



United States Marine Corps



Sexual Assault Prevention & Response Program

Marine Corps University
Commandant's Combined
Commandership Course

Sexual Assault Prevention & Response Program

*Advance Guide
and*

Discussion Questionnaire

A Read-Ahead to the SAPR Block of Instruction

“Preventing Sexual Assault Is Everyone’s Duty”

References

MCO 1752.5B, Sexual Assault Prevention and Response (SAPR) Program, 1 March 2013
Sexual Assault Prevention and Response (SAPR) Campaign 2012, 20 June 2012
Addendum to the Sexual Assault Prevention and Response Campaign Plan, 7 April 2014
DoDD 6495.01, Sexual Assault Prevention and Response (SAPR) Program, January 20, 2015
DoDI 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, of March 28, 2013, with change 2, effective July 07, 2015
DoD Annual Report on Sexual Assault in the Military FY 2013, 22 April 2014
DoD 2014-2016 Sexual Assault Prevention Strategy, 30 April 2014

Purpose of this Guide

This Advance Guide prepares participants in the Marine Corps University Commandant's Combines Commandership Course with important information related to the Sexual Assault Prevention & Response (SAPR) Program.

The information contained in this guide will be integrated directly into the discussions and activities held during the SAPR period of instruction and *will not be reviewed*.

The Discussion Questionnaire found on ***pages 11-13*** are to be completed prior to the SAPR lecture and will be used to facilitate group discussion.

To ensure successful participation and course completion, participants are required to read and complete this guide prior to the SAPR period of instruction.

Estimated Reading Time

The estimated time required for reading this guide is 90 minutes.

DoD Definition of Sexual Assault

Sexual assault is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent.¹

Sexual assault is not “just a female issue.” This crime can and does occur without regard to gender, spousal relationship, or age of the victim. One in six adult females and one in 33 adult males are victims of sexual assault.²

Because of their similarity in titles, sexual harassment and sexual assault can be easily confused. The SAPR program does not directly address sexual harassment, which is sex discrimination in the workplace. An easy way to distinguish the two incidents is to remember that sexual harassment typically involves words or acts of a sexual nature that are “hands off,” whereas sexual assault is always “hands on” since it involves unwanted sexual contact.

DoD Definition of Consent

“Consent” means 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. There is no consent where the person is sleeping, unconscious or incompetent.³

A current or previous dating relationship by itself or the manner of dress of the person involved with the alleged offender in the sexual conduct at issue shall not constitute consent.

Types of Sexual Assault (Listed for educational purposes only. Legal definitions are listed in UCMJ Article 120)

- Rape – sexual intercourse without consent by using:
 - Physical force (this could include the use of a weapon)
 - Constructive force (use of blackmail or abuse of authority)
 - Non-stranger (the most commonly reported, 73% of rape victims know their assailant⁴)
 - Marital rape (sexual assaults that occur between spouses are handled by the Family Advocacy Program since other elements of domestic abuse usually exist in these cases)
- Forcible sodomy – oral or anal sex without consent
- Unwanted and inappropriate sexual contact – grabbing, fondling, touching in a sexual manner without consent
- Attempts to commit these acts – depending on the person, an attempted sexual assault can be just as traumatic as a completed sexual assault for a victim. Individuals who attempt to sexually assault someone will be held accountable for their actions.

¹ DoDD 6495.01, January 20, 2015.

² **National Institute of Justice & Centers for Disease Control & Prevention.** *Prevalence, Incidence and Consequences of Violence Against Women Survey.* 1998.

³ DoDD 6495.01, January 20, 2015.

⁴ **U.S. Department of Justice.** *2005 National Crime Victimization Study.* 2005.

Offenders of Sexual Assault

The U.S. Department of Justice Center for Sex Offender Management offers extensive information on the characteristics of sexual offenders.

It's natural to want to know who sex offenders are – or who potential sex offenders might be – based on certain personality characteristics, demographics, or other variables, perhaps because of the understandable desire to be able to “spot” these individuals and to take protective measures accordingly. In fact, because of misperceptions about sex offenders and victimization, it is a common belief that all sex offenders fit a certain “profile” that makes them easy to identify. One example of this is the myth that the typical rapist is a masked, knife-wielding man lurking in a dark alley or hiding behind a bush waiting to jump out and grab an unsuspecting woman passing by. This and other similar myths are based on the assumption that sex offenders all “look the same,” or fit a certain profile.

Some criminal justice professionals may seek to identify such a profile for sex offenders. For example, law enforcement agents may have the expectation that if there is a profile of the typical sex offender, it might be easier to identify suspects when incidents of sexual assault are reported and the perpetrators have not yet been caught. Some judges and other court actors may hope that a “sex offender profile” exists because it will make decision-making easier when these cases are brought to the courts. Other professionals may believe that if a profile actually exists, those persons at risk of becoming sex offenders can thus be identified, and sex offenses might be stopped before they occur.

Research has consistently shown, however, that there is no such thing as a “sex offender profile.” Time and time again, despite attempts to identify a finite and specific set of characteristics that fits all sex offenders, researchers continue to find that sex offenders are a diverse and heterogeneous population.⁵ Although the label of “sex offender” might suggest that individuals who commit these crimes all look and act alike, that is simply not the case. In fact, it is nearly impossible to distinguish sex offenders from any other type of criminal or even from the general public. The bottom line is that people who commit sex offenses come from all walks of life, and most of them “look” identical to any ordinary law-abiding citizen.

