DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
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MRRS
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MARINE CORPS ORDER 1752.5A

From: Commandant of the Marine Corps
To: Distribution List

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

Ref: (a) DOD Instruction 6495.02, "Sexual Assault Prevention and Response Program Procedures," June 23, 2006
(b) DOD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," October 6, 2005
(c) SECNAVINST 1752.4A
(d) MCO 1000.9A
(e) MCO P5354.1D
(f) MCO 1700.28
(g) MCO P1700.24B
(h) OPNAV 1752.1B
(i) NAVMEDCOMINST 6310.3
(j) MCO P5800.16A
(k) MCO P1900.16
(l) SECNAV M-5210.1
(m) NCIS Memorandum Ser:23B/5U0147 of 1Sep05, "Sexual Assault Restricted Report Evidence Submission Form/Protocol"
(n) MCO 3504.2
(o) DOD Regulation 5210.42-R, "Department Of Defense Nuclear Weapon Personnel Reliability Program (PRP) Regulation," June 30, 2006
(p) DOD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," August 18, 1995

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

Reports Required: I. Sexual Assault Incident Report (Report Control Symbol DD 1752-05), par. 4.b.(1)(b)3 and App. E

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

II. Defense Case Record Management System
(Report Control Symbol DD-1752-06)
(External Report Control Symbol DD
P&R(A)2205), par. 4.b.(1)(b)3

1. Situation. This Order issues Marine Corps policy and guidance in accordance with the Department of Defense (DOD) Sexual Assault Prevention and Response (SAPR) program; addresses the specific needs of Service member victims of sexual assault (not in a domestic abuse situation); defines sexual assault and required reporting procedures; implements reporting options in the form of unrestricted and restricted reporting and a database to track sexual assault trends throughout the Marine Corps; establishes mandatory and standardized sexual assault victim assistance, and protocol to collect and track forensic evidence in both unrestricted and restricted cases; mandates procedures to protect victims' privacy; establishes the requirement to provide continuous sexual assault response capability in all environments to include the administering of sexual assault forensic examinations (SAFE); creates the positions of Sexual Assault Response Coordinator (SARC) and Uniformed Victim Advocate (UVA); and directs mandatory training for sexual assault responders as required by references (a) through (c).

2. Cancellation. MCO 1752.5, ALMAR 053/04, MARADMIN 175/05, and MARADMIN 615/05.

3. Mission. Sexual assault is a criminal act and will not be tolerated. The Marine Corps' goal is to eliminate sexual assaults within the Corps and to assist those Marines and sailors assigned to Marine Corps units affected by sexual assault. To facilitate that goal, commanders shall ensure all leaders and supervisors within their command are familiar with this Order and the guidance published in its enclosure.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) This Order defines and assigns specific responsibilities throughout the Corps for sexual assault prevention and response. It applies to all Marines, Marine Reservists (active duty/drilling status), Armed Forces personnel attached to or serving with Marine Corps commands, civilian Marines, and contractors employed by the Marine Corps.

(b) Sexual assault impedes a unit or members' morale, effectiveness, efficiency, and impairs the ability of the Marine Corps to function smoothly. Sexual assault differs from sexual harassment and falls outside the purview of equal opportunity. Sexual harassment is addressed in references (d) and (e). Sexual Assault must not be mislabeled as hazing, which is addressed in reference (f).

(c) 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.

(d) All definitions applicable to this Order are explained in Appendix A to the enclosure.

(2) Concept of Operations

(a) All personnel are encouraged to make complete, unrestricted reports of sexual assault in order to achieve the objectives and goals of this Order. However, victims of sexual assault now have two methods of reporting the assault: unrestricted and restricted reporting.

1. Unrestricted reporting includes all suspected, alleged, or actual sexual assaults made known to command or law enforcement for formal investigation. An unrestricted reporting flowchart is located at Appendix C.

2. Restricted reporting affords military victims of sexual assault the option to make a confidential report to specified individuals (Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Uniformed Victim Advocate (UVA), counselors, and healthcare providers). A restricted reporting flowchart is located at Appendix B.

3. For purposes of this Order, confidentiality applies to all covered communications. Covered communications are oral, written, or electronic communications of personally identifiable information made by a victim to a SARC, VA/UVA, chaplain, healthcare provider, or mental health counselor related to their sexual assault. The Chaplain Corps operates under the clergy-penitent privilege. All involved parties must maintain the integrity of the confidentiality policy (except in those instances described in Chapter 1.

b. Subordinate Element Missions

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

(a) Establish a Sexual Assault Prevention and Response (SAPR) program and staff.

(b) SAPR Section (CMC/MRRS)

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

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

3. Establish, maintain, and ensure the Sexual Assault Incident Response Database (SAIRD) mandatory data fields are entered for the limited purpose of trend analysis on all sexual assault incidents. SAIRD's mandatory fields are outlined in Appendix E. When required, MRRS shall ensure Marine Corps compliance with DOD Defense Case Record Management System (DCRMS) sexual assault database.

4. In coordination with Marine Forces Reserve (MARFORRES) and Wounded Warrior Regiment Reserve Medical Determination and Line of Duty (WWRRMED/LOD) Branch, establish a restricted reporting protocol within the Marine Corps Medical Entitlement Data System (MCMEDS) for Reservist victims of sexual assault.

(c) Coordinate with Headquarters Prevention and Intervention (CMC/MRRO) to monitor victim advocate programs at all Marine Corps' installations, while ensuring compliance with reference (g) and DOD training requirements outlined in Appendix G.

(d) Coordinate with the Headquarters Marine Corps Chaplain Office (HQMC REL) to ensure all chaplains assigned to Marine Corps units are fully aware of the contents of this Order and receive the baseline training outlined in Appendix H.

(2) Deputy Commandant for Plans, Policies, & Operations (DC PP&O)

(a) Coordinate with DC, M&RA (MRRS), 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 the timely exchange of information between the other Services and the Marine Corps, on sexual assault cases involving Marines occurring on non-DON installations.

(b) Ensure all law enforcement personnel (including Criminal Investigation Division (CID)) are in compliance with baseline training standards located in Appendix F.

(3) Deputy Commandant for Installations and Logistics (DC I&L)

(a) Coordinate with MRRS and work with security representatives to improve security, lighting, and accessibility where feasible. Particular emphasis will be placed on street lighting, barracks/berthing/housing safety, and base security.

(4) CG MCCDC in coordination with MRRS

(a) Update, as needed, the Marine Corps Common Skills Manual sexual assault curriculum to incorporate group participation scenarios aimed at sexual assault awareness and prevention.

(b) Ensure, at a minimum, individual training standards inform Marines on the critical aspects of sexual assault prevention, the identification of sexual assault, and the assistance available to victims.

(c) Ensure the programs of instruction throughout the entry-level training schools include instruction on sexual assault awareness, prevention, ethics, culture awareness, fraternization, and discrimination.

(d) Ensure all levels of professional military education and training receive required training on sexual assault prevention, leadership, ethics, culture awareness, fraternization, and discrimination.

(e) Establish pre-deployment curriculum aimed at providing units with knowledge on customs, mores, and religious practices of specific foreign countries and coalition partners.

(5) Inspector General of the Marine Corps (IGMC) in coordination with MRRS

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

(b) Utilize the Automated Inspection Reporting System (AIRS) checklist prepared and maintained by MRRS as the standard for ensuring compliance with this Order.

(6) Headquarters Marine Corps, Health Services (HQMC HS) in coordination with Bureau of Medicine and Surgery (BUMED)

(a) Ensure medical personnel at Military Treatment Facilities (MTF) on Marine Corps installations comply with references (a) through (c) and (h) through (j) regarding training of providers, treatment of sexual assault victims, and handling of evidence.

(b) In unrestricted reporting, upon completion of the Sexual Assault Forensic Examination (SAFE), the Sexual Assault Evidence (SAE) kit will be handled according to local protocol.

(c) In restricted reporting, upon completion of a SAFE, the healthcare provider (HCP) will ensure the SAE kit is packaged and labeled according to the Sexual Assault Restricted Reporting Evidence Submission Protocol. The Evidence Submission Protocol is located at MRRS website http://usmc-mccs.org/sapro.

(7) Headquarters Marine Corps Staff Judge Advocate (CMC/JA) in coordination with MRRS

(a) Assist MRRS in development and implementation of baseline training requirements for Staff Judge Advocates (SJA), trial counsel and trial defense counsel as provided in Appendix K.

(b) Ensure all SJAs receive training on the special concerns and issues surrounding sexual assault victims.

(c) Establish SJA protocol requiring a copy of the Charge Sheet and Results of Trial is given to the command SARC at the appropriate time for input into DOD's DCRMS database.

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

(8) All General Court Martial Convening Authorities (GCMCA), Installation, Marine Air Ground Task Force (MAGTF) Commanders, Training and Education Command (TECOM), and Marine Corps Recruiting Command (MCRC)

(a) Establish in writing the billet of SARC. Commanders can find guidance on selecting a SARC in Chapter 3.

(b) The GCMCA, installation, and MAGTF commander may appoint, at their discretion, in writing a unit SARC at the battalion, squadron, or lower commands.

(c) MCRC shall appoint and have trained at least one Unit SARC at each Marine Corps District (MCD).

(d) MCRC shall provide assistance through the appointment of a UVA and referral to community support services to those poolees who are sexually assaulted by recruiting personnel. Further guidance shall be provided through MCRC's policy.

(e) The SARC and unit SARC billet responsibilities are located in Chapters 3 and 6, respectively.

(9) All Commanding Generals (CGs)/Commanding Officers (COs)

(a) Conduct training on sexual assault awareness and prevention annually and, at a minimum, such training will include the contents of this Order. The SAPR website and the UVA are both resources available in developing a lesson plan.

(b) Where appropriate and in addition to the responsibilities contained in this Order, ensure the intent of this Order is executed as expressed in Chapter 4.

(c) In an effort to increase victim support, commanders are encouraged to appoint at a minimum two UVAs at the battalion and squadron level to serve as advocates for victims of sexual assault within their command.

(d) Ensure compliance with the "Commander's Protocol for Responding to Allegations of Sexual Assaults" located at Appendix D in responding to any allegation of sexual assault.

(10) Deployable Units' CGs, COs, Training and Education Command (TECOM), MARFORRES, and Marine Corps Recruiting Command (MCRC)

(a) Due to the unique victim support issues in deployed environments, remote units (to include reserve training centers), and school environments, in addition to those responsibilities noted in paragraphs (8) and (9) above, all commanders of deployable battalions, squadrons, and equivalent size commands (e.g. CLR, CLB, etc), and TECOM shall appoint in writing a minimum of two UVAs. MARFORRES shall ensure each Inspector-Instructor or Site Support Staff on every MARFORRES site has at least two trained UVAs. MARFORRES UVAs may be drilling SMCR Marines. MCRC shall ensure each region, MCD, and Recruiting Station (RS) has at least one trained UVA.

