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MARINE CORPS ORDER 1752.5B

From: Commandant of the Marine Corps
To: Distribution List

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

Ref: (a) DOD Instruction 6495.02, w/Ch 1, "Sexual Assault Prevention and Response Program Procedures," 13 Nov 08
(b) DOD Directive 6495.01, "Sexual Assault Prevention and Response Program," 23 Jan 12
(c) SECNAVINST 1752.4A
(d) 10 U.S.C. Chapter 47, Sections 101(d)(3)and 113
(e) 10 U.S.C. Chapter 80
(f) MCO 1000.9A
(g) MCO P5354.1D w/Ch 1
(h) MCO 1700.28
(i) MCO P1000.6G
(j) MCO P5800.16A w/Ch 1-6
(k) MCO P1900.16F w/Ch 1-2
(l) SECNAV M-5210.1
(m) NAVMED 6310-5
(n) Manual for Courts-Martial 2012
(o) MCO 3504.2
(p) SECNAVINST 5211.5E
(q) Secretary of Defense Memorandum, "Withholding Initial Disposition Authority under the Uniform Code of Military Justice in Certain Sexual Assault Cases," 20 April 12
(r) U.S. Navy Regulations 1990, Chapter 11, Article 1137

Encl: (1) Sexual Assault Prevention and Response (SAPR) Program Guidance

1. Situation. Sexual assault is a crime that is completely incompatible with our core values of honor, courage, and commitment. It is an affront to the basic American principles we so bravely defend. Sexual assault goes against everything we claim to be as Marines. It is a crime. This order provides policy, assigns responsibilities, and outlines procedural and training guidance for the Sexual Assault Prevention and Response

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(SAPR) Program consistent with references (a) through (r). This Order provides both policy and guidance to commanders so they may improve their capability to prevent and treat incidents of sexual assault that detract from unit performance and mission readiness.

2. Cancellation. MCO 1752.5A.

3. Mission. Commanders are tasked with the implementation of the program established in this Order. The mission of the Marine Corps SAPR Program is to eliminate the occurrence of sexual assault by strengthening a culture of prevention through risk reduction, education and training, response capability, victim support, reporting procedures and offender accountability, as appropriate, that enhances the safety and well-being of all.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. To eliminate unprofessional behavior within the Marine Corps that wrongly sets conditions that enable sexual assault; to ensure due process for offenders; to provide appropriate and sensitive care for victims; and to develop programs that reduce the negative effect sexual assault has on the combat readiness of Marines, assigned Sailors, and the units or commands to which they belong. Sexual assault is a crime incompatible with our values. Every Marine must be aware of what actions constitute sexual assault, the consequences of such behavior, and possess the necessary tools to act appropriately when witnessing situations or behavior likely to result in sexual assault. It is every Marine's inherent duty to step up and step in to prevent sexual assault.

(a) This Order has been revised and should be reviewed in its entirety. This Order establishes the SAPR Program as a "commander's program" of significant interest to all Marines, and defines and assigns specific responsibilities throughout the Marine Corps for sexual assault prevention, response and accountability. These responsibilities apply to all Marines, Marine Reservists (active duty/drilling status), Armed Forces personnel attached to or serving with Marine Corps commands, Civilian Marines supervising their military personnel, and contractors employed by the Marine Corps. Mandatory training is directed in specific categories, as required by references (a) through (c). Sexual assault differs from sexual harassment and falls outside the purview of equal opportunity. Sexual harassment is addressed in references (f) and (g). Sexual

assault must not be mislabeled as hazing, which is addressed in reference (h).

(b) This Order is not intended to, and does not create any entitlement, cause of action, or defense in favor of any person arising out of a failure to accord a victim the assistance outlined in this Order. No limitations are hereby placed on the lawful prerogatives of the Marine Corps or its officials.

(c) Definitions applicable to this Order are explained in Appendix A.

(2) Concept of Operations

(a) For the purposes of this Order, the SAPR program is applicable to the following:

1. All active duty service members.

2. Reserve Component members who are sexually assaulted when performing active service, as defined in references (d) and (e), and inactive duty training. For additional SAPR and medical services provided to such personnel and eligibility criteria for restricted reporting, see reference (b).

3. Military dependents 18 years of age and older who are eligible for treatment in the military healthcare system, at installations in the continental United States (CONUS) and outside of the continental United States (OCONUS), and who were victims of sexual assault perpetrated by someone other than a spouse or intimate partner. The Family Advocacy Program (FAP) provides the full range of services to victims of domestic violence who are sexually assaulted by someone with whom they have an intimate partner relationship. Victims under the age of 18 shall be referred to FAP for appropriate action.

4. The following non-military personnel who are only eligible for LIMITED medical services in the form of emergency care (see Appendix A), unless otherwise eligible to receive treatment in a military medical treatment facility. They will also be offered the LIMITED SAPR services of a Sexual Assault Response Coordinator (SARC) and a SAPR Victim Advocate (VA) while undergoing emergency care OCONUS. Refer to reference (a) for any additional SAPR and medical services provided. These limited medical and SAPR services shall be provided to:

a. Department of Defense (DOD) civilian employees and their family dependents 18 years of age and older when they are stationed or performing duties OCONUS and eligible for treatment in the military healthcare system at military installations or facilities OCONUS. Refer to reference (b) for reporting options available to DOD civilians and their family dependents 18 years of age and older.

b. U.S. citizen DOD contractor personnel when they are authorized to accompany the Armed Forces in a contingency operation OCONUS and their U.S. citizen employees. Refer to reference (b) for reporting options available to DOD contractors.

5. Service members who are on active duty but were victims of sexual assault prior to enlistment or commissioning are eligible to receive full SAPR services and either reporting option. Support shall be provided to active duty Service members regardless of when or where the sexual assault took place.

(b) Commanders are responsible for maintenance of good order and discipline within their commands. As such, commanders must ensure all Unrestricted Reports of sexual assault are responded to promptly and professionally, with due care for each victim's welfare. Unrestricted Reports of sexual assault shall be referred to the appropriate Military Criminal Investigative Organization (MCIO) for investigation.

(c) All victims are encouraged to make complete, Unrestricted Reports in order to achieve the objectives and goals of the SAPR program.

(d) Victims have two methods of reporting assaults, restricted and unrestricted reporting, as detailed in Chapter 1.

(e) For the purposes of this Order, confidentiality applies to all confidential communications, as defined in Chapter 1.

(f) Marines must report all incidents of sexual assault which come under their observation to the chain-of-command immediately per reference (r).

(g) Victims may decline to participate in an investigation at any time.

b. Subordinate Element Missions

(1) The Deputy Commandant for Manpower and Reserve Affairs (DC M&RA) shall:

(a) Establish a SAPR program per reference (a).

(b) Ensure the HQMC SAPR Section (MFB):

1. Serves as the focal point for coordinating all sexual assault awareness, prevention, and response training within the Marine Corps.

2. Executes the duties and responsibilities established in Chapter 2.

3. Ensures mandatory data fields are completed in the sexual assault database in compliance with DOD requirements. HQMC (MFB) shall also work with NCIS to compile, review and obtain data on unrestricted sexual assault reports.

4. Coordinates with the Family Advocacy Program (HQMC, MFC-2) to monitor victim advocate (VA) programs at all Marine Corps installations while ensuring compliance with the DOD training and certification requirements outlined in reference (a).

(c) Coordinate with the Marine Corps Religious Programs Office (HQMC REL) to ensure all chaplains assigned to Marine Corps units comply with the contents of this Order and receive annual SAPR training as outlined in Appendix K.

(d) Coordinate with the Marine and Family Programs (MF) Public Affairs Officer (PAO) to ensure awareness of the efforts being taken to prevent and appropriately respond to such offenses.

(2) The Deputy Commandant for Plans, Policies, and Operations (DC PP&O) shall:

(a) Coordinate with HQMC (MFB), and the Commanding General, Marine Corps Combat Development Command (CG, MCCDC) to establish and maintain measures (e.g., Memoranda of Agreement or Understanding (MOAs, MOUs))to facilitate timely exchange of information between the other Services and the Marine Corps on sexual assault cases involving Marines, occurring on non-Department of the Navy (DON)installations.

(b) Ensure all law enforcement personnel (including Criminal Investigations Division (CID)) are in compliance with annual training standards located in Appendix L and M.

(3) The Deputy Commandant for Installations and Logistics (DC I&L) shall: Coordinate with HQMC (MFB) and security representatives to improve security, lighting, and accessibility on Marine Corps installations where feasible. Particular emphasis will be placed on street lighting, barracks/berthing/housing safety, and base security.

(4) The Commanding General, Marine Corps Combat Development Command (CG, MCCDC), in coordination with HQMC (MFB) shall:

(a) Update, as needed, the Marine Corps Common Skills Manual sexual assault curriculum to incorporate sexual assault awareness and prevention training.

(b) Ensure all training standards and programs of instruction throughout the entry-level training schools and professional military education meet the requirements outlined in reference (a) and include Bystander Intervention techniques.

(c) Establish a pre-deployment curriculum as required per reference (a). Curriculum shall provide units with knowledge on customs, norms, and religious practices of specific foreign countries and coalition partners, especially in regard to inter-gender relations.

(d) Evaluate the effectiveness of sexual assault prevention and response training conducted in service schools and training centers.

(5) The Inspector General of the Marine Corps (IGMC), in coordination with HQMC (MFB) shall:

(a) Ensure the SAPR program is an item of special interest during regular and no-notice inspections.

(b) Utilize the Functional Area checklist prepared and maintained by HQMC (MFB) as the standard for ensuring compliance with this Order.

(c) Implement a response time for findings and recommendations of no more than 30 days from release of IGMC report.

(d) Provide a report to HQMC (MFB) after completion of the inspection and a follow-up report after 30 days.

(6) Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) in coordination with HQMC (MFB) shall:

(a) Develop and implement annual training requirements for Staff Judge Advocates (SJAs), trial counsel and defense counsel as provided in Appendix N.

(b) Establish SJA protocol which requires that case disposition information be given to the Command/Installation Sexual Assault Response Coordinator (SARC) for input into the sexual assault database.

(c) As the Component Responsible Official for the Victim and Witness Assistance Program (VWAP), ensure installation VWAP councils, Victim and Witness Liaison Officers (VWLO) and Victim and Witness Assistance Coordinators (VWAC) address the special concerns and issues surrounding sexual assault victims.

(7) All General Courts-Martial Convening Authorities (GCMCA) shall:

(a) Establish, in writing, the billet of Command SARC and/or Installation SARC. Guidance on selecting a SARC is in Chapters 3 and 5.

(b) Ensure training is conducted on sexual assault awareness and prevention annually per reference (a). Training will consist of an overview of the content of this Order, definitions, reporting options, high-risk situations and behaviors, programs available to assist victims, and Bystander Intervention training.

(c) Ensure the intent and program elements of this Order are executed.

(d) Ensure that, at a minimum, two SAPR Uniformed Victim Advocates, hereafter referred to as UVAs, are appointed at each battalion, squadron, or equivalent level command.

(e) Ensure organizations not co-located with a Battalion but with a UIC, and without a UVA, develop a SAPR SOP establishing victim response procedures and identifying appropriate local resources. When located on or near a sister service installation, establish an MOU for SAPR services.

(f) Utilize the "Commander's Protocol for Responding to Allegations of Sexual Assault," Appendix C, per reference (a), when responding to any allegation of sexual assault.

(g) Ensure pre-deployment SAPR training is provided to all deploying Marines. Training must incorporate information about sexual assault response, reporting options, how to receive medical attention, evidence collection/Sexual Assault Forensic Exams (SAFE) in the deployed environment and how to obtain advocacy services. Training shall be customized to best reflect conditions in the deployed environment.

(h) Ensure victim privacy is maintained by limiting access to information to only those with an official need-to-know per reference (p).

(8) The Commander for Marine Corps Installations Command (MCICOM) and Training and Education Command, for their respective installations, shall, in addition to all requirements outlined in paragraph 4.b.(7):

(a) Ensure the Installation SAPR program is comprised of an integrated SAPR response including SARCs, UVAs/VAs, medical, legal, and investigative resources.

(b) Ensure appropriate funding and resources are provided to the SAPR program.

(c) Ensure SAPR support is provided to operating forces and tenant commands on installations. Appropriate coordination and communication between the Installation SARC and supported commands will be conducted on a regular basis.

(9) O-6 level Commanders may appoint a Command SARC in accordance with paragraph 4.b.(7) above.

(10) Commanders at the battalion/squadron level and above, TECOM, MARFORRES, and Marine Corps Recruiting Command (MCRC) shall:

(a) Appoint UVAs in writing.

1. A minimum of two UVAs shall be appointed to geographically remote units, schools, operational battalions, squadrons, and equivalent-sized commands (e.g., CLR, CLB, etc.), whether in garrison or deployed.

2. MCRC shall ensure each region, MCD, and recruiting station appoints a minimum of one UVA.

3. MARFORRES shall ensure each Inspector-Instructor or Site Support Staff on every MARFORRES site appoints a minimum of one UVA. MARFORRES UVAs may be drilling Selected Marine Corps Reserve (SMCR) Marines.

4. MCESG shall ensure each region appoints a minimum of one UVA.

(b) Further guidance on the UVA program is outlined in Chapter 4, including selection criteria and training requirements.

(11) All Marines shall treat any person who is a victim of sexual assault fairly, with dignity, sensitivity and without prejudice; ensure they are treated in a manner that does not usurp control from the victim, but enables the victim to determine his or her needs and how to meet them; and not identify him or her to the news media or in a manner inconsistent with this Order.

c. Coordinating Instructions. Leadership is the key to sexual assault prevention, response and appropriate offender accountability. The commander's role is to:

(1) Establish a positive command climate that deters beliefs and values that contribute to behaviors which facilitate sexual assault.

(2) Establish clear standards for personal behavior, and hold offenders appropriately accountable.

(3) Be keenly aware of and sensitive to the climate within their units.

(4) Continuously educate Marines on how to prevent incidents of sexual assault, while encouraging victims to report these incidents when they occur.

(5) Be aware that victims can be physically, mentally, and emotionally traumatized, regardless of how they appear.

(6) Ensure the guidance published in Chapter 8 is provided to all Marines.

5. Administration and Logistics

a. Administration

(1) HQMC (MFB) shall use the sexual assault database to prepare on-demand trend analysis reports on identified sexual assault variables.

(2) HQMC (MFB) shall create and maintain the Functional Area checklist for use by IGMC personnel during inspections of the SAPR program.

(3) HQMC (MFB) shall provide a standard curriculum package for SARC and UVA initial and refresher training. Any additions or changes to such training by the Installation SARC must be approved in advance by HQMC (MFB).

(4) SAPR applicable resources can be accessed via the HQMC (MFB) website at: https://www.manpower.usmc.mil/portal/page/portal/M_RA_HOME/MF/D_Sexual%20Assault%20. Sharepoint sites have been established with UVA and SARC specific resources.

(5) Per reference (n) and (q), the initial disposition authority is withheld to the Special Court-Martial Convening Authority in the pay grade of O-6 or higher for the following alleged offenses: rape and sexual assault, in violation of Article 120, Uniform Code of Military Justice (UCMJ); rape, sexual assault, and sexual abuse of a child, in violation of Article 120b, UCMJ; forcible sodomy, in violation of Article 125, UCMJ; and all attempts to commit such offenses, in violation of Article 80, UCMJ. This officer will be referred to as the Sexual Assault Initial Disposition Authority (SA-IDA). This withholding also applies to all other alleged offenses arising from or relating to the same incident, whether committed by the alleged offender or the alleged victim. The SA-IDA has the non-delegable responsibility for initial disposition as defined in reference (n). Commanders that are not SA-IDA's may not make an initial disposition in cases involving these offenses, but instead must forward the matter to the appropriate SA-IDA. This withholding does not prevent initial disposition decisions from being further withheld to the general court-martial convening authority level at the discretion of those commanders pursuant to reference (n). Prior to making an initial disposition decision, the SA-IDA must consult with a judge advocate. Once the initial disposition decision is made, the SA-IDA must document that decision.