Holding Offenders Accountable

Service members who commit sexual assault violate Article 120 and other related crimes under the UCMJ. Punishment under the UCMJ can include the following maximum penalties:

- Reduction in rank
- Confinement up to life without parole
- Total loss of all pay and allowances
- Dishonorable discharge or dismissal from service

Offenders can also face criminal and civil punishment under federal and state laws, such as being required to register as a sex offender even for convictions under the UCMJ.

⁵ Becker & Murphy, 1998; Chaffin, Letourneau, & Silovsky, 2002; Schwartz, 1995

USMC Policy on Sexual Assault

The United States Marine Corps has a very clear and unwavering policy on sexual assault: it is a crime that will not be tolerated. Preventing the crime is the focus; getting to the 'left' of the incident. Part of prevention is establishing an environment that is non-permissive of any type of misconduct, yet encourages victims to report. The Marine Corps is committed to fostering an environment that encourages reporting this crime and will protect victims, while ensuring that they get the help and support that is needed.

Commanding officers of alleged offenders are expected to refer all allegations of sexual assault to NCIS, who will conduct a full investigation. Pending a review of the case at the O-6 level, along with advisement from legal and NCIS, commanders are then expected to take the appropriate disciplinary and/or administrative action.

The Sexual Assault Prevention and Response (SAPR) Program

The Sexual Assault Prevention and Response (SAPR) Program is dedicated to eliminating sexual assault within the Marine Corps and to provide continuity of care for victims of sexual assault through effective education, policies, and program support.

Services Provided by the SAPR Program

- The SAPR Program provides 24/7 sexual assault crisis intervention for all active duty service members and adult dependents who are eligible for services in the military healthcare system.
 - Victim Advocates (VAs), both uniformed and civilian, are available to provide advocacy and to accompany victims through medical, law enforcement, and judicial procedures. This includes sexual assault forensic exams (SAFEs), NCIS interviews, and court martial proceedings.
 - Sexual Assault Response Coordinators (SARCs) are in place to address systemic advocacy, ensuring all victims receive a consistent and non-judgmental response to their report. SARCs also make certain victims are treated with dignity, fairness, and respect throughout the reporting process and beyond.
 - If they wish, victims will continue to receive support and SAPR services at their next duty station. The SAPR network includes SARCs in all branches of the Department of Defense. There is no limitation on how long a victim can receive assistance from the program.
 - The SAPR Program is available and operational in both garrison and deployed environments. Active duty SARCs and UVAs manage the program when in the deployed environment.
-

Prevention Strategies

The SAPR program has focused on prevention strategies in its training efforts that have centered on obtaining consent, bystander intervention, and healthy boundaries and relationships.

- ***Obtaining affirmative consent*** is about having all Marines continually asking and checking in with their partner in any sexual activity.
- ***Bystander intervention*** is about empowering Marines with confidence, moral courage, and tools to safely intervene to prevent or de-escalate a potentially dangerous situation. The Marine Corps teaches the following three bystander intervention techniques: Direct, Distract, and Delegate.
 - ***Direct*** means to command or give orders (e.g., telling a friend to back off because the other person is not reciprocating their advances).
 - ***Distract*** means to draw away or divert attention (e.g., telling someone that their friend is looking for them).
 - ***Delegate*** means to ask someone else to intervene (e.g., asking a bouncer to step in).
- ***Healthy boundaries and relationships*** are about educating all Marines on the indicators of healthy and unhealthy personal boundaries and relationships with others. Relationships do not just apply to dating or intimate partner relationships, but also includes all other types of relationships (e.g., family, friends, peers, co-workers, leadership).

Table 1: Healthy and Unhealthy Relationship Indicators.

Healthy	Unhealthy
Trusts others	Ignores others' personal boundaries
Respects others	Refuses to listen and/or compromise
Openly communicates	Is aggressive, intimidating, and/or possessive
Supports and empowers others	Uses guilt or peer pressure

Victim Reporting Options

Sexual assault is one of the most underreported crimes in the country. Through anonymous surveys, experts estimate that approximately 80% of all sexual assaults go unreported.⁶ Statistics state that 73% of victims know the person who assaulted them.⁷ This fact, along with other potentially re-traumatizing experiences a victim may suffer following the attack; make it easier to understand the widespread reluctance to report.

Marines who have been sexually assaulted often fear being punished for collateral misconduct or being ostracized in the unit should they come forward. Even worse, many victims feel they will not be believed or supported by leadership.

⁶ U.S. Department of Justice. 2005 National Crime Victimization Study. 2005.

⁷ U.S. DOJ, 2005

However, it is extremely important for victims to get the help they need as soon as possible, and this requires reporting. In order to encourage reporting and still allow the individual to make his or her own decisions during the process, all victims are offered two reporting options, unrestricted and restricted.

Unrestricted Reporting

Unrestricted Reporting allows a victim of sexual assault to report the assault, receive the support of his or her chain of command, receive medical treatment and counseling, and initiate an official law enforcement investigation. DoD policy favors Unrestricted Reporting since an official law enforcement investigation is the catalyst for holding the alleged offender accountable.

Under this reporting option, the victim will have access to beneficial services such as a forensic examination that collects evidence of the crime from the body, medical treatment to address related injuries or sexual transmitted infections, advocacy services from the victim advocate of their choice, and referrals for counseling.