(b) All UVAs shall receive the VA baseline training.

(c) Further guidance on the UVA program is provided to commanders in Chapter 4.

(d) As part of the effort to treat victims of sexual assaults at deployment sites, all deploying division and wing commanders shall deploy with the required sexual assault treatment Medical Table of Equipment (T/E) list.

(11) All Marines. Ensure that a person who is sexually assaulted is treated fairly, with dignity, sensitivity and without prejudice; is treated in a manner that does not usurp control from the victim, but enables the victim to determine their needs and how to meet them; and is not identified to the news media without their consent or consistent with this Order.

c. Coordinating Instructions. Marines are our most precious assets. Marines who are victims of sexual assault have at times been considered responsible for their predicament and are sometimes inadvertently re-victimized by those in a position to assist.

(1) Commander's Role. Leadership is the key to sexual assault awareness, prevention, and response. The commander's role in awareness and prevention is to:

(a) Establish a climate that confronts the beliefs and values that contribute to behaviors which facilitate sexual assault;

(b) Establish clear standards for personal behavior, and hold offenders accountable;

(c) Be keenly aware of and sensitive to the climate of their units;

(d) Continuously educate their Marines on how to prevent incidents of sexual assault, while also encouraging victims and witnesses to report these incidents when they occur;

(e) Be aware that sexual assault victims are physically, mentally, and emotionally traumatized and wounded.

(2) Eliminating re-victimization. To eliminate the systemic problem of re-victimization, it is Marine Corps policy that all personnel shall treat sexual assault victims with dignity and sensitivity. They will be protected through fair, conscientious, and unbiased treatment as individuals. In this fair and equitable treatment, leaders must recognize that both genders can be sexual assault victims. Ensure the guidance provided in Chapter 7 is provided to all Marines.

5. Administration and Logistics

a. Administration

(1) Utilizing DCRMS and SAIRD, MRRS shall prepare on-demand trend analysis reports on identified sexual assault variables.

(2) MRRS shall create and maintain the AIRS checklist to be utilized by the IG during inspections of the SAPR program.

(3) The Special Court Martial Convening Authority (SPCMCA) shall be the lowest-level commander to determine the final disposition of any sexual assault allegation.

(4) Consistent with reference (k), the General Court-Martial Convening Authorities (GCMCA) shall review and act on all administrative separations of sexual assault victims where the basis for such separation may be connected to the alleged sexual assault.

(5) MRRS's Mobile Training Team (MTT) shall conduct all SARC and UVA training to include the initial and refresher trainings.

(6) Templates for the SARC and UVA training manuals are provided by MRRS.

(7) The contents of this Order and all applicable resources can be accessed online via the MRRS website at http://www.usmc-mccs.org/sapro. Some resources are password-protected.

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

(a) DD Form 2909 - Victim Advocate and Supervisor Statement of Understanding, June 2006

(b) DD Form 2910 - Victim Reporting Preference Statement, June 2006

(c) DD Form 458 - Charge Sheet, May 2000

(d) DD Form 2701 - Initial Information for Victims and Witnesses of Crimes, May 2004

(e) DD Form 2873 - Military Protective Order, July 2004

b. Logistics. The command requesting SARC/UVA training shall coordinate with MRRS on all information technology, audio-visual, and training material requirements.

6. Command and Signal

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

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

R. S. COLEMAN
Deputy Commandant for
Manpower & Reserve Affairs

Distribution: PCN 10202560300

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LOCATOR SHEET

Subj: _____

Location: _____
(Indicate location(s) of copy(ies) of this Order.)

1. File this sheet like a directive in the master directives file.
2. The locator sheet is not used in place of "charge out" cards.

RECORD OF CHANGES

Log completed change action as indicated.

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

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CHAPTER 1

Confidentiality Policy Exceptions

1. Confidentiality Exceptions. Sexual assault victims shall be informed of this exception to confidentiality as soon as practical after receiving assistance or services under a restricted report. The prohibition on disclosing confidential communications shall be waived when the following reasons apply:

a. Disclosure to command officials or law enforcement 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 victim or another.

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

d. Disclosure to the SARC, victim advocates or healthcare provider is required for the supervision of direct victim services.

e. Disclosure to military or civilian courts of competent jurisdiction when ordered or required by federal or state statue. SARCs, victim advocates and healthcare providers will consult with the servicing legal office in the same manner as other recipients of privileged information to determine if the criteria apply and they have a duty to obey. Until those determinations are made, only non-identifying information should be disclosed.

2. Exception Applicability. The SARC will evaluate the information provided and determine whether an exception applies. If needed, the SARC shall do so in consultation with the installation Staff Judge Advocate (using non-identifying personal information). When there is uncertainty or disagreement on whether an exception applies, the matter shall be brought to the attention of the senior commander for decision.

3. Disclosure Limits. Disclosures (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.

4. Improper Disclosure. If a SARC, VA/UVA, or healthcare provider makes an unauthorized disclosure of a covered communication, the SARC, VA/UVA and healthcare provider will not disclose additional covered communications unless the victim authorizes the disclosure in writing or another exception established herein applies. Any unauthorized disclosure of a covered communication may result in disciplinary action under the Uniformed Code of Military Justice and/or administrative actions.

5. Disclosure Of Collateral Misconduct. If the report contains an allegation of sexual assault and qualifies for restricted reporting, any other offenses revealed by the victim are considered covered communications and will not be disclosed unless as authorized by the exceptions stated above.

6. Independent Investigation. Because non-identifying personal information under the restricted reporting option is intended to provide the commander with unit safety and general environmental information about the number and types of sexual assaults within their command, and is to be used to provide a better understanding of incidents of sexual assault, neither the commander nor law enforcement officials may initiate investigations based on information provided by the SARC. The commander, however, may use the information to enhance preventive measures, to enhance education and training of their personnel, and to more closely scrutinize their unit's climate and culture for contributing factors, but may not use the information for investigative purposes or in a manner that is likely to discover, disclose, or reveal the identities being protected.

CHAPTER 2

Headquarters Marine Corps Sexual Assault Prevention And Response (MRRS) Responsibilities

1. Administrative Accountability. MRRS shall:

a. Maintain copies of the adjunct staff letters of appointment.

b. Maintain a master roster of all UVAs.

c. Establish procedures to receive annual verification of certified UVAs from commands.

d. Maintain a master roster of all Sexual Assault Incident Reporting Database (SAIRD) and/or Defense Case Record Management System (DCRMS) account holders.

e. Maintain a master roster of all SARCs.

f. Conduct quarterly meetings in coordination with the adjunct staff.

g. Ensure all records created are maintained per the appropriate SSIC contained in reference (1).

2. Liaison Responsibilities. MRRS shall:

a. Act as liaison and Marine Corps representative on all sexual assault matters.

b. Ensure coordination between CMC/MRRS and the Equal Opportunity Branch (CMC/MPE) on command climate issues.

c. Coordinate with Marine Forces Reserve (MARFORRES) and Wounded Warrior Regiment Reserve Medical Determination and Line of Duty (WWRRMED/LOD) section to establish a restricted reporting protocol within the Marine Corps Medical Entitlement Data System (MCMEDS) for Reservist victims of sexual assault. The MRRS-LOD protocol shall identify the appropriate WWRRMED/LOD staff member(s) as operating under the protections and responsibilities of confidentiality within the SAPR program. The grant of confidentiality to WWRRMED/LOD section shall be limited to those duties related to MCMEDS operation. Within the MCMEDS LOD determination and approval process, the user group SARC shall be established. The MRRS-LOD determination protocol is located at Appendix O.

3. Program Inspection. Develop an AIRS checklist for the sexual assault prevention and response program to be used by commanders at all levels and for the Inspector General's use during regular inspections.

4. Education And Training. Coordinate with the Commanding General, Marine Corps Combat Development Command (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 focusing on sexual assault issues.

5. Service Agreements. Coordinate with DC, PP&O and DC, MCCDC, to establish and maintain those measures (Memorandums of Agreement (MOAs) or other inter-service agreements) that facilitate the timely exchange of information between the other Services and the Marine Corps regarding the involvement in sexual assault cases of Marines serving on non-DON installations.

6. Support Services Agreements. Coordinate with civilian resources and non-USMC Department of Defense installations to facilitate medical and counseling services, the availability of victim advocates and other sexual assault victim-related services for all Marine Corps installations, Marine Forces Reserve, and Marine Corps Recruiting Command units not in the vicinity of USMC installations including deployed environments.

7. Victim Advocate Program. In coordination with MRRO, monitor victim advocate programs at all Marine Corps' installations, ensuring compliance with DOD training requirements in order to provide sexual assault victims with quality and consistent support services. Ensure all VAs/UVAs are in compliance with the training requirements.

a. Ensure service providers understand the confidentiality policy to include reporting options (restricted versus unrestricted) for sexual assault victims as discussed in reference (b).

b. Ensure the Marine and Family Services (MFS) Program provides support services to victims of sexual assault per references (g) and (j). Coordinate with MFS to ensure prevention specialists and victim advocates are properly trained to provide briefings to commands to enhance awareness of sexual assault issues such as proper reporting procedures, maintaining victim confidentiality, available victim support services, and

awareness of local or state sexual assault reporting requirements.

c. Establish procedures for each installation MFS and applicable commands to:

(1) Maintain a roster of person(s) responsible for SAIRD and/or DCRMS data entry.

(2) Ensure SAIRD and/or DCRMS data entry personnel have active accounts.

(3) Ensure VAs/UVAs advise victims of the confidentiality policy and the reporting options (restricted versus unrestricted). VAs/UVAs shall ensure completion of DD Form 2910 "Victim Reporting Preference Statement" (VPS).

(4) Establish procedures to monitor the completion of a VPS by a sexual assault victim and the routing of the VPS to the SARC for all sexual assault cases.

8. Program Effectiveness. Monitor sexual assault prevention and response efforts throughout the Marine Corps.

9. Program Analysis. MRRS shall manage the SAIRD and/or DCRMS databases. Ensure SAIRD's and/or DCRMS's mandatory data fields are entered for the limited purpose of trend analysis on all sexual assault incidents. A list of SAIRD's mandatory data fields is provided in Appendix E. DCRMS's mandatory fields are identified by an asterisk (*) within the database. MRRS shall create standard reports to track trend analysis data on Marine on Marine; Marine on other Service member; Marine on civilian; civilian on Marine; unidentified subject on Marine; cases occurring at training commands (schools); cases involving recruiters; and other identified variables.

10. Resources Information. Ensure information about installation and community-based victim support resources are widely disseminated throughout each installation. The SAPR website (www.usmc-mccs.org/sapro) contains victim related resources that may be included in a community based information program.

