DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
OPNAVINST 1752.1A
Pers-661
23 MAR 1998

OPNAV INSTRUCTION 1752.1A

From: Chief of Naval Operations
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: SEXUAL ASSAULT VICTIM INTERVENTION (SAVI) PROGRAM

Ref:
(a) SECNAVINST 1752.4 (Sexual Assault Prevention and Response)
(b) OPNAVINST 1752.2A (Family Advocacy Program)
(c) SECNAVINST 5300.26C (Department of the Navy Policy on Sexual Harassment)
(d) Manual for Courts-Martial (MCM), United States 1995
(e) MILPERSMAN Article 3610200 (Definitions and Guidance Concerning Separation of Enlisted Personnel)
(f) SECNAVINST 1920.6A (Administrative Separation of Officers)
(g) Victims' Rights and Restitution Act of 1990 (P.L.101-647) (NOTAL)
(h) OPNAVINST 5800.7 (Victim and Witness Assistance Program)
(i) SECNAVINST 1754.1 (Department of the Navy Family Services Center Program)
(j) SECNAVINST 5211.5D (Department of the Navy Privacy Act (PA) Program)
(k) SECNAVINST 5720.42E (Department of the Navy Freedom of Information Act (FIOA) Program)
(l) OPNAVINST 3100.6G (Special Incident Reporting (OPREP-3, Navy Blue and SITREP) Procedures) (NOTAL)
(m) OPNAVINST 5354.1D (Navy Equal Opportunity Manual)
(n) OPNAVINST 5350.4B (Alcohol and Drug Abuse Prevention and Control)
(o) SECNAVINST 5520.3B (Criminal and Security Investigations and Related Activities Within the Department of the Navy)
(p) NAVMEDCOMINST 6310.3 (Management of Alleged or Suspected Sexual Assault and Rape Cases) (NOTAL)
(q) SECNAVINST 1730.7A (Religious Ministries Within the Department of the Navy)
(r) SECNAVINST 5214.2B Department of the Navy (DON) Information Requirements (Reports) Management Program

Encl:
(1) Definitions
(2) Victims' Rights

(3) Position Description: SAVI Program Coordinator
(4) Guidelines for Protecting the Interests of Sexual Assault Victims
(5) Victim Advocate Program Model
(6) Sexual Assault Intervention Protocols
(7) Sexual Assault Incident Data Collection Report Explanation
(8) Commander's Guidelines for Response to Sexual Assault Incidents

1. Purpose. To issue policy, provide guidance, and designate responsibility for implementation of the Sexual Assault Victim Intervention (SAVI) Program within the United States Navy per reference (a). This instruction is a complete revision and should be read in its entirety.

2. Scope. This instruction establishes internal Navy guidance only and is not intended to, nor does it, create any rights, substantive or procedural, enforceable at law or equity by any victim, witness, suspect, accused, or other person in any matter, civil or criminal, and places no limits on the lawful prerogatives of the Navy or its officials.

3. Cancellation. OPNAVINST 1752.1.

4. Definitions. Terms used in this instruction are defined in enclosure (1). "Sexual assault" as used in this instruction applies to all such offenses against persons who are 18 years of age and over, and not married to the alleged perpetrator. Sexual assault against children under the age of 18, and those incidents that occur within a marital relationship, are covered by reference (b). Sexual harassment is covered by reference (c).

5. Applicability

a. This instruction applies throughout the United States Navy.

b. The following persons are eligible for victim advocacy services when subjected to sexual assault:

(1) Active duty members of the military services (Army, Navy, Air Force, Marine Corps, and Coast Guard) and their legal family members.

(2) Members of the reserve component of the military services and their legal family members while on active duty.

(3) On a space-available basis, retired members of the military services and their legal family members.

(4) Non-foreign hire civilian employees of the Department of Defense (DoD) in overseas locations, and their legal family members, for services that are not available in the local community.

(5) All victims of sexual assault, regardless of affiliation, that occur on property under Department of Navy (DON) jurisdiction. These victims are eligible for available services on a humanitarian basis (e.g., evidence collection, triage, emergency medical treatment, and referral to available civilian community services).

