

TRAINING SUPPORT PACKAGE (TSP)

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| TSP Number / Title | 805C-A-0106 / Army's Sexual Assault Prevention and Response Training (Senior Leader) |
| Effective Date | 19 Dec 2005 |
| Supersedes TSP(s) / Lesson(s) | This TSP supersedes TSP 805C-A-0106 (CJASA106), dated 10 Aug 2005 |
| TSP Users | First Sergeants Course (1SG), Sergeants Major Course (SMC), Pre-Command Course (PCC), Warrant Officers Staff Course (WOSC), Warrant Officer Senior Staff Course (WOSSC), Intermediate Level Education (ILE), Army War College (AWC), and CAPSTONE |
| Proponent | The proponent for this document is the Adjutant General School. |
| Improvement Comments | Users are invited to send comments and suggested improvements on DA Form 2028, <i>Recommended Changes to Publications and Blank Forms</i> . Completed forms, or equivalent response, will be mailed or attached to electronic e-mail and transmitted to: Soldier Support Institute Commandant, Adjutant General School ATTN: Training Development Directorate 10000 Hampton Parkway Fort Jackson, SC 29207-7025 |
| Security Clearance / Access | Unclassified |
| Foreign Disclosure Restrictions | FD5. This product/publication has been reviewed by the product developers in coordination with the Soldier Support Institute Adjutant General School foreign disclosure authority. This product is releasable to students from all requesting foreign countries without restrictions. |

PREFACE

Purpose

This Training Support Package provides the instructor with a standardized lesson plan for presenting instruction for:

805C-010-0106 Enforce the Army's Sexual Assault Prevention and Response Program

This TSP
Contains

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**Army's Sexual Assault Prevention and Response Training (Senior Leader)
CJASA106 / Version 3
19 Dec 2005**

SECTION I. ADMINISTRATIVE DATA

| | | | |
|--|---|---|--|
| All Courses Including This Lesson | <u>Course Number</u> | <u>Version</u> | <u>Course Title</u> |
| | | | 1SG, SMC, PCC, WOSC, WOSSC, ILE, AWC, and CAPSTONE |
| Task(s) Taught(*) or Supported | <u>Task Number</u> | <u>Task Title</u> | |
| | 805C-010-0106 | Enforce the Army's Sexual Assault Prevention and Response Program | |
| Reinforced Task(s) | <u>Task Number</u> | <u>Task Title</u> | |
| | | | |
| Academic Hours | The academic hours required to teach this lesson are as follows: | | |
| | <u>Resident Hours/Methods</u> | | |
| | | 3 hrs 30 mins / Conference / Discussion | |
| | Test | 20 mins | |
| | Test Review | 10 mins | |
| | Total Hours: | 4 hrs 10 mins | |
| Test Lesson Number | | <u>Hours</u> | <u>Lesson No.</u> |
| | Testing (to include test review) | _____ | N/A _____ |
| Prerequisite Lesson(s) | <u>Lesson Number</u> | <u>Lesson Title</u> | |
| | None | | |
| Clearance Access | Security Level: Unclassified Requirements: There are no clearance or access requirements for the lesson. | | |
| Foreign Disclosure Restrictions | FD5. This product/publication has been reviewed by the product developers in coordination with the Soldier Support Institute Adjutant General School foreign disclosure authority. This product is releasable to students from all requesting foreign countries without restrictions. | | |

References

| <u>Number</u> | <u>Title</u> | <u>Date</u> | <u>Additional Information</u> |
|-----------------------|---|-------------|---|
| AR 195-1 | Army Criminal Investigation Program | 12 Aug 1974 | http://www.usapa.army.mil/ |
| AR 195-2 | Criminal Investigation Activities | 30 Oct 1985 | http://www.usapa.army.mil/ |
| AR 27-10 | Military Justice | 16 Nov 2005 | http://www.usapa.army.mil/ |
| AR 600-20 FINAL DRAFT | Army Command Policy (2005 Version) - Final Draft | | http://www.sexualassault.army.mil |
| ARMY SA WEBSITE | Army's Sexual Assault Prevention and Response Website | | http://www.sexualassault.army.mil |
| ASAMRA TF RPT | Acting Secretary of the Army's Task Force Report on Sexual Assault Policies | 27 May 2004 | http://www.asamra.army.mil/eo/eo_docs/Army%20Report%20(May%2027%202004).pdf |
| DODDIR 1030.1 | Victim and Witness Assistance | 13 Apr 2004 | http://www.dtic.mil/whs/directives/corres/dir1.html |
| MANUAL-MCM | Manual for Courts-Martial, United States (2005 Edition) | 2005 | https://akocomm.us.army.mil/usapa |
| POLICY ON SA | Army Policy on Sexual Assault Memorandum | 07 Apr 2004 | http://www.asamra.army.mil/eo/eo_docs/Army%20Report%20(May%2027%202004).pdf |
| PREVENTION:SA | Army Hooah 4Health Information | 04 Jan 2005 | http://www.hooah4health.com/default.htm |
| T342 | USASMA BNCOC Lesson, Cultural Awareness Consideration | 01 Oct 2004 | http://www.bliss.army.mil/usasma/bncoc1/courseware.htm |

Student Study Assignments

Read AR 600-20, Chapter 8 and student handouts before class.

Instructor Requirements

One qualified instructor who has a thorough understanding of sexual assault prevention and response.

Additional Support Personnel Requirements

| <u>Name</u> | <u>Stu Ratio</u> | <u>Qty</u> | <u>Man Hours</u> |
|-------------|------------------|------------|------------------|
| None | | | |

Equipment Required for Instruction

| <u>Id Name</u> | <u>Stu Ratio</u> | <u>Instr Ratio</u> | <u>Spt</u> | <u>Qty</u> | <u>Exp</u> |
|--|------------------|--------------------|------------|------------|------------|
| 673000SCREENW Screen, Projection Wall/Ceiling Mount or Portable | 1:16 | 1:1 | No | 1 | No |
| 702500CPU Computer, Personal/Desktop (only CPU w/std Mouse, Keyboard, Sound Card, CD-ROM, & WIN OS) | 1:16 | 1:1 | No | 1 | No |
| 702500LCDPANE LCD Projector Panel | 1:16 | 1:1 | No | 1 | No |

* Before Id indicates a TADSS

**Materials
Required**

Instructor Materials:

- TSP Lesson Plan
- References
 - AR 600-20, Army Command Policy, Chapter 8, dated 2005
 - AR 27-10, Military Justice, 15 Nov 05
 - AR 195-1, Army Criminal Investigation Program, 12 Aug 74
 - AR 195-2, Criminal Investigation Activities, 30 Oct 85
 - www.hooah4health.com
 - www.sexualassault.army.mil
- Viewgraphs: Slides 1 thru 36
- Video, “*The Many Faces of Sexual Assault*,” PIN 711747 and script

Student Materials:

Student handouts (SH 1-7)

**Classroom,
Training Area,
and Range
Requirements**

Gen Clrm, 1080 SF, 16 PN

**Ammunition
Requirements**

| <u>Id</u> | <u>Name</u> | <u>Exp</u> | <u>Stu Ratio</u> | <u>Instr Ratio</u> | <u>Spt Qty</u> |
|-----------|-------------|------------|----------------------|------------------------|--------------------|
| None | | | | | |

**Instructional
Guidance**

NOTE: Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

It is important for the instructors to understand that their primary purpose during this lesson is to serve as a facilitator. This course is designed with interaction and discussion questions for senior leaders to enforce the Army’s Sexual Assault Prevention and Response Program.

Instructors must review the Army’s sexual assault website (www.sexualassault.army.mil) for the latest information and updates prior to presenting the class.

Instructors must be aware that the subject and content of this class may evoke strong emotional reactions from students who may have been victims of sexual assault in the past. For this reason, the instructor must explain this at the beginning of the class and have an alternate instructor (AI) available to allow students with emotional issues to have discussions privately with the AI, so as not to interrupt training.

Instructor must complete SH-7: (Resources for Sexual Assault Victims) by filling in the applicable local information prior to class.

Instructor should distribute all student handouts three days prior to class.

NOTE: Request SARC or VA participation in training delivery if they are available.

**Proponent
Lesson Plan
Approvals**

| <u>Name</u> | <u>Rank</u> | <u>Position</u> | <u>Date</u> |
|----------------------|-------------|-------------------------------------|-------------|
| Harrison, LZ | GS11 | Training Spec | 09 Dec 2005 |
| Anthony, Connell | MSG | EO Proponency NCO | 09 Dec 2005 |
| Jones, Brian M. | SGM | EO Proponency SGM | 09 Dec 2005 |
| Kimberley, Rose | GS12 | Ch, Qual Control (HRD) | 09 Dec 2005 |
| Jones, Anita | GS13 | Dep Ch, Human Resources Division | 09 Dec 2005 |
| Jaques, Christian K. | LTC | Chief, Human Resources Division | 09 Dec 2005 |
| Campbell, Jerome | LTC | Dep Dir, TDD | 09 Dec 2005 |

SECTION II. INTRODUCTION

| |
|---|
| Method of Instruction: <u>Conference / Discussion</u> |
| Instructor to Student Ratio is: <u>1:16</u> |
| Time of Instruction: <u>20 mins</u> |
| Media: <u>Small Group Instruction (SGI)</u> |

Motivator

NOTE: Ask the students what they think their role as senior leaders is regarding sexual assault prevention and response. Capture their answers on a flip-chart. Explain that you will try and address each item throughout the course.

Some examples include:

- Communicate the purpose of the Army's Sexual Assault Prevention and Response Program to the Soldiers
- Educate and train Soldiers on sexual assault prevention
- Monitor the command climate to ensure that it is supportive of victims
- Enforce the Army policy on sexual assault and make sure subordinates enforce it
- Ensure that Soldiers feel comfortable in reporting sexual assault to the chain of command
- Make sure Soldiers know that the chain of command will take appropriate disciplinary action
- Continually assess the command climate regarding the risk of sexual assault in their unit
- Demonstrate, through their words and actions, that sexual assault is unacceptable and is incompatible with Army Values and the Warrior Ethos.

Show Slide-1 (Army's Sexual Assault Prevention and Response Program – Senior Leader Training)

Welcome to the Army's Sexual Assault Prevention and Response Training for senior leaders. This lesson is part of the Army's Sexual Assault Prevention and Response Program. During this lesson, we will frequently refer to Chapter 8 of AR 600-20, Army Command Policy, dated 2005.

As senior leaders, you are responsible for providing the strong leadership that develops effective units and organizations. As you are aware, leaders must care about the Soldiers in their command and Soldiers must know that they care. You must set the standard and create an environment within your organization that emphasizes Army Values, Warrior Ethos and Soldier's Creed.

During your Army career, you have been confronted with numerous leadership challenges, one of which may have been sexual assault. From previous training, you learned to be aware of the conditions under which incidents of sexual assault may occur. This lesson is designed to provide you with additional information that will aid you and your Soldiers regarding these conditions and how to prevent sexual assaults. In addition, it provides information on handling sexual assault in your unit should it occur.

In the past few years, the Army and DoD have faced intense scrutiny of its sexual assault prevention programs. Media reports have alleged that the Army's investigations are insufficient and its victim support systems were unresponsive in dealing with reports of sexual assault. As a result, the Army and the DoD have conducted a thorough review of these allegations and strengthened their procedures and processes where needed. As the leadership of the Army, you have to help ensure that these procedures and processes are effective and as senior leaders you have to communicate this program to others. Remember, this is your program and it is meant to provide for a safe contemporary operating environment.

This lesson is designed to provide you with the knowledge and skills to deal with the issue of sexual assault. Also, this lesson is designed to stress the seriousness of sexual assault and to ensure that the Army's contemporary operating environment is safe and keeps to the highest standards. Finally, this program is designed to help you deal with sexual assault in your command.

NOTE: Show Slide-2 (Terminal Learning Objective)

At the completion of this lesson, you [the student] will be able to enforce the Army's Sexual Assault Prevention and Response Program by monitoring the implementation and integration of its principles and fostering a climate of support if a sexual assault incident occurs in your unit.

Terminal Learning Objective

NOTE: Inform the students of the following Terminal Learning Objective requirements.

At the completion of this lesson, you [the student] will:

| | |
|--------------------|--|
| Action: | Enforce the Army's Sexual Assault Prevention and Response Program |
| Conditions: | In a classroom environment with facilitated group discussions or scenarios |
| Standards: | <p>Complete the lesson on the Army's Sexual Assault Prevention and Response Program and participate in an evaluative scenario to:</p> <ul style="list-style-type: none"> A. Review the Army's Sexual Assault Prevention and Response Program and its components. B. Assess the impact of sexual assault on command climate and Army readiness. C. War-game approaches for prevention of sexual assault in a garrison and operational environment. D. Apply leadership responsibilities in responding to sexual assault. E. Identify reporting options and implications of each option. F. Plan appropriate Sexual Assault Prevention and Response Program resources. |

Safety Requirements

No food or drink is allowed near or around electrical equipment (CPU, file servers, printers, projectors, etc.) due to possible electrical shock or damage to equipment. Exercise care in personal movement in and through such areas. Avoid all electrical cords and associated wiring. In the event of electrical storms, you will be instructed to power down equipment.

