UNITED STATES MARINE CORPS

MARINE CORPS RECRUIT DEPOT/EASTERN RECRUITING REGION
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1752.1A SAPR

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From: Commanding General To: Distribution List

Subj: STANDARD OPERATING PROCEDURES (SOP) FOR SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

Ref:

- (a) DODD 6495.01
- (b) DODI 6495.02
- (c) DODI 1304.33
- (d) MARADMIN 025/18
- (e) MCO 1752.5B
- (f) MCO 3504.2A
- (g) MARADMIN 031/14
- (h) MARADMIN 624/12
- (i) MARADMIN 285/16
- (j) Frost Call 012/15
- (k) MCINCR-MCBQO 1752.3
- Encl: (1) STANDARD OPERATING PROCEDURES (SOP) FOR SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM
- 1. <u>Situation</u>. In accordance with references (a) through (k), this Standard Operating Procedure provides Department of Defense SAPR policy and procedural guidance as it relates to Marine Corps Pecruit Depot/Eastern Recruiting Pegion, Parris Island (MCRD/ERR PI) for response to sexual assault incidents and SAPR program implementation.
- a. Sexual Assault. Sexual assault is a criminal act that is not restricted to any gender, race or age. Sexual assault is defined by Department of Defense (DoD) as intentional sexual contact, characterized by the use of force, threats, intimidation, or abuse of authority, or when the person does not or cannot consent. The term sexual assault includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military Justice (UCMJ) offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.
- p. Consent. Consent is defined as words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another in fear does not constitute consent. A current or previous relationship or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. There is no consent where the person is sleeping or incapacitated, such as due to age, alcohol or drugs, or mental capacity.

- c. <u>Prevention</u>. Prevention is the most critical Line of Effort (LOE); it ultimately defines program success. Unlike other LOEs, prevention has neither a beginning nor an end. There are tangible aspects of prevention that promote a positive command climate including program training and education. However, there are also intangible aspects that translate education and training to promote a professional culture that imbues knowledge, awareness, communication, personal responsibility and the empowerment to act. MCRD/ERR PI agrees that the best prevention efforts are universal, long-term and will require a concerted effort with consistent messaging.
- d. MCRD/ERR PI additionally recognizes that any misconduct of an inappropriate or sexual nature is against the professional code of conduct for Marine personnel and as such is a violation of the UCMJ. Furthermore, MCRD/ERR PI recognizes the need to address the larger issue of sexual misconduct and has defined sexual misconduct as a broader range of behaviors to include sexual harassment, sexual assault, and any sexual conduct of an inappropriate, unprofessional or unethical nature. Leaders, at all levels, will continue a training regimen that emphasizes our core values. Failures in character, behavior and integrity will never be tolerated. Through our Marine Corps Values and adherence to the highest standards of professionalism we will protect the crucial relationship between ourselves and those who hold each of us in high esteem.

2. Cancellation. DepO 1752.1.

3. <u>Mission</u>. Marines take care of their own both on the field of combat and in garrison. Every Marine stationed aboard MCRD/ERR PI and within the ERR shall be knowledgeable on what constitutes sexual assault and understand that it is a crime incompatible with the Marine Corps core values of honor, courage and commitment. Every Marine will understand that sexual assault is punishable under the UCMJ and other federal and local civilian/state laws. Marines must demonstrate the moral strength and courage to step up and take action to protect their fellow Marines. Together, we will work to create a culture of prevention and respect with the goal of eliminating the occurrence of sexual assault. This order provides information, policies and procedures related to MCRD/ERR PI SAPR program. Situations not covered in this document can be found in more detail within the references.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) The SAPR program is designed to provide appropriate care for victims of a sexual assault; to ensure accountability of offenders; to eliminate behaviors within MCRD/ERR PI which encourages, validates, or enables sexual assault; to develop programs that reduce the negative effect sexual assault has on the combat readiness of Marines, Sailors, and the units to which they belong; and to encourage our Marines and Marine recruits to step-up and take-a-stand to prevent sexual assaults by taking the appropriate bystander action to intervene when witnessing situations or behaviors that may result in sexual misconduct or sexual assault.

- (b) Victims of sexual assault will be treated with sensitivity, dignity and respect. Sexual assault victims shall be given priority, and shall be treated as emergency cases regardless of whether physical injuries are evident. Victims will receive appropriate medical, emotional, psychological, and social services unless he/she refuses care. Care will be given to ensure that the identity of a victim of sexual assault who elects an unrestricted report is released only to those who have a need to know (i.e. in the case of an unrestricted report, the unit commander and the Naval Criminal Investigative Service (NCIS).
- (c) Victim safety is paramount at all times. Victims who choose to make a restricted report in accordance with (IAW) the references 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 be protected from any type of retaliation.
- (d) If witnesses, SAPR Victim Advocates, Sexual Assault Response Coordinators (SARCs), Equal Opportunity personnel, first responders, bystanders who intervene, or other parties to the crime experience any incidents of reprisal, coercion, or discrimination of any type, they shall immediately report such incidents to the Sexual Assault Response Coordinator, Command Inspector General or the Chain of Command. Additional definitions, avenues to report, important considerations when reporting, resources, and points of contact are contained in reference (i) and Chapter 5 of this Order.
- (e) Education is key to effectively preventing and responding to sexual assault. To assist in the creation of a culture free of sexual assault, leaders at all levels are charged with ensuring that SAPR is part of the annual fiscal year training, facilitated by DoD Sexual Assault Advocate Certification Program (D-SAACP) credentialed SAPR personnel, allotted the required amount of time, and making prevention a priority.
- 1. All Marines shall participate in the SAPR annual training designated for their specific rank and grade. Marines shall complete specific training across their career, to include but not limited to annual, pre-deployment, post-deployment, professional military education (PME), and Pre-Command/Senior Enlisted Leader training. All training will encompass the training requirements outlined in reference (b).
- 2. All Commanders and Sergeant Majors will coordinate with the SARC to complete the required Command Resource Brief within 30 days of assuming command per reference (a). An Engaged Leadership Training will be conducted on an annual basis by the Installation SARC to ensure Command Teams are kept up to date with all requirements and trends for SAPR.

(2) Concept of Operations

(a) This Order defines who is eligible for SAPR support services; what actions are to be taken upon receipt of an allegation of sexual assault; when action is required; where operational and administrative resources are located; how the SAPR program is maintained; and why proper implementation is critical to MCRD/ERR PI's readiness and mission success. This Order should be used in conjunction with the references and any applicable MARADMINs to ensure compliance with policies and procedures established by DoD and the Commandant of the Marine Corps (CMC).

- (b) The terms "Sexual Assault Response Coordinator (SARC)" and "SAPR Victim Advocate (SAPR VA)," as defined by reference (a), shall be used as standard terms throughout the DoD to facilitate communications and transparency regarding SAPR capacity. Additional definitions applicable to this Order are defined in Enclosure (1).
- (c) All victims of sexual assault are encouraged to make complete, unrestricted reports to achieve the objectives contained within the references and enclosures. However, all victims of sexual assault have two methods of reporting the assault: Restricted Reporting and Unrestricted Reporting.
- 1. Restricted reporting. Reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, SAPR VA, or healthcare personnel), and receive medical treatment, including emergency care, counseling, and assignment of a SARC and SAPR VA, without triggering an investigation. The victim's report provided to healthcare personnel, including the information acquired from SAFE Kit, SARCs, or SAPR Vas, will NOT be reported to law enforcement or to the command to initiate the official investigative process unless the victim consents or an established EXCEPTION applies.
- 2. Unrestricted reporting. A process that an individual uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report provided to healthcare personnel, the SARC, a SAPR VA, chain of command representatives, or other persons is reported to law enforcement and may be used to initiate the official investigative process. The command must notify NCIS by contacting the "On Call Agent" specified in the Naval Criminal Investigative Service Resident Agency (NCISRA) Duty Roster or contacting the Supervisory Special Agent at (843) 321-1399 of all allegations of sexual assault brought to their attention.
- (d) Commanders within the ERR are also responsible for ensuring that applicants, prospects, and members of the Delayed Entry Program (poolees), as identified in reference (b), who report a sexual assault are responded to promptly and professionally, with due care for the victim's welfare and privacy. Commanders must ensure the SARC is contacted in all cases and the victim receives information regarding the appropriate services by referring the victim to the civilian law enforcement officials and/or local community resources. A list of local community SAPR resources may be found in Enclosure (7) and also by visiting the Rape Abuse Incest National Network (RAINN) website (http://www.rainn.org) and entering the local zip code.
- (e) Under reference (a), confidentiality applies to all covered communications. Covered communications are oral, written, electronic communications of personally identifiable information made by a victim to a SARC, VA, chaplain, healthcare provider, or mental health counselor related to their sexual assault. All involved parties must maintain the integrity of the confidentiality policy (except in those instances described in reference (a).
- (f) Service members who file Unrestricted and Restricted Reports of sexual assault and/or their dependents shall be protected from retaliation, reprisal, ostracism, maltreatment, or threats thereof, for filing a report. SARCs and SAPR VAs will also be protected from retaliation,

reprisal, ostracism, and maltreatment, related to the execution of their duties and responsibilities.

- (g) Victims may decline to participate in the SAPR program and in a Military Criminal Investigative Office (MCIO) investigation at any time.
- (h) All Marines shall treat any person who is a victim of sexual assault fairly, with dignity, sensitivity, and without prejudice.
- (i) If a Recruiter or a Drill Instructor is named as the alleged offender of a sexual assault allegation, he/she will be pulled from that duty immediately and placed in a position that has no contact with applicants, poolees, or recruits.
- (j) Applicability. For the purposes of this Order the SAPR program is applicable to the following:
- 1. Personnel Eligible for Victim Services. Active duty service members, reserve component members, and military dependents at least 18 years of age who are eligible for treatment in the military healthcare system.
- 2. Per reference (b), service members who were victims of sexual assault PRIOR to enlistment or commissioning are eligible to receive SAPR services under either reporting option. The DoD shall provide support to Service members regardless of when or where the sexual assault took place. The SARC or SAPR VA will assist a victim in completing the reporting forms; provide advocacy services and the appropriate referrals, if requested, for victimization occurring prior to military service.
- 3. "Other" Eligibility. Includes victims not expressly included in reference (a), para 2, referred to as "non-DoD affiliated." These victims are not eligible for the limited SAPR-related or medical services. However, they are eligible for immediate crisis intervention and a warm hand-off to civilian support services. Non-DoD affiliated victims do not complete a DD Form 2910 Victim Reporting Preference Statement (VRPS).

(k) Scheme of Maneuver

- $\underline{1}$. MCRD/ERR PI SAPR Personnel and Resources. The MCRD/ERR PI SAPR Program Area of Operations (AO) includes physical installation of MCRDPI and the ERR which provides SAPR program oversight and guidance to 1st Marine Corps District (MCD), 4MCD and 6MCD. Each command within this AO will operate under the guidance set forth in this order and the references.
- $\underline{2}.$ SAPR personnel must be available to assist victims of sexual assault at all times. They include: a Primary SARC and Alternate SARC located at MCRD/ERR PI, a collateral duty Command SARC located at each District Headquarters within the ERR, a Civilian Victim Advocate (CVA) located at MCRD/ERR PI, and SAPR Victim Advocates (SAPR VAs) throughout each command within MCRD/ERR PI. The 24/7 Sexual Assault Support Line for MCRD/ERR PI is (843) 228-3599. Civilian Victim Advocates from the Family Advocacy Program may be reached at (843) 592-0646. They are available to assist active duty service members or military dependents who have been sexually assaulted as a result of domestic violence and all child abuse cases.

3. The Primary and Alternate Installation SARCs shall be assigned as primary staff members of the MCRD/ERR, PI staff, reporting directly to the Commanding General (CG), MCRD/ERR, PI per reference (c). Installation SARCs shall be responsible for the tactical execution of the SAPR program for MCRD/ERR, PI and provide oversight and guidance to the ERR AO.

(1) Responsibilities

1. MCRD/ERR, PI CG

- $\underline{\underline{a}}$. Ensure appropriate funding is provided to the SAPR program by supplementing budget from Marine Corps Community Services when necessary to cover costs associated with training requirements, site visits, and daily operations.
- \underline{b} . Ensure appropriate level SAPR staffing at the Region, District, and Recruiting Station levels. This includes a Primary and Alternate Installation SARC, a Civilian Victim Advocate, a collateral duty Command SARC for each Marine Corps Recruiting District and a minimum of 2 SAPR VAs at each Battalion, District, and Recruiting Stations (RS).
- \underline{c} . Appoint two civilians in the grade of NAF-04 as the Primary and Alternate Installation SARC for MCRD/ERR PI. Installation SARCs will serve as a Special Staff Officer to the CG for matters relating to the implementation of the SAPR Program and, as such, is responsible for the oversight, coordination and tactical execution of the SAPR Program throughout the MCRD/ERR PI areas of responsibility (AOR). Selection criteria and SARC responsibilities are detailed in Chapter 4 of reference (e).
- \underline{d} . Within 90 days of assuming command, publish a SOP to provide guidance for the implementation and oversight of the SAPR program for MCRD/ERR PI that includes, at a minimum, protocols for response, reporting, advocacy, and training. This shall be disseminated throughout the command for guidance and compliance.
- \underline{e} . Publish a command SAPR policy letter within 30 days of assuming command and post throughout the command in high traffic areas as appropriate.
- f. Establish a command climate of prevention that is predicated on mutual respect and trust that recognizes and embraces diversity, as well as the values and contributions of its entire Marine Corps community.
- g. Reiterate the command's "zero-tolerance" policy on sexual assault and the potential consequences for those who violate the law.
- \underline{h} . Chair the Case Management Group Meeting (CMG) on a monthly basis ensuring the Installation SARC maintains the CMG minutes which should include the attendance roster and the reporting /tracking of all incidents of retaliation.
- \underline{i} . Ensure protection of all SARCs, SAPR VAs, victims, witnesses and family members from coercion, ostracism, discrimination, and reprisal from reporting a sexual assault or in the execution of their duties. Additional definitions and avenues to report any incidents of reprisal,

coercion or discrimination of any type, are contained in reference (i) and Enclosure (9) of this Order.

j. Coordinate with the Installation SARC to receive the SAPR Command Resource Brief within 30 days of assuming command. When the General Court-Martial Convening Authority (GCMCA) is receiving training, the Chief of Staff (CoS) and Sergeant Major (SgtMaj) shall attend the training with the commander.