In order to make an Unrestricted Report, the victim may report to their UVA, SARC, or normal reporting channels (e.g., chain of command, law enforcement, etc.). Details regarding the assault will be limited only to personnel who have a need to know, including the Commander, lead law enforcement agency, SARC, VA, chaplain, and healthcare personnel.

Once an Unrestricted Report is filed, the victim cannot change to a Restricted Report.

Restricted Reporting

Restricted Reporting is offered to support victims who may need more time and decision-making ability, or who simply do not feel comfortable coming forward. Electing to file a Restricted Report allows a victim of sexual assault to confidentially disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process and without involving the chain of command.

For the purposes of public safety and awareness, the SARC will notify the Installation Commander that a report has been made, but to protect the privacy of the victim, no personally identifiable information will be provided.

This option allows victims to access the program services to which they are entitled, while also affording the victims more control. When using the restricted option, the victim will still have access to medical treatment, advocacy services, and referrals for counseling. The victim can also elect to have a forensic examination.

Evidence collected during the forensic exam will be stored securely for 5 years. Such evidence will only be processed if the victim decides to change the report from Restricted to Unrestricted and thus initiate the investigative process.

Only a Uniformed or civilian Victim Advocate, SARC, or healthcare personnel can receive a Restricted Report. The only exception is in the State of California, where medical personnel are required to report sexual assault. Command teams located in California can connect with their local Sexual Assault Response Coordinator for more details on this exception.

The Restricted Reporting option can also be preserved if the victim accesses the program via a chaplain or Victims' Legal Counsel (VLC). Both of these entities have a recognized communication privilege or confidentiality that does not conflict with the policies of the SAPR program.

The victim can disclose the assault to a chaplain or VLC, but does not necessarily have to participate in the program. However, to fully protect his or her rights, it is important for a victim to formally elect Restricted Reporting through the SAPR Program, even if he or she declines advocacy services.

If a victim reports to anyone outside of the confidential individuals listed above, the Restricted Reporting option may be unavailable.

Once a Restricted Report is filed, a victim can change to an Unrestricted Report at any time.

Table 2: Victim-Centered Services.

Services Available	Unrestricted	Restricted
Advocacy Service	✓	✓
Healthcare Services (Medical* and Counseling)	✓	✓
Victims' Legal Counsel	✓	✓
Command Support	✓	✗
Law Enforcement Investigation	✓	✗
Military Protective Order	✓	✗
Expedited Transfer	✓	✗

**In California, medical care providers are mandatory reporters of sexual assault as required under state law.*

Reporting Outside the Chain of Command

If the alleged offender is the victim's Commander or in the chain of command, the victim—with support from the SARC or victim advocate—can report the sexual assault by going to the next senior Commanding Officer, Requesting Mast, contacting an Inspector General, or talking to a Victims' Legal Counsel. If a victim chooses to report to the next Commanding Officer, Request Mast, or contact an Inspector General, this will trigger an official investigation and the Restricted Reporting option will no longer be available. The victim can also seek assistance by contacting the DoD Safe Helpline.

Command Investigations

Sexual assault is a violent crime that requires an official law enforcement investigation. Preliminary inquiries or internal command investigations are not authorized or appropriate in any allegations of sexual assault. Accordingly, Commanding Officers of alleged offenders are required to refer all allegations of sexual assault to NCIS. After a formal criminal investigation and consultation with Staff Judge Advocate (SJA), the Sexual Assault Initial Disposition Authority (SA-IDA) (SPMCA in the grade of O-6 or higher) shall determine the disposition of the incident.

Sexual Assault Forensic Examinations

Sexual Assault Forensic Examinations or SAFEs are conducted at a hospital or other healthcare facility, by a sexual assault nurse examiner (SANE) or other specially trained medical professional. The exam is invasive, complex, and takes 3–4 hours on average.

Evidence collection via a forensic examination is an important part of the sexual assault investigation. The physical evidence can help build a strong case to show that a sexual assault occurred and to show that the alleged offender is the source of biological material left on the victim's body.⁸ The optimal time for evidence collection is within 72 hours of the assault; however, forensic examinations can be performed up to 120 hours, or five days later. While victims should be encouraged to consider having a SAFE conducted, they should not be ordered or coerced into the process. A victim has the right to refuse the SAFE, either in part or entirely, and still participate in a law enforcement investigation.

⁸ The National Center for Victims of Crime, *DNA & Crime Victims: What Victims Need to Know*. 2008.

Addressing Safety Concerns for Victims of Sexual Assault

When a report of sexual assault is made, the physical and emotional safety of the victim is a chief concern. If the victim and alleged offender are in the same unit, the CO must take the overall safety of both parties into consideration. Several options for addressing safety are available.

Military Protective Orders (MPO)

A Military Protective Order, or MPO, is a non-punitive order used to maintain the safety and protection of the victim, by requiring that the alleged offender have no contact with the victim. In some situations, when the parties are in different units, the responsible commanders will need to work in collaboration to issue the MPO.

An MPO (DD Form 2873) does not preclude disciplinary action under the Uniform Code of Military Justice nor does it preclude the issuance of a Civilian Protective Order, or CPO, by a civilian court. An MPO is only applicable when the alleged offender is a Service Member. The order is enforceable aboard military installations; however, it is not enforceable by civilian law enforcement off of the installation.

