

Headquarters  
United States Forces Korea  
Unit #15237  
APO AP 96205-5237

United States Force Korea  
Regulation 600-20

8 August 2005

## PERSONNEL-GENERAL

### SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM

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**\*This is the first edition of USFK Regulation 600-20.**

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For the Commanding General:

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Lieutenant General, USA  
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Official:



F.W. MORRIS  
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**Summary.** This regulation establishes policies and procedures for the United States Forces Korea (USFK) Sexual Assault Prevention and Response (SAPR) Program.

**Summary of Change.** Not applicable.

#### **Applicability.**

a. This regulation applies to all active duty personnel and Reserve Component (Reserve and National Guard) personnel on active duty and assigned to U.S. military organizations in the Republic of Korea (ROK).

b. Victims who are active duty family members and retired military, of any

component, Department of Defense (DOD) civilians, contracted, technical representative employees and their family members will receive services through the military Medical Treatment Facility (MTF) and the Family Advocacy Program (FAP) IAW their eligibility status and at a cost based on this status.

**Supplementation.** Supplements to this regulation by Component Commands, subordinate elements or Tenant Units must be forwarded to Headquarters (HQ) USFK, (FKJ1-J-P), APO AP 96205-5237.

**Forms.** USFK forms are available at <http://8tharmy.korea.army.mil>.

**Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information System website at <https://www.armims.army.mil>.

**Suggested Improvements.** The proponent of this regulation is HQ USFK, (FKJ1-J-P). Users may suggest improvements to this regulation by sending DA Form 2028 (Recommended Changes to Publications and Blank Forms) to HQ USFK, (FKJ1-J-P), Unit 15237, APO AP 96205-5237.

**Distribution.** Electronic Media Only (EMO).

## **CONTENTS**

### **Section I GENERAL**

1. Purpose
2. References
3. Abbreviations
4. SAPR Program Objectives
5. Concept
6. Responsibilities

### **Section II SEXUAL ASSAULT CASE MANAGEMENT**

7. Sexual Assault First Responder Group (SAFRG)
8. Case-management
9. Sexual Assault Review Board (SARB)
10. Area SARB Guidance
11. USFK SARB Guidance

### **Section III TRAINING**

12. General
13. Response Training
14. USFK Sexual Assault Victim Advocate (SAVA) Training
15. Selection Criteria for SAVA Training Course
16. Selection Criteria for SARC Training Course
17. Sexual Assault First Responder Training

### **Section IV SEXUAL ASSAULT PRE-DEPLOYMENT PLANNING**

18. General
19. Sexual Assault Pre-deployment Training
20. Sexual Assault Pre-deployment Planning Requirements

### **SECTION V REPORTING**

21. General
22. Objectives
23. Restricted Reporting Option
24. Unrestricted Reporting Option
25. Who May Take a Restricted Report

26. Offenses Eligible for Restricted Reporting
27. When Restricted Reports May Be Made
28. Covered Communications
29. Medical Information
30. Improper Disclosure of Covered Communication and Medical Information
31. Exceptions to Confidentiality
32. Independent Sources of Information
33. Release Information
34. Sexual Assault Case Numbers
35. Re-Victimization

## **Section VI**

### **SEXUAL ASSAULT EVIDENCE COLLECTION, STORAGE AND PRESERVATION UNDER THE RESTRICTED REPORTING OPTION**

36. Collection, Storage and Preservation of Evidence for Sexual Assault Incidents
37. Sexual Assault Forensic Evidence (SAFE) – Unrestricted Reporting
38. Sexual Assault Forensic Evidence (SAFE) – Restricted Reporting
39. Sexual Assault Forensic Evidence (SAFE) Handling

## **Section VII**

### **DATA COLLECTION AND REPORTING**

40. Purpose
41. Categories of Data
42. Process

## **Section VIII**

### **COLLATERAL MISCONDUCT**

43. Collateral Misconduct in Sexual Assault Cases

## **Section IX**

### **SEXUAL ASSAULT CASE DISPOSITION AUTHORITY**

44. Commander's Report of Disposition
45. Authority to Dispose

## **Section X**

### **REVIEW OF ADMINISTRATIVE SEPARATION ACTION INVOLVING VICTIMS OF SEXUAL ASSAULT**

46. Processing
47. Separation Action

## **Section XI DOCUMENTATION**

- 48. Purpose
- 49. Maintaining Records

## **Section XII TERMINATION OF VICTIM ADVOCATE SERVICES**

- 50. General
- 51. Termination Reasons

## **Appendixes**

- A. References
- B. Response Protocol for Sexual Assault Examinations Under restricted Reporting
- C. Victim Reporting Preference Statement
- D. Victim Questionnaire
- E. Victim Advocate Supervisor Statement of Understanding
- F. Sexual Assault Victim Advocate Initial Report
- G. Sexual Assault Victim's Advocate Follow-up Report
- H. Sexual Assault Victim's Advocate - Final Report
- I. Victim's Rights Under 1990 Victim Rights and Restitution Act
- J. Declination of Victim Advocate Services
- K. Termination of the Victim Advocate Services
- L. Survivor Survey
- M. Victim Advocate Survey
- N. Commander's Sexual Assault Victim Assistance Checklist
- O. Military Protective Order, DD Form 2873 – Guidance for Commanders
- P. Sexual Assault Review Board (SARB) Minutes Format
- Q. Monthly Area Restricted Statistical Report
- R. Annual Area Calendar Report – Sexual Assault Offenses Involving Members of the Armed Forces
- S. Unit SAPR Training Report
- T. Monthly Area SAPR Training Report
- U. Annual Area SAPR Training Report
- V. Victim Data Sheet
- W. Offender Data Sheet
- X. Format – Collateral/Additional Duty Appointment Order/Delegation Letter

## **Glossary**

## **SECTION I GENERAL**

**1. PURPOSE.** This regulation establishes policies and procedures for the United States Forces Korea (USFK) Sexual Assault Prevention and Response (SAPR) Program.

**2. REFERENCES.** See Appendix A.

**3. ABBREVIATIONS.** Abbreviations, acronyms and definitions of words used in this regulation are explained in the glossary of this regulation. Due to the diversity of United Nations Command (CNC)/Combined Forces Command (CFC)/USFK and Component Commands, the acronyms will always be spelled out when used for the first time. The abbreviation or acronym will appear in parenthesis immediately after the spelled-out version.

### **4. SAPR PROGRAM OBJECTIVES.**

- a. Establishes responsibilities within USFK's SAPR Program.
- b. Outline procedures designed to standardize training, care and support of victims, reporting options, data collection, reporting procedures, and documentation requirements.
- c. Bring together the common policies shared by the component services on caring and supporting of victims, reporting options, sexual assault offender accountability conducting thorough investigations, case dispositions and collecting and reporting of data.

### **5. CONCEPT.**

a. USFK's SAPR Program has four components: Sexual Assault Prevention and Response (SAPR) Training; Response; Reporting and Data Collection.

b. The first component is the SAPR Training Program.

(1) This program is designed to educate personnel on respective Services' and Commands' sexual assault policies, help service members to understand the complex and serious nature of sexual assault in the military.

(2) SAPR involves small-group training that is scenario based and uses real-life situations to demonstrate the entire cycle of reporting, response and accountability procedures. SAPR training is a process of educating all USFK personnel on sexual assault prevention and response and includes sexual assault myths, perceptions and attitudes.

(3) SAPR includes sexual assault training for all USFK personnel assigned to USFK organizations and specific training for the Sexual Assault First Responder Group (SAFRG), such as, Sexual Assault Victim Advocates (SAVA), Sexual Assault Response Coordinator (SARC), Law Enforcement, Military Criminal Investigative Organizations (MCIO), Religious Support Teams and Health Care Providers (HCP).

(4) All USFK personnel (military and civilian) will receive semi-annual SAPR training.

c. The second component is the Response Program which has two parts.

(1) The SAVAs Program is the first part of the Response Program. Commanders select qualified personnel to attend a 40-hour SAVAs/SARC Training Course. The SAVAs Training Course is designed to provide personnel from all component services with the skills, knowledge and abilities required to support and prepare victims for actions by the medical, investigative, and legal systems and help the sexual assault victim get his/her life back on track. The SARC Training course is designed to equipped personnel to oversee and managed a USFK Area SAPR Program.

(2) The second part of the Response Program mandates the immediate assignment of a trained SAVAs to victims of sexual assault who are service members. It initiates the SAFRG for sexual assaults reported under the unrestricted option. The SARC, SAVAs and Sexual Assault First Responder Group (SAFRG) work in concert, as applicable, to ensure victims are informed of available reporting options, support services, victim rights, and ensure the victim's privacy is protected. This assistance begins from the initial report and continues through disposition and resolution of the victim's health and well-being. The victim's use of the SAVAs services is optional. However, commanders must ensure that victims have access to a well-coordinated, highly-responsive sexual assault response care program that is available 24 hours per day and 7 days per week both in non-deployed and deployed theaters.

d. The third component is reporting. Service members who are sexually assaulted have two reporting options. The victim makes the decision of which reporting option will be elected. The victim may elect either the Restricted and Unrestricted Reporting option.

(1) The restricted reporting option is for the service member who is sexually assaulted and desires medical care and treatment, counseling, SAVAs services, and do not desire an investigation.

(2) The unrestricted reporting is for the service member who is sexually assaulted and desires medical care and treatment, counseling and/or SAVAs services along with an official investigation.

e. The fourth component is data collection. Data collection begins when the initial report of sexual assault is made to military law enforcement. Data collection will be in accordance with (IAW) Section VII of this regulation. The Area SARC plays a key role in data collection.

f. All USFK civilian and military personnel are “mandatory reporters” of sexual assault except SARCs, assigned SAVA, Health Care Providers (HCP) and Chaplains. Mandatory reporters will immediately notify law enforcement of a sexual assault.

g. The restricted and unrestricted reporting options mandated by DOD and outlined in the regulation do not apply to family members of active duty or retired military or any component or DOD civilians, Invited Contractors or Technical Representative employees and their family members. Sexual Assault victims in these categories may elect to report the incident to law enforcement. Care and support services will be provided based on their beneficiary status.

## **6. RESPONSIBILITIES.**

### **a. COMMANDER, USFK WILL--**

(1) Implement DOD sexual assault policies and ensure component commanders are incorporating this regulation in applicable services’ SAPR Program guidance.

(2) Implement USFK sexual assault policies to ensure standardization and consistency of training, medical care and treatment and support of sexual assault victims, reporting options, data collection and reporting and documentation.

(3) Designate USFK, Assistant Chief of Staff (ACS), J1 with the responsibility for managing and overseeing the USFK SAPR program and for addressing all sexual assault issues pertaining to USFK.

(4) Authorize annual funding for the USFK SAPR Program.

### **b. USFK J1, ASSISTANT DEPUTY CHIEF OF STAFF WILL--**

(1) Publish, update and maintain all USFK policies, plans and initiatives pertaining to the SAPR Program.

(2) Establish a USFK SAPR Program Director position.

(3) Establish, chair and convene a quarterly USFK Sexual Assault Review Board (SARB). See Section II of this regulation for specific guidance on the USFK SARB.

(4) Approve/disapprove request for waivers from personnel selected to attend SAVA/SARC training with background checks revealing alleged domestic violence, child abuse, sexual assault or alcohol or substance abuse.

c. USFK SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR)  
PROGRAM DIRECTOR WILL--

(1) Oversee and manage the USFK SAPR Program in coordination with sexual assault points of contact (POC) for DOD/Joint Chiefs of Staffs (JCS), HQ, Departments for Component Services, HQ, Pacific Command (PACOM) and Pacific Air Force (PACAF), CC SAPR Regional Program Coordinators, CC SAPR Regional Trainers, CC Family Advocacy Program (FAP)/Life Skills Support Center (LSSC) Directors and, Alcohol and Substance Abuse Program Directors.

(2) Develop and manage the budget for the USFK SAPR Program and ensure that fiscal year budget requirements are provided to USFK, Resource Management.

(3) Monitor execution and compliance of the CC SAPR Program and ensure the use of a victim-centered, case-management approach by the SAFRGs.

(4) Establish a USFK SAVA/SARC Training Course and an annual USFK SAVA/SARC refresher training course IAW DOD Memo dated, 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-013).

(5) Identify annual refresher training opportunities for Area SARC, SAVA and SAFRG members.

(6) Establish personnel selection criteria for attending the USFK SAVA/SARC Training Course.

(7) Monitor CC to ensure SAPR training is being conducted.

(8) Develop procedures for conducting periodic assessments of the USFK SAPR Program.

(9) Suggest actions designed to reduce incidents of sexual assault and to improve handling and reporting of sexual assault incidents.

(10) Monitor the demographics of sexual assault incidents.

(11) Chair the quarterly USFK SARB as designated by the USFK J1 and IAW Section II of this regulation.

(12) Prepare and maintain quarterly USFK SARB minutes.

(13) Plan and conduct an annual SAPR conference.

(14) Provide SAPR Program briefings to USFK CG and senior leadership.

(15) Submit reports and provide information on the USFK SAPR program to DOD, JCS, HQ, Service Departments, PACOM, PACAF SAPR Program POCs when requested or as directed in published guidance.

(16) Prepare reports on the USFK SAPR Program for Congressional testimony.

d. USFK, RESOURCE MANAGEMENT WILL--

(1) Program funds for the management of the USFK SAPR program.

(2) Provide a representative to serve as a member on the quarterly USFK SARB.

e. COMPONENT COMMANDERS (CC) WILL--

(1) Incorporate the policies outlined in this regulation into respective component service's SAPR Program.

(2) Designate a CC SAPR Regional Program Manager and Trainer for oversight of the components' SAPR Program coordination and training, and for interacting with USFK J1, and applicable Area/Vice Wing Commanders.

(3) Ensure Commanders of Major Subordinate Commands (MSC) designate a MSC SAPR Program Liaison (E-7 to O-3) to interact with Area SARC on SAPR Program requirements and training.

(4) Designate a CC representative to serve as a member of the quarterly USFK SARB.

f. COMPONENT COMMAND SAPR REGIONAL PROGRAM MANAGER WILL--

(1) Manage respective component's SAPR Program IAW service's guidance and this regulation.

(2) Ensure personnel assigned as SARCs and SAVAs are trained and certified prior to assuming their duties.

(3) Ensure SARCs, SAVAs and SAFRGs receive annual refresher SAPR training.

(4) Ensure component area establishes SAFRG training IAW DOD Memo dated 26 Apr 05, Essential Training Task for a Sexual Assault Response Capability (JTF-SAPR 013)..

(5) Ensure receipt of the Monthly Area Restricted Statistical Report (Appendix Q) from the Area SARC by the third working day of the month.

(6) Compile and submit the CC Monthly Area Restricted Statistical Report (Appendix Q) to USFK SAPR Program Director by the fifth working day of the month following the month of the report.

(7) Ensure receipt of the Annual Area Calendar Year Report on Sexual Assaults Involving Members of the Armed Forces (Appendix R) annually by the tenth working day of January.

(8) Submit a consolidated Calendar Year Report on Sexual Assaults involving Members of the Armed Forces to USFK SAPR Program Director IAW applicable service guidance.

(9) Work closely with USFK SAPR Program Director, Area/Vice Wing commanders and CC Area SARC. Provide Area SARCs with guidance on sexual assault policies and issues.

(10) Ensure CC Area SARC is tracking sexual assault incidents from the beginning to the end and determining the average time to complete a case; monitoring training requirements; marketing the Area SAPR program and advising the Command of any limitations in the program and possible solutions.

(11) Ensure applicable component area establishes a monthly SARB IAW Section II of this regulation.

(12) Serve as a member of the quarterly USFK SARB.

(13) Forward copies of all new and/or updated component service's policies on sexual assault to USFK SAPR Program Director.

g. COMPONENT COMMAND SAPR PROGRAM REGIONAL TRAINER WILL--

(1) Oversee and manage CC SAPR training.

(2) Coordinate with SAFRG agencies to ensure SAFRG are receiving initial and annual refresher SAPR training IAW DOD Memo dated, 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-013).

(3) Obtain training schedules reflecting SAFRG SAPR training from SAFRG agencies and conduct unannounced observations of training and provide facilitators with written feedback on noted observations.

(4) Assist CC Area SARC with planning and facilitating SAPR training.

(5) Obtain unit training schedules reflecting SAPR training from the Area SARC. Perform unannounced observations of training and provide facilitators with written feedback on noted observations.

(6) Develop and implement SAPR training for the CC's civilian workforce (GS, KGS, KN, Invited Contractors and Technical Representatives).

(7) Ensure receipt from Area SARC by the fifth working day of the month following the training, Monthly Area SAPR Program Training Report (Appendix T) to the USFK SAPR Program Director IAW Section III of this regulation.

(8) Ensure receipt from Area SARC by the tenth working day of January, Annual Area SAPR Program Training Report (Appendix U). Provide a copy of this report to the USFK SAPR Program Director IAW Section III of this regulation.

(9) Assist in facilitating the USFK SAVA/SARC Training Course.

(10) Assist in the development of SAPR related curriculum IAW.

(11) Track, maintain and report SAFRG SAPR training statistics to USFK SAPR Program Director by the fifth working day of the month following the training.

(12) Assist Area SARCs in providing, as applicable, unit deployment training and refresher training for SAVA, SARC and SAFRG.

(13) Serve as a member of the quarterly USFK SARB.

h. AREA/VICE WING COMMANDERS WILL--

(1) Implement the service specific SAPR program IAW applicable service's guidelines and this regulation.

(2) Ensure the SARC has unhindered access to Area/Vice Wing Commander.

(3) Provide the SARC with appropriate office space, office furnishings and supplies, including a secured file cabinet or safe for storing sexual assault victim documentation.

(4) Chair the monthly Area SARB. Area SARC may serve as chairperson when designated by the commander.

(5) Ensure SARC provides all required SARC reports IAW this regulation and specific component guidance.

(6) Designate a location where sexual assault victims may stay for a period of time. This location will be offered by the SAVA/SARC as an alternative to returning to the place of the sexual assault, if the assault occurred in the victim's personal living area or for restoring the victim with feelings of safety.

(7) Ensure procedures are in place for child care services for the children of a sexual assault victim, when the victim is unable to provide care following a sexual assault.

(8) Coordinate, as required, for qualified personnel, grade E-7 to O-3, to serve as an assistant to the Area SARC.

(9) Sign collateral duty appointment orders for graduates of the USFK SAVA/SARC Training Course.

(10) Ensure the Area SARC position is always filled.

i. PROVOST MARSHALS/SECURITY FORCES/MASTER-AT-ARMS WILL--

(1) Support the joint exchange of information between component services Law Enforcement, MCIO and SJA.

(2) Coordinate with the Area SARC for law enforcement personnel SAPR Training IAW DOD Memo, dated 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-013).

(3) Upon notification of a report of sexual assault, law enforcement first responders will complete on-scene actions as outlined in applicable service directives.

(4) Immediately notify the Area SARC and applicable MCIO when a report of sexual assault is made.

(5) Develop and implement procedures for assuming custody, storing and preserving of Sexual Assault Forensic Evidence (SAFE), IAW service guidance.

(6) Ensure personnel serving as Evidence Custodians are trained in assuming custody, storing and preserving SAFE IAW service guidance.

(7) Designate a representative to participate in the monthly Area SARB, and serve as a member on the quarterly USFK SARB.

j. COMMANDERS, CID, AFOSI AND NCIS WILL--

(1) Support the joint exchange of information between component MCIO, Law Enforcement and SJA offices.

(2) Coordinate with the Area SARC for law enforcement SAPR Training IAW DOD Memo, dated 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-013).

(3) Upon notification or receipt of a delayed report of sexual assault, ensure the incident is reported to local law enforcement, and the applicable Area SARC is notified.

(4) Ensure agents provide victims and witnesses, as appropriate, with a completed copy of the Initial Information for Victims and Witnesses of Crime, DD Form 2701. This serves as evidence that the investigating officer notified the victim and/or witness of his/her statutory rights.

(5) Coordinate rape investigations with servicing Forensic Science Consultant.

(6) Coordinate sexual assault investigations with servicing component SJA throughout every stage of the investigation.

(7) Ensure all investigative units and personnel assigned to Korea are aware and comply with the requirement to report all instances of alleged sexual assault to the USFK Joint Police Information Center (JPIC) within six hours of the incident being reported.

(8) Ensure the notification to the JPIC includes sufficient information for the JPIC to complete a Serious Incident Report (SIR) for the Senior USFK Staff (IAW USFK Reg 190-40). If criminal investigating agencies encounter information that questions the validity of the complainant, the spirit and intent of this notification process is to report the matter.

(9) Ensure the assigned investigator participates in the monthly Area SARB.

(10) Designate a representative to serve as a member on the quarterly USFK SARB.

k. COMMAND CENTER SEOUL (CC SEOUL) WILL--

(1) Upon receipt of the SIR, electronically issue a 5W Report to the USFK Commander, Component Commanders and USFK senior leaders.

(2) Designate a representative to serve as a member of the quarterly USFK SARB.

l. STAFF JUDGE ADVOCATE (SJA) WILL--

(1) Support the joint exchange of information between component SJA offices, Law Enforcement and MCIO.

(2) Coordinate with the Area SARC for law enforcement SAPR Training IAW DOD Memo, dated 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-03).

(3) Ensure all commanders with Uniform Code of Military Justice (UCMJ) authority receive a briefing within 30 days of his/her arrival to the Republic of Korea (ROK). Briefing will include the information below:

(a) Number of sexual assaults for his/her respective command versus USFK for the preceding 12 months.

(b) Status of pending sexual assault cases for their respective command.

(4) Upon notification of an unreported sexual assault, report the incident to applicable law enforcement and notify the Area SARC.

(5) Coordinate and work with the Area SARC and SAFRG members as applicable to obtain required sexual assault data as outlined in Section VII of this regulation.

(6) Track components' sexual assault data monthly. Provide data and status of each sexual assault case by the seventh working day of the following month to USFK SJA. The USFK SJA will compile sexual assault statistics, produce a USFK sexual assault statistical report and submit to USFK, J1 by the 10<sup>th</sup> working day of the following month of training.

(7) Victims who must testify will be provided support consultation in matters such as courtroom procedures and other legal procedures IAW applicable service's guidance.

(8) Ensure victim's and suspect's legal appointments are coordinated to reduce the chances of them having contact. If appointments must be at the same time, arrange separate waiting areas.