(m) Tasks

1. Commanding Officers (Regimental, Battalion, and District)

- $\underline{\underline{a}}$. Establish a command climate of prevention and response that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of every member of the command.
- \underline{b} . Reassure members of your personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.
- <u>c</u>. Reiterate your "zero tolerance" policy on sexual assault and the potential consequences for those who violate the law.
- d. Recognize changes in the command climate regarding inappropriate behavior and respond with the appropriate action towards any negative trends that may emerge regarding sexual assault.
- e. Within 90 days of assuming command, publish a SOP to provide guidance as it relates to his/her specific command for the implementation and oversight of the SAPR program that includes, at a minimum, protocols for response, reporting, advocacy, and training. Disseminate this SOP throughout the command to all levels for understanding and compliance.
- \underline{f} . Publish a command SAPR policy letter within 30 days of assuming command and post throughout the command in high traffic areas as appropriate.
- g. Utilizing the Commander's Guidance on selecting SAPR VAs per ref (e), appoint, in writing, a minimum of two SAPR VAs to support the command, to conduct SAPR training requirements, and implement SAPR initiatives. "Active Green Belt" Drill Instructors are not allowed to be appointed as a SAPR VA.
- \underline{h} . Commanders should conduct an in-person interview with Marines nominated to attend SAPR VA class in effort to select SAPR VAs based on the requirements per reference (a). These Marines should be mature, comfortable working with all ranks, possess a calm demeanor and exercises good judgment under adverse or emergency situations.
- \underline{i} . All 0-6 level commanders within the ERR will be required to appoint a collateral duty Command SARC to serve as the local Subject Matter Expert with assistance of the Installation SARC. Commanders should follow reference (a) when choosing and appointing a Command SARC.

- j. Ensure protection of the victim, SAPR VA, and SARC from coercion, ostracism, discrimination, and reprisal. Additional definitions and avenues to report any incidents of reprisal, coercion or discrimination of any type, are contained in reference (i) and Chapter 5 of this Order.
- k. Maintain a Commander's SAPR Turnover Binder to include all items covered on the latest Inspectors General Checklist. Specific attention should be given in maintaining required SAPR VA's documentation: 40 hour SAPR VA training certificate, Supervisor and Commander Statement of Understanding, D-SAACP Credentialing Certificate, appointment letter, poster, continuing education tracking sheet, and continuing education certificates. Ensuring SAPR VAs are completing 16 hours of continuing education training annually to maintain D-SAACP eligibility by signing off on the victim advocates quarterly report.
- $\underline{\mathbb{1}}$. The command will treat every reported sexual assault incident seriously by following proper guidelines per the references and enclosures. The information and circumstances of the allegations will be disclosed on a need-to-know basis only. Enclosures 1 provides detailed information to assist personnel at all levels.
- \underline{m} . When a commander is made aware of an allegation of sexual assault, the following actions should be taken immediately:
 - (1) Ensure safety of victim
 - (2) Notify SAPR VA/SARC immediately
 - (3) Contact NCIS immediately
 - (4) Complete the OPREP-3 (SIR) per reference (c).
- $$\rm (5)$$ Complete the 8 Day Brief for Headquarters Marine Corps (HQMC) per reference (d).

Refer to the requirements and procedures identified in Enclosure (1) for additional requirements and guidance.

- \underline{n} . If there is an allegation of sexual assault, the commander will not automatically suspend or recommend revocation of security clearance access, understanding that the victim may be satisfactorily treated for his or her related trauma without compromising his or her security clearance.
- $\underline{\circ}$. Recognize that in acting in the capacity of a SAPR VA, the SAPR VA can only report to the SARC. Ensure that the assigned SAPR VA is not questioned at any time regarding cases of sexual assault by anyone in the command.
- p. The Victim's Command is required to complete an 8 Day Brief in all cases of an unrestricted report, to be submitted to HQMC, per reference (d). In cases where the victim is a civilian/dependent, the alleged offender's command will complete the 8 Day Brief. The designated command will collaborate with the SARC to complete the required report to be submitted through the chain of command to the Installation Commander. When final approval has been given, the 8 Day Report should be submitted to HQMC

via the sharepoint portal within 8 days of the initial report. Keep a copy of the notification from HQMC in the turnover binder, which states the 8 Day Brief was submitted for inspection purposes.

g. An OPREP-3 is to be completed when a Commander is made aware of an alleged, suspected, or actual sexual assault per reference (a). After being provided the necessary information from the SARC, the victim's commander will submit the OPREP-3 through the chain of command for approval and to HQMC for submission. If the victim is a civilian and does not have a command, the OPREP-3 will be completed by the alleged offender's command. The Sexual Assault OPREP-3 template in reference (a) and Appendix F should be adhered to when submitting this information.

 \underline{r} . Submit a letter of dismissal (Appendix E) for any SAPR VA that will no longer be serving in the capacity of a SAPR VA for the command to the SARC. This will serve as notification to make him/her inactive. A dismissal does not signify any wrong-doing, this is NOT the same as a revocation letter. A dismissal letter may be issued in cases such as: an upcoming Permanent Change of Station (PCS), retirement, separation from active duty, or due to a conflict of interest with a new billet.

 $\underline{\mathtt{s}}.$ Notify the SARC following established protocols of any SAPR VA revocations.

t. Attend the monthly CMG chaired by the Installation Commander on a monthly basis to review all open unrestricted cases, direct system coordination, facilitate monthly victim updates and assess victim services when required to do so per reference (a). Provide victim an update from CMG within 72 hours. Cases will remain open until the victim is no longer receiving SAPR services and a disposition has been provided for the case. Commanders will work with the SJA to complete a Sexual Assault Disposition Report (SADR) for all cases when required.

 \underline{u} . Coordinate with SARC and SJA regarding an Expedited Transfer per reference (a).

 \underline{v} . Ensure that all Marines and Sailors in your command receive the correct SAPR annual training, on a fiscal year basis. All annual SAPR training is to be conducted by a Marine Corps appointed SAPR VA/SARC that is D-SAACP Credentialed. The following trainings are the only trainings approved to meet annual requirements:

(1) Junior Marines (E1-E3) will attend the Step-Up Training (Code: SE)

(Code: SB)

(2) NCOs (E4-E5) will attend Take a Stand Training

 $(\underline{3})$ SNCOs and Above (E6 and above) will attend the General Training (Code: AT). If command provides additional training, it may be entered under Code "ST" but it does not meet the annual SAPR training requirement. A formal training plan, per reference (a), should be added to the Commander's SOP and Turnover Binder. A SAPR training completion report, Appendix G, should be sent to the SARC on a quarterly basis to monitor training completion for all commands.

- \underline{w} . Notify the Installation Commander immediately when a victim is assessed to be in a high-risk situation. This will initiate the immediate call to stand-up a multi-disciplinary High-Risk Response Team (HRRT) in accordance with reference (b). To ensure widest dissemination of this new requirement additional information with respect to the HRRT requirements are including in Chapter 4 of this Order.
- \underline{x} . For all allegations of a sexual assault reported to the command that will generate media interest, immediately notify the MCRD/ERR PI Public Affairs Officer (PAO) per reference (f) to establish proper protocols in dealing with the media, as required.
- y. When an allegation of sexual assault is reported to the command, commanders will consult with the SJA at the Depot per reference (f) to advise the commander on when and how best to dispose of the victim's (if the victim is a military member in the command) collateral misconduct, if any. Absent extenuating or overriding circumstances that would make it inappropriate to delay taking action, the commander will consider deferring discipline for such victim misconduct until all investigations are completed and the sexual assault allegation has been resolved.
- \underline{z} . In coordination with the SJA, establish procedures as to how and when to inform an alleged offender of an allegation of sexual assault (if member is in the command), as appropriate, about the investigative and legal processes that may be involved under an unrestricted case of sexual assault.

2. Installation SARC

- $\underline{\mathtt{a}}.$ Serve as the subject matter expert for SAPR for all commands aboard MCRD/ERR PI. Operate under confidentiality in all cases, except in those where a statutory or regulatory exception to confidentiality applies.
- $\underline{b}.$ Ensure a copy of the Commanding General's SAPR policy letter and SOP are disseminated throughout MCRD/ERR PI.
- <u>c</u>. Create a SARC poster to include contact information and exceptions to confidentiality. Disseminate poster to all commands to be posted in the unit's common areas, read boards, and on sharepoint sites throughout MCRD/ERR PI cognizance.
- \underline{d} . Notify the MCRD/ERR PI Installation Commander via phone call or encrypted email of all sexual assaults pertaining to MCRD/ERR PI personnel within 24 hours of a filed report of sexual assault.
- \underline{e} . Coordinate with all commands to review and approve all SIRs/OPREP-3s and 8-Day Briefs for HQMC and CG.
- $\underline{f}.$ Conduct inspections as part of the Commanding General Inspection Program (CGIP) for all commands aboard MCRP/ERR PI by utilizing the most updated Functional Area Checklist.
- g. Conduct on-site visits (independent from inspections) to commands aboard MCRD/ERR PI to ensure that program is operating effectively and provide training to commands as necessary.

- \underline{h} . Coordinate and Chair a Sexual Assault Response Team (SART) meeting at a minimum of a quarterly basis. Invite those that can assist with systemic issues within the SAPR program per reference (a). Submit minutes to HQMC within 30 days of meeting.
- \underline{i} . Conduct exit interviews, in person or telephonic, with all victims of sexual assault before graduating, separating or otherwise leaving MCRD/ERR PI command. During this meeting, determine quality of service that was provided, areas to improve, determine if the victim wants his or her case to be closed or transferred, provide local resources for next location and ask if they were victim of any type of retaliation and if so provide the process for making an official complaint.
- j. Report sexual assault numbers to Installation Commander, TECOM SARC, and MCRC SARC (as requested).
- \underline{k} . Track the dispositions of all military sexual assault cases in Defense Sexual Assault Incident Database (DSAID) to allow for HQMC generation of monthly, quarterly, and annual reports. Updates are to be performed routinely after each month's CMG meeting.
- <u>1</u>. Notify members required to attend the CMG per reference (a) at least one week prior of the meeting date via encrypted email. Meetings will be chaired by the Installation Commander (Chief of Staff in his absence) and co-chaired by the Installation SARC. CMGs will take place in the CG's conference room. Members from the ERR will attend telephonically. Tentative CMG dates are included in Appendix D, these are subject to change.
- $\underline{\text{m.}}$ Maintain the CMG minutes and rosters of attendees. Ensure that all retaliation complaints are reported and tracked in the CMG minutes.
- $\underline{\text{n}}$. Conduct SAPR VA training aboard MCRD/ERR PI in January, April, July, and October to coincide with the D-SAACP Review Board deadline dates. Command SARC training will be offered once a year, to be determined by Installation SARC. At the District CO's request, Installation SARC will coordinate with districts to conduct SAPR VA trainings.
- $\underline{\circ}$. Assign a SAPR VA to cases, supervise the SAPR VA in the performance of advocacy duties, and ensure the SAPR VA is providing appropriate care and referrals. Weekly, collaborate with the SAPR VA regarding cases, to maintain current victim care information and case review.
- p. Maintain an excel spreadsheet roster of SAPR VAs to include date credentialed, date trained, continuing education hours and transfer/PCS/EAS date information. Submit this roster to TECOM, MCRC, and HQMC on a quarterly basis (first week of October, January, April, and July).
- g. Ensure SAPR VAs/CVAs complete the DD Form 2910, Victim Reporting Preference Statement (VRPS) and the DD Form 2965, DSAID (basic initial contact information, highlighted fields), for all sexual assault cases. Ensure all required information to open a case in DSAID is entered within 24 hours.
- \underline{r}_* Notify, in writing (sample revocation letter) HQMC SAPR Program of any SAPR VA/CVA revocation per reference (e).

- <u>s.</u> Maintain copies of all required documentation for current and previous VAs and SARCs to include: 40 hour victim advocate training certificate, Supervisor and Commander Statement of Understanding, appointment letter (dated after D-SAACP credentialing date), poster, profile sheet, continuing education tracking sheet, and continuing education certificates.
- t. If there is an allegation of sexual assault, follow procedures provided in Chapter 1, Appendix A, and reference (a).
- \underline{u} . Create a rotation schedule for D-SAACP Credentialed SAPR Personnel (SARCs, CVA, SAPR VAs) to answer the 24/7 MCRD/ERR PI Sexual Assault Support Line and keep an updated log of all calls.
- $(\underline{1})$ SARCs will ensure eligible military members and non-military members who are victims of sexual assault gain access to the resources they need regardless of geographic location.
- $(\underline{2})$ A SARC duty rotation should be created so that a SARC is available 24/7 if the need arises to assist a VA with a case or to answer questions from the command.
- $(\underline{3})$ When a sexual assault occurs as a result of domestic violence or involved child abuse, the SARC will ensure the SAPR VA provides initial support until a civilian SAPR VA from Family Advocacy Program (FAP) arrives and a proper "warm hand-off" is conducted for further care and advocacy. Contact information for FAP Hotline is (843) 592-0646.
- \underline{v} . Serve as the immediate supervisor for the SAPR CVA. Approve time in People Soft, conduct annual performance evaluations and other administrative duties as necessary.
- \underline{w} . Conduct the required Command Brief to all incoming Commanding Officers and Sergeant Majors within 30 days of assuming command per reference (a).
- $(\underline{1})$ Plan and conduct a comprehensive Engaged Leadership to all Commanding Officers and Sergeant Majors aboard MCRD PI on an annual basis.
- (2) Coordinate with AC/S Recruiting to conduct Engaged Leadership to all Commanding Officers and Sergeant Majors assigned to the ERR on an annual basis as part of the annual District Mission Brief.
- \underline{x} . Create and submit a budget on an annual basis for the operations of the SAPR program for aboard MCRD PI and ERR include costs associated with salaries and benefits, monthly office supplies, SAAPM Events (April), SAPR VA class supplies, TAD costs for Training Conferences conducted by DoN SAPRO and NOVA, and TAD costs for site visits required by MCO 1752.5b to the ERR.
- y. Attend all training conferences as required to complete 16 hours of continuing education hours per year (DoN SARC Conference and the NOVA conference). Input all continuing education hours into DSAID and submit a renewal application and at least 32 hours of continuing

education hours to D-SAACP 120 days from the expiration date of D-SAACP Credentialing certificate.