When issued, an MPO will stay in effect indefinitely, until the CO modifies or rescinds the order. If the CO decides to place an expiration date on the order, a replacement order may be necessary when the first order is no longer valid. Leadership will need to ensure that the victim is provided with a copy of the order for their records.

Civilian Protective Orders (CPO)

Some situations may warrant a protective order from the civilian sector. A Civilian Protective Order, or CPO, is issued by the local civilian courts system and does not typically require “proof” that a crime was committed. The CPO is enforceable by law enforcement agencies both on and off of the installation.

A CPO is helpful when:

- the offender is a civilian;
- the victim is a civilian;
- the victim or alleged offender resides and/or works off of the installation;

Service Members who fail to follow a CPO may be subject to administrative and/ or disciplinary action under the Uniform Code of Military Justice.⁹ The civil court judge who issued the CPO can also punish the alleged offender for a violation of the CPO, even if it occurred on base. Also, civilians who violate a CPO, including Department of Defense civilian employees, may be barred from the installation.¹⁰

Expedited Transfer

Victims who have to work with or live in close proximity to their alleged offender on a daily basis can experience a great deal of anxiety, distress, and fear. Having to constantly contend with these feelings can compound a victim's trauma from the assault and possibly translate into decreased focus on their work responsibilities, which might result in more negative consequences.

To ensure their physical and emotional safety, the SAPR Program allows victims the opportunity to request an accelerated transfer from their current unit using a process known as an Expedited Transfer. This transfer is not automatic but rather is an available option for any victim making an Unrestricted Report who wishes to request it.

⁹ Department of Defense Instruction, Number 6400.06, August 221, 2007, sections 6.2.1.3;6.1.3.3.1

¹⁰ Department of Defense Instruction, Number 6400.06, August 21, 2007, sections 6.1.3.4; 6.1.3.3.2

The chain of events for the expedited transfer is as follows:

- The victim, who has filed an Unrestricted Report, requests a transfer from the unit
- The commanding officer has 72 hours from the time he or she receive the request to either approve or deny the request
- If the commanding officer denies the request, the victim can then ask that the matter be forwarded to the first general officer or Senior Executive Service (SES) official in the chain of command for a 72-hour decision
- When approved, the transfer request will be sent to the Headquarters Marine Corps SAPR Office (MFB) for execution in coordination with Manpower Management (MM) or Reserve Affairs Personnel Manpower Branch (RAM) for Reservists. The coordination will be completed as quickly as possible.
- Replacements for those Marines transferred will need to be requested via the typical manpower chain.

The expedited transfer will be accomplished through a Permanent Change of Assignment (PCA) (re-assignment to another unit aboard the current duty station or an installation within close proximity, or through a Permanent Change of Station (PCS) (re-assignment to another duty station that requires the move of household goods). The type of transfer granted is ultimately the decision of the commanding officer, but the determination needs to be made wisely after consultation with both SJA and the victim.

The Marine requesting the transfer will typically receive his or her orders within 14 days from the date of HQMC SAPR coordination completion. For those victims who will transfer via PCA, the transition will take approximately 2 weeks. For those transferring via PCS, the transition will take approximately 30 days.

There are no limitations on the number of times a victim can request an expedited transfer.

Transferring the Alleged Offender

In order to enhance protections of victims of sexual assault, the Secretary of Defense directed implementation of policy allowing for the reassignment or transfer of service members accused of committing a sexual assault or a related offense. MARADMIN 031/14 provides guidance to commanders regarding the consideration of and processes for transferring of accused Marines.

The transfer of alleged offenders is not a process of the SAPR Program. Commanders will work in coordination with their SJA when considering this type of administrative reassignment.

Retaliation

Over the course of the past few years, the issue of retaliation has become a central concern to Congressional and Military leadership. Retaliation against complainants who reported sexual assaults has been highlighted in a number of government commissioned studies and surveys. In an effort to protect all complainants who report fraud, waste, abuse, mismanagement, and more seriously criminal activity, the 2014 National Defense Authorization Act (NDAA) enhanced 10 U.S.C. §1034 to better protect military whistleblowers. To implement the new law, Secretary of the Navy Instruction (SECNAVINST) 5370.7D, Military Whistleblower Protection, dated December 4, 2014 was published to strengthen whistleblower protections within the Department of the Navy. The SECNAVINST defines retaliation as the following actions taken against a member of the Armed Forces because that member reported, either formally or informally, a criminal offense:

- Reprisal. Taking or threatening to take an unfavorable or adverse personnel action or, withholding or threatening to withhold a favorable personnel action.
 - 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.
-

- **Maltreatment.** 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. Maltreatment under this instruction does not require a senior-subordinate relationship as is required for maltreatment under Article 93, UCMJ.

Service members are protected from retaliation when reporting to the proper authority those acts/omissions that they reasonably believe to be violations of law/regulation, fraud, waste, or mismanagement.

Pursuant to SECNAVINST 5370.7D, the Naval Inspector General (NAVINSGEN) and Inspector General of the Marine Corps (IGMC) are the only entities within DON designated/authorized to investigate matters relating to reprisal against uniformed personnel or retaliation complaints against senior officials. The IGMC also has the right of first refusal where reprisal and other forms of retaliation complaints (ostracism and maltreatment) are intertwined.