CHAPTER 3

Sexual Assault Response Coordinator (SARC) Responsibilities/Training Requirements

1. SARC Selection Guidance

a. The SARC shall come from the commissioned officer ranks (Colonel or Lieutenant Colonel), or the civilian equivalent. Commanders must receive prior approval from MRRS for a SARC appointment below the rank of Lieutenant Colonel. However, where requested by a Marine Expeditionary Unit (MEU) commander, MRRS will consider only requests to approve appointment of a Captain or higher. MRRS will normally disapprove requests for a MEU SARC to be appointed from ranks junior to Captain.

b. The SARC shall possess the appropriate level of maturity, life experience, and seniority to effectively perform the designated duties.

2. Certification Requirements. MRRS shall certify the SARC in their duties and responsibilities. SARC certification shall remain effective for a period of two years.

3. Delegation. SARC duties shall not be delegated beyond the Commanding General (CG) (or equivalent commander) appointed command SARC, certified assistant SARC, or another CG command SARC.

4. Program Oversight. The SARC shall serve as the center of gravity for an integrated and transparent response capability, and provide system accountability for all sexual assault awareness, prevention, response, and victim care.

5. Training Requirement

a. The SARC shall receive Victim Advocate (VA) training as a prerequisite to the SARC's baseline training listed below.

b. Sexual Assault Response Coordinator Training Requirements:

(1) Roles and Responsibilities (e.g., Command Relationship)

(2) Victim Advocate Screening

(a) Recent Victims

(b) Offenders

(c) Personal Biases

(3) Case Management Skills

(4) Management Skills

(a) Required Reports

(b) Proper Documentation

1 Restricted Reporting

2 Unrestricted Reporting

(c) Training

1 Victim Advocates/Uniformed Victim Advocate

2 Installation Personnel civilian/military

6. Administrative Responsibilities. The responsibilities and duties within the SAPR program apply to all SARCs and Unit SARCs, unless otherwise stated. The SARC shall:

a. Possess a copy of their appointment letter;

b. Possess verification showing completion of certified SARC training;

c. Possess verification showing MRRS received a copy of their appointment letter (Unit SARC excluded);

d. Maintain a master roster of their command UVAs;

e. Provide a master roster of trained UVAs to MRRS by January 31 for the preceding calendar year (Unit SARC Excluded).

f. Ensure all records created are maintained per the appropriate SSIC contained in reference (1).

7. SAPR Program Operation. The responsibilities and duties within the SAPR program apply to all SARCs and Unit SARCs, unless otherwise stated. The SARC shall:

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

b. Ensure a copy of the command's SAPR policy letter is posted throughout the command's common areas (see Appendix P);

c. Post a photograph throughout the command in all common areas along with their 24-hour contact information and the exceptions to confidentiality;

d. Assign UVAs, or in coordination with the installation Family Advocacy Program Manager (FAPM), ensure the assignment of VAs to each sexual assault victim (Unit SARC excluded);

e. Provide regular updates to the senior commander on the status of all unrestricted sexual assault cases (Unit SARC excluded);

f. Track the case status and disposition of all sexual assault cases for their command;

g. Maintain roster of VAs/UVAs with active SAIRD and/or DCRMS accounts;

h. Ensure VAs/UVAs document completion of the Victim Preference Statement (VPS) for all sexual assault cases;

i. Maintain the original VPS for a period of five years for all sexual assault cases (Unit SARC excluded);

j. In coordination with MFS establish procedures for collecting the Victim Advocacy log at the closure of a sexual assault case (Unit SARC excluded);

k. In unrestricted reporting cases, where applicable, provide a copy of the VPS to NCIS for inclusion into the case file (Unit SARC excluded);

l. Notify MRRS in writing of any UVA revocation (Unit SARC excluded);

m. Maintain copies of the battalion/squadron or equivalent-level command Unit SARC appointment letters (when such appointments are authorized or required by the GCMCA);

n. After consultation with the installation SJA or other concerned parties (e.g. NCIS), establish appropriate

Memoranda of Understanding (MOU) with off base non-military facilities for all incidents of sexual assault involving military personnel (Installation SARC only).

8. Training and Education. The responsibilities and duties within the SAPR program apply to all SARCs and Unit SARCs, unless otherwise stated. The SARC shall:

a. Assist commanders in meeting annual sexual assault prevention and response training requirements;

b. Maintain documentation on the command's completion of annual sexual assault awareness and prevention training for the prior training year.

9. Case Management. The responsibilities and duties within the SAPR program apply to all SARCs and Unit SARCs, unless otherwise stated. The SARC shall:

a. Track support services provided to a sexual assault victim from initial report through disposition and resolution;

b. Ensure monthly updates are provided to victims on any ongoing investigative, medical, legal, or command proceedings regarding their sexual assault;

c. Ensure victim receives a copy of DD Form 2701 (Initial Information for Victims and Witnesses of Crimes) in all sexual assault cases.

10. Restricted Reporting. The SARC has the following responsibilities and duties in addition to the above within the SAPR program:

a. Inform the victim of any local reporting requirements that would preclude a restricted report prior to a victim submitting to medical care or Sexual Assault Forensic Examination (SAFE) in those mandatory reporting jurisdictions;

b. Within 24 hours of receiving a report of a sexual assault incident, inform the senior commander and victim's commander with the facts describing the "when and where" of the incident. The identity of the victim and the alleged perpetrator shall not be divulged to include any information that could lead to deduction of the victim and alleged perpetrator. [Note: Only the CG appointed command SARC shall inform the victim's commander of the sexual assault incident.];

c. When applicable, in restricted reporting cases establish a sexual assault forensic evidence submission protocol MOU with military and non-military facilities (Unit SARC excluded);

d. Establish a Restricted Report Case Number (RRCN) for case tracking within SAIRD and/or DCRMS. The RRCN shall be comprised of the first letter of the victim's last name along with the last four of the social security number (e.g. A1234). In those instances where a SAFE is completed, ensure all collected forensic evidence, to include the SAE kit, is tracked using the property submission protocol: [forensic examination date - service affiliation - NCIS installation code - SARC three letter initials/sequential total of cases submitted for the calendar year)/(RRCN)]. Example: 04Aug05-M-MWPE-SRC2(A1234). In those instances were the SARC has only two initials in their name, the letter (N) will be used as the middle initial to indicate no middle name (e.g. RNT)(Unit SARC excluded);

e. Ensure healthcare personnel collect and mail all collected forensic evidence to the Naval Criminal Investigative Service (NCIS) Property Custodian according to NCIS property submission protocol. Transfer these records to next echelon command.

f. Document submission of collected forensic evidence in accordance with established protocol per reference (m). Transfer these records to next echelon command.

g. Maintain a master log of all assigned RRCNs, Sexual Assault Evidence (SAE) Kit Tracking Identification Number (restricted reporting only), and the Victim Advocacy log for a period of five years from case closure date. Transfer these records to next echelon command.

h. Ensure chain of custody information regarding all collected forensic evidence in restricted cases is stored per reference (l) SSIC 5580.5b. Transfer these records to next echelon command.

i. Establish an internal monitoring system to track the expiration date for all stored forensic evidence. Transfer these records to next echelon command.

j. Commencing thirty days prior to the forensic evidence expiration date the victim shall be notified. If the victim chooses to continue with restricted reporting, inform the victim

that the forensic evidence will be destroyed on the expiration date. Transfer these records to next echelon command.

11. Case Management Group. The Installation SARC shall:

a. Establish and chair the monthly Case Management Group (CMG) for unrestricted cases. On those installations where multiple SARCs are located, each command SARC shall preside over their cases according to established protocol. The SARCs shall establish an order of command presentation for the cases upon the installation. SARCs are encouraged to discuss issues involving command and environmental safety. The relationship between the SARCs co-located on an installation or within an Area of Responsibility (AOR) is one of individual autonomy and control over their command's sexual assault incidents.

b. The multi-disciplinary CMG shall be convened to review unrestricted cases, improve reporting, facilitate monthly victim updates, and discuss process improvement to ensure system accountability and victim access to support services. The monthly case management meeting is not confidential. Therefore, the passing of confidential and/or sensitive victim information should be limited to a need-to-know basis. The SARC/Unit SARC shall attend the monthly CMG when they have active cases before the CMG.

c. The CMG shall consist of the following military or civilian professionals from either the installation or local community services:

(1) Victim Advocate/Uniform Victim Advocate

(2) NCIS

(3) Law Enforcement- Military Police, CID, and/or civilian police agency

(4) Health Care Providers

(5) Mental Health/Counseling Service

(6) Chaplains

(7) Command Staff Judge Advocate (Trial and Defense Counsel)

(8) Victims' Commander or representative

d. The installation SARC shall ensure VA/UVA, NCIS, PMO/CID, HCP, SJA (trial/defense counsel), and Chaplains receive the requisite sexual assault prevention and response training, as well as, the refresher training requirements for their discipline group.

12. Reporting Preference Change. If at any time a victim elects to change a restricted report to an unrestricted report, the SARC shall ensure the victim's command or NCIS is notified so as to initiate a formal investigation.

13. Database Responsibility. The SARC shall:

a. Ensure timely entry of case data into SAIRD and/or DCRMS by their UVAs.

b. Establish protocol with their SJA for receipt of relevant SJA data including the Charge Sheet and Report of Results of Trial for data input into SAIRD and/or DCRMS.

14. Reserve Forces (MARFORRES). The Reserve component SARCs in a restricted reporting case, upon a request for an LOD determination and approval, shall enter (or ensure entry by a confidential party at the reserve site) the required victim information into MCMEDS. Any future request for extension of benefits, shall be made by the appropriate MARFORRES SARC in coordination with Wounded Warrior Reserve Medical and Line of Duty (WWRRMED/LOD) Branch. The MRRS-LOD determination protocol is located at Appendix O. The appropriate MARFORRES SARC shall provide the required updates in order to process an incapacitation pay claim.

CHAPTER 4

Commander Responsibilities Under the SAPR Program

1. Purpose. Leadership is the key to sexual assault awareness, prevention, and response. Through leadership, commanders create a command environment that discourages sexual assault and encourages increased reporting of sexual assault incidents. Leadership gives commanders the ability to eliminate re-victimization of sexual assault victims within their commands.

2. GCMCA, Installation, MAGTF, MARFORRES, TECOM, and MCRC Commander(s)

a. Establish in writing the billet of SARC.

b. Commanders are strongly encouraged to select the SARC from military personnel. When selecting from military personnel, commanders shall select the SARC from the commissioned officer ranks, preferably from the grade of LtCol/Col.

c. Ensure the SARC appointment does not create a conflict of interest with other duty assignments. Commanders are encouraged not to select the SARC from the following positions: Staff Judge Advocate or their deputies, legal officer, law enforcement, IG, Chaplain, and Marine Corps Community Services (MCCS) personnel (e.g. Family Advocacy Program Manager (FAPM) and MCCS Director).

d. Notify MRRS in writing when there is a personnel change in the appointed SARC billet. The SARC billet shall be filled at all times by a certified SARC.

e. The GCMCA, installation, MAGTF, and lower-level commanders may, at their discretion, appoint in writing a Unit SARC at the battalion, squadron, or lower commands. Except in those stated instances previously in Chapter 3, the Unit SARC shall have similar responsibilities to the CG appointed command SARC to include the requirement to receive UVA training.

f. The appointed Unit SARC should not be the command's Executive Officer, Sergeant Major, First Sergeant, Legal Officer or law enforcement personnel due to possible conflict of interest.