- \underline{z} . Established professional liaisons and propose MOU's with military and civilian resources, to include but not limited to: local rape crisis centers, hospitals, and legal assistance
- aa. Coordinate with RTR to provide a new join SAPR training to all recruits during receiving week. Battalion D-SAACP Credentialed victim advocates shall assist the SARC in providing this brief. This new join brief will include at a minimum: definitions of sexual assault and sexual harassment, consent, the difference between Restricted and Unrestricted Report, those with confidentiality, resources available, and how to request to speak with a SAPR VA without providing any information regarding their sexual assault. The Victim Legal counsel and NCIS should also be invited to speak.

3. Command SARCs

- \underline{a} . Each District Commanding Officer will appoint a colateral duty Command SARC per reference (a). With the assistance of the ERR Installation SARC, the Command SARC will serve as the central point of contact within the command to oversee sexual assault awareness, prevention, and response training for his/her District.
 - b. Follow all requirements set forth per reference (a).
- <u>c</u>. Notify Installation SARC of all allegations of sexual assault immediately. Maintain a copy of the completed DD 2910 and send the original to the Installation SARC via certified mail within 48 hours.
- \underline{d} . Enter all cases of sexual assault for the district into the DSAID within 48 hours. Contact the Installation SARC immediately with any problems meeting this requirement.
- \underline{e} . Assist the Installation SARC with coverage of the regional 24/7 SAPR Support Line by being part of the monthly rotation and ensuring the number is posted throughout the command.
- \underline{f} . Attend the CMG telephonically when required to do so per reference (a). Reporting all complaints of retaliation as required.
- g. Maintain an excel spreadsheet roster of SAPR VAs to include date credentialed, date trained, continuing education hours and transfer/PCS/EAS date information. Submit this roster to Installation SARC on a quarterly basis.
- h. Maintain copies of all required documentation for current and previous victim advocates and SARCs to include: 40 hour victim advocate training certificate, Supervisor and Commander Statement of Understanding, appointment letter (dated after D-SAACP credentialing date), poster, profile sheet, continuing education tracking sheet, and continuing education certificates. Forward a copy of all documents to Installation SARC.
- $\underline{\underline{i}}$. Maintain an updated Commander's Binder for each district for inspection purposes.

- j_{\star} Assist victim advocates by taking cases or assisting in providing annual SAPR training as necessary.
- k. Attend all training conferences as required to complete 16 hours of continuing education hours per year (DoN SARC Conference and the NOVA conference). Input all continuing education hours into DSAID and submit a renewal application and at least 32 hours of continuing education hours to D-SAACP 120 days from the expiration date of D-SAACP Credentialing certificate.
- 1. Sexual Assault Awareness and Prevention Month (SAAPM) is recognized by DoD in April of each year. Notify the Installation SARC of the SAAPM events being planned in the district by 15 March. Work with the command to ensure monies will be available (if necessary) to implement these events.

4. SAPR Victim Advocates

- a. SAPR VAs will report directly to the SARC in all matters related to sexual assaults. Victim Advocates have confidentiality and must act to always safeguard the victim's privacy. Victim advocates should direct any questions regarding a victim or a case to the SARC. When in doubt, contact the SARC. For those SAPR VAs appointed throughout the ERR, the primary SARC will be the Command SARC located at the District HQ, if he/she is not available, the Installation SARC at the Depot level will be the next point of contact.
- <u>b.</u> To be considered an active SAPR VA, the following documentation is required: 40 hour victim advocate training certificate, Supervisor and Commander Statement of Understanding, appointment letter (dated after D-SAACP credentialing date), poster, profile sheet, continuing education tracking sheet, and continuing education certificates.
- <u>c.</u> Post a SAPR VA poster in the unit's common areas along with contact information for the Installation 24/7 Local Sexual Assault Support Line (843)228-3599 and the Department of Defense Safe Helpline 1-877-995-5247. Locations to include: Company read-boards, Section read boards, and outside hatch of male and female heads of all buildings under MCRD/ERR PI cognizance. A reference list should be maintained with locations of all SAPR related posters and then checked on a quarterly basis.
- d. SAPR VA must be included on the unit's Check in/out sheet. SAPR VAs must use the check in topics provided during SAPR VA class during this process. As the victim advocate, building rapport begins at this meeting. Keep a roster of check in/out in a log book for inspection purposes.
- e. Complete 16 hours of continuing education hours (at least 1 hour of Ethics) on an annual basis (using D-SAACP Credentialing Date) and submit along with tracking sheet to SARC to maintain D-SAACP eligibility. Complete a quarterly CEU tracking sheet to the CO for notification purposes and signature. A D-SAACP Renewal application and at least 32 hours of continuing education hours to D-SAACP 120 days from the expiration date of D-SAACP Credentialing certificate.
- \underline{f} . D-SAACP Credentialed SAPR VAs are to provide annual SAPR training on a fiscal year basis to all Marines and Sailors of the

battalion IAW reference (a). Ensure the S-3 is provided with the rosters of all training and enters under the correct code. Ensure S-3 prints out a computer generated roster and attach to signed roster. Provide a copy to the S-3 for their official training documents but also place a copy in the Commander's SAPR Turnover binder which will be used for inspection purposes. The following trainings meet the current FY SAPR Training Requirements:

($\underline{1}$) Junior Marines (E1-E3) will attend the Step-Up Training (Code: SE)

(2) NCOs (E4-E5) will attend Take a Stand Training (Code: SB)

(3) SNCOs and Above (E6 and above) will attend the General Training (Code: AT)

g. SAPR VAs will ensure that the Formal Training Plan for their command includes the correct Rank/Grade training and that a training completion report (Appendix G) is provided to the SARC and added to the Commander's turnover binder on a quarterly basis per reference (a).

 $\underline{\underline{h}}$. Create and maintain an updated SAPR VA toolkit to be kept on-hand at all times and be ready to respond to a victim of sexual assault. This toolkit should include a list of local resources, DD 2910, DD 2965, DD 2710, Naval Correspondence Form, Safety Screening Tool and Plan, etc.

 \underline{i} . Create and maintain a Command SAPR turnover binder which will include all items required by the most current Inspector's General Checklist to include but not limited to the following: SAPR VA credentialing paperwork, continuing education, command policy letter, training records, etc. This binder should be updated as necessary and provided to the incoming SAPR VA during handovers. An assist visit should be coordinated with the SARC during off year inspection rotation.

j. In the event of a sexual assault, follow procedures as per Enclosure (1), (2), SAPR VA training and reference (a). Notify your SARC of all cases of sexual assault that become known to you, this includes active duty, civilians, and dependents.

 \underline{k} . Ensure to meet all SAPR VA administrative requirements as described in reference (a), properly complete required fields on the DD Form 2965 to open a case of sexual assault, ensure VRPS is properly completed and provide forms to the Installation/Command SARC within 24 hours of the report via encrypted email for ERR victim advocates (followed by sending original via certified mail within 10 business days). All victim advocates co-located on MCRD/ERR PI will hand deliver paperwork to the SARC.

 $\underline{\mathbb{1}}$. Recruit Training Regiment (RTR) SAPR VAs assigned to a recruit that has made a sexual assault report will need to be vigilant in scheduling appointments for requested resources (counselor, chaplain, VLC, etc.) in a confidential manner. Counseling appointments should be requested through RTR S-3. Exit interviews for all victims should be scheduled with the SARC before recruit/Marine leaves or graduates.

 \underline{m} . Active "Green Belt Drill Instructors" are not allowed to be appointed as SAPR VAs. Senior Drill Instructors (SDIs), Chief Drill

Instructors (CDIs) and Series Commanders (SerCmdrs) are allowed to be appointed as SAPR VAs within Recruit Training. Remind recruits about those that have confidentiality and to not disclose this information to anyone else.

- $\underline{\text{n}}$. SAPR VAs assigned to the ERR should maintain a copy of all local resources from the RAINN and Safe Helpline websites in the Commander's Turnover Binder to have available to assist victims that report a sexual assault.
- $\underline{\circ}$. When actively working with a victim, the victim advocate shall participate in the monthly CMG. The victim advocate serves as the liaison between the CMG and the victim. In that capacity, the SAPR VA provides current case status and alerts the group to instances in which the victim's rights or safety, were limited and/or compromised. Information regarding any complaints of retaliation or reprisal should also be made aware at the CMG.
- p. Outgoing SAPR VAs will check-out with the SARC before leaving the command. This will help with ensuring a turnover has been made with incoming SAPR VAs.
- g. The SAPR CVA will report directly to the Installation SARC and will assist with training and case assignment as directed by the SARC. The SAPR CVA will also assist the Installation SARC in other duties as deemed necessary for the execution of the program.
- r. SAPR VA assigned to the DI school or RTR HQ will assist the Installation SARCs in providing SAPR Training to students at DI school ensuring that they understand how to interact with a recruit to help maintain the restricted report option. DIs will not ask any questions relating to the nature of the request to speak with a person with confidentiality (SAPR VA, chaplain, counselor, SARC, VLC, medical).
- \underline{s} . SAPR VAs will ensure that all victims are treated with sensitivity, dignity, and respect. If a victim notifies the victim advocate of any sort of reprisal, retribution, coercion, etc., the victim advocate should notify the SARC immediately.
- \underline{t} . Per ref (a), victim advocates are to be available 24/7 to respond to a sexual assault victim. Victim advocates will provide non-clinical support and will accompany victim to appointments if requested by the victim. The victim advocate is also responsible for providing ongoing support until victim no longer desires SAPR services.
- 5. Assistant Chief of Staff G-3. Coordinate with the Installation SARC to review all SAPR trainings to be taught during Recruit Training and Drill Instructor's School (DISC) on an annual basis. This will ensure that the information being presented includes any updates in policies or guidance received from HQMC or TECOM that could affect this training curriculum. Ensure that Drill Instructor Students are taught that if a recruit requests to speak to a SAPR VA, Drill Instructors will NOT ask any other questions and that they are taken to a SAPR VA as soon as possible.
- $\underline{6}$. Drill Instructor School Commanding Officer. Ensure the SAPR training for Drill Instructors is being conducted by a D-SAACP credentialed SAPR VA/SARC and that the training includes how to respond to a

recruit that requests to speak with a SAPR VA. After the request has been made, the drill instructor should not ask any further questions instead get them to a victim advocate as soon as possible.

7. A/CS Recruiting

- \underline{a} . Marines assigned to the Recruit Liaison Section should complete SAPR VA training and become D-SAACP credentialed at the earliest possible opportunity if he/she meets the criteria found in reference (e).
- <u>b</u>. Coordinate with the Installation SARC to provide Engaged Leadership Training to all Commanding Officers and Sergeant Majors assigned to the ERR on an annual basis as part of the annual District Mission Brief.

8. Security Manager

- $\underline{\underline{a}}$. If there is an allegation of a sexual assault, the Battalion Commander will not automatically suspend or recommend revocation of the security clearance and/or Personal 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.
- \underline{b} . Be prepared to make recommendations to the Battalion Commander for final determination based upon established national security standards, per DoD Regulation 5210.42-R.
- \underline{c} . Coordinate with the Installation SARC and/or commanders with conducting background checks on all Marines selected to attend the 40 hour SAPR VA training.
- $\underline{9}$. $\underline{G-6}$. Assist the SARC in maintaining SAPR current support information on the command's webpage. The SAPR link should be located on the home page for the depot and for each battalion aboard the depot. The SAPR website should only display the MCRD/ERR PI 24/7 Sexual Assault Support Line Number: (843) 228-3599 and the DoD Safe Helpline Number: 1-877-995-5247

10. Mental Health

- a. Request all medical personnel are aware of policies surrounding documenting sexual assault in medical records to protect the victim's confidentiality and the ability to keep a restricted report. Medical staff must operate under confidentiality in all cases, except in those where a statutory or regulatory exception to confidentiality applies. Make sure all personnel are aware of which documents are sent back to the Command so that confidentiality can be assured.
- \underline{b} . If a MCRD PI marine/recruit discloses to a medical staff member that he/she is a victim of sexual assault, contact the 24/7 Support Line at (843) 228-3599 and the SARC will ensure a victim advocate makes contact.

11. Chaplain

a. Ensure that all MCRD/ERR PI Military Religious Service personnel have attended SAPR training in accordance to reference (a).

- \underline{b} . Provide support to any victim of sexual assault that requests to speak with a chaplain. Inform all victims of SAPR services and refer to the SARC/SAPR VA when appropriate.
- <u>c</u>. When actively working with a victim, the chaplain should attend the monthly CMG chaired by the Installation Commander to help facilitate victim services when required to do so per reference (a).

12. Victim Legal Counsel

- $\underline{\mathtt{a}}.$ Assist the Installation SARC in providing SAPR Briefs when possible to help increase program awareness.
- \underline{b} . Provide support to any victim of sexual assault that requests to speak with the VLC. Inform all victims of SAPR services and refer to the SARC/SAPR VA when appropriate.
- <u>c.</u> When actively working with a victim, the VLC shall participate in the monthly CMG to help facilitate victim care, notify the group if the victim's rights or safety were limited and/or compromised, and provide updates to the victim as necessary.

13. Staff Judge Advocate

- \underline{a} . Attend the monthly CMG chaired by the Installation Commander to review all open unrestricted cases, direct system coordination, and assess victim services per reference (a).
- \underline{b} . Coordinate with 0-6 level Commanders to complete the Sexual Assault Disposition Report (SADR) for all sexual assault cases and forward to the SARC.
- \underline{c} . Provide guidance to all 0-6 level commanders regarding expedite transfer requests.
- $\underline{\text{d}}.$ After the Sexual Assault- Initial Disposition Authority (SA-IDA) has received investigation report from NCIS, provide guidance to SA-IDA in the best way to proceed.
- $\underline{\text{e}}.$ Assist the Installation SARC in providing SAPR Brief during SAPR VA class and Engaged Leadership course.
- $\underline{14}$. Behavioral Health Counselors Provide victim care through counseling services to any victim of sexual assault that requests to do so. Coordinate with RTR S-3 to schedule counseling appointments for recruits.