(6) Consistent with reference (j), the separation authority for all administrative separation actions involving victims of sexual assault which occur within 1 year of the unrestricted report of sexual assault shall be an officer exercising GCMCA and may not be delegated further.

(7) Forms. The following forms, found on the DOD Forms Program website at: www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm shall be used within the SAPR program:

(a) DD Form 2909, "Victim Advocate and Supervisor Statements of Understanding," June 2006.

(b) DD Form 2910, "Victim Reporting Preference Statement," November 2008.

(c) DD Form 2701, "Initial Information for Victims and Witnesses of Crime," May 2004.

(d) DD Form 2873, "Military Protective Order (MPO)," July 2004.

(8) Records Management. Records created as a result of this Order shall be managed according to National Archives and Records Administration approved dispositions per reference (l) to ensure proper maintenance, use, accessibility and preservation, regardless of format or medium.

b. Logistics. Logistical requirements in execution of local SAPR programs are a command responsibility. Expenditures will be ascribed to Cost Account Code MABD in Standard Accounting, Budget and Reporting System (SABRS) for appropriated funds, and Cost Center 6105-01 in the Financial Management System for non-appropriated funds.

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.

R. E. MIDSTEAD JR.
Deputy Commandant for
Manpower and Reserve Affairs

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Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change

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Chapter 1

Confidentiality Policy and Exceptions

1. Purpose. Sexual assault victims are encouraged to make complete, Unrestricted Reports of sexual assault in order to achieve the objectives and goals of the SAPR program. Victims also have the option of making Restricted Reports. In accordance with reference (b), service members and their dependents who are 18 years of age or older who are sexually assaulted have two reporting options: Restricted or Unrestricted.

a. Unrestricted reporting includes all suspected, alleged, or actual sexual assaults made known to command, law enforcement, and DOD employees, other than those authorized to receive Restricted Reports, for formal investigation. The DOD definition of unrestricted reporting is expressed in Appendix A and an unrestricted reporting flowchart is located at Appendix D.

b. Restricted reporting affords victims the option to make a confidential report to specific individuals. A Restricted Report is available only when a victim makes a written election of Restricted Report option to a person granted confidentiality under this Order or by statute, including SARCs, UVAs/VAs, and healthcare personnel. Disclosure of a sexual assault incident to others, with the exception of chaplains, may eliminate the restricted reporting option. The DOD definition of restricted reporting is expressed in Appendix A and a restricted reporting flowchart is located at Appendix H.

c. Confidentiality applies to confidential communications for all Restricted and Unrestricted Reports of sexual assault. Confidential communications are verbal, written, or electronic communications of personal identifying information made by a victim to a SARC, UVA/VA, chaplain, or healthcare personnel.

d. A statement made by a victim to a chaplain during the course of a clergy-penitent communications is privileged and may not be disclosed by the chaplain except in limited cases recognized in federal and military law. This rule is not subject to the exceptions to restricted reporting or confidentiality stated in DOD and Marine Corps policy. However, in order to make a Restricted Report and receive treatment under the SAPR program, a victim must elect the restricted reporting option to a SARC, UVA/VA, or healthcare personnel. The chaplain

can facilitate access to the SAPR program at the individual's location.

e. In cases where a victim elects restricted reporting, the SARC, assigned SAPR VA/UVA, and healthcare personnel may not disclose confidential communications or SAFE Kit information to law enforcement or command authorities, to include civilian law enforcement, EXCEPT as provided under confidentiality exceptions. When an independent investigation is initiated through disclosure of a sexual assault by a third party, a SARC, SAPR VA/UVA, or healthcare personnel may NOT disclose confidential communication.

2. Confidentiality Exceptions. There are exceptions to the confidentiality policy. All parties involved in an incident of sexual assault must maintain the integrity of the confidentiality policy, except in those instances described below. Victims shall be informed of these exceptions to confidentiality as soon as is practical. Under restricted reporting, the prohibition on disclosing confidential communications shall be waived when any of the following reasons apply:

a. Disclosure is authorized by the victim in writing.

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.

c. Disclosure by healthcare personnel to Disability Retirement Boards and officials is required for fitness for duty for disability retirement determinations, limited to only information which is necessary to process disability retirement determinations.

d. Disclosure to the SARCs, UVAs/VAs, or healthcare personnel is required for the supervision of direct victim services.

e. Disclosure to military or civilian courts of competent jurisdiction when ordered by competent authority or required by federal or state law.

f. Disclosure of suspected and alleged child abuse will be made to law enforcement.

g. Disclosure of sexual assault by a spouse will be deemed a domestic violence case and shall be referred to FAP.

3. Exception Applicability. The SARC will evaluate the information provided and determine whether an exception applies. The SARC shall consult with the installation or unit SJA (using non-personally identifiable information) to make the appropriate determination.

4. Disclosure Limits. Disclosures of confidential information, including those made under the authority of the Exceptions to Confidentiality, will be limited to information necessary to satisfy the purpose of the exception. Further disclosure will not be made unless the victim authorizes the disclosure in writing.

5. Improper Disclosure. If a SARC, UVA/VA, or healthcare personnel makes an unauthorized disclosure of a confidential communication, the SARC, UVA/VA and healthcare personnel will not disclose additional confidential communications unless the victim authorizes the disclosure in writing or another exception established herein applies. Unauthorized disclosure of a confidential communication may result in disciplinary action under the UCMJ and/or administrative actions.

6. Disclosure of Collateral Misconduct. Collateral misconduct committed by the victim, related to the sexual assault, when disclosed by the victim is considered confidential communications and shall not be disclosed unless as authorized by the exceptions stated above. This does not include offenses committed at an earlier or later time, which are unrelated to the sexual assault against the victim.

7. Independent Investigation. The non-personally identifiable information provided under the restricted reporting option is intended to give the commander information pertaining to the number and types of sexual assaults within the command. Neither the commander nor law enforcement officials may initiate investigations based on information provided by the SARC in connection with a Restricted Report. The commander, however, may use the information to enhance preventive measures, increase education and training, and to evaluate the unit's climate and culture for contributing factors. The information shall not be used for investigative purposes or in a manner likely to discover, disclose, or reveal the identities being protected.

a. If information about a sexual assault comes to a commander's attention from a source other than a victim who has elected Restricted Reporting or where no election has been made by the victim, that commander shall report the matter to a MCIO

and an official investigation may be initiated based on that independently acquired information.

(1) If there is an ongoing independent investigation, the sexual assault victim will no longer have the option of Restricted Reporting when:

(a) Law enforcement informs the SARC of the official investigation, and the SARC then informs the victim of the ongoing official investigation, and

(b) The victim has not already elected Restricted Reporting.

b. The timing of filing a Restricted Report is crucial. The victim MUST take advantage of the Restricted Reporting option BEFORE the SARC informs the victim of an ongoing independent investigation of the sexual assault. If an independent investigation begins AFTER the victim has formally elected Restricted Reporting, the independent investigation has NO impact on the victim's Restricted Report and the victim's communications and SAFE Kit remain confidential, to the extent authorized by law.

8. Victim Disclosure to a Non-Confidentiality Holder (friend, family member, roommate, etc.). A victim's disclosure of a sexual assault to a person outside the designated restricted reporting personnel (SARC, UVA/VA, or healthcare personnel) may result in an Unrestricted Report. Marines, when not designated as a UVA, are required to immediately report incidents of sexual assault which come under their observation to their command. If the person whom the victim confided the information (e.g., roommate, friend, family member) is in the victim's chain of command or law enforcement, there can be no Restricted Report and the incident must be reported to the appropriate MCIO.

Chapter 2

Headquarters Marine Corps (MFB) SAPR Responsibilities

1. Purpose. To establish policy, guidance and areas of responsibility to implement the SAPR program.

2. Administrative Responsibilities. HQMC (MFB) shall:

a. Maintain a master roster of all Marine Corps SARCs.

b. Establish and implement procedures for access of current UVA rosters.

c. Ensure all records are maintained per the appropriate Standard Subject Identification Code (SSIC) contained in reference (l).

3. Liaison Responsibilities. HQMC (MFB) shall:

a. Act as liaison and Marine Corps representative, as deemed appropriate, on sexual assault policy and training matters.

b. Coordinate with the Equal Opportunity and Diversity Management Branch (MPE) on command climate issues.

c. Coordinate with Manpower Management (MM)and Reserve Affairs Management (RAM) to facilitate approved requests for Expedited Transfer of victims of sexual assault.

d. Establish a multidisciplinary Sexual Assault Advisory Group (SAAG). The SAAG shall be composed of key stakeholders, to include, but not limited to: NCIS, FAP, REL, PP&O, MPE, Training and Education Command (TECOM), the Navy Bureau of Medicine and Surgery (BUMED), Judge Advocate Division, and Health Services (HS). Meetings/teleconferences will be held on an "as needed" basis with a minimum annual requirement. The SAAG will provide a forum to discuss systemic issues and collaborative resolutions. The SAAG shall establish collaborative relationships facilitating a consistent Service approach to advocacy, training, policy, and quality assurance; identify gaps and systemic issues; develop collaborative solutions; and share best practices.

4. Program Evaluation. HQMC (MFB) shall monitor SAPR efforts throughout the Marine Corps. Methods include but are not limited to IG inspections, training, site visits, monthly telephonic audits of the Regional and Installation 24/7 SAPR

Helpline(s), and evaluation of command climate surveys. To comply with the IG inspection requirement, HQMC (MFB) shall:

a. Update and post a functional area checklist for the SAPR program for use by commanders at all levels and by the IG during regular inspections.

b. Provide assistance on inspections as directed.

c. Review results and follow-up on status of all inspections within 45 days.

5. Training and Education Responsibilities. HQMC (MFB) shall:

a. Coordinate with the CG, MCCDC to develop training standards on sexual assault awareness and prevention consistent with the requirements of this Order; and ensure development of training curricula to be incorporated into the Marine Corps Common Skills Manual.

b. Provide support to Installation SARCs with annual training requirements, command team training, and SARC and UVA/VA training.

6. Service Agreements. HQMC (MFB) shall coordinate with DC, PP&O to establish and maintain those measures (MOAs or other inter-service agreements) that facilitate the timely exchange of information between other Services and the Marine Corps regarding sexual assault cases involving Marines serving on non-DON installations.

7. Victim Advocate (VA) Program. In coordination with HQMC (MFC-2), HQMC (MFB) shall monitor VA programs, i.e., the victim advocates within the Family Advocacy Program (FAP), at all Marine Corps installations, ensuring compliance with DOD SAPR training requirements and that victims receive quality, consistent support services.

8. 24/7 SAPR Helpline. HQMC (MFB) shall ensure installation commanders have on-call coverage by SARCs and VAs for the 24/7 SAPR Helpline, with a call-back response within 15 minutes. UVAs should be utilized to meet this requirement as needed. Regional SAPR Helplines will be established as directed by HQMC (MFB). HQMC (MFB) shall ensure official command and installation websites include the 24/7 SAPR Helpline phone number on their homepage and link to reporting information and resources.

9. Data Analysis. HQMC (MFB) shall ensure mandatory data fields in the sexual assault database are completed on all

sexual assault incidents and shall create standard reports to track trend analysis data.

10. Resources. HQMC (MFB) shall ensure Installation SARCs distribute information about installation and community-based victim support resources throughout each installation. The SAPR website contains victim-related resources and can found at: https://www.manpower.usmc.mil/portal/page/portal/M_RA_HOME/MF/D_Sexual%20Assault%20Prevention.

Chapter 3

Commander's Responsibilities Under the SAPR Program

1. Purpose. Leadership is the key to sexual assault awareness, prevention, and response. Commanders create an environment that discourages sexual assault and encourages reporting of sexual assault incidents.

2. All General Courts-Martial Convening Authorities (GCMCA) shall:

a. Establish the Command SARC billet in writing. The duties of the Command SARC and selection guidance are outlined in Chapter 5.

(1) Select the Command SARC from military personnel from officer ranks (Maj or above or CWO3-CWO5) or their civilian equivalent (NAF-4 or above, utilizing the standardized position description's provided HQ MFB). O-6 level commands and Marine Expeditionary Units (MEUs) are authorized a Capt or higher to fulfill this requirement. Alternate Command SARCs can be appointed as deemed necessary and must meet all rank, training and certification criteria.

(2) Ensure the Command SARC appointment does not create a conflict of interest with other duty assignments. Commanders shall not appoint the SARC from personnel performing the following duties: XO, SgtMaj, Company Commander, 1stSgt, SJA/deputies/judge advocates, IG/deputies, Equal Opportunity Advisor (EOA), Equal Opportunity Representative (EOR), Substance Abuse Control Officer (SACO), Family Readiness Officer (FRO), Victim Witness Coordinator (VWAC), chaplain, or Marine Corps Community Services (MCCS) supervisory personnel (e.g., FAP Manager (FAPM) and MCCS Director).

b. Installation commanders shall appoint an Installation SARC. Installation SARCs shall be full-time civilian employees (NAF-4 or above, utilizing the appropriate standardized position description provided HQ MFB). When a Behavioral Health Branch is established at the installation level, the Installation SARC will report administratively to the Behavioral Health Branch Director and operationally to the commander. When there is no Behavioral Health Branch at the installation level, the Installation Commander shall identify who the Installation SARC shall administratively report to. Installation Commanders shall evaluate the Installation SARCs performance of SAPR procedures and program implementation. Commanders shall utilize the

services of the Installation SARC as a subject matter expert, trainer, and program coordinator in conjunction with the Command SARC. The duties of the Installation SARC are outlined in Chapter 5. The Command SARC shall provide the Installation SARC with SAPR related data and case information as requested. Installation SARCs and Command SARCs will work together to expedite the flow of SAPR-related information to and from the field and to ensure victim care. Alternate Installation SARCs can be appointed as necessary and must meet all training and certification criteria.

c. Notify HQMC (MFB) in writing when there is a personnel change in the appointed SARC billet.

d. In addition to immediate law enforcement notification, commanders shall facilitate dual-reporting practices, ensuring installation commanders are informed of sexual assault incidents, and senior commanders of a victim are notified of an unrestricted sexual assault within 24 hours of the report.

e. Publish a command policy statement on sexual assault awareness and prevention to support the SAPR objectives within 60 days of taking command.

3. Reporting Requirements

a. All CGs and COs shall immediately report all Unrestricted Reports of sexual assault to NCIS or the supporting Military Criminal Investigative Organization (MCIO) per reference (a). This includes those assaults disclosed directly by victims or by third parties, even if a Restricted Report of the assault has been filed. Commanders will not conduct an independent command inquiry or investigation of an alleged sexual assault. After a formal criminal investigation and consultation with SJA, the SA-IDA (SPMCA in the grade of 0-6 or higher) shall determine the disposition of the incident. Disposition information shall be provided to the SARC.

b. Regardless of how the assault was reported, the victim may elect not to participate in the criminal investigative process. A properly reported restricted case may be changed to an unrestricted case with the written consent of the victim or where a specific confidentiality exception exists (see Chapter 1). In contrast, an Unrestricted Report cannot be changed to a Restricted Report.

c. The victim's commander shall immediately submit an Operations Event/Incident Report (OPREP-3) Serious Incident

Report (SIR), per reference (o), to report all Unrestricted Reports of sexual assault when the victim is a Marine or other Service member assigned to a Marine Corps unit. When both the victim and alleged offender are Marines, the victim's commander shall submit the OPREP-3/SIR.

d. The alleged offender's commander shall immediately submit an Operations Event/Incident Report (OPREP-3) Serious Incident Report (SIR), per reference (o), for all reports of sexual assault when the victim is a civilian and the alleged offender is a Marine or other Service member assigned to a Marine Corps unit.

e. The installation commander shall immediately submit an Operations Event/Incident Report (OPREP-3) Serious Incident Report (SIR), per reference (o), for all reports of sexual assault that occur on the installation but do not involve a Marine.

f. An Operations Event/Incident Report (OPREP-3) Serious Incident Report (SIR) is not required for reports of sexual assault that occurred prior to service, unless a concern for media inquiry exists.

g. An Operations Event/Incident Report (OPREP-3) Serious Incident Report (SIR) is not required for reports of sexual assault that occur off the installation involving a civilian dependent, unless a concern for media inquiry exists.

h. SAPR 8-Day Brief. The purpose of the SAPR 8-Day Brief is to provide the Commander a snapshot of all of the initial requirements to be completed within the first 8 days following the report of a sexual assault. It focuses on victim care and command response.

