

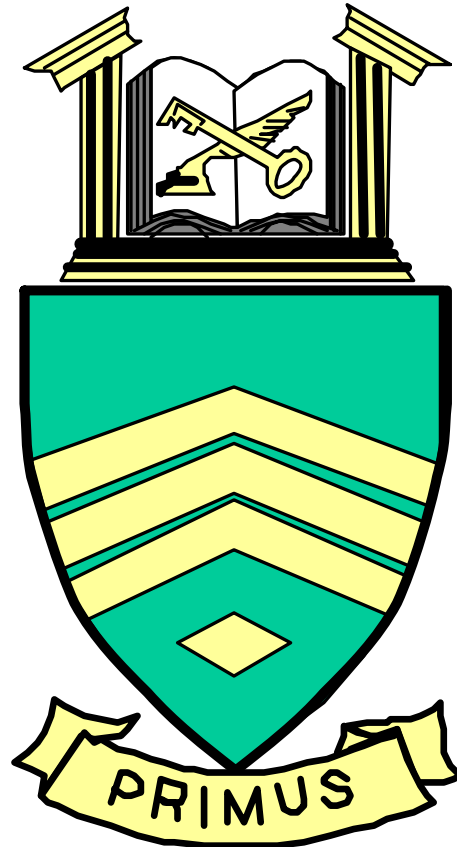
U.S. ARMY SERGEANTS MAJOR ACADEMY (FSC)

L692

1 June 06

SEXUAL ASSAULT PREVENTION AND RESPONSE

PRERESIDENT TRAINING SUPPORT PACKAGE



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PRERESIDENT TRAINING SUPPORT PACKAGE (TSP)

TSP Number / Title	L692 / SEXUAL ASSAULT PREVENTION AND RESPONSE
Effective Date	01 Jun 06
Supersedes TSP(s) / Lesson(s)	L692, Sexual Assault Prevention and Response 01 Jun 2005
TSP Users	521-SQIM (DL), First Sergeant Course
Proponent	The proponent for this document is the Sergeants Major Academy.
Improvement Comments	<p>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:</p> <p>COMDT USASMA ATTN ATSS DCF BLDG 11291 BIGGS FIELD FORT BLISS TX 79918-8002</p> <p>Telephone (Comm) (915) 568-8875 Telephone (DSN) 978-8875</p> <p>E-mail: atss-dcd@bliss.army.mil</p>
Security Clearance / Access	Unclassified
Foreign Disclosure Restrictions	FD5. This product/publication has been reviewed by the product developers in coordination with the USASMA 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:

<u>Task Number</u>	<u>Task Title</u>
158-100-1373	Develop Subordinate Leaders in a Company
158-100-1385	Implement Measures to Reduce Operational Stress

This TSP
Contains

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SEXUAL ASSAULT PREVENTION AND RESPONSE
L692 / Version 1
01 Jun 2006

SECTION I. ADMINISTRATIVE DATA

All Courses Including This Lesson	<u>Course Number</u>	<u>Version</u>	<u>Course Title</u>
	521-SQIM	1	First Sergeant Course
Task(s) Taught(*) or Supported	<u>Task Number</u>	<u>Task Title</u>	
	158-100-1373	Develop Subordinate Leaders in a Company	
	158-100-1385	Implement Measures to Reduce Operational Stress	
Reinforced Task(s)	<u>Task Number</u>	<u>Task Title</u>	
	None		
Academic Hours	The academic hours required to teach this lesson are as follows:		
	Distance Learning		
	Hours/Methods		
	1 hr	5 mins/ Study Assignment	
		45 mins / Practical Exercise (Performance)	
Test	0 hrs		
Test Review	0 hrs		
	Total Hours:	2 hrs	
Test Lesson Number	<u>Hours</u>	<u>Lesson No.</u>	
	Testing (to include test review)	_____	NA _____
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 USASMA 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 27-10	MILITARY JUSTICE	16 Nov 2005	
DA MEMO	ARMY POLICY ON SEXUAL ASSAULT	07 Apr 2004	
REPORT	THE ACTING SECRETARY OF THE ARMY'S TASK FORCE REPORT ON SEXUAL ASSAULT POLICIES	27 May 2004	
TSP 805C-A-0106	TSP 805C-A-0106	19 Dec 2005	

Student Study Assignments

All material included in this Training Support Package (TSP).

Instructor Requirements

None

Additional Support Personnel Requirements

<u>Name</u>	<u>Stu Ratio</u>	<u>Qty</u>	<u>Man Hours</u>
MSG, FSC graduate, ITC, and SGITC graduate (Enlisted)	1:500	1	2 hrs

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>
None					

* Before Id indicates a TADSS

Materials Required**Instructor Materials:**

None

Student Materials:

- TSP.
- Pen or pencil and paper.

Classroom, Training Area, and Range Requirements

None

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

None

**Proponent
Lesson Plan
Approvals**

<u>Name</u>	<u>Rank</u>	<u>Position</u>	<u>Date</u>
Thomas, Vincent	CIV	Training Specialist	
Smith, Sandra	SGM	Chief Instructor, FSC	
Estrada, Manuel	SGM	USASMA, CI	
Salcido, Benjamin	GS-09	Chief, FSC	
Todd, Raymond	SGM	Chief, Functional Course	
Bennett-Green, Agnes D.	SGM	Chief, CMDD	

SECTION II. INTRODUCTION

Method of Instruction: Conference / Discussion
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio is: 1:500
 Time of Instruction: 5 mins
 Media: None

Motivator

As senior leaders, you are responsible for providing the strong leadership that develops effective units and organizations. As you are aware, leaders must care, and Soldiers must know that they care. You must set the standard and create an environment within your organization that emphasizes the 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. This lesson will provide you with information that will aid you and your Soldiers on how to avoid sexual assaults. In addition, it provides information on handling sexual assault in your unit should it occur.

In the past few years, the Army has faced intense scrutiny on its sexual assault prevention programs. Media reports have alleged that the Army's investigations are insufficient and victim's support systems were unresponsive in dealing with reports of sexual assault. As a result, the Army has conducted a thorough review of these allegations and strengthened its procedures and processes where needed.

This lesson will provide you with the knowledge, awareness and prevention techniques to deal with the issue of sexual assault.

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:	As a first sergeant in a self-study environment given Memorandum: Army Policy on Sexual Assault (SH-1), The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies (SH-2), Sexual Assault Terms and Definitions (SH-3), Extract from TSP 805C-A-0106 (SH-4), AR 27-10 (SH-5), and Resources for Sexual Assault Victims (SH-6).
Standards:	Enforce the Army's Sexual Assault Prevention and Response Program IAW Memorandum: Army Policy on Sexual Assault, The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies, Sexual Assault Terms and Definitions, Extract from TSP 805C-A-0106, AR 27-10, and Resources for Sexual Assault Victims.

Safety Requirements

None

**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 your Phase I training and before entering Phase II, you will take an on-line, multiple choice examination. It will test your comprehension of the learning objectives from this and other lessons in Phase I. You must correctly answer 70 percent or more of the questions on the examination to receive a GO. Failure to achieve a GO on the examination will result in a retest. Failure on the retest could result in your dismissal from the course.

**Instructional
Lead-In**

None

SECTION III. PRESENTATION

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

A. ENABLING LEARNING OBJECTIVE

ACTION:	Identify the Army's sexual assault policy.
CONDITIONS:	As a first sergeant in a self-study environment given Memorandum: Army Policy on Sexual Assault (SH-1).
STANDARDS:	Identify the Army's sexual assault policy IAW Memorandum: Army Policy on Sexual Assault.

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

Method of Instruction: Study Assignment
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-1

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-1.

2. Learning Step / Activity 2. The Army's Sexual Assault Policy

Method of Instruction: Practical Exercise (Performance)
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-1

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately five minutes to complete the questions.
- Complete questions 1 and 2 of PE-1, p C-2.
- Compare your responses with the solutions on p C-5.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO A.

B. ENABLING LEARNING OBJECTIVE

ACTION:	Define sexual assault.
CONDITIONS:	As a first sergeant in a self-study environment given The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies (SH-2) and Sexual Assault Terms and Definitions (SH-3).
STANDARDS:	Define sexual assault IAW The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies and Sexual Assault Terms and Definitions.

1. Learning Step / Activity 1. Sexual Assault Definitions

Method of Instruction: Study Assignment
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-2 and SH-3

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-2, pp 81 and 82, and SH-3.

2. Learning Step / Activity 2. Sexual Assault Definitions

Method of Instruction: Practical Exercise (Performance)
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-2 and SH-3

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately five minutes to complete the questions.
- Complete questions 3 and 4 of PE-1, p C-2.
- Compare your responses with the solutions on p C-5.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO B.

C. ENABLING LEARNING OBJECTIVE

ACTION:	Identify types of sexual assault.
CONDITIONS:	As a first sergeant in a self-study environment given Extract from TSP 805-C-A-0106 (SH-4).
STANDARDS:	Identify types of sexual assault IAW Extract from TSP 805C-A-0106.

1. Learning Step / Activity 1. Types of Sexual Assault

Method of Instruction: Study Assignment
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio: 1:500
 Time of Instruction: 5 mins
 Media: SH-4

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-4, pp SH-4-2 and SH-4-3.

2. Learning Step / Activity 2. Types of Sexual Assault

Method of Instruction: Practical Exercise (Performance)
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio: 1:500
 Time of Instruction: 5 mins
 Media: SH-4

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately five minutes to complete the questions.
- Complete questions 5 thru 7 of PE-1, pp C-2 and C-3.
- Compare your responses with the solutions on p C-5.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO C.

D. ENABLING LEARNING OBJECTIVE

ACTION:	Identify sexual assault trends.
CONDITIONS:	As a first sergeant in a self-study environment given The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies (SH-2).
STANDARDS:	Identify sexual assault trends IAW The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies.

1. Learning Step / Activity 1. Sexual Assault Trends

Method of Instruction: Study Assignment
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-2

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-2, pp 30 thru 37.

2. Learning Step / Activity 2. Sexual Assault Trends

Method of Instruction: Practical Exercise (Performance)
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-2

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately five minutes to complete the questions.
- Complete questions 8 and 9 of PE-1, p C-3.
- Compare your responses with the solutions on pp C-5 and C-6.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO D.

E. ENABLING LEARNING OBJECTIVE

ACTION:	Assess the impact of sexual assault on command climate and Army readiness.
CONDITIONS:	As a first sergeant in a self-study environment given Extract from TSP 805C-A-0106 (SH-4).
STANDARDS:	Identify adverse effects on the victim and sexual assault prevention measures IAW Extract from TSP 805C-A-0106.

1. Learning Step / Activity 1. Adverse Effects and Sexual Assault Prevention Measures

Method of Instruction: Study Assignment
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-4

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-4, pp SH-4-3 thru SH-4-7.

2. Learning Step / Activity 2. Adverse Effects and Sexual Assault Prevention Measures

Method of Instruction: Practical Exercise (Performance)
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio: 1:500
 Time of Instruction: 5 mins
 Media: SH-4

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately five minutes to complete the questions.
- Complete questions 10 thru 12 of PE-1, p C-3.
- Compare your responses with the solutions on p C-6.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO E.

F. ENABLING LEARNING OBJECTIVE

ACTION:	Identify the procedures for timely reporting of sexual assault.
CONDITIONS:	As a first sergeant in a self-study environment given Extract from TSP 805C-A-0106 (SH-4).
STANDARDS:	Identify the procedures for timely reporting of sexual assault IAW Extract from TSP 805C-A-0106.

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

Method of Instruction: Study Assignment
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio: 1:500
 Time of Instruction: 5 mins
 Media: SH-4

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-4, pp SH-4-10, 4-11 and SH-4-12.

2. Learning Step / Activity 2. Procedures for Reporting Sexual Assault

Method of Instruction: Practical Exercise (Performance)
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-4

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately five minutes to complete the questions.
- Complete questions 13 and 14 of PE-1, pp C-3 and C-4.
- Compare your responses with the solutions on p C-6.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO F.

G. ENABLING LEARNING OBJECTIVE

ACTION:	Identify the rights of the victim and the consequences of not reporting sexual assault.
CONDITIONS:	As a first sergeant in a self-study environment given Extract from TSP 805C-A-0106 (SH-4) and AR 27-10 (SH-5).
STANDARDS:	Identify the rights of the victim and alleged perpetrator IAW Extract from TSP 805C-A-0106 and AR 27-10.

1. Learning Step / Activity 1. Rights of Victim and Alleged Perpetrator

Method of Instruction: Study Assignment
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-4 and SH-5

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-4, p SH-4-12, and SH-5.

2. Learning Step / Activity 2. Rights of Victim and Alleged Perpetrator

Method of Instruction: Practical Exercise (Performance)
Technique of Delivery: Individualized, self-paced Instruction
Instructor to Student Ratio: 1:500
Time of Instruction: 5 mins
Media: SH-4 and SH-5

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately 5 minutes to complete the questions.
- Complete questions 15 and 16 of PE-1, p C-4.
- Compare your responses with the solutions on pp C-6 and C-7.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO G.