4. Administration and Logistics

a. SAPR applicable resources can be accessed via the HQMC SAPR website at: http://www.hqmc.marines.mil/Agencies/HeadquartersandServiceBattalion/SAPROffice.aspx.

- b. <u>Sexual Assault Reporting Forms and Documents</u>. MCRD/ERR PI SARCs and SAPR VAs will be thoroughly familiar with the following documents/resources for sexual assault reporting and program execution:
 - (1) DD Form 2910 Victim Reporting Preference Statement
- (2) DD Form 2965 Defense Sexual Assault Incident Database (DSAID) Data Form
- (3) DD Form 2701 Initial Information for Victims and Witnesses of Crime
- (4) USMC Safety Planning for Victims of Sexual Assault (includes the Safety Screening Tool and Victim Safety Planning Worksheet)
 - (5) DoD SAFE Help Line information
 - (6) Department of Veteran Affairs Disability Handout
 - (7) Automated 8-Day Incident Report (formerly the 8-Day Brief)
 - (8) Victim Legal Counsel Intake Form and Victims' Rights
 - (9) National Suicide Prevention Lifeline Information to include:
 - a. Lifeline number (1-800-273-TALK)
 - b. Website: www.suicidepreventionlifeline.org
- \underline{c} . Knowledge of what to do if you think a person is having suicidal thoughts. Ask the person directly if he/she is having suicidal thoughts/ideas, if they have a plan to do so, and has access to lethal means. ACT if you think the person might harm him/herself and do not leave the person alone. Tell them you are going to get them some help.
- (10) Recommendations for changes to this Order shall be submitted to MCRD/ERR PI SARC, Mrs. Midge Scott-Firestone, midge.scott@usmc.mil or via the appropriate chain of command.
- (11) Records created as a result of this Order shall comply with records management requirements to ensure proper maintenance and use of records, regardless of format or medium, to promote accessibility and authorized retention per the approved records schedule and SECNAV M-5210.1
- (12) All DD Forms are located at the DoD Forms Management Program website at http://www.dtic.mil/whs/directives/forms/index.htm. Additional SAPR documents and the automated SAPR 8-Day Incident Brief can be accessed via the eHQMC SharePoint Portal for SAPR at: https://ehqmc.usmc.mil/sites/family/mfb/sitepages/home.aspx under SAPR MARADMINs.

5. Command and Signal

a. Command

- (1) While acting as a SAPR VA, personnel shall report directly to the Installation SARC on all matters pertaining to sexual assault to meet notification requirements and for the purpose of providing care to victims.
- (2) This Order is applicable to all personnel assigned or attached to MCRD/ERR PI Command.
- (3) MSCs are responsible for implementing the provisions of this Order, as well as developing appropriate internal SAPR policies and procedures to enhance the command climate, reporting process, and prevention efforts of the SAPR program within their command.

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

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Chapter 1

Commander's Protocol for Prevention and Response

1. To prevent sexual assault, all commanders shall:

- a. Establish a command climate of prevention predicated on mutual respect and trust that recognizes and embraces diversity, and values contributions of all members.
- b. Remind Marines of their personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.
- c. Monitor the organization's climate and respond with appropriate action toward any negative trends that may emerge.

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

- a. Discourage members from participating in "barracks gossip" or speculation about the case or investigation.
- b. Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation.
- c. Remind all personnel that discussion of a possible sexual assault incident might compromise an ensuing investigation.
- d. Emphasize the alleged offender is presumed innocent until guilt is established by legal and competent evidence beyond reasonable doubt.
- e. Coordinate refresher training with SAPR VA and/or SARC in order to address preventive measures and the impact on the command. Assess and be cognizant of the needs of the victim at this time, recognizing that increased attention on him/her during this period may be detrimental.
- f. Continuously monitor the command climate to ensure neither the victim nor the alleged offender is being ostracized and to prevent organizational splintering.

3. The victim's commander shall:

- a. Ensure the physical safety and emotional security of the victim. Determine if the alleged offender is still nearby and if the victim desires/needs protection.
- b. Ensure emergency medical care is offered if necessary and/or requested by the victim.
- c. Ensure the SARC is notified immediately. If not co-located with the Installation/Command SARC, ensure that a SAPR VA is provided to the victim. Ensure the victim understands the availability of victim advocacy and the benefits of accepting advocacy and support. Acceptance of advocacy services is optional by the victim.
- d. Ensure notification to the appropriate MCIO, as soon as the victim's immediate safety is addressed, and medical treatment procedures are in

motion. To the extent practicable, strictly limit knowledge of the facts or details regarding the incident to only those personnel who have a legitimate need-to-know.

- e. Ensure necessary action to safeguard the victim from any formal (official) or informal investigative interviews or inquiries, except those conducted by the authorities who have a legitimate need-to-know.
- f. Submit the OPREP-3/SIR report for all Unrestricted Reports, allegations, actual or suspected of sexual assault.
- g. Complete the SAPR HQ 8-Day Incident Report when there is an Unrestricted Report (signed DD 2910) or MCIO has initiated an adult sexual assault investigation. Communicate with the MCIO and SARC for required information to complete the report. Do not ask detailed questions and/or pressure the victim for responses or information about the incident.
- h. Complete the Commanding General's 8 Day Incident Report when Active Duty Service Member files an unrestricted report regarding a sexual assault which occurred while on active duty. The brief will presented to the CG at a meeting coordinated by the SARC. (This does not include prior to service cases). Members required to attend this brief with the Commanding General will be: SARC, victim's CO, alleged offender's CO (if applicable), SJA, NCIS, SAPR VA assigned to case, VLC (if detailed), and anyone else the CG deems appropriate.
- i. Ensure the victim is advised of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while waiting for the arrival of representatives of the MCIO.
- j. Ensure assistance with or provide immediate transportation for the victim to the hospital or other appropriate medical facility. Encourage evidence collection, as there is only a small window of opportunity to collect it.
- k. Ensure the victim is asked if a specific support person is desired. This person could be a friend or family member of the victim. Ensure the victim is advised that this person could later be called to testify as a witness if the case goes to trial.
- 1. Ensure the victim is offered a chaplain and/or VLC and notify accordingly.
- m. Determine if the victim desires/needs a "no contact" order or an MPO, DD Form 2873, to be issued, particularly if the victim and the alleged offender are assigned to the same command, unit, duty location, or living quarters.
- n. Ensure the victim understands the availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes and advise of the victim's support rights.
- o. Ensure the victim is advised of the expedited transfer process and facilitate the expedited transfer when requested by the victim. Determine the need for a temporary reassignment to another unit, duty location, or living quarters on the installation of the victim or the alleged offender being investigated, working with the commander of the alleged offender if

different than the victim's commander, until there is a final legal disposition of the sexual assault allegation, and/or the victim is no longer in danger.

- p. Attend the monthly CMG meeting until case involving command personnel is closed.
- q. Ensure victim receives monthly reports regarding status of the sexual assault investigation until its final disposition.
- r. Initial disposition authority is withheld to the SA-IDA for all other alleged offenses arising from or relating to a reported sexual assault, whether committed by the alleged offender or the alleged victim. The SA-IDA has the non-delegable responsibility for initial disposition as defined in Manual for Courts-Martial 2012. Such offenses commonly include underage drinking, traveling out-of-bounds or to off-limits establishments, fraternization, or adultery. In cases involving a victim's collateral misconduct, the SA-IDA is encouraged to defer a victim's disciplinary proceeding until final disposition of the more serious sexual assault case ICW reference (a).
- s. Avoid automatic suspension or revocation of a security clearance and/or Personnel Reliability Program (PRP) access, understanding the victim may be satisfactorily treated for related trauma without compromising the victim's security clearance or PRP status. Consider the negative impact suspension of a victim's security clearance may have on building a climate of trust and confidence in the Marine Corps sexual assault reporting system, but make the final determination based upon established national security standards.
- t. Throughout the investigation, consult with the victim and, when possible, accommodate the victim's desires regarding safety, health, and security, as long as neither a critical mission nor a full and complete investigation is compromised.
- u. Listen/engage in support of the victim, as needed. Be available in the weeks and months following the sexual assault, and assure the victim of the commander's support.
- 4. The alleged offender's commander shall:
- a. Ensure notification to NCIS as soon as possible after receiving a report of a sexual assault incident.
- b. Safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation.
- c. Restrict information pertinent to an investigation to those who have an official need-to-know.
- d. Ensure the SARC is notified immediately. If not co-located with the Installation/Command SARC, ensure that a SAPR VA is provided to the victim. Ensure the victim understands the availability of victim advocacy and the benefits of accepting advocacy and support. Acceptance of advocacy services is optional by the victim.

- e. Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative and legal processes that may be involved.
- $\ensuremath{\text{f.}}$ Ensure procedures are in place to inform the alleged offender about available counseling support.
 - g. Determine need for issuance of an MPO, DD Form 2873.
- h. Monitor well-being of the alleged offender, particularly for indications of suicidal ideation, and ensure appropriate intervention occurs if indicated.
- i. Submit an OPREP-3/SIR, for all reports of sexual assault when the victim is a civilian and the alleged offender is a Marine or other Service member assigned to a Marine Corps unit.
- j. Complete the SAPR 8-Day Incident Report when there is an Unrestricted Report or NCIS has initiated an adult sexual assault investigation involving a command Service member and a civilian victim. Communicate with the MCIO and SARC for required information to complete the report. Do not ask detailed questions and/or pressure the victim for responses or information about the incident.

Chapter 2

Commander's Reporting Requirements

1. Commander's Reporting Requirements. All CGs and COs shall:

- a. Immediately report all Unrestricted Reports and allegations of sexual assault to NCIS or the supporting MCIO per reference (a). This includes those assaults disclosed directly by victims or by third parties. Commanders shall not conduct an independent command inquiry or investigation of an alleged sexual assault.
- b. In addition to immediate law enforcement notification, commanders shall ensure that the Installation Commander is informed within 24 hours of all allegations and Unrestricted Reports of sexual assault and that the senior commander of victims who file Unrestricted Reports is notified within 24 hours of the report being filed.
- c. OPREP-3 SIR. Immediately submit an Operations Event/Incident Report (OPREP-3) Serious Incident Report (SIR), in accordance with reference (b), for all Unrestricted Reports and allegations of sexual assault, to include prior-to-service incidents and incidents involving all civilian victims. For more specific instructions regarding the OPREP-3 Requirement see reference (f).
- (1) Upon notification of a sexual assault, ensure a serious incident report (SIR) is submitted per reference (b).
- (2) The Victim's Commanding Officer (CO) will submit an SIR when the victim is a Marine or other Service member assigned to a Marine Corps unit.
- (3) The Alleged Offender's CO will submit the SIR when the victim is a civilian or military dependent and the alleged offender is a Marine or Service member assigned to a Marine Corps unit.
- d. SAPR 8-Day Brief. In accordance with reference (a), complete a Sexual Assault Incident Report, hereafter referred to as the "SAPR 8-Day Incident Report." The SAPR 8-Day Incident Report serves as a commander checklist for all initial requirements that must be completed within the first eight calendar days following an Unrestricted Report of sexual assault. It focuses on victim care and command response. The 8-Day Incident Report is available on the SAPR Gear Locker site.
- (1) SAPR 8-Day Incident Reports shall be completed for victims who are active duty Service members and/or reserve members who file Unrestricted Reports of sexual assault.
- (2) SAPR 8-Day Incident Reports shall be completed for cases where an independent investigation has been initiated by an MCIO that involves either a Service member victim or a Service member subject.
- (3) The victim's immediate commander prepares and submits the SAPR 8-Day Incident Report if the victim is a Service member. If the immediate commander is the subject, the next higher commander prepares and submits the SAPR 8-Day Incident Report.

- (4) The subject's immediate commander prepares and submits an abbreviated SAPR 8-Day Incident Report if the victim is a non-Service member. The abbreviated SAPR 8-Day Incident Report contains available incident data and investigation information, with the understanding that some information may not be available.
- (5) The supporting SARC is responsible for providing victim advocacy referral information and the DSAID number. The SARC shall assist the commander in completing this brief but shall not maintain a copy or be responsible for initiating or completing this process.
- (6) The supporting MCIO is responsible for providing the available incident data and investigation information for all SAPR 8-Day Incident Reports.
- (7) The SAPR 8-Day Incident Report will be provided to the first O6 and General Officer (GO) in the chain of command and to HQMC SAPR for data collection and analysis. HQMC SAPR will brief the Assistant Commandant of the Marine Corps (ACMC) quarterly regarding SAPR 8-Day Incident Report data.
- (8) Installation commanders shall receive a copy of the SAPR 8-Day Incident Report if the incident occurred on or near a military installation.
- (9) Commanders shall not conduct internal investigations or interview the victim to obtain the required information for the SAPR 8-Day Incident Report.
- (10) The SAPR 8-Day Incident Report is intended for official use only and will only be provided to personnel with an official need-to-know.
- e. If serving as the SA-IDA, determine the disposition of the incident after the formal criminal investigation is completed and in consultation with SJA. SA-IDAs shall report disposition information to the SARC, NCIS, and JAD using NAVMC 1752, USMC SADR.

2. Victim Support. All CGs and COs shall:

- a. Ensure SAPR services and medical treatment, to include emergency care, are offered to eligible victims of sexual assault in a timely manner. Emergency care shall consist of emergency medical treatment and the offer of a SAFE, consistent with Department of Justice protocols. Refer to DD 2911, DoD Sexual Assault Medical Forensic Examination Report. Eligible victims shall be advised that even if a SAFE is declined, medical and psychological care and victim advocacy remain available.
- b. Ensure, as appropriate, victims and alleged offenders do not remain in the same work and/or living area. Victims and alleged offenders who remain in the same work and/or living area should be routinely monitored for safety concerns. SARCs and SAPR VAs shall conduct safety assessments utilizing the Safety Screening Tool located on the SARC Workspace and SAPR VA Workspace Gear Locker sites.
- c. Protect the privacy of victims to the maximum extent possible. Ensure victim privacy is maintained by limiting access to information (e.g., incident reports and MPOs) to only those with an official need-to-know, per reference (n).