3. Reporting Requirement. All CGs and COs shall immediately report all actual, suspected, or alleged sexual assaults to PMO and/or NCIS for a criminal offense preliminary inquiry. After command referral and a criminal offense preliminary inquiry, where applicable, investigative authorities shall conduct a formal investigation of those sexual assault allegations that possess the requisite criminal elements. The commander will report the sexual assault incident in accordance with reference (n). After a formal investigation by investigative authorities, commanders shall hold individuals accountable for their actions.

4. Administrative Responsibilities. COs of Unit SARCs and UVAs shall:

a. Possess a copy of appointment letters.

b. Possess written verification of certification within official correspondence files.

c. Upon appointment of UVAs, the appointing authority, SARC, and UVA shall complete and sign DD Form 2909, VA and Supervisor Statement of Understanding.

d. Establish protocol to provide written notification to the SARC on the revocation of a UVA appointment.

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

f. Ensure all records created are maintained per the appropriate SSIC contained in reference (l).

5. SAPR Program Operation. All CGs and COs shall:

a. Ensure a copy of this order and the command's policy letter on sexual assault awareness and prevention are posted throughout the command's common areas.

b. Ensure the SARC's and UVAs' photographs and contact information along with the exceptions to confidentiality are posted in the unit's common area.

c. Publish a command SOP on implementing the "Commander's Protocol for Responding to Allegations of Sexual Assault", found at Appendix D.

d. Establish procedures to protect the SARC and UVAs from coercion, intimidation, or reprisal related to the execution of SAPR duties and responsibilities.

e. Ensure UVAs participate in the unit's newcomers brief and check in process.

f. Minimize re-victimization of all suspected sexual assault victims by:

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

(2) Protecting the interest and privacy of sexual assault victims to the maximum extent possible.

(3) Limiting access to documents identifying victims (e.g. incident reports, charge sheets, military protective orders, etc.) to only those with a need to know.

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

g. Ensure dissemination of the restricted and unrestricted reporting options available to a sexual assault victim.

h. Ensure information about victim support services, points of contact, and resources (e.g. SAPR, Military One Source, MFS) are made available in the unit's common area and areas of high pedestrian traffic.

i. Establish and publish policies on the responsible consumption of alcohol both on and off military installations.

j. Ensure victims are provided reasonable protection from the alleged offender.

k. Ensure, if applicable, the issuance of "no contact" orders or execute Military Protective Order, DD Form 2873. Under the SAPR program, commanders shall enforce Civilian Protective Orders (CPO) obtained by a sexual assault victim.

l. In unrestricted reporting cases, coordinate with the SARC to ensure victims receive monthly updates regarding the current status of any ongoing investigative, medical, legal or command proceedings regarding their sexual assault case.

m. Aggressively support Victim and Witness Assistance Program (VWAP), following established policy, and to the extent possible, while deployed. Additionally, as required under VWAP, Commanders will ensure the command Victim and Witness Assistance Coordinator (VWAC) is appointed in writing, in accordance with reference (j), is properly trained, and is made available to command personnel and their families.

n. To the maximum extent possible, ensure sexual assault support personnel and services are provided to deployed personnel.

o. Include sexual assault prevention considerations (e.g., camp layout, lighting, billeting, noise, etc.) in deployed site planning and set up.

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

a. Coordinate with the SARC to ensure completion of annual training on sexual assault prevention and awareness and that, at a minimum, such training will include the contents of reference (b) and this Order.

b. Ensure sexual assault awareness and prevention training is included in pre-deployment briefs and work-up procedures. Pre-deployment training shall incorporate customs, mores, religious practices, and sexual assault issues of the host country and coalition partners.

7. Collateral Misconduct. Commanders are charged with maintaining good order and discipline within their units, and have authority to determine how to best dispense with alleged collateral misconduct (e.g. underage drinking, out of bounds, off-limits establishment, fraternization, or adultery) by the victim. This may include making a decision to defer disciplinary action regarding a victim's collateral misconduct in order to reinforce the perception of equal justice. Therefore, in cases involving victim's collateral misconduct, if appropriate, commanders are encouraged to consider exercising their discretion to defer a victim's disciplinary proceeding until the final disposition of the more serious sexual assault case.

8. Reservist Line of Duty (LOD) Determination. In those instances where a drilling reservist is a victim of sexual assault, a LOD determination is required. In order to facilitate the LOD process, Reserve Site Commanders should

ensure their UVAs are knowledgeable of the LOD determination process. 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 injured in a drilling status the ability to receive continuous care while in a non-drilling status. The MRRSLOD policy can be found in Chapter 3 and Appendix O of this Order.

CHAPTER 5

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

1. Purpose. Due to the victim support issues surrounding victims of sexual assault in deployed environments, remote units, and school environments, commanders of deployable battalions, squadrons, and equivalent size commands (e.g. CLR, CLB, etc), Training and Education Command (TECOM), and Marine Forces Reserve (MARFORRES) shall appoint in writing a minimum of two UVAs. Additionally, Marine Corps Recruiting Command (MCRC) shall ensure each region, Marine Corps District, and recruiting station have at least one UVA. All UVAs shall receive UVA training and certification, as well as, a command appointment letter before performing the duties of a UVA.

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

a. Commanders are encouraged to utilize the "UVA Selection Criteria for Commanders" (Appendix M) as a reference prior to selecting a UVA.

b. UVAs shall be appointed from the grade of Staff Sergeant or higher. Commanders must receive prior approval from MRRS for a UVA appointment below the rank of Staff Sergeant. A UVA appointment below the rank of Sergeant is not allowed.

c. Commanders are encouraged to ensure the UVA appointment does not create a conflict of interest with other duty assignments (e.g. XO, SgtMaj, Legal Officer, Substance Abuse Control Officer, or Chaplain).

d. Commanders are strongly encouraged not to select the command's Equal Opportunity Advisor (EOA) or Equal Opportunity Representative (EOR) as the UVA, because of the potential for a conflict of interest between the billets as a result of the SAPR Response Structure.

3. Administrative Responsibilities

a. The command shall maintain written verification within official correspondence files of their appointment letter and training certification, as well as DD Form 2909, Victim Advocate and Supervisor Statement of Understanding.

b. The names of all certified UVAs shall be provided to the command SARC.

c. The command shall provide written notification to the SARC on the revocation of a UVA appointment.

4. Training and Education

a. Ensure UVAs receive sexual assault prevention and response training from MRRS prior to deploying.

b. UVAs will conduct annual sexual assault training and pre-deployment sexual assault briefs.

c. Sexual assault prevention training should include participation of the unit's Marines through scenario-based training.

5. SAPR PROGRAM OPERATION. The following guidance is provided for commanders on the UVA program:

a. The performance of UVA duties shall follow the successful completion of UVA training.

b. The appointed UVA photograph shall be posted in the unit's common areas along with contact information and the exceptions to confidentiality.

c. Ensure UVAs understand and comply with the UVA duties and responsibilities.

d. UVAs shall participate in the unit's welcome aboard brief and check-in process.

e. The UVA works for the sexual assault victim once a victim has been identified and/or the UVA has been assigned to the case. Thus, the chain of command for the UVA changes to reflect the SAPR Response Structure (chain of command) as shown in figure 5-1.

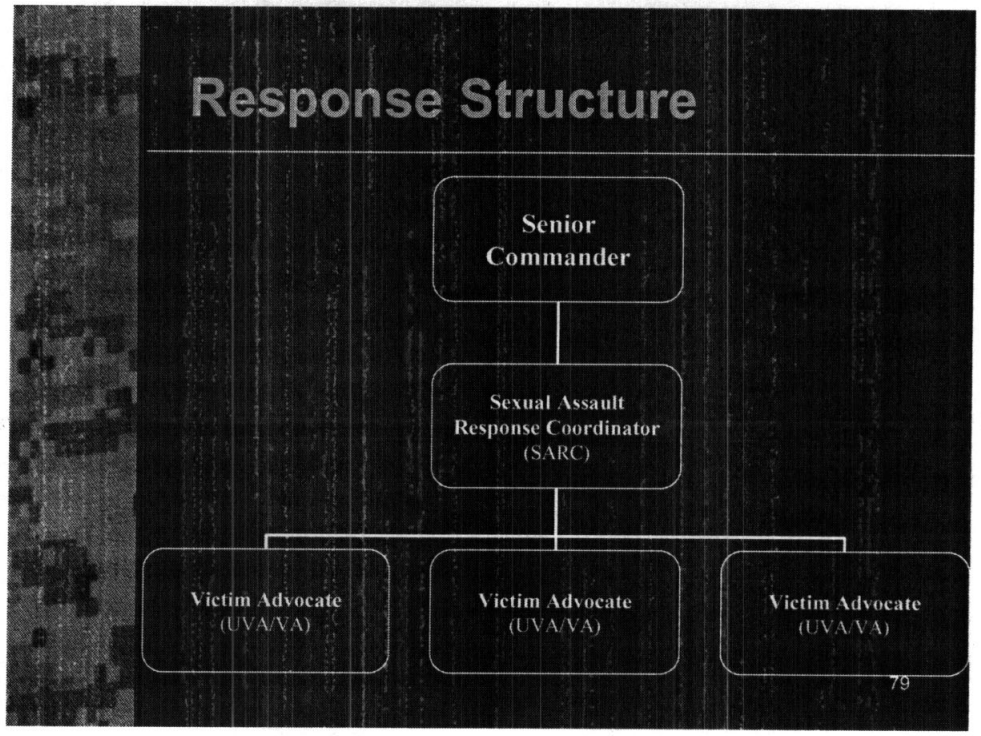


Figure 5-1.--SAPR Response Structure
(Chain of Command)

5. Reserve Component. The following additional guidance is provided to MARFORRES:

a. COMMARFORRES shall determine sourcing of UVAs for the battalions, squadrons, and detachments to ensure coverage of the Marine Corps Reserve.

b. In the event an LOD determination/approval is required in a restricted reporting case for a victim of sexual assault, MARFORRES UVAs shall contact their SARC(s) to begin the determination/approval process through WWRRMED/LOD.

6. Deployed Environment. The following guidance is provided to commanders:

a. An immediate UVA response capability must be provided to victims of sexual assault.

b. A deployed victim of sexual assault may contact any UVA and make a restricted report of sexual assault.

c. An action plan should be developed for the expeditious movement to the nearest medical treatment facility of a victim and UVA to include scenarios involving restricted reporting and SAFEs.