H. ENABLING LEARNING OBJECTIVE

ACTION:	Identify the responsibilities of the chain of command for implementing and enforcing the Army's Sexual Assault Prevention and Response Program.
CONDITIONS:	As a first sergeant in a self-study environment given The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies (SH-2).
STANDARDS:	Identify the responsibilities of the chain of command for implementing and enforcing the Army's Sexual Assault Prevention and Response Program IAW The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies.

1. Learning Step / Activity 1. Chain of Command Responsibility

Method of Instruction: Study Assignment
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio: 1:500
 Time of Instruction: 5 mins
 Media: SH-2

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-2, pp 17 thru 24 and 38 thru 40.

2. Learning Step / Activity 2. Chain of Command Responsibility

Method of Instruction: Practical Exercise (Performance)
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio: 1:500
 Time of Instruction: 5 mins
 Media: SH-2

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately 5 minutes to complete the questions.
- Complete questions 17 and 18 of PE-1, p C-4.
- Compare your responses with the solutions on p C-7.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO H.

I. ENABLING LEARNING OBJECTIVE

ACTION:	Identify resources for victims of sexual assault.
CONDITIONS:	As a first sergeant in a self-study environment given Resources for Sexual Assault Victims (SH-6).
STANDARDS:	Identify resources for victims of sexual assault IAW Resources for Sexual Assault Victims.

1. Learning Step / Activity 1. Resources for Victims

Method of Instruction: Study Assignment
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio: 1:500
 Time of Instruction: 5 mins
 Media: SH-6

To complete this learning step activity, you are to--

- Read the above ELO.
- Read SH-6.

2. Learning Step / Activity 2. Resources for Victims

Method of Instruction: Practical Exercise (Performance)
 Technique of Delivery: Individualized, self-paced Instruction
 Instructor to Student Ratio: 1:500
 Time of Instruction: 5 mins
 Media: SH-6

Try to complete the questions in this practical exercise without referring to the student handout. Write your answer in the space provided.

- This is a self-graded exercise.
- It should take you approximately five minutes to complete the questions.
- Complete questions 19 and 20 of PE-1, p C-4.
- Compare your responses with the solutions on p C-7.
- If your response does not agree, review the appropriate reference/lesson material.

CHECK ON LEARNING: The practical exercise serves as a check on learning for ELO I.

SECTION IV. SUMMARY

Method of Instruction: <u>Study Assignment</u>
Technique of Delivery: <u>Individualized, self-paced Instruction</u>
Instructor to Student Ratio is: <u>1:500</u>
Time of Instruction: <u>5 mins</u>
Media: <u>None</u>

Check on Learning

PE-1 is the check on learning for this lesson.

Review / Summarize Lesson

In this lesson, you defined the Army's Sexual Assault Prevention and Response Program. You identified the purpose of the program and defined the Army's Sexual Assault Policy, identified sexual assault trends, identified chain of command responsibilities, identified sexual assault definitions, identified types of sexual assault, including techniques used to prevent sexual assault, identified the Soldier's responsibility within the Army's Sexual Assault Prevention and Response Program, identified procedures for timely reporting of sexual assault, identified rights of victim and alleged perpetrator, and identified resources for victims of sexual assault. Sexual assault of any kind is unacceptable behavior and has no place in the Army. 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 will support them if they become victims of sexual assault, and that you are also willing to take the necessary legal actions against alleged perpetrators.

Transition to Next Lesson

None

SECTION V. STUDENT EVALUATION

**Testing
Requirements**

At the end of your Phase I training and before entering Phase II, you will take an on-line, multiple choice examination. It will test your comprehension of the learning objectives from this and other lessons in Phase I. You must correctly answer 70 percent or more of the questions on the examination to receive a GO. Failure to achieve a GO on the examination will result in a retest. Failure on the retest could result in your dismissal from the course.

**Feedback
Requirements**

NOTE: Feedback is essential to effective learning.

STUDENT QUESTIONNAIRE

Directions

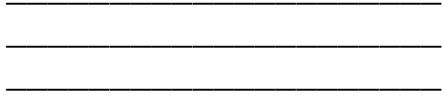
- Enter your name, your rank, and the date you complete this questionnaire.

Rank: _____ Name: _____ Date: _____

- Answer items 1 through 6 below in the space provided.
- Fold the questionnaire so the address for USASMA is visible.
- Print your return address, add postage, and mail.

Note: Your response to this questionnaire will assist USASMA in refining and improving this course. While completing the questionnaire, answer each question frankly. Your assistance helps build and maintain the best curriculum possible.

Item 1	Do you believe you have met the learning objectives of this lesson?
Item 2	Was the material covered in this lesson new to you?
Item 3	Which parts of the lesson were most helpful to you in learning the objectives?
Item 4	How could we improve the format of this lesson?
Item 5	How could we improve the content of this lesson?
Item 6	Do you have additional questions or comments? If you do, please list them here. You may add additional pages if necessary.



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Appendix A - Viewgraph Masters (N/A)

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

Appendix C

PRACTICAL EXERCISE 1

Title	SEXUAL ASSAULT PREVENTION AND RESPONSE						
Lesson Number / Title	L692 version 1 / SEXUAL ASSAULT PREVENTION AND RESPONSE						
Introduction	As a first sergeant, you need to know how to implement the Army's policy on sexual assault.						
Motivator	This practical exercise will give you an understanding of the Army's policy on sexual assault						
Terminal Learning Objective	At the completion of this lesson, you [the student] will: <table border="1"><tr><td>Action:</td><td>Enforce the Army's Sexual Assault Prevention and Response Program.</td></tr><tr><td>Conditions:</td><td>As a first sergeant in a self-study environment given Memorandum: Army Policy on Sexual Assault (SH-1), The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies (SH-2), Sexual Assault Terms and Definitions (SH-3), Extract from TSP 805C-A-0106(SH-4), AR 27-10 (SH-5), and Resources for Sexual Assault Victims (SH-6).</td></tr><tr><td>Standards:</td><td>Enforce the Army's Sexual Assault Prevention and Response Program IAW Memorandum: Army Policy on Sexual Assault, The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies, Sexual Assault Terms and Definitions, Extract from TSP 805C-A-0106, AR 27-10, and Resources for Sexual Assault Victims.</td></tr></table>	Action:	Enforce the Army's Sexual Assault Prevention and Response Program.	Conditions:	As a first sergeant in a self-study environment given Memorandum: Army Policy on Sexual Assault (SH-1), The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies (SH-2), Sexual Assault Terms and Definitions (SH-3), Extract from TSP 805C-A-0106(SH-4), AR 27-10 (SH-5), and Resources for Sexual Assault Victims (SH-6).	Standards:	Enforce the Army's Sexual Assault Prevention and Response Program IAW Memorandum: Army Policy on Sexual Assault, The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies, Sexual Assault Terms and Definitions, Extract from TSP 805C-A-0106, AR 27-10, and Resources for Sexual Assault Victims.
Action:	Enforce the Army's Sexual Assault Prevention and Response Program.						
Conditions:	As a first sergeant in a self-study environment given Memorandum: Army Policy on Sexual Assault (SH-1), The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies (SH-2), Sexual Assault Terms and Definitions (SH-3), Extract from TSP 805C-A-0106(SH-4), AR 27-10 (SH-5), and Resources for Sexual Assault Victims (SH-6).						
Standards:	Enforce the Army's Sexual Assault Prevention and Response Program IAW Memorandum: Army Policy on Sexual Assault, The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies, Sexual Assault Terms and Definitions, Extract from TSP 805C-A-0106, AR 27-10, and Resources for Sexual Assault Victims.						
Safety Requirements	None						
Risk Assessment	Low						
Environmental Considerations	None						
Evaluation	At the end of your Phase I training and before entering Phase II, you will take an on-line, multiple choice examination. It will test your comprehension of the learning objectives from this and other lessons in Phase I. You must correctly answer 70 percent or more of the questions on the examination to receive a GO. Failure to achieve a GO on the examination will result in a retest. Failure on the retest could result in your dismissal from the course.						
Instructional Lead-In	None						

Resource Requirements

Instructor Materials:

None

Student Materials:

- TSP
 - Pen or pencil and paper.
-

Special Instructions

None

Procedures

This is a self-graded exercise. Circle the letter, fill-in the blank, or write in your answer on the following questions. Upon completion, compare your responses to the correct responses in the Solution for Practical Exercise 1, pp C-5 and C-6.

Question 1 What four things does the Army's Sexual Assault Policy promote?

Question 2 What is the bottom line on the Army's Sexual Assault Policy?

Question 3 What is the term for one who has been sexually assaulted?

- a. Assaultee.
- b. Assaulter.
- c. Perpetrator.
- d. Victim.

Question 4 What is the term for one who has committed a crime?

- a. Assaultee.
- b. Assaulter.
- c. Perpetrator.
- d. Victim.

Question 5 A Soldier puts Rohypnol (a date rape drug) in a female's drink at a bar, takes her for a ride in his car, and her incoherent state performs oral sex on her. This is an example of what type of sexual assault?

- a. Carnal knowledge.
- b. Nonconsensual sodomy.
- c. Marital rape.
- d. Rape.

Question 6 A Soldier has consensual sex off base with a minor. This is an example of what type of sexual assault?

- a. Carnal knowledge.
- b. Forcible sodomy.
- c. Marital rape.
- d. Rape.

Question 7 A wife is beaten and raped by her husband. This is an example of what type of sexual assault?

- a. Carnal knowledge.
- b. Forcible sodomy.
- c. Marital rape.
- d. Rape.

Question 8 What is the most significant risk factor for sexual assault?

- a. Alcohol.
- b. Drugs.
- c. Location.
- d. Provocative clothing.

Question 9 Where did the largest percentage of sexual assaults occur?

- a. Barracks in a nonpermanent duty environment.
- b. Barracks in a permanent duty environment.
- c. Tents.
- d. Training environment.

Question 10 List three (3) ways sexual assault adversely affects unit readiness.

Question 11 In regards to sexual assault prevention, what does A.S.A.P. stand for?

Question 12 When is it not okay to say "NO" to requests for sex?

Question 13 There are two types of reporting a victim may use to report sexual assault, restricted and unrestricted. Define both.

Question 14 When making a restricted report, the victim must notify at least one person within the restricted reporting process. List all associated with this process.

Question 15 What are some of the consequences of not reporting sexual assault?

Question 16 What are the rights of the victim?

Question 17 Which level of the chain of command must involve itself in order to successfully address sexual assaults in the Army?

- a. All levels.
- b. Battalion level.
- c. Company level.
- d. Division level.

Question 18 What organization should you notify when a serious crime is reported?

Question 19 What resource for sexual assault is available 24 hours a day 7 days a week?

Question 20 If an incident of sexual assault occurs off post what authority is notified?

**Feedback
Requirements**

None

**SOLUTION FOR
PRACTICAL EXERCISE 1**

Question 1 The correct response is:

Awareness and education to prevent sexual assault.
Sensitive care for sexual assault victims.
Aggressive, timely, and thorough investigation of all reported sexual assaults.
Accountability for those who commit these crimes.

Ref: Memorandum: Army Policy on Sexual Assault (SH-1), p 2, second para (ELO A)

Question 2 The correct response is:

This is a leadership and chain of command issue.

Ref: Memorandum: Army Policy on Sexual Assault (SH-1), p 2, third para (ELO A)

Question 3 The correct response is:

d. Victim.

Ref: Sexual Assault Terms and Definitions (SH-3), p D-2 (ELO B)

Question 4 The correct response is:

c. Perpetrator.

Ref: Sexual Assault Terms and Definitions (SH-3), p D-2 and Extract from The Acting Secretary of the Army's Task Force on Sexual Assault Policies (SH-2), p 81 (ELO B)

Question 5 The correct response is:

b. Nonconsensual sodomy.

Ref: Extract from TSP 805C-A-0106 (SH-4), p SH-4-2 (ELO C)

Question 6 The correct response is:

a. Carnal knowledge.

Ref: Extract from TSP 805C-A-0106 (SH-4), p SH-4-2 (ELO C)

Question 7 The correct response is:

c. Marital rape.

Ref: Extract from TSP 805C-A-0106 (SH-4), p SH-2 (ELO C)

Question 8 The correct response is:

- a. Alcohol

Ref: Extract from The Acting Secretary of the Army's Task Force on Sexual Assault Policies (SH-2), p 36 (ELO D)

Question 9 The correct response is:

- b. Barracks in a permanent duty environment.

Ref: Extract from The Acting Secretary of the Army's Task Force on Sexual Assault Policies (SH-2), p 37 (ELO D)

Question 10 The correct response is:

- 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.