Risk Assessment Level

Low

Environmental Considerations

NOTE: It is the responsibility of all Soldiers and DA civilians to protect the environment from damage.

Evaluation

At the end of this lesson you will participate in an evaluative scenario that measures your ability to enforce the Army's Sexual Assault Prevention and Response Program. You will be graded on a GO or NO-GO basis by your facilitator based on your correct input and active participation in the scenario discussion. You must receive a GO from your facilitator to receive a GO for this lesson.

Instructional Lead-In

The Army's Sexual Assault Prevention and Response Program was created in response to the Secretary of Defense's, Acting Secretary of the Army's and the Chief of Staff's directive on eliminating incidents of sexual assault cases in the Department of Defense. The Army's Sexual Assault Prevention and Response Training provides guidance for leaders and Soldiers on how to prevent such assaults, where to receive assistance, and how to foster a responsive environment.

NOTE: Show Slide-3 (Program Purpose)

The purpose of the Army's Sexual Assault Prevention and Response Program is to eliminate incidents of sexual assault through a comprehensive policy that centers on:

- Awareness and prevention
- Training and education
- Reporting
- Response
- Victim Advocacy
- Accountability

Now let's review the Army's Sexual Assault Prevention and Response Program.

SECTION III. PRESENTATION

NOTE: Inform the students of the Enabling Learning Objective requirements.

A. ENABLING LEARNING OBJECTIVE

| | |
|--------------------|---|
| ACTION: | Review the Army's Sexual Assault Prevention and Response Program and its components |
| CONDITIONS: | In a classroom environment with facilitated group discussions or scenarios |
| STANDARDS: | Define the Army's Sexual Assault Policy and its components |

1. Learning Step / Activity 1. Review the Army's Sexual Assault Policy

Method of Instruction: Conference / Discussion

Instructor to Student Ratio: 1:16

Time of Instruction: 35 mins

Media: Small Group Instruction (SGI)

Lead-In: Before we begin to identify ways to prevent and respond to sexual assault in your commands, let's review some of the basics.

It is important that you understand the Army's policy on preventing and responding to sexual assault in the contemporary operating environment. Your response to these events affects the climate under which you and your Soldiers live and operate. The Sexual Assault Policy states that all victims of sexual assault will be treated with dignity, fairness and respect. Each incident will be treated seriously and all information will be kept confidential. The Secretary of Defense in his memo to commanders of the combatant commands stated that the sexual assault problem can only be solved by commanders exercising strong leadership. He further stated that commanders and noncommissioned officers at every organizational level are responsible for success. The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies, dated 27 May 2004, findings reinforced the Task's Force's belief that "proactive involvement by leaders at all levels is the key to successfully addressing sexual assault in the Army."

NOTE: Instructors should inform students that the Army's Sexual Assault Policy is located in Paragraph 8-2 of AR 600-20 and a synopsis of the policy is provided in SH-1.

NOTE: Explain to the students that the Army Sexual Assault Prevention and Response Program applies when Soldiers are victims, no matter who is the perpetrator. When the victim is a civilian, local law enforcement becomes involved.

NOTE: Show Slide-4 (Army Policy on Sexual Assault)

NOTE: This topic is covered in the student study assignment reading of AR 600-20, Chapter 8. Thus this topic might be covered as a brief review, if no questions are asked.

1. The first topic of this lesson is the "Army's Sexual Assault Policy." You should become familiar with this policy and be able to identify and explain it so that you can enforce the program in your command and explain it to Soldiers.

NOTE: Read the policy to the students and have one member of the class summarize what it means to leaders.

2. Chapter 8 of AR 600-20, Army Command Policy, documents the Army's Policy on Sexual Assault. The policy states, "Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. It is incompatible with the Army Values and is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian

laws. The Army will treat all victims of sexual assault with dignity, fairness, and respect.

NOTE: Show video, "*The Many Faces of Sexual Assault*," PIN: 711747. If the video is not available, refer students to SH-2: Video Script. Explain to the students that 80% of assaults are male on female in the U.S. population and 20% of assaults are on males. However, not a lot is known about sexual assaults on males since this type of crime is very under-reported. Tell the students that they will be referring back to the scenarios in this video throughout this training today.

NOTE: Show Slide-5 (Sexual Assault Defined)

NOTE: Explain to the students that as part of the policy there are several definitions and terms that need to be defined to thoroughly understand the policy.

1. "**Sexual assault**" refers to 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 can occur without regard to gender, spousal relationship, or age.
2. "**Consent**" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a perpetrator uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious.

NOTE: Show Slide-6 (Types of Sexual Assault)

The four types of sexual assault covered under the Army's Sexual Assault Prevention and Response Program are: rape, nonconsensual sodomy, indecent assault, and attempts to commit these acts.

NOTE: After each definition ask the students to identify the different types of sexual assault portrayed in the video scenarios, shown previously.

Sexual assault includes:

1. Rape - sexual intercourse by force and without consent. There are four types of rape:
 - a. Physical force is an act of forced sexual intercourse without consent.
 - b. Constructive force is the use of threats, intimidation, or the abuse of authority.
 - c. Date/Acquaintance (also known as non-stranger) rape is an attack by someone the victim knows.
 - Date/Acquaintance rape accounts for 60 to 90% of all rapes.
 - This type of rape is the most unreported.
 - Often the victim assumes blame or is embarrassed to report the incident.
 - d. Marital rape is intercourse by the victim's spouse without consent. Spouses must also give consent for sexual intercourse! Marital rape is a form of sexual assault and domestic violence, hence it is a crime. Soldiers will be prosecuted for marital rape. Because of federal and state laws that govern domestic violence reporting and investigation, marital rape is reported, prosecuted, and managed separately from this program. The restricted reporting avenues of confidentiality that will be discussed later in this lesson do not apply in a case of marital rape. The Family Advocacy Program administers domestic violence prevention and response programs.
2. Nonconsensual sodomy (oral or anal sex) - oral or anal sex by force and without consent
3. Indecent assault - any unwanted, inappropriate sexual contact or fondling done with the intent to gratify lust or sexual desires. This includes same-gender sexual assault. Examples of indecent assault: fondling a woman's breasts or touching genital area.

4. Carnal knowledge is sex with a minor and the military considers anyone under the age of 16 a minor. A minor cannot give consent, so consensual sex with a minor is ILLEGAL! Soldiers will be prosecuted for having sex with a minor, even if it was consensual. Carnal knowledge is a crime and a form of sexual assault; however, because of federal and state laws that govern child abuse reporting and investigation, carnal knowledge is reported, prosecuted, and managed separately from this program. The restricted reporting avenues of confidentiality that will be discussed later in this lesson do not apply in a case of carnal knowledge. The Family Advocacy Program administers child abuse prevention and response programs.
5. Attempts to commit these acts are also considered sexual assault and can be reported, investigated, and prosecuted.

Remember, sexual assault can occur without regard to gender, spousal relationship, or age of victim.

NOTE: Reemphasize to the students that marital rape and carnal knowledge are forms of sexual assault and are crimes, however the response and prevention programs for these crimes are managed by the Family Advocacy Program and the confidential reporting options do not apply. Additionally, alleged perpetrators may be investigated and prosecuted under UMCJ for marital rape and carnal knowledge.

NOTE: Show Slide-7 (Parties Involved)

As senior leaders it is your responsibility to deal with and understand the role of all the parties involved in sexual assault.

1. The term "**Victim**" is defined as "any person who reports the commission of a sexual assault upon himself or herself, or is identified, based upon the report of another person, or other information, as a person who has been subjected to a sexual offense."
2. The term "**Alleged perpetrator**" is defined as "one who has been accused of committing a crime including any report of a crime to police authorities of a known or unknown person," (i.e., subject.)
3. The term "**Perpetrator**" is defined as "one who has committed a crime," (i.e., offender, subject.)

NOTE: Refer students to SH-3: (Sexual Assault Terms and Definitions) for descriptions of sexual assault terms.

NOTE: Show Slide-8 (Sexual Assault Resources)

1. The term "**Sexual Assault Response Coordinator (SARC)**" refers to the individual appointed to serve as the "center of gravity" for ensuring victims of sexual assault receive appropriate and responsive care.
2. The term "**Victim Advocate (VA)**" refers to the individual appointed by the SARC to provide the victim with information, assist the victim with emotional support, and to help the victim navigate available resources.
3. The term "**Unit Victim Advocate (UVA)**" refers to Soldiers or civilians who are trained to provide limited victim advocacy as a collateral duty, usually in a deployed environment.
4. The "**Sexual Assault Review Board (SARB)**" provides executive oversight, procedural guidance and feedback concerning the installation's Sexual Assault Prevention and Response program. This board reviews the installation's prevention program and the response to any sexual assault incidents occurring at the installation. This includes reviewing cases and procedures to improve processes, system accountability, and victim access to quality services. The installation/senior mission commanders are responsible for the board, however all commanders participate in the SARB when assaults occur within their command.

NOTE: Show Slide-9 (Victim Advocacy Program)

In a garrison environment there are three echelons of sexual assault victim advocates in the Army.

1. The Installation Sexual Assault Response Coordinator (SARC) is responsible for coordinating the local implementation of the program.
2. VAs work directly with the Installation SARC, victims of sexual assault, Unit Victim Advocates (UVAs), and other installation response agencies.
3. Unit Victim Advocates (UVA) are Soldiers or civilians who are trained to provide limited victim advocacy as a collateral duty.

In a deployed environment, there are two echelons of victim advocates.

1. Deployable SARCs are Soldiers trained and responsible for coordinating the Sexual Assault Prevention and Response Program as a collateral duty in a specified area of a deployed theater. There is one deployable SARC at each brigade and higher echelon.
2. UVAs are Soldiers trained to provide victim advocacy as a collateral duty. There are two UVAs for each battalion sized unit.

NOTE: Explain to the students that they will learn to plan for these resources later in this training.

NOTE: Ask, "Who has had experience with any of the involved parties/resources? What was the experience like?"

NOTE: Ask, "Who has seen the program in action and what are your thoughts/experiences?"

NOTE: Are there any questions on this before we continue?

CHECK ON LEARNING: Conduct a check on learning and summarize the ELO.

Directions: Have the students read the first scenario on SH-4 and then have them answer the following questions. Continue having them read the remaining scenarios and asking the same questions.

1. Does the scenario describe a sexual assault?
2. If so, what type?
3. If rape, what type?
4. Who was the victim?
5. Who was the alleged perpetrator?

After approximately five minutes, go over the scenarios and discuss the answers. At the conclusion of the activity summarize the findings.

NOTE: Show Slide-10 (Review: Sexual Assault Program Components)

In this topic, we looked at definitions and the types of sexual assault. Types of sexual assault include rape, nonconsensual sodomy, indecent assault, carnal knowledge, and attempts to commit these acts. We also reviewed the parties involved in a sexual assault. These parties will play a key role when we start to plan appropriate Sexual Assault Prevention and Responses Program resources.

B. ENABLING LEARNING OBJECTIVE

| | |
|--------------------|--|
| ACTION: | Assess the impact of sexual assault on command climate and Army readiness |
| CONDITIONS: | In a classroom environment with facilitated group discussions or scenarios |
| STANDARDS: | Examine the impact of sexual assault on command climate and Army readiness |

1. Learning Step / Activity 1. Assess the impact of sexual assault on command climate and Army readiness

Method of Instruction: Conference / Discussion

Instructor to Student Ratio: 1:16

Time of Instruction: 30 mins

Media: Small Group Instruction (SGI)

Lead-In: As we just learned, sexual assault can take on many forms. Knowing what these forms are, being prepared to prevent them, and handling them appropriately as leaders maintains the best climate for organizations to perform their mission. Maintaining a supportive command climate is one of your goals as a senior leader. Unit “climate” factors – such as leadership, cohesion, morale, and the human relations environment (including sexual assault) have a direct impact on the effectiveness of your unit. Let’s examine specifically how sexual assault impacts the command climate and Army readiness.

NOTE: Show slide 11—(Command Climate Assessment Tools)

To effectively evaluate the impacts of sexual assault on your command climate, you must first have information for the climate in your command. As senior leaders, there are a few tools that you can use to help you assess the climate.

1. Command Climate Survey - The Command Climate Survey is designed as a self-contained stand-alone tool for you as a commander. You will administer the survey, score or tally the results, and conduct your own analysis to assess your unit’s current climate. The survey results may provide indicators of strengths and issues in your unit. Traditionally, the command climate survey is done at the company level, but it can also be done at the battalion level to gain an understanding of the entire battalion climate.
2. Observation – Observe the command and make notes regarding the climate.
3. Personal Interviews – Interview the people in your command to gain perceptions of the Soldiers.
4. Reports – Use statistics and command reports to evaluate the command climate.
5. Reception and integration – Counsel new team members when they arrive at the organization. The reception and integration counseling serves two purposes. First, it identifies and helps fix any problems or concerns that new members may have, especially any issues resulting from the new duty assignment. Second, it lets them know the organizational standards and how they fit into the team. It clarifies job titles and sends the message that the chain of command cares. Reception and integration counseling should begin immediately upon arrival so new team members can quickly become integrated into the organization.
6. Inspector General (IG) staff assistant’s visits – Requests the IG office to conduct focus groups to explore issues.
7. Other unit data

NOTE: Ask for specific examples of how the students have used the above techniques to assess their command climate. Ask for other types of information they can use to assess the command climate. Ask for ways that the above examples can be tied to sexual assault.