- d. In accordance with reference (b), protect victims of sexual assault from coercion, retaliation, and reprisal. Victims of sexual assault shall be treated with dignity and respect and shall receive timely access to comprehensive medical treatment, to include emergency treatment and mental health services.
- e. Issue an MPO, DD 2873, if requested by the victim. Victims shall receive a signed copy of the DD 2873 for their records. If exigent circumstances require the issuance of a verbal MPO, it shall be immediately followed up with a written MPO as soon as practicable.
- (1) Ensure the appropriate civilian authorities are notified of the issuance of an MPO and of the individuals involved in the order. This applies in the case of an MPO issued against a Service member or when any individual addressed in the order does not reside on a military installation at any time the MPO is in effect, per reference (b).
- (2) An MPO issued by a military commander shall remain in effect until the commander terminates the order or issues a replacement order. The issuing commander shall also notify the appropriate civilian authorities of any change made in or the termination of an MPO, per reference (b).
- (3) Through the installation law enforcement agency, place an active MPO in the National Crime Information Center (NCIC) for the duration of the order, per reference (b).
- (4) Inform the victim seeking the MPO that it is not enforceable by civilian authorities off base. Advise victims desiring protection off base to seek a civilian protective order. SARCs can assist in the filing of a civilian protective order.
- f. Attend monthly CMGs and provide victims who filed Unrestricted Reports with updates within 72 hours regarding the status of any ongoing investigative, medical, legal, and/or command proceedings concerning their sexual assault cases. Ensure victims are notified upon adjudication of military justice proceedings. This is a non-delegable commander duty, per reference (b).
- (1) Commanders on joint bases or as a tenant command on an installation and the designated supporting SARC shall be invited to and will attend that installation's CMG meetings.
- (2) When operational commitments or other exigent circumstances make the commander's participation impossible, the designated acting commander must attend the CMG.
- g. <u>High-Risk Response Team</u>. If a victim is assessed to be in a high-risk situation, the victim's immediate commander shall chair the HRRT and, at a minimum, include the alleged offender's immediate commander; the victim's SARC and SAPR VA; the MCIO; the judge advocate and the VWAP/VLC assigned to the case; the victim's healthcare provider or mental health and counseling services provider; and the personnel who conducted the safety assessment. The responsibility of the HRRT members shall not be delegated. Enclosure 7 of this Order provides additional information with respect to the HRRT.
- h. Ensure the final disposition of a sexual assault is immediately reported to the assigned MCIO.

- i. Honor the decision of a non-participating victim to not be involved in the military justice process. Regardless of how the sexual assault was reported, a victim may elect to not participate in the investigation and/or prosecution of the incident. This decision should be honored by all personnel, including but not limited to DoD law enforcement officials and the victim's chain of command. See Enclosure 1 for definition.
- j. A victim's decision to not participate in an investigation or prosecution will not affect access to SAPR services, medical and psychological care, or VLC services, per reference (a).
- 3. Collateral Misconduct. Initial disposition authority is withheld to the SA-IDA for all alleged offenses arising from or relating to investigated incidents of sexual assault, whether committed by the alleged offender or the victim. The SA-IDA has the non-delegable responsibility for initial disposition, as defined in reference (f). Such offenses commonly include underage drinking, traveling out-of-bounds or to off-limits establishments, fraternization, or adultery. In cases involving a victim's collateral misconduct, the SA-IDA is encouraged to defer a victim's disciplinary proceeding until final disposition of the sexual assault case, in accordance with reference (a).
- 4. Expedited Transfers. The intent of the Expedited Transfer policy is to address situations where a victim feels safe, but uncomfortable (for example, where a victim is experiencing ostracism and retaliation). Additionally, the intent of the Expedited Transfer policy is to assist in the victim's recovery by moving the victim to a new location, where there is expected to be less knowledge of the circumstances of the sexual assault.
- a. COs shall expeditiously process transfers requested by victims who have filed an Unrestricted Report of sexual assault. Every reasonable effort shall be made to minimize disruption to the normal career progression of victims who seek a transfer.
- b. Victims who request to be transferred shall submit a signed and dated written request to their CO, with the assistance of their SARC and VLC if desired. An example is located on the SAPR Leadership Toolkit, SARC Workspace, and SAPR VA Workspace Gear Locker sites. Requests shall include three preferred destinations or reassignments. For confidentiality reasons, no details about the sexual assault should be included. COs shall document the date and time the request was received. NAVMC 10274, Administrative Action Form, shall not be used for transfers under this policy.
- c. COs shall approve or disapprove an expedited transfer request within 72 hours of receiving a signed and dated written transfer request. COs shall notify the victim in writing of their decision.
- (1) A presumption in favor of transferring a victim shall be established following a credible Unrestricted Report of sexual assault. For this purpose, a credible report is one that provides the commander with reasonable grounds to believe that an offense constituting sexual assault has occurred. A credible report determination shall be made in consultation with the SJA within the 72-hour approval/disproval period after an expedited transfer request has been received.

- (2) COs shall consider the following prior to making a decision to approve or disapprove a transfer request:
 - (a) The victim's reasons for the request.
- (b) Potential transfer of the alleged offender instead of the victim requesting the transfer. The victim can request an expedited transfer even if the command has elected to move the offender.
- (c) Whether a temporary transfer would meet the victim's needs and the operational needs of the unit.
 - (d) Training status of the victim requesting the transfer.
- (e) Availability within other units on the installation or in the commander's AOR.
- (f) Status of the investigation, as well as potential impact on the investigation and future disposition of the offense, in consultation with the investigating MCIO.
- (3) An expedited transfer can include inter-unit transfer, unit transfer, PCS, or Permanent Change of Assignment (PCA). For Reserve Component members, a transfer or reassignment might include provisions to perform inactive duty training on a different weekend or at different times from the alleged offender or with a different unit in the home drilling location or geographical area.
- d. If the victim's request for a PCA or PCS is approved, the CO shall immediately forward the approved request to HQMC SAPR, in coordination with their supporting SARC. If the victim receives an inter-unit transfer or unit transfer, the SARC shall maintain a copy of the approval and forward a copy to HQMC SAPR.
- (1) The losing CO will limit the information given to objective facts about victim care provided, status of open investigations, and the status of ongoing legal proceedings in order to provide the gaining commander with some context for victim behavior and to facilitate the victim's access to advocacy, healthcare, MCIOs, and legal counsel. If there is not an open case and the victim will not continue to access SAPR services, no notifications are needed.
- (2) Upon receipt of an approved expedited transfer request, HQMC SAPR will coordinate with the HQMC MM Deputy Director for active duty victims and the HQMC RAM Branch Head for Active Reserve victims to effect the transfer. Expedited transfers will be coordinated through MARFORRES for victims in an active drilling status.
- (3) The CO or CO designee shall directly counsel the victim to ensure that he or she is fully informed regarding the potential impact of the transfer on his or her career development, the investigation and case disposition, and the initiation of other adverse action against the alleged offender, as well as other possible consequences. Victims requesting transfers shall be informed that they may have to return for the prosecution of the case, as applicable.

- e. If the victim's request is disapproved, the victim may request review by the first General or Flag Officer (G/FO) in the chain of command.
- (1) If the victim does not request further review, the CO shall forward, in coordination with the supporting SARC, the expedited transfer package, to include the reason(s) for disapproval, to HQMC SAPR for record-keeping purposes only. No action will be taken by HQMC SAPR.
- (2) If a review is requested, the victim shall submit a written request to their CO, who must expeditiously forward the original transfer request with the disapproval reason to the first G/FO. The first G/FO has 72 hours to conduct the review and approve or disapprove the transfer. Status as a GCMCA does not in itself provide authority to act on transfer requests under this paragraph.
- (3) If approved by the first G/FO, he or she shall endorse the expedited transfer package and forward it to HQMC SAPR, in coordination with the supporting SARC.
- (4) If disapproved by the first G/FO, he or she shall forward the expedited transfer package, to include the reason(s) for disapproval, to HQMC SAPR for record-keeping purposes only. No action will be taken by HQMC SAPR.
- f. Victims may elect to withdraw an expedited transfer request at any time by submitting a written and signed withdrawal notification to the CO. The CO shall send a copy of the withdrawal to HQMC SAPR for record-keeping purposes only. No action will be taken by HQMC SAPR. A sample template is located on the SARC Workspace Gear Locker site.

Chapter 3

Sexual Assault Reporting Options and Confidentiality Policy

1. <u>Purpose</u>. All personnel are encouraged to make complete, unrestricted reports of sexual assault to achieve the objectives contained within the references and enclosures. However, all victims of sexual assault have two methods of reporting the assault: Restricted Reporting and Unrestricted Reporting.

2. Sexual Assault Reporting Options

- a. Restricted Reporting. By definition, restricted reports can come only from the victim themselves. This process affords members of MCRC the option to disclose that they are victims of a sexual assault to specified individuals (i.e., SARC, SAPR VA, healthcare personnel, counselors, Victim's Legal Counsel (VLC), and chaplain) on a requested confidential basis. Under these circumstances, the victim's report and any details provided to specified individuals will not be reported to NCIS or to the command to initiate any official investigation. Victims are cautioned to only disclose incidents of sexual assault to specified individuals to avoid third party reporting. If a victim discloses a sexual assault to a Marine in his or her direct chain of command, that Marine is a mandated reporter.
- (1) Disclosure of a sexual assault incident to others, with the exception of Chaplains MAY eliminate the Restricted Reporting option.
- (2) A victim may elect to convert their Restricted Report to Unrestricted at any time. The SARC or SAPR VA will document the change in the applicable block on DD 2910.
- (3) A Restricted Reporting flow chart is located in Enclosure 6 of this Order.
- b. <u>Unrestricted Reporting</u>. All personnel are encouraged to make an unrestricted report of sexual assault to achieve the objectives and goals of the references and enclosures. Unrestricted reporting is the process that an individual covered by this policy uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report provided to healthcare personnel, the SARC, a SAPR VA, command authorities, or other persons is reported to law enforcement and may be used to initiate the official investigative process.
- (1) An official report may also be initiated by a MCIO when an adult sexual assault investigation has been opened. If an MCIO has initiated an investigation, there is no option for a Restricted Report if the victim did not elect the Restricted option before the MCIO created a case number.
- (2) An Unrestricted Reporting flow chart is located in Enclosure 5 of this Order.
- c. Regardless of the method of reporting, all sexual assault victims will have access to a civilian or SAPR VA and will be provided care, counseling and advocacy under the guidance of the Sexual Assault Response Coordinator (SARC).

- d. When a sexual assault occurs as a result of domestic violence or any type of child abuse, the SARC or SAPR VA will provide support until a Family Advocacy Program (FAP) Victim Advocate arrives and a proper "warm hand-off" is conducted for further care, advocacy and case management.
- 3. <u>Confidentiality</u>. This term refers to confidential communications for all Restricted and Unrestricted Reports of sexual assault. Confidential communications are verbal, written, or electronic communications of personally identifying information made by a victim to a SARC, SAPR VA, or healthcare personnel.
- a. In cases where a victim elects Restricted Reporting, the SARC, assigned SAPR VA, and healthcare personnel may not disclose confidential communications or Sexual Assault Forensic Exam (SAFE) Kit, but for the purpose of this Order will be referred throughout as SAFE) information to any law enforcement agency or command authorities, EXCEPT as provided under confidentiality exceptions. When an independent investigation is initiated through disclosure of a sexual assault by a third party, a SARC, SAPR VA, or healthcare personnel may NOT disclose confidential communication.
- b. If a victim approaches a SARC, SAPR VA, or healthcare provider and discloses that they have been sexually assaulted but elects not to sign a DD 2910, then no report has been filed. The SARC, SAPR VA, or healthcare provider (with few state exceptions) is not under any obligation or duty to inform investigators or commanders about this communication and will not produce any forms or disclose any communications surrounding the communication. Disclosures may only be made in accordance with exceptions to the Military Rule of Evidence (MRE) 514 or 513 privilege (see reference i), as applicable.
- c. A statement made by a victim to a chaplain is privileged and may not be disclosed by the chaplain except in limited cases recognized in federal and military law. This rule is not subject to the exceptions of Restricted Reporting or confidentiality stated in DoD and Marine Corps policy. The chaplain can facilitate access to the SAPR program to elect a reporting option. A chaplain cannot accept a Restricted or Unrestricted Report.
- d. In the course of otherwise privileged communications with a Victim Legal Counsel (VLC), a victim may indicate their wish to file a Restricted Report. The VLC, with the victim's consent, shall facilitate contact with a SARC or SAPR VA. A VLC cannot accept a Restricted or Unrestricted Report.
- 4. <u>Confidentiality Exceptions</u>. There are exceptions to the confidentiality policy. All parties involved in an incident of sexual assault must maintain the integrity of the confidentiality policy, except in those instances described below. Victims shall be informed of these exceptions to confidentiality when the victim signs the DD 2910 or as soon as is practical. Under Restricted Reporting, the prohibition on disclosing confidential communications shall be waived when any of the following reasons apply:
 - a. Disclosure is authorized by the victim in writing.
- b. Disclosure to command officials or law enforcement is necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another. A High Risk Response Team (HRRT) will stand up if the victim is assessed to be in a high-risk situation. Refer to ref (b) for further guidance on HRRT procedures.