Ref: Extract from TSP 805C-A-0106 (SH-4-), p SH-4-4 (ELO E)

Question 11 The correct response is:

Be aware, safe, assertive, and prepared.

Ref: Extract from TSP 805C-A-0106 (SH-4), p SH-4-6, 4-7 (ELO E)

Question 12 The correct response is:

Never. Soldiers always have the right to say "NO."

Ref: Extract from TSP 805C-A-0106 (SH-4), p SH-4-6 (ELO E)

Question 13 The correct response is:

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.

Ref: Extract form TSP 805C-A-0106 (SH-4), p SH4-10 (ELO F)

Unrestricted reporting initiates the investigative process and victims have the choice of receiving any and /or all of the following services: Medical treatment for injuries related to the assault, forensic examination, advocacy services, and referrals for counseling.

Ref: Extract form TSP 805C-A-0106 (SH-4), p SH-4-12 (ELO F)

Question 14 The correct response is:

- 1. Victim Advocate (VA)
- 2. Sexual Assault Response Coordinator (SARC)
- 3. Healthcare Provider
- 4. Chaplain

Ref: Extract form TSP 805C-A-0106 (SH-4), p SH-4-10 (ELO F)

Question 15 The correct response is:

Inability of the Army to provide medical care and counseling, inability of authorities to conduct an investigation, inability of chain of command to appropriately care for victims, discipline perpetrators, and the possibility that the perpetrator may assault others

Ref: Extract from TSP 805C-A-0106 (SH-4), p SH-4-12 (ELO G)

Question 16 The correct response is:

AR 27-10 paragraph 18-10 Rights of crime victims:

“a. As provided for in 42 USC 10601 et seq, and DODI 1030.2, a crime victim has the following rights:

- (1) The right to be treated with fairness, dignity, and a respect for privacy.
 - (2) The right to be reasonably protected from the accused offender.
 - (3) The right to be notified of court proceedings.
 - (4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good cause.
 - (5) The right to confer with the attorney for the Government in the case.
 - (6) The right to restitution, if appropriate.
 - (7) The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody.
- b. SJAs will ensure establishment of local policies and procedures to accord crime victims the rights described above”.

Ref: AR 27-10 (SH-5), p 86, para 18-10 (ELO G)

Question 17 The correct response is:

a. All levels.

Ref: Memorandum: Army Policy on Sexual Assault, p 2, second para (ELO H)

Question 18 The correct response is:

Criminal Investigation Division (CID).

Ref: Extract from The Acting Secretary of the Army's Task Force on Sexual Assault Policies (SH-2), p 21 ELO H)

Question 19 The correct response is:

Army One Source (AOS).

Ref: Extract from Resources for Sexual Assault Victims (SH-6), p SH-6-2 (ELO I)

Question 20 The correct response is:

Local or state police.

Ref: Resources for Sexual Assault Victims (SH-6), p SH-6-2 (ELO I)

HANDOUTS FOR LESSON: L692 version 1

This appendix contains the items listed in this table

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Title/Synopsis	Pages
SH-1, Memorandum: Army Policy on Sexual Assault	SH-1-1
SH-2, Extract Material from The Acting Secretary of the Army's Task Force on Sexual Assault Policies	SH-2-1
SH-3, Sexual Assault Terms and Definitions	SH-3-1
SH-4, Extract from TSP 805C-A-0106	SH-4-1 thru SH-4-13
SH-5, Extract Material from AR 27-10	SH-5-1
SH-6, Resources for Sexual Assault Victims	SH-6-1 and SH-6-2

**Student Handout 1
L692**

Memorandum: Army Policy on Sexual Assault

This student handout contains one page reading from the Memorandum: Army Policy on Sexual Assault, 7 Apr 2004

Memorandum page 2

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DEPARTMENT OF THE ARMY
WASHINGTON DC 20310-0200

APR 07 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Policy on Sexual Assault

Sexual assault is a crime that cannot and will not be tolerated in the United States Army. It has a devastating and often lasting impact on the victim, a fellow Soldier. Moreover, sexual assault tears at the moral fiber of our unit formations, degrading our readiness. Sexual assault has no place in the Army . . . we're a values based organization; we take care of our fellow Soldiers . . . and treat all Soldiers with dignity and respect.

Army policy promotes awareness and education to prevent sexual assault; sensitive care for sexual assault victims; aggressive, timely, and thorough investigation of all reported sexual assaults; and accountability for those who commit these crimes. Further, we demand and expect that leaders at every level will create and promote a positive command climate in which victims have the confidence in the Chain of Command and criminal investigators to report these crimes immediately. Additionally, leaders must ensure that Soldiers and other members of the Army community treat sexual assault victims with dignity, fairness, and respect for their privacy. The Army has existing medical and legal policies and programs to assist leaders. Use these resources to provide victims with immediate medical care, follow-up counseling, and seamless victim assistance.

Bottom line: this is a leadership and chain of command issue. Let's make the right things happen.

PETER J. SCHOOMAKER
General, US Army
Chief of Staff

R. L. Brownlee
Acting Secretary of the Army

Student Handout 2
L692

Extract Material from The Acting Secretary of the Army's Task Force on Sexual Assault Policies

This student handout contains forty pages of reading from the following publication:

The Acting Secretary of the Army's Task Force on Sexual Assault Policies, 27 May 2004

Section 2 pages 15 thru 28

Section 3 pages 29 thru 42

Section 4 pages 43 thru 50

Glossary pages 81 and 82

Acronyms pages 83 and 84

Disclaimer: The training developer downloaded the material from the U.S. Army Publishing Directorate Home Page. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Section 2—Findings and Recommendations

AREA 1: POLICY, PROGRAM, PROPONENT, AND INTEGRATION

FINDING: Current sexual assault prevention and response policies and programs are not integrated among supporting organizations. The Surgeon General, Provost Marshal General, Judge Advocate General, and CID have policies and programs in place that address reporting, investigation, victim support, and data collection related to sexual assault cases that come to the attention of the chain of command, the military police (MP), or CID. However, the Army lacks an overarching policy that identifies a proponent or a clear set of responsibilities directing the various organizations involved to coordinate with each other. Without an overarching policy, the Army does not have a clear picture of sexual assault issues, which results in a piecemeal rather than integrated approach to handling sexual assault.

RECOMMENDATIONS

Publish a sexual assault prevention and response policy, and incorporate it as a separate provision in Army Regulation (AR), 600-20, Army Command Policy. Elements of the policy should include but not be limited to—

- A concise statement communicating the Army leadership's position on sexual assault
- Guidelines for prevention and education
- Roles and responsibilities of the chain of command
- Guidelines for a formal victim advocacy program that includes Victim Advocates (VA) and Victim Advocate Coordinators (VAC) (see also Area 4 recommendations later in this section for roles and responsibilities)
- Existing avenues for confidential communication
- Oversight and responsibilities of sexual assault review boards (SARB)
- Appropriate actions to respond to allegations of a sexual assault and requirements to document administrative and disciplinary actions taken in all cases (whether or not any were imposed)
- Process for program assessment (e.g., reporting procedures, metrics, data sources) that enables installation commanders, major commands (MACOM), and Army-level leaders to assess program performance
- Procedures for notification to the installation Provost Marshal and CID.

Assign one Army staff organization the primary responsibility for doctrine, policy, program design, coordination, and training for the Army's sexual assault prevention and response program. The primary purpose of establishing a single proponent would be oversight of all aspects of the Army's program for dealing with sexual assault. This staff organization would—

- Be responsible for Army-wide policies, doctrine, plans, and initiatives pertaining to the Army's sexual assault prevention and response program
- Be responsible for overall evaluation and assessment of the Army's sexual assault prevention and response program
- Coordinate training requirements and develop programs of instruction and other support materials necessary for sexual assault awareness and prevention training
- Ensure that sexual assault awareness and prevention training is incorporated into all applicable human relations training (e.g., alcohol/drug abuse prevention education and prevention of sexual harassment training)
- Develop and maintain an integrated sexual assault data management system.

The Task Force recommends that the G-1 be designated as the responsible staff organization (see page 24).

FINDING: Privileged and confidential avenues of communication exist; however, they are not widely recognized throughout the Army as confidential avenues for victims of sexual assault. Media reports and victim advocate organizations have expressed concerns that some victims are reluctant to report allegations of sexual assault to their chain of command and that there is a lack of confidential reporting mechanisms available for Soldiers seeking assistance and guidance. However, the Task Force found that there were several confidential avenues of communication that Soldiers could use to seek assistance and guidance without informing their chain of command, i.e., military chaplains, legal assistance attorneys, psychotherapists, and the Army's One Source Program.⁸

The Task Force examined at length whether additional confidential or privileged avenues of communication would be appropriate within the Army for victims of sexual assault. We conclude that existing confidential avenues of communication are sufficient, but they need to be well advertised to ensure victims are aware they exist. Hopefully, victims will have enough confidence in the chain of command and law enforcement personnel to come forward and report incidents of sexual assault.

The Task Force is aware of concerns expressed by victims' advocacy nongovernmental organizations that believe anonymous reporting mechanisms are necessary to encourage victims to report incidents of sexual assault. We seriously considered these concerns but conclude that publicizing existing avenues of confidential communication will help encourage victims to seek help and report allegations and that a separate anonymous reporting mechanism is not a recommended course of action. The Army must balance the need for a thorough investigation of allegations against the need for victim privacy. The Task Force is concerned that a mechanism of anonymous reporting that fails to inform the chain of command or law enforcement personnel of the facts and circumstances of sexual assault could be detrimental to maintaining unit effectiveness, morale, and safety. The following example illustrates one of the many concerns of the Task Force. In a deployed combat environment, a commander or supervisor without knowledge of an allegation of sexual assault may unknowingly assign a victim and the alleged perpetrator to patrol the same area or guard the same installation. A commander needs to know of an incident not only to provide for the safety of each unit member, but also to ensure mission accomplishment. Without knowledge of a sexual assault incident and a follow-on thorough criminal investigation conducted by trained and experienced personnel, commanders cannot take appropriate action to maintain unit discipline, protect the victim, and prevent future sexual assaults.

⁸ *Army One Source is a 24-hour, toll-free information and referral telephone service available worldwide to active duty, National Guard, and Reserve Soldiers, and their families.*

RECOMMENDATION

Ensure information regarding the Army's sexual assault prevention program includes a thorough and appropriate discussion of the issues regarding privileged communications and confidentiality, who can provide such confidentiality, and when such information may be released to other individuals.

All Soldiers must fully understand the avenues of confidential and privileged communication available and the responsibilities and limitations of each avenue. The Task Force recommends that VAs and VACs be prepared to provide information regarding avenues of confidential and privileged communication to victims or anyone seeking such information on behalf of a victim. This information would help victims who are reluctant to report an allegation find confidential advice and assistance.

Sexual assault prevention and response training should include information regarding avenues of confidential communication. Such training should be tailored to the audience and be made available in a variety of venues (i.e., Web-based information and annual training). The training and information should include examples of the potential consequences of delayed reporting. Such consequences could include the inability of authorities to conduct a timely and thorough investigation; the inability of the chain of command to appropriately care for victims or discipline perpetrators; and the possibility that without a report to a commander or law enforcement personnel, the perpetrator may assault others.

Within the recommended victim advocacy program, VACs and VAs should receive training regarding avenues of privileged and confidential communications, as well as training regarding the Privacy Act and the Freedom of Information Act, to understand how these laws apply to their duties. Training should include specific examples to illustrate that although communications to a VAC or VA are not privileged or confidential, any information provided by the victim to the VAC or VA would be released only to those within the DoD with an "official need to know." The VAC or VA would not disclose information to the victim's family, friends, colleagues, co-workers, or others without the victim's consent. VACs and VAs must understand that improper disclosures, in addition to potentially violating the victim's privacy interests, could impede the criminal investigation and the victim's healing process.

AREA 2: EDUCATION, PREVENTION, TRAINING, COMMUNICATIONS, AND COMMAND CLIMATE

FINDING: Current human relations training programs include prevention of sexual harassment but only address sexual assault prevention and response to a limited extent. Training related to sexual assault is taught only in IET, Drill Sergeant School, and the Senior Officer Legal Orientation Course. Required “Prevention of Sexual Harassment” training and other human relations classes do not cover sexual assault prevention.

RECOMMENDATIONS

Develop a comprehensive, progressive, and sequential program to train Soldiers and leaders in the prevention of and response to sexual assault. The effort should be devoted to providing all ranks with information on Army policy and programs. Unit refresher training should include sexual assault prevention and response for application in garrison and deployed environments. Training should educate all Soldiers on their rights and responsibilities in preventing sexual assault and in dealing with sexual assault, if they or someone they know becomes a victim. It should educate leaders on the protocol to follow in response to a reported incident. Training for law enforcement personnel, care providers, legal personnel, and chaplains should be reviewed and updated as necessary. A training support package for Reserve Officers’ Training Corps (ROTC) should be developed and implemented.