(9) Ensure a legal review is completed before any disposition of a sexual assault case is made by any commander.

(10) Serve as the proponent for the VWAP/VWLP program and designate a SJA staff member to be responsible for complying with the requirements of the applicable VWAP/WVLP service guidance.

(11) Ensure the assigned SJA for each victim participates in the monthly Area SARB.

(12) Designate a representative to serve as a member on the quarterly USFK SAPRB.

m. PUBLIC AFFAIRS OFFICE WILL--

(1) Develop a SAPR Media Campaign which continually publicizes the USFK SAPR program policies through public service announcements (PSA), local print media, television infomercials and radio programming.

(2) Publicize sexual assault case dispositions.

(3) Designate a representative to serve as a member on the quarterly USFK SARB.

n. MEDICAL COMMANDERS WILL--

(1) Support the joint exchange of medical information between component medical facilities.

(2) Designate a sexual assault POC to interact with the USFK SAPR Program Director and CC SAPR Program Regional Manager.

(3) Ensure HCPs receive SAPR IAW DOD Memo, dated 26 Apr 05, Essential Training Task for a Sexual Assault Response Capability (JTF-SAPR-013).

(4) Ensure HCP serving as SAE adhere to the U.S. Department of Justice's National Protocol for Medical Sexual Assault Examination. This document may be downloaded from <http://www.ncjrs.org/pdffiles/ovw/206554.pdf>.

(5) Ensure HCP use the Response Protocol for Sexual Assault Examination Under Restricted Reporting (Appendix B).

(6) Develop memoranda of agreement/understanding (MOA/MOU) with component services' Medical Treatment Facilities (MTF) on administering medical care and treatment to victims of sexual assault and performing sexual assault examinations (SAE) for the purpose of obtaining SAFE.

(7) Provide USFK SAPR Program Director with a listing of MTFs certified to perform the SAE and collect SAFE. Provide updates quarterly or when changes occur, whichever is applicable.

(8) Develop procedures for ensuring funding for "no-cost to the sexual assault victim" transportation. Transportation will be for the sole purpose of returning the victim back to his/her area of assignment. This requirement takes on added significance when the victim has elected restricted reporting.

(9) Ensure when a victim reports directly to the MTF that the HCP only notifies the Area SARC and clinical counselor on-call. The SARC upon arrival to the MTF will explain to the victim the differences between the reporting options, ascertain the victim's reporting election and notify the HCP based on the option elected will notify law enforcement.

(10) Give the sexual assault victim priority as an emergency case and provide the victim with as much privacy as possible, and ensure they are supported. This guidance is IAW U.S. Dept of Justice's National Protocol for medical sexual assault examinations.

(11) Establish policy that the HCP, when not already at the MTF will arrive to the MTF within 45 minutes of being notified of a victim being brought to the facility.

(12) Ensure HCPs are trained to provide a full explanation of the SAE and SAFE process to the victim, obtain written consent from the victim and for the victim electing unrestricted reporting, obtains the assigned MCIO investigator's authorization before beginning the SAFE.

(13) Coordinate with the Area SARC for law enforcement SAPR Training IAW DOD Memo, dated 26 Apr 05, Essential Training Tasks for a Sexual Assault Response (JTF-SAPR-013).

(14) Ensure adequate supplies of SAE Kits are available at MTFs authorized to perform and collect SAFE from sexual assault victims.

(15) Establish procedures to ensure sexual assault victims and suspects receive medical, psychological and counseling services. Additionally, upon the victim's rotation from Korea, and if still required/desired, ensure HCP works with the Area SARC to coordinate for continued medical care with the new location (military base/installation or local community) or Veterans Administration, as applicable.

(16) Ensure that the attending HCP, if requested, participates in the monthly Area SARB.

(15) Designate a representative to serve as a member on the quarterly USFK SARB.

o. SOCIAL WORK SERVICES/LIFE SKILLS SUPPORT CENTER WILL--

(1) Upon notification of a sexual assault, notify the Area SARC only if authorized in writing by the victim.

(2) Ensure the counselor, when not already at the MTF, responds within 45 minutes of notification.

(3) Provide clinical counseling services to sexual assault victims IAW with applicable service's guidance.

(4) In the case of victims who will depart Korea for a new assignment, and who still desire or require counseling services, work with the Area SARC to coordinate for

the continuation of services with the new location (military base/installation or local community) or Veterans Administration, as applicable.

(5) Ensure the assigned counselor, if requested, participates in the monthly Area SARB.

(6) Designate a representative to serve as a member on the quarterly USFK SARB.

p. INSPECTOR GENERALS (IG) WILL--

(1) Support the joint exchange of sexual assault information as they relate to lessons learned between CC inspection agencies and provide an annual summary of lessons learned to USFK SAPR Program Director.

(2) When a victim requests assistance from an Inspector General, if the victim has not reported the incident, notify law enforcement and the Area SARC.

(3) USFK Inspections:

(a) Oversee the conduct of USFK-directed Sexual Assault inspections as directed by the Directive Authority. Inspections may include tasking component commands to provide personnel to assist in the conduct of an inspection. As a result, the USFK Inspector General will be responsible to develop the inspection concept, objectives, sub-tasks, standards, and required training to conduct the inspection. Focus of an inspection could include but is not limited to the following:

(1) Organization leader's commitment to the applicable service specific SAPR.

(2) Frequency of SAPR Training within the organization.

(3) Evidence of organization leaders' involvement in required and on-going training.

(4) Numbers of certified VA available in the specific Area versus within the inspected organization.

(5) Verify assignment of VA to all sexual assault victims.

(6) Care for victims of sexual assault.

(7) Verify the conduct of monthly Area SARB

(8) Verify the provision of monthly case updates to victims of sexual assault electing unrestricted reporting.

(b) Identify deficiencies and provide recommendations for corrective actions.

(c) Notify the appropriate commander of serious deficiencies involving failure to comply with this regulation.

(4) Designate a representative to serve as a member on the quarterly USFK SARB.

q. CHAPLAIN WILL--

(1) Determine if the victim desires support and services and, if so, obtain victims written consent to notify the Area SARC or law enforcement.

(2) Provide pastoral and spiritual support to victims of sexual assault as requested by the victim.

(3) If requested, participate in the monthly Area SARB.

(4) Designate a representative to serve as member of the quarterly USFK SARB.

r. FAMILY ADVOCACY PROGRAM (FAP) WILL--

(1) Ensure DOD and contracted civilian employees serving in a SARC position receive initial and annual refresher SAVA/SARC training.

(2) Work closely CC SAPR Program Regional Manager on sexual assault policies and issues.

(4) Serve as a member of the quarterly USFK SARB.

s. ALCOHOL AND SUBSTANCE ABUSE PROGRAM WILL--

(1) Provide guidance to unit commanders on alcohol and substance abuse issues related to sexual assaults.

(2) Track and maintain data related to referrals to Alcohol and Substance Programs as a result of involvement in a sexual assault incident. Report statistical findings during the quarterly USFK SARB.

(3) Serve as a member of the quarterly USFK SARB.

t. SEXUAL ASSAULT RESPONSE COORDINATOR (SARC) WILL--

(1) Serve as the Area's SAPR Program Manager and the single point of contact for integrating and coordinating sexual assault victim care for the component service

area to which assigned. Involvement is from the initial report of a sexual assault, through disposition and resolution of issues related to the victim's health and well-being.

(2) Be a DOD civilian employee, contractor or active duty service member in the grades of E-7 to O-3, WO-2 to WO-5 or O-1 to O-4. The SARC position is key and critical to the success of the SAPR Program. The SARC position will always be filled and the SARC will be available 24 hours/7 days a week.

(3) Coordinate and oversee local implementation and execution of the applicable component service's SAPR Program IAW this regulation and applicable service's guidelines.

(4) Coordinate and build liaison relationships with SAFRG to improve system response to sexual assault incidents.

(5) Complete the following actions for victims reporting a sexual assault (restricted or unrestricted) which occurs in an Area other than the victim's Area of assignment:

(a) Notify victim's Area SARC.

(b) Obtain from the victim's Area SARC, a Case Report Number (CRN) for 'restricted' reporting or an Unrestricted Control Number (UCN) for "unrestricted reporting based on the reporting option elected by the victim.

(c) Advise the victim of his/her rights IAW Appendix I. Explain the differences between "restricted and unrestricted reporting;" have the victim complete the Victim Reporting Preference Statement (Appendix C); explain the optional Victim Questionnaire (Appendix D) and offer the victim the opportunity to complete the form. Ensure the victim's SARC receives legible copies of these documents. Documents may be scanned and emailed or sealed and transported by the SAVA accompanying victim back to his/her Area of assignment.

(d) Assign a SAVA to the victim and ensure a Termination of Victim Advocate Services (Appendix K) is completed before the victim returns to his/her area of assignment.

(e) Coordinate transportation for returning the victim to his/her area of assignment. The SAVA or individual designated by the victim will accompany the victim back to his/her Area of assignment. Transportation will be at no-cost to the victim or SAVA.

(6) Coordinate no-cost travel for victims electing to return, on-leave, to his/her CONUS home.

(7) Ensure victim privacy for both restricted and unrestricted reports.

- (8) Review all reports (restricted and unrestricted) to detect trends/patterns.
- (9) Ensure the area's sexual assault victim support system provides a 24 hour/7 days a week sexual assault response capability.
- (10) Report to Area/Vice Wing Commander on sexual assault policies and issues.
- (11) Assist the Area/Vice Wing Commander in executing the goals of the SAPR program, including:
  - (a) Ensuring the command understands the program and their responsibilities within the program.
  - (b) Monitoring training requirements and coordinates with applicable CC SAPR Program Regional Trainer for training assistance.
  - (c) Coordinating with local Public Affairs Office to market and advertise area SAPR program.
  - (d) Advising the Command of any limitations in the program and possible solutions.
  - (e) For case management, tracking services and support provided to the victim using the Victim Data Sheet (Appendix V) and Offender Data Sheet (Appendix W).
  - (f) Preparing and submitting quarterly Area SARB Report through Area/Vice Wing commander and CC, SAPR Program Regional Manager to the USFK SAPR Program Director IAW Section II.
- (12) Oversee assigned SAVA in the performance of their duties when providing victim support services.
- (13) Ensure military services member serving as a SAVA are only assigned to victims of sexual assault who are military service members.
- (14) Create and maintain a log for sexual assaults reported under the restricted and unrestricted options IAW Section V, paragraph 34.
- (15) For "Restricted Reporting," use the assigned CRN on documents in lieu of the victim's name. In conjunction with maintaining the victim's anonymity, the CRN will be used for administrative tracking only.
- (16) For "Unrestricted Reporting," use the UCN on documents. This number will be used for administrative tracking and in lieu of the victim's name, when in the interest of maintaining the victim's privacy.

(17) Collect all documents maintained on the victim by the SAVA when SAVA services are terminated.

(18) Accomplish the following for victims electing the “restricted reporting” option:

(a) Advise the victim of the differences between restricted and unrestricted reporting options and the implications of information received through independent sources.

(b) Explain the Victim Reporting Preference Statement (Appendix C). Have the victim acknowledge the restricted reporting option, in writing, using this statement.

(c) Explain the Victim Questionnaire (Appendix D) and offer the victim the opportunity to complete the form. The victim has the option to decide to not complete the form.

(d) Provide the victim with the original and one copy of the completed Victim Reporting Preference Statement and Victim Questionnaire. The victim will place the originals in the SAE Kit and keep the extra copies for his/her personal file. Copies of these completed forms are maintained by the SARC in the victim’s file.

(e) Assign a SAVA to the victim.

(f) Coordinate transportation of the victim to the HCP. Do not notify law enforcement. The victim must be accompanied to the hospital by the SARC or assigned SAVA.

(g) Advise the victim, for purposes of safety and command responsibility, a report of the restricted report will be provided to the Area/Vice Wing Commander within 24 hours.

(h) Electronically notify the Area/Vice Wing Commander within 24 hours of the restricted report. Advise the commander that the information provided may not be used to initiate an investigation.

(i) For restricted reports, provide the Area/Vice Wing Commander with the following information while ensuring that the information is not sufficient to identify the victim or incident.

- Characterized the assault as recent (within the last 30 days) or not recent (older than 30 days).

- Other non-identifying information/details related to the incident should include: date and time, general information as to location (a barracks/dorm, parking lot, off-the installation etc) number of alleged assailants, number of alleged victims, nature

of assault (rape, forcible sodomy, indecent assault etc), rank, gender, age, race, service component, and status. Careful consideration of which details to include is of particular significance in areas where there are a limited number of minority females or female officers.

(20) Accomplish the following for victim's electing the "unrestricted reporting" option:

(a) Notify law enforcement and HCP for a victim electing the unrestricted reporting option.

(b) Explain the Victim Reporting Preference Statement (Appendix C). Have the victim acknowledge the restricted reporting option, in writing, using this statement. Provide a copy of the completed statement to the victim. Maintain a copy in the victim's file maintained by the SARC.

(c) Assign a SAVA to the victim.

(d) Ensure all sexual assaults that are reported under the unrestricted option are reported to the applicable Area/Vice wing commanders, the victim's unit commander within 24 hours and verify the notification of the applicable service's law enforcement and MCIO IAW applicable service's guidance.

(e) Brief the assigned SAVA on victim's name, unit and current location. For victim's electing restricted reporting, the VA should meet the victim at the MTF. For victim's electing unrestricted reporting and who at the time of the report are located off the military installation, the VA will only report to the off-post/base location if accompanied by military law enforcement personnel. This ensures the safety of the VA. If unable to be escorted by law enforcement personnel to the off-post/base location, the VA should meet the victim at the MTF or another location stipulated by the victim.

(21) Coordinate in person, the Victim Advocate Supervisor Statement of Understanding (Appendix E) with the supervisor for personnel selected for training as VA.

(22) Maintain a duty/on-call roster for all military SAVA using the applicable services guidance for duty/on-call rosters.

(23) Provide the duty/on-call roster only to SAVA the month prior to the month of duty/on-call. The VA duty/on-call roster will not be provided to Law Enforcement, MCIO and MTF. The SARC is responsible for activating and assigning VA and must ensure that the SAFRG has the Area SARC's contact number.

(24) To the greatest extent practicable, do not assign a SAVA to the same unit as the sexual assault victim. Such an action compromises the victim's privacy. The victim's privacy is paramount and must be made a top priority.

(25) Ensure that assigned SAVAs receive all logistical support necessary to provide quality support to the victim. Intervene/eliminate barriers/obstacles which hinder the VA or SAFRG member from providing quality and timely support to a victim of sexual assault.

(26) Protect SAVAs from subtle intimidation and ensure SAVAs are balancing his/her advocacy duties with primary position responsibilities. For an assigned SAVAs, check-in monthly with SAVAs's supervisors to ensure balance is being met.

(27) Coordinate the monthly Area SARBs as outlined in Section II this regulation and publish an agenda.

(28) Develop and present written victim case updates to the victim IAW Section II of this regulation.

(29) In conjunction with the Area's SJA, Law Enforcement and MCIO, track the status of military sexual assault cases and provide case updates on each ongoing sexual assault during the Area SARB or as requested by the applicable Area/Vice wing commander.

(30) Track services provided to the victim using information from the completed SAVAs Initial Report (Appendix F); SAVAs Follow-up Report (Appendix G); and SAVAs Final reports (Appendix H) submitted by SAVAs.

(31) Monitor Law Enforcement, MCIO and SJA to ensure that all agencies are providing timely case update information for the monthly Area SARB. Informs Area/Vice Wing Commander of the agencies failing to meet this requirement.

(32) Store all documents that could serve to identify victims of sexual assault in a secure container with controlled access. These records will not contain detailed information concerning the nature of the assault or related information and will be stored for a minimum of five years.

(33) Collect, record, and maintain data and statistics on reported sexual assaults IAW applicable service's guidance and this regulation. Collection, recording and maintaining data and statistics will begin from the initial report of sexual assault through disposition and resolution of the victim's health and well being.

(34) Prepare and submit the Monthly Area Statistical Report (Appendix Q) to the CC SAPR Regional Program Manager by the third working day of the month following the month of the report.

(35) Prepare and submit the Annual Area Calendar Report on Sexual Offenses Involving Members of the Armed Forces (Appendix R) annually and by the fifth working day of January to the CC SAPR Regional Program Manager.

(36) Perform analysis on the completed on Survivor Surveys (Appendix L) and Victim Advocate Surveys (Appendix M) and present results to include best practices and areas in need of improvement during the monthly Area SARB. Also include results of analysis in quarterly SARB report to USFK SAPR Program Director.

(37) Obtain copies of the Area units' training schedules reflecting SAPR and SAFRG Response Capability training, a completed Unit's SAPR training summary, and a sign-in roster for personnel attending the training. The Unit SAPR Training Report (Appendix S) will be used by units to report training to the AREA SARC.

(38) Perform unannounced observations of Area units' SAPR and SAFRG Response Capability training and provide written feedback to the facilitator on noted observations.

(39) Prepare and submit, by the third working day of the month following the training, a Monthly Area SAPR Training Report (Appendix T) to the CC SAPR Program Regional Trainer.

(40) Prepare and submit annually and by the fifth working day January, an Annual Area SAPR Training Report (Appendix U) to the CC SAPR Program Regional Trainer.

(41) Assist Area unit commanders with sexual assault pre-deployment planning and training.

(42) Ensure a Declination of Victim Advocate Services (Appendix J) is completed when a victim declines the assignment of a SAVA.

(43) Ensure a Termination of Victim Advocate Services (Appendix K) is completed when the assigned SAVA services terminated IAW Section XII of this regulation.

(44) Ensure "warm hand-off" of victim when a SAVA is replaced by another SAVA.

(45) Upon permanent termination of SAVA services, ensure the victim is offered the opportunity to complete a Survivor Survey (Appendix L) and have the assigned SAVA to complete the Victim Advocate Survey (Appendix M).

(46) Maintain training packets on SAVA and SAFRG agencies and document training received.

(47) Hold regular meeting with the SAVA to provide support, information, feedback and guidance on cases. Meetings will be documented in the SAVA's file maintained by the SARC.

(48) Develop procedures for use of area's designated temporary lodging by sexual assault victims and ensure all SAVAs are knowledgeable of them.

(49) Develop procedures for the temporary placement of the victim's children, if the victim is unable to return to the home or the designated temporary lodging to care for the children.

(50) Ensure continuity of care and support services with the gaining command for a victim who will have a permanent change of station (PCS) or with the community to which the victim is returning, if the victim is being discharged from the service. Coordinate with the POCs for the Area's support agencies to obtain new location POC information for the victim. Also, ensure that the victim is provided with any documents needed for the continuation of services within 5 working days prior to departure.

(51) Refer all victims pending discharged from the military service to the Yongsan Veteran's Administration office.

(52) Ensure the timely submission by VA of the Sexual Assault Victim Advocate Initial Report (Appendix F), Sexual Assault Victim Advocate Follow-up Report (Appendix G), and Sexual Assault Victim Advocate Final Report (Appendix H) by the assigned SAVAs to the Area SARC and the CC SAPR Program Regional Manager.

v. SEXUAL ASSAULT VICTIM ADVOCATE (SAVA) WILL--

(1) Meet selection criteria, obtain approval of unit commander, and attend initial and annual refresher sexual assault victim advocacy training.

(2) The SAVAs are covered under the provisions outlined in Section V once assigned by the SARC to a victim electing restricted reporting.

(3) HCP, Clinical Counselors, Equal Opportunity Representatives (EOR) or Law Enforcement, MCIO, SJA or Chaplain personnel are not eligible to serve as a SAVAs due to the potential conflict of interest.

(4) When assigned as a SAVAs, report to and coordinate directly with the Area SARC.

(5) Make contact with a sexual assault victim only after being assigned to the victim.

(6) Not respond to a victim's location off-Post/Base unless accompanied by military law enforcement personnel. If unable to be escorted to the off-post/base location by law enforcement personnel, meet the victim at the MTF or at an on-post/base location stipulated by the victim.

(7) Provide the victim with accurate information on Victim's Rights (Appendix I), the role of the medical, legal, law enforcement, MCIO, SARC, SAVA, SAFRG and Commander. Information should include the medical, legal and support services processes and an explanation on the differences between restricted and unrestricted reporting options. Explore resources, identify alternatives and allow the victim to make decisions regarding his/her options. DO NOT make decisions for the victim.

(8) Provide crises intervention, referral and on-going non-clinical support to victims of sexual assault. Additional support includes emotional support and assistance that enables the victim to regain a sense of control over his/her life.

(9) Have a victim who declines the assignment of a SAVA to complete a Declination of Victim Advocate Services (Appendix J).

(10) Build liaison relationships with SAFRG agencies and members and coordinate appointments for the victim with support service agencies. Accompany the victim, at the victim's request, during medical, investigative and legal interviews and medical examinations. However, the SAVA must inform the victim that their presence could later result in them being called as a witness in a court-martial or administrative proceedings.

(11) Encourage and explain the importance of a medical examination. Inform the victim that a medical examination will be performed regardless of the date of the assault. The Medical evaluation is important in assessing the presence of internal/external injuries, sexually transmitted diseases, pregnancy, etc. Explain the possible health consequences delaying the medical examination.

(12) Offer the victim the use of the Area's designated temporary lodging as an alternative to returning to the place of the sexual assault, and if needed, coordinate child care services for the victim's child/children.

(13) Coordinate a religious support team appointment with the Chaplain's office only if the victim request religious consultation.

(14) Advise the Area's SARC of any subtle intimidation, barriers, or obstacles which impede providing quality support on delaying response to the victim.

(15) Following the initial contact with the victim, make follow-up telephone contact with him/her within 24 hours and at regular intervals. Contact should be for the purpose of providing emotional support and determining if additional support services are required.

(16) Maintain a journal for documenting contacts with the assigned victim. Do not use victim's name in the journal. Use the CRN or UCN as applicable. Record the date of contact, type of contact (i.e. in-person, telephonic, written or electronic), and purpose of contact (i.e. verify appointment with victim)

(17) Prepare, scan and email the Sexual Assault Victim Advocate Initial Report (Appendix F) to the Area SARC and CC SAPR Program Regional Manager within 24 hours of assignment to the victim.

(18) Prepare, scan and email the Sexual Assault Victim Advocate Follow-up Report (Appendix G) to the Area SARC and applicable CC SAPR Program Regional Manager within 7 days following assignment to the victim, and then every 30 days until the VA services are terminated.