- c. Disclosure by healthcare personnel to Disability Retirement Boards and officials is required for fitness for duty or disability retirement determinations. The disclosure shall be limited to only that information necessary to process these determinations. Disclosure of a Restricted Report under these circumstances does not change the nature of the victim's Restricted Report, nor does it create an obligation for reporting to law enforcement or command for investigation.
- d. SARCs, SAPR VAs, or healthcare personnel may disclose specifically requested information to those individuals with an official need-to-know or as required for the supervision of direct victim services.
- e. Disclosure to military or civilian courts when ordered by an authorized military official (e.g., a duly authorized subpoena in a UCMJ case, Federal or State judge, or as required by federal or state law).
- f. Disclosure of suspected and alleged child abuse will be made to law enforcement.
- g. Disclosure of sexual assault by an intimate partner will be deemed a domestic violence case and will be immediately referred to FAP.
- 5. Exception Applicability. The SARC will evaluate the information provided and determine whether an exception applies. The SARC shall consult with the supporting installation or command SJA (using non-personally identifiable information [PII]) to make the appropriate determination before applying the exception, unless immediate danger is assessed. If an exception is applied for serious or imminent threat, the HRRT is required. Refer to ref (b) for further guidance on HRRT procedures.
- 6. <u>Disclosure Limits</u>. Disclosures of confidential information, including those made under the authority of the exceptions to confidentiality, will be limited to information necessary to satisfy the purpose of the exception. Further disclosure will not be made unless the victim authorizes the disclosure in writing.
- 7. Improper Disclosure. If a SARC, SAPR VA, or healthcare personnel makes an unauthorized disclosure of a confidential communication, disciplinary action under the UCMJ, administrative actions, and/or suspension or revocation of Defense Sexual Assault Advocate Certification Program (D-SAACP) certification may occur. No further additional confidential communications shall be disclosed unless the victim authorizes the disclosure in writing or another exception herein applies. Unauthorized disclosure has no impact on the status of a Restricted Report.
- 8. Disclosure of Collateral Misconduct. When disclosed by the victim to the SARC and/or SAPR VA, collateral misconduct related to the sexual assault committed by the victim is considered confidential communications and shall not be disclosed unless as authorized by the exceptions stated above. This does not include offenses committed at an earlier or later time, which are unrelated to the sexual assault incident.
- 9. <u>Independent Investigations</u>. If an MCIO initiates an investigation based on a source other than an Unrestricted Report, this is called an "independent investigation."

- a. Neither the commander nor law enforcement officials may initiate investigations based on information provided by the SARC in connection with a Restricted Report. The non-PII provided by the SARC under the Restricted Reporting option is intended to give the Installation Commander information pertaining to the number and types of sexual assaults occurring on or near the installation. The Installation Commander, however, may use the information to enhance prevention measures, expand education and training, and evaluate the unit's climate and culture for contributing factors. The information shall not be used in a manner likely to disclose, reveal, or enable discovery of the identities being protected.
- b. If information about a sexual assault comes to a commander's attention from a source other than a SARC, the commander shall immediately report the matter to an MCIO, and an official investigation may be initiated based on that independently acquired information.
- (1) If there is an ongoing independent investigation, the sexual assault victim will no longer have the option of a Restricted Report if both of the following conditions apply:
- (a) Law enforcement informs the SARC and/or commander of the official investigation, and the SARC and/or commander then informs the victim of the ongoing official investigation.
- (b) The victim has not already signed a DD 2910, formally electing a Restricted Report.
- c. If an independent investigation is initiated because of a third-party report, the identified victim has the following options:
- (1) If an independent investigation begins AFTER the victim has formally elected the Restricted Report, the victim may maintain the Restricted Report. The investigation will have no impact on the victim's Restricted Report, and the victim's communications and SAFE Kit will remain confidential to the extent authorized by law.
- (2) If the victim has a Restricted Report prior to the start of an independent investigation, they may convert the report to Unrestricted.
- (3) If the victim has no report at the onset of the independent investigation, they may only elect to file an Unrestricted Report.
- (4) The victim has the option to not sign a DD 2910 and to not participate in the investigation. However, all communications between the victim and the SARC and/or SAPR VA will remain confidential.
- 10. <u>Victim Disclosure to Another Person</u>. A victim's disclosure of a sexual assault to a person outside of the Restricted Reporting channel (SARC, SAPR VA, or healthcare provider) may still be eligible for a Restricted Report.
- a. If the person to whom the victim confided the information is in the victim's direct chain of command, a supervisor, or law enforcement, there can be no Restricted Report, and the information must be reported to the command and appropriate MCIO.

- b. If the person to whom the victim confided the information is NOT in the victim's direct chain of command, a supervisor, or law enforcement, there is no legal obligation to report to the command or law enforcement.
- c. Communications between the victim and a person other than the SARC, SAPR VA, and healthcare personnel are NOT confidential and do not receive the protections of Restricted Reporting.
- d. Marines are mandated to report incidents of sexual assault that come under their observation in accordance with reference (j).

Chapter 4

High-Risk Response Team (HRRT)

- 1. High Risk-Response Team (HRRT). A multi-disciplinary High-Risk Response Team will be stood up immediately if a victim is assessed to be in a high-risk situation. The purpose and the responsibility of the High-Risk Response Team is to continually monitor the victim's safety, by assessing danger and developing a plan to manage the situation.
- a. The High-Risk Response Team (HRRT) shall be chaired by the victim's immediate commander and, at a minimum, include the alleged offender's immediate commander; the victim's SARC and SAPR VA; the MCIO, the judge advocate, and the VWAP assigned to the case, victim's healthcare provider or mental health and counseling services provider; and the personnel who conducted the safety assessment. The responsibility of the HRRT members to attend the HRRT meetings and actively participate in them will not be delegated.
- b. The High-Risk Response Team shall make their first report to the installation commander, CMG chair, and CMG co-chair within 24 hours of being activated. A briefing schedule for the CMG chair and co-chair will be determined, but briefings shall occur at least once a week while the victim is on high-risk status.
- c. The High-Risk Response Team assessment of the victim shall include, but is not limited to evaluating:
 - (1) Victim's safety concerns.
- (2) Alleged offender's access to the victim or whether the alleged offender is stalking or has stalked the victim.
- (3) Previous or existing relationship or friendship between the victim and the alleged offender, or the alleged offender and the victim's spouse, or victim's dependents. The existence of children in common. The sharing (or prior sharing) of a common domicile.
- (4) Whether the alleged offender (or the alleged offender's friends or family members) has destroyed victim's property; threatened or attacked the victim; or threatened, attempted, or has a plan to harm or kill the victim or the victim's family members; or intimidated the victim to withdraw participation in the investigation or prosecution.
- (5) Whether the alleged offender has threatened, attempted, or has a plan to commit suicide.
- (6) Whether the alleged offender has used a weapon, threatened to use a weapon, or has access to a weapon that may be used against the victim.
- (7) Whether the victim has sustained serious injury during the sexual assault incident.
- (8) Whether the alleged offender has a history of law enforcement involvement regarding domestic abuse, assault, or other criminal behavior.

- (9) Whether the victim has a civilian protective order or command has an MPO against the alleged offender, or there has been a violation of a civilian protective order or MPO by the alleged offender.
- (10) History of drug or alcohol abuse by either the victim or the alleged offender.
- (11) Whether the alleged offender exhibits erratic or obsessive behavior, rage, agitation, or instability.
 - (12) Whether the alleged offender is a flight risk.

Chapter 5

Methods to Report Retaliation and Resolution Process

1. Retaliation. Per MARADMIN 285/16, Marines who experience retaliation after reporting a crime or making other protected communications may report retaliation to various offices within the Marine Corps or the Department of Defense for assistance. Complaints of criminal offenses, violations of law or regulation, fraud, waste, abuse, and mismanagement that are made to a member of congress, an Inspector General, Law Enforcement, Chain of Command or any person designated to receive such complaints are all considered protected communications.

2. Definitions

- a. Retaliation includes one of the following actions (restriction, reprisal, ostracism, or acts of maltreatment) when taken against a service member because that member made or is preparing to make a protected communication, such as reporting a criminal offense. SECNAVINST 5370.7D states that service members and Department of the Navy personnel shall not retaliate against a service member because the member reported a criminal offense. Retaliatory acts, listed below, may be punished under the Uniform Code of Military Justice as an orders violation under Article 92.
- (1) Restriction. Preventing or attempting to prevent a service member from making or preparing to make a lawful communication to a member of Congress and/or Inspector General (IG). No one should say anything to a Marine that could be construed as discouraging or limiting his/her rights to make a protected communication to an IG, even temporally. By way of example: "don't go to the IG yet; let us try to fix this for you first." This is actionable restriction and would be a substantiated violation of 10 United States Code (U.S.C.) \$1034.
- (2) <u>Reprisal</u>. Taking or threatening to take an unfavorable or adverse personnel action, or withholding or threatening to withhold a favorable personnel action for making or preparing to make a protected communication, such as reporting a criminal offense.
- (3) Ostracism. The exclusion from social acceptance, privilege, or friendship with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice.
- (4) <u>Maltreatment</u>. the treatment by peers or by other persons, that, when viewed objectively under all the circumstances, is abusive or otherwise unwarranted, unjustified, and unnecessary for any lawful purpose, that is done with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice, and that results in physical or mental harm or suffering.
- b. For an action to violate SECNAVINST 5370.7D there must be a connection between the report of a criminal offense and the retaliatory act. For example, if the unfavorable personnel action, such as lower marks on a fitness report, were given because the victim reported a sexual assault or other offense, this may be a violation of the SECNAVINST.

3. Reporting Avenues

- a. <u>Inspector General</u>. The Inspector General of the Marine Corps (IGMC) will assess complaints of retaliation as defined above. For complaints of ostracism or maltreatment, IGMC will normally refer these complaints, via the command IG, to the appropriate command for action, except in those circumstances where the IGMC determines that the complaints should be handled by the IGMC. The IGMC will investigate accusations of ostracism and/or maltreatment by a Flag/General Officer or SES or accusations of ostracism and/or maltreatment made in conjunction with accusations of restriction or reprisal.
- b. <u>Sexual Assault Response Coordinator</u>. For those facing retaliation for making an unrestricted report of sexual assault, SARC and SAPR VA are available 24 hours a day, 7 days a week to offer support.
- (1) The SARC, in consultation with their Staff Judge Advocate, will refer the Marine to the appropriate agency (e.g., IGMC, Military Criminal Investigative Agency, or command) to address the experienced retaliation. If the Marine chooses to file a complaint of retaliation in connection with a sexual assault, the SARC will elevate this information to the CMG for monthly updates to ensure that the complaint is tracked from initiation to resolution and supportive services are provided as needed.
- (2) Marines who select the restricted reporting option, and are experiencing retaliation, should contact the SARC who will be able to advise them on their options. Marines who experience retaliation as a result of a sexual assault but have not signed a DD Form 2910, should only talk with a SARC, SAPR VA, or Victims' Legal Counsel (VLC) in order to protect their right to file a restricted report. As is standard practice during the regular monthly check-in, SAPR VA will ask Marines who files Unrestricted or Restricted reports if They are experiencing retaliation, but Marines may request support at any time.
- d. Victims' Legal Counsel Organization. Victims' Legal Counsel (VLC) may assist Marines, dependents, DoD civilians and some others, who have experienced sexual assault, domestic violence, child abuse, and some other crimes, in reporting acts of retaliation. It is VLC practice to bring reports to the appropriate level of command that will address the retaliation or another entity such as the Naval Criminal Investigative service when a criminal act occurs or IG. VLC may submit complaints verbally; in writing (e.g., email or letters in Naval correspondence); as complaints under Article 1150, U.S. Navy regulations, and Article 138, UMCJ; as well as submit Complaints through communications with members of congress. VLC may also represent them in their petition to the Board for Correction of Naval Records (BCNR) to remove retaliatory actions from their records in the form of Page 11 Administrative Counseling, Nonjudicial Punishment, and fitness reports in the their Official Military Personnel File (OMPF).
- e. Chain of Command. Marines have the opportunity to discuss retaliation with their chain of command to pursue resolution. Commanders may resolve retaliation complaints informally; however, if a formal investigation is needed or the Marine is not satisfied with the command resolution, the case should be referred to the IGMC. Commanders are not authorized to conduct investigations into reprisal or restriction. Allegations of criminal retaliation falling under the purview of the Naval Criminal Investigation Service must be immediately reported by component commanders at all levels.

- (1) Request mast provides a Marine the opportunity to communicate not only with his or her immediate Commanding Officer but also with any superior Commanding Officer in the Chain of Command up to and including the Marine's immediate Commanding General. Request mast includes both the right of the Marine to personally talk to the Commanding Officer, normally in person, and the requirement that the Commanding Officer consider the matter and personally respond to the Marine requesting mast. Marines requesting mast must complete a request mast application form (NAVMC 11296) and submit it through the Chain of Command to the Commanding Officer.
- (2) An Article 138, Uniform Code of Military Justice (UCMJ) complaint enables Marines who believe they have been wronged by their Commanding Officer to complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the Commanding Officer who is the subject of the Marine's complaint. Marines submit an Article 138 complaint by first writing a formal letter addressing the request for redress to the lowest ranking officer in the Chain of Command. If the wrong is not addressed and fixed after the deadline of the initial request, a formal letter can be submitted to any superior commissioned officer.
- (3) An Article 1150, United States Navy regulations, complaint enables Marines who believe they have been wronged by an act, omission, decision, or order of a person who is superior in rank or command to report the wrong to the proper authority for redress. Marines submit an Article 1150 complaint by contacting a Legal Officer, Command Staff Judge Advocate, or VLC to receive further guidance on filing an Article 1150 complaint. Article 1150 complaints are not to be used for complaints against a Marine's Commanding Officer; an Article 138 complaint should be used for a complaint with a Commanding Officer as the subject.
- f. Criminal Investigation Agencies: the Naval Criminal Investigative Service and other Law Enforcement Agencies will investigate acts such as damage to property, physical assault, obstruction of justice and specifically listed crimes under the UCMJ if committed in retaliation for reporting an offense.
- g. Military Equal Opportunity: Equal Opportunity Advisors (EOA) from the Military Equal Opportunity office (MEO) are the liaison for Marines experiencing retaliation as a result of reporting sexual harassment. EOAS will provide general referral information on reporter options and will refer reports to the appropriate VLCS or investigative agency for a more in-depth education of options.
- 4. Reporting Considerations. For those service members who choose to report to an agency other than the IG, it is important to note limits on the IG's ability to act on the complaint If not received by the IG within set timelines. Marines have one year from the date on which the Marine becomes "aware" of the personnel action to report reprisal to the IG. If other forms of resolution are sought before contacting the IG, the one-year statutory time clock does not stop (because the Marine is "aware" and seeking some kind of redress/assistance). Trying to resolve something in another venue does not preclude a Marine from making a complaint to the IG either about retaliation or the other venue's processing of the complaint (the only limitation on that is the one-year statute of limitations for reprisal complaints). IGMC may consider accepting cases that exceed the time if compelling reasons for delay exist or the strength of evidence is overwhelming.