CHAPTER 6

Unit SARC Responsibilities and Training Requirements

1. Purpose. The GCMCA, installation, and MAGTF commander may, at their discretion, appoint in writing a Unit SARC at the battalion and squadron level. Except for the exclusions indicated in Chapter 3, the Unit SARC shall have similar responsibilities to the command SARC.

2. Selection Guidance

a. The Unit SARC shall come from the ranks of Staff Sergeant or higher.

b. Possess a level of maturity and life experience to effectively perform the designated duties.

c. The Unit SARC should not to be the command's Executive Officer, SgtMaj, First Sergeant, legal officer, Equal Opportunity Advisor (EOA), Equal Opportunity Representative (EOR), SACO, or law enforcement personnel due to possible conflicts of interest.

3. Certification Requirement. The duties and responsibilities of the Unit SARC shall be certified by MRRS through formal SARC training. Unit SARC certification shall remain effective for a period of two years.

4. SAPR Program Operation. The following guidance is provided to commanders on the Unit SARC position:

a. Maintain confidentiality in the performance of their duties.

b. Post a photograph in the unit's common area(s) along with a statement indicating the limits on confidentiality.

c. Contact a VA or UVA to provide victim assistance.

d. Notify the command SARC of all sexual assault incidents within their command.

e. Coordinate with the VA/UVA to maintain current victim care information and case status.

f. Track the dispositions of all sexual assault cases for their unit. Notify the command SARC of a victim's transfer or separation.

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

5. Training and Education

a. Receive UVA training as a prerequisite to performing their duties.

b. Assist commanders in meeting sexual assault prevention and response training requirements.

6. Case Management. The Unit SARC shall:

a. Track support services provided to a sexual assault victim from initial report through disposition and resolution;

b. Ensure monthly updates are provided to the victim concerning any ongoing investigative, medical, legal, or command proceedings regarding their sexual assault; and

c. Ensure victim receives a copy of DD Form 2701 in all sexual assault cases.

CHAPTER 7

Guidance to All Marines

1. Purpose. Ensure that a person who is sexually assaulted is treated fairly, with dignity, sensitivity and without prejudice; is treated in a manner that does not usurp control from the victim, but enables the victim to determine their needs and how to meet them; and is not identified to the news media without their consent or consistent with this Order.

2. Awareness and Prevention Responsibilities

a. Eliminate behavior that violates our ethos and serves to tarnish the prestige of the Marine Corps.

b. Maintain a climate that is respectful to all.

c. When witnessing physical, sexual, or verbal assault upon another person, take appropriate action.

3. Reporting Requirements

a. Report all incidents of sexual assault to PMO or the chain of command.

b. Upon learning that a sexual assault incident occurred but was not reported, or that such an assault is being planned, notify your chain of command.

c. Avoid questioning a sexual assault victim about the incident unless required in the course of official duties (i.e., law enforcement, legal, counselors, mental health care providers, etc.), to limit re-victimization.

4. Resources. Become familiar with the victim-related resources available in your community. Marines are encouraged to use Headquarter SAPR website http://www.usmc-mccs.org/sapro as a resource for up to date information on awareness, prevention, and response to sexual assault.

APPENDIX A

DEFINITIONS

1. **Child** - A person under 18 years of age for whom a parent, guardian, foster parent, caretaker, employee of a residential facility, or any staff person providing out-of-home care is legally responsible. The term "child" means a natural child, adopted child, stepchild, foster child, or ward. The term also includes an individual of any age who is incapable of self-support because of mental or physical incapacity and for whom treatment in an MTF is authorized.

2. **Collateral Misconduct** - Prohibited conduct carried out by a victim prior to the sexual assault incident. Examples of prohibited conduct include underage drinking, curfew violation, out of bounds violation, fraternization, and off limits establishment.

3. **Confidential Reporting** - For the purposes of the policies and procedures of the SAPR Program, confidential reporting is restricted reporting that allows a military victim of sexual assault to report or disclose to specified officials that he or she has been sexually assaulted. This reporting option gives the member access to medical care, counseling, and victim advocacy, without requiring those specific officials to automatically report the matter to law enforcement or initiate an official investigation.

4. **Covered Communication** - Oral, written, or electronic communications of personally identifiable information concerning a sexual assault victim or alleged assailant provided by the victim to the Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Uniformed Victim Advocate (UVA), healthcare provider, or Chaplain.

5. **Command SARC** - The Sexual Assault Response Coordinator (SARC) appointed by the command's Commanding General, Installation, or Marine Air Ground Task Force Commander. The highest echelon command appointed SARC.

6. **Defense Case Record Management System (DCRMS)** - is an automated, on-line victim-centered case management system which collects, processes, and reports information related to sexual assault victims, incidents, and their alleged offenders. DCRMS tracks all treatment and follow-up services provided to victims

and produces standardized reports for the case management team and the command.

7. **Defense Incident Based Reporting System (DIBRS)** - The incident based system used to report criminal and specifically identified incidents from initial law enforcement response to offender release from confinement.

8. **Domestic Abuse** - Domestic violence or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty when such violence or abuse is directed towards a person of the opposite sex who is: (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common docile.

9. **First Responders Team** - A multidisciplinary body to oversee coordination and collaboration related to immediate response to sexual assault cases, and ensure a victim-centered approach to service delivery.

10. **Forcible Sodomy** - The unnatural carnal copulation with another person of the same or opposite sex done by force and without the consent of the other person. Forcible sodomy is proscribed by Article 125, Uniform Code of Military Justice (UCMJ).

11. **Forensic Medical Examination** - The medical examination and treatment of a sexual assault victim under circumstances and procedures that ensure that the physical examination process, and the collection, handling, analysis, testing, and safekeeping of any bodily specimens, meet the requirements necessary for use as evidence in a criminal trial.

12. **Healthcare Provider** - Applies to those individuals who are employed or assigned as healthcare professionals, or are credentialed to provide health care services, at a medical, clinical, or dental treatment facility or who are providing such care elsewhere at a deployed location or otherwise in an official capacity. This term includes military personnel, DOD civilian employees, and DOD contractors who provide health care at an occupational health clinic for DOD civilian employees or DOD contractor personnel.

13. **Indecent Assault** - Generally, an indecent assault is an assault of another person who is not the spouse of the offender that is done with the intent to gratify the lust or sexual

desires of the offender and when, under the circumstances, the conduct was to the prejudice of good order and discipline of the armed forces or was of a nature to bring discredit upon the armed forces. Indecent assault is proscribed by Article 134, UCMJ.

14. **Informed Consent Policy** - With the exception of reports made to chaplains under a clergy-penitent relationship, and the specific exception noted below, victims of crimes seeking assistance shall be immediately informed that any reports of sexual assault will be forwarded to military law enforcement for further investigation. However, sexual assault victims who seek victim-related services from the Marine and Family Services and healthcare provider, but choose to not report an alleged sexual assault for further investigation, shall be informed that non-identifying information will be included in SAIRD. This policy allows the Marine Corps to balance the needs of the victim with the needs of commanders to maintain good order and discipline.

15. **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.

16. **Official Investigative Process** - The formal process a commander or law enforcement organization uses to gather evidence and examine the facts and circumstances surrounding a report of sexual assault. Commanders conduct investigations when law enforcement returns a case that does not possess the requisite criminal elements.

17. **Personal Identifying Information** - Applies to the victim and alleged assailant of a sexual assault and is that information which would disclose or have a tendency to disclose the person's identity. Personal identifying information includes the person's name or particularly identifying description (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 particular squadron or barracks when there is only one female assigned). In contrast, non-personal identifying personal information includes those facts and circumstances surrounding a sexual assault that enables the identity of the victim or alleged assailant to remain anonymous.

18. **Rape** - Generally, rape is sexual intercourse by a person, executed by force and without consent of the victim. Rape is proscribed by Article 120, UCMJ.

19. **Restricted Reporting** - A process used by military members to report or disclose that they are the victim of a sexual assault to specified officials on a requested confidential basis. Under these circumstances, the victim's report and any details provided to a healthcare provider, SARC, VA/UVA, or counselor will not be reported to law enforcement to initiate the official investigative process unless the victim consents or an established exception is exercised under this Order.

20. **Restricted Reporting Case Number** - The tracking identification number consisting of the initial of a victim's last name, last four of the SSN (A1234).

21. **Restricted Reporting Property Submission Protocol** - shall include the following information: [forensic examination date - service affiliation - SARC/UVA installation code - SARC(UVA) three letter initials/sequential total of cases submitted for the calendar year)/(RRCN)]. Example: 04Aug05-M-MWPE-SRC2(A1234). In those instances were the SARC/UVA has only two initials in their name, the letter (N) will be used as the middle initial to indicate no middle name (e.g. RNT).

22. **Sexual Assault Examination (SAE) Kit** - The kit used to collect and quantify trace evidence for preservation from a sexual assault incident.

23. **Sexual Assault Forensic Examination (SAFE)** - A medical-legal examination and treatment of a sexual assault victim under circumstances and controlled procedures to ensure that the physical examination process, and the collection, handling, analysis, testing, and safekeeping of any bodily specimens, meet the requirements necessary for use as evidence in a criminal trial.

24. **Service Providers** - Service providers include, but not limited to: Marine and Family Services personnel (i.e., counselors, victim advocates), chaplains, and health care professionals.

25. **Sexual Assault** - The intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or

fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim.

a. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.

b. Other sex-related offenses are defined as all other sexual acts or acts in violation of the Uniform Code of Military Justice that does not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in paragraph E2.1.15 of reference (p).

26. **Sexual Assault Incident Reporting Database (SAIRD)** - A web-based, incident-based reporting system specifically designed for capturing information related to sexual assaults within the Marine Corps. Information in SAIRD will permit tracking of data related to sexual assaults to determine trends, positive and negative, which will allow validation of sexual assault prevention and response efforts.

27. **Sexual Assault Prevention and Response** - Those efforts designed to address the specific needs of victims of sexual assault and related issues. Sexual assault prevention and response 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 sexual assault victims, as coordinated by SJA to CMC; to formalize a mandatory, standardized sexual assault victim assistance program; developing a Sexual Assault Incident Reporting Database (SAIRD) database to track certain sexual assault trends, and formalizing a sexual assault prevention program throughout the Marine Corps.

28. **Sexual Assault Response Coordinator (SARC)** - The SARC is responsible for tracking the services provided to the victim from initial report of a sexual assault, through disposition and resolution of the victim's health and well being. The SARC has oversight responsibility for the Victim Advocate/Uniformed Victim Advocate; serve as the chairperson of the case management review group; track the dispositions of the sexual assault cases for their area of responsibility; and provide regular updates to the commander. The SARC is responsible for assisting commanders in meeting annual sexual assault prevention and response training requirements.

29. **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 (d).