In accordance with the SECNAVINST, no one has the right to prevent a service member from reporting fraud, waste, abuse, mismanagement, or crimes (these are referred to as Protected Communications) to the following entities:

- Members of Congress
- Inspectors General
- Law Enforcement
- Chain of Command
- Court Martial Testimony
- Other agencies tasked with taking complaints, i.e. Equal Opportunity Office, Sexual Assault and Response Coordinator (SARC)

In terms of reprisal, Managing Officials are prohibited from taking unfavorable Personnel Actions (PA) or withholding favorable PAs.

- Examples of unfavorable PAs:
 - Demotion/Adverse Fitness Report
 - Cancelled training
 - Charge sheet
 - 6105 Page 11 Counseling
- Examples of Favorable Personnel Actions withheld:
 - Award
 - Pay
 - Benefits
 - Promotion
 - TAD

Any IG is authorized to receive complaints of retaliation from naval personnel. All reprisal complaints are vetted by the IGMC for investigative merit. Upon the receipt of allegations of other forms of retaliation (ostracism or maltreatment), IGMC will typically refer them to the appropriate command for action except in those circumstances where the IGMC, in its discretion, determines that the allegations should be handled by an IG. Such circumstances would exist, for example, when either ostracism, maltreatment, or both, is alleged to have occurred in addition to a retaliatory personnel action (reprisal) and the IGMC determines it would be unreasonable to conduct two separate investigations; or when a flag/general officer (GO) or member of the senior executive service (SES) is alleged to have engaged in the ostracism or maltreatment (as IGMC is the only entity in the USMC authorized to conduct senior official investigations).

The ability of Service members to report problems to responsible officials is healthy and productive for any institution. Fraud, waste, abuse, mismanagement, and criminal activity negatively impact the institution, undermine readiness and detracts from maintaining the needed trust and confidence of all members.

Lecture Discussion Questions

Answer the following questions and be prepared to discuss your answers during the lecture.

What are the elements of an effective command climate, and how do these elements impact the prevention and reporting of sexual assault?

Describe the elements to be considered when selecting a UVA, including the qualities of an effective UVA and the make-up of your unit.

SAPR has standard annual training requirements; however, it's important to weave the message of sexual assault prevention throughout the entire year. Describe some ways to effectively continue the prevention message in your unit.

Although rare, false reports do happen. From a leadership perspective what are some ways to address the false report while still maintaining a balanced climate that encourages victims to come forward and get the help they need?

Case Study

Read the scenario and answer the following questions. Your responses will be discussed during the lecture.

LtCol Green has just been notified that LCpl Rachel Jones has reported that she was recently sexually assaulted. He is immediately concerned by the report since Jones' name has continuously come up over the past several weeks – and not in a positive way.

The 19-year-old LCpl has been in the Marine Corps for about 2 years, and up until about 7 weeks ago, was generally considered a good Marine – not perfect, but good. Lately, Jones has been “off of her game”; disorganized, easily distracted, and constantly late to the point that LtCol Green issued her a Page 11. SgtMaj Ponds has been trying to figure out what the Marine's problem is, but to no avail – Jones isn't giving up any information. She just continues to promise to “do better.”

This morning, LCpl Jones reports for duty almost 3 hours late. She looks disheveled, out of sorts, and her eyes are blood-shot. When confronted by the Gunny about her appearance and tardiness, Jones requests to speak with him in private. The Gunny, frustrated by Jones' behavior, isn't feeling very charitable at the moment, but notices how strained her voice sounds while asking to speak behind closed doors.

Deciding to grant the request, they retreat to the conference room, where Jones proceeds to disclose that she was sexually assaulted by a Marine in another unit. When the Gunny asks the Lance Corporal when the assault happened, she replies, “about 7 weeks ago.”

What initial response steps does LtCol Green need to take now that he has been informed about LCpl Jones' sexual assault? (*Refer to the Commander's Protocol on beginning on page 14 of this guide*)

Based on the information given, are there any safety issues that need to be taken into consideration? If yes, how should these issues be addressed?

After the initial response is completed, are there any other actions that can be taken to help Jones? If yes, what?

Three weeks have passed since LCpl Jones reported her sexual assault. Since that time, Jones seems to be back on track; she still seems a bit tense, but a positive difference is apparent in the Marine. However, today LtCol Green receives a call from the SARC with a request.

Four days ago, LCpl Jones was at the gym and saw the Marine who sexually assaulted her. There was no communication between the two, but Jones said the Marine “stared her down” until she left the gym. Since then, she has been very anxious and is constantly looking over her shoulder; she says she never feels safe because she doesn’t know when she’ll run into the Marine again. She called her UVA this morning to talk about her options, and the UVA reminded her about the Expedited Transfer process. Jones tells the UVA that she wants to request the transfer; “anything to get her away from the person who assaulted her.”

Based on the information given, do you think the Expedited Transfer should be granted? Why or why not? In your answer, please be sure to address specific issues that should be considered in the scenario as to why the transfer should or should not be granted.

Based on the information given, are there any other concerns that leadership needs to address?