(19) Prepare, scan and email the Sexual Assault Victim Advocate Final Report (Appendix H) to the Area SARC and applicable CC SAPR Program Regional Manager within 24 hours of the termination of SAVA services.

(20) Ensure the completion of Termination of the Victim Advocate Services (Appendix K) when the SAVA services are terminated. Submit a copy of the completed Termination of the Victim Advocate Services to the Area SARC. Conduct a "warm hand-off" if another VA will be assigned.

(21) Safeguard and protect all information and documents pertaining to the victim. Turn-over all documents, maintained on the victim during the assignment to the Area SARC when the SAVA services are terminated.

(22) Use the assigned CRN for "Restricted Reporting," on documents in lieu of the victim's name. In conjunction with maintaining the victim's anonymity, the CRN will be used for administrative tracking only.

(23) Use the UCN for "Unrestricted Reporting," on documents. This number will be used for administrative tracking and in lieu of the victim's name when in the interest of maintaining the victim's privacy.

(24) Develop a victim safety plan in coordination with the victim. Include the victim's commander in the safety planning process, only if the victim elected unrestricted reporting option.

(25) Participate in monthly Area SARB, as applicable.

(26) Obtain a military drivers license.

(27) Provide a copy of signed Collateral/Additional Appointment Orders/Delegation letter (Appendix X) to the Area SARC, unit commander and work supervisor.

w. VICTIM ADVOCATE COMMANDER WILL--

(1) Ensure that the SAVA is immediately released from his/her duty section for the initial meeting with the victim, appointments for which SAVA presence is requested by the victim, monthly Area SARB and for judicial/nonjudicial.

(2) Ensure that the SAVA's supervisory chain does not intimidate, hinder or delay the response of the VA to the victim.

(3) Ensure Collateral Duty/Appointment Orders/Delegation Letter signed by the Area/Vice Wing Commander.

x. UNIT COMMANDERS WILL-

(1) Identify personnel to serve as a SAVA/SARC in a non-deployed and/deployed areas in accordance with applicable service guidance.

(2) Ensure all personnel identified meet the selection criteria and receive initial and annual refresher sexual assault SAVA/SARC training IAW with Section III of this regulation, SAPR Response Capability.

(3) Ensure SAFRG receive initial and annual refresher IAW DOD Memo dated, 26 Apr 05, Essential Training Task for a Sexual Assault Response Capability (JTF-SAPR-013).

(4) Ensure all newly assigned personnel receive SAPR training as a part of his/her new arrival orientation/newcomer's briefing and ensure all other assigned personnel receive semi-annual SAPR training IAW Section III and applicable Service guidance.

(5) Ensure personnel identified for deployment from or redeployment to USFK receives sexual assault training IAW Section III of this regulation.

(6) Ensure SAPR information topics are included in company formation announcements and SAPR briefings given prior to all holidays, safety briefings and before personnel depart on pass or leave.

(7) Ensure arriving and departing personnel perform in and out processing with the Area SARC's office.

(8) Provide the Area SARC with unit training schedules reflecting SAPR training topics within 30 working days of training.

(9) Provide the Area SARC, once schedule training has been conducted, with a Unit SAPR Training Report (Appendix S) within 2 days following training.

(10) Develop a sexual assault pre-deployment plan which includes training IAW Section IV of this regulation.

(11) Upon notification of an unrestricted report of sexual assault, initiating an internal investigation is prohibited. Ensure that law enforcement and the Area SARC are notified. Take immediate steps to ensure the victim's safety and emotional security.

(12) Ensure victims are treated with dignity and respect, receive sensitive care and support and are not re-victimized as a result of reporting the assault and protect the victim's/alleged offender's privacy

(13) Utilize the Commander's Sexual Assault Victim Assistance Checklist (Appendix N) as a guide when responding to allegations of sexual assault. The primary objective is to assist in safeguarding the rights of the victim and the alleged offender, as well as addressing appropriate unit standards and interest. In all unrestricted reports, seek the advice of the SJA in using the checklist before taking action.

(14) Ensure the victim's rights under the Crime Victims' Bill of Rights (Appendix I) are preserved. Consult with Area SJA for more information on Victim's Rights. Share information on victim and alleged offender only with personnel with-a-need-to-know (i.e., SAFRG members as applicable) and who, without the information would not be able to fulfill their responsibilities to the victim or alleged offender.

(15) Coordinate with the Area SARC and assigned SAVA to ensure the sexual assault victim who elects unrestricted reporting receives monthly case updates. Victim case updates must include, at a minimum, the current status of issues involving with services render by medical, MCIO, SJA or command proceedings regarding his/her sexual assault. This requirement is in addition to those established by the VWAP/VWLP. Monthly updates are required until the final disposition of the reported assault. "Final disposition" means the conclusion of any judicial, non-judicial and/or administrative actions (including separation actions) taken in response to the offense, whichever is later in time.

(16) Participate with the SAVA/SARC in the victim monthly case update provided to victims of sexual assault.

(17) Sexual assault victims react differently in the aftermath of an assault. Some will want to immediately resume his/her normal routines. However, there are those who will not. To ease the trauma for this category of victim, obtain a mental health evaluation on victim before coordinating and authorizing convalescent or administrative leave. The victim has the option to refuse any or all leave.

(18) Assist the SAVA with developing a victim's safety plan for victim's electing the unrestricted reporting option.

(19) Consider executing a Military Protective Order, (MPO), DD Form 2873, Guidance for Commanders (Appendix O). Consult with each of the members involved in the case (i.e., SJA, Medical, SAVA, Chaplain etc.) and the commander of the accused, if appropriate, before making a final determination. The ultimate goal of the analysis is to prevent further harm or victimization of the victim. However, mission requirements, especially in remote or overseas locations, may dictate other carefully tailored solutions. If a MPO/ No Contact order is executed, provide the victim and suspect (s) with a copy. Encourage both parties to keep it readily available.

(20) Coordinate with the assigned SAVA to ensure that a victim who is sexually assaulted in his/her personal living area is offered an alternate place to stay on a temporary basis. The victim has the right to refuse this offer.

(21) Take the necessary actions to assess and determine the need for temporary reassignment (different unit, duty location and /or living quarters) of the victim or the accused being investigated. Working with the alleged offender's commander (if different than the victim's commander), and until there is final legal disposition of the sexual assault allegations, ensure any safety or security issues are resolved. To the maximum extent possible, commanders should consider the victim's desires prior to any reassignment decision and above those of the alleged offender.

(22) Confer with area servicing SJA to consider all management options for the alleged suspect throughout the investigation and prosecution process.

(23) Obtain a legal review by servicing SJA prior to making any disposition on sexual assault cases.

(24) Ensure all case dispositions are reviewed by the first O-5 or above in the chain of command

(25) Determine, in a timely manner, how to best dispose of alleged victim collateral misconduct. Take into account the trauma to the victim and respond appropriately so as to encourage reporting of sexual assault and the continued cooperation of the victim. Unless there are overriding circumstances, disciplinary action for misconduct will be delayed until after the final disposition of the sexual assault case.

(26) Determine if an administrative separation of the victim is in the best interests of either the Army or the victim, or both. Regardless of the reason for initiating the separation action, the victim is entitled to a full and fair consideration of his/her military service and particular situation. It is vital that all such separation actions and all determinations be consistent and appropriate, and be viewed as such. See Section X of this regulation for further guidance. Separation actions will be IAW applicable service guidance.

(27) Refer all personnel directly involved in an alcohol/substance related sexual assault incident to the applicable services alcohol and substance abuse program.

(28) Display a photo of the Area SARC, along with SARC's name and contact information and policy statements in high trafficked areas and where personnel tend to congregate such as day rooms and break areas.

(29) Advertise the SAPR Program through local means and provide take-away sexual assault informational materials such as pamphlets, information sheets and cards.

## **SECTION II SEXUAL ASSAULT CASE MANAGEMENT**

### **7. SEXUAL ASSAULT FIRST RESPONDER GROUP (SAFRG).**

a. The SAFRG is multi-disciplinary team that uses a victim-centered, case-management approach for each reported sexual assault case.

b. The group is headed by the Area SARC and is comprised of the following personnel:

- (1) Sexual Assault Victim Advocate
- (2) Law Enforcement
- (3) MCIO Investigator
- (4) Health Care Provider
- (5) Staff Judge Advocate
- (6) Victim Witness Assistance Program Representative
- (7) Victim's Commander
- (8) Chaplain

### **8. CASE-MANAGEMENT.**

a. Case-management is a standard term used to describe the process for reviewing and evaluating cases. The process includes individual and systemic responses to a victim, providing the victim with access to quality services, ensuring victim satisfaction with services, coordinating victim's care, treatment and follow-up care to the victim and providing the victim with case updates.

b. Case-management is tracking services, case disposition, problem-solving, ensuring appropriate documentation is completed, collecting data, improving services and ensuring system accountability.

c. Requires areas to hold monthly SARB to create synergy among SAFRG members and keep the victim's case on track.

d. There is no case-management requirement for sexual assault cases reported under the restricted option.

## **9. SEXUAL ASSAULT REVIEW BOARD (SARB).**

a. The purpose of the SARB is to improve processes, system accountability, and victim's access to services. Additionally, the SARB provides executive oversight, procedural guidance, feedback regarding the SAPR program and facilitates the development of the victim's case updates at each Area SARB.

b. The Area/Vice Wing commander will chair and convene the monthly Area SARB monthly.

c. The SARB will review sexual assault cases reported under the unrestricted option until each case is closed.

d. The UCN assigned to each case by the SARC will be used ensure the review of the correct case and for administrative tracking.

e. SARB members include:

(1) Area/Vice Wing Commander – Chairman

(2) Area SARC (May chair the SARB as designated by the commander)

(3) Assigned SAVA

(4) Applicable MCIO

(5) Area SJA

(6) Law Enforcement

(7) Chaplain

(8) Health Care Providers

(9) Others as needed (i.e. victim, victim's commander, victim witness liaison)

(Note: Not all members need to meet monthly; only those who still have a response to complete need meet to discuss their status to case resolution)

## **10. AREA SARB GUIDANCE.**

a. SARB members must perform the following key tasks:

(1) Review cases to obtain the case status and work to remove barriers that impede case resolution.

(2) Use the CRN assigned to the case by the SARC on documents in lieu of the victim's name.

(3) Provide to the Area SARC case status (in writing) pertaining to respective areas of responsibility for each case to which assigned. Based on this input, actions or interventions can be addressed and a plan of action (POA) with completion deadlines can be developed together by the Area SARC and the applicable first responder. PAO outcomes must be addressed at the next monthly SARB.

(4) Prepare and submit to the Area SARC applicable SAFRG victim case update to be incorporated into a consolidated victim case update. An oral and written case update will be presented to the victim within 5 working days following the SARB.

(5) Review and document the support services accessed by a victim, Victim and VA Survey analysis results, law enforcement's initial report on the sexual assault, and monthly Area sexual assault statistics. Review all SAFRG case updates submissions. Identify best practices and areas requiring adjustments/improvements for each agency.

b. The SARC is responsible for the following:

(1) Scheduling the Area SARB and notifying the applicable SARB members.

(2) Chairing the SARB when directed by the Area/Vice Wing commander.

(3) Tracking Area SARB dates and case status.

(4) Preparing SARB minutes using the Sexual Assault Review Board (SARB) Minutes format (Appendix P) which at a minimum document members present members providing or not providing input, each case discussed, issues arising from these discussions, POA or other course of action to address the issues with completion deadlines.

(5) Attaching a copy of each victim's case update developed by the SARB to the SARC's file copy of the minutes.

(6) Ensuring minutes contain a summary of the review of the support services accessed by a victim, trends identified in the submission and SAVA Survey analysis, Victim and Offender Data Sheets and SAVA Reports, law enforcement's initial report on the sexual assault, and monthly Area sexual assault statistics. Minutes will also include

Identification of best practices and areas requiring adjustments/improvements for each agency.

(7) Minutes will be maintained and kept on file in the Area SARC's office in a secured container.

(8) Compiling a quarterly report of the Area's SAPR program and forward through the CC SAPR Regional Program Manager to the USFK SAPR Program Director for review by the quarterly USFK SARB. The report must include area units' compliance with area SAPR program, training accomplished, best practices (as documented in Area SARB minutes) and areas needing improvement (as documented in the Area SARB minutes and issues identified as requiring USFK or CC review and/or action.

(9) Developing and implement process improvement initiatives.

(10) Scheduling meetings with victims within five days of the Area SARB to present victim case updates verbally and in writing. Coordinating the Victim case updates with the SAVA and victim's commander. Providing monthly case updates in this forum to victims demonstrate the command's sincerity and caring and its commitment to keeping the victim informed.

(11) Maintaining a file copy of the victim's case update in the victim's file.

(12) Annotating the victim's file with the case update meeting date, location and attendees.

## **11. USFK SARB GUIDANCE.**

a. USFK SARB will be chaired by Assistant Chief of Staff, USFK J1 or designated representative and comprised of CC SAPR Program Regional Manager, CC SAPR Regional Trainer, JPIC, CC Seoul and USFK Staff representatives for JA, IG, EO, Surgeon, Law Enforcement, MCIO, PAO, and CC Directors for FAP, LSSC and Alcohol and Substance Abuse Program.

b. USFK SARB meetings will be conducted quarterly on the third Thursday of March, June, September, and December.

c. Board members will review the quarterly report of the Area's SAPR program, discuss and develop a POA that addresses non-compliance with area SAPR program, training deficiencies, areas needing improvement. The POA will include the action office (AO) for each issue and a deadline for completion.

e. Meeting minutes, at a minimum, should document members present/absent, issue discussion and POA for resolving issues and disposition of previous POAs. Minutes will be sent to USFK senior leadership, Area/Vice Wing Commanders. Copies of the minutes will be maintained by the USFK SAPR Program Director.

## **SECTION III TRAINING**

### **12. GENERAL.**

a. There are many levels of training that are required within the SAPR program. The responsibility for developing a training plan for an area lies with the SARC. The SARC must be able to respond to inquiries about the status of training for the following categories: SAPR update training for USFK personnel (military and civilian) assigned to the SARC's area of responsibility; SAFRG training, Newcomer orientation, Deployment/Re-deployment training and senior leader training.

b. The SARC must develop a training plan for their area of responsibility and be able to respond to inquiries about the status of the training.

c. Training for all USFK personnel (military and civilian) will be conducted semi-annually as a minimum and during pre-deployments, re-deployments, new arrival in-processing, general military training, safety and holiday briefings.

d. Unit commanders should use formations as a venue to reiterate the serious nature of sexual assault, USFK's zero-tolerance policy, offender consequences, reporting options and procedures, and the expectation that victims be treated with dignity and respect.

e. Trainers conducting semi-annual sexual assault training should use scenario-based instruction, small groups and use real-life situations to demonstrate the entire cycle of reporting, response options and accountability procedures, sexual assault myths, perceptions, and attitudes that feed the sexual assault phenomenon.

f. All personnel assigned as a SAVA or SARC must receive initial and annual refresher SAVA and SARC training.

g. Sexual assault prevention and response training will be incorporated into all unit training calendars.

### **13. RESPONSE TRAINING.**

a. Initial and annual refresher SAVA and SARC training is required for personnel serving as a SAVA or SARC.

b. Personnel selected to serve as a SAVA must attend the USFK SAVA Training Course or an equivalent type course that covers the DOD mandated topics IAW DOD Memo dated, 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-013).

c. Personnel selected serve as a SARC must attend the USFK SAVA and SARC Training Course or an equivalent type course that covers the DOD mandated topics

IAW DOD Memo dated, 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-013). New arriving personnel, prior to being assigned to SARC duties must provide a certificate of training.

d. New arriving personnel will in-process through the Area SARC to determine SAVA/Certification status.

e. Initial and annual refresher SAPR Response Capability training is required for all SAFRG members IAW DOD Memo dated, 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-013).

#### **14. USFK SEXUAL ASSAULT VICTIM ADVOCATE (SAVA) TRAINING.**

a. The USFK SAVA Training is a 40 hour course and is conducted quarterly in Area II, Yongsan.

b. Seat quotas will be allocated to the CC for distribution to subordinate units.

c. Component commands are responsible for temporary duty (TDY) cost, if any, and for coordinating round-trip transportation to the course location. Lodging and meals are at government expense for military service members.

d. Active duty service members have priority for course attendance and, prior to being approved for attendance, must meet the selection criteria outlined in paragraph 16. On a space available basis, civilian personnel assigned as clinical counselors to Army Social Work Services, Air Force LSSC, Family and Fleet Service Centers (FFSC), FAP and Alcohol and Substance Abuse Program may attend.

e. Military personnel identified to serve as a SARC in a deployed theater, may serve as a SAVA in a non-deployed theater, only if they have completed DOD or USFK SAVA Training Course.

#### **15. SAVA TRAINING COURSE SELECTION CRITERIA:**

a. Commanders must use the following criteria when selecting personnel for the SAVA Training Course:

(1) Active duty personnel in grades E-4 to O-3 or IAW applicable service guidance, male or female.

(2) Have a desire to support fellow service members who are victims of sexual assault.

(3) Have duty performance marked with demonstrated maturity, sound judgment and skilled interpersonal communication abilities.

(4) Service members serving as Law Enforcement personnel (MP, SF, MAA), Criminal Investigators, HCP, Equal Opportunity Representatives or Chaplain corps personnel are prohibited from serving as SAVAs due to conflict of interest.

(5) Have a negative FAP and Criminal Background check. A FAP and Criminal Background check must be conducted on all course selectees. Any confirmed finding of the selected individual being a perpetrator of violence (i.e., domestic violence, sexual assault, child abuse etc.) disqualifies the individual from course attendance.

(6) Applicants with alleged findings of involvement in domestic violence, sexual assault, child abuse etc., must submit a request for a waiver to HQ, USFK ACS, J1, APO AP 96204-0025. This is a non-waiverable requirement.

(7) Have six months or more remaining in Korea upon graduation from the course. This is a non-waiverable requirement.

(8) Course attendee will not be allowed to graduate or be certified, if three or more hours of the course are missed.

## **16. SELECTION CRITERIA FOR SARC TRAINING COURSE.**

a. The following selection criteria will be used to select active duty personnel to for the SARC Training Course:

(1) Have successfully completed SAVA training and have documentation which validates the training received.

(2) Be in the grades of E-7 to E-9 or WO-1 to WO-3 or O-1 to O-4 or IAW applicable service guidance.

(3) Male or female.

(4) Have duty performance marked with demonstrated maturity, sound judgment and skilled interpersonal communication abilities.

(5) Service members serving as Law Enforcement personnel (MP, SF, MAA), Criminal Investigators, Religious Support Team members and HCP are prohibited from serving as a SARC due to conflict of interest.

(6) Service members serving as Law Enforcement personnel (MP, SF, MAA), Criminal Investigators, HCP Equal Opportunity Representatives or Chaplain Corps personnel are prohibited from serving as SARCs due to conflict of interest.

(7) Applicants with alleged findings of involvement in domestic violence, sexual assault, child abuse etc., must submit a request for a waiver to HQ, USFK ACS J1, APO AP 96204.

(8) Have six months or more remaining in Korea upon graduation from the course. This is a non-waiverable requirement.

(9) Course attendee will not be allowed to graduate or be certified, if three or more hours of the course are missed.

## **17. SEXUAL ASSAULT FIRST RESPONDER (SAFR) TRAINING.**

a. The SAFRG normally includes, VA, SARC, Law Enforcement, MCIO, HCP, SJA, and Religious Support Team members.

b. First responders will be trained to discharge their responsibilities in preventing sexual assault. At a minimum, all first responders should receive initial and annual refresher training IAW DOD Memo dated, 26 Apr 05, Essential Training Tasks for a Sexual Assault Response Capability (JTF-SAPR-013).

c. Coordinate with CC SAPR Regional Program Trainer for service specific SAFRG initial and annual refresher training guidance.

## **SECTION IV SEXUAL ASSAULT PRE-DEPLOYMENT PLANNING**

### **18. GENERAL.**

a. Sexual assault pre-deployment planning helps to create a climate of confidence within an organization.

b. Sexual assault pre-deployment planning is mandatory for any unit deploying to a theater of operations. It also applies to units deploying on field training exercises (FTX) regardless of the FTX duration.

c. Commanders should work closely with the Area SARC when developing the unit's sexual assault pre-deployment plan.

### **19. SEXUAL ASSAULT PRE-DEPLOYMENT TRAINING.**

a. Commanders must ensure that pre-deployment training includes-

(1) Policies addressing sexual assault prevention and response, including disposition of criminal allegations, and the care of victims.

(2) Risk reduction factors tailored to the specific deployment location.

(3) Orientation on the history, customs, mores and religious practices of the destination country or region.

(4) If deploying personnel will serve as a part of a coalition, comparable relevant information on the coalition partners should also be provided.

(5) Procedures for reporting a sexual assault to ensure personnel are aware of the options and support systems available during the deployment, to include VA and chaplains.

(6) SARC's name and unit.

(7) Explanation that in a deployed environment, there may be a greater need for information due to safety, logistics, etc and as a result, the restricted reporting option may be unavailable.

## **20. SEXUAL ASSAULT PRE-DEPLOYMENT PLANNING REQUIREMENTS.**

a. Pre-deployment planning requirements, at a minimum, must include the following:

(1) Who are the SAVA personnel?

(2) Are there sufficient personnel trained and appointed as VA?

(3) Do VA/SARC personnel need refresher training?

(4) Will the SARC be provided by a higher headquarters in the deployed area?

(5) What is the ground distance between the unit's proposed location and the higher HQ?

(6) What is higher HQ's SARC contact information?

(7) Based on the distance between the unit and the higher HQ, will the unit need SARC trained personnel?

(8) What support resources are available in the deployed AOR for the victim?

(9) If a sexual assault occurs in the deployed area where is the nearest MTF certified to conduct a SAE and collect SAFE?

(10) If the MTF is not convenient to the unit's location, how will the victim be transported to the facility?

(11) Based on the area of theater operations, are there specific hours for ground travel?

(12) If sexual assault occurs during the prohibited period of ground travel, how will the victim be transported to the MTF?

(13) Does the unit have a sexual assault pre-deployment briefing packet?

(14) At what time-line will unit personnel (enlisted and officer) receive the pre-deployment briefing?

b. Advise deploying SARC and SAVA personnel on the additional challenges that may be faced in the deployed location, such as:

(1) A reduction in available resources.

(2) Victim privacy may be difficult to maintain.