(1) SAPR 8-Day Briefs shall only be completed for victims who are active duty members (or reserve members in an active status) who file unrestricted reports of sexual assault.

(2) The victim's commanding officer shall provide the victim's immediate O-6 level commander and the first general officer in the victim's chain of command the SAPR 8-Day Brief by the eighth day following the initial report by the victim. The brief has been created with drop down features and is located at:
https://ehqmc.usmc.mil/sites/family/mfc/mfc3/SAPR%208Day%20brief%20Submission/Forms/AllItems.aspx

(3) Upon completion of the brief to the first general officer in the chain of command, the victim's commanding officer will submit the Brief to MFB in SharePoint for data collection and analysis. MFB will provide a summary of relevant data on a monthly basis and forward to the ACMC accordingly.

(4) The SARC shall assist with providing information necessary to complete this brief as requested but shall not maintain a copy or be responsible for initiating this process. Commanders shall not conduct internal investigations or interview the victim to obtain the required information.

(5) This brief is intended for official use only and shall not be distributed beyond the requirements listed above.

4. Administrative Responsibilities. COs of UVAs shall:

a. Maintain a copy of UVA appointment letters.

b. Maintain written verification of certification and credentialing within official correspondence files.

c. Maintain a signed copy of DD Form 2909, "Victim Advocate and Supervisor Statement of Understanding." The completed form must be signed by the UVA, the immediate supervisor or leadership, and the command SARC.

d. Notify the Command SARC and Installation SARC on the revocation of a UVA appointment. Revocation occurs when a commander loses confidence in the ability of the UVA to perform his or her duties as a UVA. Examples include but are not limited to: disciplinary actions against the UVA; inappropriate disclosure of confidential information; alleged criminal allegations; or any other action unbecoming of this role. PCS, PCA, or change in collateral duty does not require a letter of revocation.

e. Maintain documentation verifying completion of annual sexual assault awareness and prevention training for the command.

f. Ensure all records are maintained per the appropriate Standard Subject Identification Code (SSIC) contained in reference (l).

5. Program Operation. All CGs and COs shall:

a. Ensure a copy of the command's policy statement on sexual assault prevention and awareness is posted in the command's common area.

b. Ensure the UVAs' photographs and contact information are posted in the unit's common area, along with reporting options, and 24/7 SAPR Helpline information.

c. Implement the "Commander's Protocol for Responding to Allegations of Sexual Assault." See Appendix C for guidance.

d. In accordance with reference (b), protect victims of sexual assault from coercion, retaliation, and reprisal. Victims of sexual assault shall be treated with dignity and respect, and shall receive timely access to comprehensive medical treatment, including emergency treatment and services.

e. Commanders shall ensure medical treatment, including emergency care, and SAPR services are offered to victims of sexual assault in a timely manner. Emergency care shall consist of emergency medical care and the offer of a sexual assault forensic examination (SAFE) consistent with the Department of Justice protocol and should refer to DD Form 2911, "DOD Sexual Assault Medical Forensic Examination Report" and accompanying instructions. The victim shall be advised that even if a SAFE is declined, the victim is encouraged (but not mandated) to receive medical care, psychological care, and victim advocacy.

f. In accordance with reference (a), the commander appointing the SARC shall establish standard operating procedures for SAPR functions within the command and to protect the SARC and UVA from coercion, discrimination, or reprisal related to execution of SAPR duties and responsibilities. Refer to Appendix C for further guidance.

g. Ensure UVAs provide a SAPR brief as part of the unit's new-join brief and are included on the check-in/check-out sheet.

h. Minimize re-victimization of all victims by:

(1) Ensuring, as appropriate, victims and alleged offenders do not remain in the same work and/or living area.

(2) Protecting the privacy of victims to the maximum extent possible.

(3) Limiting access to documents identifying victims (e.g. incident reports, Military Protective Orders (MPOs), etc.) to only those with a need-to-know.

(4) Fostering a command environment that encourages reporting of sexual assaults without fear of reprisal.

i. Ensure dissemination of information on restricted and unrestricted reporting options.

j. Ensure information about victim support services, points of contact, and resources (e.g., SAPR, Military OneSource, DOD Safe Helpline, etc.) are made available in the unit's common area and areas of high pedestrian traffic and when possible, posted via mass communication means (e.g., command website, etc.).

k. Ensure victims are provided reasonable protection from the alleged offender. This may include a victim's request for an expedited transfer to another location, within the parameters of references (h) and (j).

l. Issue a Military Protective Order (MPO), DD Form 2873, if applicable. As noted on DD Form 2873, victims shall receive a copy of the signed DD Form 2873. If exigent circumstances require the issuance of a verbal MPO, the order shall be immediately followed up with a written MPO as soon as practicable.

(1) Ensure that the appropriate civilian authorities are notified of the issuance of a MPO and of the individuals involved in the order, when an MPO has been issued against a Service member or when any individual addressed in the MPO does not reside on a military installation at any time when an MPO is in effect per reference (b). An MPO issued by a military commander shall remain in effect until such time as the commander terminates the order or issues a replacement order. The issuing commander shall also notify the appropriate civilian authorities of any change made in a protective order, and the termination of the protective order per reference (b).

(2) Inform the person seeking the MPO that the MPO is not enforceable by civilian authorities off base and that victims desiring protection off base are advised to seek a civilian protective order.

m. The Installation Commander or Deputy Installation Commander (non-delegable) will chair the multidisciplinary Case

Management Group (CMG) on a monthly basis to review all open unrestricted cases, direct system coordination, facilitate monthly victim updates and assess victim services.

n. In unrestricted cases, coordinate with the SARC to ensure victims receive monthly updates within 72 hours of the CMG, regarding the status of any ongoing investigative, medical, legal or command proceedings regarding their sexual assault cases. Ensure victims are notified upon adjudication of military justice proceedings.

o. Support the Victim Witness Assistance Program (VWAP), per reference (j). Additionally, commanders will ensure the command Victim Witness Assistance Coordinator (VWAC) is appointed in writing in accordance with reference (i), trained, and made available to command, victims, and family members.

p. Ensure sexual assault support and services are provided to personnel as defined in reference (b) in garrison and in a deployed environment. Coordinate with sister services when located on a non-DON installation or remote location.

q. Consider sexual assault prevention and risk reduction measures (camp layout, lighting, billeting, noise, etc.) in deployed site planning and set-up.

r. Ensure proper on-call coverage of the Regional and Installation 24/7 SAPR Helpline by SARCs and VAs. UVAs should be utilized to meet this requirement as needed. The 24/7 SAPR Helpline will provide immediate support and a call-back response within 15 minutes. Installation and command websites will display the 24/7 SAPR Helpline and SAPR information.

s. Ensure the final disposition of a sexual assault is immediately reported to the assigned MCIO.

6. Training and Education Responsibilities. All CGs and COs shall:

a. Ensure SAPR personnel (SARC, VAs/UVAs) facilitate annual training on sexual assault awareness, prevention, and response for all Marines in their unit. As the subject matter expert for the command, they will have the most updated policy and program information and ensure standardization. Direct command involvement in preparation and delivery is encouraged. Ensure all Marines have a thorough understanding of the following subjects and essential tasks:

(1) The nature of sexual assault in the military environment and the entire cycle of prevention, reporting, response, and accountability.

(2) General knowledge of sexual assault to include:

(a) What constitutes sexual assault.

(b) Why sexual assault is a crime.

(c) The definition of consent.

(d) Available reporting options, exceptions, and limitations of each option.

(e) Awareness of the commander's roles, responsibilities, and available military and civilian resources for victims.

(f) The distinction between sexual assault and sexual harassment and other types of sexual-related misconduct.

(g) Methods of prevention and risk reduction, to include bystander intervention.

b. Ensure pre-deployment SAPR training is conducted by a UVA or SARC. The required subject matter for pre-deployment training includes the following, in addition to annual training requirements:

(1) Prevention and risk reduction factors tailored to the specific deployment location.

(2) Brief history of the foreign countries or areas anticipated for deployment, addressing specific customs, norms, and religious practices.

(3) Cultural customs, norms, and religious practices of coalition partners in the deployed location.

(4) Procedures for reporting a sexual assault to ensure Marines are aware of the full range of options available at the deployed location, to include the sister service SAPR program and resources, when applicable.

(5) Identification of trained first responders who will be available during deployment, to include law enforcement,

legal, SARC, UVAs, healthcare personnel, chaplains, and sister service SAPR programs.

c. Coordinate with the Installation SARC to receive Command Team SAPR Resource Brief within 30 days of assuming command. The Executive Officer (XO), Sergeant Major (SgtMaj), chaplain, and Command SARC (when the GCMCA is receiving training) shall attend the training with the commander.

d. Ensure UVAs and SARCs complete 40 hours of initial training prior to assignment and 16 hours of refresher training annually to maintain eligibility.

e. Work in conjunction with local medical authorities to ensure protocol is in compliance with this Order and evidence collection is available in deployed environments.

7. Collateral Misconduct. Initial disposition authority is withheld to the SA-IDA for all other alleged offenses arising from or relating to a reported sexual assault, whether committed by the alleged offender or the alleged victim. The SA-IDA has the non-delegable responsibility for initial disposition as defined in reference (n). Such offenses commonly include underage drinking, traveling out-of-bounds or to off-limits establishments, fraternization, or adultery. In cases involving a victim's collateral misconduct, the SA-IDA is encouraged to defer a victim's disciplinary proceeding until final disposition of the more serious sexual assault case in accordance with reference (a).

8. Reservist Line of Duty (LOD) Determination. When a Reservist is a victim of sexual assault while in a drilling status a LOD determination is required. In order to facilitate the LOD process, Reserve Site Commanders should ensure UVAs are knowledgeable of the LOD determination process specific to victims of sexual assault. As the command's representative, the UVA will support the victim through the LOD determination process. Upon a successful LOD determination, a Notice of Eligibility (NOE) is given to the victim. The NOE gives a victim the ability to receive continued care while in a non-drilling status. The Marine Corps LOD policy can be found in Appendix I. Additional guidance can be found in reference (a).

9. Expedited Transfer. COs shall expeditiously process a request for transfer of a Marine who files an Unrestricted Report of sexual assault. Every reasonable effort shall be made to minimize disruption to the normal career progression of

Marines who seek a transfer following a report that he or she was the victim of sexual assault.

a. Marines requesting a transfer under this policy shall submit a signed and dated written request to their CO. Requests will include the request for transfer, and the preferred destinations or reassignments. For confidentiality reasons, no details about the reason for request should be included. The NAVMC 10274 Administrative Action Form shall not be used for transfers under this policy. COs shall document the date and time the request was received.

b. COs shall approve or disapprove a request for transfer within 72 hours of receiving a signed and dated written transfer request.

c. A presumption is established in favor of transferring a Marine who submits a request to transfer following a credible Unrestricted Report of sexual assault. The CO shall make a credible report determination at the time the request is made after considering the advice of the supporting SJA. The credible report determination shall be made within the 72 hour period and in no circumstances shall the determination delay the responsibility to approve or disapprove a transfer request within the 72 hour period. For purposes of this transfer request determination, a credible report of sexual assault is a report which provides the commander reasonable grounds to believe that an offense constituting sexual assault has occurred.

d. COs shall make a determination and provide his or her reasons and justification on the transfer of a Marine based on a credible report of sexual assault. COs shall consider the following prior to making a decision to approve or disapprove a transfer request:

(1) The Marine's reasons for the request.

(2) Potential transfer of the alleged offender instead of the Marine requesting the transfer.

(3) Nature and circumstances of the offense.

(4) Whether a temporary transfer would meet the Marine's needs and the operational needs of the unit.

(5) Training status of the Marine requesting the transfer.

(6) Availability of positions within other units on the installation.

(7) Status of the investigation and potential impact on the investigation and future disposition of the offense, after consultation with the investigating Military Criminal Investigative organizations.

(8) Location of the alleged offender.

(9) Alleged offender's status (service member or civilian).

(10) Other pertinent circumstances or facts, e.g., length of time between sexual assault and request to transfer.

e. An expedited transfer can include inter-unit transfer, unit transfer, PCS, or PCA.

f. If the Marine's request for a PCA or PCS is approved, the CO shall immediately forward the approved request to MFB. If the Marine receives an inter-unit transfer or unit transfer, the SARC shall maintain a copy of the approval.

g. If the Marine elects not to proceed with his or her request, the individual shall withdraw the request in writing.

h. If the Marine's request is disapproved, the Marine shall be given the opportunity to request review by the first general or flag officer in the chain of command, or a Senior Executive Service (SES) equivalent (if applicable).

(1) If the Marine does not request further review, the CO shall forward the package, with reason(s) for disapproval, to MFB for record purposes only. No action will be taken by MFB.

(2) The Marine must request in writing a review of the commander's disapproval. If the Marine requests further review, the CO shall expeditiously forward the request with reason for disapproval to the first general or flag officer in the chain of command (or an SES equivalent). The decision of the first general or flag officer (or SES equivalent) in the chain of command to approve or disapprove must be made within 72 hours of submission of the request for review. Status as a General Court-Martial Convening Authority does not in itself provide authority to act on transfer requests under this paragraph.

(a) If approved by the first general or flag officer in the chain of command (or an SES equivalent) the package will be endorsed and forwarded to MFB.

(b) If disapproved by the first general or flag officer in the chain of command (or an SES equivalent) the package, with reason for disapproval, will be forwarded to MFB for record purposes only. No action will be taken by MFB.

i. COs will notify the Marine in writing of their decision to approve or disapprove the transfer request. Additionally, for approved requests, the Marine's CO (or the CO's designee) shall directly counsel the Service member to ensure that he or she is fully informed regarding reasonably foreseeable career impacts, the potential impact of the transfer or reassignment on the investigation and case disposition, or the initiation of other adverse action against the alleged offender, or other possible consequences of granting the request. Marines requesting the transfer shall be informed that they may have to return for the prosecution of the case, if the determination is made that prosecution is the appropriate command action.

j. Upon receipt of the approved request for expedited transfer, MFB will coordinate with the Deputy Director, Manpower Management for active duty Marines and the Branch Head, Reserve Affairs Management for Active Reserve Marines to effect the transfer. Expedited transfers will be coordinated through MARFORRES for Marines in an active drilling status.

k. For Reserve Component members, a transfer or reassignment might include provisions to perform inactive duty training on a different weekend or at different times from the alleged offender or with a different unit in the home drilling location or geographical area.