NOTE: Show Slide-12 (Effects on the Unit)

Sexual assault affects the unit in a variety of ways. Such effects include:

1. Combat readiness suffers due to distrust among Soldiers and their leaders.
2. Unit cohesion and teamwork erodes since assault forces unit members to take sides.
3. Good order and discipline of the unit is disrupted, since crime is occurring.

NOTE: Explain to the students that in new situations there is often additional planning that needs to occur to maintain a positive command climate and keep the Soldiers safe. When the Soldiers are in an operational environment or conducting field exercises they may have some apprehension. In this new environment they may now be dealing with contractors and other service members. How as a leader can you help maintain a positive command climate in an operational environment? (e.g., establish battle buddies; talk with Soldiers to understand the command climate, etc).

NOTE: Brainstorm how each of the above issues affect Army readiness in a garrison and operational environment. Discuss some of the effects on the victim, both physical and emotional.

CHECK ON LEARNING: Conduct a check on learning and summarize the ELO.

NOTE: Have a student identify a situation when a crime was committed (sexual assault, theft, etc.) in their unit and explain how their response to that crime impacted the command climate.

After approximately five minutes summarize the findings from the discussion.

NOTE: Show Slide-13 (Review: Command Climate)

In this topic, we looked at tools you can use to assess your command climate and ways to use those tools to foster a positive command climate. We also discussed the effects of Sexual Assault on the unit readiness and morale.

C. ENABLING LEARNING OBJECTIVE

| | |
|--------------------|---|
| ACTION: | War-game approaches for prevention of sexual assault in a garrison and operational environment |
| CONDITIONS: | In a classroom environment with facilitated group discussions or scenarios |
| STANDARDS: | Develop controls and approaches to prevent sexual assault in a garrison and operational environment |

1. Learning Step / Activity 1. War-game approaches to prevention of sexual assault

Method of Instruction: Conference / Discussion
Instructor to Student Ratio: 1:16
Time of Instruction: 30 mins
Media: Small Group Instruction (SGI)

Lead-In: Sexual assault is one of the most serious and fastest growing violent crimes in the United States. The exact number of sexual assault crimes is hard to determine because it is significantly under reported. In 2004, there were 725 reported incidents of sexual assault in the Army. As senior leaders, you know that one incident is too many. By looking at the trends and risks involving sexual assault we can start to identify ways to possibly prevent sexual assault. Although we may not be able to guarantee 100% protection against sexual assault, there are measures that leaders can put in place to aid in prevention. Your role as senior leaders is to ensure that effective preventative measures are in place and to evaluate their effectiveness.

NOTE: Show Slide-14 (Trends and Risk Factors)

1. Current Army sexual assault trend data shows that:

- a. The majority of military victims are 20-24-year-old females in the ranks of private through specialist
- b. Most military alleged perpetrators are 20-24-year-old males in the ranks of private through specialist
- c. Most military sexual assaults occur in Soldier living areas, such as barracks
- d. More than half of sexual assault cases involve the use of alcohol

(Source: Task Force Report on Sexual Assault Policies, dated 27 May 2004)

2. While these appear to be common sexual assault factors, sexual assault can occur anytime, anywhere, and under a variety of circumstances.

NOTE: Show Slide-15 (Overall Rates of Sexual Assault)

The Army trends in sexual assault are consistent with trends in DoD.

1. Current Sexual Assault statistics show that:

a. Total Army Criminal Investigative Division (**ACID**) reported sexual assaults are as follows:

- i. In 1999 - 658 (0.14 %)
- ii. In 2000 – 743 (0.15 %)
- iii. In 2001 – 762 (0.16 %)
- iv. In 2002 – 783 (0.15 %)
- v. In 2003 – 822 0.13 %
- vi. In 2004 – 725* (0.11 %) (*See the NOTE below)

b. Total **DoD** –reported sexual assaults are as follows:

- i. In 1999 - N/A
- ii. In 2000 – N/A
- iii. In 2001 – N/A
- iv. In 2002 – 901
- v. In 2003 – 1012
- vi. In 2004 – 1700* (See the NOTE below)

c. The number of Soldiers on **active duty** in the Army is as follows:

- i. In 1999 – 473,879
- ii. In 2000 – 482,176
- iii. In 2001 – 479,591
- iv. In 2002 – 518,320
- v. In 2003 - 620,812
- vi. In 2004 - 645,747

(Source: Army Criminal Investigative Division (ACID): Department of Defense (DoD) Army CY 04 Data, 31 March 2005)

NOTE: The data for each year includes all Soldiers on active duty, including Title 10 Reservists.

2. The statistics show that there is an ongoing problem of sexual assault within the military that continues to escalate.

***NOTE:** It is important to understand that the ACID statistics from 1999 - 2003 depict an all inclusive number of assaults involving Soldiers reported to CID. In 2004, DoD mandated that sexual assault statistics be reported differently than before. The 2004 number represents sexual assault incidents involving Soldiers on active duty, including Title 10 Reservists, but not involving minors.

NOTE: Based on the current trends, risk factors data, and statistics, ask the students to assess the risk factors in their units. Are they similar to the overall Army statistics? If not, what might be the reasons for that?

NOTE: Ask what types of conclusions can be drawn from looking at these statistics. Ask the students what other numbers need to be reviewed to effectively determine the trends in sexual assault.

NOTE: Ask the students if they have observed any trends in their units. Discuss these trends. Ask the students how they track and identify statistics and trends in their commands.

Next, we will discuss prevention. As a leader you will be responsible for assessing the risks in your organization, developing focused countermeasures, and implementing appropriate controls to reduce the risk of sexual assault. The U.S. Army Combat Readiness Center provides an excellent example of how to use Composite Risk Management (CRM) concepts to assist you in your responsibilities.

NOTE: Show VGT-16 (Preventive Techniques)

Identify hazards related to sexual assault such as:

1. Excessive alcohol-related incidents by unit members.
2. No established barracks security measures in place.
3. Lack of adequate supervision for off-duty enlisted Soldiers.

NOTE: Ask: How can you identify hazards in your command? How can you identify hazards in an operational environment?

Assess hazards related to sexual assault in the unit based on probability and severity by checking the following:

1. Have alcohol-related incidents increased in your organization?
2. Have there been incidents of misconduct, theft, or violence in the barracks?
3. Are off-duty incidents occurring more frequently?
4. Is there documented sexual assault prevention training for all unit members?

NOTE: Ask: How can you assess hazards in your command? How can you assess hazards in an operational environment?

Develop controls and make **risk decisions**. More specifically:

1. Help enforce alcohol-abuse training, as needed and enforce effective consequences for violators.
2. Enforce barracks security protocols and conduct no-notice walk-throughs of common areas at random times.

3. Monitor barracks activities and enforce sign-in procedures for all guests entering the barracks.
4. Support participation by Soldiers in sexual assault prevention and awareness training.
5. Enforce incident reporting procedures.
6. Continually assess the command climate through talking with Soldiers and conducting focus groups.

NOTE: Make sure to tell the students that these are suggested controls, not mandated ones.

NOTE: Ask the students for other ideas for ways to develop controls and make risk decisions in their commands in garrison and an operational environment.

Implement controls to reduce the risk of sexual assault, including these examples:

1. Post written sexual assault policy statements and victim resource charts on unit bulletin boards. To reduce risks of sexual assault, units may also post a policy letter establishing zero tolerance for alcohol related incidents
2. Educate and train your Soldiers on sexual assault prevention.
 - a. Educate Soldiers about the types of sexual assault, the Army policy regarding sexual assault, and prevention measures they can take to reduce their risk of sexual assault.
 - b. Identify training needs in your unit to increase Soldiers' understanding of the risks of sexual assault and the steps they can take to reduce the risk.
3. Monitor Soldier activities; focus on any areas where incidents have taken place.
 - a. Ensure that Soldiers feel comfortable in reporting sexual assault to the chain of command. You can do this by communicating your intention to protect and treat victims of sexual assault and by making it clear that you will follow Army policy in fully investigating all incidents of sexual assault.
 - b. Communicate to Soldiers that you and the chain of command will provide caring assistance to victims of sexual assault.
 - c. Make sure Soldiers know that the chain of command will take appropriate disciplinary action.
 - d. Continually assess the command climate regarding the risk of sexual assault in your unit.
 - e. Demonstrate, through your words and actions that sexual assault is unacceptable and is incompatible with Army Values, Warrior Ethos, and Soldier's Creed.
4. Review training attendance.
5. Enforce Army regulations and orders.
6. Reinforce values-based attitudes and behaviors.
7. Be a Role Model!

NOTE: Ask the students for other ideas for ways to implement controls in their units. Ask the students for ways to implement controls in an operational environment.

Supervise and evaluate, such as:

1. Continue enforcement and monitor for trends.
2. Survey unit for effectiveness of policies; command review of security checks conducted weekly.
3. Command review of unit SOP and feedback from other leaders in the unit.
4. Command review of required training attendance.

NOTE: Ask the students for other ideas for ways to supervise and evaluate the effectiveness of prevention techniques.

NOTE: Direct the students into groups of 3-4. Instruct them to evaluate the effectiveness of the prevention approach they just learned. Instruct them to make a list of additional ways to prevent sexual assault in their units. Have one member of each group report to the larger group.

NOTE: Wrap up the brainstorming discussion by reviewing the list the class has generated and suggesting that they bring these ideas to their units to improve the safety of their unit environment.

NOTE: Show Slide-17 (Messages to Soldiers)

After you have identified the process to develop prevention techniques, you will need to communicate them to the Soldiers. The senior leader should **communicate key messages** to the Soldiers.

NOTE: While we cover these messages, think about how effective these communication techniques may be for your units.

1. Avoid alcohol and other drugs.
 - a. In military sexual assault cases, over 50% involve the use of drugs and/or alcohol.
 - b. Alcohol and other drugs can cloud Soldiers' judgment and impair their ability to respond quickly to the situations. One message to communicate is: If you drink, never leave it unattended. There are many "date rape" drugs being used today that perpetrators slip into their victim's drink to make them incoherent and unable to fight off an assault. Rohypnol and GHB are the most common of these "date rape" drugs.
2. Rely on your instincts and be watchful.
 - a. Sexual assault, including rape, can happen to anyone.
 - b. Remember, dark alleys are not the only places where rapes occur. New people and new places can be risky. Use the buddy system. Spend time with someone new while you are with a group of people, before being alone with him or her. Trust your own judgment and intuition.
3. Establish and maintain your limits.
 - a. Don't be afraid of hurting someone's feelings if you have any doubts about your safety. If someone makes unwanted and inappropriate sexual advances, say "NO" loudly, forcefully and frequently.
4. Remember A.S.A.P.
 - a. Be Aware

- b. Be Safe
- c. Be Assertive
- d. Be Prepared

NOTE: Have the students evaluate the effectiveness of the above messages and determine if there are other important messages to communicate. Write down the answers on a flip chart.

NOTE: Are there any questions on this before we continue?

CHECK ON LEARNING: Conduct a check on learning. Have the students get into groups of 3-4 people. Have the students devise a communications plan for prevention of sexual assault in their units. The plan should include what is going to be communicated, who it is going to be communicated to, and how it is going to be communicated and what resources are needed to carry out the plan. Have a spokesperson for each group present the results of their plan to the class.

NOTE: Show Slide-18 (Review: Trends, Risks, and Prevention)

In this topic, we identified the trends associated with sexual assault in the Army and the risk factors related to them. In addition we reviewed preventive techniques applicable to the role of the senior leader including:

1. Identify hazards
2. Assess hazards
3. Develop controls and make decisions
4. Implement controls
5. Supervise and evaluate
6. Communicate key messages

Transition: Now that you are aware of sexual assault trends, risks, and prevention techniques, we will look at the Senior Leader’s responsibilities within the Army’s Sexual Assault Prevention and Response Program.

D. ENABLING LEARNING OBJECTIVE

| | |
|--------------------|--|
| ACTION: | Apply leadership responsibilities in responding to sexual assault. |
| CONDITIONS: | In a classroom environment with facilitated group discussions or scenarios |
| STANDARDS: | Employ leadership responsibilities in responding to sexual assault |

1. Learning Step / Activity 1. Apply leadership responsibilities in responding to sexual assault

Method of Instruction: Conference / Discussion
 Instructor to Student Ratio: 1:16
 Time of Instruction: 20 mins
 Media: Small Group Instruction (SGI)

Lead-In: It is up to the leaders to make the Army’s Sexual Assault Prevention and Response Program work. As leaders you need to reinforce appropriate values based attitudes and behaviors related to sexual assault in both verbal and non-verbal spheres of

influence. The message to convey is that sexual assault can be prevented. As a leader, you must also be aware of your responsibilities towards victims. You should foster a supportive environment, take immediate action when a sexual assault occurs, get assistance, notify the proper individuals, and protect the victim's rights and confidentiality.