(3) Separating the victim from the offender may be more difficult for the Command.

(4) Victims have more safety concerns.

(5) Victims' emotional reactions may be exacerbated by combat stress.

(6) Embedded reporters.

(7) Convening a CRB.

(8) SARC may not be physically accessible to SAVAs.

## **SECTION V REPORTING**

### **21. GENERAL.**

a. The policy outlined in this chapter does not create any actionable rights for the alleged offender or the victim, nor does it constitute a grant of immunity for any actionable conduct by the alleged offender or the victim.

b. Sexual assault reporting procedures require the Area SARC to be immediately notified. The Area SARC, in turn, will assign a SAVA to the victim. If the victim initially presents at a medical treatment facility, notification of the SARC must not delay the treatment of any medical conditions requiring immediate attention for the health of a victim.

c. Areas that do not have the capability to perform a SAFE will transport the victim to the nearest U.S. military MTF that has the capability to perform and collect the SAFE.

d. Victims choosing to undergo a SAFE, the HCP will conduct the examination according to the Department of Justice "National Protocol for Sexual Assault Medical

Forensic Examinations” and use the “Response Protocol for Sexual Assault Examination Under Restricted Reporting” (Appendix B).

e. Victims will be offered the option to have the SARC or SAVA present during the HCP interview and/or SAFE.

f. Covered communications as outlined in paragraph 28 that have been disclosed by the victim to persons other than the SARC, HCP or SAVA may be used in disciplinary proceedings against the alleged offender or the victim, even if such communications were improperly disclosed.

g. The policy on restricted reporting as it applies to Chaplains in paragraph 23 (4) and (5) are in addition to the current protections afforded privileged communications with a chaplain, and does not alter or affect those protections.

h. A married service member who is sexually assaulted by the his/her spouse or a sexual assault occurring between two married service members, the sexual assault will be reported under the Domestic Violence Program managed by FAP and not the USFK SAPR program. Victims in these cases are not eligible for restricted reporting.

## **22. OBJECTIVES.**

a. USFK is committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided support, advocacy and care. USFK policy strongly supports effective command awareness and prevention programs, as well as law enforcement and criminal justice activities that maximize accountability and prosecution of sexual assault perpetrators.

b. Achieving these objectives requires prompt, complete, unrestricted reporting of sexual assault allegations to activate victim services and accountability responses. Victims should be appropriately encouraged to make unrestricted reports. However, DOD has recognized there are significant barriers which deter some victims from reporting sexual assaults. The most common barriers are listed below:

(1) Lack of privacy/confidentiality

(2) Stigma, shame, fear

(3) Fear of being reduced in the eyes of one’s commander or colleagues

(4) Fear of disciplinary action due to a victim’s own misconduct

(5) Fear of re-victimization

(6) Fear of operation impacts on training, security clearances and overseas deployment

(7) Fear of adverse impacts on the individual's unit or mission accomplishment

c. While USFK makes every effort to treat victims with respect and dignity, and to respect the victim's privacy to the maximum extent of the law, requiring individuals to report sexual assault allegations to command and law enforcement in order to obtain victim care services may cause some individuals to elect not to report and consequently forgo assistance and cares.

d. Sexual assault is the most under-reported crime in the military and in American society. Although the victim's decision to report is a crucial step in the continuum of care following a sexual assault, reporting is often precluded by the victim's desire that no one know what happened.

e. Commanders have a dual responsibility to ensure community safety and due process of law and protect the victim's privacy. A system that promotes privacy and respects confidentiality should have a positive impact on reducing the barriers to unrestricted reporting by enhancing the trust of victims in USFK policies and procedures and in the commands to which assigned.

### **23. RESTRICTED REPORTING OPTION.**

(1) Restricted Reporting is intended to give a victim additional time and increased control over the release and management of his/her personal information and to empower him/her to seek relevant information and support to make informed decisions about participating in a criminal investigation.

(2) Restricted reporting allows a sexual victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling, without triggering an official investigative process. Victims electing the restricted option may, at a later time, change their election to unrestricted reporting.

(3) Restricted reporting is for victims of sexual assault who desire medical care and treatment, counseling and/or VA services, but do not want an investigation.

(4) Service members who are sexually assaulted and desire restricted or confidential reporting may only report the assault to the **Area SARC, HCP or Chaplain**. These designated individuals, along with the SAVA once assigned by the Area SARC to the victim electing the restricted option, have confidentiality privileges and can only disclose information provided to them by the victim as outlined in DOD Memo dated, dated 16 Mar 05, Confidentiality Policy for Victims of Sexual Assault (JTF-SAPR-009)/and IAW paragraph 3 of this regulation.

(5) A report to a chaplain is not a restricted report under this policy, but is a communication that may be protected under the Military Rules of Evidence (MRE) or

applicable statutes and regulations. The restricted reporting process does not affect any privilege recognized under MRE. In order to categorize a report of sexual assault made to a chaplain as restricted, the chaplain must notify the SARC of the report. Chaplains, with the victim's permission, may report the sexual assault to the SARC.

(6) Service members must be educated on the importance of safeguarding SAFE regardless of the reporting option selected. Victims electing the restricted reporting option must first notify the Area SARC and not bath or shower, douche (if female), brush teeth, eat or drink anything (not even water), urinate, defecate, change clothes or clean up the site of the assault (barracks/dorm room or apartment or quarters).

(7) The SARC upon direct notification by the victim, or upon notification from HCP or Chaplain, will immediately assign a SAVA and complete the following:

a. Log and assign a CRN IAW DOD Memo dated 30 June 05, Sexual Assault Evidence Collection and Preservation Under Restricted Reporting (JTF-SAPR-014) and IAW paragraph 34 of this regulation. The assigned CRN will be used on documents pertaining to the victim in lieu of the victim's name. In conjunction with maintaining the victim's anonymity, the CRN will be used for administrative tracking only.

b. Provide the CRN to the attending HCP and the assigned SAVA.

c. Explain the differences between the "restricted and unrestricted" reporting options to the victim. Upon determining the reporting option desired by the victim, have the victim complete the Victim Reporting Preference Statement (Appendix C). Completing the Victim Reporting Preference Statement confirms the victim's reporting choice and substantiates the victim's acknowledgment of the conditions and limitations of restricted reporting.

d. Offer victims electing restricted reporting the option to complete the optional Victim Questionnaire (Appendix D). The "Victim Questionnaire" may prove useful to the MCIO investigator should a victim desire an "unrestricted report" at a later time.

e. Make two copies of each document. Provide the victim with the originals and one copy of each and an envelope. The HCP will ask the victim to place both originals into the Sexual Assault Examination (SAE) Kit following the examination. Before complying, the victim must seal the envelope and place his/her signature and the current date on the envelope closure seams. One copy of each document is kept by the victim and the other copies are kept in the victim's file maintained by the SARC in a secured container.

f. Notify the Area/Vice Wing Commander of restricted reports within 24 hours of an alleged sexual assault report. Ensure the information provided is not sufficient to identify the victim or incident. Use the following guidelines:

- Characterized the assault as recent (within the last 30 days) or

not recent (older than 30 days).

- Non-identifying information/details related to the incident should include: date and time, general information as to location (a barracks/dorm, parking lot, off-the installation etc) number of alleged assailants, number of alleged victims, nature of assault (rape, forcible sodomy, indecent assault etc), rank, gender, age, race, service component, and status. Careful consideration of which details to include is of particular significance in areas where there are a limited number of minority females or female officers.

(8) Under circumstances in which a report of sexual assault to a HCP cannot reasonably be ascertained whether it is intended as a restricted report, it will be treated as a restricted report until the SARC can ascertain the victim's intentions.

(9) HCPs upon notification of a sexual assault by a victim must notify the Area's SARC in lieu of reporting the sexual assault to law enforcement or to the command. The SARC will activate and assign the on-call SAVA. However, the HCP must take the following actions:

(a) Notify the on-call counselor

(b) Initiate the appropriate care and treatment.

(c) Obtain consent from victim to collect forensic evidence.

(d) Contact respective area law enforcement desk sergeant to coordinate the pick-up of the collected forensic evidence using the chain of custody or MCIO protocol. Evidence will be stored by law enforcement for 12 months

(e) Provide the victim with follow-up care instructions.

(10) Unassigned SAVAs, when contacted by a victim, will not enter into discussion of the circumstances, but will immediately refer the victim to the Area SARC. The SAVA is not required to report the initial contact to law enforcement officials. For example, a SAVA is stopped in a shopping area by a service member who reports being sexually assaulted. The SAVA has not been designated to act as the SAVA for that member. That conversation is covered under "restrictive reporting". The SAVA should immediately stop the conversation and explain to the victim the differences between "restricted and unrestricted" reporting options. Regardless of the reporting option elected by the victim, the unassigned SAVA must personally notify the Area SARC. The unassigned SAVA is not required to report the initial contact in the shopping area to law enforcement officials.

(11) The assigned SAVA will turn-over all documents to the Area SARC when SAVA services are terminated.

## **24. UNRESTRICTED REPORTING OPTION.**

a. The intent of offering a restricted reporting option is to enhance the likelihood that a victim will make an unrestricted report of a sexual assault. When a victim elects to make an unrestricted report to the command and/or law enforcement, the need for curtailing knowledge of covered communications ceases. When an unrestricted report is made, the SARC, SAVA and involved HCP may disclose any information provided by the victim to official personnel with a need to know only.

b. Personnel with an official need to know will normally include the SARC, assigned VA, attending HCP, VWAP/VWLP, the victim's commander, MCIO investigator, and SJA (defense and prosecution counsel), chaplain and clinical counselor.

c. The unrestricted reporting option is available to victims of sexual assault who desires medical care and treatment, clinical counseling, SAVA services and an official investigation of his/her allegation.

d. Victims electing the unrestricted reporting option should use current reporting channels, e.g. law enforcement, SARC and VA personnel, MCIO investigators, HCP, Religious Support Team members, or chain of command. The SARC or SAVA must have the victim to complete Victim Reporting Preference Statement (Appendix C).

e. All DOD personnel (military and civilian) are mandatory reporters except the SARC, VA, Chaplain and HCP. Mandatory reporters, upon receiving a report of sexual assault must immediately notify law enforcement.

f. Law Enforcement must immediately notify the Area SARC and MCIO upon receipt of a sexual assault report. HCP and MCIO must verify notification of Area SARC.

g. Upon notification, the Area SARC will log and assign a UCN, provide the UCN to the attending HCP, VA and SAFRG members and assign a SAVA

h. The assigned UCN will be used on documents pertaining to the victim. This number will be used for administrative tracking and in lieu of the victim's name when in the interest of maintaining the victim's privacy.

## **25. WHO MAY MAKE A RESTRICTED REPORT.**

a. Restricted reporting is available only to military personnel of the United States Armed Forces and the Coast Guard when attached to DOD. Military personnel include members on active duty and members of the Reserve Component (Reserve and National Guard) provided they are performing federal duty (active or inactive duty training and members of the National Guard in Federal (Title 10) status).

b. Members of the Reserve Component not performing Federal duty are not eligible. Retired members of any component are not eligible. Dependents are not eligible. DOD civilian or contracted employees are not eligible.

c. Sexual assault within a domestic violence incident involving a dual military couple, the victim is not eligible to elect the restricted reporting option. The incident will be reported as a domestic violence incident.

## **26. OFFENSES ELIGIBLE FOR RESTRICTED REPORTING.**

a. Only allegations of sexual assault may be made under the restricted reporting option. Sexual assault is an umbrella term that includes allegations of rape (intercourse by force and without consent), forcible sodomy (unnatural carnal copulation with another person without consent, including placing the sexual organ into the mouth or anus of another person), indecent assault (nonconsensual touching in a sexual manner) or any attempts to commit any of these offenses.

b. Allegations of assault that do not constitute sexual assault such as assault consummated by a battery or offenses considered to be domestic violence, but not involving sexual assault, may not be made under this option.

c. Allegations of sexual assault that qualify for restricted reporting, any offenses revealed by the victim are considered covered communication and will not be disclosed except as indicated in paragraph 30 of this regulation.

## **27. WHEN RESTRICTED REPORTS MAY BE MADE.**

a. Restricted reports may be made any time on or after 14 June 2005. Any report alleging sexual assault made before that date is an unrestricted report and notification of law enforcement and criminal investigations is mandatory.

b. Reports made on or after 14 June 2005 may be treated as restricted reports regardless of the date of the assault allegedly occurred. For example a military member reports a sexual assault that occurred 6 February 2004. As long as the report is made to a qualifying individual (SARC, HCP or Chaplain) on or after 14 June 2005, the restricted reporting option is available.

## **28. COVERED COMMUNICATIONS.**

Under the restricted reporting option, victims are entitled to covered communications. Covered communication are any oral, written, or electronic communications of personally identifiable information made by a victim to the SARC, assigned SAVA or to a HCP or by and between the victim, SARC, assigned SAVA or HCP related to his/her sexual assault.

## **29. MEDICAL INFORMATION.**

a. Regardless of whether a victim chooses restricted or unrestricted reporting, confidentiality of medical information will be maintained IAW DOD 6025.18-R, DOD Health Information Privacy Regulation and applicable service guidance.

b. Adverse Duty Impact. HCP may convey to the command any possible adverse duty impact related to the victim's medical condition and prognosis IAW DOD 6025.18-R and applicable service's guidance. Such circumstances however, do not otherwise warrant an exception to policy, and therefore, the specific details of the sexual assault will be treated as covered communication and may not be disclosed.

### **30. IMPROPER DISCLOSURE OF COVERED COMMUNICATION AND MEDICAL INFORMATION.**

Improper release of covered communications and medical information and other violations of this regulation are prohibited and may result in discipline under the UCMJ, loss of credentials, or other adverse personnel or administrative actions.

### **31. EXCEPTIONS TO CONFIDENTIALITY.**

a. The SARC, HCP, assigned SAVA and Chaplain must NOT disclose any confidential information provided to them by the victim. Disclosure of confidential information is authorized under the following circumstances:

(1) Command officials or law enforcement when disclosure is authorized by the victim in writing.

(2) Command officials or law enforcement when disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another.

(3) Disability Retirement Boards and officials when disclosure by a healthcare provider is required for fitness of duty for disability retirement determination, limited to only that information which is necessary to process disability retirement determination.

(4) SARC, SAVA or HCP when disclosure is required for the supervision of direct victim services.

(5) Military or Civilian courts of competent jurisdiction when disclosure is ordered by or is required by federal or state statute. SARC, VA and HCP will consult with the servicing legal office in the same manner as other recipients of privileged information to determine if the criteria apply and they have a duty to obey. Until those determinations are made, non-identifying information should only be disclosed.

### **32. INDEPENDENT SOURCES OF INFORMATION.**

a. When information about a sexual assault is disclosed to a commander, law enforcement or MCIO from a source independent of the restricted reporting avenues, an investigation will be initiated

b. Information about a sexual assault which is disclosed to law enforcement from a source independent of the restricted reporting avenues, law enforcement must initiate an investigation.

c. The SARC or assigned SAVAs should caution victims that disclosing information pertaining to his/her sexual assault to persons other than the Area SARC, HCP or chaplain may trigger an investigation of an assault reported under the restricted option.

d. When the SARC or assigned SAVAs learn that law enforcement has initiated an official investigation that is based upon information acquired from independent sources, the SARC or assigned VA will notify the victim. However, covered communications from the restricted report will not be released for the investigation unless the victim authorizes the disclosure in writing or another exception established in paragraph 27 of this regulation.

### **33. RELEASE OF INFORMATION.**

a. In cases of unrestricted reports or information concerning a sexual assault as otherwise known, information concerning the victim and the offense will only be provided to government entities or persons with an established official "need to know."

b. Personnel deemed as having a valid "need to know" include law enforcement, MCIO investigator, Commanders of the victim and alleged offender, SJA, WVAP/WVLP representative, SARC and assigned VA, and HCP.

c. Information concerning a victim will only be disclosed beyond governmental purposes as required by law or regulation. The intent of this restriction is to protect the victim's privacy.

d. Commanders should examine all procedures involved in the use of sexual assault information to ensure the goals of this policy are met.

e. All disclosures must comply with the provisions of the Privacy Act, 5 USC, 552a and applicable service guidance.

f. Commanders for the victim or alleged offender, as applicable, shall make the chain of command aware of information regarding behavior such as, suicidal ideation, violent behavior, if the commander determines it is likely to jeopardize the health and safety of the organization's members and/or mission.

g. The release of the victim's identity to the media or to anyone who does not have a need to know is prohibited unless written consent is obtained from the victim, by operation of law or regulation.

#### **34. SEXUAL ASSAULT CASE NUMBERS.**

a. The Privacy Act of 1974 and Amendments outline the individual's rights to privacy. Victims and alleged offenders are entitled to have his/her privacy honored. Regardless of the reporting option elected by the victim, all personnel providing care, treatment, support or services are duty-bound to ensure that information pertaining to the victim and the incident are not disclosed to others who do not have a need to know.

b. Commanders and SAFRG members should ensure their actions in handling information pertaining to victims and sexual assault incidents do not become common knowledge within their respective work places.

c. Maintaining the privacy of a victim is of the utmost importance. To ensure the victim's privacy, the SARC will maintain two separate logs, one for restricted reports (CRN) and the other for unrestricted reports (UCN).

d. The SARC upon receiving notification of a sexual assault will assign a CRN for a restricted report and UCN for unrestricted reports.

e. The CRN will only be provided to the HCP and assigned SAVA.

f. The UCN will be provided to the assigned SAFRG members providing support to the victim.

g. To assure anonymity of SAFE materials and items, the HCP must annotate the CRN on SAE Kit items.

h. The CRN for restricted reports will consist of the following items: the acronym KOR for Korea, followed by the number representing the area of assault (i.e., KOR1, KOR2, KOR3 etc.); month and year the sexual assault was reported (single-digit numbered months will be preceded by a zero ("0") (i.e. the months of Jan – 01, Feb – 02 etc.); the last two-digits of the year will be used (i.e. 05, 06, 07 etc.) and the last three digits of the victim's social security number. A hyphen will be placed after the location of the assault, and the month and year. For example: KOR4-0205-234

i. The UCN for unrestricted reports will consist of the following items: the acronym KOR for Korea, followed by the number representing the area of assault (i.e., KOR1, KOR2, KOR3 etc.); month and year the sexual assault was reported (single-digit numbered months will be preceded by a zero ("0"))(i.e. the months of Jan – 01, Feb – 02 etc.); the last two-digits of the year will be used (i.e. 05, 06, 07 etc.) and the sexual

assault sequence number preceded by a zero ("0") when the sequence number is a single digit (i.e., first sexual assault 01, ninth sexual assault 09). A hyphen will be placed after the location of the assault, and the month and year. For example: KOR2-0305-09 or KOR6-0505-11.

j. Logs for both restricted and unrestricted case numbers will be secured in a locked container at all times and only authorized personnel should have access. An access roster for the container will be placed in plain view on the front of the container and used to track access.

### **35. RE-VICTIMIZATION.**

a. Re-victimization in many cases occurs when individuals without a need to know gain information concerning individuals who are victims or sexual assault.

b. Re-victimization includes comments or actions directed towards the victim that results in him/her reliving the sexual assault, being blamed or punished for the incident, causing feelings of embarrassment and/or humiliation, and/or being harassed and/or threatened.

c. Actions such as suspension of pass, civilian clothes privileges etc., taken by the victim's command against the victim that do not address victim's violation of the UCMJ is considered re-victimization regardless of the person's rank taking the action.

## **SECTION VI SEXUAL ASSAULT EVIDENCE COLLECTION, STORAGE AND PRESERVATION UNDER THE RESTRICTED REPORTING OPTION**

### **36. COLLECTION, STORAGE AND PRESERVATION OF EVIDENCE FOR SEXUAL ASSAULT INCIDENTS.**

a. Proper handling of evidence is key to resolving investigations and prosecution. It is imperative to ensure a standardized approach to evidence collection is used in order to maintain investigative credibility and integrity.

b. All items obtained, seized or received must be tagged and treated as evidence until disposition is authorized. Most importantly, evidentiary items must be positively identifiable, strictly accounted for and properly safeguarded with special emphasis placed on accurately documenting the chain of custody.

c. In order to maintain a standardized approach to collecting material of potential evidentiary value, the Air Force Office of Special Investigations (AFOSI), Navy Criminal Investigative Services (NCIS) and Army Criminal Investigation Division (CID) are designated as having the primary responsibility for evidence collection. Sexual assaults which are reported under the restricted option, the Army Provost Marshal (PM), AFOSI and NCIS will have primary responsibility of SAFE. If an Army victim changes his/her reporting option to unrestricted, the CID will assume custody of SAFE from the PM.

### **37. SEXUAL ASSAULT FORENSIC EVIDENCE (SAFE) – UNRESTRICTED REPORTING**

a. MCIO investigators must be trained in techniques to properly seize evidence, fill out evidence tags, maintain control of seized evidence, turn in evidence to the unit evidence custodian, and dispose of evidence no longer needed.

b. In Unrestricted Reporting, the applicable MCIO investigator must authorize the HCP to conduct the SAFE. This authorization may be verbal or written.

c. HCPs trained in SAFE procedures are the only individuals authorized to collect SAFE. The HCP attending the victim is responsible for explaining the SAFE to the victim and for obtaining the victim's signature on the medical consent form and for notifying, as applicable MCIO to coordinate the transfer of custody of the SAE Kit and any other evidentiary materials collected.

d. For unrestricted reporting, the MCIO investigator must assume custody of the SAE Kit, using strict chain of custody procedures, and then, using strict chain of custody chain of custody procedures, transfer the custody of the SAE Kit to the Evidence Custodian until it can be processed.

e. Law Enforcement is responsible for submitting information on the report of sexual assault to the Joint Police Information Center (JPIC) within six hours of the report being made.

f. The JPIC is responsible for preparing and submitting a Serious Incident Report (SIR) on the reported sexual assault to Command Center Seoul (CC Seoul).

g. The SIR must include sufficient information which includes whether or not alcohol or drugs were factors. This information is key to CC Seoul generating an electronic 5W Report that can answer the questions Who, When, What, Why, and Where.