Chapter 4

Commander's Guidance on the Uniformed Victim Advocate (UVA) Billet

1. Purpose. All victims of sexual assault authorized to receive services shall receive advocacy and support. Upon completion of training, UVAS shall be certified and must be appointed in writing before performing UVA duties. UVAs shall provide non-clinical crisis intervention and ongoing support, in addition to referrals for adult sexual assault victims. Support will include providing information on available options and resources to victims. UVAs are the command's sexual assault resource and shall execute the SAPR program at the lowest level. This includes conducting all SAPR related training.

2. Selection Guidance. The following guidance is provided to commanders on the selection of the UVA:

a. Prior to selecting a UVA, commanders shall refer to the "UVA Selection Criteria for Commanders," Appendix F, as a reference.

b. UVAs shall be ranked Sergeant (Sgt) or higher. UVA appointment below the rank of Sgt is not permitted.

c. Commanders shall not appoint the following as a UVA: XO, SgtMaj, Company Commander, 1stSgt, SJA/deputies/judge advocates, IG/deputies, Equal Opportunity Advisor (EOA), Equal Opportunity Representative (EOR), Substance Abuse Control Officer (SACO), Family Readiness Officer (FRO), Victim Witness Coordinator (VWAC), chaplain, or Marine Corps Community Services (MCCS) supervisory personnel (e.g., FAP Manager (FAPM) and MCCS Director). Religious program specialists (RPs) cannot be appointed when serving in a deployable unit.

3. Administrative Responsibilities

a. The command shall maintain the UVA appointment letter, and training certification, as well as DD Form 2909, "Victim Advocate and Supervisor Statement of Understanding".

b. Names of all certified UVAs shall be provided to the Command SARC, who will provide them to the Installation SARC.

4. Program Operation

a. With regard to victim care and case management, UVAs shall report to the Command SARC and Installation SARC. In

cases where there is no Command SARC, the UVA shall report to the Installation SARC.

b. UVAs shall complete the mandated certification training prior to assumption of duties.

c. The appointed UVA's photograph shall be posted in the unit's common areas along with 24/7 SAPR Helpline information and reporting options.

d. UVAs shall provide support to the Installation 24/7 SAPR Helpline, as needed, providing telephonic on-call coverage for victims of sexual assault.

e. UVAs shall understand and comply with position duties and responsibilities as outlined in Chapter 7.

f. UVAs shall provide a SAPR brief as part of the unit's new-join brief and shall be included on the check-in/check-out sheet.

g. UVAs located at geographic locations separate from their Command SARC will collaborate with the Installation SARC (regardless of branch of service) to ensure victim care.

5. Training and Education Responsibilities. Commanding officers shall:

a. Ensure UVAs receive initial training by the Installation SARC prior to appointment and fulfilling their duties. Ensure UVAs attend refresher training as directed by HQMC (MFB). When located on a non-DON installation, UVA may attend the sister service SAPR program UVA training with prior approval by HQMC (MFB).

b. Ensure UVAs conduct annual sexual assault training and pre-deployment sexual assault briefs for their units.

c. Ensure UVAs provide support to Installation SARCs, when Master Training Teams are required to expedite and facilitate SAPR training initiatives to the field.

6. Deployed Environment. The following are pre-deployment requirements:

a. COs shall ensure an immediate, trained sexual assault response capability, as defined by reference (a), is available for each report of sexual assault in all locations, including deployed locations. The response time may be affected by

operational necessities, but sexual assault victims shall be treated as emergency cases in accordance with reference (b).

b. Restricted and unrestricted reporting options are applicable to victims in deployed environments. A deployed victim may contact any UVA, regardless of branch of service, and make a Restricted or Unrestricted Report of sexual assault.

c. Operational planning should include an action plan for expeditious movement of a victim and assigned UVA to the nearest medical treatment facility (MTF) for prompt evidence collection, regardless of whether a victim's report is Restricted or Unrestricted. Protocols should be developed to protect the restricted reporting option while still providing transportation to have a SAFE completed.

Chapter 5

Sexual Assault Response Coordinators (SARCs)

1. Purpose. SARCs provide an integrated response capability and system accountability for all awareness, prevention and response training, and care for adult sexual assault victims. SARCs facilitate victim care by coordinating medical treatment, including emergency care, and tracking the services provided to victims of sexual assault from initial report through final disposition and resolution. Installation SARCs support the installation commander and tenant commanders. Command SARCs serve as the central point of contact within a command.

2. Confidentiality Responsibilities. SARCs shall:

a. Safeguard confidential communications pertaining to victims. It is imperative for the integrity of the SAPR program that steps be taken to prevent unauthorized reading, printing, retaining, copying or dissemination of information, messages, or correspondence revealing personally identifiable information, in accordance with existing rules and regulations.

b. Maintain the DD 2910, Victim Reporting Preference Statement, in a secure file cabinet under double lock and key.

c. Ensure all SAPR program records are maintained consistent with ref (p).

d. Limit access to documents identifying victims to those with an official need-to-know.

3. Administrative Responsibilities. SARCs shall:

a. Maintain a copy of his or her appointment letter.

b. Maintain records showing certification as SARC and completion of all required training, as outlined in Chapter 5, paragraphs 8b and 9b.

c. Ensure HQMC (MFB) receives a copy of the appointment letter and training certificate.

d. Maintain a roster of certified UVAs.

e. Provide data via the chain of command as requested by HQMC (MFB). This shall include, but not be limited to, data for the annual report, sexual assault database account verification, training certifications, and related documentation.

f. Track the status of military support services (i.e medical, legal, counseling) provided to a victim from initial report through disposition and resolution.

4. Program Operation. SARCs shall:

a. Operate under confidentiality in all cases, except in those instances where a statutory exception to confidentiality applies.

b. Ensure a copy of the command's policy statement on sexual assault awareness and prevention is posted throughout the command's common areas. A sample policy statement is at Appendix E.

c. Ensure each sexual assault victim is assigned a UVA/VA.

d. Collaborate with UVAs/VAs to provide quality victim services.

e. Ensure UVAs/VAs:

(1) Complete a VRPS for every report of sexual assault.

(2) Review the DD 2701, "Initial Information for Victims and Witnesses of Crime," with all victims of sexual assault.

(3) Inform victims, at the time they elect to file an Unrestricted Report of sexual assault or as soon as practicable of their option to request an expedited transfer to another location, within the parameters of references (g) and (j).

(4) Inform victims, at the time they elect to file an Unrestricted Report of sexual assault that when the alleged perpetrator is the victim's commander or in the victim's chain of command, of the opportunity to go outside the chain of command to report the offense to other commanding officers or an Inspector General.

f. Notify HQMC (MFB) of a UVA revocation in writing.

g. Ensure victims receive a copy of the VRPS for their personal records and ensure the UVA/VA emphasizes the importance of safeguarding this document.

h. In cooperation with the commander, ensure monthly updates are provided to the victim concerning any ongoing investigative, medical, legal, or command proceedings regarding the sexual assault.

i. Keep commanders informed of situations involving high or escalating risk and/or high-visibility incidents.

j. Provide regular updates to the commander on the status of all unrestricted sexual assault cases.

k. Provide support to the Regional and Installation 24/7 SAPR Helpline as needed.

l. Collaborate to provide recommendations and coordinating actions to ensure the safety of victims, and ensure crisis intervention and victim advocacy services are provided.

m. Collaborate to establish timely exchange of information between installations and tenant commands.

5. Reporting. SARCs shall:

a. Ensure the victim is informed of any local reporting requirements that would preclude a Restricted Report prior to a victim submitting to medical care or a SAFE in mandatory reporting jurisdictions.

b. In the event of a Restricted Report, collaborate to ensure the installation commander is notified within 24 hours with non-personally identifiable information.

c. When a SAFE is performed, collaborate to ensure healthcare personnel collect and mail all collected forensic evidence to the NCIS Property Custodian according to NCIS property submission protocol per reference (m).

d. Utilize the unique incident number generated by the sexual assault database for the Restricted Report Case Number (RRCN) for case tracking. In those instances where a SAFE is completed, ensure all collected forensic evidence, to include the SAFE kit, is tracked using the property submission protocol, which is detailed in Appendix O.

e. Collaborate with appropriate stakeholders to establish standard operating procedures to:

(1) Maintain a master log of all assigned RRCNs and SAFE Kit Tracking Identification Numbers.

(2) Track the expiration date for all stored forensic evidence.

(3) The SARC shall contact the victim at the one-year mark of the report date to inquire if the victim wishes to change their reporting option to Unrestricted. If the victim chooses to continue with restricted reporting, inform the victim the forensic evidence will be destroyed on the expiration date. See reference (a) for additional guidance.

6. Database Responsibility. SARCs shall:

a. Ensure entry of case data into the sexual assault database within 48 hours of victim response. For deployed locations, data should be entered within 96 hours of victim response.

b. In collaboration with the SA-IDA's Staff Judge Advocate, establish protocols for obtaining case disposition information for entry into the sexual assault database.

c. Command SARCs shall coordinate with the Installation SARC to ensure case entry into the sexual assault database. This process, specific to the location, should be outlined in SAPR standard operating procedures.

d. The case should be entered at the location where the incident is reported and the victim is located.

e. When the Marine victim is located on a sister service installation, the Command SARC shall coordinate with the sister service Installation SARC to develop an MOU establishing a process to ensure cases are entered into the sexual assault database within the required timeframes.

7. Case Transfer. Upon notification from the victim or the current command of the victim's permanent change of station (PCS), permanent change of assignment (PCA), or relocation, SARCs shall:

a. Contact the victim to address any concerns about the transfer as it relates to the case and determine whether the victim would like to speak with an advocate at the new duty station.

b. Notify the gaining SARC that the case has been transferred in the sexual assault database and ensure follow-up of victim services and disposition of allegations. Collaborate to ensure the gaining Command and Installation SARCs are notified of the incoming case.

c. SARCs must provide case status information at their respective CMGs and to the victim's losing and gaining commanders, when applicable.

8. Responsibilities Specific to Installation SARCs. Installation SARCs are appointed by the installation commander as directed in Chapter 3, paragraph 2d. In addition to requirements outlined in this Chapter, paragraphs 1 through 7, Installation SARCs shall:

a. Serve as the single point of contact and subject matter expert (SME) on SAPR in support of the installation commander and tenant commanders.

b. In addition to any required training specific to Installation SARC, complete UVA training as a prerequisite to performing their duties and in addition to any required training specific to Installation SARCs, such as: roles and responsibilities of the SARC; working with and coordinating efforts of first responders, case management skills, and training and facilitation skills. Additional training may be identified by installation commanders or HQMC (MFB) as necessary to assist in the ability to instruct on specific concepts, i.e., bystander intervention techniques.

c. Perform the following administrative duties:

(1) Establish a standard operating procedure for collecting the required information for the sexual assault database from the UVA/VA.

(2) Maintain agenda and minutes from Case Management Group (CMG) Meetings.

(3) In consultation and coordination with the installation SJA or other concerned parties (e.g., NCIS, healthcare personnel), ensure MOUs are established with off-base non-military facilities or agencies as appropriate for victim care and compliance with the restricted reporting option.

(4) Develop MOUs with units located on their installation that do not have a Command SARC at that location to ensure coordination of victim care and case management.

d. Perform the following program operation duties:

(1) Implement and manage the installation's SAPR program.

(2) Oversee the SAPR training program on behalf of the installation and assist commanders in fulfilling annual SAPR training requirements.

(3) In coordination with the Family Advocacy Program Manager (FAPM), Installation VAs report to the Installation SARC when caring for a victim covered under the SAPR program.

(4) Ensure the Regional and Installation 24/7 SAPR Helpline(s) are manned by trained personnel (SARCs and UVAs/VAs) authorized to offer victims the restricted reporting option. The Installation 24/7 SAPR Helpline shall provide immediate support and a call-back response within 15 minutes and within two (2) hours for in-person contact. The Installation SARC will also ensure the Regional 24/7 SAPR Helpline number appears on installation website home pages and that the installation website contains updated SAPR related information within three clicks from the installation homepage.

(5) Oversee dual-reporting processes, ensuring that the victim's commander has been informed within 24 hours of an Unrestricted Report of sexual assault.

(6) Co-Chair the installation's multi-disciplinary CMG meeting, as further directed in Chapter 6.

(7) Develop guidelines and budgets geared toward the installation's population and support organizations.

(8) Ensure compliance with applicable DOD, DON and Marine Corps directives.

(9) Utilize and provide guidance on the use of the sexual assault database to Command SARCs. Ensure entry of case data within 48 hours of victim report, with updates as necessary. For deployed locations, data should be entered within 96 hours of victim report.

(10) Serve as the point of contact to compile SAPR information for HQMC (MFB) as needed, to include UVA rosters, data for the annual report, sexual assault database account verification and training certification documentation.

(11) Form professional liaisons and propose MOUs, with consultation of the installation SJA, with community support services such as local rape crisis centers, emergency shelters, hospitals, legal assistance, and other military and civilian services as appropriate.

(12) Form professional liaisons and propose Inter-Service Support Agreements (ISSA), with consultation of the installation SJA, with other military services and departments, if applicable.

(13) Provide assistance and follow protocol when sexual assault incidents involving other military Service members occur within their area of responsibility.

(14) Assign a civilian VA to cases involving a civilian victim. Installation SARCs shall ensure a "warm hand off" is provided to civilians that do not qualify for the full range of services as described in this Order.

(15) Assist commanders in developing protocol and an SOP as needed to address gaps and duplication of SAPR services.

(16) Attend the installation VWAP Council Quarterly Meetings conducted by the Victim Witness Liaison Officer (VWLO). Collaborate to address special concerns and issues related to victims of sexual assault.

(17) As needed, create Master Training Teams with the assistance of UVAs and Command SARCs to efficiently and expeditiously disseminate information to the field.

(18) Coordinate events for Sexual Assault Awareness Month and implement prevention and response campaigns as directed by commanders and HQMC (MFB).

e. Conduct the following training:

(1) Initial and refresher SAPR training for UVAs and Command SARCs.

(2) Training for TECOM schools located on their installation.

(3) Command Team SAPR Resource Brief for the CO, XO, SgtMaj, chaplain and Command SARC (when the GCMCA is being trained), within 30 days of the CO assuming command. Maintain documentation of training. When not located on a Marine Corps Installation, the Command SARC shall provide the brief. A certificate for the training shall be provided to the participants and a template for the certificate shall be provided by HQMC (MFB).

(4) Annual training for members of the CMG, ensuring an understanding of SAPR policies and roles and responsibilities of members.

9. Responsibilities Specific to Command SARCs. Command SARCs are selected as directed in Chapter 3, paragraph 2b and c. In addition to requirements outlined in this Chapter, paragraphs 1 through 7, Command SARCs shall:

a. Under the commander's supervision, serve as the central point of contact within a command to oversee sexual assault awareness, prevention, and response training.

b. Complete initial 40 hour certification training and a minimum of 16 hours refresher training annually to maintain eligibility.

c. Assist commanders in meeting annual sexual assault prevention, awareness, and response training requirements.

d. Perform the following administrative duties:

(1) Ensure all UVAs within the command have the appropriate Type Transaction Code (TTC) run by their respective Personnel Administration Center to reflect in their Service Record Book (SRB) or Officer Qualification Record (OQR).

(2) Maintain a copy of the UVA training certificate, appointment letter, and "Victim Advocate and Supervisor Statement of Understanding," (DD Form 2909) for each command appointed UVA.

(3) Maintain a master roster of UVAs within the Command.

e. Perform the following program operation duties:

(1) Ensure the appointed Command SARC's photograph is posted throughout the command in common areas along with, at a minimum, the 24/7 SAPR Helpline number and DOD SAFE Helpline.

(2) Upon receiving an Unrestricted Report of sexual assault immediately notify the appropriate MCIO. Within 24 hours, ensure the victim's commander and the Installation SARC are aware of the incident and the services the victim is receiving.

(3) Attend CMG meetings.