6. Background. The 1990 Navy Women's Study Group (NWSG) found that despite the existence of individual command education and victim assistance programs: incidents of sexual assault continued to be the most under-reported crimes; reports of sexual assault in the Navy were increasing; local assistance for victims of sexual assault was often poorly coordinated; and credible, comprehensive statistics were difficult to obtain. The NWSG recommended provision of sexual assault awareness and prevention education and victim assistance/intervention, and collection of accurate data. The SAVI Program was developed and implemented in order to meet these recommendations.

7. Policy

a. Sexual assault is a criminal act incompatible with the DON's core values, high standards of professionalism, and personal discipline. Military personnel who are alleged to have committed a sexual assault offense may be subject to trial and, if found guilty, punishment by court-martial under reference (d). Additionally, such military personnel are subject to being processed for administrative separation per references (e) and (f). Commanders shall take appropriate action under U. S. laws and regulations in all cases where sexual assault is alleged.

b. The goal of DON is to eliminate sexual assault incidents that impact DON personnel and family members, or that are perpetrated by DON personnel through awareness and prevention education, and provision of the safest possible installation environments. Alcohol abuse is a strong factor in many sexual assault cases. Promoting and supporting the responsible use of alcohol, including abstinence, will assist greatly in reducing sexual assault.

c. DON will treat all victims of sexual assault with fairness and respect. All servicemembers and DON employees will ensure the sensitive, coordinated, and effective management of

sexual assault cases, including access to a victim advocate program and appropriate counseling.

d. Victims of sexual assault often feel further victimized by the criminal justice system when questioned about their conduct or inaction during an assault. In cases where the victim's behavior may be considered an offense under the Uniform Code of Military Justice (UCMJ) (e.g., fraternization, underage drinking, drunk and disorderly conduct), it is important to take into consideration the circumstances surrounding the assault and their impact on the victim before taking any appropriate administrative or disciplinary action against the victim.

8. Procedures. Commanders and commanding officers will implement and support the SAVI Program by ensuring that:

a. Victims of sexual assault receive sensitive care and support and are not re-victimized as a result of reporting the incident;

b. Victims are advised of their rights as delineated in references (g) and (h), and in enclosure (2), and are made aware of and encouraged to exercise their options during each phase of the medical, investigative and legal processes;

c. Victims have access to appropriate assistance, and, where eligible, medical care and counseling;

d. Incidents of sexual assault are reduced through an active program of community education with special emphasis on personal avoidance of risk and providing the safest possible environment; however, sexual assault is a crime and despite every preventive measure, sexual assault will still occur;

e. Sexual assaults are reported as specified in this instruction, and trends concerning the incidence and prevalence of sexual assault are monitored.

9. Program Elements

a. Area coordinators will ensure that the three components of the SAVI Program are implemented at all installations and commands under their cognizance. These components are as follows: (1) sexual assault awareness and prevention education (2) victim advocacy (3) data collection.

b. Installation commanders will designate a SAVI Program Coordinator to provide overall local management of sexual assault awareness and prevention education and victim advocacy, and to ensure that data on sexual assault incidents is collected per

requirements in this instruction. SAVI Program Coordinators are generally located at the Family Service Center (FSC). The responsibilities of a full-time SAVI Program Coordinator (which are listed in enclosure (3)) are administrative in nature and do not require a medical or counseling background.

c. Individuals who are assigned as the SAVI Program Coordinator on a collateral duty basis will be responsible to ensure that sexual assault prevention education and victim advocacy services are available for all eligible individuals, and that data on sexual assault incidents is collected per requirements in this instruction.

d. Tenant and afloat commanding officers will designate a SAVI Program Point of Contact (POC). The SAVI Program POC is responsible for: implementing and coordinating awareness and prevention education programs for the command; maintaining and providing current information on and referral to base/community programs for victims (e.g., victim advocate services, counseling, medical care, etc.); and ensuring collection and maintenance of sexual assault data in accordance with requirements in this instruction.

