA and request immediate assistance. The VA will ensure the victim understands the medical, investigative, and legal process, and is advised of their victim rights, even if the victim ultimately declines ongoing VA support.
- Notify NAVCRIMINVSVC as soon as the victim's immediate safety is assured, and any emergency medical treatment is in process.

- Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by NAVCRIMINVSVC or civilian law enforcement
- Guard the victim's right to confidentiality and privacy by strictly limiting the "need to know" personnel.
- Ensure that command protocols limits required command notification of the incident to the smallest necessary number (e.g., command master chief (CMC), executive officer (XO), CO.
- Be sensitive to the needs of the victim's family.
- Ensure the victim consents in writing to the release of information to anyone (including parents, friends, etc.) Only in cases where the victim has suffered life-threatening injuries will the next of kin be notified without prior approval of the victim.
- Provide the victim a referral to the duty chaplain, if the victim desires pastoral assistance.
- Designate a SAVI Command Liaison to act as the single command POC for the victim with the command executive level. All other direct contacts with the victim within command leadership should be kept to a minimum. The SAVI Command Liaison shall:
  - Complete eight hours of required training regarding victim sensitivity issues and responsibilities under the SAVI Program.
  - Be responsible and possess the maturity and sensitivity needed to support the victim's needs.
  - Have direct access to the CO.
  - Promote responsive command management and keeps the victim informed of command actions in their case.
  - Works with the NAVCRIMINVSVC agent and SARC to ensure the victim receives monthly status updates regarding the status of their case.
  - Ensure a victim-sensitive command climate to avoid revictimization.

- Participate in or, when deployed, provide input to, monthly SACMG discussion regarding all designated victims.
- Seek consultation from legal and NAVCRIMINVSVC and determine if the victim desires/needs a Military Protection Order (MPO), particularly if the victim and the accused are assigned to the same command, duty location or living quarters. DD 2873, Military Protective Order (MPO) shall be used when a MPO is issued.
- Strongly consider temporary assignment of either the victim or accused when they are assigned to the same command, duty location or living quarters.
- Consider both the physical and emotional well being of the victim in determining the need for temporary reassignment.
- To the maximum extent possible, the victim's preference should be honored when making reassignment determinations.
- Ensure the SAVI Command Liaison consults with the victim regularly, either directly or indirectly through communication with the installation SARC/assigned VA. Communicate regularly with the SAVI Command Liaison to accommodate the victim's wishes to the extent possible regarding their safety, health, and security, as long as a critical mission or thorough investigation are not compromised.
- Determine how to best dispose of the victim's collateral misconduct. Absent overriding considerations, consider the victim's misconduct in context and exercise command authority to defer disciplinary actions for the victim's minor misconduct until after the final disposition of the sexual assault case.
- When practicable, consult with the servicing legal office, NAVCRIMINVSVC and notify the installation SARC or assigned VA prior to taking administrative or disciplinary action affecting the victim.
- Avoid automatic suspension or revocation of a security and/or personnel reliability program (PRP) clearance, understanding that the victim may be satisfactorily treated for their related trauma without comprising their PRP status. Use established national security standards when making final determinations.

Ensure command compliance with special incident and SAVI Program reporting requirements for all unrestricted reports of sexual assault as follows:

The DCC provides required data and the command message center sends an OPREP-3 NAVY BLUE messages for alleged rape, forcible sodomy and aggravated sexual assault incidents.

The DCC provides required data and the command message center sends OPREP-3 NAVY UNIT SITREPS for indecent assault or assault with intent to commit rape or forcible sodomy.

The responsible regional and installation commanders are included as a "copy to" addressee on all sexual assault message traffic.

A monthly update report is forwarded until a final message is forwarded detailing final disposition of the incident.

Ensure ongoing communication and coordination of actions between commands if the alleged offender is assigned to another command.

**WHEN A SEXUAL ASSAULT OCCURS - ALLEGED OFFENDER:**

Notify NAVCRIMINVSVC as soon as possible after receiving a report of a sexual assault incident.

Consult with servicing legal office before questioning or discussing the allegations with the alleged offender.

Avoid discussing or questioning the sexual assault allegation with the alleged offender, since doing so may jeopardize the criminal investigation.

If questioning does occur, advise the servicemember suspected of committing a UCMJ offense of their rights under article 31 of chapter 47.

Safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation, to include limitations on any formal or informal investigative interviews or inquires by personnel other than those assigned to NAVCRIMINVSVC or civilian law enforcement.

- Emphasize that every alleged offender is presumed innocent until proven guilty.
- Strictly limit information about the investigation to those who have a legitimate reason to know.
- Ensure procedures are in place to inform the alleged offender about available counseling support.
- Monitor the well being of the alleged offender, particularly any indications of suicide potential, and ensure appropriate intervention occurs if indicated.
- Determine the need for an MPO (after consultation from legal/law enforcement/installation SARC/assigned VA). DD 2873 shall be used when a MPO is issued.
- Ensure ongoing communication and coordination of actions between commands if the victim is assigned to another command.

**WHEN A SEXUAL ASSAULT OCCURS - UNIT CONSIDERATIONS:**

- Take all necessary action to ensure it does not become general knowledge within the command that a sexual assault has occurred.
- When information regarding sexual assault becomes known within the ranks, the following actions will be considered:
  - Encourage members to be appropriately supportive of one another within the organization, to include both the victim and the alleged offender in the incident.

29 Dec 06

Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved.

Ensure proper authorities are available explain to witnesses the potential consequences of discussing any details related to the on-going investigation.

Discourage members from participating in "barracks gossip." Take action if either the victim or alleged offender reports they are being subjected to harassment, ostracism, threats, or other pressure regarding the incident from command members.

Consider unit refresher training; or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest themselves and affect the command.

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 CH-43, 31 May 2013  
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## MILPERSMAN 1910-142

### SEPARATION BY REASON OF MISCONDUCT - COMMISSION OF A SERIOUS OFFENSE

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN 882-4432/2303 COM (901) 874-4432 FAX 882-2624
	NAVPERSCOM (PERS-913) Inactive Enlisted Members	Phone:	DSN 882-4470 COM (901) 874-4470 FAX 882-2673
NAVPERSCOM CUSTOMER SERVICE CENTER		Phone:	Toll Free 1-866-U ASK NPC

References	(a) Manual for Courts-Martial (MCM) United States (2008 Edition), Appendix 12 (b) 18 U.S.C. §922(g)(9) (c) SECNAVINST 5300.28E (d) 10 U.S.C. §920, §920a, §920b, §920c
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1. **Separation Authority (SA)**. Refer to MILPERSMAN 1910-704 to determine SA. When an administrative separation board is held, refer to MILPERSMAN 1910-710 for guidance in determining SA.

2. **Policy**

a. Members may be separated based on commission of a serious military or civilian offense when the offense would warrant a punitive discharge, per reference (a), for a same or closely related offense.

b. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings; however, offense must be substantiated by a preponderance of evidence (e.g., copy of police record, Naval Criminal Investigative Service investigation, etc.).

c. Sailors who lose their ability to carry or handle weapons in the performance of their duties due to a qualifying conviction for misdemeanor crimes of domestic violence (DV), per

reference (b), shall be processed for separation for the corresponding DV incident(s).

3. **Mandatory Processing.** See MILPERSMAN 1910-233 Mandatory Separation Processing for a complete list of offenses which administrative separation processing is mandatory. Processing is mandatory for the following:

a. Violent Misconduct - which resulted in, or had potential to result in, death or serious bodily injury (e.g., homicide, arson, armed robbery, assault with a deadly weapon, etc.).

b. Unlawful use of controlled substance analogues (designer drugs), natural substances (e.g., fungi, excretions), chemicals (e.g., chemicals wrongfully used as inhalants), propellants and or a prescribed drug, over-the-counter drug, or pharmaceutical compound with the intent to induce intoxication, excitement, or stupefaction of the central nervous system as defined per reference (c). The following are examples, but are not all inclusive, nor is processing under this article limited to the examples: spice, huffing, and natural substances such as Salvia Divinorum and mushrooms. The wrongful use of controlled substances, including the misuse of steroids, must be processed under MILPERSMAN 1910-146.

c. Drug Paraphernalia - all equipment, products, and materials that are used, intended for use, or designed for use in injecting, inhaling, or otherwise introducing controlled substances into the human body in violation of law.