(4) Command SARCs shall maintain a copy under double lock and key and forward the original VRPS to the Installation SARC within ten working days. Ensure sensitive handling of the VRPS at all times.

(a) If at any time a victim elects to change a Restricted Report to an Unrestricted Report, the victim shall annotate the desired change on the original VRPS, when feasible; otherwise, it should be made on the copy maintained by the Command SARC and forwarded to the Installation SARC.

(b) If the victim elects to change a Restricted Report to an Unrestricted Report, the victim's command, the Installation SARC, and the appropriate MCIO shall be notified to initiate a formal investigation.

(c) When the UVA or Command SARC is not co-located with the Installation SARC of their parent command, the VRPS can be sent via certified mail and postmarked within the ten-day window.

Chapter 6

Case Management Group (CMG)

1. Purpose. The purpose of the CMG is to review all unrestricted reports of sexual assault. All open unrestricted cases will be reviewed to facilitate monthly victim updates, quality assurance of services and systemic coordination. Restricted cases will not be addressed at the CMG meetings.

2. Members. The CMG shall consist of the Installation commander (chair, non-delegable below Deputy Installation Commander), Installation SARC (co-chair), Command SARC, UVAs/VAs, Command SJA, NCIS, Law Enforcement/PMO/CID, healthcare personnel, Mental Health/Counseling representatives, victim's commander or a member of the command team (if they have an open case), and command/unit chaplain(s).

3. CMG Operation

a. The Installation SARC will inform CMG members of cases to be discussed prior to the meeting in order to allow CMG members to adequately review services provided, ongoing needs, areas for improvement, command climate and related issues, under their cognizance for presentation at CMG meeting.

b. The monthly meeting is not covered under confidential communication; therefore, the passing of confidential and/or sensitive victim information should be limited to what is necessary on a need-to-know basis.

c. The CMG will discuss open unrestricted cases. An unrestricted report is considered open until the victim is no longer receiving advocacy services through the Marine Corps and the legal process has reached final disposition. Prior to adjourning, members should be reminded that information discussed shall be treated in a sensitive manner and no further disclosures shall be made outside the group.

d. In addition to the monthly CMG meetings, at a minimum, a quarterly SAPR program review will be conducted with the CMG members to address administrative actions and process improvements, including SAPR training, prevention efforts, systemic issues and local MOUs. The Installation SARC shall maintain minutes of this meeting.

e. In the event a victim transfers to a new installation prior to the adjudication of a military or civilian criminal

proceeding, CMG meetings will be conducted at the location where the victim is receiving services. The Installation SARC at the duty station where the military or civilian criminal proceeding is ongoing will monitor the case until it is adjudicated and provide case updates to the Installation SARC where the CMG is being conducted.

f. For program evaluation purposes, the Installation SARC shall monitor SAPR initiatives on their installation. These methods include but are not limited to IG inspections, site visits, and evaluation of command climate surveys. Program evaluation should oversee installation SAPR procedures, database management, victim support services and regulatory compliance.

Chapter 7

Uniformed Victim Advocate and Civilian Victim Advocate

1. Purpose. Each command shall utilize UVAs/VAs to provide comprehensive assistance and support to victims of sexual assault. All victims of sexual assault authorized to receive services shall be offered, and if accepted, receive, advocacy and support. UVAs and VAs provide non-clinical crisis intervention and ongoing support, in addition to referrals for adult sexual assault victims who are not eligible for full SAPR services. Support will include providing information on available options and resources to victims. UVAs and VAs shall coordinate directly with the Installation SARC and Command SARC regarding all sexual assault cases. UVAs are the command's sexual assault resource and shall execute the SAPR program at the lowest level. This includes conducting all SAPR related unit training requirements. In coordination with the SARC, UVAs can also be the commanders policy related resource.

2. Training Requirement. Training is essential to ensure skilled provision of services and to promote self-care. Initial 40 hour UVA training, facilitated by the Installation SARC, is required for all UVAs/VAs. To maintain certification, UVAs/VAs shall attend 16 hours of annual refresher training, conducted by the Installation SARC. UVA/VA responsibilities and training requirements are detailed in Appendix J.

3. Program Operation

a. The installation will provide adequate staffing and logistical support (office space, computer access and telephone lines, to include cell phones) and the reimbursement of incidental expenses (mileage and parking fees) to ensure civilian VAs can provide the advocacy services required for victim support and care. FAP VAs operate in accordance with FAP policies but are subject to the additional SAPR policies outlined below.

b. UVA/VA services shall be available 24/7 through systems that provide direct telephonic or personal contact. Victims shall have 24/7 access to UVAs/VAs, or other authorized specified personnel to make an Unrestricted or Restricted Report. Individuals who can offer and accept Restricted Reports are limited to SARCs, UVAs/VAs and healthcare personnel (per state regulations). The UVA/VA sexual assault response protocol is detailed in Appendix G.

c. UVA/VA delivery of advocacy services may include and is not limited to: non-clinical crisis intervention, assisting in securing protective orders, accompanying victims to supportive services (medical, legal/court or family services programs), providing emotional support, and providing information and referrals to both military and civilian resources.

d. UVAs shall have a photograph throughout the command in common areas along with, at a minimum, the 24/7 SAPR Helpline number and the DOD SAFE Helpline.

e. UVAs shall forward a copy of their training certificate, appointment letter, and DD 2909, "Victim Advocate and Supervisor Statements of Understanding" to the SARC.

f. UVAs/VAs shall report all sexual assaults to the SARC within 24 hours of initial contact with a victim.

g. UVAs/VAs shall report all suspected and alleged child abuse incidents to the chain of command and law enforcement and inform victims of this requirement.

h. UVAs/VAs shall immediately refer victims to FAP for domestic violence and child abuse services.

i. UVAs/VAs shall report to military law enforcement all disclosures made by offenders and third parties of sexual assault.

j. Victim Advocacy

(1) The Regional and Installation 24/7 SAPR Helpline(s) will be staffed by UVAs/VAs. SARCs will be included in the on-call rotation as needed to ensure full-time coverage. Calls that are not answered live shall be returned within 15 minutes. The Regional and Installation 24/7 SAPR Helpline is intended to provide victims with advocacy, information on reporting options, resources and related assistance. Helpline responders will provide the SARC with a brief synopsis of calls received to ensure proper services provided. Helpline responders will ensure victims receive immediate care and a warm hand-off, if desired, to a UVA/VA at the victim's location.

(2) The victim will be contacted within 15 minutes via phone and two hours in person after the initial notification of an incident. The physical safety of the victim will be

evaluated immediately. The mental health of the victim should be prioritized and services with mental health providers should be coordinated with the victim's consent.

(3) Ensure victims understand communications with the UVA/VA is confidential, privileged, and voluntary.

(4) Assess the situation for imminent danger or life-threatening physical harm to the victim or another person. If imminent danger exists, the UVA/VA shall immediately notify PMO/law enforcement and medical personnel, as appropriate. The UVA/VA will inform the victim of the pending disclosure and reason for the release of pertinent information. The UVA/VA will notify the SARC of the outcome.

(5) Ensure all victims are informed, at the time of initial contact, of the confidential communication policy and of both the restricted and unrestricted reporting options. The benefits and limitations of each reporting option, exceptions to the policy, and any state or local reporting requirements that preclude the restricted reporting option shall also be explained. UVAs/VAs shall ensure completion of DD Form 2910 "Victim Reporting Preference Statement" (VRPS) by all victims and provide the DD Form 2701, "Initial Information for Victims and Witnesses of Crime" to all victims. Victims who have contacted law enforcement, or who are referred by command or law enforcement are not eligible to elect the restricted reporting option. Every effort should be made to ensure victims receive desired information, support resources and a follow-up plan before ending initial contact.

(6) Victims shall be informed they may change a Restricted Report to an Unrestricted Report at anytime, but cannot change an Unrestricted Report to Restricted Report.

(7) Ensure the victim elects either the restricted or unrestricted reporting option in writing using the VRPS, DD Form 2910. The UVA/VA shall ensure the safe and confidential handling of the VRPS until it is forwarded to the SARC.

(8) Ensure a copy of the MPO (DD Form 2873), if applicable, is provided to the victim by the command in coordination with the SARC.

(9) Ascertain the victim's immediate needs and encourage the victim to seek medical care. Inform the victim of mandatory

reporting requirements in some states or local jurisdiction that may impact the victim's reporting options. Victims should be informed of the benefits of evidence collection and should be provided the opportunity to obtain a SAFE immediately after an assault. The UVA/VA should coordinate transportation to medical and supportive services if needed.

(10) In the event of an Unrestricted Report, ensure the victim receives a copy of the "Initial Information for Victims and Witnesses of Crime" (DD Form 2701), from the MCIO.

(11) Provide the victim with information, as appropriate, regarding local resources for immediate safety and long-term protection and support, workplace safety, housing, childcare, legal services, clinical resources, medical services, chaplain resources, and other military and civilian support services.

(12) Ensure the victim is informed of legal processes and the VWAP program. UVAs/VAs will offer to attend proceedings (law enforcement interviews and judicial proceedings) with victims for emotional support.

(13) Provide follow-up services to victims, which include but are not limited to, updates on investigations and legal actions on all open cases. A minimum of one contact is required every 30 days; if a UVA/VA is providing services, the SARC shall be notified of all contacts with the victim until the case is transferred or closed and the SARC shall ensure this information is entered into the sexual assault database.

k. System Advocacy. The goal of system advocacy is to improve systemic responses to victims of sexual assault through evaluation of policies, prevention strategies and response protocols.

(1) When actively working with a victim, the UVA/VA shall participate in the monthly CMG. The UVA/VA serves as the liaison between the CMG and the victim. In that capacity, the UVA/VA provides current case status and alerts the group to instances in which the victim's rights or safety, were limited and/or compromised.

(2) The UVA/VA, when authorized by command and with support of SJA, assists in establishing cooperative partnerships and active participation with military and civilian agencies involved in prevention and intervention of sexual assault.

(3) In instances where the UVA is in a remote area and not co-located with the SARC (e.g., Inspector-Instructor staff or recruiting sub-stations), the UVA/VA may, when authorized by command and with support of SJA, participate in the formulation of MOUs and other formal agreements between military and civilian agencies. When located on a sister service installation, coordinate with the installation services.

4. Training and Education Responsibilities

a. UVAs will coordinate and conduct unit SAPR-related training to include annual training, pre-deployment briefs, new-join-briefs, and UVA/VA services. UVAs may serve as Master Trainers with the Installation SARC if requested and certified.

b. UVAs/VAs may support the Installation SARC in training military first responders.

c. When authorized by command or the FAPM, as appropriate, UVAs/VAs may support the Installation SARC in providing information to civilian service providers on military victim issues, resources, and services.

d. UVAs/VAs may assist the SARC in planning, developing and implementing public awareness campaigns for National Sexual Assault Prevention and Awareness Month, victim rights and advocacy services. Coordinate these efforts with the Public Affairs Office.

e. UVAs will maintain unit sign in rosters of all SAPR annual and pre-deployment training and provide this information to the S-3 for entry into MCTFS and to the SARC when requested.

5. Limitations. It is essential that UVAs/VAs maintain healthy boundaries with the victim by being able to distinguish between appropriate and inappropriate requests and operating within the scope of their role as a victim advocate. UVAs/VAs shall not:

a. Force, pressure, or coerce victims to receive services.

b. Maintain case notes.

c. Provide childcare/babysitting services.

d. Serve as crisis workers for other after-hours social problems outside of their areas of responsibility.

e. Provide services to alleged offenders.

f. Provide clinical counseling services.

g. Provide legal advice or representation.

h. Offer Restricted Reports of domestic abuse, including sexual assault that occurs during a domestic abuse incident.

6. Transfer of UVA. When a UVA/VA transfers and has open cases, he or she is responsible for notifying the SARC of the pending transfer or separation from the military at least 60 days prior. A warm hand-off of open cases to the newly appointed UVA/VA or SARC shall be conducted prior to transfer or separation.

Chapter 8

Guidance for All Marines

1. Purpose. To ensure victims of sexual assault are treated fairly, with dignity, sensitivity and without prejudice; in a manner that does not usurp control, but enables victims to determine their own needs and how to meet them; and are not identified to the news media without their consent or in a manner inconsistent with this Order.

2. Prevention and Awareness Responsibilities. All Marines shall:

a. Eliminate behavior that violates the Marine Corps ethos and core values, and tarnishes the prestige of the Marine Corps.

b. Maintain a climate that is respectful to all.

c. When witnessing an actual or attempted physical or sexual assault upon another person, notify law enforcement immediately.

3. Training Requirements. All Marines shall complete annual training on sexual assault prevention and awareness as outlined in Chapter 3, paragraphs 6a and b.

4. Reporting Requirements. Every Marine shall:

a. Report all incidents of sexual assault which come under their observation to PMO/law enforcement and the chain-of-command immediately.

b. Avoid questioning a victim about the incident unless required in the course of official duties (i.e., law enforcement, legal, healthcare personnel, etc.), to limit re-victimization.

5. What to Do If You Have Been Sexually Assaulted

a. Go to a safe location away from the alleged offender. If you are in danger or feel threatened, contact PMO/law enforcement. (Note that disclosure of a sexual assault to PMO/law enforcement will preclude the restricted report option).

b. Preserve all evidence of the assault. Do not bathe, wash your hands or brush your teeth. If you are still where the crime occurred, do not clean, straighten up, or remove anything from the crime scene.

c. Contact a SARC or UVA who will keep your information confidential, inform you of the restricted and unrestricted reporting options and provide you with resources and support. Local contact information should be posted in common areas within the command, to include the 24/7 SAPR Helpline number for the installation, the DOD Safe Helpline. The Regional 24/7 SAPR Helpline is a confidential resource to learn about resources, reporting options and receive support.

(1) The DOD Safe Helpline for sexual assault victims is available at 1-877-995-5247 and via Internet at www.safehelpline.org. This helpline can direct you to the nearest rape crisis center and/or your installation SAPR program. It is free and confidential, 24/7.

(2) Contact Military OneSource, 24/7, for unrestricted reporting. Because of issues with multi-state jurisdictions, Military OneSource cannot guarantee confidentiality. They can assist with contacting an installation UVA/VA and provide referrals. For assistance dial: CONUS: 1-800-342-9647, OCONUS: 00-800-3429-6477, OCONUS Collect: 1-484-530-5908, or www.militaryonesource.com.

d. Seek support from your command. The command will ensure you are offered advocacy services and medical care.

e. Seek medical care as soon as possible. Even if there are no visible physical injuries, there is still a risk of becoming pregnant or acquiring a sexually-transmitted infection. Note: Some states and local reporting requirements preclude the restricted reporting option.

(1) Ask your healthcare provider to conduct a SAFE to preserve forensic evidence. You can request a SAFE regardless of the reporting option you choose, per state regulations.

(2) If you suspect you were drugged, request a blood test or urinalysis.

6. Reporting Options Overview for Victims

a. The Marine Corps is committed to ensuring victims of sexual assault are protected; treated with dignity and respect; and provided support, advocacy, and care. Additionally, the Marine Corps strongly supports applicable law enforcement and criminal justice procedures that enable persons to be held accountable for sexual assault offenses as appropriate. To achieve these dual objectives, Marine Corps preference is for

complete unrestricted reporting of sexual assaults to allow for the provision of victim services and to pursue accountability. However, unrestricted reporting may represent a barrier for some victims to access services, when the victim desires no command or law enforcement involvement. Consequently, there is a fundamental need to provide a confidential disclosure method via the restricted reporting option.

b. Military victims have two reporting options, restricted and unrestricted reporting. A comprehensive explanation of the different reporting policies, benefits and limitations, plus practical examples, is contained in Chapter 1 and Appendix B.