30. **Uniformed Victim Advocate (UVA)** - UVAs shall be appointed from the grade of Staff Sergeant or higher. UVAs will provide deployed Marines and attached Sailors who are victims of sexual assault with information, guidance and support. UVAs are available whenever a sexual assault occurs to provide victims with crisis intervention, safety planning, and support during medical exams and court proceedings.

31. **Unit SARC** - The Unit SARC is normally appointed by the commander of a MAGTF, SPMAGTF, or other large deploying maneuver formation, and performs the same functions as the command-level SARC, minus those normally performed by installation SARCs. The Unit SARC is responsible for tracking services provided to the victim from initial report of a sexual assault, through turnover of the case to the appropriate non-deployed activity SARC. The Unit SARC has oversight responsibility for the Uniformed Victim Advocate; tracks dispositions of sexual assault cases for their area of responsibility; and provides regular updates to the commander. The Unit SARC is responsible for assisting

commanders in ensuring completion of annual sexual assault prevention and response training requirements.

32. **Victim** - A person, male or female, who has suffered direct physical or emotional harm as a result of the commission of a sexual assault offense committed in violation of the UCMJ, or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DOD components, including military members and their family members; when stationed outside the continental United States, DOD civilian employees and contractors, and their family members. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following agents (in order of precedence); a spouse, legal guardian, parent, child sibling, another family member, or another person designated by the court or the SJA to CMC, or designee. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice, even though the individual may be one of the representatives described previously.

33. **Victim Advocate** - The victim advocates/volunteer victim advocates in the Marine and Family Services, Family Advocacy Program, provide information, guidance and support to victims of domestic violence and sexual assault. Advocates are available 24 hours a day, 365 days a year to provide crisis intervention, safety planning, referrals to and liaison with civilian resources, and support during medical exams and court proceedings. Victims are not required to use military victim advocates and may use victim advocates from civilian resources.

34. **Victim and Witness Assistance Coordinator (VWAC)** - As defined under VWAP, the VWAC is the unit commander's (battalion/squadron level and above) primary point of contact for VWAP matters. Contact your local SJA for the VWAC's responsibilities.

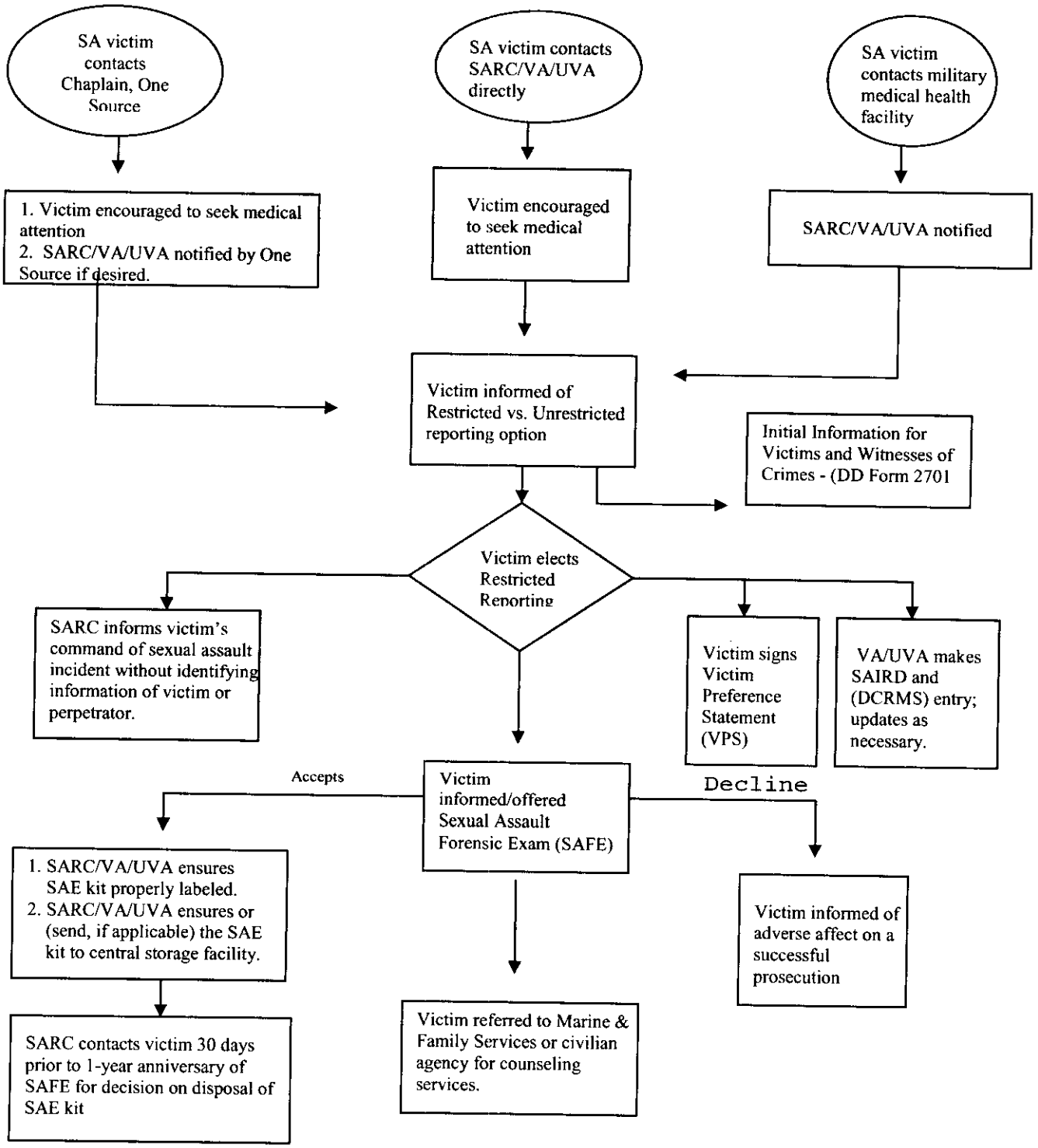
35. **Victim and Witness Assistance Program (VWAP)** - A multi-disciplinary program to assist victims and witnesses of crime to ensure that the military criminal justice system accords crime victims and witness their rights, without infringing on the constitutional rights of an accused, and receive appropriate assistance. VWAP incorporates law enforcement personnel, criminal investigators, service providers, judge advocates, corrections personnel, and unit commanding officers, to identify and assist victims and witnesses of crime through the criminal justice process. The SJA to CMC is the VWAP Component Responsible Official.

36. **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.

37. **Witness** - As defined under VWAP, 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 a perpetrator or accomplice.

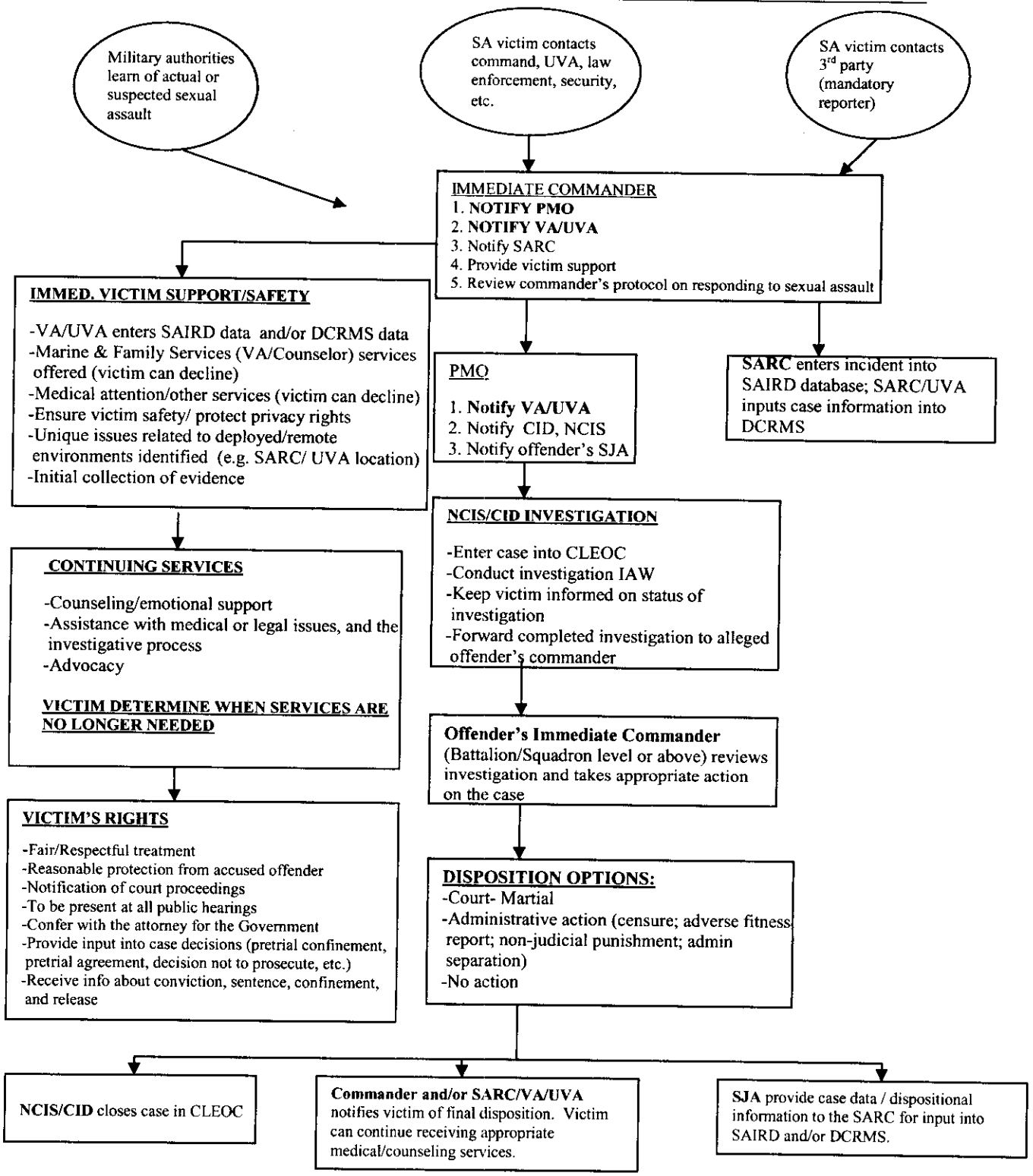
APPENDIX B

SEXUAL ASSAULT RESTRICTED REPORT FLOWCHART



APPENDIX C

SEXUAL ASSAULT UNRESTRICTED REPORT FLOWCHART



APPENDIX D

COMMANDER'S PROTOCOL FOR RESPONDING TO ALLEGATIONS OF SEXUAL ASSAULTS

1. Victim's Commander

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

b. Determine if the victim desires/needs any emergency medical care.

c. Notify the appropriate military criminal investigative organization (MCIO), as soon as the victim's immediate safety is assured, and victim's 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.

d. Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by the authorities who have a legitimate need-to-know.

e. Ensure the SARC is notified immediately.

f. Submit OPREP-3/SIR report as required.

g. Collect only the necessary information (e.g. victim's identity, location and time of the incident, name and/or description of offender(s). **DO NOT ASK DETAILED QUESTIONS AND/OR PRESSURE THE VICTIM FOR RESPONSES OR INFORMATION ABOUT THE INCIDENT.**

h. Advise the victim of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while waiting for the arrival of representatives of the military criminal investigative organization.

i. If needed, assist with or provide immediate transportation for the victim to the hospital or other appropriate medical facility.