Commander's Protocol for Prevention and Response

Appendix C of MCO 1752.5B

1. To prevent sexual assault, all Commanders shall:

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

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

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

3. The victim's Commander shall:

- a. Ensure the physical safety and emotional security of the victim. Determine if the alleged offender is still nearby and if the victim desires/needs protection.
 - b. Ensure emergency medical care is offered if necessary and/or requested by the victim.
 - c. Ensure the SARC is notified immediately.
 - d. Ensure notification to the appropriate military criminal investigative organization (MCIO), as soon as the victim's immediate safety is addressed, and medical treatment procedures are in motion. To the extent
-

- practicable, strictly limit knowledge of the facts or details regarding the incident to only those personnel who have a legitimate need-to-know.
- e. Ensure necessary action to safeguard the victim from any formal (official) or informal investigative interviews or inquiries, except those conducted by the authorities who have a legitimate need-to-know.
 - f. Submit the OPREP-3/SIR report for all unrestricted reports of sexual assault when the victim is a Marine or other Service member assigned to a Marine Corps unit.
 - g. Ensure collection of only the necessary information (e.g., victim's identity, location and time of the incident, name and/or description of offender(s)). Do not ask detailed questions and/or pressure the victim for responses or information about the incident.
 - h. Ensure the victim is advised of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while waiting for the arrival of representatives of the MCIO.
 - i. Ensure assistance with or provide immediate transportation for the victim to the hospital or other appropriate medical facility. Encourage evidence collection, as there is only a small window of opportunity to collect it.
 - j. Ensure the victim understands the availability of victim advocacy and the benefits of accepting advocacy and support.
 - k. Ensure the victim is asked if a support person is needed, which can be a friend or family member, to immediately join the victim. Ensure the victim is advised that this person could later be called to testify as a witness if the case goes to trial.
 - l. Ensure a UVA is made available to the victim. If not already appointed, the SARC will assign a UVA/VA to meet with and provide support to the victim.
 - m. Ensure the victim is offered a chaplain and notify accordingly.
 - n. Determine if the victim desires/needs a "no contact" order or an MPO, DD Form 2873, to be issued, particularly if the victim and the alleged offender are assigned to the same command, unit, duty location, or living quarters.
 - o. Ensure the victim understands working with a victim advocate is voluntary and the availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes and advise of the victim's support rights.
 - p. Facilitate the expedited transfer process 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.
 - q. Attend the monthly CMG meeting until case involving command personnel is closed.
-

- r. Ensure the victim receives monthly reports regarding the status of the sexual assault investigation until its final disposition.
- s. The initial disposition authority for all other alleged offenses arising from or relating to a reported sexual assault, whether committed by the alleged offender or the alleged victim shall be forwarded to the SA-IDA. The SA-IDA has the non-delegable responsibility for initial disposition as defined in reference (n). Such offenses commonly include underage drinking, traveling out-of-bounds or to off-limits establishments, fraternization, or adultery. In cases involving a victim's collateral misconduct, Commanders are encouraged to defer a victim's disciplinary proceeding until final disposition of the more serious sexual assault case in accordance with reference (a).
- t. Avoid automatic suspension or revocation of a security clearance and/or Personnel Reliability Program (PRP) access, understanding the victim may be satisfactorily treated for related trauma without compromising the victim's security clearance or PRP status. Consider the negative impact suspension of a victim's security clearance may have on building a climate of trust and confidence in the Marine Corps sexual assault reporting system, but make the final determination based upon established national security standards.
- u. Throughout the investigation, consult with the victim and, when possible, accommodate the victim's desires regarding safety, health, and security, as long as neither a critical mission nor a full and complete investigation are compromised.
- v. Listen/engage in support of the victim, as needed. Be available in the weeks and months following the sexual assault, and assure the victim of the Commander's support.

4. The alleged offender's Commander shall:

- a. Ensure notification to the appropriate MCIO as soon as possible after receiving a report of a sexual assault incident.
 - b. Safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation.
 - c. Restrict information pertinent to an investigation to those who have an official need-to-know.
 - d. Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative and legal processes that may be involved.
 - e. Ensure procedures are in place to inform the alleged offender about available counseling support.
 - f. Determine the need of the issuance of an MPO, DD Form 2873.
 - g. Monitor the well-being of the alleged offender, particularly for indications of suicidal ideation, and ensure appropriate intervention occurs if indicated.
 - h. Submit an Operations Event/Incident Report (OPREP-3) Serious Incident Report (SIR), for all reports of sexual assault when the victim is a civilian and the alleged offender is a Marine or other Service member assigned to a Marine Corps unit.
-



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1752
MFC-3

28 FEB 2012

From: Commandant of the Marine Corps
To: Distribution list

Subj: LETTER OF INSTRUCTION ON SUBMITTING AND PROCESSING TRANSFERS OF
MILITARY SERVICE MEMBERS WHO FILE UNRESTRICTED REPORTS OF
SEXUAL ASSAULT

Ref: (a) DTM 11-063: Expedited Transfer of Military Service
Members Who File Unrestricted Reports of Sexual
Assault

Encl: (1) Example Expedited Transfer request from victim
(2) Example Expedited Transfer Request from the commanding
officer

1. Situation. Reference (a) established Department of Defense policy and procedures on expediting the transfer of a Service Member who filed an Unrestricted Report of sexual assault.

2. Mission. To provide guidance to Commanding Officers (COs) and Sexual Assault Response Coordinators (SARCs) on processing transfer requests of Marines who filed an Unrestricted Report of sexual assault.