7. <u>If a Marine You Supervise Is Assaulted</u>

a. Ensure the victim is at a safe location away from the alleged offender. Notify law enforcement immediately if not already involved. Assist law enforcement in protecting the victim from the alleged offender and others acting on the alleged offender's behalf. Do not interfere with the scene of the assault or any items that might be of evidentiary value for law enforcement.

b. Contact the SARC, UVA/VA or call the 24/7 SAPR Helpline.

c. If the victim requires emergency medical care, call 911 or the installation emergency medical services.

d. Other than safety and health-related questions, refrain from asking details about the incident. Show interest in what the victim says and ask what you can do to help. You may need to address practical issues such as care for children or pets.

e. Report the crime in your unit only to those persons with an official need-to-know in the chain-of-command (e.g., commander, 1stSgt).

f. Do not discuss the matter with co-workers, friends or family members. It is critical to protect the privacy of a victim, and maintain good order and discipline within the unit.

g. Ensure the victim is allowed time to attend medical and other appointments, such as with the SARC, UVA/VA or law enforcement.

(1) Assist with administrative and logistical arrangements so the victim can access services and receive care.

(2) Only inform those with an official need-to-know why the victim is absent or requires logistical assistance.

h. Monitor the victim to ensure safety and coordinate with the UVA/VA/SARC to address victim needs if necessary. A MPO may be issued by command to keep the alleged offender away from the victim. Check with the UVA to see if the victim is eligible for a civilian restraining order; if issued, ensure the victim provides copies to the command and PMO.

i. Support the victim as he or she goes through the investigation and legal proceedings.

j. Recognize that sexual assault is traumatic for all victims and each victim will react differently to an assault.

8. Being an Active Bystander. The Marine Corps knows active bystanders can have a powerful impact on the prevention of sexual violence. The Marine Corps demands an all-out effort to engage Marines in active Bystander Intervention to prevent sexual assault:

a. Active bystanders take the initiative to help someone who may be targeted for a sexual assault.

b. Active bystanders take the initiative to help friends who are not thinking clearly from becoming alleged offenders.

c. Intervention does not only mean Marines step in to stop a crime in progress; rather, these steps also comprise early intervention, before the crime occurs. There are three components of active Bystander Intervention:

(1) Assess for safety. When deciding to intervene, personal safety should be the highest priority. When in doubt, call for help. Before acting, consider the following:

(a) How can you keep yourself safe in this situation?

(b) What are all the options available?

(c) Who else might be able to assist?

(2) Engage others. You are likely to have a greater influence on the parties involved when you work together with someone or with several people.

(3) Check in. Ask the target of the unwanted sexual advance, attention, or behavior if he or she is okay. Arrange for someone he or she trusts to get him or her home safely. Does he or she want to talk to someone about reporting the matter?

d. Active Bystander Intervention takes a number of forms:

(1) Talking to the friend to make sure he or she is okay.

(2) Making up an excuse to help the friend get away from someone.

(3) Calling law enforcement or someone in the chain-of-command.

(4) Alerting a bartender or party host that someone has had too much to drink.

(5) Pointing out disrespectful behavior in a safe and respectful manner that tends to de-escalate the situation.

(6) Removing the friend from a risky situation quickly.

9. Resources. Become familiar with the resources available in your community. Marines are encouraged to use the HQMC (MFB) website https://www.manpower.usmc.mil/portal/page/portal/M_RA_HOME/MF/D_Sexual%20Assault%20Prevention as a resource for current information on awareness, prevention, and response to sexual assault.

Appendix A

Definitions

1. **Child** - An unmarried person under 18 years of age for whom a parent, guardian, foster parent, caregiver, employee of a residential facility, or any staff person providing out-of-home care is legally responsible. The term means a biological child, adopted child, stepchild, foster child, or ward. The term also includes a sponsor's family member (except the sponsor's spouse) of any age who is incapable of self-support because of a mental or physical incapacity, and for whom treatment in a DOD medical treatment program is authorized.

2. **Collateral Misconduct** - Misconduct committed by a victim leading up to or associated with the sexual assault incident Examples include, but are not limited to, underage drinking, liberty violation, fraternization, and patronizing an off-limits establishment or location.

3. **Confidential Communications** - Oral, written, or electronic communications of personally identifiable information concerning a sexual assault victim and the sexual assault incident provided by the victim to the Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Uniformed Victim Advocate (UVA), or healthcare personnel in a Restricted Report. This confidential communication includes the victim's SAFE Kit and its information.

4. **Consent** - Words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another in fear does not constitute consent. A current or previous dating relationship or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. There is no consent where the person is sleeping or incapacitated, such as due to age, alcohol or drugs, or mental incapacity.

5. **Crisis Intervention** - Emergency non-clinical care aimed at assisting victims in alleviating potential negative consequences by providing safety assessments and connecting victims to needed resources. Either the SARC or SAPR VA will intervene as quickly as possible to assess the victim's safety and determine the needs of victims and connect them to appropriate referrals, as needed.

6. **Emergency** - A situation that requires immediate intervention to prevent the loss of life, limb, sight, or body tissue to prevent undue suffering. Regardless of appearance, a sexual assault victim needs immediate medical intervention to prevent loss of life or undue suffering resulting from physical injuries internal or external, sexually transmitted infections, pregnancy, or psychological distress. Sexual assault victims shall be given priority as emergency cases regardless of evidence of physical injury.

7. **Emergency Care** - Emergency medical care includes physical and emergency psychological medical services and a SAFE.

8. **First Responder** - First responders are personnel in the following disciplines or positions: SARCs, VAs, healthcare personnel, law enforcement, MCIO, SJAs and chaplains.

9. **Healthcare Personnel** - Persons assisting or otherwise supporting healthcare providers in providing healthcare services (e.g., administrative personnel assigned to a military medical treatment facility, or mental healthcare personnel). Healthcare personnel also includes all healthcare providers.

10. **Informed Consent Policy** - UVAs/VAs/SARCs must inform victims who file a Restricted Report of sexual assault that non-identifying information will be passed on to the installation commander and entered into the sexual assault database. UVAs/VAs/SARCs must also inform victims that if they report the incident to anyone outside the personnel covered by Restricted Reporting, it may result in an unrestricted report. This policy allows the Marine Corps to balance the needs of the victim with the needs of commanders to maintain good order and discipline.

11. **Marine Corps Medical Entitlement Data System (MCMEDS)** - Wounded Warrior Regiment Reserve Medical Determination and Line of Duty (WWRRMED/LOD) database designed to track injured Reservist quality of care and system compliance.

12. **Non-Identifiable Personal Information** - Non-Identifiable Personal Information includes those facts and circumstances surrounding the sexual assault incident or information about the individual that enables the identity of the individual to remain anonymous. In contrast, personal identifying information is information belonging to the victim and alleged assailant of a sexual assault that would disclose or have a tendency to disclose the person's identity.

13. **Official Investigative Process** - The formal process a commander or law enforcement organization uses to gather

evidence and examine the circumstances surrounding a report of sexual assault.

14. **Personal Identifiable Information (PII)** - Includes the person's name, other particularly identifying descriptions (e.g., physical characteristics or identity by position, rank, or organization), or other information about the person or the facts and circumstances involved that could reasonably be understood to identify the person (e.g., a female in a particularly squadron or barracks when there is only one female assigned).

15. **Reprisal** - Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a DOD member.

16. **Restricted Reporting** - Reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, UVA/VA, and healthcare personnel), and receive medical treatment, including emergency care, counseling, and assignment of a SARC and UVA/VA, without triggering an official investigation. The victim's report provided to healthcare personnel (including the information acquired from a SAFE Kit), SARCs, or UVA/VAs will NOT be reported to law enforcement or to the command to initiate the official investigative process unless the victim consents or an established EXCEPTION is exercised in accordance with reference (a). The restricted reporting option applies to Service members and their military dependents 18 years of age and older. For additional persons who may be entitled to restricted reporting, see eligibility criteria in reference (a). Only a SARC, UVA/VA, or healthcare personnel may receive a Restricted Report.

17. **Restricted Reporting Property Submission Protocol** - The unique number assigned to evidence collected for a SAFE. See Appendix R for formatting and requirements.

18. **Senior Commander** - An officer, usually in the grade of O-6 or higher, who is the commander of a military installation or comparable unit and has been designated by the Marine Corps to oversee the SAPR Program.

19. **Service Member** - An active duty member of a Military Service. In addition, National Guard and Reserve Component members who are sexually assaulted when performing active service and inactive duty training, as defined in references (d) and (e).

20. **Service Providers** - Service providers include, but are not limited to FAP personnel (i.e., counselors, VAs), chaplains, and health care professionals.

21. **Sexual Assault** - Intentional sexual contact, characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts.

22. **Sexual Assault Forensic Examination (SAFE) Kit** - The medical and forensic examination of a sexual assault victim under circumstances and controlled procedures to ensure the physical examination process and the collection, handling, analysis, testing, and safekeeping of any bodily specimens and evidence meet the requirements necessary for use as evidence in criminal proceedings. The victim's SAFE Kit is treated as a confidential communication when conducted as part of a Restricted Report.

23. **Sexual Assault Database** - A centralized, case-level database for the uniform collection of data regarding incidents of sexual assaults involving persons covered by reference (b).

24. **Sexual Assault Prevention and Response (SAPR)** - Those efforts designed to address the specific needs of victims of sexual assault and related issues. SAPR includes establishing procedures to protect the victim's dignity and privacy; establishing processes under the Victim and Witness Assistance Program (VWAP) to address the special needs of victims, as coordinated by SJA to CMC; to formalize a mandatory, standardized sexual assault victim assistance program; tracking sexual assault trends, and formalizing a sexual assault prevention program throughout the Marine Corps and in accordance with reference (a).

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

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

c. Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile or offensive working environment. Workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures or physical contact of a sexual nature in the workplace is also engaging in sexual harassment. Additional information on sexual harassment can be found in reference (f).

26. **Unrestricted Reporting** - A process that an individual covered by this policy uses to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report provided to healthcare personnel, the SARC, a SAPR UVA/VA, command authorities, other persons is reported to law enforcement and may be used to initiate the official investigative process in accordance with reference (a).

27. **Victim** - A person who asserts direct physical, emotional, or pecuniary harm as a result of the commission of a sexual assault. The term encompasses all persons 18 and over eligible to receive treatment in military medical treatment facilities; however, the restricted reporting option applies to Service members and their military dependents 18 years of age and older. See eligibility criteria in reference (b).

28. **Victim and Witness Assistance Coordinator (VWAC)** - As defined under VWAP per reference (j), the VWAC is the unit commander's primary point of contact for VWAP matters. Contact your local SJA for the VWAC's responsibilities.

29. **Victim and Witness Assistance Program (VWAP)** - A multi-disciplinary program to assist victims and witnesses of crime to ensure the military criminal justice system accords crime victims and witnesses their rights, without infringing on the constitutional rights of an alleged offender, and receive appropriate assistance. VWAP incorporates law enforcement personnel, criminal investigators, service providers, judge advocates, corrections personnel, and unit COs, to identify and assist victims and witnesses of crime through the criminal

justice process. The SJA to CMC is the VWAP Component Responsible Official.

30. **Victim Witness Liaison Officer (VWLO)** - Under VWAP, installation commanders are the local responsible officials for VWAP implementation. The VWLO is the installation commander's representative responsible for the coordination of victim and witness assistance efforts aboard the installation. The VWLO is appointed in writing by the Installation Commander and serves as the VWAP Council chairperson. Contact your local SJA for the VWLO's responsibilities.

31. **Witness** - As defined under reference (j), a witness is a person who has information or evidence about a crime, and provides that knowledge to a DOD component about an offense in the investigative jurisdiction of a DOD component. When the witness is a minor, that term includes a family member or legal guardian. The term does not include a defense witness or an individual involved in the crime as an alleged offender or accomplice.

Appendix B

Reporting Options

1. Purpose. While the Marine Corps prefers complete reporting of sexual assaults in order to activate victim services and law enforcement actions, it recognizes some victims desire only medical and/or support services, and do not want command or law enforcement involvement. Marine Corps priorities are for victims to be protected; that they be treated with dignity and respect, and receive the medical treatment, care and counseling they deserve.

2. Options. Military victims have two options, restricted and unrestricted reporting.

3. Restricted Reporting. Reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, UVA/VA, and healthcare personnel), and receive medical treatment, including emergency care, counseling, and assignment of a SARC and SAPR UVA/VA, without triggering an official investigation. The victim's report provided to a healthcare personnel (including the information acquired from a SAFE Kit), SARCs, or SAPR UVA/VAs will NOT be reported to law enforcement or to the command to initiate the official investigative process unless the victim consents or an established EXCEPTION is exercised in accordance with reference (a). The restricted reporting option applies to Service members and their military dependents 18 years of age and older. For additional persons who may be entitled to restricted reporting, see eligibility criteria in reference (a). Only a SARC, SAPR UVA/VA, or healthcare personnel may receive a Restricted Report.

a. "Military personnel" includes active duty members and members of the Reserve component, provided they are performing federal duty (active-duty training or inactive-duty training, including National Guard in Federal (Title 10) status).

b. Members of the Reserve component not performing Federal duty are not eligible. Retired members of any component are not eligible.

4. Unrestricted Reporting. Victims who desire medical treatment, counseling, and an official investigation of the crime elect an Unrestricted Report.

a. When electing the unrestricted reporting option, use the following reporting channels, (e.g., SARC, UVA/VA, healthcare personnel, chain-of-command, law enforcement, or legal).

b. Upon notification of a sexual assault, the SARC will immediately assign a UVA/VA. At the victim's discretion or request, a SAFE will be conducted. Details regarding the incident will be limited to those personnel who have a legitimate need-to-know.

c. Official Investigative Process. The nature of the investigative process can be stressful for victims despite the efforts of law enforcement, trial counsel, and other personnel involved in the process. The entire process, from investigation through final disposition, may take many months. Precise and probing questions will be asked of the victim. This process may be stressful for the victim and support and advocacy services at this time are critical. The commander will ensure, at a minimum, the victim receives a monthly update regarding the status of any ongoing investigative, legal, or command proceedings regarding the sexual assault allegation until final disposition of the alleged sexual assault. "Final disposition" means the conclusion of any judicial, non-judicial, and/or administrative actions (including separation actions or no action).

Appendix C

Commander's Protocol for Prevention and Response

1. To prevent sexual assault, all commanders shall:

a. Establish a command climate of prevention predicated on mutual respect and trust, that recognizes and embraces diversity, and values contributions of all members.

b. Remind Marines of their personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.

c. Monitor the organization's climate and respond with appropriate action toward any negative trends that may emerge.

2. In the event of a sexual assault, commanders shall:

a. Discourage members from participating in "barracks gossip" or speculation about the case or investigation, reminding all to wait in reaching conclusions until all the facts are known and final disposition of the allegations has occurred.

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

c. Remind members that discussion of a possible sexual assault incident might compromise an ensuing investigation.

d. Emphasize the alleged offender is presumed innocent until guilt is established by legal and competent evidence beyond reasonable doubt.

e. Coordinate unit refresher training with UVA and/or SARC. Address preventive measures and the impact on the unit. Assess and be cognizant of the needs of the victim at this time, recognizing that increased attention on him/her during this period may be detrimental.

f. Continuously monitor the unit's climate to ensure neither the victim nor the alleged offender is being ostracized, and to prevent organizational splintering.

