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;

Printed on Recycled Paper

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

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

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

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.