3. Execution

a. Commander's Intent. COs shall review the reference and expeditiously process a request for transfer of a Marine who files an Unrestricted Report of sexual assault. Every reasonable effort shall be made to minimize disruption to the normal career progression of Marines who seek a transfer following a report that he or she was the victim of sexual assault.

b. Concept of Operations

(1) The SARC shall ensure that Uniformed Victim Advocates/Victim Advocates inform Marines, at the time they elect to file an Unrestricted Report of sexual assault or as soon as practicable, of their option to request a temporary or permanent transfer from their assigned command or base, or to a different location within their assigned command or base. COs will inform Marines of this option in cases where the Marine reports a sexual assault directly to the CO.

(2) Headquarters Marine Corps Sexual Assault Prevention and Response (SAPR) (MFC-3) will work in conjunction with Manpower Management (MM) to facilitate approved requests for transfer.

Subj: LETTER OF INSTRUCTION ON SUBMITTING AND PROCESSING
TRANSFERS OF MILITARY SERVICE MEMBERS WHO FILE UNRESTRICTED
REPORTS OF SEXUAL ASSAULT

c. Coordinating Instructions

(1) Marines requesting a transfer under this policy shall submit a signed and dated written request to their CO. A sample request is provided at enclosure (1). For confidentiality reasons, no details about the reason for request should be included. The NAVMC 10274 Administrative Action Form shall not be used for transfers under this policy.

(2) COs shall approve or disapprove a request for transfer within 72 hours of receiving a signed and dated written transfer request. COs shall document the date and time the request was received.

(3) A presumption is established in favor of transferring a Marine who submits a request to transfer following a credible Unrestricted Report of sexual assault. The CO shall make a credible report determination at the time the request is made after considering the advice of the supporting judge advocate, or other legal advisor concerned, and the available evidence. The credible report determination shall be made within the 72 hour period and in no circumstances shall the determination delay the responsibility to approve or disapprove a transfer request within the 72 hour period. For purposes of this transfer request determination, a credible report of sexual assault is a report having reasonable grounds to believe that an offense constituting sexual assault has occurred.

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

- (a) The Marine's reasons for the request.
- (b) Potential transfer of the alleged offender instead of the Marine requesting the transfer.
- (c) Nature and circumstances of the offense.
- (d) Whether a temporary transfer would meet the Marine's needs and the operational needs of the unit.
- (e) Training status of the Marine requesting the transfer.
- (f) Availability of positions within other units on the installation.
- (g) Status of the investigation and potential impact on the investigation and future disposition of the offense, after

Subj: LETTER OF INSTRUCTION ON SUBMITTING AND PROCESSING
TRANSFERS OF MILITARY SERVICE MEMBERS WHO FILE UNRESTRICTED
REPORTS OF SEXUAL ASSAULT

consultation with the investigating Military Criminal Investigative organizations.

(h) Location of the alleged offender.

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

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

(5) If the Marine's request is approved, the CO shall immediately forward the approved request to MFC-3. A sample request for expedited transfer is provided at enclosure (2).

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

(a) If the Marine does not request further review, the CO shall forward the package, with reason(s) for disapproval, to MFC-3 for record purposes only. No action will be taken by MFC-3.

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

1. If approved by the first general or flag officer in the chain of command (or an SES equivalent) the package will be endorsed and forwarded to MFC-3.

2. If disapproved by the first general or flag officer in the chain of command (or an SES equivalent) the package, with reason for disapproval, will be forwarded to MFC-3 for record purposes only. No action will be taken by MFC-3.

(7) COs will notify the Marine in writing of their decision to approve or disapprove the transfer request. Additionally, for approved requests, the Marine's CO (or the CO's designee) shall directly counsel the Service member to ensure that he or she is fully informed regarding reasonably foreseeable career impacts, the potential impact of the transfer or reassignment on the investigation and case disposition, or the initiation of other adverse action

Subj: LETTER OF INSTRUCTION ON SUBMITTING AND PROCESSING
TRANSFERS OF MILITARY SERVICE MEMBERS WHO FILE UNRESTRICTED
REPORTS OF SEXUAL ASSAULT

granting the request. Marines requesting the transfer shall be informed that they may have to return for the prosecution of the case, if the determination is made that prosecution is the appropriate command action.

(8) Upon receipt of the approved request for expedited transfer, MFC-3 will coordinate with the Deputy Director, Manpower Management for active duty Marines and the Branch Head, Reserve Affairs Management for Active Reserve Marines to effect the transfer.

(9) Requests for expedited transfer by Sailors attached to Marine Corps Units will be coordinated by the unit with Navy Personnel Command (Pers-833), Personnel Security Branch Caseworker. The point of contact is Mr. Jerry Gorham at 901-874-4412.

(10) MFC-3 is not the point of contact to request a replacement. Replacements should be requested via the traditional manpower chain.

4. Administration and Logistics

a. Administration. To protect confidentiality, Personally Identifiable Information (PII) will not be included on any paperwork pertaining to the request for expedited transfer being forwarded to MFC-3. Only the tracking identification number, as it appears in SAIRD, will be used to identify the Marine. The tracking identification number will be provided to the CO by the SARC providing services to the Marine. MFC-3 will collect all information needed to execute the transfer from the Point of Contact listed on the request over the phone.

b. Logistics. Requests for expedited transfer can be scanned and forwarded to MFC-3 via e-mail. Copies will be maintained by MFC-3 in a locked filing cabinet.