3. The victim's commander shall:

a. Ensure the physical safety and emotional security of the victim. Determine if the alleged offender is still nearby and if the victim desires/needs protection.

b. Ensure emergency medical care is offered if necessary and/or requested by the victim.

c. Ensure the SARC is notified immediately.

d. Ensure notification to the appropriate military criminal investigative organization (MCIO), as soon as the victim's immediate safety is addressed, and medical treatment procedures are in motion. To the extent practicable, strictly limit knowledge of the facts or details regarding the incident to only those personnel who have a legitimate need-to-know.

e. Ensure necessary action to safeguard the victim from any formal (official) or informal investigative interviews or inquiries, except those conducted by the authorities who have a legitimate need-to-know.

f. Submit the OPREP-3/SIR report for all unrestricted reports of sexual assault when the victim is a Marine or other Service member assigned to a Marine Corps unit.

g. Complete the SAPR 8-Day brief when the victim is a Marine. Ensure collection of only the necessary information. Do not ask detailed questions and/or pressure the victim for responses or information about the incident.

h. Ensure the victim is advised of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while waiting for the arrival of representatives of the MCIO.

i. Ensure assistance with or provide immediate transportation for the victim to the hospital or other appropriate medical facility. Encourage evidence collection, as there is only a small window of opportunity to collect it.

j. Ensure the victim understands the availability of victim advocacy and the benefits of accepting advocacy and support.

k. Ensure the victim is asked if a support person is needed, which can be a friend or family member, to immediately join the victim. Ensure the victim is advised that this person could later be called to testify as a witness if the case goes to trial.

l. Ensure a UVA/VA is made available to the victim. If not already appointed, the SARC will assign a UVA/VA to meet with and provide support to the victim.

m. Ensure the victim is offered a chaplain and notify accordingly.

n. Determine if the victim desires/needs a "no contact" order or an MPO, DD Form 2873, to be issued, particularly if the victim and the alleged offender are assigned to the same command, unit, duty location, or living quarters.

o. Ensure the victim understands working with a victim advocate is voluntary and the availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes and advise of the victim's support rights.

p. Ensure the victim is advised of the expedited transfer process and facilitate the expedited transfer when requested by the victim. Determine the need for an temporary reassignment to another unit, duty location, or living quarters on the installation of the victim or the alleged offender being investigated, working with the commander of the alleged offender if different than the victim's commander, until there is a final legal disposition of the sexual assault allegation, and/or the victim is no longer in danger.

q. Attend the monthly CMG meeting until case involving command personnel is closed.

r. Ensure the victim receives monthly reports regarding the status of the sexual assault investigation until its final disposition.

s. Initial disposition authority is withheld to the SA-IDA for all other alleged offenses arising from or relating to a reported sexual assault, whether committed by the alleged offender or the alleged victim. The SA-IDA has the non-delegable responsibility for initial disposition as defined in

reference (n). Such offenses commonly include underage drinking, traveling out-of-bounds or to off-limits establishments, fraternization, or adultery. In cases involving a victim's collateral misconduct, the SA-IDA is encouraged to defer a victim's disciplinary proceeding until final disposition of the more serious sexual assault case in accordance with reference (a).

t. Avoid automatic suspension or revocation of a security clearance and/or Personnel Reliability Program (PRP) access, understanding the victim may be satisfactorily treated for related trauma without compromising the victim's security clearance or PRP status. Consider the negative impact suspension of a victim's security clearance may have on building a climate of trust and confidence in the Marine Corps sexual assault reporting system, but make the final determination based upon established national security standards.

u. Throughout the investigation, consult with the victim and, when possible, accommodate the victim's desires regarding safety, health, and security, as long as neither a critical mission nor a full and complete investigation are compromised.

v. Listen/engage in support of the victim, as needed. Be available in the weeks and months following the sexual assault, and assure the victim of the commander's support.

4. <u>The alleged offender's commander shall</u>:

a. Ensure notification to the appropriate MCIO as soon as possible after receiving a report of a sexual assault incident.

b. Safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation.

c. Restrict information pertinent to an investigation to those who have a an official need-to-know.

d. Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative and legal processes that may be involved.

e. Ensure procedures are in place to inform the alleged offender about available counseling support.

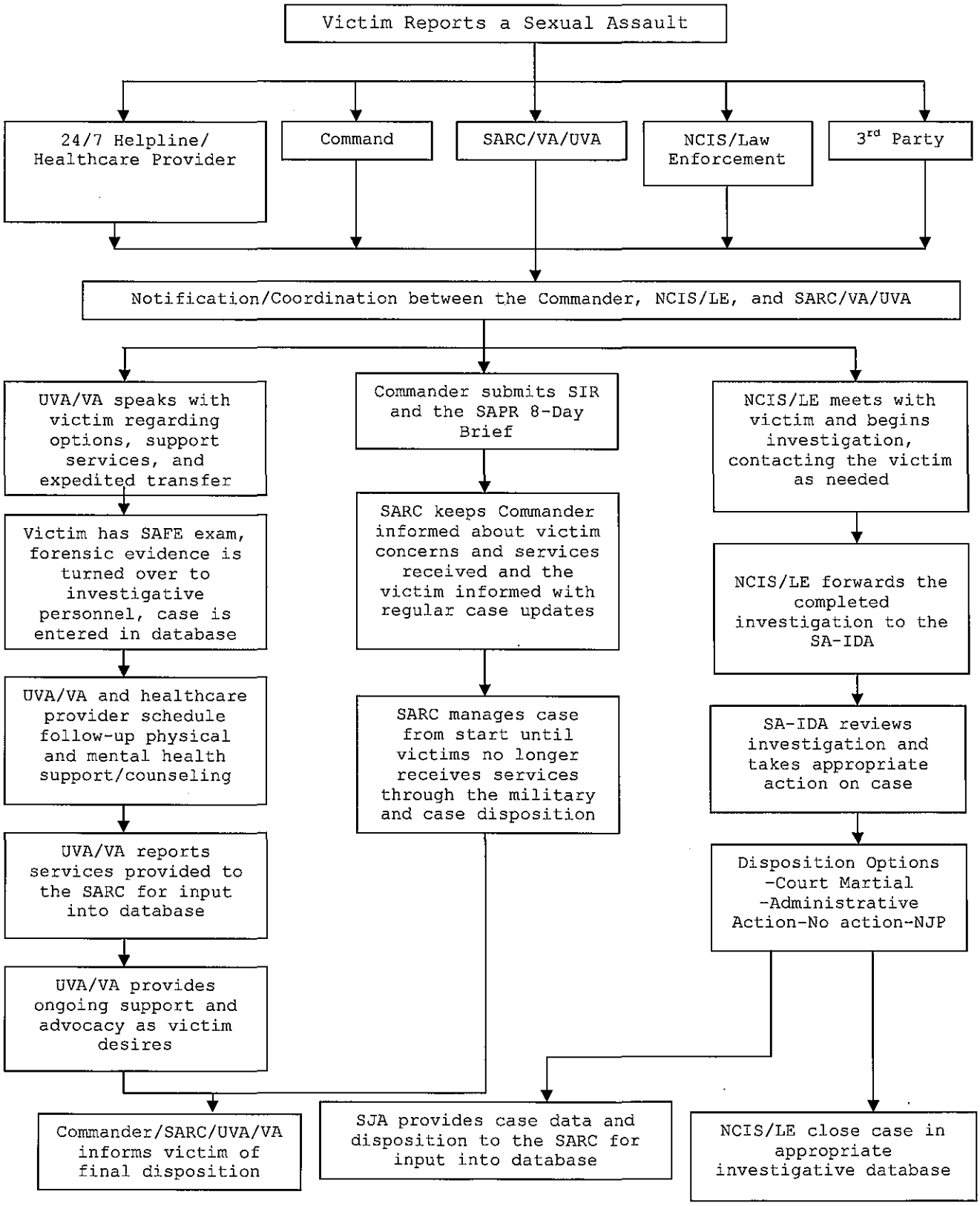
f. Determine the need of the issuance of an MPO, DD Form 2873.

g. Monitor the well-being of the alleged offender, particularly for indications of suicidal ideation, and ensure appropriate intervention occurs if indicated.

h. Submit an Operations Event/Incident Report (OPREP-3) Serious Incident Report (SIR), for all reports of sexual assault when the victim is a civilian and the alleged offender is a Marine or other Service member assigned to a Marine Corps unit.

Appendix D

Sexual Assault Unrestricted Report and Response Flowchart



Appendix E

Sample Command Policy Statement

DEPARTMENT OF THE NAVY
UNITED STATES MARINE CORPS
Unit Title
Unit Address
City, State ZIP

IN REPLY REFER TO:
1752
CG

POLICY STATEMENT XX-0X

From: Commanding General
To: Distribution List

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE

Ref: (a) MCO 1752.5B

1. Sexual assault is a crime that is not unique to any gender, race, or age. Sexual assault is defined as intentional sexual contact, characterized by the use of force, physical threat of force or abuse of authority; or when the victim does not or cannot consent. The reference is a newly revised Marine Corps Order containing guidance for identifying, reporting, and addressing the issue of sexual assault.

2. Sexual assault will not be tolerated. Failure to report or ignoring sexual assault incidents will have damaging consequences for both victims and their organizations. Where cause exists, appropriate legal and/or administrative action will be taken against violators.

3. Victims will be treated with sensitivity, decency and respect, and will receive appropriate medical, emotional, psychological, and social services. Care will be given to ensure the identity of a victim is released only to those who have a need-to-know (i.e., the unit commander, PMO, or NCIS). Victim safety is paramount at all times. Victims who choose to make a Restricted Report in accordance with the reference will have that choice honored to the fullest extent. Victims who have the courage to report must feel confident their personal

safety will be protected and they will not be re-victimized by the organization. Marines and Sailors who are sexually assaulted are physically, mentally, and emotionally traumatized. They deserve to be treated with sensitivity and care.

4. Alcohol use is frequently cited in sexual assault incidents. Irresponsible consumption of alcohol places a Marine at increased risk. It is imperative Marines take care of each other and not allow a fellow Marine to be victimized due to intoxication.

5. Leaders at all levels will take immediate action to become familiar with the contents of the reference. Commanders will ensure all members of their command are briefed on the contents of the reference and receive annual refresher training. Marine Corps Community Services (Marine and Family Programs), as well as the Installation Sexual Assault Response Coordinator (SARC) and/or Uniformed Victim Advocate (UVA), will be utilized to assist the command in fulfilling SAPR training responsibilities as well as providing assistance to victims.

6. "The Commander's Protocol for Responding to Allegations of Sexual Assault," found at Appendix C of the reference is established as the standard operating procedure (SOP) within (command/unit) for responding to allegations of sexual assault.

7. Sexual assault is a complete and total contradiction to the core values we all embrace. Eliminating sexual assault will take a dedicated community effort. I challenge each leader and individual to accept responsibility for achieving this goal. Our Marine family deserves nothing less than our complete dedication to this cause.

C. G. COMMANDER

Distribution: (Ensure all members of the unit are knowledgeable on the contents of this policy statement.)

Appendix F

UVA Selection Criteria for Commanders

- ☐ Sgt or higher
- ☐ Not the XO, SgtMaj, Company Cmdr, 1stSgt, legal officer/SJA, EOR or EOA, law enforcement personnel, SACO, FRO, IG, or VWAC
- ☐ At least 24 months left before PCS/PCA/EAS
- ☐ Flexible schedule, available 24/7
- ☐ No adverse fitness reports in grade
- ☐ No history of sexual harassment or sexual assault allegations
- ☐ No history of court-martial
- ☐ No recent history (within past three years) of NJP
- ☐ No history of drug related incidents
- ☐ No recent history (within last three years) of alcohol related incidents
- ☐ No history of domestic violence allegations or referral to the command-directed Family Advocacy Program (FAP)
- ☐ Epitomizes Core Values of honor, courage, and commitment
- ☐ Comfortable working with all ranks
- ☐ Approachable
- ☐ Good communication skills; ability to gain rapport, good listener, and empathetic
- ☐ Comfortable with sensitive topics
- ☐ Discreet, able to maintain confidentiality
- ☐ Calm demeanor during stressful situations (no explosive personalities); exercises good judgment under adverse or emergency situations
- ☐ Ability to work within established guidelines
- ☐ Ability to conduct training for unit personnel
- ☐ Ability to participate in ongoing training and monthly case management group meetings
- ☐ Ability to complete basic data entry
- ☐ Ability to care for self and ask for support

Appendix G

UVA/VA Sexual Assault Response Protocol

1. Initial Response

a. Assess for imminent danger of life-threatening or physical self-harm to the victim (suicidal), by another (homicidal), or to another (homicidal)and seek appropriate emergency care if deemed necessary.

b. Ensure the victim understands that speaking with the VA is voluntary. Inform the victim of his or her rights as provided in the SAPR program.

c. If the victim requested restricted reporting and the healthcare provider determines there is an imminent danger, or another exception to confidentiality exists, advise the victim of the exception to the confidential reporting policy and notify the SARC.

d. The SARC shall validate the exception and notify command and/or law enforcement as appropriate, disclosing only the details necessary to satisfy the exception.

e. Ascertain the victim's immediate needs.

f. Encourage the victim to seek medical consultation and evidence collection (Sexual Assault Forensic Examination).

g. Ensure the victim is aware of actions available to promote safety, e.g., MPO, civilian temporary or permanent restraining order.

h. As appropriate, thoroughly explain to the victim each of the reporting options available, including exceptions, benefits and limitations of each.

i. Review the DD Form 2910, "Victim Reporting Preference Statement" (VRPS), if the victim is eligible to elect the restricted reporting option, ensuring none of the exceptions are applicable.

j. Ensure the victim acknowledges understanding of the explanation of each item by initialing the space by each item.

k. Ensure the victim indicates the reporting option he or she elects by initialing the space which corresponds to the election. Remind the victim that failing to elect a reporting option may result in an unrestricted report and notification of the command and appropriate MCIO.

l. If the victim elects the restricted reporting option, reiterate the option to change to an Unrestricted Report at any time, which will result in the notification of command and law enforcement for possible initiation of a criminal investigation.

m. Ensure the VRPS is signed and dated by the UVA/VA and the victim in the designated spaces.

n. Provide a copy of the VRPS to the victim for safekeeping, and give the original to the SARC. Ensure victims receive a copy of DD Form 2701, "Initial Information for Victims and Witnesses of Crime," May 2004. If the victim elected Restricted Report option, ensure that the victim understands that many of the rights provided on this form are unavailable unless an unrestricted report is made by the victim.

o. Offer information, as appropriate, regarding local resources for immediate safety and long-term protection and support, workplace safety, housing, childcare, legal services, clinical resources, medical services, chaplain resources, and other military and civilian support services.

p. Facilitate the victim's contact with military and civilian resources, as requested by the victim.

q. Advise the victim of the VA's availability to provide ongoing advocacy services for as long as desired.

r. Consult with the SARC on immediate assistance provided within 24 hours of the initial report.

2. <u>Ongoing Assistance Related to Recovery</u>

a. Serve as a member of the CMG and attend all meetings involving the victim's case in order to represent the victim and to ensure the victim's needs are met.

b. Maintain follow-up contact at a minimum of every thirty days, unless the victim requested to end the services.

c. Support the victim in decision-making by providing relevant information and discussing available options.

d. Assist with prioritizing actions and establishing short- and long-term goals related to recovery.

e. Support the victim in self-advocacy.

f. Provide comprehensive information and referral on relevant local military and civilian resources.

g. Assist in gaining access to service providers and support resources that can help the victim explore future options and prioritize actions.

h. Assist in contacting appropriate military and civilian legal offices for personal legal advice and assistance specific to the victim's circumstances or case, including the filing for a civilian temporary or permanent restraining order or MPO. The VA shall not provide legal advice, but may provide general information on the civil or criminal legal process.

i. Consult and work with the assigned VWLO/VWAC as applicable.