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

k. Ask if the victim needs a support person, which can be a personal friend or family member, to immediately join him or her. Be sure to advise the victim this support person could later be called to testify as a witness if the case goes to trial.

l. Immediately notify a Victim Advocate for the victim. Contact the Sexual Assault Response Coordinator (SARC). If not already appointed, the SARC will assign a Victim Advocate to meet with and provide support to the victim.

m. Ask if the victim would like a Chaplain to be notified and notify accordingly.

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

o. Determine the need for temporary reassignment to another unit, duty location, or living quarters on the installation of the victim or the accused being investigated, working with the commander of the accused 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.

p. To the extent practicable, consider the desires of the victim when making any reassignment determinations.

q. Ensure the victim understands the availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes and advise the victim of his or her victim support rights.

r. Attend the monthly case management meeting as appropriate.

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

t. Consult with servicing legal office, as needed, to determine when and how best to dispose of the victim's collateral misconduct, if any.

u. Absent extenuating or overriding considerations which, in the commander's judgment, make it inappropriate to delay

taking action, the commander should consider deferring discipline for such victim misconduct until all investigations are completed and the sexual assault allegation has been resolved. Keep in mind the implications of this decision on speedy trial and/or statute of limitations.

v. When practicable, consult with the servicing legal office, MCIO, and notify the assigned VA or SARC prior to taking any administrative or disciplinary action affecting the victim.

w. Avoid automatic suspension or revocation of a security clearance and/or Personnel Reliability Program (PRP) access, understanding that the victim may be satisfactorily treated for his/her related trauma without compromising his/her security clearance or PRP status. Consider the negative impact that 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, per reference (o).

x. Throughout the investigation, consult with the victim and, to the extent practicable, 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.

y. Listen/engage in quiet support of the victim, as needed. Be available in the weeks and months following the sexual assault, and assure the victim that she/he can rely on the commander's support.

2. Alleged Offender's Commander

a. Notify the appropriate MCIO as soon as possible after receiving a report of a sexual assault incident.

b. Avoid questioning about the sexual assault allegation with the alleged offender, to the extent possible, since doing so may jeopardize the criminal investigation.

c. Any contact with a Service member suspected of an offense under Chapter 47 of reference (j) may involve rules and procedures that ensure due process of law and are unique to the military criminal justice system. Therefore, before questioning or discussing the case with the alleged offender, commanders and other command representatives should first contact the servicing legal office for guidance.

d. However, if questioning does occur, do advise the Service member suspected of committing a UCMJ offense of his or her rights under Article 31 of Chapter 47 of reference (j).

e. Safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation, to include limitations on any formal or informal investigative interviews or inquiries by personnel other than by those personnel with a legitimate need-to-know.

f. Strictly limit information pertinent to an investigation to those who have a legitimate need-to-know.

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

h. Ensure procedures are in place to inform the alleged offender about available counseling support. As appropriate, refer the alleged offender to available counseling groups and other services.

i. With the benefit of SARC, VA, legal, and/or investigative advice, determine the need for a "no contact' order, or the issuance of a Military Protective Order, DD Form 2873.

j. Monitor the well being of the alleged offender, particularly for any indications of suicide ideation, and ensure appropriate intervention occurs if indicated.

3. Unit Commander of Victim and/Or Alleged Offender Prevention

a. Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of its entire member.

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

c. Reiterate your "zero tolerance" policy on sexual assault and the potential consequences for those who violate the law.

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

4. In The Event Of a Sexual Assault

a. Discourage members from participating in "barracks gossip" or grapevine 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 involved.

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

d. Emphasize that the alleged offender is presumed innocent until proven guilty.

e. Consider some form of unit refresher training; or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest themselves, affect the unit, and requires their response during the course of the investigation.

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

APPENDIX E

SEXUAL ASSAULT INCIDENT REPORT DATABASE (SAIRD)
MANDATORY DATA FIELDS

SAIRD Mandatory Fields

1. Admin

a. Tracking Id Number

b. Date Of Assault

c. Report Date (Date Entered Into SAIRD)

d. Installation

e. Report Type (Default To "Restricted" And Must Be Changed To "Unrestricted" If Warranted)

f. Incident Occurred In A Training Or School Environment?

g. Location Type

2. Victim Information

a. Age

b. Gender

c. Permanent Duty Station

d. Personnel Type

e. Allegation

3. Victim Intervention

a. Initial Contact Date

b. Victim Seen At Medical Treatment Facility within 72 Hours of Incident?

c. Victim Received Medical Attention After 72 Hours Of Incident?

d. Victim Referred For Additional Medical Care Following Initial Physical Examination/Evidence Collection?

e. Treatment Facility

f. Was Rape Kit Used?

g. Victim Desired Counseling?

h. Treatment Facility

i. Did Victim Use Alcohol 24 Hours Prior To Incident?

j. Did Victim Use Drugs 24 Hours Prior To Incident?

k. Was Victim Advocate Notified Within 24 Hours Of Incident?

l. Did Victim Advocate Contact The Victim Within 24 Hours Of Assault?

m. Offender and Victim from Same Unit?

n. Victim Knew Offender?

o. Victim Provided Statement to Law Enforcement?

p. Ancillary Services Offered

(1) Medical

(2) Legal

(3) Chaplain

(4) MFS

(5) Investigation

(6) Counseling

(7) No Services Offered

q. Restricted Report Reasons (If Applicable)

(1) Fear Of Reprisal By Offender

(2) Fear Of Reprisal By Superiors And/Or Peers

(3) Fear Of Effect On Career Advancement

(4) Fear Of Not Being Believed By Others

(5) Embarrassment

(6) Desire To Avoid Retelling Story

(7) Unknown

(8) Other

4. Offender's Information

a. Gender

b. Relationship (To Victim)

c. Permanent Duty Station

d. Did Offender Use Alcohol 24 Hours Prior To Incident?

e. Did Offender Use Drugs 24 Hours Prior To Incident?

f. Personnel Type

SAIRD Submission Protocol

VAs/UVAs shall have 30 days from initial data entry into SAIRD as an "Add Incident/Draft Mode" status to submit the case through SAIRD up to MRRS as a "Pending Status" case for inclusion into DOD oversight request data. Incidents remaining in "Draft" in excess of 30-days hinder the functionality and purpose of this system.

APPENDIX F

NAVAL CRIMINAL INVESTIGATIVE SERVICES (NCIS) PROPERTY SUBMISSION PROTOCOL

EXAMPLE: 02Jan05-M-CALE-ABC-0001 (Z2222)

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/VA's initials (If the SARC/VA only has two initials in their name, the letter "N" (for none) should be used as the middle initial).
0001	Sequential number of cases inputted for the calendar year for the particular SARC/VA/UVA.
(Z2222)	(RRCN) USMC only tracking number

SARC REFER TO SAPR's WEBSITE TO VIEW NCIS INSTALLATION CODES

APPENDIX G

VICTIM ADVOCATE (VA) AND UNIFORMED VICTIM ADVOCATE (UVA) TRAINING REQUIREMENTS AND RESPONSIBILITIES

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

2. The Victim Preference Statement (VPS) shall be utilized in all sexual assault cases. Sexual assault victims shall sign the VPS acknowledging their understanding of the informed consent and confidentiality policy as soon as practical after receiving assistance or services under a restricted report.

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

4. To minimize re-victimization, UVAs will assist victims through the medical, legal, and administrative process.

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

6. In locations where MFS exist, UVAs with the victim's consent shall defer case management duties to the installation victim advocates.

7. VAs and UVAs shall receive the following baseline training:

a. Sexual Assault Response Policies

(1) DOD

(2) MCO 1752.5A

(3) DOD Confidentiality Policy and Limitations

(4) Change in Victim Reporting Preference Election from Restricted Reporting to Unrestricted Reporting

b. Critical Advocacy Skills

(1) Basic Interpersonal and Assessment Skills

(a) Appropriate Relationship/Rapport Building, Supporting the Victim, Listening, Communication

(b) Sensitivity training to prevent re-victimization

(c) Crisis Intervention

(d) Roles and Limitations

1. Command Relationship

2. Victim Advocate's Rights/Responsibilities

3. Reporting to the SARC

4. Recognizing Personal Biases/Issues

(2) Local Protocols and Procedures

(a) Resources

(b) Referrals

(c) Military and Civilian Documentation

(d) Requirements

(e) Tracking and monitoring

(3) Record Keeping Rules for Protected Disclosures

(4) Ethics

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

c. Knowledge of the Military (e.g., Command, Mission, Programs, and 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 Sexual 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

h. Safety Planning

(1) Victim Retaliation (by Command or Offender)

(2) Intimidation

(3) Separation of Victim and Offender

(4) Military Protective Orders (DD Form 2873)

8. VAs/UVAs shall undergo refresher training every two years on the above training requirements.

APPENDIX H

CHAPLAIN TRAINING REQUIREMENTS

1. Chaplains shall receive the following baseline training:

   a. Sexual Assault Response Policies

      (1) DODD 6495.01 and DODI 6495.02

      (2) MCO 1752.5A

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

   b. Victimology

      (1) Types of Assault

      (2) Health Consequences

         (a) Mental Health/Spiritual Health

         (b) Physical Health

      (3) Myths and Facts

      (4) Secondary Victimization

      (5) Cultural/Religious Difference

   c. Victim Right

   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 VA/UVA.

3. Chaplain personnel shall undergo refresher training every two years on the above requirements.

APPENDIX I

PROVOST MARSHAL OFFICE (PMO) RESPONSIBILITIES AND TRAINING REQUIREMENTS

1. PMO shall:

a. Immediately notify a Victim Advocate/Uniformed Victim Advocate (VA/UVA) as a member of the First Responder Team on all reported cases of sexual assault.

b. Establish procedures authorizing Family Advocacy Program Managers (FAPM) and VAs access to the law enforcement blotter for official purposes.