Include sexual assault prevention and response programs as part of all PME courses. The Army should develop comprehensive, progressive, and sequential training support packages for all PME courses. A specific package should be tailored to each level of enlisted and officer career (i.e., Officer Basic Course, Primary Leadership Development Course, Basic Noncommissioned Officer Course, and Officer Advanced School through appropriate senior leadership training). Content and methods to deliver the training should be improved as the training program is refined.

Integrate sexual assault as a danger into the Commander’s Safety Course, unit risk assessments, and unit safety briefs. This action would enable leaders and Soldiers to see sexual assault in the context of a key operational and Soldier welfare program—safety. Sexual assault risk factors, prevention, and impact on unit readiness should be included in unit safety briefings before high-risk periods, such as pre- and post-deployment, and leisure time, such as training holidays and holiday weekends. For example, during a weekend safety briefing, leaders could reiterate use of the buddy system as a preventive measure.

Maximize education by using resources familiar to Soldiers and by updating resources already in place. Training, education, and awareness venues already exist. The Army could easily expand these to include prevention of sexual assault training and information. Some possible examples could include—

- Create and distribute an interactive video similar to the Army's "Saving SGT Pabletti"
- Add sexual assault vignettes to the *Consideration of Others* Handbook
- Use Web-enabled information such as Army Knowledge Online (<https://www.us.army.mil>), the Army's public Web site (www.army.mil), or the Army's (www.hooah4health.com).

Ensure that law enforcement, medical, and legal personnel are provided with additional skills to deal with the psychological and sociological dynamics involved with handling sexual assault cases. It is important to have an understanding of the complexities and myths that are associated with the crime of sexual assault. Law enforcement, medical and legal personnel should be aware of the special needs of the victim. Additional skills and training should help minimize further victimization.

Revamp human relations training to incorporate all applicable topics (e.g., equal opportunity, sexual assault, sexual harassment) into a broader context of Army Values, Soldier's Creed, and Warrior Ethos. Human relations training should be expanded to cover all relevant topics related to unit cohesion and effective working relationships. Sexual assault, sexual harassment, discrimination, drug and alcohol abuse, and other similar behavior are barriers to good order, discipline, and unit readiness. Human relations training at all stages of a Soldier's career is critical to prevention of human relations problems and speedy resolution of these problems if they occur. Integrating the human relations training with Army Values, the Soldier's Creed, and Warrior Ethos would ensure that Soldiers know such training is an important component of war-fighting and unit development.

AREA 3: INCIDENT RESPONSE, INVESTIGATION, AND ACTION TAKEN

FINDING: Response and actions taken when a sexual assault is reported vary among commanders. Army regulations require that all serious crimes be reported to CID.⁹ Although CID receives reports on incidents of rape and forcible sodomy, less severe forms of indecent assaults are often investigated only at the unit level. The Task Force, through the Staff Judge Advocates (SJA) in the CENTCOM Theater of Operations, went to all commanders to determine whether all reported incidents of sexual assault had been dealt with in accordance with existing rules and regulations. We were able to determine that commanders took action but did not always report the offenses to the MP or CID, nor did they complete DA Form 4833, Commander's Report of Disciplinary or Administrative Action. Even in those cases reported to CID, the Task Force found that commanders sometimes failed to thoroughly complete DA Form 4833. Because of the failure to report the disposition of cases, the Provost Marshal General (PMG) and CID do not have complete information in their databases. This in turn, may contribute to an impression of a commander's "...indifference to sexual assaults."¹⁰

RECOMMENDATIONS

Reemphasize the requirement that commanders must report all sexual assault incidents to the CID. Include a provision in the new sexual assault prevention and response policy section in AR 600-20, Army Command Policy. Army Regulation 195-1 (Paragraph 6) states commanders must report all serious crimes to CID. The new policy in AR 600-20 should reflect this existing provision.

Require battalion-level commanders (Summary Courts-Martial Convening Authorities) to sign the Commander's Report of Disciplinary and Administrative Action taken (DA 4833) for all sexual assault cases. Installation CID Field Activities and SJAs should assist Special and General Courts-Martial Convening Authorities in establishing local procedures to ensure that all DA 4833s are completed. Accurate and timely reporting should ensure accurate statistical data upon which to base future program assessments.

Revise DA Form 4833, Commander's Report of Disciplinary or Administrative Action (and counterpart actions under state military codes for Army National Guard personnel not on active duty), to expand upon the term "administrative." The report should use specific language to describe action taken such as discharge, suspension, or removal of security clearances, and/or permanent adverse documents filed in the Soldier's military personnel file.

⁹ Army Regulation 195-1 (Paragraph 6), *Army Criminal Investigation Program*, August 12, 1974.

¹⁰ USA Today, "Report in the Military: Female Troops Deserve Much Better," February 6, 2004.

FINDING: Timing of actions taken against victims for minor offenses related to a sexual assault can have a negative impact on victim reporting. The review of the USMA's sexual assault prevention and response program indicated that the possibility of adverse action against sexual assault victims for acts such as fraternization, underage drinking, or drunk and disorderly conduct may adversely impact victims' decisions to report sexual assault. If a sexual assault is reported and action is taken against the victim for the minor misconduct *before* action is taken against the alleged perpetrator of the sexual assault, a victim may feel unfairly treated by the criminal justice system. Perception of such unfair treatment can adversely affect future victims' willingness to report.

RECOMMENDATION

Ensure commanders are aware that they have discretion to delay action against a victim for his or her alleged minor misconduct related to the sexual assault allegation. In some cases, it could be appropriate to delay a decision on whether or not to take action against a victim for minor misconduct until the final disposition of the case against the alleged perpetrator is complete. This could reduce the reluctance of victims to report. It also would give law enforcement personnel necessary time to properly investigate cases.

FINDING: A backlog of DNA evidence is waiting for processing at the United States Army Criminal Investigation Laboratory (USACIL). The USACIL is the only laboratory authorized to conduct DNA forensic testing for the DoD. The demand for DNA testing in a wide variety of criminal, operational, and administrative cases has more than doubled in the last 4 years and is expected to continue to increase. Current laboratory resources are not sufficient to meet increased demand.

RECOMMENDATION

Implement a Process Action Team (PAT), coordinated by CID, to review practices and procedures related to the processing of DNA evidence. Following a review of practices and procedures related to DNA analysis, the PAT should make appropriate recommendations designed to reduce backlog and processing time for all DNA cases.

FINDING: Commanders are not aware of the multiple options they have to protect victims. Existing legal options include imposition of pretrial confinement or restriction and a Military Protective Order (MPO) (DD Form 2873) on the alleged perpetrator, and relocation or reassignment of the alleged perpetrator or victim. Temporary relocation of the victim or alleged perpetrator lowers the chances of incidental contact prior to resolution of the case.

RECOMMENDATIONS

Adopt a policy that provides for consideration of geographical separation of the victim and alleged perpetrator. Commanders should determine whether the victim desires to be transferred to another unit. By considering the victim's preferences and all relevant facts and circumstances of the case, commanders potentially could avoid subjecting the victim to "double victimization" that is sometimes perceived when a victim is transferred from the unit.

Ensure commanders are aware of the option to use Military Protective Order (MPO). The MPO, referred to as a "no contact order," is an effective tool for commanders to maintain the safety of the victim. Commanders should be made aware of their option to use MPOs (DD Form 2873) as means to ensure the safety of victims and witnesses of sexual assault.

AREA 4: VICTIM SERVICES

FINDING: The Army lacks an integrated, synergistic approach for delivering support and services to sexual assault victims. Despite the availability of services for victims in garrison and deployed environments, no single entity integrates these services. The Army needs a proponent to act on behalf of the chain of command and the victim to ensure that appropriate services are offered and provided, and that necessary follow-up is conducted for the victim and the program.

RECOMMENDATIONS

Establish a victim advocacy component as part of the sexual assault prevention and response program that focuses on prevention, awareness, education, and immediate and long-term victim support. The program should provide integrated victim services and ensure that the availability of services is effectively communicated throughout the Army. The Army should establish victim-centered procedures informing commanders, Soldiers, and staff of the location and availability of military and civilian resources for both the garrison and deployed environments. Crucial to the success of the program would be 1) a dynamic leadership effort to foster a positive command climate in which victims feel free to report, and 2) a media campaign to announce and identify victim services. The program should consist of the following elements:

- Trained, collateral duty VAs at the battalion or equivalent level.
- An integrated, division-level command/installation level VAC with responsibility to integrate and coordinate victim services. Variations may be required for Reserve Component (RC) organizations and installations.
- Program management at Army, MACOM, and intermediate command levels.

VAs should be appointed at battalion, or equivalent, level (minimum grade Staff Sergeant) and have clearly defined roles and responsibilities. VAs would not provide counseling services but would assist victims in securing basic needs and serve as a companion throughout the medical, investigative, and judicial process. Using an integrated approach and existing resources, VAs would be fully trained in victim support intervention. The duties of the VAs should include providing initial information to the victim, including information regarding privacy and confidentiality. In their initial consultation with the victim, VAs must explain the scope and limitations of their role as victim advocates. The VA must also explain a victim's options concerning, among other subjects, his or her involvement with investigative or legal personnel. The victim would decide to what extent the VA's services were desired within program limits. VAs should maintain contact with the victim throughout the medical, investigative, counseling, and judicial process. As with the procedures for Equal Opportunity Representatives, names of VAs should be published as the unit's point of contact (POC) to provide information on all available victim services. A VA should be designated for every sexual assault

crime victim. In the future, VAs could be used to assist victims of other violent crimes as well.

The **VAC** would serve as the primary POC (integrated within the existing FAP) to ensure timely and complete care was provided to sexual assault victims. A VAC, with local policy and program oversight responsibility, should be established at each installation or major RC headquarters to serve as the coordinating official for service providers and VAs. The VAC should provide appropriate training to all VAs. A deployable VAC should be appointed at the senior mission commander level to coordinate these same actions in a deployed environment. The VAC would be directly responsible to ensure that programs provide sexual assault awareness, prevention and education training, identification of confidential sources of information, victim advocacy services, data collection, and effective command review and proper response to each case using the SARB. (The SARB is an existing mechanism of review to ensure that the involved organizations (e.g., medical, legal, law enforcement, social work) have taken appropriate steps to care for the victim and to investigate the case.¹¹)

Program management should be established at all levels—from installation to HQDA. Dedicated manpower should be provided to manage the overall Army program, prescribing goals, objectives, metrics, reporting, and management procedures. The Deputy Chief of Staff, G1, should be the HQDA proponent, supported by the Assistant Chief of Staff, Installation Management (ACSIM). Figure 2.A depicts the Task Force’s proposed Installation Victim Advocacy Program.

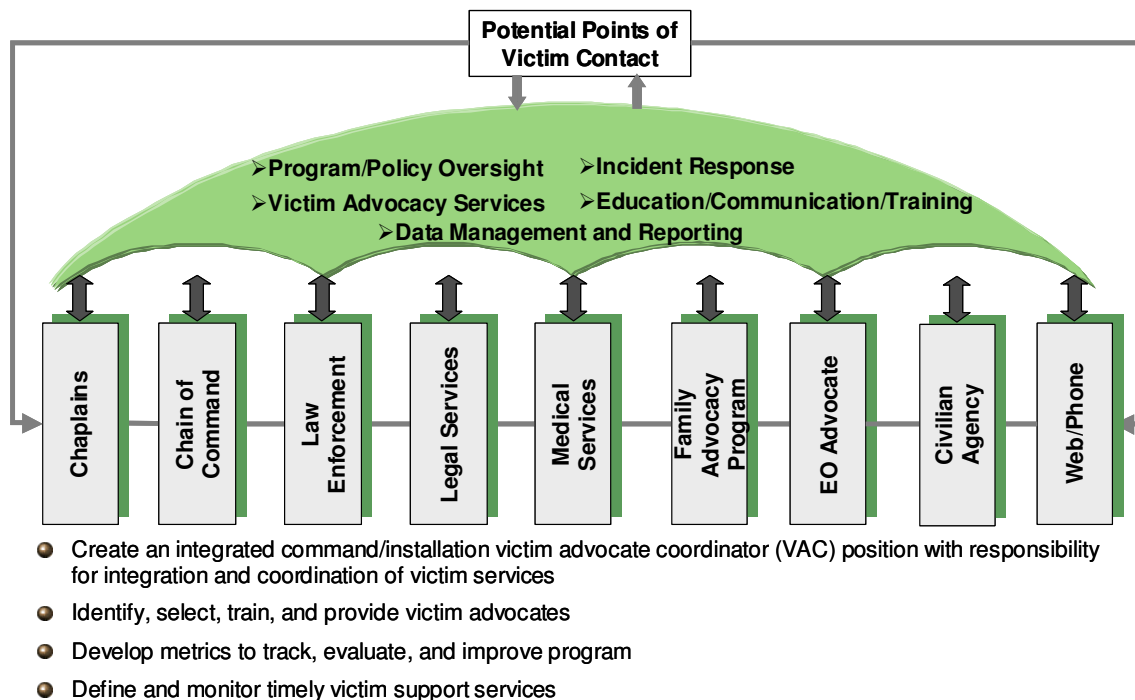


Figure 2.A. Proposed Installation Victim Advocacy Program

¹¹ MEDCOM Regulation 40-36.