NOTE: Remind the students that you already discussed their responsibilities related to preventing sexual assault and in this topic you will focus on their responsibilities related to responding to sexual assault.

Let's highlight some of the responsibilities that Army leaders have in this program.

Army leaders play a key role in the response to sexual assault in the Army. As a leader you must enforce the Army policy in the following ways:

1. Treat each incident seriously. The victim should never be blamed based on past history, nor should it be assumed that the victim instigated the incident.
2. Follow commander's guidelines in AR 600-20, Chapter 8.
3. Inform each party of the Victim's Rights under AR 27-10.

NOTE: Ask the students to consider the scenarios from the video and determine how they can make a difference in responding to sexual assaults like those shown in the video. Capture students' answers on a flipchart.

Possible answers can include:

- Enforce Army Policy
- Treat each incident seriously
- Treat the victim with respect; don't blame the victim and don't assume that the victim instigated the incident
- Encourage the victim to get a medical examination
- Ensure that the victim is not re-victimized as a result of reporting the incident
- Report the allegations to law enforcement for a thorough investigation
- Make sure victims are aware of the military and civilian resources that are available to them
- Other answers also acceptable

NOTE: Wrap up the discussion by telling the students that now they will review some important actions that leaders will take in the event of receiving a report of sexual assault. Let the students know that not necessarily all of these actions will be taken by them, unless they are the company commander or battalion commander and not necessarily in the order listed. Local procedures will be established regarding responding to sexual assaults, so leaders must know what the local response policy is in their unit.

NOTE: Refer the students to SH-5, also available in AR 600-20, Chapter 8, Sexual Assault Prevention and Response Program and have them read each of the items listed.

NOTE: Ask the students if they have questions on any of the items on the checklist. Use the opportunity to hold a discussion on any of the items that the class has questions on.

NOTE: Read the following questions and have the students discuss what they should do in each instance.

1. How would you ensure the physical safety of the victim? How would you protect the victim?
2. How could you encourage the victim to report the incident?
3. How would you provide emotional support to the victim? What would you need to consider regarding the victim and their emotional state?
4. What would you do if the victim and the alleged perpetrator are in the same unit? Would you move the victim or the alleged perpetrator to another unit?

5. How would you respond if the victim was underage and was drinking? Would you punish the person right away or would you use your right as commander to delay action on the “collateral” misconduct? If you decide to punish the victim for underage drinking how will this affect others from reporting, if they were doing something they should not have been doing?
6. How would you assess the effects the sexual assault incident might have on the command climate?
7. What would you do to maintain a positive command climate after an incident of sexual assault occurred?

NOTE: Summarize the responses and explain that as leaders you will also enforce the Army policy by punishing offenders.

NOTE: Show Slide-19 (Leader Attitudes/Behaviors)

1. It is up to the Army’s leaders to make the Sexual Assault Prevention and Response Program work. As leaders you need to reinforce appropriate and values-based attitudes and behaviors related to sexual assault in both verbal and non-verbal spheres of influence. The message to convey is that sexual assault can be and should be prevented. Leaders will act to support any victim should an assault occur.
2. Sexual assault victims face issues that are unique to sexual assault crimes. Army personnel working with such victims will treat them with sensitivity.
 - a. **Credibility** is often questioned due to external perceptions associated with dress and behavior or actions. No matter what the situation or behavior, victims of sexual assault should be afforded as much credibility as victims of any other crime and should be treated fairly and without prejudice.
 - b. Victims of sexual assault should be considered “victims” regardless of their behavior at the time of the assault (e.g., fraternization, underage drinking) and regardless of the alleged perpetrator’s relationship to the victims (e.g., boyfriend, co-worker, acquaintance).
 - c. **Medical and mental health** is often questioned. Victims of sexual assault should be provided appropriate treatment after giving their informed consent to receive such. Additionally, they should only be asked about items relevant to medical treatment. They should be treated in a manner that does not assume control from victims but enables them to determine their own needs and how to meet them. Treat victims as injured adults, not as children. Do not make decisions for them!
 - d. Participation in **legal proceedings** is often as traumatic as the actual sexual assault. Victims should be
 - i. Consulted about their desires to participate in legal procedures
 - ii. Informed of the options concerning this involvement and potential consequences
 - e. Privacy is often lost when a crime occurs. It is important that victims be afforded maximum privacy protection. This means that victims are:
 - i. Not identified in the news media or general public without their consent.
 - ii. Afforded protective measures when complying with the reporting requirements of the Army’s Sexual Misconduct Report database
3. Victims of sexual assault react to the assault in many different ways. Each individual has different needs and different recovery timelines. Just because you would act differently does not negate “this victim’s response.” A supportive environment is critical to recovery from this traumatic event. Examine your own stereotypes about sexual assault, sexual assault victims and perpetrators in general. Individual attitudes and misconceptions can color how you relate to those who have been sexually assaulted.

4. Victims may fear reprisal from the command for their actions, such as, underage drinking, absence at bed check, drunk and disorderly conduct, or fraternization. Commanders have the discretion to delay action against victims for their alleged "collateral" misconduct related to the sexual assault allegation until the final disposition of the sexual assault case. Commanders and supervisors should take into account the trauma to the victim. This action helps to reduce the reluctance of victims to report.
5. If adverse action is taken against victims for minor indiscretions before action is taken against the alleged perpetrators of the sexual assault, victims may feel unfairly treated by the criminal justice system. This perception could adversely affect victims' willingness to report. This is not the climate that we want to foster in the contemporary operating environment!
6. Give law enforcement personnel time to properly investigate cases.

NOTE: Show Slide-20 (Resolution of Allegations)

1. Commanders have tools to maintain discipline within their units. With the advice of the Staff Judge Advocate, a commander may:
 - a. Decide whether the allegation merits trial by court-martial based on the facts, severity of the offense, admissible evidence, and the input from the victim.
 - b. Resort to a variety of adverse administrative actions including:
 - i. Verbal and written reprimands
 - ii. Administrative reduction in grade
 - iii. Discharge from the Army
 - iv. Administrative punishment under Article 15, UCMJ
2. Pre-trial options determined by commanders with advice from their Staff Judge Advocate are case-unique decisions that seek to balance protection of victims with the presumption of innocence of the alleged perpetrator. These options include:
 - a. Pre-trial confinement authorized by Rules of Courts-Martial 305
 - b. Conditions on liberty (restriction to post)
 - c. MPO or "no contact order"
 - d. Transfer of alleged perpetrator to another unit
3. Commanders have additional options and actions to perform with the resolution of the sexual assault trial. These options and actions are as follows:
 - a. If no confinement is adjudged by a court-martial, command may retain or transfer Soldier to another unit.
 - b. If the Soldier is convicted and no bad conduct discharge or dishonorable discharge is adjudged, the commander at the confinement facility may initiate separation.
 - c. If the Soldier is confined, DD Form 2704 enables victims and witnesses to request notification of any change in the inmate's confinement status, such as parole or release.
 - d. Convicted Soldiers are notified that they must register as a sexual offender with the installation Provost Marshal's office AND in the state in which the Soldier resides.
 - e. Convicted Soldiers are also entered into the FBI's National Sex Offenders Registry. Additionally, the Soldier must provide a DNA sample for registration in the FBI DNA database.
4. Military law provides great flexibility at trial. A military judge or panel may find the accused not guilty, or guilty of the charged offense, or guilty of a lesser-included offense. For instance, under UCMJ, lesser-included offenses for rape include indecent assault, assault committed by a battery, assault, or attempted rape.

5. If Soldier is acquitted, he/she returns to the unit for resumption of all normal duties. The command may
 - a. Transfer the Soldier if in the best interest of good order and discipline
 - b. Transfer the Soldier to give the acquitted Soldier a fresh start
 - c. Maintain “no contact” orders
 - d. Consult with the unit's Staff Judge Advocate to determine whether to impose any administrative action based on the facts and circumstances of the incident

NOTE: Instructor should ask students, “How would you, as a senior leader, prevent Soldiers from acting differently to a victim or alleged perpetrator?”

NOTE: Are there any questions about the material covered?

CHECK ON LEARNING: Conduct a check on learning by presenting a real-life scenario and engaging students in a discussion on how to apply senior leader responsibilities within the Army's Sexual Assault Prevention and Response Program.

NOTE: Ask the students to respond to the following scenario. A platoon sergeant comes to you because one of his Soldiers was not in formation this morning. When he asked the other Soldiers about the missing Soldier he was told that the Soldier had a late night, followed by some snickering. The platoon sergeant went to the barracks of the missing Soldier and discovered that the Soldier was severely hung over. When the platoon sergeant started to reprimand the Soldier, she started crying and saying that she was raped the night before and was too ashamed to go to formation. As a senior leader how should you handle this situation?

Q: How should the platoon sergeant react to the victim?

A: Be supportive; listen; do not judge; get her/him to a medical/emergency facility; inform the proper authorities, etc.

Q: As a senior leader, what should you do when the platoon sergeant comes to you?

A: Follow the guidelines of the commander's checklist in AR 600-20. Care for the victim, notify appropriate authorities, etc. (Don't conduct your own investigation and don't make any assumptions.)

Q: Who is responsible for investigating this allegation?

A: Criminal Investigation Division (CID) (Since it is rape.)

Q: What preventive measures may have helped prevent this incident?

A: Educate Soldiers on the importance of maintaining alertness by avoiding alcohol and drug use. Reinforce appropriate value based attitudes and behaviors both on and off duty, practice Army Values, become a role model in the unit. (other answers also acceptable)

Q: How should the commander handle any possible collateral misconduct in this situation?

A: AR 600-20 gives the battalion commander the discretion to delay action against victims for their alleged “collateral” misconduct related to the sexual assault allegation until the final disposition of the sexual assault case.

Q: What are some of the commander's pre-trial options for an alleged perpetrator?

A: Pre-trial confinement authorized by Rules of Courts-Martial 305, Conditions on liberty (restrictions to post), MPO or “no contact order,” and transfer of alleged perpetrator to another unit.

NOTE: Show Slide-21 (Review: Responsibilities)

During this topic, we reviewed the leader's responsibilities in responding to sexual assault as well as the responsibilities of others in your command.

Transition: An important aspect of providing support to the victim is to follow the correct reporting procedures. We will look at those procedures now.

E. ENABLING LEARNING OBJECTIVE

| | |
|--------------------|---|
| ACTION: | Identify reporting options and implications of each option. |
| CONDITIONS: | In a classroom environment with access to a real-life scenario and student handouts |
| STANDARDS: | Determine reporting options and implications |

1. Learning Step / Activity 1. Identify Procedures for Reporting Sexual Assault

Method of Instruction: Conference / Discussion
Instructor to Student Ratio: 1:16
Time of Instruction: 20 mins
Media: Small Group Instruction (SGI)

Lead-In: The Army is committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided advocacy, support, and care. Army policy strongly supports effective command awareness and prevention programs, and law enforcement and criminal justice activities that will maximize accountability and prosecution of sexual assault perpetrators. To achieve these dual objectives, the Army prefers complete reporting of all sexual assault incidents to activate both victims' services and accountability actions. However, in recognizing that a mandate of complete reporting may represent a barrier for victims to access services when the victim desires no command or law enforcement involvement, there is a need to provide an option for confidential reporting. Army policy provides victims with two reporting options, restricted and unrestricted.

NOTE: Refer students to SH-6 (Reporting Options and Procedures). Explain that students can post this handout in barracks along with the other information handouts for Soldiers. Let students know that victims need to report sexual assaults immediately. Explain that the promptness of the report will aid in the apprehension of the alleged perpetrator and enhance the investigation of the alleged assault.

NOTE: Explain that the new reporting options are a different way of thinking in the Army, but they were implemented for a variety of reasons. Assuring privacy and providing a confidential disclosure option for sexual assault victims is critical to discharging the military's commitment to providing care and support for victims of sexual assault. Sexual assault is one of the most under-reported violent crimes in our society and in the military. Although the victim's decision to report is a crucial step following a sexual assault, reporting is often precluded by the victim's desire for privacy. As a senior leader you have a responsibility to ensure community safety and due process of law, but you must also recognize the importance of protecting the privacy of victims under your command. Subject matter experts agree that a system which promotes privacy and confidentiality can have a positive impact in bringing victims forward to provide information about being assaulted.

NOTE: Show Slide-22 (Restricted Reporting)

There are two types of reporting, restricted and unrestricted. Let's take a look at restricted reporting first.