- 6. Additional Resources. See below for list of alternative ways to report and identify avenues of assistance.
 - a. IGMC hotline complaint (military whistleblower protections).
 - b. Report to SARC in different installation.
 - c. EO complaint.
 - d. Victims Legal Counsel.
 - e. Legal Assistance Attorney (10 U.S.C. §1044).
 - f. Trial counsel and VWAP personnel assistance.
 - g. Report to commander invoking service regulations.
 - h. Military Protective Order (MPO).
 - i. Uniform Code of Military Justice, Article 138 Complaints of Wrongs.
 - j. General Officer/Flag Officer review of administrative separations.
 - k. Expedited transfer.
 - 1. Safety transfer.
 - m. Report to Commander outside Chain of Command.
- 7. Points of Contact. To report an offense or seek additional information you may submit a hotline complaint form (http://go.usa.gov/curhy) to the Inspector General of the Marine Corps at orgmb.igmc.hotline@usmc.mil or call 866-243-3887 for further guidance.

APPENDIX A

Definitions

- 1. Child An unmarried person under 18 years of age for whom a parent, guardian, foster parent, caregiver, employee of a residential facility, or any staff person providing out-of-home care is legally responsible. The term means a biological child, adopted child, stepchild, foster child, or ward. The term also includes a sponsor's family member (except the sponsor's spouse) of any age who is incapable of self-support because of a mental or physical incapacity, and for whom treatment in a DoD medical treatment program is authorized.
- 2. Collateral Misconduct Misconduct committed by a victim leading up to or associated with the sexual assault incident. Examples include, but are not limited to, underage drinking, liberty violation, fraternization, and patronizing an off-limits establishment or location.
- 3. Confidential Communications Oral, written, or electronic communications of PII concerning a sexual assault victim and the sexual assault incident provided by the victim to the SARC, SAPR VA, or healthcare personnel in a Restricted Report. This confidential communication includes the victim's SAFE Kit and its information.
- 4. Consent A freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent. A sleeping, unconscious, or incompetent person cannot consent.
- 5. Crisis Intervention Emergency non-clinical care aimed at assisting victims in alleviating potential negative consequences by providing safety assessments and connecting victims to needed resources. Either the SARC or SAPR VA will intervene as quickly as possible to assess the victim's safety and determine the needs of victims and connect them to appropriate referrals, as needed.
- 6. Defense Sexual Assault Incident Database (DSAID) A centralized, case-level database for the uniform collection of data regarding incidents of sexual assaults involving persons covered by reference (a).
- 7. Emergency A situation that requires immediate intervention to prevent the loss of life, limb, sight, or body tissue to prevent undue suffering. Regardless of appearance, a sexual assault victim needs immediate medical intervention to prevent loss of life or undue suffering resulting from physical injuries internal or external, sexually transmitted infections, pregnancy, or psychological distress. Sexual assault victims shall be given priority as emergency cases regardless of evidence of physical injury.
- 8. Emergency Care Emergency medical care includes physical and emergency psychological medical services and a SAFE.

- 9. First Responder First responders are personnel in the following disciplines or positions: SARCs, SAPR VAs, healthcare personnel, law enforcement, MCIO, SJAs VLC, and chaplains.
- 10. Healthcare Personnel Persons assisting or otherwise supporting healthcare providers in providing healthcare services (e.g., administrative personnel assigned to a military medical treatment facility, or mental healthcare personnel). Healthcare personnel also include all healthcare providers.
- 11. High-Risk Response Team (HRRT) If a victim is assessed to be in a high-risk situation, the HRRT is activated. The purpose and the responsibility of the HRRT are to continually monitor the victim's safety, by assessing dangers and developing a plan to manage the situation.
- 12. Informed Consent Policy SAPR VAs and SARCs must inform victims who file a Restricted Report of sexual assault that non-PII will be passed on to the Installation Commander and entered into DSAID. SAPR VAs and SARCs must also inform victims that if they report the incident to anyone outside the personnel covered by Restricted Reporting, it may result in an Unrestricted Report. This policy allows the Marine Corps to balance the needs of the victim with the needs of commanders to maintain good order and discipline.
- 13. 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.
- 14. Non-Personally Identifiable Information (PII) Includes those facts and circumstances surrounding the sexual assault incident or information about the individual that enables the identity of the individual to remain anonymous. In contrast, personal identifying information is information belonging to the victim and alleged assailant of a sexual assault that would disclose or have a tendency to disclose the person's identity.
- 15. Non-Participating Victim Victim choosing not to participate in the military justice system.
- 16. Official Investigative Process The formal process a commander or law enforcement organization uses to gather evidence and examine the circumstances surrounding a report of sexual assault.
- 17. Personally Identifiable Information (PII) Includes the person's name, other particularly identifying descriptions (e.g., physical characteristics or identity by position, rank, or organization), or other information about the person or the facts and circumstances involved that could reasonably be understood to identify the person (e.g., a female in a particularly squadron or barracks when there is only one female assigned).
- 18. Reprisal Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a DoD member.
- 19. Restricted Reporting Reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, SAPR VA, and healthcare personnel), and receive medical treatment, including emergency care, counseling, and assignment of a SARC and

SAPR VA, without triggering an official investigation. The victim's report provided to healthcare personnel (including the information acquired from a SAFE Kit), SARCs, or SAPR VAs will NOT be reported to law enforcement or to the command to initiate the official investigative process unless the victim consents or an established EXCEPTION is exercised in accordance with reference (a). The Restricted reporting option applies to Service members and their military dependents 18 years of age and older. For additional persons who may be entitled to Restricted Reporting, see eligibility criteria in reference (a). Only a SARC, SAPR VA, or healthcare personnel may receive a Restricted Report.

- 20. Retaliation An umbrella term encompassing illegal, impermissible, or hostile actions taken by the chain of command or peers/coworkers as a result of making or being suspected of making a protected communication (e.g., a report of sexual assault or a complaint of sexual harassment). Retaliation for reporting a criminal offense can occur in one of several ways, including, but not limited to, reprisal, ostracism, or maltreatment.
- 21. Restricted Reporting Property Submission Protocol The unique number assigned to evidence collected for a SAFE.
- 22. SARC Advisory Committee (SAC) Members provide feedback to HQMC SAPR from the FMF at both tenant and Installation commands. The SAC shall meet at least biannually to facilitate a consistent approach to advocacy, prevention, training, policy, quality assurance, develop collaborative solutions, and share best practices. Refer to SAPR Gear Locker for additional roles of the SAC.
- 23. Service Member An active duty member of a Military Service.
- 24. Service Providers Service providers include, but are not limited to FAP personnel (i.e., counselors, VAs), chaplains, and health care professionals.
- 25. **Sexual Assault** Intentional sexual contact, characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts.
- 26. Sexual Assault Advisory Group (SAAG) Provides a forum to discuss systemic issues and collaborative resolutions. The SAAG shall establish collaborative relationships facilitating a consistent service approach to advocacy, training, policy, and quality assurance; identify gaps and systemic issues; develop collaborative solutions; and share best practices.
- 27. Sexual Assault Forensic Examination (SAFE) Kit The medical and forensic examination of a sexual assault victim under circumstances and controlled procedures to ensure the physical examination process and the collection, handling, analysis, testing, and safekeeping of any bodily specimens and evidence meet the requirements necessary for use as evidence in criminal proceedings. The victim's SAFE Kit is treated as a confidential communication when conducted as part of a Restricted Report.
- 28. Sexual Assault Prevention and Response (SAPR) Those efforts designed to address the specific needs of victims of sexual assault and related issues. SAPR includes establishing procedures to protect the victim's dignity and

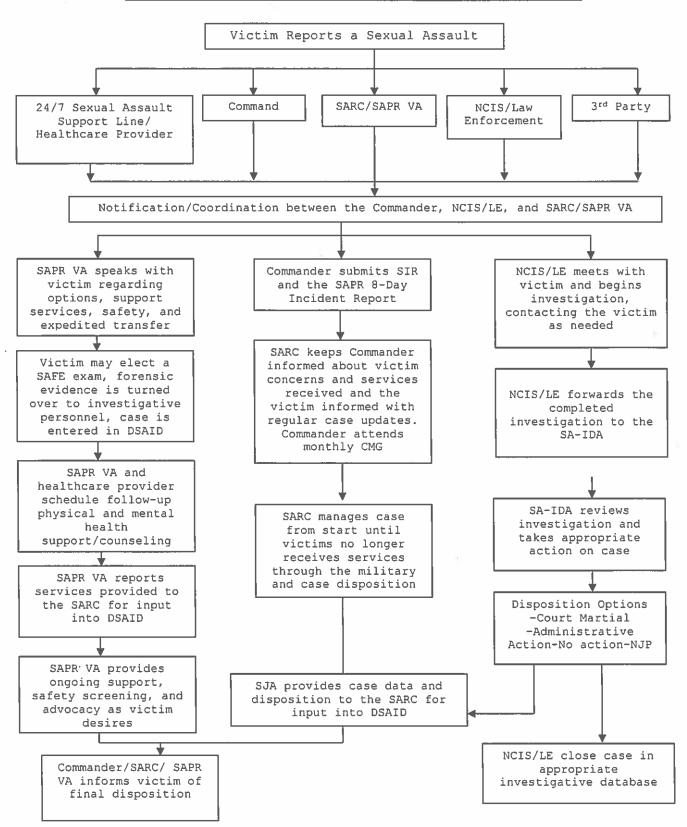
privacy; establishing processes under the Victim and Witness Assistance Program (VWAP) to address the special needs of victims, as coordinated by SJA to Commandant of the Marine Corps (CMC); to formalize a mandatory, standardized sexual assault victim assistance program; tracking sexual assault trends, and formalizing a sexual assault prevention program throughout the Marine Corps and in accordance with reference (b).

- 29. Sexual Assault Response Team (SART) Conducted with the CMG members and any additional community members to address administrative actions and process improvements. This is to be conducted quarterly with additional reviews as necessary. Topics will include, but not be limited to, SAPR training, prevention efforts, systemic issues, and MOUs.
- 30. **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. Work-place 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.
- 31. Unrestricted Reporting A process that an individual covered by this policy uses to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report provided to healthcare personnel, the SARC, a SAPR VA, command authorities, other persons are reported to law enforcement and may be used to initiate the official investigative process in accordance with reference (a).
- 32. Victim A person who asserts direct physical, emotional, or pecuniary harm as a result of the commission of a sexual assault. The term encompasses all persons 18 and over eligible to receive treatment in military medical treatment facilities; however, the restricted reporting option applies to Service members and their military dependents 18 years of age and older. See eligibility criteria in reference (a).
- 33. Victim and Witness Assistance Coordinator (VWAC) As defined under VWAP per reference (g), the VWAC is the unit commander's primary point of contact for VWAP matters. Contact your local SJA for the VWAC's responsibilities.

- 34. Victim and Witness Assistance Program (VWAP) A multi-disciplinary program to assist victims and witnesses of crime to ensure the military criminal justice system accords crime victims and witnesses their rights, without infringing on the constitutional rights of an alleged offender, and receive appropriate assistance. VWAP incorporates law enforcement personnel, criminal investigators, service providers, judge advocates, corrections personnel, and unit COs, to identify and assist victims and witnesses of crime through the criminal justice process. The SJA to CMC is the VWAP Component Responsible Official.
- 35. 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.
- 36. Witness As defined under reference (g), a witness is a person who has information or evidence about a crime, and provides that knowledge to a DoD component about an offense in the investigative jurisdiction of a DoD component. When the witness is a minor, that term includes a family member or legal guardian. The term does not include a defense witness or an individual involved in the crime as an alleged offender or accomplice.

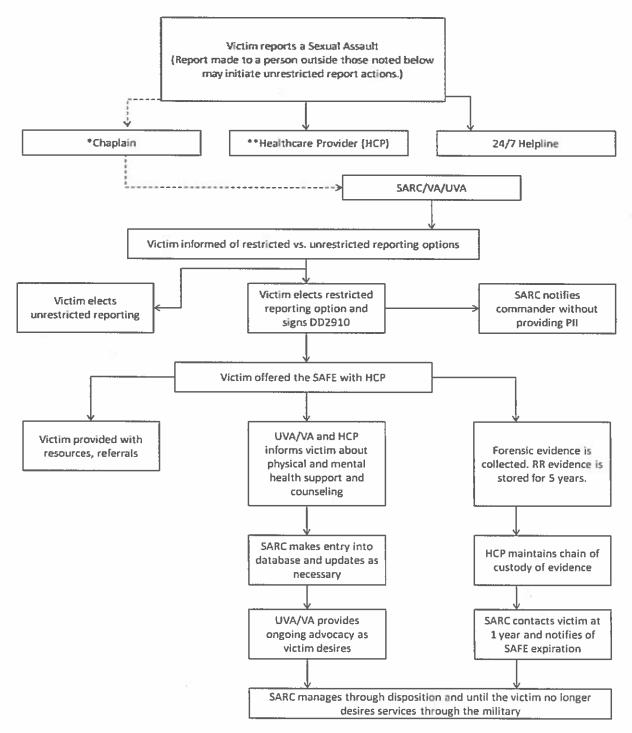
APPENDIX B

Sexual Assault Unrestricted Report and Response Flowchart



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APPENDIX C
Sexual Assault Restricted Report Response Flowchart



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

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

APPENDIX D



United States Marine Corps



Sexual Assault Prevention & Response Program

Local SAPR Resources

Installation Sexual Assault Response Coordinator (SARC)

Mrs. Midge Scott-Firestone (843) 228-3744 Office (843) 338-4037 Cell

Ms. Cassie Campbell (843) 228-4173 Office (843) 476-6446 Cell

24/7 Sexual Assault Support Line (843) 228-3599 MCRD PI/ ERR

Marine & Family Programs Building 17 (843) 228-2044 Chaplain
Depot: (843) 228-3712
1st MCD: (516) 228-5606
4th MCD: (717) 856-7726
6th MCD: (843) 228-4414

Military Medical Treatment Facility Emergency Room Beaufort Naval Hospital (843) 228-5400/5401

Civilian Treatment Facility Emergency Room Beaufort Memorial Hospital (843) 522-5101

PMO Building 455 (843) 228-3444/3445

NCIS MCRD PI (843) 228-2612 Eastern Recruiting Region

Local Resources can be
located by visiting:
The SAFE HELPLINE or
RAINN.ORG

Victim Legal Counsel- Captain Rice Bldg 400

(843) 228-4801

DoD Safe Helpline (Confidential support for victims of sexual assault in the DoD community) 1-877-955-5247 or Text "Installation Name" to 55-247 www.safehelpline.org

Hopeful Horizons 1212 Charles Street, Beaufort, SC 1-800-637-7273 (843) 524-2256



United States Marine Corps



Sexual Assault Prevention & Response Program

Local SAPR Resources

Dates subject to change. Reminder e-mail will be sent out prior to CMG to confirm date.