Develop an equivalent, comprehensive program of victim support for the RC. RC units should be able to provide services for any RC Soldier who is a victim of sexual assault if the assault occurred while on active duty. Developing this program would include establishing standards for services to ensure coordinated and effective management of sexual assault cases, including access to a VA and appropriate counseling at the installation or in the local communities.

Develop and implement memoranda of understanding (MOU) with appropriate off-post support organizations (e.g., law enforcement, medical facilities, and rape crisis centers). Not all sexual assaults that involve Soldiers occur on installations, and some victims choose to report directly to civilian authorities. The majority of Army medical treatment facilities (MTF) in the United States refer victims to local medical facilities that have subject matter experts for collection of forensic evidence. (See Annex C for a complete listing of MTFs and their procedures for handling victims.) The Task Force recommends that practices be established to manage and assist victims who choose to report to civilian medical facilities or to receive help without reporting through military channels. Installation commanders should establish agreements with civilian organizations to facilitate victim support or to augment installation programs. MOUs would help to ensure that Army leaders, law enforcement, and victim service providers were aware of and could appropriately respond to sexual assault incidents that occur off post. MOUs would be especially critical to the community-based RC units.

Establish standard medical protocols and tracking systems, and ensure coordination with state and local jurisdictions to ensure that the Army has a coordinated approach to victim services. Medical treatment facilities should track victims to ensure they receive the healthcare treatment they need. Because each individual has different needs and different recovery timelines, treatment varies by patient. The existing Army One Source contract should be incorporated into the array of available services because it would provide confidential counseling services to accommodate sexual assault victims.

Move the responsibility for conducting SARBs from the MTF to the installation commander. Currently, SARBs are the responsibility of the MTF commander. This responsibility should be reassigned to the installation commander, senior mission level commander, Regional Readiness commander, or State Joint Forces headquarters level commander, as appropriate. SARBs should be convened quarterly, or more frequently as required, to oversee the local sexual assault prevention and response program, conduct case reviews, evaluate performance against stated metrics, and make necessary adjustments. The SARB membership should include representatives of all Army elements that can positively influence sexual assault prevention and/or response. It is critical that SARBs establish rules and guidelines that ensure victim privacy is protected.

AREA 5: DATA COLLECTION, REPORTING, EVALUATION, AND PROGRAM IMPROVEMENT

FINDING: The Army lacks an integrated approach for collecting, analyzing, and evaluating sexual assault cases. The Army lacks a centralized system to document all relevant data regarding sexual assault cases, including care provided to the victim, resolution of the investigation, and disciplinary action, if any. The Task Force realizes that important information that could provide greater understanding about how well the Army sexual assault prevention and response policies and procedures are working is not being collected. Currently all available Army data on sexual assaults, victims, and alleged perpetrators reside in disparate systems across several Army organizations. This decentralization makes it difficult to follow victims, alleged perpetrators, and cases between services, components, and organizations. The Army does not possess a full set of assessment tools to ascertain sexual assault rates, reporting rates, and victims' perceptions of their treatment and the support services available to them. Although some useful data on sexual assault are collected, there is no Army-wide, standard set of metrics and procedures to track cases, to evaluate programs and services, or to account for those victims who do not report.

RECOMMENDATIONS

Develop an integrated approach to case management and program assessment to facilitate data analysis and improvement of the recommended sexual assault prevention program. As part of this approach, the Task Force recommends development of program performance objectives, metrics, and data collection tools. Once the program objectives are determined and performance measurement system established, the Task Force recommends the development of a comprehensive policy that outlines processes and procedures for data collection, analysis, and feedback reports, including data sources and information requirements.

Publish a comprehensive program assessment policy that outlines processes and procedures for collecting, reporting, and evaluating data, including data sources and information requirements. This policy would help ensure that Army data sources provide the specific data necessary to evaluate the Army's sexual assault environment and the program's effectiveness. As part of this recommendation, the Army should adopt a state-of-the-art social science survey method to facilitate an ongoing assessment of the incidents and prevalence of sexual assault in the Army.

Evaluate existing, connected system capabilities to track and report sexual assault data and victim support. The Task Force found numerous systems that track individual functional areas but do not provide a holistic depiction of sexual assault cases. The Army should identify and review existing systems to determine whether any system has the potential to serve as an integrated sexual assault data management system. If no appropriate system currently exists, the Army might need to develop a new system to meet the sexual assault data tracking needs.

Section 3—Overview of Army Data

INTRODUCTION

The Task Force reviewed Army sexual assault data to better understand the scope of the problem. This section summarizes data on sexual assault offenses, ARI survey information, limitations of Army data, and conclusions.

OVERVIEW OF THE PROBLEM

The Task Force examined sexual assault data on the offenses of rape, forcible sodomy, indecent assault attempts, and assaults to commit these offenses as defined by the UCMJ.¹² Our review was limited to crime statistics derived from the Army Crime Records Center's (CRC) database 1999–2004 with 2002 and 2003 analyzed in detail.¹³ However, some sexual assault cases may go unreported. There is no Army survey of record that has addressed the extent of unreported sexual assault cases, and the Task Force was unable to determine either the existence or the extent of underreporting.

The CRC stores records of all criminal allegations investigated by CID, offenses that carry 6 months or more confinement, and cases that are investigated by installation provost marshals. We examined criminal data that included cases involving Soldiers, family members, civilians, contractors, and members of other services, as well as cases that occurred on and off military installations. Records of criminal allegations include cases determined to be founded, unfounded, or of insufficient evidence (see Annex E for glossary). Figure 3.A depicts the total numbers of alleged sexual assault cases during the past 5 years (1999–2003) as contained in the CRC records.

The Task Force also examined allegations of sexual assault to gain a broader perspective of reported sexual assault in the Army. Note that the analysis and data contained in subsequent sections do not distinguish between founded, unfounded, insufficient evidence, and open cases.

¹² For the purpose of the data review, attempts to commit these offenses, or assaults with intent to commit these offenses, are included in these data.

¹³ US Army Crime Records Center, 2004.

Number of Alleged Rape, Sodomy, and Indecent Assault Cases

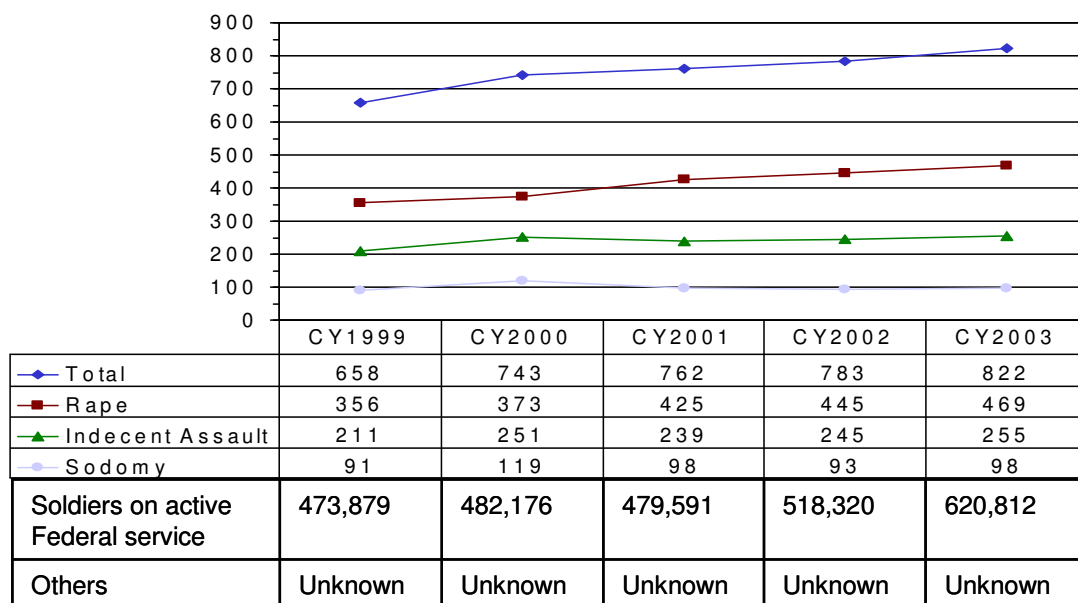


Figure 3.A. Alleged Rape, Sodomy, and Indecent Assault Cases (1999–2003)¹⁴

As depicted in Table 3.A below, 536 of the 783 cases (69 percent) were determined to be founded. Founded cases are those in which investigators find probable cause for the alleged offense(s). One hundred and twenty-seven (16 percent) were determined to be unfounded, i.e., investigators established probable cause that the alleged incidents reported did not occur. During the same year, for 118 (15 percent) of the cases, investigators did not develop sufficient evidence or probable cause to prove or disprove the allegations; these cases were determined to have insufficient evidence.¹⁵ Two calendar year (CY) 2002 cases remain under investigation. As of April 1, 2004, 67 of the CY 2003 cases (8 percent) remain under investigation.

	2002	2003	Percentage Increase/Decrease
Total Cases	783	822	+5%
Founded	536	492	-9%
Unfounded	127	157	+24%
Insufficient Evidence	118	106	-10%
Open	2	67	NA

Table 3.A. Sexual Assault Cases 2002 and 2003

¹⁴The number of cases for each year includes founded, unfounded, insufficient evidence, and open cases. It includes active duty end strength plus mobilized reserve numbers. Data were provided by G1, DAPE-PRS, for 1999–2003. The category “Others” includes family members, civilians, contractors, and members of other services. Soldiers on active federal service (AFS) and others are provided for comparison with the number of assault cases.

¹⁵ See Annex E, Glossary, for definitions of founded, unfounded, and insufficient evidence.

ARMY VICTIM AND PERPETRATOR DEMOGRAPHICS (WITHOUT DISTINGUISHING AMONG FOUNDED, UNFOUNDED, INSUFFICIENT EVIDENCE, AND OPEN CASES, 2002 AND 2003)

- In 2002, 353 of the 783 sexual assault cases (45 percent) involved 1 or more Soldier victims.
- In 2003, 407 of the 822 sexual assault cases (50 percent) involved 1 or more Soldier victims.

Because a single sexual assault case can involve multiple victims and/or perpetrators, the actual number of victims is higher than the number of cases.¹⁶ Table 3.B below identifies the number of victims and alleged perpetrators for these cases and the total number of victims and alleged perpetrators.¹⁷

	2002	2003
Soldiers on Active Duty (Including Mobilized Army Reserve/National Guard)	518,320	620,812
<i>Total Cases (from Table 3.A)</i>	<i>783</i>	<i>822</i>
Cases Involving Soldier Victims	353	407
<i>Total Number of Victims</i>	<i>894</i>	<i>909</i>
Number of Soldier Victims	422	459
<i>Female Soldier Victims</i>	<i>372</i>	<i>405</i>
<i>Male Soldier Victims</i>	<i>50</i>	<i>54</i>
<i>Total Number of Alleged Perpetrators</i>	<i>870</i>	<i>894</i>
Number of Alleged Soldier Perpetrators	688	611
Number of Alleged Soldier Perpetrators (in Cases With Soldier Victims)	375	295

Table 3.B. Number of Sexual Assault Cases, Victims, and Alleged Perpetrators¹⁸

¹⁶ Sexual assault case numbers may not add up because a single case can have multiple victims, perpetrators, or offenses. A Soldier may be charged with multiple specifications of rape (different victims or different times), but all offenses are investigated in one case.

¹⁷ The number of cases for each year includes founded, unfounded, insufficient evidence, and open cases. The Task Force research required combining information from three disparate systems and hand searches or sorting of the data. The current Army system for tracking is insufficient to determine all aspects of what occurred in these cases. Task Force recommendations are designed to establish procedures to better capture more detailed information on victim care and disposition of cases in the future.

¹⁸ Based on additional research and receipt of updates to existing cases, more accurate and recent data were incorporated into this report subsequent to the initial submission of data to the Task Force. This resulted in slight variations in the numbers of victims reported in this report from those contained the initial data submission. Future updates to existing cases may also slightly alter the data and statistical analysis.

In 2002, 79 percent of total alleged perpetrators were Soldiers. Of these, 55 percent were involved in cases with Soldier victims. In 2003, 68 percent of alleged perpetrators were Soldiers. Of these, 48 percent were involved in cases with Soldier victims. Alleged Soldier perpetrators decreased from 2002 to 2003.