10. Coordination Committee. To facilitate execution and oversight of program requirements, installation commanders shall establish a SAVI Program Coordination Committee with representatives from the medical treatment facility (MTF), Trial Service Office (TSO), base security, Naval Criminal Investigative Service (For the purpose of this instruction, the common acronym, NCIS, will be used in lieu of the proper acronym, NAVCRIMINSERV), chaplain's office, FSC. The SAVI Program Coordinator will chair this committee.

11. Sexual Assault Prevention. Prevention of sexual assault in the Navy will be aggressively pursued through an awareness and prevention education program, and by command procedures and physical facilities which reduce potentially hazardous situations. The following elements will implement the prevention component of the SAVI Program:

a. Annual SAVI Program training to include sexual assault awareness and prevention will be conducted at the command level. Navy civilian personnel shall be strongly encouraged to participate in all command-sponsored sexual assault awareness and prevention training.

b. All servicemembers will receive sexual assault awareness and prevention training at the E-1 through E-3 level and at key career progression points (officer and enlisted).

c. Commanding officers shall annually review command procedures and physical spaces (including housing and berthing areas) to provide a safe, well lighted, and secure environment. Commanding officers shall institute and publicize a means of informing the chain of command of situations which may place individuals at risk of assault. This system should be responsive to individual concerns and should include a method for providing feedback concerning the final disposition of suggestions and complaints.

12. Victim Advocacy

a. Installation commanders shall develop and implement a highly responsive victim advocate program which provides immediate support to sexual assault victims in accordance with the guidelines for protecting the interests of sexual assault victims found in enclosure (4).

b. The purpose of victim advocacy is to provide victims of sexual assault with a volunteer advocate who can provide information and emotional support, and help guide them through the various medical, legal, and investigative processes with a goal of minimizing the "re-victimization" of sexual assault victims. Services should maximize coordination of local Navy and civilian resources and minimize duplication.

c. A volunteer victim advocate program should be established using enclosure (5) as a model and in accordance with guidance in reference (i). FSCs, MTFs or community agencies/resources should be used, modifying enclosure (5) to fit individual command needs and capabilities. If an effective program is currently in place, a Memorandum of Understanding (MOU) may be used to meet victim advocate requirements as outlined in appendix C of enclosure (5). If a civilian agency is used to provide victim advocacy, afloat commands must have trained advocates on board and available during deployments.

d. Although the size and scope of this program will vary depending on available resources, at a minimum the following core elements should be present:

(1) A cadre of trained volunteer victim advocates who will be available to provide emotional support and assistance to eligible victims during initial assessment, medical, administrative, legal, and investigative procedures and to provide information and referral regarding further assistance and services. The victim will decide to what extent the advocate's services are desired within the limits of the program. At all

Navy installations, the primary advocate on call will always be female. Male advocates can be used to provide support to secondary victims (e.g., family members/boyfriends) and to victims who specifically request a male advocate. Communication of no gender preference does not constitute a specific request for a male advocate and is not necessarily an informed decision by the victim. Female/male victim advocate teams can also be used with the female providing the primary support to the victim and the male advocate providing secondary support (e.g., obtaining clothing, meals, etc.). Afloat commands with all-male crews will utilize trained male advocates when deployed or in foreign ports.

(2) A victim advocate coordinator to recruit, screen, select, schedule, and supervise the volunteer victim advocates.

(3) Protocols which provide specific procedures for the sensitive handling of victims of sexual assault. Model protocols for involved professional staff are provided in enclosure (6).

(4) Procedures which ensure that victims are informed of available assistance, services, and their options concerning discussion of the crime. Victims must be informed that the crime and identifying data will be released per federal law and Navy regulations. Victims must also be informed that they have options concerning their involvement with investigative/legal personnel. These options include:

(a) To discuss and provide information to others,

(b) To have a friend, counselor or advocate accompany them,

(c) To provide a written statement, or

(d) To refuse to discuss the event with anyone - it should be explained to the victim that should he/she decline to be interviewed personally by law enforcement officials (e.g., NCIS special agents or civilian police, depending on jurisdiction), it is likely that a limited criminal investigation will be initiated or conducted and valuable evidence may be lost which could negatively impact the possibility of holding the offender(s) accountable.