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

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

a. Sexual Assault Response Policies

(1) DOD

(2) MCO 1752.5A

(3) DOD Confidentiality Policy Rules and Limitations

b. Responding to Sexual Assault

(1) Notification to Command, Sexual Assault Response Coordinators (SARC), Victim Advocates (VA) and Uniformed Victim Advocates (UVA)

(2) Working with SARCs and VAs

c. Crime Scene Management

(1) Securing 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

(3) Trauma

(4) Behavioral Health Concerns

(5) Post Traumatic Stress Disorder

f. Sex Offenders

3. PMO personnel shall maintain documentation indicating receipt of annual refresher training on the above standards.

APPENDIX J

CRIMINAL INVESTIGATION DIVISION (CID) RESPONSIBILITIES AND TRAINING REQUIREMENTS

1. CID shall:

a. After command referral and following a criminal offense preliminary inquiry, where applicable, investigative authorities shall conduct a formal investigation of those sexual assault allegations that possess the requisite criminal elements.

b. Properly record all reports of sexual assault, in which CID is the lead investigative agency, in a report of investigation and enter that report into the Consolidated Law Enforcement Operation Center (CLEOC) system.

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

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

e. Report all sexual assault incidents to the cognizant Staff Judge Advocate (SJA).

f. Forward all appropriate cases to NCIS.

g. Maintain documentation that a VA/UVA was immediately notified upon receipt of information identifying a sexual assault victim.

2. All CID investigative personnel shall receive the following baseline training:

a. Sexual Assault Response Policies

(1) DOD

(2) MCO 1752.5A

(3) DOD Confidentiality Policy Rules and Limitations

b. Victimology

(1) Victimization Process

(2) Potential Victim Responses

(a) Trauma

(b) Post Traumatic Stress Disorder

c. Sex Offenders

d. Crime Scene Management

(1) Securing Crime Scene

(2) Identification and Collection of Fragile Evidence

(3) Chain of Custody

e. Interview Techniques

(1) Suspect

(2) Victim

f. Investigating Difficult Cases

(1) Impaired Victims

(a) Alcohol Impairment

(b) Drug Facilitated Sexual Assaults

(c) Multiple Suspects

(2) Domestic Violence Sexual Assaults

g. Recantations and False Information

(1) Proper Investigation of Recantations

(2) Factors Influencing False Reports

h. Working with Victim Advocates (VAs)/Sexual Assault Response Coordinators (SARCs)

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

(2) Victim Services and Support Programs

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

APPENDIX K

JUDGE ADVOCATE, TRIAL COUNSEL, AND TRIAL DEFENSE COUNSEL RESPONSIBILITIES AND TRAINING REQUIREMENTS

1. All SJAs shall:

a. Assist commanders in understanding the requirements of MCO 1752.5A and other pertinent directives.

b. In coordination with the command SARC establish protocol to provide the responsible command SARC with all case data for input into SAIRD. Additionally, upon the Marine Corps migration to DOD's Defense Case Record Management System (DCRMS), the command SJA shall provide a copy of the Charge Sheet and Results of Trial for input into DCRMS.

2. All Staff Judge Advocates (including their deputies) shall receive the following baseline training:

a. Sexual Assault Response Policies

(1) DOD

(2) MCO 1752.5A

(3) DOD 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 (e.g., familiarity with Victim/Witness Assistance Program (VWAP) and VWAP challenges in the deployed environment)

c. Victimology

(1) Victimization Process

(2) Victim Responses

(a) Trauma

(b) Post Traumatic Stress Disorder

(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 Trial Defense Counsel shall receive the following baseline training:

a. Sexual Assault Response Policies

(1) DOD

(2) MCO 1752.5A

(3) DOD Confidentiality Policy Rules and Limitations

b. Evidence

(1) Forensic and Scientific (e.g., Working knowledge of: Sexual Assault Examination Kit; Basic Forensic Photography; and Lab Results)

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

c. Interviews

(1) Victim

(2) Prosecution Witnesses

(3) Defense Witnesses

(4) Expert Witnesses

d. Sexual Assault Victim Trial Preparation

4. Staff Judge Advocates, Trial Counsel and Trial Defense Counsel shall undergo refresher training every two years on the above training requirements.

APPENDIX L

HEADQUARTERS MARINE CORPS, HEALTH SERVICES (HQMC HS)
RESTRICTED REPORTING "SAFE" PROTOCOL

1. In restricted report cases where the victims opts to undergo a SAFE, after completion of the examination Health Care Professional (HCP) will label the SAE kit with the Marine Corps Restricted Report Case Number (RRCN). The HCP shall receive the RRCN from the appropriate command SARC. The RRCN format is located in Appendix F. Additionally, the HCP will include NCIS's Forensic Evidence Submission Protocol tracking number on the completed SAE kit.

2. The HCP should ensure that no identifying victim information is on the package or kit and then double wrap the kit. Appropriate chain of custody procedures requires the MTF laboratory staff to assume control of the property. In those instances where MTF personnel cannot take custody of the SAE kit, then the command SARC shall establish protocol to insure proper mailing of the kit. The SAE kit shall be mailed via registered mail to the NCIS Regional Forensic Laboratory in Norfolk, VA within 48 hours of the examination completion.

3. The Medical Treatment Facility (MTF) laboratory staff will provide the SARC and/or UVA with the mailing tracking number.

4. In a deployed environment, when applicable, HCP shall work with the forward SARC in coordinating the transporting of a sexual assault victim to a location where the SAFE can be conducted. Upon completion of the SAFE, HCP shall make every effort to expedite mailing the SAE kit in order meet the 48 hours mailing requirement.

Appendix M

UVA Selection Criteria for Commanders

UVA Selection guidelines for Commanders:

__ UVAs shall be appointed from SSgt or higher

__ UVAs discouraged from being the XO: SgtMaj, First Sergeant, legal officer, EOR or EOA Rep, law enforcement personnel

__ Any Primary MOS can be assigned as the UVA with at least 12 months left before PCS

__ Works independently with minimal supervision

__ Basic computer skills

__ Able to conduct training for unit personnel

__ No adverse fitness reports in grade

__ No history of courts-martial

__ No recent history (within past 3 years) of NJP

__ No history of alcohol or drug related incidents

__ No history of referral to the command-directed Family Advocacy Program or have any domestic violence allegations

__ No history of sexual harassment or sexual assault allegations

__ Must be available for worldwide assignment

__ Possesses a calm demeanor during stressful situations (no explosive personalities, please), exercises good judgment under adverse or emergency situations

__ Approachable and has the ability to listen to all persons regardless of rank and/or position.

__ Non-judgmental

__ Good communicator

__ Comfortable with sensitive topics

__ Epitomizes our Core Values of honor, courage, and commitment

Appendix N

REPORT OF RESULTS OF TRIAL

From: Trial Counsel

Subj: REPORT OF RESULTS OF TRIAL

1. Pursuant to R.C.M. 1101(a), notification is herby given in the case of United States versus Lance Corporal John C. Doe, XXX XX 6515, USMC, a trial by Special Court-Martial occurring at Marine Corps Base, Quantico, convened by Commanding Officer, Headquarters and Service Battalion, MCB, located in Quantico, Virginia.

2. Offenses, pleas, and findings:

Charge I:	Article 87, UCMJ	G	G
Spec:	Missing movement	G	G
Charge II:	Article 86, UCMJ	G	G
Spec:	Unauthorized absence	G	G

3. Forum: Military judge (Colonel W.B. Justice, USMC).

4. Sentence adjudged: To be confined for a period of 8 months, to forfeit $725.00 pay per month for a period of * months, to be reduced to pay grade E-1, and to be discharged from the service with a bad-conduct discharge.

5. Dated sentence adjudged: 12 June 2006. The effective date of the adjudged forfeitures and reductions in pay grade is 14 days from the date of sentence.

6. Automatic forfeitures apply: Yes, two-thirds pay while confined.

7. Credits to be applied to confinement, if any: 111 days Doe; 1-day 305(k).

8. Pretrial agreement: Pursuant to the pretrial agreement, the convening authority may approve the sentence as adjudged; however, all confinement in excess of 150 days will be suspended for a period of 12 months from the date of trial, at which time, unless sooner vacated, the suspended portion will be remitted without further action. The period of deferment will run from the date of sentencing until the date the convening authority acts on the sentence.

Appendix O

MRRSLOD DETERMINATION PROTOCOL

RESTRICTED REPORTING AND LOD DETERMINATION

1. In those instances where a drilling reservist is a victim of sexual assault, a Line of Duty (LOD) determination is required. The Marine Corps Sexual Assault Prevention and Response Line of Duty (MRRSLOD) protocol is based on a single point of eligibility determination. The individual commander has no role in the determination process. In order to facilitate the LOD process, Reserve Site Commanders should ensure their UVAs are knowledgeable of the LOD determination process. As the command's representative, the UVA will support the victim through the LOD 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. In the event an LOD determination needs to be made in a restricted report, the below protocol will be followed:

a. Uniformed Victim Advocate

(1) After thoroughly explaining the process to the victim, the UVA shall initiate the LOD determination process by notifying the SARC.

(2) The UVA shall apprise the SARC of the situation and the need for the LOD.

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

b. Sexual Assault Response Coordinator

(1) The MARFORRES SARC 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 apprise the determining official of the situation.

(3) Upon a favorable LOD determination the SARC shall notify the Administrative Officer/Chief and provide any needed assistance in providing continuous care to the victim.

c. WWRRMED/LOD

(1) The determining official shall operate under the protections and responsibilities of confidentiality.

(2) After being apprised of the situation, the determining official shall follow established protocol in reaching an eligibility decision.

(3) The determining official shall notify the originating SARC of their decision.

Appendix P

SAMPLE COMMAND POLICY LETTER

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

IN REPLY

REFER TO:

1752

CG

POLICY LETTER XX-0X

From: Commanding General
To: Distribution List

Subj: SEXUAL ASSAULT

Ref: (a) MCO 1752.5A

1. Sexual assault is a crime that is not restricted 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 may have damaging consequences for victims and the installation. Where cause exists, appropriate legal and/or administrative action will be taken against violators.

3. Victims of sexual assault will be treated with sensitivity, decency and respect. Victims will receive appropriate medical, emotional, psychological, and social services. Care will be given to ensure that the identity of a victim of sexual assault 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 that their personal safety will be protected and

that they will not be re-victimized by the organization. Marines/Sailors who are sexually assaulted are physically, mentally, and emotionally traumatized and wounded. They must be treated with sensitivity and caring.

4. Alcohol use is frequently cited in sexual assault incidents. Irresponsible consumption of alcohol can place a Marine at increased risk. It is imperative that 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 that all members of their command are briefed on the contents of the reference and receive annual refresher training.

6. Marine Corps Community Services (Marine & Family Services) is identified as the agency responsible for providing training to units as well as assistance to victims of sexual assault. Commanders will seek assistance from Marine & Family Services for training.

7. Sexual assault is a complete and total contradiction to the core values that we hold so dear. Eliminating sexual assault will take a dedicated community effort. I challenge each leader and individual to accept responsibility for achieving this goal. Our Marines, Sailors and family members deserve nothing less than our complete dedication to this cause.

8. Filing instructions. A copy of this policy shall be prominently displayed on command information boards and incorporated into unit directives and orders.

C. G. COMMANDER

Distribution: E