### **38. SEXUAL ASSAULT FORENSIC EVIDENCE (SAFE) – RESTRICTED REPORTING.**

a. In Restricted Reporting, the Army's Provost Marshall (PM), AFOSI, and NCIS, as applicable, when notified by the attending HCP, will assume custody of the SAE Kit and other evidentiary materials collected during the SAFE examination. Strict chain of custody procedures will be used to assume custody.

b. The HCP, IAW DOD Memo dated 30 June 05, Sexual Assault Evidence Collection and Preservation Under Restricted Reporting, will conduct the SAFE examination IAW the Department of Justice "National Protocol for Sexual Assault Medical Forensic Examinations" and use the "Response Protocol for Sexual Assault Examination Under Restricted Reporting" (Appendix C).

c. HCPs trained in SAFE procedures are the only individuals authorized to collect SAFE. The HCP attending the victim is responsible for explaining the SAFE to the victim and for obtaining the victim's consent and signature on the medical consent form and for notifying, as applicable, the PM, AFOSI or NCIS to transfer the custody of the SAE Kit and any other evidentiary materials collected.

d. The HCP is solely responsible for having the victim to place and seal the originals of the Reporting Preference Statement (Appendix C) and the completed optional Victim Questionnaire (Appendix D) into the provided envelope, and sign on the seal of the envelope, depositing the envelope into the SAE Kit, and for ensuring the SAE Kit is packaged, sealed and labeled with the CRN.

e. The HCP and the SARC or SAVA, will verify that the correct CRN is annotated on the documents, forms, SAE Kit and any other containers holding evidence.

f. The attending HCP must notify and use strict chain of custody procedures when transferring custody of the SAE Kit, as applicable to the PM, AFOSI or NCIS. The PM, AFOSI or NCIS, as applicable, must transfer custody of the SAE Kit, using strict chain of custody procedures, to the Evidence Custodian for accountability, storage and preservation.

### **39. SEXUAL ASSAULT FORENSIC EVIDENCE (SAFE) HANDLING.**

a. The Evidence Custodian (EC) must be specially trained in storage, accountability, transfer and disposition of evidence. The EC is responsible for maintaining a general description of the evidence and storing the evidence for a minimum of one-year.

b. In accordance with DOD memo, dated, 30 Jun 05, Sexual Assault Evidence Collection and Preservation Under Restricted Reporting (JTF-SAPR-014), thirty days prior to the expiration of the one-year storage period, the EC must notify the SARC that the restricted reported evidence is about to expire.

c. The SARC must notify the victim of the impending expiration of evidence storage, inform the victim that evidence will be destroyed when the expiration date is reached and request that he/she make their desires known.

d. If the victim does not desire to change the restricted report to an unrestricted report, and does not request the return of any personal effects or clothing maintained as a part of the evidence prior to the expiration of the one-year storage period, the evidence under the victim's CRN must be destroyed IAW applicable service guidance. However, it is recommended that the unclaimed personal effects/clothing of a victim be disposed of through the Defense Reutilization and Marketing Office (DRMO) in lieu of destruction.

e. The evidence shall similarly be destroyed if, at the expiration of one-year, if the victim does not advise the SARC of his/her decision, or if the SARC is unable to notify the victim because the victim's whereabouts is no longer known.

f. If, at any time, a victim elects to change his/her reporting preference to the unrestricted reporting option, the SARC must notify the respective MCIO, who will then assume custody of the evidence maintained under the CRN by the EC using strict chain of custody procedures. Therefore the applicable MCIO's established procedures for documenting, maintaining, and storing the evidence will thereafter be followed.

## **SECTION VII DATA COLLECTION AND REPORTING**

### **40. PURPOSE.**

Collect information on the circumstances accompanying sexual assault (e.g. involvement of alcohol or drugs, underage drinking, location, time of day, date arrived in Korea). Reporting of collected data will assist in the development of appropriate measures to reduce the incidence of this crime and improve the SAPR program. Ultimately, collection of data is for program management, measuring outcomes and statistical analysis.

### **41. CATEGORIES OF DATA.**

a. The following is a listing of the categories of data that must be collected:

(1) Victim Information – Such as gender, grade, Service, component and status

(2) Incident Information – Such as date, time, location, type of offense, oral sex, anal sex, unwanted inappropriate sexual contact, fondling or non-censual vaginal/penal intercourse.

(3) Victim Services Support – Such as the contact and dates with the SARC/SAVA, medical, legal, counseling, and service requested and provided to the victim.

(4) Case Management Tracking/Disposition – For management of a case and tracking the case status, all information is needed to document the initiation, progress and closure of the case (includes the victim reporting preference statement).

(5) Education and Training – Track unit names and dates for SAPR training and SAFRG agencies for SAFRG Response Capability training.

### **42. PROCESS.**

a. Category I Data – Victim Information

(1) The SAVA and Law Enforcement are responsible for collecting data on victims. The Area SARC will collect victim data using Appendix V and offender data using Appendix W.

(2) Data collected by the SARC on restricted reporting should protect the victim's identity. The SARC provides the following information on sexual assaults reported under the restricted reporting option to the CC SAPR Program Regional Manager by the third working day of the month:

(a) Total number of sexual assaults reported under the restricted option.

(b) Number of rapes

(c) Number of forcible sodomies

(d) Number of indecent assaults

(e) For each restricted case, provide the gender of the victim and offender.

(f) Report the data using the Monthly Area Restricted Statistical Report (Appendix Q).

(g) The CC SAPR Program Regional Manager will compile Area Monthly Restricted Statistical Reports, if responsible for more than one area, and CC Monthly Restricted Statistical Report (compiled or individual report) to the USFK SAPR Program Director by the fifth working day of the month.

(3) The SARC provides the following information on sexual assaults reported under unrestricted reporting options compares with data collected by Area SJAs. The Area SJAs sexual assault statistics must be reported monthly through Component SJA to reach the USFK SJA by the seventh working day of the month.

(4) USFK SJA will compile the data into a monthly USFK Sexual Assault Statistical Report and provide the report to USFK J1 by the tenth working day of the following month.

(5) USFK J1 will provide review and provide the monthly report to the USFK CG, and USFK senior leadership.

(6) The SARC will prepare and submit an Annual Area Calendar – Sexual Offenses Involving Members of the Armed Forces to the CC SAPR Program Manager.

(7) The CC SAPR Program Regional Manager prepare the Annual Calendar Report – Sexual Offenses Involving Members of the Armed Forces (Appendix R) and submit the report to the USFK SAPR Program Director by the tenth working day of the January and to Service's department headquarters IAW service guidance.

b. Category II Data - Incident Information

(1) Law enforcement will maintain data for all incidents of reported sexual assault (Such as date, time, location, type of offense, (oral sex, anal sex, unwanted inappropriate sexual contact, fondling, non-censual vaginal/penal intercourse), factors involved (alcohol or substance use involved), gender and age of the victim and offender, etc. Data collected on the incident must also include the following:

- (a) Date of arrival to Korea
- (b) Date of entry to the military

(2) The SARC will collect incident data to track trends such as locations of assaults.

c. Category III – Victim Support Services.

- The SAVA will document contact with the victim (i.e. type of contact (in-person, telephonic, email etc.), date of each contact, reason for contact (i.e. victim requesting services or SAVA providing information on services such as medical, legal, counseling, and service). Services used by the victim will be documented on the Initial, Follow-up and Final SAVA Reports and the Victim Data Sheet.

d. Category IV – Case Management.

- The SARC will maintain all documents related to tracking cases from beginning to case closure, the Area SARB minutes and victim case updates.

e. Category V – Education and Training.

(1) The SARC will collect, prepare and submit an Area Monthly SAPR Training Report to the CC SAPR Program Regional Trainer by the third working day of the month. The report will include the following data:

- (a) Total number of units providing SAPR training.
- (b) Total number of enlisted personnel assigned to all the units providing SAPR training and the number of enlisted personnel attending the training.
- (c) Total number of officer personnel assigned to all the units providing SAPR training and the number of officer personnel attending the training.
- (d) Average time used to conduct the SAPR training.

(2) The CC SAPR Program Regional Trainer will compile an Area Monthly SAPR Training Report, if responsible for more than one area, and submit a consolidated monthly training report to the USFK SAPR Program Director by the fifth working day of the month.

## **SECTION VIII COLLATERAL MISCONDUCT**

### **43. COLLATERAL MISCONDUCT IN SEXUAL ASSAULT CASES.**

a. An investigation into the facts and circumstances surrounding an alleged sexual assault may develop evidence that the victim engaged in misconduct like underage drinking or other alcohol related offenses, adultery, substance abuse, fraternization, curfew violation or other violations of instructions regulations or orders. In accordance with UCMJ, the Manual of Courts-Martial, and applicable service guidance, commanders are responsible for ensuring victim misconduct is addressed in a manner that is consistent and appropriate to the circumstances.

b. Commanders have the authority to determine, in a timely manner, how best to dispose of alleged misconduct, to include making a decision to defer disciplinary actions regarding a victim's collateral misconduct until after the final disposition of the sexual assault case. Before disposition of any alleged victim misconduct, the victim's unit commander should seek advice as to the disposition of such alleged misconduct from their servicing SJA.

c. When considering what corrective actions may be appropriate for the victim's collateral misconduct, commanders should keep in mind the critical importance of responding appropriately in order to encourage sexual assault reporting and continued cooperation, while avoiding those actions that may further traumatize the victim.

d. The gravity of collateral misconduct by the victim, and its impact on good order and discipline, should be carefully considered in deciding what, if any, corrective action is appropriate. Commanders must also be mindful of any potential statute of limitations when determining whether to defer action. Unless overriding circumstances exist, the victim's commander will delay disciplinary action involving the victim.

## **SECTION IX SEXUAL ASSAULT CASE DISPOSITION AUTHORITY**

### **44. COMMANDER'S REPORT OF DISPOSITION.**

To ensure consistent and appropriate level of command attention and the full response required by the nature of the sexual assault cases, commanders O-5 or above will sign the unit commander's report of disposition setting out action taken in all sexual assault cases.

### **45. AUTHORITY TO DISPOSE.**

a. Authority to dispose of cases that resulted from an allegation of sexual assault is reserved for the first O-5 commander or above in the chain of command. A commander authorized to dispose of cases involving an allegation of sexual assault may do so only after receiving the advice of the servicing SJA. As with any case, any disposition decision on a case involving an allegation of sexual assault is subject to review by a senior commander as appropriate.

b. Failure to comply with this policy does not create any independent rights for an individual either alleging or accused of a sexual assault related allegation.

## **SECTION X REVIEW OF ADMINISTRATIVE SEPARATION ACTION INVOLVING VICTIMS OF SEXUAL ASSAULT**

### **46. PROCESSING.**

a. Administrative separation actions involving victims of sexual assault will be processed as required by applicable service guidance.

b. The minimum review level is the special court-martial convening authority which is normally an O-6 commander or higher.

### **47. SEPARATION ACTION.**

a. When a commander proposing administrative or medical separation action was previously aware, or was made aware by the service member being recommended for separation or others, that the service member has filed a past complaint, allegation or charge that they were a victim of sexual assault, the proposing commander shall ensure the separation authority is aware the discharge proceeding involves a victim of sexual assault, by including the following statement in the recommendation for discharge memorandum. "The respondent, (grade and full name), reported being a past victim of sexual assault."

b. The discharge authority must be provided sufficient information concerning the alleged assault and the victim's status to ensure a full and fair consideration of the victim's military service and particular situation.

## **SECTION XI DOCUMENTATION**

### **48. PURPOSE.**

a. Documentation assists the SARC in tracking sexual assault victims and the support and services provided or requested by the SAVA, SARC, and SAPR area unit training.

b. Documentation on victims will include minimum data and the SARC should be the only one with access to the secured storage container/safe where documentation is stored.

c. Details of the sexual assault incident will not be documented. Only the status of where the case is in the resolution process and information to facilitate victim updates.

#### **49. MAINTAINING RECORDS.**

a. All records pertaining to victims and their cases will be treated as sensitive material and should be secured IAW service guidelines for securing sensitive information.

b. Documentation records include:

(1) All notes relating to the victim.

(2) All forms required within SAVA/SARC facilitated response processes (i.e. Victim Reporting Preference Statement).

(3) Tracking and case management system documentation.

(4) SAVA oversight documentation.

b. Records are subject to inspection IAW applicable service guidelines.

### **SECTION XII TERMINATION OF VICTIM ADVOCATE SERVICES**

#### **50. GENERAL**

The SAVA should begin preparing the victim for termination of services once assigned to the victim. Termination of services should be based on the victim's progress and should always be discussed with the victim.

#### **51. TERMINATION REASONS.**

Reasons for terminating the SAVA services include, but are not limited to the following:

a. Mid-tour leave

b. Emergency leave

c. Temporary duty (away from primary duty)

- d. Deployment to another area of operation (AOR)
- e. SAVA not a good fit for victim
- f. Victim becomes too dependent on assigned SAVA
- g. SAVA feels he/she has done all they could to support the victim

## APPENDIX A REFERENCES

- U.S. Code Title 10, Sections 801-946, Manual for Courts-Martial (MCM), United States (2002 edition)  
<http://www4.law.cornell.edu/uscode/10/801.html>
- U.S. Code Section 113 note of Title 10,(Section 534, Public Law103-337)  
Victims' Advocate Programs in Department of Defense  
<http://thomas.loc.gov/cgi-bin/query/F?c103:4:./temp/~c10311OLa2:e318038:>
- 42 US Code 10605-10607-Public Law–Victims' Rights and Restitution Act (VRRRA)
- Ronald W. Reagan National Defense Authorization Act for fiscal year 2005, P.L. 108-375, October 28, 2004, Section 577(e)
- USECDEF Memo dated 12 Nov 04, Collateral Misconduct in Sexual Assault Cases
- USECDEF Memo dated 22 Nov 04, Increased Victim Support and A Better Accounting of Sexual Assault Cases
- USECDEF Memo dated 22 Nov 04, Review of Administrative Separation Actions Involving Victims of Sexual Assault (JTF-SAPR-004)
- USECDEF Memo dated 13 Dec 04, Training Standards for DOD Personnel on Sexual Assault Prevention and Response
- USECDEF Memo dated 13 Dec 04, Training Standards for Pre-Deployment Information on Sexual Assault and Response Training
- USECDEF Memo dated 15 Dec 04, Commanders Checklist for Responding to Allegations of Sexual Assault
- USECDEF Memo dated 17 Dec 04, Response Capability for Sexual Assault
- DEPSECDEF Memo dated 16 Mar 05, Confidentiality Policy for Victims of Sexual Assault
- DEPSECDEF Memo dated 19 May 05, Sexual Assault Evidence Collection and Preservation Under Restricted Reporting
- Dept. of Defense DOD Directive 1030.1 Victim and Witness Assistance  
<http://www.dtic.mil/whs/directives/corres/html/10301.htm>
- Dept. of Defense DOD Directive 5400.11 DOD Privacy Program  
<http://www.dtic.mil/whs/directives/corres/html/540011.htm>
- Dept. of Defense DOD Directive 6025.18 Privacy of Individually Identifiable Health Information in DOD Health Care Programs  
<http://www.dtic.mil/whs/directives/corres/html/602518.htm>
- Dept. of Defense DOD Directive 6490.1 Mental Health Evaluations of Members of the Armed Forces  
<http://www.dtic.mil/whs/directives/corres/html/64901.htm>
- Dept. of Defense DOD Instruction 1030.2 Victim and Witness Assistance Procedures  
<http://www.dtic.mil/whs/directives/corres/html/10302.htm>
- Dept. of Defense DOD 5400.11-R DOD Privacy Program  
<http://www.dtic.mil/whs/directives/corres/html/540011r.htm>
- Dept. of Defense DOD 6025.18-R DOD Health Information Privacy Regulation

<http://www.dtic.mil/whs/directives/corres/html/602518r.htm>  
Dept. of Defense DOD 7730.47M Manual for Defense Incident Based Reporting System  
<http://www.dtic.mil/whs/directives/corres/html/773047m.htm>  
DOD Care for Victims of Sexual Assault Task Force Report 97  
DOD Memo, Essential Training Task for a Sexual Assault Response Capability (JTF-SAPR-013), 26 April 2005  
<http://www.dtic.mil/whs/directives/corres/dir3.html>  
Army Regulation 27-10 Military Justice (Includes Victim and Witness Assistance)  
[http://docs.usapa.belvoir.army.mil/jw2/xmldemo/r27\\_10/cover.asp](http://docs.usapa.belvoir.army.mil/jw2/xmldemo/r27_10/cover.asp)  
Army Regulation 190-40 Serious Incident Report  
[http://www.usapa.army.mil/pdffiles/r190\\_40.pdf](http://www.usapa.army.mil/pdffiles/r190_40.pdf)  
Army Regulation 190-45 Law Enforcement Reporting\*  
[http://www.army.mil/usapa/epubs/pdf/r190\\_45.pdf](http://www.army.mil/usapa/epubs/pdf/r190_45.pdf)  
Army Regulation 195-2 Criminal Investigation Activities  
[http://www.usapa.army.mil/pdffiles/r195\\_2.pdf](http://www.usapa.army.mil/pdffiles/r195_2.pdf)  
Army Regulation 340-21 The Army Privacy Program  
[http://www.usapa.army.mil/pdffiles/r340\\_21.pdf](http://www.usapa.army.mil/pdffiles/r340_21.pdf)  
Army Regulation 600-20 Army Command Policy  
[http://www.army.mil/usapa/epubs/pdf/r600\\_20.pdf](http://www.army.mil/usapa/epubs/pdf/r600_20.pdf)  
Army Regulation 600-20, Chapter 8, Draft (Army Sexual Assault Prevention and Response Program)  
Army MEDCOM Regulation 40-36, Medical Facility Management of Sexual Assault  
Army MEDDAC Memorandum 40-26, Medical Facility Management of Sexual Assault  
[http://www.narmc.amedd.army.mil/kacc/Employees/Epubs/Memorandums/Memorandum\\_40-26.pdf](http://www.narmc.amedd.army.mil/kacc/Employees/Epubs/Memorandums/Memorandum_40-26.pdf)  
ALARACT Message dated 122030Z Nov 04, Interim Guidance – Army Sexual Assault Prevention and Response Program  
ALARACT Message dated 131614Z Jun 05, Sexual Assault Prevention and Response Program  
DON SECNAVINST 1752.4 Sexual Assault Prevention and Response  
[http://neds.nebt.daps.mil/Directives/1752\\_4.pdf](http://neds.nebt.daps.mil/Directives/1752_4.pdf)  
DON SECNAVINST 1754.1A DON Family Service Center Program  
[http://neds.nebt.daps.mil/Directives/1754\\_1a.pdf](http://neds.nebt.daps.mil/Directives/1754_1a.pdf)  
DON SECNAVINST 5520.3B, Criminal and Security Investigations and Related Activities Within the Department of the Navy  
<http://neds.nebt.daps.mil/Directives/5520b3.pdf>  
DON SECNAVINST 5520.4B Department of the Navy Polygraph Program  
<http://neds.nebt.daps.mil/Directives/5520b4.pdf>  
DON SECNAVINST 5800.11A Victim and Witness Assistance Program  
<http://www.dod.mil/vwac/vwguide.html>  
DON SECNAVINST 5800.14 Notice of Military Offenders Convicted of Sex Offenses or Crimes Against Minors

[http://neds.nebt.daps.mil/Directives/5800\\_14.pdf](http://neds.nebt.daps.mil/Directives/5800_14.pdf)  
Navy OPNAVINST 1752.1A Sexual Assault Victim Intervention (SAVI) Program  
[http://neds.nebt.daps.mil/Directives/1752\\_1a.pdf](http://neds.nebt.daps.mil/Directives/1752_1a.pdf)  
Navy OPNAVINST 5800.7 Victim and Witness Assistance Program  
[http://neds.nebt.daps.mil/Directives/5800\\_7.pdf](http://neds.nebt.daps.mil/Directives/5800_7.pdf)  
Navy NAVMEDCOMINST 6310.3, Management of Alleged or Suspected Sexual Assault and Rape Cases  
<http://navalmedicine.med.navy.mil//Files/Media/directives/6310-3.pdf>  
Marine Corps ALMAR 295/95 Sexual Assault  
<http://www.usmc.mil/almars/almar2000.nsf/d50a617f5ac75ae085256856004f3afc/1b392fc2f7c5bf4d85256a55005e1124?OpenDocument&Highlight=2,295%2F95>  
Marine Corps MCO P1700.24B, Chapter 5 Marine Corps Personal Service Manual, Counseling Capabilities  
<http://www.usmc.mil/directiv.nsf/0dce83e13c9c8aa685256c0c0066c2e0/8c2b89e75e8fcd4d85256b510067cbe7?OpenDocument>  
US Marine Corps, Sexual Assault Prevention & Response Office Website,  
<http://www.usmc-mccs.org/perssvc/sapro/>  
MCO 1752.5, Sexual Assault  
MCO 1000.9, Sexual Harassment  
MCO P5354.1D, Equal Opportunity Manual  
MCO 1700.28, Hazing  
SECAF/CSAF Memo dated 1 Apr 04, Interim Measure for Victim Support  
Air Force Air Force Instruction 44-102 Medical Community Health Management  
<http://www.e-publishing.af.mil/pubfiles/af/44/afi44-102/afi44-102.pdf>  
Air Force Air Force Instruction 44-109 Mental Health, Confidentiality and Military Law  
<http://www.e-publishing.af.mil/pubfiles/af/44/afi44-109/afi44-109.pdf>  
Air Force Air Force Instruction 51-201 Administration of Military Justice (Includes Victim and Witness Assistance)  
<http://www.e-publishing.af.mil/pubfiles/af/51/afi51-201/afi51-201.pdf>  
Air Force Air Force Instruction 51-202 Non-judicial Punishment  
<http://www.e-publishing.af.mil/pubfiles/af/51/afi51-202/afi51-202.pdf>  
Air Force Air Force Instruction 71-101 Criminal Investigations  
<http://www.e-publishing.af.mil/pubfiles/af/71/afi71-101v1/afi71-101v1.pdf>  
Air Force AFOSIMAN 71-121 Case Initiation/closure, Report Writing For Official Use Only  
Air Force AFOSIMAN 71-122 Conduct Sexual Assault Investigations, For Official Use Only  
Air Force AFOSIMAN 71-118 Victims/Witness Assistance Program, Handling Evidence, Conducting Interviews, Search Record Reviews, For Official Use Only  
Air Force AFOSIMAN 71-124 Sexual Assault Kits and Medical Examinations For Official Use Only

Air Force AFOSIMAN 71-103 Offering Polygraphs to Victims, For Official Use Only  
Air Force AFOSIMAN 71-103 Specialized Interview Techniques, Forensic Science Support and Laboratory Services For Official Use Only  
USFK Regulation 190-40, Serious Incident Reports  
USFK Regulation 190-50, Law Enforcement Procedures in Korea  
USFK Regulation 600-30, Suicide Prevention Program  
USFK Policy Letter # 43, Command Policy on Prevention and Protection of Victims of Sexual Assault  
PACAF/CC Policy Letter, dated 1 Mar 04, PACAF Sexual Assault Study Action Plan  
PACAF/CC Policy Letter, dated 22 Jun 04, Supplemental PACAF Sexual Assault Action Plan

### **REQUIRED FORMS**

DD Form 2701, Initial Information for Victims and Witnesses of Crime, 1 May 2005  
DD Form 2873, Military Protective Order (MPO), 1 July 2005

## APPENDIX B

### RESPONSE PROTOCOL FOR SEXUAL ASSAULT EXAMINATIONS UNDER RESTRICTED REPORTING

Please a check mark in the space provided between the parentheses.