(5) Per references (g) and (h), the victim should be interviewed to determine his or her desires regarding prosecution and to advise the victim of his or her rights. When deciding to prosecute cases within military jurisdiction, commanding officers may consider, in addition to all other factors, whether the victim desires to cooperate. In cases where the victim is

e. Commanding officers will ensure that a SITREP is sent to Chief of Naval Operations (CNO(N1)) and Bureau of Naval Personnel (BUPERS), Counseling, Advocacy and Prevention Branch (Pers-661), and Personnel Performance and Security Division (Pers-83) (info all intermediate commands), within 24 hours of the commencement of an investigation on all allegations of sexual assault that involve victims who are family members and victims and alleged offenders who are active duty, or are reservists on active duty, or are active members of another Service assigned to a Navy command at the time of the incident, regardless of location. SITREPs must also be submitted on incidents involving civilians sexually assaulted on property under DON jurisdiction. The SITREP should be drafted per the format in reference (l).

f. Following submission of the SITREP, commanding officers shall provide amplifying information in the initial NAVPERS 1752/1, to their Echelon 2 command (info all intermediate commands) within 10 working days. Continuation reports shall be forwarded to Echelon 2 commands monthly until final resolution. Required information and specific guidelines regarding submission of the NAVPERS 1752/1 are contained in enclosure (7). Echelon 2 commands will provide quarterly reports to BUPERS (Pers-661) no later than the 30th day of the month following the end of the quarter.

g. Incidents involving both sexual harassment and sexual assault must be reported in accordance with requirements in this instruction and with existing policy on sexual harassment, reference (m).

h. The data will be used for statistical purposes. The collection of accurate data on sexual assault is critical to program planning, to assist in the development of appropriate procedures and precautions to reduce the risk of further incidents of sexual assault, and to ensure a standardized victim-sensitive system to prevent and respond to sexual assault Navy-wide. It is intentionally devoid of any individual identifiers in order to maintain victim and alleged offender confidentiality.

15. Program Evaluation

a. Commanders in Chief (CINCs) and Immediate Superiors in Command (ISICs) will incorporate an assessment of the requirements contained in this instruction into their inspection programs.

b. The Navy Inspector General (IG) will incorporate an assessment of the requirements contained in this instruction into its inspection program.

reluctant to be interviewed personally by investigators or other authorities, alternative methods of exchanging information (as identified in enclosure (6)) may be used.

(6) Victim privacy should always be protected. Privacy is a key issue in any sexual assault case. Victims' records must be maintained per references (j) and (k). All Navy personnel who are involved with sexual assault victims should ensure case related information is shared only for official purposes with those who have a need to know. Sensitivity to victim privacy is paramount.

13. Victim Counseling. Regional or installation commanders, as appropriate, shall identify an agency or facility to provide psychological and supportive counseling for sexual assault victims. Navy FSCs or MTFs may provide such counseling if staffed with properly trained counselors. For installations which do not have access to either an FSC or MTF, or where an FSC or MTF is not suitably staffed with trained counselors, an MOU should be established with local, qualified community resources.

14. Data Collection and Reporting. Incidents of sexual assault will be reported to the responsible Echelon 2 command (e.g., Commander In Chief US Atlantic Fleet (CINCLANTFLT), Commander In Chief US Pacific Fleet (CINCPACFLT), Chief OF Naval Education And Training (CNET), Commander Naval Sea Systems Command (COMNAVSEASYSCOM), etc.), using the Sexual Assault Incident Data Collection Report, (OPNAV 1752-1 applies), per the following guidelines:

a. If the victim is a Navy member or family member, the victim's/sponsor's command will report to its Echelon 2 command and info all intermediate commands.

b. If the victim is not a Navy member (and not a family member) but the alleged offender is a Navy member, the alleged offender's command will report to its Echelon 2 command and info all intermediate commands.

c. If both the victim and offender are Navy members, the victim's command will report to its Echelon 2 command and info all intermediate commands and the command of the alleged offender.

d. If neither the victim nor alleged offender is a Navy member, the commander of the installation or activity where the sexual assault occurs will report to his/her Echelon 2 command and info all intermediate commands.