Contact Midge Scott-Firestone (SARC) with any questions at x3744.

Date: 16 JAN 2018

Time: 1330

Location: CG's Conference Room

Date: 20 FEB 2018

Time: 1330

Location: CG's Conference Room

Date: 20 MAR 2018

Time: 1330

Location: CG's Conference Room

Date: 24 APR 2018

Time: 1330

Location: CG's Conference Room

Date: 23 MAY 2018

Time: 1330

Location: CG's Conference Room

Date: 26 JUN 2018

Time: 1330

Location: CG's Conference Room

Date: 24 JUL 2018

Time: 1330

Location: CG's Conference Room

Date: 28 AUG 2018

Time: 1330

Location: CG's Conference Room

Date: 18 SEP 2018

Time: 1330

Location: CG's Conference Room

Date: 16 OCT 2018

Time: 1330

Location: CG's Conference Room

Date: 20 NOV 2018

Time: 1330

Location: CG's Conference Room

Date: 18 DEC 2018

Time: 1330

Location: CG's Conference Room

2018 SAPR VA CLASS DATES

08-12 JAN 16-20 JUL

02-06 APR 01-05 OCT

APPENDIX E

Sample Appointment Letter

SARC

DATE

From: Commanding General

To: Major Imma M. Sarc/ Mr. Civilian M. Sarc

Subj: APPOINTMENT AS MARFOR/INSTALLATION/COMMAND SEXUAL ASSAULT RESPONSE COORDINATOR (SARC) FOR [COMMAND/INSTALLATION]

"Lead" or "Alternate" are the only titles authorized to be added to the SARC appointment

Ref: (a) DoDD 6495.01, Sexual Assault Prevention and Response (SAPR) Program

- (b) DoDI 6495.02, Sexual Assault Prevention and Response Program Procedures
- (c) MCO 1752.5B, Sexual Assault Prevention and Response Program
- 1. In accordance with the Department of Defense policy, DoDI 6495.02, you have completed the required United States Marine Corps 40 hours of Victim Advocate training certified by the Defense Sexual Assault Advocate Certification Program (D-SAACP), as well as the required United States Marine Corps SARC training. Therefore, you are hereby appointed the SARC for [COMMAND/INSTALLATION].
- 2. You are directed to become thoroughly knowledgeable with the references (a through c), comply with the requirements of the references in the execution of your duties as a SARC, and manage my SAPR program in accordance with each. In the execution of your duties as a SARC, you may also be called upon to act as a Victim Advocate at any time.
- 3. As the SARC for [COMMAND/INSTALLATION], you are my subject matter expert, point of contact regarding all sexual assault prevention and response matters. You are charged with supporting prevention initiatives. You will ensure victims of sexual assault receive fair, culturally competent, conscientious, and unbiased treatment as individuals.
- 4. Your EDIPI is [EDIPI].
- 5. Your D-SAACP credentialing number is [D-SAACP NUMBER].

M. R. MARINE

Sample Appointment

SAPR VA

DATE

From: Commanding Officer

To: Gunnery Sergeant Imma M. VA/ Ms. Civilian Imma M. VA

Subj: APPOINTMENT AS SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) VICTIM ADVOCATE (VA) FOR [COMMAND/INSTALLATION]

Ref: (a) DoDD 6495.01, Sexual Assault Prevention and Response (SAPR) Program

- (b) DoDI 6495.02, Sexual Assault Prevention and Response Program Procedures
- (c) MCO 1752.5B, Sexual Assault Prevention and Response Program
- 1. In accordance with the Department of Defense, you have completed the required United States Marine Corps 40 hours of Victim Advocate training certified by the Defense Sexual Assault Advocate Certification Program (D-SAACP). Therefore, you are hereby appointed as a SAPR VA for [COMMAND/INSTALLATION].
- 2. You are directed to become thoroughly knowledgeable and comply with the references (a through c) in the execution of your duties as a SAPR VA.
- 3. As a SAPR VA for this command, you shall provide victims of sexual assault with emotional support and information on medical, legal, and administrative processes. As the SAPR VA, you will ensure a victim of sexual assault receives fair, culturally competent, conscientious, and unbiased treatment. As the foundation of my SAPR program, you shall conduct unit SAPR trainings and support all prevention initiatives.
- 4. Your EDIPI is [EDIPI].
- 5. Your D-SAACP credentialing number is [D-SAACP NUMBER].

M. R. MARINE



Sample Revocation Letter

DEPARTMENT OF THE NAVY

UNIT NAME

UNIT ADDRESS

CITY, STATE ZIPCODE

IN REPLY REFER TO: 1752
Origin
Date

From: Commanding Officer

To: (RANK/RATE) (FIRST NAME) (MI) (LAST NAME) , EDI-PI/MOS/USMC

Subj: (SUSPENSION/REVOCATION) OF APPOINTMENT AS SEXUAL ASSAULT PREVENTION AND

RESPONSE VICTIM ADVOCATE (SAPR VA) or SEXUAL ASSAULT RESPONSE

COORDINATOR (SARC)

Ref: (a) MCO 1752.5B

(b) DTM, Defense Sexual Assault Advocate Certification Program (D-SAACP), January 14, 2014, as amended

- 1. Per the references, I have determined that you no longer meet the selection criteria for duties as a (SAPR Victim Advocate/Sexual Assault Response Coordinator), and your appointment is hereby (suspended/revoked), effective (date).
- 2. Your (suspension/revocation) is based on my finding that a preponderance of the evidence from an (adverse action/administrative inquiry/investigative process) supports (that you committed misconduct/committed an ethical violation/performed assigned duties in a substandard manner/have a professional or personal impairment) (my lost faith and confidence in your ability to perform assigned duties). Specifically, I find that your actions (insert the specific "reason for revocation" included on attached page, and include, as applicable, the specific DD Form 2950 Code of Profession Conduct criteria violated).
- 3. You are directed to surrender your Department of Defense Sexual Assault Advocate Certification and wallet identification card within 24 hours of this notification to $(rank\ and\ name)$.
- 4. You have the right to appeal my decision to HQMC SAPR Branch Head. If you choose to appeal, you must submit your appeal in writing through your chain of command within seven (7) days of this notification. Your suspension/revocation remains in effect during the appeal process.
- 5. Point of contact for this matter is (Rank) (Last Name), (First Name) (billet), at (phone number) and (e-mail).

I. M. MARINE
(Commander's only signature, not signed "By direction")

Date

From: (RANK/RATE) (FIRST NAME) (MI) (LAST NAME), EDI-PI

To: Commanding Officer

I hereby acknowledge the above suspension/revocation and requirement to surrender my Department of Defense Sexual Assault Advocate Certification and wallet identification card within 24 hours of this notification.

Signature of SAPR VA or SARC

Copy to: MCRDPI/ERR SARC MCRC MARFOR SARC TECOM SARC MFB (SAPRO), M&RA, HQMC

Reasons for Revocation (See DTM-14-001, January 14, 2014, as amended)

An adverse action, administrative inquiry, or investigative procedure determined the D-SAACP certified SARC or SAPR VA has done one or more of the following:

- (1) Violated the D-SAACP code of professional ethics provided on the DD Form 2950 (include the specific code provision(s) violated).
- (2) Presented a danger of immediate or serious harm to victims of sexual assault or to the general public.
- (3) Intentionally made a false statement in the application for certification or renewal on the DD Form 2950.
- (4) Used a controlled substance or alcoholic beverage while serving on-call that impaired his or her ability to perform SARC or SAPR VA duties properly.
- (5) Committed an act of sexual assault prohibited by Articles 120 or 125, or attempts (article 80) of the Uniform Code of Military Justice (UCMJ), or the equivalent State or Federal law.
- (6) Engaged in or solicited sexual relations with a sexual assault victim currently under the SARC or SAPR VA's care.
- (7) Been convicted at a court-martial of an offense under the UCMJ carrying with it a maximum sentence of confinement for greater than 1 year or punitive discharge from the Military Service or of a felony criminal offense in State or Federal courts.
- (8) Failed to maintain the privacy of victims before, during, and after the professional relationship in accordance with DoDD 6495.01, Military Rule of Evidence 514 pursuant to the Manual for Courts-Martial, and applicable federal, DoD, and Service privacy laws and regulations.
- (9) Intentionally provided false or misleading guidance or advice to a victim.
- (10) Demonstrated a lack of competency or ability that jeopardized the delivery of professional victim advocacy.
- (11) Lost the faith and confidence of the Commander to perform the duties of the SARC or SAPR VA (include the specific reason for loss of faith and confidence).

Sample Dismissal Letter

DATE

From: Commanding Officer, [COMMAND]
To: Major Imma M. SAPR VA, EDI-PI

Subj: DISMISSAL AS (Command) SAPR VICTIM ADVOCATE (SAPR VA)

Ref: (a) MCO 1752.5B

1. Per the reference, effective the date of this letter, due to your (upcoming PCS move, retirement, conflict of interest with new billet, etc.), you are hereby vacated of the collateral duty of SAPR Victim Advocate (SAPR VA) for the [Command]. Thank you for your professionalism and dedication you exhibited while serving this command.

RS CO

APPENDIX F

OPREP-3 SIR SAMPLE MESSAGE- SEXUAL ASSAULT

UNCLASSIFIED/

SUBJECT: OPREP-3SIR/M32100/014

MSGID/OPREP-3-SIR/RTR PARRIS ISLAND//

SUBJ/OPREP-3SIR/M32100/014//

REF/A/DOC/CMC/3504.2A/20130807//

REF/B/TEL/ADJ RTR MCRD PISC/282010ZDEC2013//

NARR/REF A IS MCO 3504.2A (OPERATIONS EVENT/INCIDENT REPORT (OPREP-3)

REPORTING). REF B IS VOICE REPORT SUBMITTED TO MCOC (703)695-5454.//POC/J. J. MARINE/GYSGT/RTR PARRIS ISLAND ADJUTANT /-/TEL: 843-228-

1111/EMAIL: JOHN. MARINE@USMC.MIL//

GENTEXT/REMARKS/1. AN INCIDENT OF SEXUAL ASSAULT WAS REPORTED TO HAVE OCCURRED IN BARRACKS 000.

- 2. DATE TIME GROUP OF INCIDENT
- 3. PERSONNEL INVOLVED:
 - A. VICTIM
- 1. SGT (IF PROVIDING THE RANK WILL COMPROMISE THE CONFIDENTIALITY OF THE VICTIM, THE REPORT SHOULD ONLY STATE: OMITTED TO PROTECT CONFIDENTIALITY)
 - 2. XXXX (OMIT NAME)
 - 3. XXXX (OMIT SS# BUT STATE STATUS IF CIVILIAN- DEP)
 - 4. 8th BN, RTR, MCRD PARRIS ISLAND, SC (UNIT, ORGANIZATION, ADDRESS)
- 5. CAUCASIAN/ MALE (IF PROVIDING THE RACE AND GENDER WILL COMPROMISE THE CONFIDENTIALITY OF THE VICTIM, THE REPORT SHOULD ONLY STATE: OMITTED TO PROTECT CONFIDENTIALITY)
 - 6. RTR, MCRD PISC (STAUS AND LOCATION OF PERSONNEL)
 - B. SUSPECT
- 1. SGT IF PROVIDING THE RANK WILL COMPROMISE THE CONFIDENTIALITY OF THE VICTIM, THE REPORT SHOULD ONLY STATE: OMITTED TO PROTECT CONFIDENTIALITY)
 - 2. XXXX (OMIT NAME)
 - 3. XXXX (OMIT SS# BUT STATE STATUS IF CIVILIAN- DEP)
 - 4. 8th BN, RTR, MCRD PARRIS ISLAND, SC (UNIT, ORGANIZATION, ADDRESS)
- CAUCASIAN / MALE (IF PROVIDING THE RACE AND GENDER WILL

COMPROMISE THE CONFIDENTIALITY OF THE VICTIM, THE REPORT SHOULD ONLY STATE: OMITTED TO PROTECT CONFIDENTIALITY)

- 6. 8^{th} BN, RTR, MCRD PARRIS ISLAND, SC (STAUS AND LOCATION OF PERSONNEL)
- 4. NCIS MCRD PARRIS ISLAND IS CONDUCTING AN INVESTIGATION. POC IS NCIS SPECIAL AGENT M. PIERCE AT 843-228-7215.
- 5. PAO HAS BEEN NOTIFIED. MEDIA INTEREST IS NOT ANTICIPATED.
- 6. VOICE REPORT SUBMITTED TO HOMC IAW REF B.
- 7. THE INSTALLATION SARC HAS BEEN NOTIFIED OF THE INCIDENT. //

APPENDIX G

Quarterly SAPR Training Completion Report

1. Command:

	Number of Marines Assigned	Number of Marines Trained	Percent Trained
E1-E3 (SE)			
E4-E5 (SB)			
E6 and Above (AT)			
tep-Up (SE) training : ake-a-Stand (SB) train	ning is on track to	be completed by	
tep-Up (SE) training : ake-a-Stand (SB) train eneral (AT) training : . Comments a. Commander's As b. Marines React:	ning is on track to	mpleted by	
b. Marines React: c. Policy Concern	is on track to be consisted to	mpleted by	

Remove- Repeated from Appendix 3