( ) Unless medical conditions required immediate attention for the health of the patient the Healthcare Provider (HCP) waited for the Sexual Assault Coordinator (SARC) or assigned Victim Advocate to arrive and explain the sexual assault “restricted reporting” and “unrestricted reporting” options available to the patient.

The victim has chosen:

- ( ) Restricted Reporting
- ( ) Unrestricted Reporting

Depending upon the reporting option selected by the victim, the following would apply:

#### RESTRICTED REPORTING

##### Response

( ) The HCP, when not already at the medical treatment facility (MTF), responded within 45 minutes to the MTF to which the sexual assault victim was brought.

( ) The SARC has been notified.

( ) The SARC has assigned a Restricted Report Case Number (RRCN).

( ) The SARC has assigned the patient a Victim Advocate (VA).

( ) Military Criminal Investigation Organizations (MCIO/CID, AFOSI, and NCIS) were **NOT** informed of the sexual assault case.

( ) The patient’s name was **NOT** reported, except when required under the “restricted reporting” program.

### Pre-Examination

The patient has been evaluated for emergent injuries and illness. *The patient will be cleared by a licensed physician before the HCP performs the Sexual Assault Forensic Examination (SAFE).*

The patient was not allowed to shower, have anything by mouth or void their bladder prior to the completion of the evidentiary examination.

Based on the patient's history (i.e., oral copulation, history of perpetrator kissing patient, etc), hospital laboratory specimens have been collected and will be repeated following the current Center for Disease Control (CDC) guidelines.

- RPR
- HIV
- Serum BHCG
- Hepatitis B and C
- Blood Alcohol Level (BAL)
- CBC
- Other

Urine was obtained for urine HCG, ETOH and toxicology screen (including Rohypinol in the case of high suspicion of possible drug administration)

The victim requested a SAFE.

The HCP fully explained the SAFE process to the victim.

The victim's written consent was obtained on the consent form provided prior to interviewing the victim or commencing with the examination.

The victim requested the SARC or assigned VA to be present during the following:

- HCP Interview
- SAFE

Expired blood tubes in the SAE Kit were replaced. *(SAE Kit often comes with its own blood tubes for collection of blood. Tubes frequently included are: a purple top, a yellow top and a gray top).*

The SAFE should include the following components, depending on the circumstances presented (history) by the victim regarding the sexual assault:

- Sexual Assault Evidence Collection Kit (SAE Kit)
- Photography of any non-genital trauma
- Woods Lamp and Alternate Light Source examination
- Wet Prep for motile or non-motile spermatozoa, or the presence of Trichomonias
- Photography of any genital or anal/rectal trauma utilizing magnification via coloposcope or other acceptable magnifying lens.
  
- There was suspicion of genital or rectal injuries and the appropriate physician specialist was consulted.

### **Post-Examination**

- Upon completion of the SAFE, appropriate written after-care instructions were provided to the victim.
  - Sexually Transmitted Diseases (STDs) testing and prophylaxis, and the need for follow-up testing per current CDC guidelines.
  - Human Immunodeficiency Virus (HIV) testing, prophylaxis and need for follow-up testing per CDC guidelines.
  - Emergency Contraception (EC) information, pregnancy testing and follow-up pregnancy testing, if needed, in 2-4 weeks if no menses.
- The victim requested and was provided copies of the following:
  - Victim Preference Statement
  - Victim Questionnaire
- Completed documentation was sealed inside the SAE Kit.
  - Victim Questionnaire
  - Victim Preference Statement
- The HCP, and the SARC or assigned VA, verified that the correct RRCN was annotated on all documentation, forms, SAE Kit and other containers holding evidence.
- The HCP labeled (RRCN) and packaged all evidence as per the SAE Kit instructions to ensure it is properly preserved.

( ) All information of the case has remained with the HCP, the SARC and the assigned VA, except information concerning the sexual assault that does not identify the victim or the alleged perpetrator and medical record documentation.

( ) The HCP confirmed that the assigned VA would escort the victim to his/her place of safety.

( ) SARC or VA had SAVA Bag available and provided victim with replacement clothing.

( ) The HCP notified as applicable, PM or AFOSI to assume custody of the SAE Kit, documents, and evidence related to storage, under established chain of custody procedures.

## **UNRESTRICTED REPORTING**

### **Response**

( ) The HCP, when not already at the medical treatment facility (MTF), responded within 45 minutes to the MTF to which the sexual assault victim was brought.

( ) The SARC has been notified.

( ) The SARC has assigned the Unrestricted Report Case Number (URCN)

( ) The SARC has assigned the patient a Victim Advocate (VA).

( ) Law enforcement and the appropriate Military Criminal Investigation Organizations (MCIO/CID, AFOSI, and NCIS) have been notified.

### **Pre-Examination**

( ) The patient has been evaluated for emergent injuries and illness. *The patient will be cleared by a licensed physician before the HCP performs the Sexual Assault Forensic Examination (SAFE).*

( ) The patient was not allowed to shower, have anything by mouth or void their bladder prior to the completion of the evidentiary examination.

( ) Expired blood tubes in the SAE Kit were replaced.

( ) Based on the patient's history (i.e., oral copulation, history of perpetrator kissing patient, etc), hospital laboratory specimens have been collected and will be repeated following the current Center for Disease Control (CDC) guidelines.

- ( ) RPR
- ( ) HIV
- ( ) Serum BHCG
- ( ) Hepatitis B and C
- ( ) Blood Alcohol Level (BAL)
- ( ) CBC
- ( ) Other

- ( ) Forensic laboratory specimens have been collected.
- ( ) Expired blood tubes in the SAE Kit were replaced.

*SAE Kit often comes with its own blood tubes for collection of blood. Tubes frequently included are: a purple top, a yellow top and a gray top.*

- ( ) Urine was obtained for urine HCG, ETOH and toxicology screen (including Rohypinol in the case of high suspicion of possible drug administration)
- ( ) The victim requested a SAFE.
- ( ) The victim interview or SAFE did not begin prior to MCIO authorization.
- ( ) The MCIO investigator assigned has authorized the SAFE to be conducted.  
*(Authorization may be oral or written).*
- ( ) The HCP fully explained the SAFE process to the victim.
- ( ) The victim's written consent was obtained on the consent form provided prior to interviewing the victim or commencing with the examination.
- ( ) The victim requested the SARC or assigned VA to be present during the following:
  - ( ) HCP Interview
  - ( ) SAFE

The SAFE should include the following components, depending on the circumstances presented (history) by the victim regarding the sexual assault:

- Sexual Assault Evidence Collection Kit (SAE Kit)
- Photography of any non-genital trauma
- Woods Lamp and Alternate Light Source examination
- Wet Prep for motile or non-motile spermatozoa, or the presence of Trichomonias
- Photography of any genital or anal/rectal trauma utilizing magnification via colposcope or other acceptable magnifying lens.

There was suspicion of genital or rectal injuries and the appropriate physician specialist was consulted.

### **Post-Examination**

Upon completion of the SAFE, appropriate written after-care instructions were provided to the victim.

- Sexually Transmitted Diseases (STDs) testing and prophylaxis, and the need for follow-up testing per current CDC guidelines.
- Human Immunodeficiency Virus (HIV) testing, prophylaxis and need for follow-up testing per CDC guidelines.
- Emergency Contraception (EC) information, pregnancy testing and follow-up pregnancy testing, if needed, in 2-4 weeks if no menses.

The HCP, and the SARC or assigned VA, verified that the correct RRCN was annotated on all documentation, forms, SAE Kit and other containers holding evidence.

The HCP labeled (RRCN) and packaged all evidence as per the SAE Kit instructions to ensure it is properly preserved.

All information of the case has remained with the HCP, the SARC and the assigned VA, except information concerning the sexual assault that does not identify the victim or the alleged perpetrator and medical record documentation.

( ) The HCP confirmed that the assigned VA would escort the victim to his/her place of safety.

( ) SARC or VA had SAVA Bag available and provided victim with replacement clothing.

( ) The HCP notified as applicable, PM or AFOSI to assume custody of the SAE Kit, documents, and evidence related to storage, under established chain of custody procedures.

AUTHORITY: Section 301 of Title 5 U.S.C. and Chapter 55 of Title 10 U.S.C.

PRINCIPAL PURPOSE (S): Information on this form will be used to document elements of the sexual assault and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.

ROUTINE USES (S): None

DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.

**APPENDIX C  
VICTIM REPORTING PREFERENCE STATEMENT**

I, \_\_\_\_\_, have been informed of my rights as a crime victim under the Victim and Witness Assistance Program and have been provided a copy of DD Form 2701, Initial Information for Victims and Witnesses of Crime. **(initials)**  
\_\_\_\_\_

I have had the opportunity to talk with a Sexual Assault Coordinator (SARC) before making the following decision. **(initials)** \_\_\_\_\_

I understand that I may have forensic evidence collected without having to officially report the sexual assault; that the forensic evidence may only confirm that sexual intercourse has occurred; and, that without the collection of other physical and testimonial evidence, may have only minimal investigative value. I further understand that, if I have not made an unrestricted report within 1 year of this evidence being collected, it will be destroyed and no longer available for any future investigative or prosecution efforts. **(initials)** \_\_\_\_\_

I also understand for purposes of public safety and command responsibility, the SARC will report information concerning my sexual assault to my command within 24 hours of my report. My identity and that of the offender will remain private. **(initials)**  
\_\_\_\_\_

Furthermore, I have been informed that by choosing restricted reporting, the full range of protections afforded victims may not be available, such as being separated from the offender or receiving a military protective order against the offender. **(initials)**  
\_\_\_\_\_

I also understand that all military members are required to report sexual assaults, except for the Sexual Assault Response Coordinator (SARC), sexual assault Victim Advocate (VA) and Healthcare Provider (HCP) under the "restricted reporting" option, as well as chaplains that I consult. If I tell anyone other than these people, information that I provide or concerning my case may be reported to law enforcement for investigation. **(initials)** \_\_\_\_\_

I further understand that I may change my mind and report this offense at a later time. If I do report this offense at a later time, the delay may harm the investigation and the offender's potential prosecution. If the case goes to court, my victim advocate and others providing care may be called to testify. **(initials)** \_\_\_\_\_

Finally, I understand that there are exceptions to "restricted reporting" which may result in the disclosure of my incident and the reversal of my reporting election from "restricted reporting" to 'unrestricted reporting'. **(initials)** \_\_\_\_\_

**Reporting Option Selection**

**Note: Victim will "Z out" and initial at the beginning and the end of the reporting option not selected.**

At this time I elect unrestricted reporting and have decided to report that I am a victim of sexual assault to my command, law enforcement personnel, or other military authorities. **(initials)** \_\_\_\_\_

At this time I elect restricted reporting and have decided not to report that I am a victim of sexual assault to my command, law enforcement personnel, or other military authorities. I understand that by not reporting this offense, the information I provide will not trigger an investigation or be used to hold the offender accountable.

**(initials)** \_\_\_\_\_

\_\_\_\_\_  
(Signature of Victim)

\_\_\_\_\_  
(Date)

Print Victim's Full Name: \_\_\_\_\_

\*\*\*\*\*

**Restricted Report Case Number:** \_\_\_\_\_

\_\_\_\_\_  
(Signature SARC/VA)

\_\_\_\_\_  
(Date)

Print Full Name SARC/VA \_\_\_\_\_

\*\*\*\*\*

AUTHORITY: Section 301 of Title 5 U.S.C. and Chapter 55 of Title 10 U.S.C.

PRINCIPAL PURPOSE (S): Information on this form will be used to document elements of the sexual assault and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.

ROUTINE USES (S): None

DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.

**Appendix D  
VICTIM QUESTIONNAIRE (Optional)  
For Restricted Reporting Only**

**Restricted Report Case Number (RRCN):** \_\_\_\_\_

Sexual Assault Response Coordinator (SARC) is responsible for providing the Restricted Report Case Number.

As a sexual assault victim, I requested the “Restricted Reporting” option. As such no forensic evidence or information will be forwarded to the military criminal investigative organization for possible investigation, and I will not be interviewed by a trained investigation. While the questions on this form do not substitute for that interview, I have elected to record the following information, which may help in any possible investigation should I later elect “Unrestricted Reporting.” I understand that after I complete the form, I will place it in a provided envelope, seal it, initial the seams of the envelope, and place it in the Sexual Assault Evidence Collection Kit, which will be stored anonymously.

**1. Date and Time of alleged assault:**

\_\_\_\_\_

**2. Location of alleged assault:**

\_\_\_\_\_

**3. Name of assailant (if known):**

\_\_\_\_\_

**4. Were there any events/actions the day or days prior to the assault that may be related to the assault?**

Describe:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**5. Did the assailant (s) say or do anything the day of or days prior to the attack that might be related to the assault?**

Describe:

---

---

**6. What was/were the assailant (s) wearing?**

Describe:

---

---

**7. Noticeable marks on the assailant (s) body/bodies?**

Describe:

---

---

**8. Did assailant (s) have an accent?**

Describe:

---

---

**9. Any relationship to the assailant? (Circle any that apply):**

- Stranger
- Co-worker
- Acquaintance
- Friend
- Relative (Specify) \_\_\_\_\_

**10. Did the assailant (s) say anything during the assault? If so, what?**

Describe:

---

---

**11. What did the assailant (s) do immediately after the attack?**

Describe:

---

---

**12. Were any of your possessions taken by the assailant (s)? If so, what?**

Describe:

---

---

**13. What were you wearing at the time of the assault?**

Describe:

---

---

**14. Did you say anything to the assailant? If so, what?**

Describe:

---

---

**15. Were there other people present at or near the location? (Provide full names and locating information)**

Describe:

a. Friends: \_\_\_\_\_

b. Strangers: \_\_\_\_\_

c. Relatives: \_\_\_\_\_

**16. Have you ever seen the assailant at the location before?**

Describe:

---

**17. Describe what you did after the assault (Answer Yes or No):**

- Called a Friend?
- Clean the location of the incident?
- Did you discard any objects or clothing?
- Did you shower?
- Did you take a bath?
- Did you brush your teeth?
- Did you use mouthwash?
- Did you take any medication?
- Did you drink alcohol?
- Did you change clothes?
- Did you urinate?
- Did you have a bowel movement?
- Did you douche?
- Did you call anyone? If so who?

**18. Did you have contact with the assailant (s) since the incident?**

Describe:

---

---

**19. Did you have sexual intercourse with anyone else since the incident?**

- Name of partner # 1: \_\_\_\_\_
- Date and time: \_\_\_\_\_
- Was a condom used? \_\_\_\_\_
- Name of partner # 2: \_\_\_\_\_
- Date and time: \_\_\_\_\_

**20. Did you have sexual intercourse within 3 days prior to the incident?**

- **Name of partner # 1:** \_\_\_\_\_
- **Date and time:**\_\_\_\_\_
- **Was a condom used?** \_\_\_\_\_
- **Name of partner # 2:** \_\_\_\_\_
- **Date and time:**\_\_\_\_\_
- **Was a condom used?** \_\_\_\_\_

**21. Are there any other details or information concerning the incident that you wish to describe?**

---

---

**I \_\_\_\_\_, have freely provided the preceding information and, verify by my signature below, that the answers provided to questions 1-21 are accurate to the best of my knowledge.**

\_\_\_\_\_  
**Signature of victim**

\_\_\_\_\_  
**Date**

AUTHORITY: Section 301 of Title 5 U.S.C. and Chapter 55 of Title 10 U.S.C.  
PRINCIPAL PURPOSE (S): Information on this form will be used to document elements of the sexual assault and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.  
ROUTINE USES (S): None  
DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.

## APPENDIX E

### Victim Advocate Supervisor Statement of Understanding

Since I am the supervisor of a Victim Advocate (VA), I have been briefed by the Area Sexual Assault Response Coordinator (SARC) on the VA roles and responsibilities.  
(initials) \_\_\_\_\_

I understand if the VA is out after duty hours on a case, the VA may not be able to report to work the following morning. (initials) \_\_\_\_\_

I also understand that the VA may have to accompany the victim to various other referral appointments, and if a case proceeds to an Article 32, UCMJ, investigative hearing or a court martial, the VA may be absent from the work area for the duration of the hearing/trial. (initials) \_\_\_\_\_

I understand I will be informed of any absences from the work center as soon as possible, and if the mission dictates the VA must report to work for normal duty hours, every effort will be made to afford them compensatory time as soon as possible after the event. (initials) \_\_\_\_\_

I understand the VA will not report any details of the case to me, nor will I ask them for any details. (initials) \_\_\_\_\_

I understand the responsibilities of the VA and am willing to support them. (initials) \_\_\_\_\_

If I should encounter any problems or concerns, I will contact the Area SARC.  
(initials) \_\_\_\_\_

---

Supervisor's Printed Name

Supervisor's Signature

Date

---

Victim Advocate's (VA) Printed Name

VA Signature

Date

---

Sexual Assault Response Coordinator's (SARC) Printed Name

---

Sexual Assault Response Coordinator's (SARC) Signature

Date

AUTHORITY: Section 301 of Title 5 U.S.C. and Chapter 55 of Title 10 U.S.C.

PRINCIPAL PURPOSE (S): Information on this form will be used to document elements of the sexual assault and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.

ROUTINE USES (S): None

DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.

## **APPENDIX F Sexual Assault Victim Advocate Initial Report**

### Instructions:

1. Type or print clearly the requested the information.
2. Scan and email the VA Initial Report to the Area SARC within 24 hours
3. Army SARC will forward a copy of all Initial Reports to the IMA-KORO Sexual Assault Prevention and Response Coordinator within 24 hours.

1. Name of assigned VA: \_\_\_\_\_

2. VA Unit of Assignment: \_\_\_\_\_

3. VA E-Mail Address: \_\_\_\_\_

4. VA Phone and Cell Number: \_\_\_\_\_

5. Area/Date/Time of Sexual Assault: \_\_\_\_\_

6. Area/Date/Time of VA Assignment/Notification:

\_\_\_\_\_

7. Name, Phone Number and Email Address of individual notifying VA:

\_\_\_\_\_

\_\_\_\_\_

8. Date/Time/Location of Contact with Victim: \_\_\_\_\_

10. Case Log Number Assigned: \_\_\_\_\_

11. Name of victim: \_\_\_\_\_

12. Victim's Unit of Assignment: \_\_\_\_\_

13. Provide the following information on the Victim:

Gender: \_\_\_\_\_

Age: \_\_\_\_\_

Date of Arrival to Korea: \_\_\_\_\_

Date entered active duty service: \_\_\_\_\_

Date graduated from Basic Training: \_\_\_\_\_

Type of Sexual Assault (Place a check mark next to all that are applicable)

- Rape \_\_\_\_\_
- Forcible Sodomy \_\_\_\_\_
- Indecent Assault \_\_\_\_\_

14. Factors involved in sexual assault (Place a check mark next to all that are applicable)

- Alcohol \_\_\_\_\_
- Drugs \_\_\_\_\_

15. Reporting option selected (Place a check mark next to the option selected)

- Restricted \_\_\_\_\_
- Unrestricted \_\_\_\_\_

16. When and who did the victim initially contact concerning the sexual assault?

- Friend \_\_\_\_\_
- Family Members \_\_\_\_\_
- Co-worker \_\_\_\_\_
- Supervisor \_\_\_\_\_
- Commander \_\_\_\_\_
- First Sergeant \_\_\_\_\_
- SARC \_\_\_\_\_
- VA \_\_\_\_\_
- Other (Who?) \_\_\_\_\_

17. Was the victim seen and interviewed by the Area SARC?

YES \_\_\_\_\_ NO \_\_\_\_\_

18. Did the Area SARC explain the restricted and unrestricted reporting options to the victim?

YES \_\_\_\_\_ NO \_\_\_\_\_

19. Did Victim desire assignment of VA? (Place a check mark next to the victim's response).

YES \_\_\_\_\_ NO \_\_\_\_\_

20. If the victim declined the VA services, did the VA have the victim sign a Declination of VA Support Services? (Place a check mark next to the victim's response).

YES \_\_\_\_\_ NO \_\_\_\_\_

21. Was the victim aware of the VA services prior to reporting the incident? (Place a check mark next to the victim's response).

YES \_\_\_\_\_ NO \_\_\_\_\_

22. Did the investigator provide the victim with a copy of DD Form 2701, Initial Information for Victims and Witnesses of Crime? (Place a check mark next to the victim's response).

YES \_\_\_\_\_ NO \_\_\_\_\_

23. Does the DD Form 2701 contain the investigating agent's name and contact information? (Place a check mark next to the victim's response).

YES \_\_\_\_\_ NO \_\_\_\_\_

24. Does the DD Form 2701 contain contact information for the applicable Area's Victim/Witness Assistance Program Representative? (Place a check mark next to the victim's response).