16. Responsibilities

a. Chief of Naval Personnel (CHNAVPERS). CHNAVPERS is responsible for implementing this program. The program will be administered by the Assistant Chief of Naval Personnel for Personal Readiness and Community Support (Pers-6) who shall:

(1) Establish program policy and procedural guidelines;

(2) Plan for and distribute fiscal, personnel, and program resources in coordination with major claimants;

(3) Develop training curricula and other support materials necessary for sexual assault awareness and prevention training;

(4) Coordinate training requirements with the Judge Advocate General (JAG) and Commander, Navy Legal Service Command (COMNAVLEGSVCCOM) for personnel involved in the prosecution of sexual assault offenses;

(5) Coordinate with the Director of Naval Training (N7) within CNO to provide specific training for Master-at-Arms rating conversion trainees involved in preventive sex crime education and victim response activities;

(6) Coordinate training requirements with Director, Naval Criminal Investigative Service (NCIS) for those personnel involved in the investigation of sexual assault incidents;

(7) Coordinate training requirements with Chief, Bureau of Medicine and Surgery (BUMED) for personnel involved in the administration of the sexual assault program and in medical response to victims of sexual assault;

(8) Coordinate training requirements with the JAG for those personnel involved in the legal aspects of sexual assault cases.

(9) Ensure sexual assault awareness and prevention training is incorporated into all Navy alcohol/drug abuse prevention education due to the high correlation between alcohol abuse for both perpetrator and victims. Training and treatment programs emphasize the relationship between the use of alcohol, drugs, and sexual assault, and advise trainees, clients, and patients that individuals are accountable for illegal acts committed while under the influence of alcohol and/or drugs as provided by reference (n);

(10) Develop and implement a public awareness plan which publicizes and promotes SAVI Program services;

(11) Monitor and assess SAVI Program effectiveness;

(12) Assist CINCs and ISICs in the performance of command inspections by providing guidance for inspecting and evaluating the program;

(13) Establish a central data base which contains information on incidents of sexual assault. Collect and analyze data from Navy commands and/or installations related to incidents of sexual assault; and

(14) Provide technical assistance and consultation to FSCs, MTFs, and other commands responding to sexual assault incidents.

b. Director, NCIS shall: ensure NCIS agents receive training in sensitivity to sexual assault victims, dynamics of sexual assault, basic community information and referral, and appropriate law enforcement/investigative responses. NCIS has a key role in management of sexual assault cases as outlined in references (a) and (o).

c. JAG shall: ensure judge advocates receive training in sensitivity to sexual assault victims, dynamics of sexual assault, and basic community information and referral.

d. Director of Naval Training (N7) shall: coordinate with the Bureau of Naval Personnel (BUPERS) (Pers-661) and CNET for the development, implementation, and execution of training to satisfy the requirements set forth in this instruction.

e. Chief, Bureau of Medicine and Surgery (BUMED) shall: develop and implement a training program for appropriate medical personnel to address the medical, medico-legal, and psychological aspects of assisting sexual assault victims. To effect policy set forth in reference (p) and to minimize re-victimization, sensitivity training should be an essential component of any related medical training. Sensitivity training will emphasize the importance of immediate care, assessment and treatment of the victim's acute emotional trauma, and the coordination of victim follow-up. BUMED shall also establish guidance and protocols for the medical response to sexual assault.

f. Director of Religious Ministries/Chief of Chaplains of the Navy (N097) shall:

(1) Ensure that training in the Basic and Advanced Courses of the Naval Chaplains School addresses sexual assault awareness and prevention and provides guidance concerning a chaplain's role in responding to cases of sexual assault; and

(2) Ensure local chaplains provide pastoral and spiritual counseling to victims of sexual assault as requested by the victim according to guidelines established by reference (q).

g. Special Assistant for Naval Investigative Matters and Security (N09N). As program manager for law enforcement and physical security, provide technical guidance and tasking for training of security forces involved in prevention of and response to sexual assault.

h. Claimants shall:

(1) Coordinate with BUPERS to ensure that adequate manpower (and, if applicable, Full Time Equivalents (FTE)) is obtained, distributed, and maintained to administer this program;