d. Sexual Misconduct - rape, sexual assault, stalking, forcible sodomy, child sexual abuse, possession or distribution of child pornography, incestuous relationships, or any sexual misconduct that could be charged as a violation of or an attempt to violate reference (d). If child sexual abuse (including incest) occurs, immediately notify:

**Commander, Navy Installations Command (CNIC)  
Detachment (DET) Millington  
Counseling, Advocacy, and Prevention (N911)**

**and**

**Navy Personnel Command (NAVPERSCOM)  
Enlisted Performance and Separations Branch (PERS-832)/  
Reserve Enlisted Personnel Branch (PERS-913)**

**Note:** Administrative processing is mandatory if case is substantiated for child sexual abuse.

e. **Sexual Harassment** (under the following circumstances):

(1) Threats or attempts to influence another's career or job in exchange for sexual favors;

(2) Rewards (including bribes to influence favorably another's career) in exchange for sexual favors; or

(3) Unwanted physical contact of a sexual nature which, if charged as a violation of reference (d), could result in a punitive discharge.

4. **Procedures.** Use the following table to determine processing procedures:

When...	Then use	Except when...	Then use...
offense requires mandatory processing, or commanding officer believes circumstances surrounding offense warrants an under other than honorable (OTH) per MILPERSMAN 1910-300,	administrative board procedure per MILPERSMAN 1910-404,	offense occurred pre-service or in a prior enlistment and was unknown to Navy at time of enlistment or reenlistment and processing for fraudulent enlistment is not appropriate,	MILPERSMAN 1910-402 and process for erroneous enlistment.
offense does not require mandatory processing and CO believes circumstances do not warrant an OTH per MILPERSMAN 1910-300,	notification procedure per MILPERSMAN 1910-402.		

5. Characterization of Separation

a. Further guidance on characterization of service is provided per MILPERSMAN 1910-300. This table provides general information based on type of procedures used.

If...	Then least favorable characterization is...
notification procedure is used,	general (GEN) per MILPERSMAN 1910-308.
administrative board procedure is used,	OTH per MILPERSMAN 1910-300.

b. If member has less than 180 days of service, an entry level separation may be appropriate. See MILPERSMAN 1910-308 for further guidance.

UNCLASSIFIED//  
ATTENTION INVITED TO  
ROUTINE  
R 072310Z SEP 12 PSN 327582K27  
FM CNO WASHINGTON DC  
TO NAVADMIN  
ZEN/OU=DOD/OU=NAVY/OU=ADDRESS LISTS(UC)/CN=AL NAVADMIN(UC)  
INFO ZEN/CNO WASHINGTON DC  
BT

UNCLAS  
SUBJ: OPNAVINST 3100.6J URGENT CHANGE 3

UNCLASSIFIED/  
PASS TO ALL OFFICE CODES:  
FM CNO WASHINGTON DC//DNS//  
TO NAVADMIN  
INFO CNO WASHINGTON DC//DNS//  
UNCLAS  
NAVADMIN 272/12

MSGID/GENADMIN/CNO WASHINGTON DC/DNS/AUG//

SUBJ/OPNAVINST 3100.6J URGENT CHANGE 3//

REF/A/MSG/CNO WASHINGTON DC/191505ZJAN10//  
REF/B/MSG/CNO WASHINGTON DC/202206APR12//  
REF/C/DOC/CNO/26APR11//

NARR/REF A IS PERSONAL FOR NAVADMIN 019/10.

REF B IS NAVADMIN 136/12, REPORTING REQUIREMENTS FOR SEXUAL ASSAULT. REF C IS OPNAVINST 3100.6J (WITH CH-2), SPECIAL INCIDENT REPORTING (OPREP-3 PINNACLE, OPREP-3 NAVY BLUE, AND OPREP-3 NAVY UNIT SITREP) PROCEDURES.//

RMKS/1. COMMANDING OFFICERS WILL NO LONGER SUBMIT A COMMAND ASSESSMENT WITH THE INITIAL REPORT, BUT RATHER WILL DIRECTLY REPORT THEIR ASSESSMENT IN PERSON TO THE FIRST FLAG IN THE CHAIN OF COMMAND WITHIN 30 DAYS.

2. REF (C), APPENDIX B, PARAGRAPH 2(C) IS REPLACED IN ITS ENTIRETY TO READ:  
"C. FOR INITIAL SEXUAL ASSAULT INCIDENT REPORTING, USE PARAGRAPH 2(B).