YES \_\_\_\_\_ NO \_\_\_\_\_

25. Did the VA encounter any obstacles/delays/difficulties being released from normal duties to perform VA duties?

YES \_\_\_\_\_ NO \_\_\_\_\_

26. If yes, describe what happened and provide the names of those involved. (Place a check mark next to the victim's response)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27. What services did the victim use? (Place a check mark next to the victim's response)

- Medical: YES \_\_\_\_\_ NO \_\_\_\_\_
- Law Enforcement: YES \_\_\_\_\_ NO \_\_\_\_\_
- CID/AFOSI/NCIS YES \_\_\_\_\_ NO \_\_\_\_\_
- JAG: YES \_\_\_\_\_ NO \_\_\_\_\_
- Chaplain: YES \_\_\_\_\_ NO \_\_\_\_\_
- Victims/Witness Assistance Program: YES \_\_\_\_\_ NO \_\_\_\_\_
- Counseling: YES \_\_\_\_\_ NO \_\_\_\_\_
- Equal Opportunity Advisor: YES \_\_\_\_\_ NO \_\_\_\_\_
- Inspector General: YES \_\_\_\_\_ NO \_\_\_\_\_
- Safe House: YES \_\_\_\_\_ NO \_\_\_\_\_

28. If the sexual assault occurred in the personal living space of the victim, was the victim offered the Area's designated temporary lodging? (Place a check mark next to the victim's response) YES \_\_\_\_\_ NO \_\_\_\_\_

29. If the answer to question 23 is No and the victim did not stay in his/her personal living space, where did the victim stay?

\_\_\_\_\_

30. Was a SAVA bag available for the VA's use? (Place a check mark next to the victim's response) YES \_\_\_\_\_ NO \_\_\_\_\_

31. Was the SAVA bag needed? YES \_\_\_\_\_ NO \_\_\_\_\_

**VA Name (Print)**

**VA Signature**

**Date**

AUTHORITY: Section 301 of Title 5 U.S.C. and Chapter 55 of Title 10 U.S.C.

PRINCIPAL PURPOSE (S): Information on this form will be used to document elements of the sexual assault and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.

ROUTINE USES (S): None

DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.

## APPENDIX G

### Sexual Assault Victim's Advocate Follow-up Report

#### Instructions:

1. Type or print clearly the requested the information.
2. The Follow-up Report is due to the Area SARC within 7 days of assignment to the victim and EVERY 30 days thereafter until Victim Advocate Services are terminated.
3. Army SARC will forward all Follow-up Reports to the IMA-KORO Sexual Assault Prevention Response Coordinator.

1. Name of assigned VA: \_\_\_\_\_

2. VA Unit of Assignment: \_\_\_\_\_

3. VA E-Mail Address: \_\_\_\_\_

4. VA Duty Phone and Cell Number:  
\_\_\_\_\_

5. Date/Time of Sexual Assault: \_\_\_\_\_

6. Date/Time of VA Assignment/Notification: \_\_\_\_\_

7. Case Log Number: \_\_\_\_\_

8. Name of victim: \_\_\_\_\_

9. Victim's Unit of Assignment: \_\_\_\_\_

10. Date Initial Report Submitted: \_\_\_\_\_

11. This is 1<sup>st</sup>, 2<sup>d</sup>, 3<sup>d</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> Follow-up Report (Circle applicable number).

12. Check the services listed below that have been used by the victim.

\_\_\_\_\_ Medical

\_\_\_\_\_ Counseling

\_\_\_\_\_ Law Enforcement

\_\_\_\_\_ Criminal Investigation

\_\_\_\_\_ Legal (Staff Judge Advocate)

\_\_\_\_\_ Victims/Witness Assistance Program

\_\_\_\_\_ Family Advocacy Program

\_\_\_\_\_ Equal Opportunity Advisor

\_\_\_\_\_ Chaplain

\_\_\_\_\_ Inspector General

13. Did you recommend to the victim's commander the use of the Military Protective Order (MPO) (No Contact order)? YES \_\_\_\_\_ NO \_\_\_\_\_

14. Did the victim's unit commander issue a MPO? YES \_\_\_\_\_ NO \_\_\_\_\_

15. Did the victim receive a copy of the MPO? YES \_\_\_\_\_ NO \_\_\_\_\_

16. As the assigned VA, have you encountered any difficulties in your role as a SAVA?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, did you consult with your Area SARC? YES \_\_\_\_\_ NO \_\_\_\_\_

If no, explain why?

---

---

17. Is the victim being treated with fairness and with respect for their dignity and privacy by all personnel and agency representatives? YES \_\_\_\_\_ NO \_\_\_\_\_

18. If No, please explain.

---

---

19. Did the victim receive immediate and effective medical care and attention, including long-term follow-up? YES \_\_\_\_\_ NO \_\_\_\_\_

20. If No, please explain.

---

---

21. Is the victim being protected from harassment and re-victimization from the alleged offender, friends of the alleged offender, chain of command, unit members, work section personnel, agency representatives or others? YES \_\_\_\_\_ NO \_\_\_\_\_

22. If no, please explain.

23. Has the victim talked with the attorney for the Government in the case?

YES \_\_\_\_\_ NO \_\_\_\_\_

24. Is the victim receiving monthly case updates from the SAFRG?

YES \_\_\_\_\_ NO \_\_\_\_\_

25. Additional comments:

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**Print VA Name**

**VA Signature**

**Date**

AUTHORITY: Section 301 of Title 5 U.S.C. and Chapter 55 of Title 10 U.S.C.

PRINCIPAL PURPOSE (S): Information on this form will be used to document elements of the sexual assault and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.

ROUTINE USES (S): None

DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.

## **APPENDIX H Sexual Assault Victim's Advocate Final Report**

### Instructions:

1. Type or print clearly the requested the information.
2. Prepare the Final Report when the VA/Victim Relationship is terminated.
3. Submit the VA Final Report to the Area SARC
4. Army SARC will forward a copy all Final Reports to the IMA-KORO Sexual Assault Prevention and Response Coordinator within 24 hours of the termination of the VA/Victim relationship.

1. Name of assigned VA:

---

2. VA Unit of Assignment:

---

3. VA E-Mail Address:

---

4. VA Phone and Cell Number:

---

5. Name of Victim:

---

6. Victim's Unit of Assignment

---

7. Date/Time of Sexual Assault:

---

8. Date/Time of VA Assignment/Notification:

---

9. Were the Victims Rights upheld? (Explain "NO" answers)

- The right to be treated with fairness and with respect for their dignity and privacy.

YES \_\_\_\_\_ NO \_\_\_\_\_

- The right to immediate and effective medical care and attention, including long-term follow-up.

YES \_\_\_\_\_ NO \_\_\_\_\_

- The right to be protected from the accused offender.

YES \_\_\_\_\_ NO \_\_\_\_\_

- The right to be notified of court proceedings.

YES \_\_\_\_\_ NO \_\_\_\_\_

- The right to be present at all public court proceedings related to the offense (unless the court determines otherwise).

YES \_\_\_\_\_ NO \_\_\_\_\_

- The right to talk with the attorney for the Government in the case.

YES \_\_\_\_\_ NO \_\_\_\_\_

- The right to information about the conviction, sentencing, imprisonment, or release of the offender.

YES \_\_\_\_\_ NO \_\_\_\_\_

10. Is the victim departing the Republic of Korea?

YES \_\_\_\_\_ NO \_\_\_\_\_

11. If yes, has the coordination with the gaining location been completed to ensure the victim continues to receive the desired services?

YES \_\_\_\_\_ NO \_\_\_\_\_

12. If no, please explain.

---

---

---

13. In your capacity as the VA, have you done all that you can to assist this victim?

YES \_\_\_\_\_ NO \_\_\_\_\_

14. What recommendations would you make to improve the VA support services?

15. Case Log Number: \_\_\_\_\_

---

**Print VA Name**

**VA Signature**

**Date**

**APPENDIX I**  
**VICTIM'S RIGHTS UNDER 1990 VICTIM RIGHTS AND RESTITUTION ACT**

1. The right to be treated with fairness and with respect for their dignity and privacy.
2. The right to immediate and effective medical care and attention, including long-term follow-up.
3. The right to be protected from the accused offender.
4. The right to be notified of court proceedings.
5. The right to be present at all public court proceedings related to the offense (unless the court determines otherwise).
6. The right to talk with the attorney for the Government in the case.
7. The right to information about the conviction, sentencing, imprisonment, or release of the offender.

AUTHORITY: Section 301 of Title 5 U.S.C. and Chapter 55 of Title 10 U.S.C.

PRINCIPAL PURPOSE (S): Information on this form will be used to document elements of the sexual assault and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.

ROUTINE USES (S): None

DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.

## APPENDIX J

### Declination of Victim Advocate Services

Unrestricted Report - Case Log Number: \_\_\_\_\_

Restricted Report - Case Report Number: \_\_\_\_\_

I, \_\_\_\_\_ (Full Name of Victim), have been informed of the Sexual Assault Victim Advocate (SAVA) Program and the services provided by the Victim Advocate (VA) and decline the assignment of a VA at this time. I further understand that I may in the future contact my Area's Sexual Assault Response Coordinator (SARC) and request the assignment of a VA.

\_\_\_\_\_  
Client (Print last, first and MI)

\_\_\_\_\_  
VA or SARC (Print last, first and MI)

\_\_\_\_\_  
Signature and Date

\_\_\_\_\_  
Signature and Date



## **APPENDIX L Survivor Survey**

### General

This survey should be completed by the Survivor when the Victim Advocate or Survivor desires to terminate the VA services.

### Instructions:

1. Scan and email or mail the completed survey to the Area Sexual Assault Response Coordinator.
2. Army SARC must forward a copy of the completed survey to the IMA-KORO Sexual Assault Prevention and Response Coordinator.

**USFK SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM  
Survivor Survey**

(Page 2)

Dear Survivor:

Thank you for taking the time to complete this survey. You have demonstrated bravery in seeking assistance. This is a very positive step. The intent of this survey is to obtain your insights on how you feel you were supported and cared for during this very difficult time of your life. Your responses will be used to enhance the program.

Again, sincere thanks to you for completing this survey.

---

Using the rating scale below, please circle the number which most closely describes your reactions to the statements below. If you circle 4, or 5, please explain your reaction in the comments section provided. Use a black ink pen.

**1= Strongly Agree 2=Agree 3=Neutral 4=Disagree 5=Strongly Disagree**

1. You were treated with respect by-

- |  |   |   |   |   |   |
|--|---|---|---|---|---|
| a. Law Enforcement personnel                           | 1 | 2 | 3 | 4 | 5 |
| b. Criminal Investigator                               | 1 | 2 | 3 | 4 | 5 |
| c. Health Care Providers                               | 1 | 2 | 3 | 4 | 5 |
| d. Counselor   | 1 | 2 | 3 | 4 | 5 |
| e. VA  | 1 | 2 | 3 | 4 | 5 |
| f. Legal Officer                                       | 1 | 2 | 3 | 4 | 5 |
| g. Victim Witness Assistance/Liaison<br>Representative | 1 | 2 | 3 | 4 | 5 |
| h. Commander   | 1 | 2 | 3 | 4 | 5 |
| i. First Sergeant                                      | 1 | 2 | 3 | 4 | 5 |
| j. Supervisor  | 1 | 2 | 3 | 4 | 5 |
| k. Coworkers   | 1 | 2 | 3 | 4 | 5 |

- |   |   |   |   |   |   |
|---|---|---|---|---|---|
| 2. You received a completed<br>DD Form 2701, Initial Information for<br>Victims and Witnesses of Crime. | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|

3. The VA advised you of the following:

- |                             |   |   |   |   |   |
|-----------------------------|---|---|---|---|---|
| a. Victims Rights           | 1 | 2 | 3 | 4 | 5 |
| b. Medical Process          | 1 | 2 | 3 | 4 | 5 |
| c. Legal Process            | 1 | 2 | 3 | 4 | 5 |
| d. Counseling Services      | 1 | 2 | 3 | 4 | 5 |
| e. Other available services | 1 | 2 | 3 | 4 | 5 |

4. The VA accompanied you to appointments/interviews, when requested. 1 2 3 4 5

5. You were supported by the VA. 1 2 3 4 5

6. You were supported by your command. 1 2 3 4 5

7. You were offered a temporary living location 1 2 3 4 5

8. Your request for reassignment to another unit or location was denied. 1 2 3 4 5

9. Your request for reassignment to another unit or location was granted. 1 2 3 4 5

10. One or more individuals in your chain of command made you feel like the incident was your fault. 1 2 3 4 5

11. One or more individuals in your work place made you feel that the incident was your fault. 1 2 3 4 5

12. Your privacy was compromised by-

- |                              |   |   |   |   |   |
|------------------------------|---|---|---|---|---|
| a. Chain of command.         | 1 | 2 | 3 | 4 | 5 |
| b. Supervisory chain         | 1 | 2 | 3 | 4 | 5 |
| c. Coworkers                 | 1 | 2 | 3 | 4 | 5 |
| d. VA                        | 1 | 2 | 3 | 4 | 5 |
| e. Health Care Provider      | 1 | 2 | 3 | 4 | 5 |
| f. Law enforcement personnel | 1 | 2 | 3 | 4 | 5 |
| g. Investigating personnel   | 1 | 2 | 3 | 4 | 5 |
| h. Other individuals         | 1 | 2 | 3 | 4 | 5 |

13. If your privacy was compromised, please explain.

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14. You knew about the SAVA Program prior to the to the incident. 1 2 3 4 5

15. The VA was knowledgeable in the areas in which you needed assistance. 1 2 3 4 5

16. The VA was able to answer questions you had concerning the following:

Medical Care and Treatment	1	2	3	4	5
Forensic Examination	1	2	3	4	5
Legal process	1	2	3	4	5
Getting appointments	1	2	3	4	5
Obtaining counseling	1	2	3	4	5
Obtaining leave	1	2	3	4	5
Obtaining new quarters	1	2	3	4	5
Moving to a new location	1	2	3	4	5

17. You had prior knowledge of the two reporting options available to victims of sexual assault. 1 2 3 4 5

18. You selected the restricted reporting option. 1 2 3 4 5

19. You selected the unrestricted reporting option. 1 2 3 4 5

20. What recommendations would you make to improve the services offered to survivors of sexual assault?

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21. If you circle 4, or 5, please explain your reaction in the comments section below.

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**APPENDIX M  
Victim Advocate Survey**

(Page1)

This survey is to be completed by the Victim Advocate (VA) when the VA or Victim terminates the VA services.

**Instructions**

- a. The VA must complete the survey and provide a copy to the Area SARC.
  - b. Army SARC must forward a copy of the survey to the IMA-KORO Sexual Assault Prevention and Response Coordinator.
- 

Using the rating scale below, please circle the number which most closely describes your reactions to the statements below. If you circle 2, 4, or 5, please explain your reaction in the comments section provided. Use a black ink pen.

**1= Strongly Agree 2=Agree 3=Neutral 4=Disagree 5=Strongly Disagree**

- 1. You were notified/assigned to the survivor by your Area SARC. 1 2 3 4 5
  
- 2. Your Area SARC provided a cell phone for official use during the initial 48 hours of your assignment with the survivor. 1 2 3 4 5
  
- 3. The survivor used your personal cell phone to call his/her family because there was no alternative. 1 2 3 4 5
  
- 4. A SAVA Bag was readily available for your use, if required. 1 2 3 4 5
  
- 5. You used your POV, bus or taxi to transport the survivor and yourself to locations where the survivor needed to be. 1 2 3 4 5

6. Transportation was provided for you and the survivor. 1 2 3 4 5
7. The survivor is assigned to your unit. 1 2 3 4 5
8. You were reimbursed for expenses you incurred while supporting the survivor. 1 2 3 4 5
9. Your role as the VA was honored by -
- a. Survivor's commander 1 2 3 4 5
  - b. Law enforcement personnel 1 2 3 4 5
  - c. Investigating personnel 1 2 3 4 5
  - d. Health Care provider 1 2 3 4 5
  - e. Counselor 1 2 3 4 5
  - f. Legal officer 1 2 3 4 5
  - g. Others 1 2 3 4 5
10. If at work when notified, your commander coordinated your immediate release. 1 2 3 4 5
11. You were harassed by your supervisor for being absent from work during periods when you were supporting the victim. 1 2 3 4 5
12. You experienced difficulty getting time off from your duty section to comply with the survivor's request that you accompany him/her to appointments/interviews. 1 2 3 4 5
13. The survivor's commander attempted to obtain information given to you by the victim that he/she did not want to share with the commander. 1 2 3 4 5
14. The investigator did not want you present during the interview with the survivor, even though the survivor stated that he/she wanted you there. 1 2 3 4 5

15. The health care provider did not want you present during the medical/forensic examination of the survivor, even though the survivor stated that he/she wanted you there.

1 2 3 4 5

16. The clinical counsel once notified by the medical treatment facility, arrived to see the survivor in a timely manner.

1 2 3 4 5

17. The USFK SAVA Course provided you with the knowledge and skills required to support this survivor.

1 2 3 4 5

18. You found the SAVA Course Student Guide useful as a reference.

1 2 3 4 5

19. What recommendations would you make to improve the services offered to survivors of sexual assault?

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20. If you circle 4, or 5, please explain your reaction in the comments section below.

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**APPENDIX N**  
**Commanders' Sexual Assault Victim Assistance Checklist**

**VICTIM**

\_\_\_\_\_ Ensure the physical safety and emotional support of the victim

\_\_\_\_\_ Determine if the alleged assailant is still nearby and if the victim desires/need protection.

\_\_\_\_\_ Determine if the victim desires/needs any emergency care.

\_\_\_\_\_ Notify the Area SARC immediately.

\_\_\_\_\_ Notify the applicable law enforcement and military criminal investigation organization (MCIO).

\_\_\_\_\_ If the victim elects the Unrestricted Reporting Option, notify the area's law enforcement officials and investigative agency IAW applicable services guidance. Do not initiate an internal investigation, this corrupts witnesses and may possibly destroy or cause evidence to be destroyed.

\_\_\_\_\_ Strictly limit the facts of or details regarding the incident to only those personnel who have a legitimate need to know.

\_\_\_\_\_ Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by the applicable military criminal investigative agency.

\_\_\_\_\_ Do not ask detailed questions and/or pressure the victim for responses or information about the incident.

- Showering or bathing
- Douching (if female)
- Eating or drinking ( not even water)
- Brushing teeth or using mouthwash

- Changing, washing or disposing of clothes worn during the assault
- Urinating
- Defecating

\_\_\_\_\_ Cleaning up the location of the assault

\_\_\_\_\_ Ensure the victim understands the role and responsibilities of the SARC and VA.

\_\_\_\_\_ Assist with or provide immediate transportation for the victim to the medical treatment facility or as applicable to the Area SARC.

\_\_\_\_\_ Ensure the victim understands the medical, investigative and legal process and is advised of his/her rights as a victim.

\_\_\_\_\_ Ask if the victim needs a support person (can be a friend), victim advocate (VA) or professional to join them.

\_\_\_\_\_ Ask if the victim would like the chaplain notified and notify accordingly.

\_\_\_\_\_ Determine if the victim desires/needs a “no contact” order or a Military protection Order (MPO), DD Form 2873, to be issued, particularly if the victim and the accused are assigned in the same command, unit, duty location or living quarters.

\_\_\_\_\_ If a MPO is issued to the victim, provide a copy to the victim and advise the victim to keep a copy on their person at all times.

\_\_\_\_\_ Determine the need for temporary reassignment to another unit, duty location, or living quarters on the base/post/installation of the victim or the accused being investigated, working with the accused’s commander if different from 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.

\_\_\_\_\_ Ensure the immediate release of the VA from his/her duty section when assigned by the Area SARC to the victim. VA duty is a collateral/additional duty for personnel trained as a VA.

\_\_\_\_\_ Ensure that the VA's supervisory chain does not hinder or delay the VA from immediately responding to the victim or, at the victim's request, supporting the victim.

\_\_\_\_\_ Determine how to best dispose of the victim's collateral misconduct. Absent overriding considerations, commanders should exercise their authority in appropriate cases, and defer disciplinary actions for the victim's minor misconduct until after the final disposition of the sexual assault case. Notify the VA before taking any administrative or disciplinary action affecting the victim.

\_\_\_\_\_ Coordinate with local SJA for guidance on collateral misconduct.

\_\_\_\_\_ Avoid automatic suspensions or revocation of a security and/or personnel reliability program (PRP) clearance, when possible, understanding that the victim may be satisfactorily treated for his/her related trauma without compromising his/her PRP status. Consider the negative impact that suspension of a victim's security clearance may have on building a climate of trust and confidence in the service reporting system.

\_\_\_\_\_ Victims of sexual assault react differently in the aftermath of an assault. Some will want to immediately resume his/her normal routines. However, there are those who will not. To ease the trauma for this category of victims, obtain a mental health evaluation on the victim and, if appropriate, coordinate up to 30 days of administrative leave for the victim. Victim has the option to refuse any or all leave.

\_\_\_\_\_ Throughout the investigation, consult with the victim and, to the extent practicable, accommodate the victim's desires regarding safety, health and security, as long as neither a critical mission nor a full and complete investigation are compromised.

\_\_\_\_\_ Ensure the investigative agent notifies victims and witnesses of their rights through a completed DD Form 2701, Victims and Witnesses of Crime form.

\_\_\_\_\_ Confer with servicing SJA office representative to consider legal options and responsibilities and consider pretrial options and responsibilities to include the possibility of pretrial restraint (including a no contact/military protective order) and appropriate disposition of the alleged offense.

\_\_\_\_\_ In coordination with the Area SARC and assigned VA, provide the victim with monthly case status update until the case is officially closed. If the victim or subject is transferred or redeployed prior to the case closing, coordinate with investigator and SJA personnel before ceasing monthly updates on parties involved.

\_\_\_\_\_ Initiate follow-up with the victim within 45 days after disposition of the case.

\_\_\_\_\_ Ensure unit personnel are abreast of risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.

\_\_\_\_\_ Ensure all personnel trained and certified as VA support the USFK area to which assigned.

\_\_\_\_\_ Paramount is the sexual assault victim's privacy and avoiding re-victimization. All USFK personnel are responsible for protecting a victim's privacy and avoiding situations that will re-victimize the victim. To support the victim's privacy and avoid re-victimization, where a victim and VA are assigned to the same unit, the VA will not be assigned.

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

### **ACCUSED**

\_\_\_\_\_ Contact with a service member suspected of an offense under the Uniform Code of Military Justice (UCMJ) involves rules and procedures that may be unique in the military. Therefore, before questioning the suspected service member or discussing the case with the service member, commanders and other command representatives should first contact the servicing legal office for guidance. Follow the guidance provided to:

\_\_\_\_\_ Avoid discussing or questioning the sexual assault allegation with the accused service member, to the extent practicable, since doing so may jeopardize the criminal investigation. However if questioning does occur, prior to questioning the accused service member, advise the service member of his/her rights under Article 31, UCMJ, and the right to defense counsel representation, before discussing or questioning him/her about the sexual assault allegations.

\_\_\_\_\_ Notify the appropriate military criminal investigative agency as soon as possible after receiving a report of a sexual assault incident.