(2) Provide quarterly reports of sexual assault incidents and continuation reports from subordinate commands to BUPERS (Pers-661) no later than the 30th day of the month following the end of the quarter using Sexual Assault Incident Data Collection Report (OPNAV 1752-1 applies);

(3) Ensure that installation and unit commanding officers report incidents of sexual assault per requirements defined in paragraph 2 of enclosure (7);

(4) Ensure that installation commanders and unit commanding officers work closely in developing and administering all components of the SAVI Program;

(5) Ensure that installation commanders and unit commanding officers conduct annual training for naval security, civilian and military supervisors, and duty officers in the sensitive handling of and reporting procedures for sexual assault victims; and

(6) Ensure that commands under their cognizance maximize sexual assault victim privacy. Personal information, including information obtained by FSC counselors, must be carefully safeguarded per reference (j), with access limited to authorized personnel on a need to know basis. Per reference (n), NCIS special agents are presumed to have a need-to-know with regard to information and material relevant to the performance of their official duties.

i. Area/Regional Coordinators shall:

(1) Direct action designed to reduce incidents of sexual assault and to improve handling and reporting of sexual assault cases;

(2) Ensure that local area SAVI Programs are established that incorporate a coordinated systems approach to the use of medical, legal, security, chaplain, FSC's, and civilian resources;

(3) Ensure that local instructions provide for maximum coordination among health care providers, FSCs, legal services, chaplains, and other military and local community agencies in the sensitive handling of sexual assault victims. They should provide guidelines for a cooperative, multi-disciplinary effort that is tailored to the geographic area;

(4) Where appropriate and useful, establish MOUs with relevant community agencies to supplement efforts to implement program requirements;

(5) Assist commands in implementing and administering action required by this instruction; and

(6) Ensure that any sexual assault prevention initiatives do not impose artificial restrictions on a select subgroup of command personnel (e.g., curfews or limited access areas which are applicable to women only).

j. Installation commanders shall:

(1) Establish an active SAVI Program that incorporates a coordinated systems approach to the use of medical, legal, security, chaplain, FSC, and civilian resources;

(2) Ensure that servicemembers and their family members have access to a well coordinated, highly responsive Victim Advocate Program;

(3) Designate a SAVI Program Coordinator in writing to provide overall local management of the SAVI Program and to implement and administer provisions contained in this instruction. SAVI Program Coordinators will generally be located at the installation FSC;

(4) Designate a command Data Collection Coordinator (DCC) who is responsible for obtaining data on sexual assault incidents involving victims/offenders/sponsors assigned to the installation (per paragraph 13 of this instruction) through a coordinated

effort with all agencies involved in the reporting, investigation, or prosecution of sexual assault. This person is responsible for initial and continuation reporting to the Echelon 2 command in accordance with requirements defined in paragraph 2 of enclosure (7). The installation DCC can be the SAVI Program Coordinator;

(5) Issue a local instruction which provides for maximum coordination among health care providers, FSCs, legal services, chaplains, and other military and local community agencies in the sensitive handling of sexual assault victims. It should provide guidelines for the identification, intervention, treatment, and referral of individual cases;

(6) Identify medical, legal, FSC, NCIS, and equal opportunity (EO) representatives and community subject matter experts to augment (when possible) command-based, annual sexual assault awareness and prevention training;

(7) Where appropriate and useful, establish MOUs with relevant community agencies to supplement efforts to implement program requirements;

(8) Establish a SAVI Program Coordination Committee (per paragraph 9 of this instruction) for the purpose of implementing and overseeing program elements and requirements;

(9) Ensure that coordination committee members, service providers (e.g., base security, duty officers, legal, medical, FSC staff) and civilian and military supervisors receive annual training in the sensitive handling of and reporting procedures for sexual assault victims;

(10) Maximize sexual assault victim privacy. Personal information, including information obtained by FSC counselors, must be carefully safeguarded in accordance with reference (j), with access limited to authorized personnel on a need to know basis;

(11) Ensure annual review of command procedures and physical spaces (including housing and berthing areas) to provide a safe, well lighted, and secure environment;