Restricted reporting allows a Soldier who is a sexual assault victim to confidentially disclose details of his/her assault to four specifically identified personnel without triggering an investigative process. The Army recognizes the potential impact restricted reporting may have on investigations and the ability of the alleged offender's commander to hold the offender accountable. However, this policy decision represents the judgment that such risks have been carefully considered, but were outweighed by the overall interest in providing sexual assault

victims this form of support. To make a restricted report, the victim **MUST** notify one of the following personnel:

1. Victim Advocate (VA)

VAs provide a wide range of services to victims, including support, assistance, and coordination between agencies. Most importantly, the VA explains the reporting options to victims, so that the victim can make an informed and educated decision before proceeding.

2. Sexual Assault Response Coordinator (SARC)

The SARC supervises victim advocates assigned to work directly with victims.

3. Healthcare Provider

Medical or local civilian medical facilities – provide prompt medical care (e.g., evaluation, care of victim, evidence collection, forensics support, and initial and follow-up mental health counseling).

4. Chaplain

The chaplain provides counseling and spiritual care services.

NOTE: Explain to the students that regardless of the type of reporting – restricted or unrestricted, victims should go to the above stated restricted resources first, since reporting sexual assaults to any agency or individual not listed above may result in an unrestricted report.

NOTE: With a restricted report, law enforcement will not be informed nor does the command become involved, thus eliminating the opportunity for offender accountability. The SARC may only inform the senior mission commander that an assault has occurred and restrict information about the assault to non-identifying information, unless an exception to nondisclosure applies.

NOTE: Restricted reporting is only available if the report is made to the above entities. If a victim reports the assault to or tells anyone other than these four, then it may become an unrestricted report. Restricted reporting avenues of confidentiality do not apply in a case of carnal knowledge or marital rape.

NOTE: Show VGT-23 (Independent Investigations)

Independent investigations of restricted reporting cases may occur if:

In the event that information about a sexual assault is disclosed to the commander from a source independent of the restricted reporting avenues, or to law enforcement from other sources, the commander will report the matter to law enforcement and law enforcement remains authorized to initiate its own independent investigation of the information presented. Additionally, a victim's disclosure of his/her sexual assault to persons outside the protective sphere of the persons covered by this policy may result in an investigation of allegations. Bottom line is commanders should not conduct independent investigations internally. They must notify law enforcement who may initiate an official investigation.

NOTE: Show Slide-24 (Restricted Reporting Purpose)

Restricted reporting is intended to:

1. Give victims additional time and increased control over the release and management of their personal information.

2. Empower victims to seek relevant information and support to make informed decisions about participating in the criminal investigation. A victim who receives appropriate care and treatment, and is provided an opportunity to make an informed decision about a criminal investigation is more likely to develop increased trust that his/her needs are of primary concern to the command and may eventually decide to pursue an investigation.
3. Give senior mission commanders a clearer picture of the number of sexual assaults within their command, since they will know an assault occurred. If restricted reporting was not offered, many Soldiers would not report the assault at all.
4. Enhance a commander's ability to provide an environment which is safe and contributes to the well-being and mission-readiness of all its members, since he/she will know an assault occurred, although he/she will not know identifying information about the victim.

NOTE: Ask the students to evaluate the implications of restricted reporting for Soldiers and the unit (e.g., commanders receive non-identifying information, such as where it occurred, the type of sexual assault, etc., allowing them to track trends and develop counter measures in order to further prevent attacks in the future).

NOTE: Show Slide-25 (Unrestricted Reporting)

A Soldier who is sexually assaulted and desires official investigation of his/her allegation should make an unrestricted report. Details regarding the assault will be limited to only those personnel who have a need to know, including the commander, Criminal Investigation Division (CID), Military Police (MP), SARC, VA, Chaplain, and Healthcare Provider.

To make an unrestricted report a victim should notify one of the following agencies:

1. VA/SARC
2. Healthcare Provider
3. Chaplain
4. Chain of Command
5. Military Police (MP)
6. Criminal Investigation Division (CID)
7. Army Community Services (ACS)
8. Staff Judge Advocate (SJA)
9. Local and State Police
10. 911
11. Army One Source (AOS)

NOTE: Remind the students that regardless of the type of reporting – restricted or unrestricted, Soldiers should go to the restricted resources first.

The unrestricted report initiates the investigative process and victims are given the choice of receiving any and/or all of the following services:

- Medical treatment for injuries related to the assault

- Forensic examination
- Advocacy services
- Referrals for counseling

NOTE: Show Slide-26 (Unrestricted Reporting Purpose)

Unrestricted reporting is intended to:

- a. Ensure the widest range of rights and protections are afforded to the victim.
- b. Provide commander support, such as protective orders, separation from offender(s), etc.
- c. Provide for full investigation, such as crime scene processing, witness interviews, and suspect interrogation, which enhances the opportunity to hold offender(s) accountable.
- d. Enhance community and Soldier safety through timely prosecution of offender(s).

NOTE: Ask students to evaluate the implications of victims filing an unrestricted report and conduct a discussion on the benefits and limitations of unrestricted reporting. (e.g, victim protection, effect on the command climate, etc.). Summarize and wrap up the discussion.

NOTE: Show Slide-27 (Consequences of Not Reporting)

1. There are several important consequences of not reporting! Some are very obvious; some are not. Sexual assault, just like sexual harassment, drug and alcohol abuse, and other types of misconduct, is a barrier to good order, discipline, and unit morale and readiness, and is inconsistent with the Army Values, Warrior Ethos, and the Soldier's Creed.
2. Some real consequences of not reporting include the:
 - a. Inability of the Army to provide medical care and counseling
 - b. Inability of authorities to conduct an investigation
 - c. Inability of chain of command to
 - i. Appropriately care for victims
 - ii. Discipline perpetrators
 - d. Possibility that perpetrator may assault others

NOTE: Ask the students for other consequences of not reporting.

NOTE: Show Slide-28 (False Reporting)

1. False reporting of any crime, including sexual offenses, is a violation under the UCMJ. False reporting may include a false official statement and or a false sworn statement.
2. A false official statement requires that the person making the statement knows that the statement is false at the time the statement was made, is made in the line of duty (e.g., made to military police authorities or someone in the chain of command), and is given either orally or written.
3. False swearing only requires that the person making the statement knows that the statement is false. It may be oral or written, but requires that the statement be made under oath.

NOTE: Show Slide-29 (Legal Sanctions)

1. AR 600-20 withholds UCMJ authority for sexual assault cases to the battalion or higher level commander.
2. Sexual assault includes such offenses as rape, forcible sodomy and indecent assault. Depending upon the offense and the circumstances of the offense, the maximum punishments include death, confinement for life without eligibility for parole, confinement for life with eligibility for parole, confinement for a period of years (for example, 5 years), total loss of all pay and allowances, dishonorable discharge (enlisted Soldiers only), bad conduct discharge (enlisted Soldiers only) dismissal from the service (commissioned officers only), and reduction to E-1 (enlisted Soldiers only).
3. According to AR 195-1 paragraph 6, "Criminal incidents in the Army will be reported to military police... Serious crimes and incidents as defined by AR 195-2 will be reported and investigated by CID personnel." Article 120 of the UCMJ, Rape or Carnal Knowledge; Article 125, Sodomy; and Article 134, indecent acts with another, fall under the CID investigative responsibility.
4. Remember, sexual assault is a violation of Army Values, contradicts Warrior Ethos and is contrary to the Soldier's Creed.

NOTE: Are there any questions about the material covered?

CHECK ON LEARNING: Based on the following scenario, conduct a check on learning to assess students' understanding of the options of reporting and the implications of reporting or not reporting sexual assault for victims and perpetrators.

NOTE: Refer students to the Video, *The Many Faces of Sexual Assault*, PIN 711747, Scenario #5, Scenes 20-24. If you don't have the video available, refer students to SH-2: Video Script, Scenario 5, Scene 20-24. Ask the following questions. Give opportunity to different students to express their opinion. Facilitate the discussion using the answers provided.

Q: Why was SPC Garcia reluctant to report the incident?

A: Shame, collateral misconduct (possible underage drinking), doubt about credibility

Q: Why was SSG Henley reluctant to believe SPC Garcia at first?

A: SPC Garcia's reputation, concern about privacy, uncertainty about policy

Q: What would have been the most supportive responses SSG Henley could have made to SPC Garcia's call?

A: Listened without judgment, reported the incident, referred victim for counseling, etc.

Q: Does drinking/using drugs impact victim's credibility?

A: Yes. It is hard to determine whether the victim has given consent or not. The victim might say that he has not given consent and the perpetrator might say that he has.

Q: What did SPC Garcia need the most after the sexual assault?

A: Nonjudgmental support, counseling, medical attention, advocacy, etc.

Q: Why is it critical that SPC Garcia report the incident within 24 hours?

A: Reporting should occur as soon as possible to provide assistance to the victim, initiate a possible investigation, and apprehend the alleged perpetrator.

Q: What are the consequences of SPC Garcia not reporting the sexual assault?

A: Inability of victim to get timely assistance; inability of authorities to conduct an investigation and discipline the perpetrators; possibility that perpetrator may assault others; inability of the Army to provide medical care and counseling, etc.

Q: Name one advantage or disadvantage of restricted and unrestricted reporting.

A: Encourage students to use SH 5 (Reporting Options and Procedures) to answer this question.

NOTE: Show Slide-30 (Review: Reporting)

NOTE: Summarize the learning objective as follows:

1. During this topic, we looked at reporting – restricted and unrestricted reporting and the consequences of not reporting.
2. Reporting should occur as soon as possible to provide assistance to the victim, to apprehend the alleged perpetrator and to gather evidence for the investigation.

Transition: We have discussed the proper reporting procedures and identified the information to report. Now we will look at the resources that you need to successfully enforce the program.

F. ENABLING LEARNING OBJECTIVE

| | |
|--------------------|--|
| ACTION: | Plan appropriate Sexual Assault Prevention and Response Program resources. |
| CONDITIONS: | In a classroom environment with facilitated group discussions or scenarios |
| STANDARDS: | Prepare resources for the Sexual Assault Prevention and Response Program |

1. Learning Step / Activity 1. Plan resources for the Sexual Assault Prevention and Response Program

Method of Instruction: Conference / Discussion

Instructor to Student Ratio: 1:16

Time of Instruction: 20 mins

Media: Small Group Instruction (SGI)

Lead-In: As part of your responsibility as a senior leader in the Army, you will have to plan the resources necessary to enforce the Sexual Assault Prevention and Response Program. Having the necessary resources for your Soldiers is essential to the success of this program. The most up-to-date resources that are available to assist you in planning include the Army's Sexual Assault Prevention and Response website (<http://www.sexualassault.army.mil>) and the United States Department of Defense's Sexual Assault Prevention and Response website (<http://www.sapr.mil/>).

NOTE: Show Slide-31 (Resource Considerations)

NOTE: Instruct students to refer to the Commander's Checklist (SH-5) to help identify the required resources for the program. Have the students discuss how to plan for the required items on the checklist. Discuss appropriate people, budget, materials, and schedule and/or timing issues.

NOTE: Show Slide-32 (Resource Planning)

The commander's checklist is a good tool to use for the Sexual Assault Prevention and Response Program, but there are other resources you will need to plan for as a senior leader.

1. Appoint VAs and SARCs.
 - a. Appoint, on orders, two VAs per battalion level and equivalent units. Commanders will select qualified officers (CW2/1LT or higher), NCOs (SSG or higher) or a DA Civilian (GS-9 or higher) for duty as VAs. The first colonel in the chain of command may approve appointing only one VA for battalions whole small population may not warrant two VAs. Commanders at all levels

may appoint more than the prescribed number of VAs. This may be necessary for very large battalions or units whose geographical dispersion warrants the appointment of more VAs. Appointment of DA Civilian/GS employees to VA positions may require management to consult with their unions pursuant to their collective bargaining agreement.

- b. Appoint, on orders, one deployable SARC at each brigade level and higher echelon (e.g., division, corps, and Army component command). Since installation SARCs are civilian/contractors and do not deploy, the deployable SARC will perform all SARC duties in theater. Commanders will select qualified officers (MAJ, CW3, or higher), NCOs (SFC or higher), or DA Civilians (GS-11 or higher) for duty as deployable SARC. Appointment of DA Civilian/GS employees to SARC positions may require management to consult with their unions pursuant to their collective bargaining agreement.
- c. Because of the sensitivity and complexity of working with sexual assault victims, the deployable SARC and VA must be carefully selected. These personnel are likely to become involved in highly charged, emotionally stressful situations in assisting victims of sexual assault. All candidates must be carefully screened and complete training in responding to victims of sexual assault. Also keep in mind the impact of this assignment on their other duties.

NOTE: Ask the students how they would plan for the SARC and VA in an operational and garrison environment. Ask what characteristics each person should possess (e.g., these individuals must be able to deal with the high stress and emotionally charged situations, while also supporting the victim of sexual assault).

2. Training requirements

- a. Ensure deployable SARCs and VAs have received required training prior to performing duties.
- b. Ensure unit level Sexual Assault Prevention and Response Program training is conducted annually and documented on unit training schedules.
- c. Ensure Soldiers receive pre-deployment and post-deployment training related to the prevention and response to sexual assault.
- d. Include emphases on sexual assault risks, prevention, and response at all holiday safety briefings.