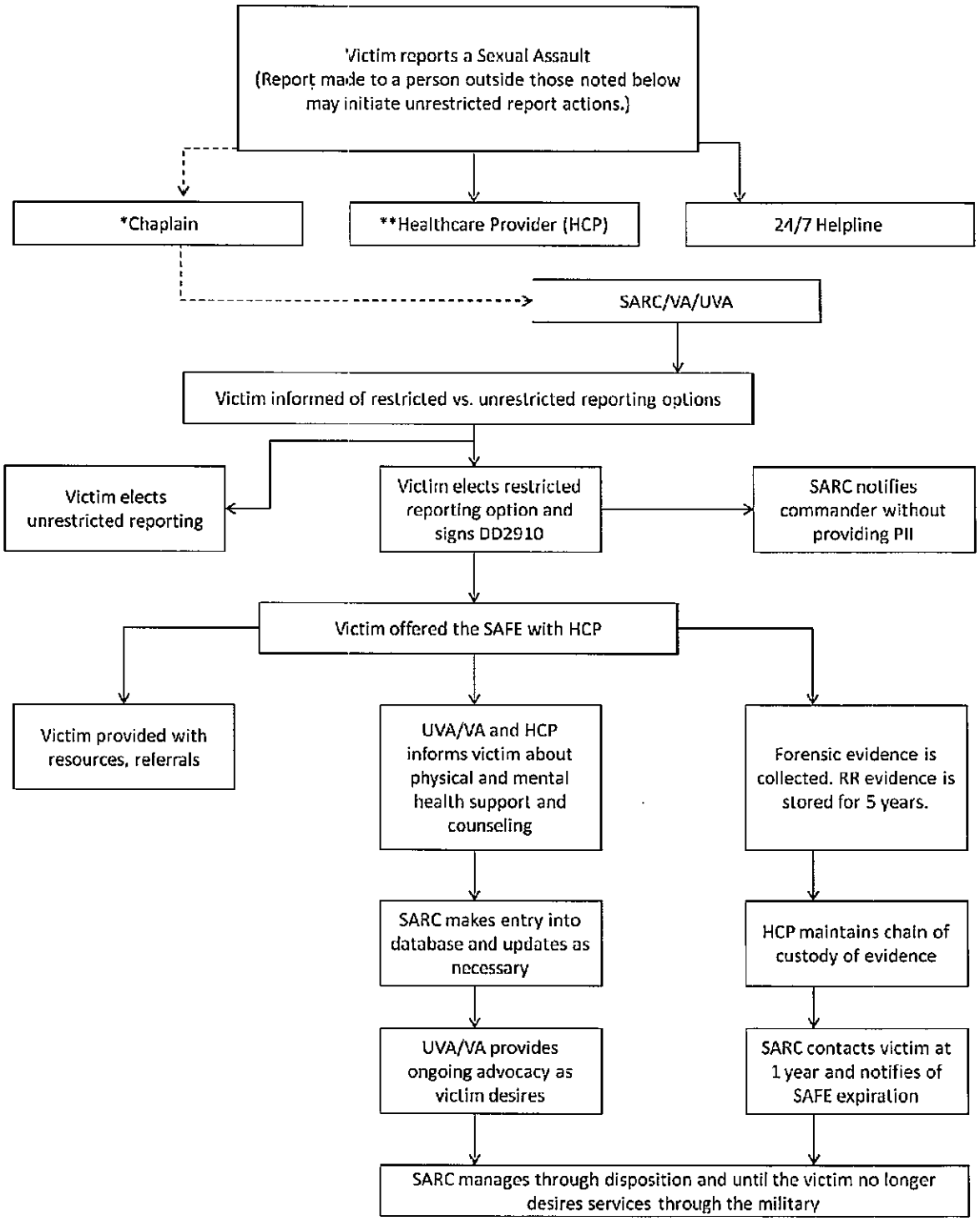
j. Advise the victim of sexual assault clinical/counseling resources.

k. Advise the victim of the impact of sexual assault on family members and offer referral information for family members.

l. Accompany the victim to appointments and civilian and/or military court proceedings, as appropriate and when requested by the victim.

m. Consult regularly with the SARC on ongoing assistance provided.

Appendix H



*Because of the rules governing confidential communications to chaplains (SECNAVINST 1730.9), when a victim discloses a sexual assault to the chaplain, the chaplain is not permitted to report the assault to the command or SARC. Chaplains are trained to explain SAPR and the role of the Victim Advocates. Victims may then speak to a SARC/VA/UVA and elect a restricted or unrestricted report.

**Under restricted reporting, victims may disclose a sexual assault incident to a HCP and be referred to the SARC/VA/UVA to make a formal election.

Appendix I

Marine Corps Sexual Assault Line of Duty (LOD) Determination Protocol

1. Restricted Reporting and LOD Determination. In those instances where a drilling Reservist is a victim of sexual assault, a LOD determination is required. The Marine Corps SAPR LOD protocol is based on a single point of eligibility determination. Unlike LOD determinations made pursuant to JAGINST 5800.7F, Manual of the Judge Advocate General of the Navy, the victim's commander has no role in the determination process. The Wounded Warrior Regiment Reserve Medical Determination and Line of Duty (WWRRMED/LOD) section is the Marine Corps LOD determining activity for drilling Reservist victims of sexual assault. In order to facilitate the LOD process, Reserve Site Commanders should ensure their appointed UVAs are knowledgeable of the LOD determination process. The MARFORRES SARCs will ensure UVAs are familiar with the LOD process. The UVA will support the victim through the process. Upon a positive LOD determination, a Notice of Eligibility (NOE) is given to the victim. The NOE gives a victim injured in a drilling status the ability to receive continuous care from an MTF while in a non-drilling status.

2. The below protocols shall be followed when a drilling Reservist is a victim of sexual assault:

a. Uniformed Victim Advocate (UVA) shall:

(1) Thoroughly explain the process and reporting options to the victim.

(2) Notify the SARC of the need for the LOD determination.

(3) Upon LOD determination, the UVA shall assist the victim in receiving continuous support while in a non-drilling status.

b. Sexual Assault Response Coordinator (SARC)

(1) The SARC receiving notification of need for LOD determination, shall contact the Wounded Warrior Regiment Reserve Medical Determination and Line of Duty (WWRRMED/LOD) section as the LOD determining officials.

(2) The SARC shall notify the determining official of the situation.

(3) Upon a LOD determination, the SARC shall notify the Administrative Officer/Chief and assist in providing continuous care to the victim.

c. WWRRMED/LOD

(1) Conduct LOD determinations in confidential manner as provided in this Order.

(2) Follow the LOD protocol in reaching an eligibility decision.

(3) The determining official shall notify the originating SARC of the final LOD determination.

Appendix J

UVA/VA Responsibilities and Training Requirements

1. Confidentiality shall apply in all cases except those exceptions listed in Chapter 1. In those instances, the UVA/VA shall immediately seek guidance from the SARC prior to notifying law enforcement and the victim's command.

2. The Victim Reporting Preference Statement (VRPS), DD Form 2910, shall be utilized in all sexual assault cases. Victims shall sign the VRPS acknowledging an understanding of informed consent and the confidentiality policy as soon as practical.

3. UVAs will provide deployed Marines and attached Service members who are victims with information and emotional support.

4. To minimize re-victimization, UVAs/VAs will accompany victims through the medical, legal, and administrative processes as requested by the victim.

5. In all sexual assault cases, victims shall be provided DD Form 2701, "Initial Information for Victims and Witnesses of Crime," May 2004.

6. UVAs and VAs shall receive training that includes:

a. Sexual Assault Response Policies

(1) Department of Defense, Department of the Navy, and Marine Corps directives and policies.

(2) DOD Confidentiality Policy, and Limitations to include the exceptions to restricted reporting and MRE 514.

(3) Change in victim reporting preference election from restricted to unrestricted reporting.

b. Critical Advocacy Skills

(1) Basic Interpersonal and Assessment Skills

(a) Appropriate relationship and rapport building.

(b) Sensitivity training.

(c) Crisis Intervention.

(d) Listening and communication techniques.

(e) Roles and Limitations

1. Command Relationship.

2. Protections afforded VAs/VA responsibilities.

3. Reporting requirements.

4. Recognizing Personal Biases/Issues.

(2) Local Protocols and Procedures

(a) Resources.

(b) Referrals.

(c) Documentation.

(d) Requirements, including tracking and monitoring.

(3) Recordkeeping requirements for Protected Disclosures.

(4) Ethics.

(5) Individual vs. Systems Advocacy (e.g., Collaboration/Knowledge of Resources and Referrals).

c. Knowledge of the Military (e.g., Command, Mission, Programs, Military Justice, and Adverse Administrative Actions).

d. Overview of criminal investigative process and military judicial and evidentiary requirements.

e. Victimology

(1) Types of Assault.

(2) Health Consequences.

(a) Mental Health/Behavioral Health.

(b) Physical Health.

(3) Myths and Facts.

(4) Secondary Victimization.

(5) Cultural/Religious Differences.

(6) Types of Sex Offenders.

f. Victim Rights and the Roles of the Victim in Accountability Actions (e.g., limitations on accountability actions created by Restricted Reports).

g. Health Care Management of Sexual Assault

(1) Medical Resources/Treatment Options.

(a) Medical Exams.

(b) Forensic Exams.

(c) Mental Health and Counseling.

(d) Pregnancy.

(e) STDs, HIV.

7. UVAs shall attend 16 hours continuing education to maintain certification on the above training requirements. The 16 hours of continuing education can be achieved by attending SAPR workshops on the installation, MFB hosted webinars, Office of Victims of Crime (OVC) courses, or sexual assault related conferences or workshops that have been preapproved by the SARC.

Appendix K

Chaplain Training Requirements

1. Chaplains shall maintain documentation of receipt of the following training:

a. Sexual Assault Response Policies

(1) DODD 6495.01 and DODI 6495.02.

(2) MCO 1752.5B.

(3) Privileged Communications and the DOD Confidentiality Policy Rules and Limitations.

b. Victimology

(1) Types of Assault.

(2) Health Consequences.

(a) Mental/Spiritual Health.

(b) Physical Health.

(3) Myths and Facts.

(4) Secondary Victimization.

(5) Cultural/Religious Difference.

c. Victim Rights

d. Trauma Training with Pastoral Applications

(1) Types of Injury.

(2) Consulting/Referral Process.

e. Documentation

2. With a victim's consent, a chaplain may notify a UVA/VA.

3. Chaplain personnel shall attend annual refresher training on the above requirements.

Appendix L

Provost Marshal's Office (PMO) Responsibilities and Training Requirements

1. PMO shall:

a. Ensure immediately notification of a UVA/VA as a first responder on all reported cases of sexual assault.

b. Establish procedures authorizing Installation SARCs access to the law enforcement blotter.

c. Provide necessary liaison with NCIS consistent with departmental regulations on referral of sexual assault cases.

2. PMO personnel shall maintain documentation of receipt of the following training:

a. Sexual Assault Response Policies

(1) DODD 6495.01 and DODI 6495.02.

(2) MCO 1752.5B.

(3) DODD Confidentiality Policy Rules and Limitations.

b. Responding to Sexual Assault

(1) Notification of Command, SARCs, UVAs/VAs.

(2) Working with SARCs, UVAs/VAs.

c. Crime Scene Management

(1) Securing the Crime Scene.

(2) Identification and Preservation of Fragile Evidence.

(3) Chain of Custody.

d. Preliminary Interviews

(1) Victim Sensitivity.

(2) Transition to Investigative Agency.

e. Victimology

(1) Victimization Process.

(2) Potential Victim Responses.

(a) Trauma.

(b) Behavioral Health Concerns.

(c) Post Traumatic Stress Disorder (PTSD).

f. Sex Offenders.

3. PMO personnel shall attend annual refresher training on the above requirements.

Appendix M

Criminal Investigation Division (CID) Responsibilities and Training Requirements

1. CID shall:

a. Provide the necessary liaison with NCIS consistent with departmental regulations on referral of sexual assault cases. Upon NCIS determination to hand off the investigation to CID, NCIS and CID shall ensure a positive handover of the case occurs, when applicable.

b. Report all sexual assault incidents to the cognizant SJA.

c. Maintain documentation that a SARC, UVA/VA was immediately notified upon receipt of information identifying a victim.

d. Consistent with reference (j), receive VWAP training and provide DD Form 2701, "Initial Information for Victims and Witnesses of Crime" to all victims and witnesses of crimes investigated by CID.

2. CID investigative personnel shall maintain documentation of receipt of the following training:

a. Sexual Assault Response Policies

(1) DODD 6495.01 and DODI 6495.02.

(2) MCO 1752.5B.

(3) DODD Confidentiality Policy Rules and Limitations.

b. Victimology

(1) Victimization Process.

(2) Potential Victim Responses.

(a) Trauma.

(b) PTSD.

c. Sex Offenders

d. Crime Scene Management

(1) Securing the Crime Scene.

(2) Identification and Collection of Fragile Evidence.

(3) Chain of Custody.

e. Interviewing Techniques

(1) Suspect.

(2) Victim.

f. Investigating Difficult Cases

(1) Impaired Victims

(a) Alcohol Impairment.

(b) Drug Facilitated Sexual Assaults.

(2) Multiple Suspects.

(3) Domestic Violence Sexual Assaults.

g. Recantations and False Information

(1) Proper Investigation of Recantations.

(2) Factors Influencing False Reports.

h. Working with SARCs, UVAs/VAs

(1) SARC, UVA/VA Roles, Responsibilities, and Limitations.

(2) Victim Services and Support Programs.

3. CID investigative personnel shall attend annual refresher training on the above requirements.

Appendix N

Judge Advocate Responsibilities and Training Requirements

1. SJAs shall:

a. Assist commanders in understanding the requirements of this Order and other pertinent directives.

b. Establish protocol to provide the responsible SARC with case disposition data for input into the sexual assault database.

2. SJA personnel shall maintain documentation of receipt of the following training:

a. Sexual Assault Response Policies

(1) DODD 6495.01 and DODI 6495.02.

(2) MCO 1752.5B.

(3) DODD Confidentiality Policy Rules and Limitations

(a) Use of Restricted Reports by command, investigative agencies and trial and defense counsel.

(b) Relationship of Restricted Reports to Military Rules of Evidence (MRE).

b. Victim Rights

(1) Familiarity with VWAP.

(2) VWAP challenges in the deployed environment.

c. Victimology

(1) Victimization Process.

(2) Victim Responses.

(a) Trauma.

(b) Post Traumatic Stress Disorder (PTSD).

(3) Sex Offenders.

(4) Current Scientific Standards for Evidence

(a) Forensic.

(b) Biological.

d. Recantations and False Information.

e. Deployment Issues (e.g., remote location assistance and VWAP).

3. Trial Counsel and Defense Counsel shall receive, at a minimum, the following SAPR-related training:

a. Evidence

(1) Forensic and Scientific (e.g., Working knowledge of SAFE Kit, Basic Forensic Photography, and Lab Results).

(2) Rules of Evidence (e.g., MRE 412, 413, 514, 615).

b. Interviews

(1) Victim.

(2) Prosecution Witnesses.

(3) Defense Witnesses.

(4) Expert Witnesses.

c. Victim Trial Preparation

4. SJAs, Trial Counsel, and Defense Counsel shall attend refresher training every two years on the above requirements.

Appendix O

Naval Criminal Investigative Service (NCIS) Property Submission Protocol

EXAMPLE: 02Jan05-M-CALE-ABC-0001

02Jan05	Date of sexual assault medical examination
M (Marine Corps) N (Navy) A (Army) AF (Air Force)	Victim service affiliation
CALE	Installation code for assigned SARC/VA
ABC	Assigned SARC/UVA/VA's initials (If the SARC/UVA/VA only has two initials in his or her name, the letter "N" (for none) shall be used as the middle initial).
0001	Sequential number of cases input for the calendar year for the particular SARC/UVA/VA.