(12) Ensure that any sexual assault prevention initiatives do not impose artificial restrictions on a select subgroup of command personnel (e.g., curfews or limited access areas which are applicable to women only);

(13) Emphasize swift response to sexual assault allegations, and when appropriate, prosecution of sexual assault cases;

(14) Ensure staff judge advocates and legal officers advise victims of sexual assault of their right to apply for compensation from state compensation programs in accordance with reference (g);

(15) Ensure victims are advised of their rights. Reference (g) provides rights to victims of crime and requires that they be advised of those rights. These rights are explained in enclosure (2). By law, information regarding the investigated, judicial, and correction processes must be provided to victims of crime by officially designated persons (reference (h));

(16) Provide Operation Target (OPTAR) budget for the local SAVI Program; and

(17) In carrying out the above requirements, ensure that there is no duplication of services and efforts.

k. Commanding officers shall:

(1) Ensure that the Navy's sexual assault prevention policy becomes an integral part of day-to-day personnel management;

(2) Designate a command SAVI Program POC. This person is responsible for: implementing and coordinating awareness and prevention training programs for the command; maintaining and providing current information on and referral to base/community programs for victims (e.g., victim advocate services, counseling, medical care, etc.); and ensuring collection and maintenance of sexual assault data in accordance with requirements in this instruction;

(3) Designate a command DCC who is responsible for obtaining data on sexual assault incidents (per paragraph 13) through a coordinated effort with all agencies involved in the reporting, investigation, or prosecution of sexual assault. This person is responsible for initial and continuation reporting to the Echelon 2 command per requirements defined in paragraph 2 of enclosure (7);

(4) Conduct annual SAVI Program training to include sexual assault awareness and prevention using materials and resources provided by BUPERS, area/regional coordinators, installation commanders, and local community agencies. Strategic

training periods might include pre/post-deployment, port call briefs, and periods of high staff turnover;

(5) Establish procedures as outlined in enclosures (6) and (8) as guides which clearly delineate appropriate actions which command personnel should take in responding to sexual assault incidents. Ensure command personnel receive annual training on how to execute procedures effectively. Follow the Commanders' Guidelines for Response to Sexual Assault Incidents provided in enclosure (8) of this instruction;

(6) Ensure that all members and civilian personnel are made aware of Navy and civilian resources available to assist victims of sexual assault;

(7) Designate a command representative to act as a single command point of contact for the victim. The requirements for and responsibilities of this person are defined in enclosure (8).

(8) Ensure victims of sexual assault receive reasonable protection from the alleged offender(s). In cases where the victim and alleged offender are assigned to the same command, commanding officers should consider assigning either the victim or offender Temporary Assigned Duty (TAD) until the case is legally settled and/or the victim is considered out of danger. The victim's desires should receive preferential consideration;

(9) Assume primary responsibility for establishing a viable SAVI Program which meets the needs of the local military community. Fulfill the responsibilities assigned to installation commanders, above, to the extent resources and circumstances permit;

(10) Ensure annual review of command procedures and physical spaces (including housing and berthing areas) to provide a safe, well lighted, and secure environment;

(11) In carrying out the above requirements, ensure that there is no duplication of services and efforts.

l. Commanding officers of MTFs shall:

(1) Establish procedures for the care, evaluation, and medicolegal documentation in all cases of sexual assault that are in compliance with reference (p);

(2) Establish procedures to provide necessary information to the appropriate command DCC for completion of NAVPERS 1752/1;

(3) Ensure that eligible victims receive necessary health care through all available resources.

17. Form. NAVPERS 1752/1 (Rev. Jan 96), Sexual Assault Incident Data Collection, S/N 0106-LF-20-2900, is available in the Navy supply system per CD-ROM NAVSUP PUB 600(NLL).

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Distribution:
SNDL Parts 1 and 2

DEFINITIONS

1. Assault - The use of unlawful force or violence either as an overt act with the intent of inflicting bodily harm, or as an unlawful demonstration of violence, through an intentional or culpably negligent act or omission, either of which creates in the mind of another a reasonable apprehension of receiving immediate bodily harm.

a. Sexual Assault - See "Indecent Assault." For the purposes of this instruction, the term sexual assault will be used generically to include all of the terms listed in (1) through (5) below and applies to adult victims and perpetrators.