NOTE: Ask the students how they will plan for the training requirements in an operational and garrison environment. Remind them to think about resources, time and budget.

3. Advertise the program

- a. Publish contact information of SARCs and VAs, and provide take-away information such as telephone numbers for unit and installation points of contact, booklets, and information on available victim's services.
- b. Advertise the program through local means to ensure that Soldiers, family members, and leaders are aware of the program.
- c. Post written sexual assault policy statements and victim resource chart on the unit bulletin boards.

NOTE: Instructors should inform students that SH-7 (Resources for Sexual Assault Victims) contains contact information for resources.

CHECK ON LEARNING: Have the students work independently to brainstorm the resources they would need to plan for in their own command. Have a couple of students share their answers.

NOTE: Show Slide 33: (Review: Planning)

Summarize the answers of the students to discuss planning for resources.

Transition: This concludes the basic elements of the Army's Sexual Assault Prevention and Response Training. Let's review the main points of this program through an evaluative scenario.

2. Learning Step / Activity 2. Evaluative Scenario

Method of Instruction: Test
Time of Instruction: 20 mins
Media: -None-

NOTE: Conduct a check on learning and summarize the learning activity.

3. Learning Step / Activity 3. Evaluative Scenario Review

Method of Instruction: Test Review
Time of Instruction: 10 mins
Media: -None-

NOTE: Conduct a check on learning and summarize the learning activity.

SECTION IV. SUMMARY

| |
|---|
| Method of Instruction: <u>Conference / Discussion</u> |
| Instructor to Student Ratio is: <u>1:16</u> |
| Time of Instruction: <u>5 mins</u> |
| Media: <u>Small Group Instruction (SGI)</u> |

Check on Learning

NOTE: Determine if the students have learned the material presented by soliciting student questions and explanations. Ask the students questions and correct misunderstandings.

Review / Summarize Lesson

NOTE: Show Slide-34 (Leader’s Challenges)

Have a brief review discussion on each of the leader’s challenges. Ask the students if they have any questions on any of them and ask them to identify what they think the challenges in enforcing the program are going to be.

NOTE: Show Slide-35 (Bottom Line)

Sexual assault will be defeated only by command involvement and strong leaders.

NOTE: Show Slide-36, (Terminal Learning Objectives)

In this lesson, we defined the Army’s Sexual Assault Prevention and Response Program. We reviewed the components of the program; assessed the impact of sexual assault on command climate and Army readiness; war-gamed approaches to prevention of sexual assault; identified your responsibilities toward the program, identified reporting options and implications of each option and finally, planned appropriate resources for the program.

Sexual assault of any kind has no place in the Army and will not be tolerated. As senior leaders, you must provide the strong leadership necessary to ensure that your Soldiers are aware of how to prevent sexual assault, and what to do if it occurs. You must foster a positive climate within your organizations that communicates to your Soldiers that you care about them and that you are prepared to support them if they are victims of sexual assault, and that you are also prepared to take the necessary legal actions against alleged perpetrators.

SECTION V. STUDENT EVALUATION

Testing Requirements

NOTE: Describe how the student must demonstrate accomplishment of the TLO. Refer student to the Student Evaluation Plan.

At the end of this lesson you will participate in an evaluative scenario that measures your ability to “Enforce the Army’s Sexual Assault Prevention and Response Program.” You will be graded on a GO or NO-GO basis by your facilitator based on your correct input and active participation in the scenario discussion. You must receive a GO from your facilitator to receive a GO for this lesson.

Feedback Requirements

NOTE: Feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer students' questions about the test. Provide remedial training as needed.

Appendix A - Viewgraph Masters

VIEWGRAPHS FOR LESSON 1: CJASA106 version 3

Terminal Learning Objective

Viewgraphs 1-36

Appendix B - Test(s) and Test Solution(s) (N/A)

Appendix C - Practical Exercises and Solutions (N/A)

Student Handout #1
AR 600-20, Army Command Policy, dated 2005
Synopsis of Army Policy on Sexual Assault

Paragraph 8-1. Purpose

The Sexual Assault Prevention and Response Program reinforces the Army's commitment to eliminate incidents of sexual assault through a comprehensive policy that centers on awareness and prevention, training and education, victim advocacy, response, reporting, and follow-up. Army policy promotes sensitive care and confidential reporting for victims of sexual assault and accountability for those who commit these crimes. For the purposes of this policy, confidentiality or confidential reporting is defined as allowing a Soldier to report a sexual assault to specified individuals. This reporting option gives the Soldier access to medical care, counseling, and victim advocacy, without initiating the investigative process.

Paragraph 8-2. Sexual Assault Policy

- a. Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Every Soldier who is aware of sexual assault, should immediately (within 24 hours) report incidents of sexual assault. It is incompatible with the Army values and is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws.
- b. The Army will use training, education, and awareness to minimize sexual assault; to promote the sensitive handling of victims of sexual assault; to offer victim assistance and counseling; to hold those who commit sexual assault offenses accountable; to provide confidential avenues for reporting and to reinforce a commitment to Army Values.
- c. The Army will treat all victims of sexual assault with dignity, fairness, and respect.
- d. The Army will treat every reported sexual assault incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need to know basis only.
- e. This policy applies-
 - (1) Both on and off post and during duty and non-duty hours.
 - (2) To working, living, and recreational environments (including both on and off post housing).

Paragraph 8-3. Victim Advocacy Program

Victim's use of advocacy services is optional; however, commanders must ensure that victims have access to a well-coordinated, highly responsive sexual assault victim advocacy program that is available 24 hours per day/7 days per week both in garrison and in a deployed environment.

- a. There are three echelons of sexual assault victim advocates in the Army's program in garrison.
 - (1) The Installation Sexual Assault Response Coordinator (SARC) is responsible for coordinating the local implementation of the program.
 - (2) Victim advocates work directly with the Installation SARC, victims of sexual assault, unit victim advocates, and other installation response agencies.
 - (3) Unit Victim Advocates (UVA) are Soldiers who are trained to provide limited victim advocacy as a

collateral duty.

- b. In a deployed environment, there are two echelons of victim advocates.
 - (1) Deployable Sexual Assault Response Coordinators (SARC) are Soldiers trained and responsible for coordinating the sexual assault prevention and response program as a collateral duty in a specified area of a deployed theater. There is one deployable SARC at each brigade/unit of action and higher echelon.
 - (2) Unit Victim Advocates (UVA) are Soldiers trained to provide victim advocacy as a collateral duty. There are two UVAs for each battalion sized unit.

Paragraph 8-4. Definitions. For the purpose of this policy-

- a. **Sexual assault.** 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, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.
- b. **Other sex-related offenses.** Other sex-related offenses are defined as all other sexual acts or acts in violation of the Uniform Code of Military Justice that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in DoD Directive 1350.2, Department of Defense Military Equal Opportunity. Examples of other sex-related offenses could include indecent acts with another and adultery. For the specific articles of sexual assault offenses under the Uniform Code of Military Justice (UCMJ), see the Manual for Courts-Martial (MCM).
- c. **Restricted reporting.** Restricted reporting allows a Soldier who is a sexual assault 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 the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the Sexual Assault Response Coordinator (SARC), Victim Advocate, chaplain or a healthcare provider.
- d. **Unrestricted reporting.** Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (e.g., chain of command, law enforcement, or he/she may report the incident to the SARC or the on-call victim advocate). Upon notification of a reported sexual assault, the SARC will immediately notify a Victim Advocate. Additionally, with the victim's consent, the healthcare provider shall conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know. See Appendix I for a detailed explanation of restricted and unrestricted reporting.

Student Handout #2

“The Many Faces of Sexual Assault” Video Script

Scene 1-3

NARRATOR

"A person is sexually assaulted in the United States every 45 seconds..."

"78% of sexual assault victims are women, and 22% are men..."

"Only 16% of these attacks are ever reported to police."

NARRATOR

683,000 women are sexually assaulted every year in the U.S.

NARRATOR

And the numbers are rising.

Scene 4-7, Scenario 1

INT - NIGHT – BARRACKS

PVT Jessica Banks is watching television as she starches her shirt. She shakes can of starch, tries to spray, nothing comes out. She tosses the can in the trash and turns to go borrow more from SPC Kate Casey (her squad-mate) in the room next door.

INT - NIGHT - BARRACKS HALLWAY

PVT Banks comes from her room and hears yelling and sounds of a struggle in the next room. She knocks on door.

PVT BANKS

"Kate? It's Jessica..."

When sound is quickly muffled inside the room, PVT Banks flings open the door and sees frightened, disheveled SPC Casey with torn clothes being held against the wall or on the bed or floor with her mouth covered by Staff Sergeant Foley. He immediately gets up and rushes out the door. SPC Casey crumples to the floor and begins to cry, there's blood running from her nose and her clothes are in disarray.

PVT BANKS

"Are you hurt? Talk to me. Tell me what happened!"

SPC CASEY

"I can't talk now. Please, I just need to be alone."

When PVT Banks hands SPC Casey a tissue and tries to comfort her, she recoils and yells.

PVT BANKS

"Here, you're bleeding."

SPC CASEY

"I said GO AWAY!!"

PVT Banks backs away. SPC Casey tries to get up, but collapses. Pan to a photo of SPC Casey that has been knocked to the floor and broken during the struggle.

NARRATOR

"It can happen where Soldiers live or work. When they're relaxing in the barracks, celebrating at a club, or working exhausting hours in the field. But even if a sexual assault only lasts a minute, its impact can last for the rest of the victim's life."

Comment from on-camera interview with SPC Casey sometime after the assault.

SPC CASEY

"After it happened, I blamed myself. I felt like I had done something wrong.
Comment from on-camera interview with PVT Banks sometime after the assault."

PVT BANKS

"He was our squad leader. Kate was afraid of what would happen if she reported him.
More interview with SPC Casey."

SPC CASEY

"I went over and over it in my mind, trying to figure out what I did to make him attack me like that.
More interview with PVT Banks."

PVT BANKS

"I couldn't believe she was blaming herself. All she was doing was studying in her room."

SPC CASEY

"I remember just wanting to clean up, to wash away the whole experience."

PVT BANKS

"I should have stopped her from showering and changing clothes. That destroys evidence. I should have insisted she go straight to the emergency room. And I should have called the MPs."

Comment from on-camera interview with PFC James

PFC JAMES

"I heard rumors about what happened, but when I saw her in the laundry room later, she seemed fine. If she were really assaulted, wouldn't she have been more upset?"

PVT BANKS

"I was a witness. It was my duty to report it, even if she couldn't bring herself to turn him in."

Comment from on-camera interview with MP (Female)

MP

"If they had called, we would have responded and begun an investigation..."

Scene 8-13, Scenario 2

INT - DAY - VENDING MACHINE AREA

Specialist John Reynos gets soda from machine. Specialist Gordon walks up behind him, counting the change in her hand.

NARRATOR

"In the Army, victims of sexual assault are likely to know the alleged perpetrator of the assault."

SPC GORDON

"Can you believe it? I'm ten cents short."

He gives her two nickels.

SPC REYNOS

"Must be your lucky day--I just happen to have ten cents with your name on it."

She puts the money in the machine and a drink comes out.

SPC GORDON

"Thanks."

SPC REYNOS

"We're still on for our date tonight?"

SPC GORDON

"I'll see you at eight... IN my new dress!"

They go separate ways...

EXT - NIGHT - BAR PARKING LOT ESTABLISHER

We can hear the sounds of people laughing and talking, glasses clinking and rap music emanating from a jukebox...

INT - NIGHT - BAR

SPC Gordon and SPC Reynos sit at a table drinking. Both are now wearing civilian clothing.

SPC REYNOS

"...so after she left me for my best friend, I decided to join the Army."

SPC GORDON

"And I am very glad you did. So would you watch my drink while I go to the ladies' room?"

SPC REYNOS

(raising his glass in a mock toast)

"I'll be counting the seconds 'til you return."

As soon as SPC Gordon leaves, SPC Reynos takes a capsule from his pocket and drops it into her drink.

Later that evening... tilt down from light fixture or beer sign in bar to reveal SPC Reynos resting her head in her hands. SPC Gordon walks up with more drinks.

SPC REYNOS

"Don't tell me you're fading out on me already!"

SPC GORDON

"All of a sudden, I'm feeling a little sick."

SPC Gordon stands and has to grab the table to steady herself. SPC Reynos gets up to help.

SPC REYNOS

"Careful there. Maybe I better drive you home..."

INT - NIGHT - BARRACKS ROOM

SPC Reynos swings the semi-conscious SPC Gordon's legs up on the bed as her torso falls back.

SPC REYNOS

"There. That's better. Let's make you a little more comfortable."

He starts to unbutton her shirt. Camera moves to the darkened window as we hear SPC Gordon mumble...

SPC GORDON

"No... Stop... I just need to sleep. Stop, no..."

INT - DAY - SAME BARRACKS ROOM

Same window, hand opens blind and light floods in showing it is now day. Widen shot to reveal PFC Burrows opening blinds, then picking up SPC Gordon's dress, etc. from the floor.