\_\_\_\_\_ Coordinate with local SJA for legal guidance.

\_\_\_\_\_ Safeguard the accused's rights and preserve the integrity of a full and complete investigation, to include limitations on any formal or informal investigative interviews or inquiries by personnel other than those assigned to the military criminal investigative agency conducting the investigation.

\_\_\_\_\_ Strictly limit the facts of or details regarding the incident to only those personnel who have a legitimate need to know.

\_\_\_\_\_ Ensure procedures are in place to inform the accused service member about the investigative and legal processes that may be involved.

\_\_\_\_\_ Ensure procedures are in place to inform the accused service member about available counseling support. If appropriate under the circumstances, refer the accused service member to available counseling and other services.

\_\_\_\_\_ Emphasize that the accused is presumed innocent until proven guilty.

\_\_\_\_\_ Take the appropriate action IAW applicable service guidance for accused service members who hold security and/or personnel reliability program (PRP) clearances.

\_\_\_\_\_ Suspend favorable personnel actions IAW service guidance

\_\_\_\_\_ With the benefit of legal and investigative advice, determine the need for a "no contact" order, or the issuance of a Military Protective Order, DD Form 2873, if the victim is assigned to the same unit, command or location.

\_\_\_\_\_ Monitor the well-being of the accused service member, particularly any indications of suicide potential, and ensure appropriate intervention occurs if indicated.

## **UNIT**

### **PREVENTION**

- Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of all its members.
- Reassure members of your personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.
- Reiterate your “zero tolerance” policy on sexual assault and the potential consequences for those who violate the law.
- Keep a “finger on the pulse” of the organization’s climate and respond with appropriate action toward any negative trends that may emerge.

### **IN THE EVENT OF A SEXUAL ASSAULT**

- Understand the difference between Restricted and Unrestricted Reporting Options available to the victim.
- In regard to incidents of sexual assault in which a victim selects Unrestricted Reporting Options do the following:
- Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved.
- Ensure proper authorities are available to explain to potential witnesses the potential consequences of discussing any details related to the on-going investigation.
- Discourage members from participating in “barracks/dorm gossip” or grapevine speculation about the case or investigation, reminding all to wait in reaching conclusions until all the facts are known and final disposition of the allegation has occurred.

- Ensure unit refresher training is conducted IAW service specific guidelines. Unit refresher training should be small group and scenario based. Also consider using outside experts to address the unit regarding preventative measures, as well as some emotional or psychological feelings that may be manifest themselves, affect the unit, and require their response during the course of the investigation.

## **APPENDIX O**

### **MILITARY PROTECTIVE ORDER, DD FORM 2873**

#### **GUIDANCE FOR COMMANDERS**

Unit commanders may issue military protection orders (MPOs) as a means to preserve good order and discipline by members of the command. Commanders should coordinate MPO with local SJA office. MPOs are issued to ensure the safety of service members, family members, and other individuals from the threat of domestic violence by other such persons within areas for which commanders are responsible.

Unit commanders should issue MPOs to protect potential victims from threatened abuse **before** domestic violence has occurred in order to stabilize the situation pending an investigation. Commanders should issue MPOs **after** domestic violence has been reported to protect the victims from further abuse, whether or not the investigation has concluded.

Unit commanders should issue MPOs when victims have already obtained a civil protection order or temporary restraining order from a civilian judge. Since the military is not a state agency that enforces an order additional safeguards affecting those who are under the authority of the commander.

MPOs should include one or more provisions that will reasonably ensure the victim's safety, but may not include any punitive provisions. Examples of appropriate provisions are:

- Prohibit the subject from having any face to face, telephone, or written contact with the victim, including those conducted through third parties.
- Bar the subject from designated areas or places, such as military family housing, the family home off the installation, schools, place of employment, child development centers, and youth programs.
- Require a service member who is the subject of the MPO to move into government quarters.
- Require the subject to leave any public place if the victim is in the same location or facility.
- Require the subject to do certain activities or refrain from doing certain activities.
- If a civilian judge has already issued a protective order, to the extent practicable the MPO should have identical or similar provisions to those in the civilian order that are reasonably likely to ensure the victim's safety.

- MPO's are issued to enforce good order and discipline and, as such, should advise the military member that violations may result in discipline under the Uniform Code of Military Justice (UCMJ).

Unit commanders should have written policies for MPOs in domestic violence situations to address the following:

1. Procedures to issue MPOs during and outside normal working hours.
2. Liaison with civilian courts to ensure that MPOs and civilian protective orders do not contradict each other.
3. Issuing the MPO in writing, and distributing copies to the subject, victim, military police, Family Advocacy Program, and copies to the appropriate civilian agencies per Memoranda of Agreement with local communities, and,
4. Procedures for prompt notification to military police and command of any violation of the MPO on or off the installation and procedures for response, including coordination of activities with civilian agencies per Memoranda of Agreement with local communities.

**APPENDIX P**  
**Sexual Assault Review Board (SARB) Minutes Format**

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MEMORANDUM FOR Area/Vice Wing Commander

SUBJECT: Area V Sexual Assault Review Board Minutes for 5 June 2005

1. Area SARB was convened by Colonel John Smith at 1500 hours, 5 June 05.
2. Members Present::
3. Members Absent:
4. The following sexual assault cases were reviewed:
  - a. Case: UCN – KOR05-0305-123
    - (1) Issue #1: State the issue/concern
      - (a) Discussion: Provide information on the issue
      - (b) Recommendation:  
POA or Other Course of Action
      - (c) Action Agency and Completion Deadline: Indicate the agency responsible for action to remedy the issue and a completion deadline.
    - (2) Issue # 2:
    - (3) Issue # 3
  - (There is no limit on the number of issues.)
  - b. Case: UCN- KOR05-0605-345
    - (1) Issue #1: State the issue/concern
      - (a) Discussion: Provide information on the issue
      - (b) Recommendation:  
POA or Other Course of Action

(c) Action Agency and Completion Deadline: Indicate the agency responsible for action to remedy the issue and a completion deadline.

(2) Issue # 2:

(3) Issue # 3

5. The following is a summary of the following:

a. Review result of the support services accessed by a victim.

b. Trends identified from review of the Victim and VA Survey analysis results, law enforcement's initial report on the sexual assault, and monthly Area sexual assault statistics.

c. Best Practices.

d. Agency requiring adjustments/improvements of services or system

6. Victim Case Updates were prepared for each case reviewed and are attached the minutes.

7. Minutes prepared by Area V SARC, Cpt. Shirley Jones, 784-1234, [Shirley.jones@osan.af.mil](mailto:Shirley.jones@osan.af.mil).

Encl

Area/Vice Wing Commander's  
Signature Block

**APPENDIX Q – (Page 1/2) MONTHLY AREA RESTRICTED STATISTICAL REPORT**

<b>AREA MONTHLY SEXUAL ASSAULT RESTRICTED REPORT</b>			
<b>MONTH/YEAR OF REPORT</b>	<b>SEXUAL ASSAULT TYPE</b>		
	<i>Rape</i>	<i>Indecent Assault</i>	<i>Forcible Sodomy</i>
<b>ARMY (Area I) Camp Casey, Camp Red Cloud and all Camps within Area I)</b>			
Army Service Members			
Air Force Service Members			
Navy Service Members			
Marine Service Members			
<b>Total</b>			
<b>ARMY (Area II) - Yongsan, K-16, Camp Market &amp; Colbern)</b>			
Army Service Members			
Air Force Service Members			
Navy Service Members			
Marine Service Members			
<b>Total</b>			
<b>ARMY (Area III) - Camp Humphrey, Long &amp; Eagle &amp; Suwon)</b>			
Army Service Members			
Air Force Service Members			
Navy Service Members			
Marine Service Members			
<b>Total</b>			
<b>ARMY (Area IV) - Daegu, Pusan, Camp Carrol, Walker &amp; Henry, Chinhae)</b>			
Army Service Members			
Air Force Service Members			
Navy Service Members			
Marine Service Members			
<b>Total</b>			
<b>AIR FORCE (Area V) - (Osan AFB)</b>			
Army Service Members			
Air Force Service Members			
Navy Service Members			
Marine Service Members			
<b>Total</b>			
<b>AIR FORCE (Area VI) - Kusan AFB &amp; Kwanju)</b>			
Army Service Members			
Air Force Service Members			
Navy Service Members			
Marine Service Members			
<b>Total</b>			
<b>Prepared By (Print Full Name):</b>			
<b>Signature:</b>		<b>Date Signed:</b>	



**APPENDIX R**

**Annual Area Calendar Report - Sexual Assault Offenses Involving Members of the Armed Forces**

REPORTS OF ALLEGED SEXUAL ASSAULT FOR: (rape, Nonconsensual sodomy, indecent assault, attempts of these offenses	Army	Air Force	Navy	Marine	CY Total
Total # reported sexual assaults BY service members, and/or Total # reported sexual assaults against service members for the year in the below categories:					
# service member on service member					
# service member on non-service member					
#non-service member on service member					
#unidentified subject on service member					
Total # INVESTIGATIONS:					
#Pending completion as of 31 Dec 2004					
#Completed this year					
Total Population (Active Duty & mobilized Reserve/Guard)					

SYNOPSIS OF THE COMPLETED INVESTIGATIONS:	Army	Air Force	Navy	Marine	CY Total
Total # of completed investigations					
Total # investigations with more than one victim, subject, or both					
Total # of subjects in the completed investigations:					
# of your service member subjects					
# of other services service member subjects					
# of nonservice member subjects					
# of unidentified subjects					
Total # of VICTIMS in the completed investigations:					
# of service member victims					
# of service member victims from other services					
# of nonservice member victims					

**APPENDIX S**  
**Unit SAPR Training Report**

1. Unit Name: \_\_\_\_\_

2. Unit Address: \_\_\_\_\_

3. Name/Rank of Unit Commander: \_\_\_\_\_

4. Name/Rank of Trainer: \_\_\_\_\_

5. Sexual Assault Awareness and Prevention (SAPR) Topic:  
\_\_\_\_\_

6. Date/Time of Training: \_\_\_\_\_

7. Training Location (Include Bldg Number):  
\_\_\_\_\_

8. Total Number of Enlisted Personnel Assigned to the Unit: \_\_\_\_\_

9. Total Number of Enlisted Personnel Attending the Training: \_\_\_\_\_

10. Total Number of Officer Personnel Assigned to the Unit: \_\_\_\_\_

11. Total Number of Officer Personnel Attending the Training: \_\_\_\_\_

12. Was the Unit's Commander present at the training? YES NO

13. Was the Unit's First Sergeant present at the training? YES NO

14. Did the Area Sexual Assault Response Coordinator (SARC) assist the trainer in the preparation of the training? YES NO

15. Did the Area SARC attend and observe training? YES NO

16. Did the CC SAPR Regional Trainer assist the trainer in the preparation of the training?  
YES NO

17. Did the CC SAPR Regional Trainer attend and observe the training? YES NO

18. If training was observed, did the facilitator receive written feedback on training presented?  
YES NO

19. Provide the name of the person providing the written feedback.  
\_\_\_\_\_

20. Name/Date of the individual completing the Unit SAPR Training Report.

**APPENDIX T**  
**Monthly Area SAPR Program Training Report**

SEXUAL ASSAULT PREVENTION RESPONSE (SAPR) PROGRAM TRAINING REPORT													
Month Training Occurred	Year	NO. ENLISTED PERSONNEL ATTENDING TRAINING			NO. OFFICER PERSONNEL ATTENDING TRAINING					NO. CIVILIAN PERSONNEL ATTENDING TRAINING			
		Pay Grade			Pay Grade					CIVILIAN CATEGORY			
		E-1 TO E-4	E-5 TO E7	E-8 TO E-9	WO-1 TO WO-2	WO-3 & ABOVE	O-1 TO O-2	O-3 TO 04	O-5 & ABOVE	GS	KGS	KN	INVITED CONTRACTOR
JAN													
FEB													
MAR													
APR													
MAY													
JUN													
JUL													
AUG													
SEP													
OCT													
NOV													
DEC													

**APPENDIX U**  
**Annual Area SAPR Program Training Report**

<b>ANNUAL AREA SAPR PROGRAM TRAINING REPORT</b>													
<b>MONTH</b>	<b>YEAR</b>	<b>Army</b>			<b>Air Force</b>			<b>Navy</b>			<b>Marines</b>		
		<b>ENL</b>	<b>OFF</b>	<b>CIV</b>	<b>ENL</b>	<b>OFF</b>	<b>CIV</b>	<b>ENL</b>	<b>OFF</b>	<b>CIV</b>	<b>ENL</b>	<b>OFF</b>	<b>CIV</b>
<b>January</b>													
<b>February</b>													
<b>March</b>													
<b>April</b>													
<b>May</b>													
<b>June</b>													
<b>July</b>													
<b>August</b>													
<b>September</b>													
<b>October</b>													
<b>November</b>													
<b>December</b>													
<b>Totals</b>													
<b>REPORT PREPARED BY:</b>													
<b>SIGNATURE</b>													
<b>DATE SIGNED:</b>													







**APPENDIX W  
Offender Data Sheet**

Case No.	SSN	DOB	Rank	Pay Grade	Service	Race	Ethnicity	Gender	Alcohol involved	Drugs Involved	Victim's Relationship to Offender	Were Children in the home

**APPENDIX X**

**Format – Collateral/Additional Duty Appointment Order/Delegation Letter**

Office Symbol

Date

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Collateral/Additional Duty Appointment Order/Delegation Letter

1. Effective immediately, the following individual is appointed as a Sexual Assault Victim Advocate (SAVA) for (*Provide Area and name of location*)

NAME:

RANK/GRADE:

SSN:

UNIT:

DUTY PHONE:

CELL PHONE:

E-MAIL ADDRESS:

2. AUTHORITY: USFK 600-20.

3. PURPOSE: To perform the duties as a Certified Sexual Assault Victim Advocate (SAVA).

4. PERIOD: Until officially relieved or released from appointment or assignment.

5. SPECIAL INSTRUCTIONS:

a. Commanders will ensure that the SAVA is released from all normal duties for the purpose of providing emotional support and assistance to active duty service members who are victims of sexual assault victim. SAVA will accompany the victim to medical, legal, counseling, and any other support required or requested by the victim.

b. Appointee must meet the suspense for all required reports.

6. Information contained in this memorandum is subject to the Privacy Act of 1974, and will not be disclosed without the consent of the individual.

Signed by  
Area or Vice Wing Commander

DISTRIBUTION:

Individual

Area SARC

Personnel File

Unit Commander

Supervisor

## GLOSSARY

### Section I Abbreviations

AFOSI	Air Force Office of Special Investigation
ACS	Assistant Chief of Staff
CC-Seoul	Command Center Seoul
CID	Criminal Investigation Division
DEPSECDEF	Deputy Secretary of Defense
DOD	Department of Defense
EOR	Equal Opportunity Representative
FAP	Family Advocacy Program
HCP	Health Care Provider
IAW	In Accordance With
IG	Inspector General
JPIC	Joint Police Information Center
MICO	Military Criminal Investigation Organization
MP	Military Police
MTF	Medical Treatment Facility
PACAF	Pacific Air Force
PAO	Public Affairs Office
POA	Plan of Action
POC	Point of Contact
RCN	Report Case Numbers
SAPR	Sexual Awareness and Prevention
SAE	Sexual Examination Kit
SAFE	Sexual Assault Forensic Examination
SAFRG	Sexual Assault First Response Group
SAPR	Sexual Assault Prevention and Response
SARB	Sexual Assault Review Board
SARC	Sexual Assault Response Coordinator
SAVA	Sexual Assault Victim Advocacy
SJA	Staff Judge Advocate
SP	Security Police
UCMJ	Uniform Code of Military Justice
USFK	United States Forces Korea
VA	Victim Advocacy

### Section II Terms

**Accused:** Any person suspected of committing a sexual assault based upon the report of another person or other information.

**Allegation.** An allegation of sexual assault is any report of any offense of sexual assault made to military or civilian law enforcement or the chain of command.

**Anal Sex.** To put a penis into the rectum of another person

**Area Commander.** An officer (O-6 or above) designated as the Commanding Officer and in charge of geographical location. Responsible for the management and maintenance of infrastructure, office and family buildings, post/base exchange, support services such as legal services, family or community service centers and for programs related to the military community's morale, welfare and recreation.

**Area Sexual assault Response Coordinator (SARC).** A DOD or contracted civilian employee or active duty services member (E-7 or higher) who reports directly to and has unhindered access to the Area/Vice Wing Commander. The SARC implements and manages the area level SAPR program.

**Area Victim Advocate (VA).** DOD or contracted civilian employees, active duty service member or volunteer who receives guidance and mentoring from the SARC while assigned as a VA to a victim. Military services member who are VA are assigned in a collateral duty in a non-deployed or deployed theater and may only be assigned to victims of sexual assault who are service members. VA provides crises intervention, referral and on-going non-clinical support including information on available options and resources to assist the victim in making informed decisions about the case. VA services will continue until the victim states support is no longer needed.

**Assailant.** The person identified as the attacker (perpetrator).

**Assault.** The use of unlawful force or violence either as an overt act with the intent of inflicting bodily harm; or as an unlawful demonstration of violence, either by an intentional or by a culpably negligent act or omission, which creates in the mind of another a reasonable apprehension of receiving immediate bodily harm (UCMJ Article 128, paragraph 54).

**CC.** Component Command

**Convening Authority.** The commanding officer authorized by the UCMJ to convene (establish) courts-martial, to refer cases to courts he/she has convened, and to take final action on the case.

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

**Covered Communication.** Any oral, written or electronic communication of personally identifiable information made by a victim to the SARC, assigned SAVA or to a healthcare provider related to their sexual assault.

**Defendant.** A person who is charged with a crime.

**Defense Counsel.** The lawyer for the defendant.

**Disposition:** The outcome of the case.

**Evidence.** Testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact.

**FAP.** Family Advocacy Program.

**Genitalia.** The external sex organs.

**Healthcare Provider (HCP).** For purposes of this policy, HCP includes those individuals who are employed or assigned as healthcare professionals, or are credentialed to provide healthcare services, at medical or dental treatment facilities or to clinical counseling facilities such as the Army Social Work Services or Air Force Life Skills Support Centers.

**Indecent Assault.** An assault with the intent to gratify the lust or sexual desires of the accused (UCMJ Article 134, paragraph 63).

**HCP.** Healthcare Provider – an individual that works in a Medical Treatment Facility.

**MCIO.** Military Criminal Investigation Organization. Refers to the Army's Criminal Investigating Division (CID), Air Force Office of Special Investigations (AFOSI) and Naval Criminal Investigation Service (NCIS).

**Oral Sex.** To put one's mouth on another person's genitalia.

**Prosecutor.** The lawyer (attorney) who represents the interests of the government in court. Also called Trial Counsel in the military.

**Rape.** Sexual intercourse with force and without consent.

**Restricted Reporting.** A reporting option that allows a service member who is sexually assaulted, to confidentially disclose details of the assault to specifically identified individuals (SARC, healthcare provider or chaplain) and receive medical treatment and counseling without an investigation being initiated.

**Sexual Assault.:** Includes rape, forcible sodomy, indecent assault, and any attempt to commit these crimes as defined by the UCMJ. Attempts to commit the offenses of rape or forcible sodomy under Article 80, UCMJ, and the offenses of, or assaults with intent to commit rape or sodomy under Article 134, UCMJ, are also considered sexual assault.

**NOTE:** The following definition of sexual assault has been directed by DOD and is for training and educational purposes only. This definition does not affect in any way the definition of any offenses under the Uniform Code of Military Justice (UCMJ). Commanders are encouraged to consult with their Staff Judge Advocate (SJA) for complete understanding of this definition in relation to the UCMJ.

a. Sexual Assault is a crime. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim

does not or cannot consent. Sexual assault includes rape, unconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim.

**SAFRG:** Sexual Assault First Responder Group.

**SAPR. Sexual Assault Awareness, Prevention and Response Program:**

A program based on a victim centered model and coordinates medical law enforcement, legal, counseling, chaplain services for the victim using a case management system.

**SARC.** Sexual Assault Response Coordinator is the individual designated to oversee their respective components' SAPR program. Responsible for activating and assigning a VA to a sexual assault victim, collecting and maintaining sexual assault data and preparing and submitting reports to USFK J1, Sexual Assault Program Director.

**Sexual Assault First Responders Group (SAFRG).** Represent those individuals from functional communities who are normally the first to respond to a sexual assault incident. SAFRG normally include as a minimum: law enforcement personnel, criminal investigators, SARC, assigned VA, HCP, clinical counselor, Staff Judge Advocate (SJA) personnel to include the Victim Witness Assistance/Liaison Program (VWAP/WVLP) and chaplain. Under restricted reporting the SAFRG membership is limited to the SARC, assigned VA, HCP, Counselor and Chaplain, if applicable.

**SAE Kit. Sexual Assault Examination Kit** includes the items and instructions used by healthcare providers (HCP) to collect and to preserve the physical evidence of the attack.

**SAVA.** Refers to the individual trained and certified as a Sexual Assault Victim Advocate. The VA is assigned to victims of sexual assault to provide quality support and assurance. Also serves as a companion and provides emotional and administrative support to victims of sexual assault during law enforcement, medical, legal, Victim Witness Liaison and/or judicial non-judicial proceedings.

**Sodomy.** A term generally used in reference to oral or anal sex with another person of the same or opposite sex.

**Suspect.** A person who is believed to have committed a crime.

**UCMJ.** Uniform Code of Military Justice is act of congress setting forth laws that govern the conduct of the Armed Forces of the United States.

**Unrestricted Reporting.** A reporting option that allows a service member who is sexually assaulted and desires medical treatment, counseling and an official investigation of his/her allegations.

**Victim.** A victim is any person who reports a sexual assault upon him or herself, or is identified upon the report of another person or other information, as a person who has been subjected to a sexual assault.

**Victim.** For purposes of this policy, the term “victim” is synonymous with the commonly used term, “alleged victim.” A victim is a person who alleges direct physical, emotional, or pecuniary harm as a result of the commission of a sexual assault or other crime.

**VWAP/VWLP.** Victim Witness Assistance Program/Victim Witness Liaison Program is a program within the SJA office and normally headed by a SJA office. The SJA assigned as the Victim Witness Liaison assist persons who become victims or witnesses and helps them to receive fair and courteous treatment while participating in the judicial/non-judicial proceedings.