5. Command and Signal

a. Requests for expedited transfer should be forwarded to Captain K. A. Mobley at kimberly.mobley@usmc.mil and Ms. Gail Reed at gail.reed@usmc.mil.

b. Point of contact for additional information is Captain K. A. Mobley at 703-432-9100 or kimberly.mobley@usmc.mil.



R. F. HEDELUND
Director
Marine and Family
Programs Division

1752
IMM
Date

From: I. M. Marine
To: Commanding Officer, Headquarters and Service Battalion,
Quantico, VA

Subj: REQUEST FOR EXPEDITED TRANSFER

Ref: (a) DTM 11-063: Expedited Transfer of Military Service
Members Who File Unrestricted Reports of Sexual
Assault

1. Per the reference, I am requesting an expedited transfer.
2. Point of contact is D. R. Marine, Command SARC, at 123-456-7890 or d.marine@usmc.mil.

To protect confidentiality, as few people as possible should know about the assault and request for transfer. Ensure the POC is someone who is already involved in the process (i.e. the SARC or UVA)

I. M. MARINE

ENCLOSURE (/)

LETTERHEAD

1752
CO
Date

From: Commanding Officer, Headquarters and Service Battalion,
Quantico, VA
To: HQMC, Sexual Assault Prevention and Response Office (MFC-3)
Subj: REQUEST FOR EXPEDITED TRANSFER CASE OF T9900

Tracking ID
Number as
seen in SAIRD

1. Request expedited transfer for individual with tracking ID number T9900.
2. Point of contact is D. R. Marine, Command SARC, at 123-456-7890 or d.marine@usmc.mil.

To protect confidentiality, as few people as possible should know about the assault and request for transfer. Ensure the POC is someone who is already involved in the process.

I. M. COMMANDING

Must be signed by the Commanding Officer or someone with Acting authority

ENCLOSURE (2)

10 Nov 15

MEMORANDUM FOR THE RECORD

Subj: HIGH RISK RESPONSE TEAM AND SAFETY SCREENING TOOL

1. The following memorandum for the record announces the High Risk Response Team (HRRT) protocols and the Safety Screening Tool not previously outlined in Marine Corps Order (MCO) 1752.5B, Sexual Assault Prevention and Response (SAPR) Program.

2. DoDI 6495.02 directs that an HRRT be activated when a victim of sexual assault is determined to be in a high-risk situation. The purpose and responsibility of the HRRT is to assess the danger and develop an immediate plan to manage the situation and eliminate the risk.

3. The standup of an HRRT shall not automatically elevate the victim's force preservation level, but high risk behaviors associated with the determination may. It is appropriate for the Force Preservation Council to discuss the high risk behaviors, but at no time shall the sexual assault incident or the fact that an HRRT was activated be discussed.

4. The following constitutes overarching protocols for the Safety Screening Tool and the HRRT. Specific implementation guidance will be provided to SAPR personnel via a one-time all hands training and has been incorporated into standardized training.

a. SAPR Victim Advocates (VAs) and Sexual Assault Response Coordinators (SARCs) shall use the Safety Screening Tool at the initial meeting with the victim and for each contact made throughout the entire advocacy process. The Safety Screening Tool is located on the SAPR Uniformed Victim Advocate Workspace at the following url:
<https://ehqmc.usmc.mil/sites/family/mfb/workspace/uva/default.aspx>

(1) After the completion of the Safety Screening Tool and initial safety plan with the victim, the SAPR VA will report back to the SARC as soon as possible.

(2) The SARC will make a risk level determination based on input from the SAPR VA and personal contact with the victim, if deemed necessary.

(3) When a high risk situation is determined, the Case Management Group (CMG) chair shall immediately be notified via local protocols and an HRRT shall be convened.

b. The 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 responsible Military Criminal Investigation Organization representative, the judge advocate, and the Victim Witness Assistance Program representative assigned to the case; the victim's healthcare provider or mental health and counseling services provider; and the personnel who conducted the safety screening. HRRT members shall attend HRRT meetings and actively participate in them. This responsibility shall not be delegated.

(1) The HRRT shall review the risk factors and take immediate action to mitigate risks.

Subj: HIGH RISK RESPONSE TEAM AND SAFETY SCREENING TOOL

(2) The HRRT shall make its first report to the CMG chair and CMG co-chair within 24 hours of being activated.

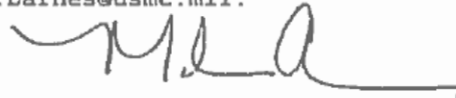
(a) HRRT reports shall be maintained by the Installation SARC and maintained in a separate HRRT Binder. The supporting command SARC shall maintain copies in the victim's case file.

(b) A final report shall be provided to the CMG chair and CMG co-chair once it is determined that the victim is no longer in a high-risk status. The final report shall include details on actions taken to mitigate or eliminate the identified risk.

(c) For the monthly CMG, the Installation SARC shall provide both an aggregate total of newly initiated HRRTs and address the status of ongoing courses of action as the victim's case is reviewed.

(3) A briefing schedule for the CMG chair and CMG co-chair shall be determined at the initial meeting of the HRRT. At a minimum, briefings shall occur at least once a week while the victim is in a high-risk status and be documented as part of the HRRT report by both the Installation and supporting command SARC.

5. The HQMC SAPR Branch point of contact for this memorandum is LtCol Richard S. Barnes at 703-432-9765 and richard.barnes@usmc.mil.



M. E. COHEN
SAPR Branch Head