PFC BURROWS

"Hey, Sleeping Beauty, 1300, rise and shine. You must have been really wasted last night... Janice said your new man pretty much had to carry you in here. And you threw your new dress on the floor... That's not like you at all..."

SPC Gordon raises her groggy face and looks under the covers--realizes she has no clothes on.

SPC GORDON

(upset)

"My dress? I don't remember taking off my clothes... I don't remember coming back here- I don't remember anything except stumbling to the car and feeling drugged."

PFC BURROWS

"Drugged? Please tell me you didn't leave your drink with your date!"

Comments from on-camera interviews sometime after the assault.

SPC GORDON

"I thought date rape was something some horrible, filthy person would do. John was a nice, smart, funny guy. He is, WAS, a friend. How could he do this to me?"

PFC BURROWS

"She admitted she was drinking. He says the sex was consensual. Who am I supposed to believe?"

SPC GORDON

"The blood tests showed Rohypnol in my system. Do people think that I took it myself? Who else but John would have given me the "date rape" drug?"

Scene 13-16, Scenario 3

EXT - DAY - FIELD EXERCISE AREA

1LT Melton (Male in uniform), and CPT Gray (Female in uniform) come into the tent at the end of long day.

NARRATOR

"Sexual assault doesn't always involve physical force and injury. It also has a more subtle side."

CPT GRAY

"What a week. I am so exhausted."

1LT MELTON

"Me too. I gotta find a way to relax."

INT - DAY - TENT

Inside of tent as the two enter.

CPT GRAY

"I know a great way to reduce stress..."

1LT MELTON

"Oh yeah?"

CPT GRAY

(softly)

"Yeah..."

She inappropriately grabs him.

1LT MELTON

"Whoa...What are you doing? Ma'am, don't ever do that again. EVER!"

He turns angrily and hurries from the tent.

Comments from on-camera interviews sometime after the assault.

1LT MELTON

"Sure we were close. When you work side-by-side day-after-day, you get close. But I always saw it as a professional relationship. What she did by grabbing me in my genital area really came out of the blue. I couldn't believe it. Nobody but my wife is allowed to get THAT personal with me."

CPT GRAY

"It was no big deal. It's been a long deployment. We were both tired. We were lonely. I thought he would be receptive."

1LT MELTON

"How can we work as a team, when she does something stupid and demeaning like that?"

CPT GRAY

"He definitely overreacted."

Scene 17-19, Scenario 4

EXT - NIGHT - SOLDIER'S HOME

A dog barks somewhere down the street as SFC Jamison (Male Soldier, in uniform, husband of victim) comes up the steps, drunk and singing.

NARRATOR

"Soldiers can be victims of sexual assault. They can be witnesses to sexual assault. And they can commit sexual assault themselves, permanently scarring people they claim to love."

INT - NIGHT - SOLDIER'S HOME

Mrs. Jamison (Wife of Soldier in civilian clothing--nightclothes) comes to the door and opens it to let her drunk husband in.

MRS. JAMISON

"SHHH--Be quiet. You'll wake up the baby!!"

SFC JAMISON

"Forget the baby. How bout a little lovin' for the Daddy..."

MRS. JAMISON

"You're drunk and disgusting, go sleep it off."

He follows her down the hall and pushes her toward the bedroom door. She resists initially, but he overpowers her as he pushes her into the darkened bedroom."

MRS. JAMISON

"I said NO-NO! Not again . . . You're hurting me."

Comments from on-camera interviews sometime after the assault.

SFC JAMISON

"How can they call it rape? Wives are supposed to have sex with their husbands. I provide for my wife and kid. I do my duty. Why won't she do hers?"

MRS. JAMISON

"I have a child to consider. He's the breadwinner. He's the one who puts a roof over our heads. If he leaves us, what would we do? How could I face my family?"

SFC JAMISON

"It's a wife's duty to have sex with her husband. I know she enjoyed it."

MRS. JAMISON

"Even though I was getting hurt, I didn't want to make problems with the military for my husband. My husband's career is our life. I thought saying something would jeopardize our future forever."

Comment from Counselor (Female in civilian clothing)

DOMESTIC VIOLENCE COUNSELOR

"I counsel a lot of military spouses because they aren't comfortable reporting sexual assault through military channels...It's crucial that the Army create an environment of zero tolerance for sexual assault so spouses will feel that they can come forward."

MRS. JAMISON

"For a long time, I was afraid to tell anyone what was happening to me. I figured that even if I got the courage to tell, nothing would be done."

Scene 20-24, Scenario 5

EXT - NIGHT – BARRACKS

NARRATOR

“Statistics show that in most cases, Soldiers who are victims of sexual assault have been drinking at the time of the attack.”

Two Soldiers, Specialist Garcia (Male Enlisted Soldier, not in uniform) and Specialist Selby (Male Enlisted Soldier, not in uniform), get out of car, rowdy and drunk. Driver yells at them, Garcia slams the door.

VOICE OF DRIVER

“Get outta my car, before you puke again!”

SPC SELBY

“Ok, ok, lighten up...”

INT - NIGHT - BARRACKS

SPC Garcia and Selby come into a room in the barracks.

SPC GARCIA

“I thought I was gonna get to go home with that babe in the red dress.”

SPC SELBY

“Yeah, in your dreams...”

When they get to the room, SPC Selby passes out on the bed.

SPC GARCIA

“Hey that’s my bed, bud. Get up... c’mon get up. Geez.”

When he can’t get SPC Selby up, Garcia falls down on the couch and goes to sleep.

Comment from on-camera interview with SPC Garcia sometime after the assault.

SPC GARCIA

“At first, I thought I was dreaming. Nothing so awful had ever happened to me before...”

INT - NIGHT - BARRACKS HALLWAY

SPC GARCIA

(muffled, from inside room)

“What are you doin’, Man? Gross... GET OFF OF ME!!”

SPC Selby hurries out of the room, and passes a Male Enlisted Soldier, not in uniform coming down the hall.

SPC Garcia comes angrily out of the room.

SPC GARCIA

“Yeah, you better run, before I kill you!!!”

He hits the wall with his fist.

SOLDIER
(passing by in hall)
"What's up, Juan?"

SPC GARCIA
"Nothin, man, NOTHIN! Just forget it!"

Comments from on-camera interviews sometime after the assault.

DOMESTIC VIOLENCE COUNSELOR
"Often victims are reluctant to report sexual assault, because of where they were and what they were doing when it happened."

SPC GARCIA
"I'm only 19. I was afraid if I told anyone, I'd be busted for underage drinking. But then I decided it was more important to keep the same thing from happening to someone else."

Comment from Leader-Staff Sergeant Henley-(Male NCO, in uniform)

STAFF SERGEANT HENLEY
"When Specialist Garcia called me at three o'clock in the morning, I should have reported it right away. But he told me he didn't want it reported, and I was afraid of violating his privacy. I didn't know what to do."

STAFF SERGEANT HENLEY
"In the back of my mind, I couldn't help but wonder if it had been consensual. Garcia never had been a model Soldier, so I thought it was just par for the course with him. I also wondered if he had made it all up."

SPC GARCIA
"I know I can be a screw-up, but it was important to me that people believed my side of the story. I needed help to get over what happened to me..."

Scene 25-28, Scenario 6

INT - DAY - FOOD COURT

NARRATOR
"When someone says NO, they mean NO. But when a minor is involved, YES also means NO."

SGT McCoy (22-year-old Male, in uniform) and SGT Green (22-year-old Male in uniform) stand with their trays in Food Court looking for a place to sit. There's a pretty young girl (Mariah--Female civilian, family member) at a table. The two guys have seen her there before, and SGT McCoy has expressed interest. SGT Green points her out, urges him to go over, and heads off in another direction to give them some space.

SGT McCoy comes up to Mariah.

SGT MCCOY
"Hey there. Didn't I see you eating here yesterday?"

MARIAH
"Yeah, I noticed you too."

SGT MCCOY
"Mind if I join you?"

MARIAH
"Thought you'd never ask..."

He sits at the table with her and begins to eat.

SGT MCCOY
"You go to school at the college?"

MARIAH
(laughing)
"Try high school. I'm 15!"

SGT MCCOY
"Darlin', I must say you make 15 look mighty fine..."

EXT - NIGHT - SECLUDED AREA
"A car is parked in a darkened spot. SGT McCoy, in civilian clothes, and Mariah are kissing passionately."

SGT MCCOY
"So... you're OK with all of this?"

MARIAH
"I'm OK with all this and a whole lot more, Baby...
Their heads disappear as they recline back onto the seat."

Comments from on-camera interviews sometime after the assault.

SGT MCCOY
"Sure she was younger, but she was all over me. She said it was OK. I didn't know I was doing anything wrong."

Comment from interview with JAG Officer (Male)

JAG OFFICER
"Legally, this girl couldn't give consent. Even though different states have different laws, the Army defines a minor as someone under the age of 16. This was sexual assault, clear and simple."

SGT GREEN
"I really felt for the guy. I've been in the same situation myself lots of times. What's happening to his career, could just as easily have happened to mine."

NARRATOR
"Life is full of situations that seem to fall into the gray areas between right and wrong. But when it comes to sexual assault, the Army's Policy is clear and absolute. No matter where it happens, no matter why it happens, no matter how it happens, no matter who it affects, sexual assault is a crime that will not be tolerated in the United States Army. We must find ways to prevent it. Respond to it immediately and sensitively. Investigate it aggressively and thoroughly. Insist on accountability. And create and promote a command climate that supports victims and insures that their rights are upheld."

Scene 29-30

Interview comments.

PVT BANKS

"By not reporting the assault on my squad mate, I ignored the Warrior Ethos. I truly did "leave a fallen comrade."

CPT GRAY

"In the Soldier's Creed we promise to "live Army values." What I did to my fellow Soldier broke that promise. I'm ashamed of what I did."

SPC GARCIA

"It was a horrible time for me, but the confidentiality and support I found in my chain of command made me all the more proud to be a Soldier."

INT - DAY - CLASSROOM

Actual classroom with Soldiers raising their hands and asking questions of a senior officer or NCO that's facilitating a session on sexual assault.

NARRATOR

"Now is the time to start a dialog about what constitutes sexual assault. Ask a question. Speak up and express your opinion. It's up to you as a Soldier to report sexual assault. It's up to you as a commander to ensure that victims' rights are protected."

Student Handout # 3

Sexual Assault Terms and Definitions

1. **Sexual assault** refers to 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 the following:
 - a. Rape – sexual intercourse by force and without consent
 - b. Nonconsensual (Forcible) sodomy – oral or anal sex by force and without consent
 - c. Indecent assault – any unwanted, inappropriate sexual contact or fondling done with the intent to gratify lust or sexual desires
 - d. Attempts to commit these acts

Sexual assault can occur without regard to gender, spousal relationship, or age of victim.

2. **Consent** shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious.
3. **Victim** is defined as “any person who reports the commission of a sexual assault upon himself or herself, or is identified, based upon the report of another person, or other information, as a person who has been subjected to a sexual offense.”
4. **Alleged perpetrator** is defined as “one who has been accused of committing a crime including any report of a crime to police authorities of a known or unknown person.”
5. **Perpetrator** is defined as “one who has committed a crime;” (i.e., offender, subject).
6. **Case** is a formal investigative file that may contain multiple incidents, offenses, victims, and offenders (i.e., perpetrators).
7. **Founded Case** is a determination made by the CID that a criminal offense has been committed. The determination that a founded offense exists is an investigative decision independent of any judicial opinion or disciplinary action.
8. **Unfounded Case** is a determination made by the CID that a criminal offense did not occur. This determination must be based on demonstrative evidence.
9. **Insufficient Evidence** is a lack of evidence to support a complaint. A finding of insufficient evidence is not a basis for labeling an offense as unfounded.

Student Handout # 4

Sexual Assault Scenarios

Answer the following questions on each scenario:

1. Does the scenario describe a sexual assault?
2. If so, what type?
3. If rape, what type?
4. Who was the victim?
5. Who was the alleged perpetrator?

Scenario #1

Wanda Gibson and Joyce Rays are both Master Sergeants attending the 1SG Course. Both have become good friends during their training and have a lot in common. Both of them are divorced and have two children. Focusing on their careers, they are eager to excel in the 1SG Course and are looking to graduate with honors. With only one week left in the course they decide to go to the theater to see the latest movie. As they watch the movie Wanda asks Joyce, "May I kiss you?" Before Joyce can respond, Wanda gropes her and places her mouth over her lips, attempting to put her tongue in her mouth. Joyce struggles to keep away from Wanda, not believing what is happening to her. Joyce pulls away, and walks out of the theater in a state of shock and surprise.

Scenario #2

BG Smith asks 1LT Brick, his aide-de-camp, to tutor his teenage daughter in chemistry a few hours each week after school. Jenny is 15 years old and always flirts with 1LT Brick during their tutoring sessions. One day while alone in the house, 1LT Brick returns her advances and they end up in the Smith's bedroom engaged in consensual sex.