The overall Soldier victim rate for sexual assault was 0.8 per 1,000 in 2002 and 0.7 in 2003. Rates in Table 3.C below were calculated using active Army end strength plus mobilized reservists.¹⁹

	2002	2003
Victim Rate Per 1,000 Soldiers	0.8	0.7
<i>Female Victim Rate</i>	4.8	4.4
<i>Male Victim Rate</i>	0.1	0.1
Alleged Perpetrator Rate Per 1,000 Soldiers	1.3	1.0

**Table 3.C. Sexual Assault Soldier Victims and Alleged Soldier Perpetrators—
Rates Per 1,000**

¹⁹ Active end strength plus mobilized reserve numbers were provided by G1, DAPE-PRS: 2002: 518,320 and 2003: 620,812.

The highest number of victims is concentrated in the junior enlisted ranks.²⁰ As shown in Table 3.D below, the victim rate for junior enlisted Soldiers was 1.7 per 1,000 in 2002 and 2003, compared with an NCO victim rate of 0.3 and 0.2 per 1,000, respectively, for the same years.²¹ Sexual assault victim rates for officers were 0.1 in 2002 and 0.2 in 2003.

Rank	2002		2003	
	Number	Rate/1,000	Number	Rate/1,000
Victims				
Junior Enlisted	372	1.7	401	1.7
Noncommissioned Officer	45	0.3	45	0.2
Officer	5	0.1	13	0.2
Alleged Perpetrators				
Junior Enlisted	410	1.7	356	1.2
Noncommissioned Officer	253	1.3	227	1.0
Officer	25	0.3	28	0.3

Table 3.D. Victim and Alleged Perpetrator Rank Distribution²²

²⁰ Junior enlisted Soldiers are those in grades Corporal/Specialist and below; NCOs comprise grades Sergeant through Sergeant Major. Officer grades consist of Warrant Officers and Second Lieutenants and above.

²¹ Rank distribution rates contained in Table 3.D were calculated using the rank profile of the Army active end strength provided by G1, DAPE-PRS.

²² The number of cases for each year includes founded, unfounded, insufficient evidence, and open cases.

Perpetrator sexual assault rates also differed by rank (although the difference across rank for perpetrators varied less than the difference across rank for victims). In 2002, the perpetrator rates for junior enlisted Soldiers, NCOs, and officers were 1.7, 1.3, and 0.3, respectively. In 2003, the perpetrator rates for junior enlisted Soldiers, NCOs, and officers were 1.2, 1.0, and 0.3, respectively.

The highest rate of allegations of sexual assaults involved female junior enlisted Soldiers victims. Numbers of victims and alleged perpetrators, by rank, for 2002 and 2003, are depicted in Table 3.E below.

Rank	2002		2003	
	Male	Female	Male	Female
Victims				
Junior Enlisted	41	331	48	353
Noncommissioned Officer	8	37	6	39
Officer	1	4	0	13
Alleged Perpetrators				
Junior Enlisted	407	3	351	5
Noncommissioned Officer	252	1	226	1
Officer	24	1	28	0

Table 3.E. Male and Female Victims and Alleged Perpetrators by Rank²³

²³ The number of cases for each year includes founded, unfounded, insufficient evidence, and open cases.

Using calculated population figures based on active end strength gender distributions, the 2002 and 2003 rates for victims and alleged perpetrators per 1,000 Soldiers are listed below.²⁴

Victim Rates²⁵

Of every 1,000—

- Female junior enlisted Soldiers—6.8 reported being sexual assault victims in 2002. In 2003, this rate rose to 7.3.
- Female NCOs—1.2 reported being sexual assault victims in 2002. In 2003, this rate rose to 1.3.
- Female officers—0.3 reported being sexual assault victims in 2002. In 2003, this rate rose to 0.9.
- Male junior enlisted Soldiers—0.2 reported being victims of sexual assault in 2002 and 2003.
- Male NCOs—fewer than 0.1 reported being victims of sexual assault in 2002 and 2003.
- Male officers—fewer than 0.1 reported being victims of sexual assault in 2002. In 2003, there were no reports of male officer victims.

Alleged Perpetrator Rates²⁶

Of every 1,000—

- Female junior enlisted Soldiers—0.1 were reported as perpetrators in 2002 and 2003.
- Female NCOs—fewer than 0.1 were reported as perpetrators in 2002 and 2003.
- Female officers—fewer than 0.1 were reported as perpetrators in 2002. No female officers were reported as perpetrators in 2003.
- Male junior enlisted Soldiers—in 2002, 2.2 were reported as perpetrators. In 2003 this rate decreased to 1.8.
- Male NCOs—in 2002, 1.5 were reported as perpetrators. In 2003, this rate decreased to 1.3.
- Male officers—in 2002, 0.3 were reported as perpetrators. In 2003, this rate increased to 0.4.

²⁴ Active Army end strength figures were provided by the Army G-1 Strength Forecasting Division (DAPE-PRS). Reliable gender and rank distributions of the mobilized reservists were not available. Active component gender and rank compositions were used to estimate the gender and rank distribution of the combined active end strength plus the mobilized reserve. This distribution was used to calculate rates per 1,000 among female and male junior enlisted, NCOs, and officers.

²⁵ The number of cases for each year includes founded, unfounded, insufficient evidence, and open cases.

²⁶ The number of cases for each year includes founded, unfounded, insufficient evidence, and open cases.

The Task Force also studied the ages of male and female alleged perpetrators and victims. Results are displayed in Table 3.F below.

	2002		2003	
	Female	Male	Female	Male
	Average Age			
Victim	21.8	22.5	22.4	22.9
Alleged Perpetrator	24	26.3	20.3	29.5
	Median Age			
Victim	21	21	21	21
Alleged Perpetrator	21	24	21	28

Table 3.F. Male and Female Alleged Perpetrators and Victims by Age (2002 and 2003)²⁷

RISK FACTORS

The Task Force examined possible risk factors for sexual assaults including alcohol, drugs, and location. Alcohol was found to be a significant risk factor. Of the 353 cases that involved Soldier victims in 2002, the available data indicated more than half (57 percent, or 202) involved alcohol. In 2003, available data indicated that the percentage decreased to 52 percent (215 of 407 cases; refer to Table 3.B). Drugs were a far less significant factor; the available data indicated that drugs were involved in only 14 cases (4 percent) in 2002 and 10 cases (less than 3 percent) in 2003.

²⁷ The number of cases for each year includes founded, unfounded, insufficient evidence, and open cases. Average age of victims and perpetrators is the arithmetic mean, i.e., the sum of victims' ages divided by the number of victims. Median ages were determined by identifying the middle value in the distribution of victims' and perpetrators' ages, above and below which lie an equal number of values.

For location, we examined types of environments and living quarters associated with cases that involved Soldier victims. We studied barracks, dormitories, billeting, and tents as living quarters; and training, permanent duty, and Theater of Operations as environments. Some sexual assault cases did not occur in any of the selected living quarters listed in Table 3.G below; therefore, the number of cases and percentages shown may not total 100.

	2002		2003	
Total Number of Cases	353		407	
	No. of Cases	Percentage	No. of Cases	Percentage
Type of Environment				
Training	73	21.0	61	15.0
Permanent Duty Station	268	76.0	272	67.0
Theater of Operations	10	3.0	74	18.0
Type of Living Quarters				
Barracks	173	49.0	190	47.0
Dormitories	0	0.0	2	0.5
Billeting	5	1.4	2	0.5
Tents	6	1.7	19	5.0

Table 3.G. Sexual Assault Cases by Type of Environment and Type of Living Quarters

The largest percentage of cases that involved a Soldier victim occurred in barracks in a permanent duty environment. The training environment was the second most common environment in 2002. Sexual assault cases in the CENTCOM Theater of Operations increased from 10 in 2002 to 74 in 2003; during this time, active duty strength in the CENTCOM Theater of Operations increased from 20,284 Soldiers to 165,085 Soldiers.²⁸ Details on these cases can be found in Annex B of this report.

MEDICAL TREATMENT FACILITIES

MTFs provide medical care to sexual assault victims and collect forensic evidence. Fifty-four MTFs, comprising approximately 90 percent of the fixed-facility MTFs worldwide, provided information to the Task Force. These 54 MTFs, ranging in size from medical centers (MEDCEN) to health clinics, provided information on hours of operation, range of treatment available for sexual assault victims, agreements with local civilian hospitals, availability of sexual assault nurse examiner (SANE), and status of SARBs (see Annex C).

²⁸ The G-1 PCC provided active duty strength for the CENTCOM Theater of Operations in 2002 and 2003.

The SANE program offers a multidisciplinary, victim-centered method to respond to sexual assault victims.²⁹ To be SANE certified, nurses are trained to care for sexual assault victims and learn procedures for the collection of evidence. The SANE program is rapidly becoming the preferred industry standard because “the services of trained, experienced SANE practitioners help to preserve victim dignity, enhance medical evidence collection for better prosecution, and promote community involvement and concern with crime victims and their families.”³⁰ Seventy percent, or 46 of the MTFs, have agreements with and use local medical facilities to collect forensic evidence. Forty-six percent, or 25 of the MTFs surveyed, have SANE-certified nurses on staff or available in the local community. Social work services or other counseling access is provided at all Army MTFs. Access includes contracted services and treatment at local civilian facilities.

As noted in Section 2 of this report, the SARB is convened to ensure that all involved organizations (e.g., medical, legal, law enforcement, social work) have taken all steps to care for the victim and to investigate the case.³¹ Sixty-one percent or 33 MTFs currently conduct SARBs or are developing policies to do so.

RESOLUTION OF ALLEGATIONS

Commanders have tools to maintain discipline within their unit. With the advice of a trial counsel (military prosecutor), a commander may decide whether to recommend that an allegation merits trial by court-martial based on the facts, severity of the offense, admissible evidence, and input from the victim. Commanders may also resort to a variety of adverse administrative actions, including verbal and written reprimands, administrative reductions in grade, discharge from the Army, and administrative punishment under Article 15, UCMJ. Additionally, commanders have sufficient flexibility to impose an administrative action for certain cases in which the available evidence clearly supports the allegation, but the admissible evidence is insufficient to establish guilt beyond a reasonable doubt. Adverse administrative actions may also be used for cases in which the victim is reluctant to endure the testimonial aspects associated with a public trial.

For cases in which a commander prefers charges with a view toward court-martial, military law provides great flexibility at trial for the finder of fact. A military judge or panel (jury) may find the accused not guilty, guilty of the charged offense, or guilty of a lesser-included offense. Lesser-included offenses for the offense of rape under Article 120 include indecent assault, assault consummated by a battery, assault, and attempted rape.

The conviction rate for the offense, when combined with the conviction rate for the lesser-included offense, identifies how many of the charged offenses resulted in a

²⁹ Ledray, L.E., *Sexual Assault Nurse Examiner (SANE): Development and Operation Guide*. U.S. Department of Justice, Office for Victims of Crime, 1999.

³⁰ *Ibid.*

³¹ MEDCOM Regulation 40-36.

full or partial conviction. Thus, for the Article 120 rape data, in fiscal year (FY) 1999 a full or partial conviction for the offense of rape occurred in 56 percent of cases (42 percent + 14 percent). The full or partial conviction rates for the offense of rape in FY 2000 through FY 2003 were 63 percent, 51 percent, 58 percent, and 60 percent, respectively.

The statistics do not reflect or account for conviction for another offense in the same trial. For example, a Soldier could be acquitted of a rape offense (and lesser-included offenses) but could have been convicted of violating an Army-wide training regulation that prohibits consensual sexual relationships between drill sergeants (instructors) and trainees, charged under Article 92, failure to obey a regulation.

COMMANDER'S RESPONSIBILITIES

Reports of misconduct are ordinarily referred to the suspect's immediate commander.³² Upon receipt of information that a member of the command is accused or suspected of committing an offense or offenses triable by court-martial, the immediate commander makes or causes to be made a preliminary inquiry into the charges or suspected offenses. Rape and other serious offenses must be reported to CID for investigation.³³ Judge Advocates normally assist commanders to determine disposition of serious misconduct cases.

COMMANDER'S PRETRIAL OPTIONS

Pretrial confinement (PTC) is authorized by Rules for Courts-Martial 305. It requires a reasonable belief that an offense under the UCMJ was committed, that the Soldier committed the offense, that PTC is necessary to prevent flight or to prevent serious misconduct, and that lesser forms of restraint are inadequate.

Conditions on liberty (e.g., restriction to post) may be imposed instead of PTC. An MPO, also called a "no contact" order, may also be issued. The command may permanently or temporarily transfer the alleged perpetrator to another unit pending prosecution or may retain the alleged perpetrator in the unit but temporarily detail the alleged perpetrator to other duties. Commanders, with the advice of their supporting judge advocates, make these case-unique decisions on pretrial options seeking to balance protection of the victim with presumption of innocence of the alleged perpetrator.