(1) THE FOLUP/FINAL OPREP-3 NAVY BLUE OR OPREP-3 NAVY UNIT SITREP INCLUDE ADDITIONAL INFORMATION REGARDING THE FOLLOWING:

(A) THE NAME, COMMAND, AND CONTACT INFORMATION OF THE JAG CONSULTED.

(B) THE DISPOSITION RESOLUTION CATEGORY AS PROVIDED BY THE JAG AND NCIS DISPOSITION REPORT.

(C) STATUS OF MILITARY PROTECTIVE ORDER(S) (MPOS) (E.G., DURATION, ISSUANCE, TERMINATION, VIOLATION, ETC.).

(D) STATUS OF TRANSFER OR REASSIGNMENT (PERMANENT AND OR TEMPORARY) OF VICTIM AND OR ALLEGED OFFENDER.

(E) STATUS OF VICTIM'S COLLATERAL MISCONDUCT INVESTIGATION AND OR DISPOSITION.

(F) INFORMATION PERTINENT TO ONGOING INCIDENT RESPONSE.

(2) IN ADDITION TO AN OPREP-3 NAVY BLUE OR OPREP-3 NAVY UNIT SITREP, EACH SEXUAL ASSAULT INCIDENT REQUIRES ONE TIME SUBMISSION OF A NAVPERS 1752/1 REV 10/2011 (SEXUAL ASSAULT INCIDENT DATA COLLECTION REPORT) TO THE DEPUTY CHIEF OF NAVAL OPERATIONS (MANPOWER, PERSONNEL, TRAINING AND EDUCATION) (N1) WITHIN 10 DAYS OF INITIAL OPREP-3 NAVY BLUE OR OPREP-3 NAVY UNIT SITREP. USE OF OLDER

VERSIONS OF NAVPERS 1752/1 IS NOT AUTHORIZED. THE CURRENT VERSION OF NAVPERS

1752/1 IS A FILLABLE FORM LOCATED ONLINE AT [HTTPS://NAVALFORMS.DAPS.DLA.MIL/](https://NAVALFORMS.DAPS.DLA.MIL/). THE REPORTING COMMAND MUST COMPLETE AND E-MAIL THE FORM TO OPNAV (N135) DIRECTLY AT [OPNAV\\_SAPR\\_REPORT\(AT\)NAVY.MIL](mailto:OPNAV_SAPR_REPORT(AT)NAVY.MIL).

THIS REPORT WILL HAVE LIMITED DISTRIBUTION TO ENSURE CONTROL OF SENSITIVE INFORMATION AND INCORPORATES PLAIN LANGUAGE DEFINITIONS FOR TYPE OF SEXUAL ASSAULT REPORTED.

(3) COMMANDING OFFICERS ARE REQUIRED TO PROVIDE PERSONAL ASSESSMENT OF THE IMPACT OF A REPORTED SEXUAL ASSAULT TO THE FIRST FLAG OFFICER IN THE CHAIN OF COMMAND WITHIN 30 DAYS AFTER THE INITIAL REPORT OF THE SEXUAL ASSAULT. THE FIRST FLAG OFFICER IN THE CHAIN OF COMMAND WILL BE RESPONSIBLE FOR TRACKING ALL SEXUAL ASSAULT OFFENSES UNDER THEIR COGNIZANCE.

3. POINT OF CONTACT IS LT JOSEPH MCDONALD, OPNAV N310 OPERATIONS OFFICER, COMM (703)614-1114 OR EMAIL AT [JOSEPH.R.MCDONALD\(AT\)NAVY.MIL](mailto:JOSEPH.R.MCDONALD(AT)NAVY.MIL).

4. THIS NAVADMIN ANNOUNCES THE PUBLICATION OF OPNAVINST 3100.6J URGENT CHANGE THREE, SPECIAL INCIDENT REPORTING (OPREP-3 PINNACLE, OPREP-3 NAVY BLUE, AND OPREP-3 NAVY UNIT SITREP) PROCEDURES AND EFFECTIVE IMMEDIATELY CANCEL REFS (A) AND (B).

5. RELEASED BY VICE ADMIRAL R. W. HUNT, DIRECTOR NAVY STAFF.//

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