Scenario #3

Chief Warrant Officer Harper and his wife have been married for approximately four years and have kept busy with their own careers. With their busy schedules, the Harpers have a tradition of going out on a date at least once a month in order to spend quality time with each other. Mrs. Harper has been going through some hard times at work and has lost her sex drive. While out to dinner, Chief Warrant Officer Harper slips some rohypnol in her drink when she goes to the ladies room. After they finish dinner, he drives them home and helps her get ready for bed. He proceeds to have sex with his wife without her consent. Chief Harper feels what he is doing is okay because this is his wife and it is her duty to make love to him.

Scenario #4

MG Clarence Simpson and his aide-de-camp, Captain Becky Collins, have become close friends since she started working for him a year ago. MG Simpson and his wife have been having marital problems for the past six months, so he stays late at work most of the evenings. CPT Collins feels if the general is working late, then she should be there to assist him. One evening, after working late, MG Simpson decides to go out to eat and doesn't want to eat alone, so he asks the captain to join him. During the dinner, MG Simpson starts drinking too much and breaks down, telling her all about his marital problems. The general decides not to go home in his condition and asks the captain if he could crash out at her place for the rest of the night. Captain Collins highly respects and trusts the general, so she allows him to stay the night in her spare bedroom. An hour later, he wakes up and goes into CPT Collin's bedroom to let her know that he appreciates her letting him stay there. While in her room, he pins down her hands and forces penetration. Afterwards he apologizes for his behavior and leaves her apartment. His actions totally take her by surprise and leave her wondering what to do.

Student Handout # 5

AR 600-20, Chapter 8, Appendix H Army Sexual Assault Prevention and Response Program Commander's Sexual Assault Victim Assistance Checklist

(Note: These actions are to be taken in the event of receiving a report of sexual assault. Not necessarily all actions will be taken by the commander.)

_____ Ensure the physical safety of the victim – determine if the alleged assailant is still nearby and if the victim needs protection.

_____ Advise the victim of the need to preserve evidence (e.g., by not bathing, showering, washing garments.)

_____ Encourage the victim to report the incident and get a medical examination immediately (even if the incident occurred prior to the past 72 hours.)

_____ Make appropriate administrative and logistical coordination for movement of victim to receive care. (Involve the minimum number of personnel possible and only on a need-to-know basis). *[In Theater]*

_____ Ask if the victim needs a support person (e.g., a personal friend, Victim Advocate, Chaplain, or other professional) to immediately join the victim.

_____ Notify the Sexual Assault Response Coordinator (SARC.)

_____ Notify the Chaplain if the victim requests pastoral counseling or assistance.

_____ Notify the Criminal Investigation Command, Military Police, Installation Provost Marshal (per AR 195-1, paragraph 6), and Commanders in the chain of command (as appropriate) within 24 hours (as soon as the victim's safety is established and victim's medical treatment procedures are in motion) and:

- Limit the 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 by those personnel who may have a “need to know”, including but not limited to, the Criminal Investigation Command investigator(s) and the trial counsel
- Collect only the necessary information (e.g. victim's identity, location and time of the incident, name and/or description of offender(s)). Do not ask detailed questions and/or pressure the victim for responses.

_____ Ensure the victim is made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.

_____ Ensure the CID notifies victims and witnesses of their rights through a completed Victims and Witnesses of Crime form, DD Form 2701. (Reference AR 27-10.)

_____ Inform the victim of the resources in theater that are available to them through the Victim and Witness Assistance Program (VWAP) (AR 27-10). Also, inform the victim of resources that are accessible from the Area of Operation, (i.e. Military One Source (International: 1-800-464-8107 or International collect: 484-530-5889, 24-hour-a-day, 7-day-a-week); DoD Deployment Health Support Hotline (1-800-497-6267 from 0900-2100 hours, Monday through Friday.)

_____ Provide emotional support to the victim, including:

- Throughout the investigation, consult with the victim and, to the extent practicable, accommodate the victim's wishes, as long as a full and complete investigation is not compromised.
- Listen/engage in quiet support of the victim, as needed. Be available in the weeks and months following the sexual assault, and ensure the victim that she/he can rely on the commander's support.
- Emphasize to the victim the availability of additional avenues of support; refer to available counseling groups and other victim services.

_____ Confer with the commander's legal representative and/or servicing SJA office to consider legal options, responsibilities (e.g., pretrial restraint, military protective order), and appropriate disposition of the alleged offense. If the subject is a Foreign National or from a Coalition Force, confer with SJA on responsibilities, options, and victims rights.

[In Theater]

_____ Determine the best courses of action for separating the victim and the subject during the investigation.

- Determine whether the victim desires to be transferred to another unit.
- Determine if the suspect needs/desires to be transferred to another unit.
- Consider whether a Military Protection Order (MPO) (DD Form 2873), referred to as "no contact order," is appropriate.
- Coordinate with sexual assault resources and chain of command (involve as few people as possible and only on a need to know basis, protecting the victim's privacy) to determine if the victim's condition warrants redeployment or reassignment until there is a final legal disposition of the sexual assault case and/or the victim is no longer in danger. To the extent practicable, preferential consideration related to the reassignment should be based on the victim's desires.

_____ Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600-8-2 (Suspension of Favorable Actions), and suspend the Soldier's security clearance in accordance with AR 380-67 (The Department of the Army Personnel Security Program).

_____ Avoid automatic suspension or revocation of a security and/or personnel reliability program clearance, when possible, as the victim can be treated for their related trauma. Consider the negative impact that suspension of a victim's security clearance has on both the victim's sensitivity and the service climate for reporting. Commanders should consider making this decision in consultation with a credentialed behavioral health professional.

_____ Determine how to best dispose of the victim's collateral misconduct. Absent overriding considerations, commanders should consider exercising their authority in appropriate cases to defer disciplinary actions for the victim's misconduct until after the final disposition of the sexual assault case.

_____ Update the battalion or higher-level commander on the status of the victim and subject(s) within 14 calendar days, and on a monthly basis thereafter, until the case is officially closed. If the victim or subject is transferred or redeployed prior to the case closing, coordinate with investigative and SJA personnel before ceasing monthly updates on parties involved.

_____ Update the victim on a monthly basis on the sexual assault investigation until its final disposition. Furthermore, initiate follow-up with the victim within 45 days after disposition of the case.

_____ Consult with the servicing legal office, criminal investigative organization, and notify the assigned victim advocate prior to taking any administrative action affecting the victim.

_____ Ensure unit personnel are abreast of risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.

Student Handout # 6
Job Aid/Checklist
Reporting Options and Procedures

| | Restricted Reporting | Unrestricted Reporting |
|---------------------------|--|--|
| Types of Reporting | <p>Restricted reporting allows you to confidentially disclose details of your sexual assault to four specifically identified personnel without triggering an investigative process. To make a restricted report, you MUST notify one of the following personnel:</p> <ol style="list-style-type: none"> 1. Sexual Assault Response Coordinator (SARC) 2. Victim Advocate (VA) 3. Chaplain 4. Healthcare Provider <p>NOTE: Reporting sexual assaults to any agency or individual not listed above may result in an unrestricted report.</p> <p>NOTE: Restricted reporting avenues of confidentiality do not apply in a case of carnal knowledge or marital rape.</p> | <p>A Soldier who is sexually assaulted and desires official investigation of his/her allegation should make an unrestricted report. To make an unrestricted report you MUST notify one of the following agencies or individuals:</p> <ol style="list-style-type: none"> 1. VA/SARC 2. Healthcare Provider 3. Chaplain 4. Chain of Command 5. Military Police (MP) 6. Criminal Investigation Command (CID) 7. Army Community Services (ACS) 8. Staff Judge Advocate (SJA) 9. Local and State Police 10. 911 11. Army One Source (AOS) |
| Advantages | <ul style="list-style-type: none"> • You will have additional time and increased control over the release and management of your personal information. | <ul style="list-style-type: none"> • Ensures the widest range of rights and protections are afforded to the victim. |

| | Restricted Reporting | Unrestricted Reporting |
|-----------------------------|---|---|
| | <ul style="list-style-type: none"> You receive appropriate care and treatment that empowers you to seek relevant information and support to make informed decisions about possibly participating in a criminal investigation. Restricted reporting gives senior mission commanders a clearer picture of the sexual violence within their command. This enhances a commander's ability to provide an environment which is safe and contributes to the well-being and mission-readiness of all its members. Evidence collected during a forensic exam is maintained in a secure location for a year. Such evidence will only be processed if you decide to change the report from restricted to unrestricted and thus initiate the investigative process. The SARC may only inform the senior mission commander that an assault has occurred and restrict information about the assault to non-identifying information, unless an exception to nondisclosure applies. | <ul style="list-style-type: none"> Provides commander support, such as protective orders, separation from offender (s), etc. Provides for full investigation, such as crime scene, witness interviews, suspect interrogation, which enhances opportunity to hold offender(s) accountable. Enhances community and Soldier safety through timely prosecution of offender(s). |
| Disadvantages | <ul style="list-style-type: none"> Law enforcement will not be informed nor does the command become involved, thus eliminating the opportunity for offender accountability. | <ul style="list-style-type: none"> You might not have control over the release and management of your personal information. |
| Reporting Procedures | WHEN: Sexual assault should be reported IMMEDIATELY . It is a crime! | |
| | WHO: The assault can be reported by the VICTIM, FRIEND, ACQUAINTANCE, FAMILY MEMBER, OR FELLOW SOLDIER . | |
| | To WHOM: Restricted Reporting: If you are the victim, you should report the sexual assault to your Healthcare Provider, Chaplain, Sexual Assault Response Coordinator or Victim Advocate . They will assist you in determining your options for restricted or unrestricted reporting. Remember, if you report the assault to anyone other than these four , you may be electing UNRESTRICTED REPORTING . | |

| | Restricted Reporting | Unrestricted Reporting |
|-----------------------------|---|------------------------|
| Reporting Procedures | <p>Unrestricted Reporting: Witnesses to a sexual assault should report the sexual assault to the: CHAIN OF COMMAND or a LAW ENFORCEMENT AGENCY.</p> | |
| | <p>WHAT:</p> <p>Report the following information:</p> <ol style="list-style-type: none"> 1. Date, time and location of incident 2. Name of individual making report and relationship to incident or victim 3. Victim's name and location 4. Victim's injuries and medical needs 5. Who, if anyone, is there to assist the victim 6. Identity, description and location of alleged perpetrator | |
| | <p>TO REPORT or NOT?: You may feel fearful, ashamed, embarrassed, angry, sad, and/or responsible. These are normal reactions. No one asks to be sexually assaulted. You are not to blame! Report the assault!</p> <p>If you are a friend, acquaintance, or fellow Soldier, you may feel, "It's not my responsibility;" or "I'm intruding on someone's privacy or betraying a confidence." However, sexual assault is a traumatic event. Your friend will need assistance.</p> <p>Victims should report assaults, even if they committed minor misconduct that may be subject to the UCMJ. Commanders have the discretion to delay action against a victim for his/her alleged minor misconduct (collateral misconduct) related to the sexual assault allegation.</p> | |

Student Handout # 7

Resources for Sexual Assault Victims

Unit Victim Advocate (UVA)

Provides a wide range of services to victims, including support, assistance, and coordination between agencies. Most importantly, the VA explains the reporting options to victims, so that the victim can make an informed and educated decision before proceeding.

| | |
|----------------------|--|
| Name/Location | |
| Phone | |

Sexual Assault Response Coordinator (SARC) / Installation Victim Advocate (IVA)

Serves as the “center of gravity” for sexual assault prevention and response and is the key to local coordination and implementation of responses to sexual assault. Assigns Victims Advocates to assist individual Soldiers.

| | |
|----------------------|--|
| Name/Location | |
| Phone | |

Medical

Provides prompt medical care (e.g., evaluation, care of victim, evidence collection, forensics support and mental health counseling).

| | |
|-----------------|--|
| Location | |
| Phone | |

Local hospital/emergency room

| | |
|-----------------|--|
| Location | |
| Phone | |

Unit Chaplain

Provides counseling and spiritual care services.

| | |
|------------------|--|
| Name/Rank | |
| Location | |
| Phone | |
| E-mail | |

Staff Judge Advocate (SJA)

Appoints Victim/Witness Liaison (VWL) to help victims and witnesses with the courts-martial process.

| | |
|------------------|--|
| Name/Rank | |
| Location | |
| Phone | |
| E-mail | |

Military Police

Can get the investigative process started and refer additional resources.

| | |
|-----------------|--|
| Location | |
| Phone | |

Local or State Police

Should be contacted if incident happened off post or if the alleged perpetrator is a civilian.

| | |
|------------------------------|--|
| Local Police Location | |
| Local Police Phone | |
| State Police Location | |
| State Police Phone | |

Army One Source (AOS) – www.armyonesource.com

Designed to help Soldiers and their families deal with life’s issues and provides confidential assistance to sexual assault victims. Available 24 hours a day, 7 days a week to active and mobilized reserve component (RC) Soldiers, deployed civilians, and their families worldwide.

- CONUS: 1-800-464-8107
- International toll free: 00-800-464-81077
- International collect: 484-530-5889
- Spanish: 1-800-732-0920