COMMANDER'S OPTIONS/OTHER ACTIONS AFTER CONVICTION

If there is no confinement adjudged by a court-martial, the command may retain or transfer the Soldier to another unit. If the Soldier is convicted but no bad conduct discharge or dishonorable discharge is adjudged, the local commander or applicable commander at a confinement facility may initiate separation.³⁴

³² *Rules for Courts-Martial 301 and 303, Manual for Courts-Martial, United States (2002 ed.).*

³³ *Army Regulation (AR) 195-1.*

³⁴ *AR 635-200, chapters 13, 14, and 15.*

Upon conviction of violent sexual offenses, the Soldier is notified of the requirement to register as a sexual offender with the installation Provost Marshal's office and with the state in which the Soldier resides. Convicted Soldiers are also entered into the Federal Bureau of Investigation's (FBI) National Sex Offenders Registry. The Soldier must provide a DNA sample for registration in the FBI DNA database. If the Soldier is confined, DD Form 2704 enables victims and witnesses to request notification of any change in the inmate's confinement status (e.g., parole or release from confinement).

COMMANDER'S ACQUITTAL OPTIONS

If acquitted at a court-martial, the Soldier returns to the unit for resumption of all normal duties. The command may transfer the Soldier if such transfer is in the best interests of good order and discipline or if it is appropriate to give the acquitted Soldier a fresh start. It is lawful to maintain previous "no contact" orders. The commander may consult with the unit's servicing judge advocate to determine whether to impose any adverse administrative action, depending on the facts and circumstances of the incident.

US ARMY RESEARCH INSTITUTE FOR THE BEHAVIORAL AND SOCIAL SCIENCES SURVEY DATA

ARI provided data to the Task Force from surveys conducted in 2000 and 2003. The Sample Survey of Military Personnel (SSMP), an Army-wide survey administered by ARI every spring and fall (with the exception of spring 2003 and 2004 because of war-related deployments), collects information on a wide range of issues important to the Army, active component Soldiers, and their dependent family members. Army policy makers use the survey results to assess Soldier and family well-being, develop plans, assess policies, and evaluate program operations and outcomes.

The SSMP population consists of all permanent party, active component Army personnel (excluding all Privates in Europe and Korea). Samples of about 10 percent of officers and 2–3 percent of enlisted personnel are drawn using the final one or two digits of Soldiers' social security numbers. Since the spring of 1992, approximately 4,000 officers and 4,000 enlisted personnel have responded to each survey. Data were collected and weighted based on Army strength levels at the time each survey was conducted. Most recently, sexual harassment and sexual assault questions were included in the spring 2000 SSMP, and human relations questions were included in the fall 2003 SSMP. (Because of deployments to the Theater of Operations, the fall 2003 administration differed from previous years because the population included only those Soldiers in garrison who were not recently or currently deployed and not preparing to deploy.)

Although most of the questions involved sexual harassment, each survey included one question that dealt specifically with sexual assault. In the 2000 survey, 3.2 percent of male and 6.3 percent of female Soldiers reported that within the previous 12 months, military personnel or civilian personnel in their workplace "had sex with them

without their consent or against their will.” In the 2003 survey, a new question indicated that 0.1 percent of male and 4 percent of female Soldiers responded that they “have been subjected to sexual abuse/assault within the last 12 months.”

The biannual SSMP and the Human Relations Update, conducted every 3 years, are intended to ensure that senior leaders can keep their fingers on the pulse of the operational Army—Soldiers and leaders in the field—on important human relations issues that impact unit cohesion, unit performance, and readiness. As a result of the Task Force’s recommendations, additional questions on sexual assault will be added to these survey instruments to more fully assess Soldier experiences and their attitudes and opinions concerning Army policies, programs, and services related to sexual assault and victim support.

LIMITATIONS OF ARMY DATA

The Task Force encountered several challenges related to automated data in current Army systems that often make in-depth analyses difficult. For example, although information is available and contained in the database, in some instances, it must be manually retrieved. Although the CID is currently transferring its automated data from an old, outdated system to a new system, migration and validation of the data transfer were not complete at the time of this study, so the relevant data were spread across three different systems in different formats. In some cases, we were not able to determine whether the data field information was entered or failed to migrate from archival systems. In those instances, information had to be manually sorted. Analysis of incident data revealed that, on average over the last 5 years, 67 percent of sexual assault incidents occurred on post, and off-post incidents represented approximately 3 percent of occurrences. (Thirty percent of the incident records did not contain the on-post/off-post information.) A large amount of automated data was also missing on drug and alcohol involvement and perpetrators’ adjudications.

Similarly, there were challenges in tracking medical data. Centralized medical records are limited in how they track victim data. They do not track the type of medical treatments or services victims receive. The collected data are sufficient for the medical community. However, a more detailed case management system, run by the installation VAC, would enable the Army to track a victim from initial contact through all services.

Another challenge was the complexity and volume of data for each reported incident. Because there is no single, integrated automated system to report and track sexual assault incidents, it was difficult to gather complete data on all aspects of sexual assault.

CONCLUSIONS

The Task Force's working definition of sexual assault includes offenses of rape, forcible sodomy, and indecent assault.³⁵ Data analyzed by the Task Force revealed the following about sexual assault cases in the Army:

- More than half of sexual assault offenses involve alcohol and/or drugs.
- Almost half of sexual assault offenses occur in barracks.
- The majority of alleged victims are junior enlisted Soldiers.
- The majority of alleged perpetrators are junior enlisted Soldiers or NCOs.
- Current databases do not collect and integrate a full set of data on sexual assault cases to enable the Army to assess the magnitude of sexual assault, the resolution across all cases, or the causal indicators that could be used to stop sexual assaults in the Army.
- High standards exist to provide quality care but they are not integrated.
- Sufficient data do not exist to quantify the timeliness or quality of victim support.

Despite the fact that few quantitatively supported conclusions can be drawn from available data, two themes do emerge from the efforts to analyze these data—

- The need exists to create a single data tracking system, which would facilitate better analysis and reporting.
- Effective data management techniques will be vital for ensuring the quality of collected data.

³⁵ For the purpose of the data review, sexual assault includes attempts to commit these offenses or assaults with intent to commit rape or sodomy as under the UCMJ Article 80, Article 120, Article 125, and Article 134.

Section 4—Program Information and Analysis

PROGRAM REVIEWS

The Task Force’s review of the Army’s sexual assault policies began with a comprehensive review of specific programs and procedures and concluded with an assessment of how well these programs and procedures serve the individual Soldier and Army in practice. In this section, we acknowledge some organizations that have taken a proactive approach to improve their policies and procedures in conjunction with the Task Force’s ongoing review and developing recommendations. We endorse these actions because they will help ensure a timely and aggressive response to our conclusions and recommendations. The actions that arise from the Task Force’s recommendations represent a positive response to the need for change.

The following six Army organizations were identified as having a role in dealing with sexual assault:

- Army G-3/ US Army Training and Doctrine Command (TRADOC) (Training)
- Provost Marshal General and Criminal Investigation Command (CID) (Law Enforcement and Investigation)
- Office of The Judge Advocate General (Victim Witness Liaison)
- Office of The Surgeon General (Victim Medical Services)
- Office of the Chief of Chaplains (Pastoral Care and Counseling)
- Assistant Chief of Staff for Installation Management (Family Advocacy Program).

ARMY G-3/US ARMY TRAINING AND DOCTRINE COMMAND

Training in the Army is more than preventive maintenance; it is the method by which Army doctrine is embedded into Army operations and into the hearts and minds of Soldiers. However, the Army provides relatively little training on the prevention of sexual assault or leadership roles and responsibilities pertaining to sexual assault. Although the requirement to conduct sexual assault prevention training is not specifically stated in Army regulations, it *is* an integral part of the Army's training and education objective to treat Soldiers with dignity and respect.

The Army trains its enlisted Soldiers during IET in rape prevention and use of the buddy system for safety. Drill sergeants and other IET leaders are trained in rape prevention and response. However, officers do not receive the same training in officer basic courses. Cadets at the USMA receive training in leadership roles and responsibilities pertaining to sexual assault; however, cadets in ROTC do not. Sexual assault training is not included in all phases of PME, nor is it mandated in unit refresher training.

In the mid-to-late 1990s, values-based human relations training, using the *Consideration of Others* training methodology, became the standard across the Army as part of unit refresher training. This training is conducted at least annually and covers a variety of subjects, including prevention of sexual harassment, equal opportunity complaint processing, drug and alcohol abuse, reprisal prevention and detection, and command climate assessment—but not sexual assault. Throughout the Army, human relations training is approached differently in garrison than it is in a deployed environment. In a deployed environment, units respond to problems identified in the unit and train as combat conditions permit. Although commanders are required in garrison and in deployed environments to conduct safety briefings during periods of increased risk to ensure Soldier awareness, sexual assault is not currently included, nor is sexual assault included as part of pre-deployment briefings.

The G-3 has initiated the following five actions as part of its internal improvement plan:

- Develop and implement a training program that strongly emphasizes sexual assault as a crime that goes against the tenets of Warrior Ethos and that directly, negatively impacts readiness across the force. The newly created Army training program must be integrated into proponent school functional courses.
- Update existing sexual assault prevention training modules. Modules will—
 - Include definitions of all types of sexual assault
 - Provide victim services information
 - Present multiple reporting methods
 - Present dangers of acquaintance rape
 - Present dangers inherent to deployments.

- Develop and implement a leader's module and incorporate it into PME's including pre-command, first sergeant, and command sergeant major courses. The module should include actions that leaders should take for prevention and response to sexual assault (see Annex D).
- Provide training support packages for unit refresher training and *Consideration of Others* materials.
- Develop IET and PME human relations courses that will transition to support the current operating environment. Sequential human relations training that captures the interest of the audience should be developed for all PME levels. The training must integrate command climate, Army values, and Warrior Ethos across all human relations subjects necessary to maintain unit cohesion and readiness.

PROVOST MARSHAL GENERAL AND CRIMINAL INVESTIGATION COMMAND

The mission of PMG and CID is to thoroughly investigate all allegations of crimes, including sexual assault. Once a call is received regarding a sexual assault, law enforcement and criminal investigative personnel respond to the scene to render assistance to the victim, request medical assistance, and arrange transportation to a MTF when necessary. Once the victim is escorted to the MTF, female law enforcement personnel (when available) are dispatched to support a female victim, physical evidence is collected, and support services information is provided to the victim.

Once the victim and crime scene have been secured, coordination is completed with the Soldier's (victim and/or alleged perpetrator) chain of command and legal personnel in the investigative process. Law enforcement and investigation protocol are the same in garrison and the deployed environments, but timeliness in a deployed environment is impacted by notification, the immediate availability of witnesses, environment, distance, and force protection considerations. Rapid notification from the victim, his or her chain of command, or knowledgeable sources is critical in order to initiate a thorough investigation. Training programs, investigative procedures, and law enforcement protocols are consistent with similar programs in the civilian community.

The processing time for sexual assault forensic evidence examined by the USACIL can be longer because USACIL supports DNA processing for *all branches of the US Armed Forces* throughout the world. Currently USACIL has a 4- to 6-month backlog of DNA samples for processing. Technicians are frequently required to testify in court-martial proceedings, contributing to the backlog.

Improvement plans for the PMG/CID areas of responsibility include—

- Revise Army command policy (AR 600-20) to require commanders to report criminal assaults to the installation provost marshal and CID special agents
- Revise reporting procedures to make the first lieutenant colonel in the chain of command responsible for reviewing and signing the Report on the Action Taken Against Subject (i.e., alleged perpetrator) (DA Form 4833)
- Expand specialized investigator training on victim interaction and investigation. Specialized training will help meet the unique requirements of military investigations and special needs of sexual assault victims³⁶
- Request funding to hire additional USACIL laboratory technicians to reduce backlog
- Conduct an analysis of USACIL practices and procedures using the best practices of civilian crime laboratories to identify actions or practices that can be implemented immediately to enhance the effectiveness, efficiency, and timelines of DNA processing.

³⁶ *International Association of Chiefs of Police, National Advisory Committee, Guidelines and Standards for Victim Oriented Policing.*

OFFICE OF THE JUDGE ADVOCATE GENERAL

The Office of The Judge Advocate General (OTJAG) is the proponent for the victim/witness liaison (VWL) program that is designed to—

- Foster full cooperation of victims and witnesses within the military criminal justice system
- Mitigate physical, psychological, and financial hardships suffered by victims and witnesses of offenses
- Ensure that crime victims and witnesses are advised of their rights as described in AR 27-10, Chapter 18.

The SJA appoints the VWLs. VWLs are not victim crisis responders—they are employed to assist prosecutors and crime victims with the legal process. The majority of VWLs are Army civilian employees, and their duties are normally collateral.

The VWL program does function in the deployed environment. Deployed VWLs are typically Judge Advocate officers with the rank of captain who are new to the job and have little or no experience as VWLs. VWL duties are always collateral duties in a deployed environment.

Improvement plans for the OTJAG (VWL program) area of responsibility include—

- Conduct Department of Justice (DOJ) funded regional training (sponsored by the OTJAG and the HQDA VWL program manager) to ensure consistent information is disseminated to the field VWLs
- Post materials from regional training conferences on the DoD Victim and Witness Council Web site at <http://www.dod.mil/vwac/>
- Develop, with assistance from ARI, a VWL client satisfaction survey to gauge program effectiveness and potential areas of improvement
- Develop a training program for new VWLs on a CD, DVD, or the Web.

OFFICE OF THE SURGEON GENERAL

The mission of the Office of The Surgeon General (OTSG) with regard to sexual assault is to provide medical services to sexual assault victims. In garrison, the OTSG sexual assault program is governed by MEDCOM Regulation 40-36, which guides all MTFs and governs the SARB process. In a deployed environment, MEDCOM Regulation 40-36 serves as a sexual assault management guide for medical treatment and services. Combat Support Hospitals (CSH) and Field Hospitals (FH) provide medical care for sexual assault victims at the division level.

An overall OTSG program assessment shows that MEDCOM Regulation 40-36 provides the appropriate guidance to MTFs, but there is no uniform implementation. Only 50 percent of facilities have functional SARBs. In the CENTCOM area of responsibility, policies and trained staff are in place at the CSH and FH level, but there is limited medical expertise at the division level and below.

The OTSG has identified several internal improvement plans to assist in accomplishing its mission—

- Ensure all SARBs are established and functional according to policy.
- Develop Army Medical Department (AMEDD)-wide policy, rape kit, and rape kit collection training. The OTSG will ensure that procedures in garrison and in deployed environments are standardized. The OTSG will also institute formal sexual assault training in the AMEDD Center and School. On March 1, 2004, the Surgeon General directed the development of the Standardization of Guidelines for the Management of Sexual Assault Victims. Included in this directive was the development of an exportable training packet, "Sexual Assault Responder Training," for use by all AMEDD Soldiers in garrison or in a deployed environment. The training includes myths and facts about sexual assault, sexual assault definitions, areas of sensitivity regarding a victim's mental health, and how to help the victim. Additionally, the training will include specific sections for the commander, counselor, physician, and concerned friends, and lists applicable military regulations/UCMJ provisions.
- Revise procedures for social work services to contact victims who present themselves at civilian hospitals in order to offer follow-up services provided by the Army.

OFFICE OF THE CHIEF OF CHAPLAINS

One of the chaplaincy missions is to provide religious and spiritual support to the sexual assault victim. The ability to engage in privileged communication with military clergy provides the victim a confidential means to seek assistance and guidance. In the course of providing pastoral care and counseling, chaplains encourage victims to report sexual assault incidents and to seek medical services.

Services are different in garrison and in deployed environments. Installations typically have a family life chaplain (FLC) with a master's degree in counseling psychology who provides pastoral counseling training and case consultation. Installations with medical centers have chaplains with clinical pastoral education training, which includes Level 3 trauma experience and crisis intervention training.

In a deployed environment, every CSH and FH is authorized one chaplain with clinical pastoral education training. FLCs are scattered throughout the Theater of Operations and serve in units after their family life utilization tour of duty. Chaplains train in critical stress care at the Chaplain Officer Basic Course and receive 30 hours of training in pastoral counseling.

Improvement plans for the Office of the Chief of Chaplains (OCCH) area of responsibility include—

- Coordinate with the DoD Domestic Violence Task Force to incorporate sexual assault services training into the DoD-mandated domestic violence training at all military departments' chaplain basic courses
- Explore ways to identify chaplains in deployed environments with appropriate counseling and trauma experience
- Pursue certification of FLCs as trauma responders in association with traumatic stress specialists.

ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT

The mission of the FAP is to provide training in the prevention of domestic violence and services to family members who are victims of domestic violence, including sexual assault. The FAP works with military law enforcement, medical, and legal personnel, and chaplains on the installation, as well as counterpart civilian organizations, to provide victim support. Victim advocacy is an integral part of the Army's FAP. The FAP is funded to provide services for domestic violence but not sexual assaults that are not included in domestic violence. The FAP VAs provide crisis support, information, and referral to civilian and military resources.

Army Community Services (ACS) manages the FAP, and the ACS Family Advocacy Program Manager (FAPM) is the installation commander's principal coordinator for the FAP. Currently, 46 of the installations that serve medium to large populations have established FAP VA positions. At smaller installations, victim advocacy services are provided directly by the FAPM, memoranda of agreement, or contracts with local organizations.

Because of FAP functions and organizational structure, potential exists for resource sharing so that support can be provided to all sexual assault victims. Accordingly, the Task Force recommends integrating the sexual assault VAC within the existing FAP structure.

E. GLOSSARY

Alleged Perpetrator—One who has been accused of committing a crime, including any report of a crime to police authorities of a known or unknown person.

Army Values—Loyalty, duty, respect, selfless service, honor, integrity, and personal courage (leadership).

Case—A formal investigative file that may contain multiple incidents, offenses, victims, and offenders (i.e., perpetrators).

CENTCOM Theater of Operations—Includes Afghanistan, Iraq, and Kuwait.

Confidentiality—The term used in this report to describe the general principle that the Privacy Act prohibits the unauthorized release of personal information except to those who have an "official need to know" or if such release furthers a lawful exercise of public office (e.g., the release of certain information by a law enforcement official in the course of an investigation when release is necessary to carry out an investigation).⁴²

Founded Case—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.⁴³

Incident—One or more offenses committed by the same offender (perpetrator), or group of offenders, acting in concert at the same time and place.

Insufficient Evidence—1) The inability of an investigation to determine that a reported or alleged criminal offense did or did not occur, or 2) the inability to establish probable cause to believe that an alleged offender did or did not commit an offense.⁴⁴

Perpetrator—One who has committed a crime; offender.

Privilege or Claim of Privilege—The assertion by any person of a privilege to 1) refuse to be a witness; 2) refuse to disclose any matter; 3) refuse to produce any object or writing; or 4) prevent another from being a witness or disclosing any matter or producing any object or writing.⁴⁵

Sexual Assault—Offenses of rape, forcible sodomy, and indecent assault, or attempts to commit these crimes.⁴⁶

⁴² AR 25-55, Department of Army, Freedom of Information Act Program, AR 340-21, The Army Privacy Program.

⁴³ CIDR 195-1, Paragraph 7-6c.

⁴⁴ *Ibid.*

⁴⁵ Military Rules of Evidence (MRE) 501(b).

⁴⁶ For the purpose of the data review, attempts to commit these offenses or assaults with intent to commit rape or sodomy as under UCMJ Article 80, Article 120, Article 125, and Article 134.

Sexual Harassment—A form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, career.
- Submission to or rejection of such conduct is used as a basis for career or personal decisions affecting that person.
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.
- Any person in a supervisory or command position uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Soldier or civilian employee.
- Any Soldier or civilian employee makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature.⁴⁷

Unfounded Case—A determination made by the CID that a criminal offense did not occur. This determination must be based on demonstrative evidence. A lack of evidence to support a complaint or questioning of certain elements of a complaint is not sufficient to categorize an incident as unfounded. A finding of insufficient evidence is not a basis for labeling an offense as unfounded.⁴⁸

Victim Advocate—Trained Soldiers who provide support to sexual assault victims.

Victim Advocate Coordinator—The single POC who 1) ensures that timely and complete care is provided for sexual assault victims; 2) provides essential coordination and is the focal point for service providers and Victim Advocates (VA); 3) provides for the training of all VAs; 4) is responsible to ensure that programs are in place that provide sexual assault awareness, prevention and education training, identification of confidential sources of information, victim advocacy services, data collection, data reporting, and effective command review and proper response to each case using the SARB.

Warrior Ethos—The desire to accomplish the mission despite all.⁴⁹

⁴⁷ *Army Regulation 600-20, Prevention of Sexual Harassment, May 13, 2002.*

⁴⁸ *CIDR 195-1, Paragraph 7-6c.*

⁴⁹ *Field Manual 22-100, Army Leadership, August 1999.*

F. ACRONYMS

AC	Active Component
ACS	Army Community Services
AMEDD	Army Medical Department
AR	Army Regulation
ARI	Army Research Institute for the Behavioral and Social Sciences
ASA (M&RA)	Assistant Secretary of the Army (Manpower and Reserve Affairs)
ACSIM	Assistant Chief of Staff for Installation Management
CENTCOM	Central Command
CID	Criminal Investigation Division
CPD	Center for Personal Development
CRC	Crime Records Center
CSH	Combat Support Hospital
CY	Calendar Year
DA	Department of the Army
DoD	Department of Defense
DOJ	Department of Justice
DIBRS	Defense Incident Based Reporting System
DNA	Deoxyribonucleic Acid
FAP	Family Advocacy Program
FAPM	Family Advocacy Program Manager
FBI	Federal Bureau of Investigation
FH	Field Hospital
FLC	Family Life Chaplain
FY	Fiscal Year
HQDA	Headquarters, Department of the Army
IET	Initial Entry Training
MACOM	Major Command
MEDCEN	Medical Center
MOU	Memorandum of Understanding
MP	Military Police
MPO	Military Protective Order
MTF	Medical Treatment Facility
NCO	Noncommissioned Officer
OCCH	Office of the Chief of Chaplains
OTJAG	Office of The Judge Advocate General
OTSG	Office of The Surgeon General
PAT	Process Action Team
PCC	Personnel Contingency Cell
PME	Professional Military Education
PMG	Provost Marshal General
POC	Point of Contact
PTC	Pretrial Confinement
RC	Reserve Component (Army National Guard and Army Reserve)

ROTC	Reserve Officers Training Corps
SAFE	Sexual Assault Forensic Examiner
SANE	Sexual Assault Nurse Examiner
SARB	Sexual Assault Review Board
SARP	Sexual Assault Response Program
SAVI	Sexual Assault Victim Intervention
SGT	Sergeant
SJA	Staff Judge Advocate
SSG	Staff Sergeant
SSMP	Sample Survey of Military Personnel
STRATCOM	Strategic Communications
TRADOC	Training and Doctrine Command
TSP	Training Support Package
UCMJ	Uniform Code of Military Justice
USACIL	United States Army Criminal Investigation Laboratory
USCC	United States Corps of Cadets
USMA	United States Military Academy
USN	United States Navy
USCG	United States Coast Guard
VA	Victim Advocate
VAC	Victim Advocate Coordinator
VWL	Victim/Witness Liaison
WWW	World Wide Web

**Student Handout 3
L592**

Sexual Assault Terms and Definitions

This student handout contains one page of reading from TSP 80C-A-0106CJASA 106 (Senior Leader) / Army's Sexual Assault Prevention and Response Training.

Page D-2

Disclaimer: The training developer extracted the material from ATAI-M website www.train.army.mil and TSP 805C-010-0106. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Sexual Assault Terms and Definitions

1. **Sexual assault** refers to offenses of a sexual nature committed without the lawful consent of the victim. These offenses, which are punishable as crimes under UCMJ, include the following:
 - a. Rape – Sexual intercourse by force and without consent
 - b. Forcible sodomy – Oral or anal sex by force and without consent
 - c. Indecent assault – Any non-consensual touching done with the intent to gratify lust or sexual desires
 - d. Carnal knowledge – Sexual intercourse with a minor
2. **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.”
3. **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.”
4. **Perpetrator** is defined as “one who has committed a crime;” (i.e., offender, subject).
5. **Case** is a formal investigative file that may contain multiple incidents, offenses, victims, and offenders (i.e., perpetrators).
6. **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.
7. **Unfounded Case** is a determination made by the CID that a criminal offense did not occur. This determination must be based on demonstrative evidence. A lack of evidence to support a complaint or questioning of certain elements of a complaint is not sufficient to categorize an incident as unfounded. A finding of insufficient evidence is not a basis for labeling an offense as unfounded.

**Student Handout 4
L692**

Extract from TSP 805-C-A-0106

This student handout contains thirteen pages of reading extracted from TSP 805-C-A-0106AR 600-20, Army's Sexual Assault Prevention and Response Training (Senior Leader) 19 Dec 2005.

Disclaimer: The training developer downloaded the material from the U.S. Army Publishing Directorate Home Page. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Extract from TSP 805C-C-0106

Sexual assault can take on many forms. Knowing what these forms are and being prepared to prevent them and if committed, handle them appropriately as leader, maintains the best climate for organizations to perform their mission. There are several definitions and terms that need to be defined to thoroughly understand the policy.

Sexual Assault Defined

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.

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.

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.

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.)

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.

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.

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.

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.

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**

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.

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).

Command Climate

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.

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.

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.

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.

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?

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.

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!

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.

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.

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

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

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.

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.

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
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?

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.

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

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.

Review: Responsibilities

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.

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.

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.

report. Restricted reporting avenues of confidentiality do not apply in a case of carnal knowledge or marital rape.

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.

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.

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).

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)

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

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).

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.).

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