(1) Assault with Intent to Commit Rape - An assault with intent to commit rape. The accused must have intended to complete the offense of rape and to overcome any resistance by force.

(2) Assault with Intent to Commit Sodomy - An assault against a human being committed with the specific intent of completing the offense of sodomy.

(3) Indecent Assault - An assault with the intent to gratify the lust or sexual desires of the accused.

(4) Rape - An act of penile-vaginal intercourse by force and without consent. Penetration, however slight, is sufficient to complete the offense.

(5) Forcible Sodomy - An act done by force and without consent whereby one person takes into his/her mouth or anus the sexual organ of another person (of the same or opposite sex) or of an animal; places his/her sexual organ in the mouth or anus of another person or of an animal; places his/her sexual organ in any opening of the body other than the sexual parts of another person; or has penile-vaginal intercourse with an animal. Penetration, however slight, is sufficient to complete the offense.

2. Victim - For purposes of this instruction victim is any person who either reports the commission of a sexual assault upon him or her or is identified, based upon the report of another person or other information, as a person who has been subjected to a sexual assault.

3. Intercourse - Physical sexual contact between individuals that involves the genitalia of at least one person.

4. Sexual Harassment - A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

c. 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.

VICTIMS' RIGHTS

1. In 1990, the Office of the Attorney General of the United States declared that while "millions of Americans are victimized by crime every year, recognition of crime victims' rights is a recent phenomenon. Until recently, the protection of offenders' rights took precedence over those of the innocent victims of crime."

2. With increased focus on those whose lives are harmed by crime, state and Federal legislation has been enacted to protect and maintain the rights of crime victims. Landmark in this legislation is the Victims' Rights and Restitution Act of 1990 (reference (g)) which sets forth the "Rights of Crime Victims."

3. Reference (h) implemented the Navy's Victim and Witness Assistance Program and established a Crime Victims' Bill of Rights for victims of crime committed under the Navy's jurisdiction.

4. To ensure the fair and sensitive handling of all sexual assault cases, personnel at every level of victim assistance working with sexual assault victims shall, where possible, ensure the following rights are maintained:

RIGHTS OF CRIME VICTIMS

A crime victim has the following rights:

a. The right to be treated with fairness and with respect for the victim's dignity and privacy;

b. The right to be reasonably protected from the accused offender;

c. The right to be notified of court proceedings;

d. 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;

e. The right to confer with trial counsel and the staff judge advocate to the convening authority in the case;

f. The right to receive available restitution; and

g. The right to information about the conviction, sentencing, imprisonment, and release of the accused.

5. Reference (h) requires that a copy of these rights be provided to all victims reporting sexual assault.

6. It should be emphasized and explained to victims that federal departments are required to "make their best efforts" to afford victims these rights. Resource limitations, operational commitments or jurisdictional limitations may preclude a naval command from being able to provide these rights fully. The above list does not create a cause of action or defense in favor of any person arising out of failure to accord a victim the rights enumerated. Adherence to these guidelines will be per the legitimate needs of the United States Navy, the maintenance of good order and discipline, and military exigencies.

POSITION DESCRIPTION: SAVI PROGRAM COORDINATOR

The SAVI Program Coordinator shall:

1. Assist the installation commander in the performance of his or her responsibilities by assuming overall management of the installation SAVI Program. The SAVI Program Coordinator shall coordinate, plan, develop, implement, and direct all administrative aspects of the program and establish installation level program goals and procedures, excluding operational control over criminal investigations.

2. Implement training workshops, programs and services.

3. Build a network of resource providers who can assist with prevention and victim assistance training components.

4. Ensure that the installation maintains information on and provides referrals to other appropriate agencies, both private and public, which can assist with treatment for sexual assault victims and their families.

5. Prepare and submit budget requirements for program operations.

6. Chair the installation SAVI Program Coordination Committee. Record and maintain a written summary of the discussions/decisions of each committee meeting.

7. If designated as the installation Data Collection Coordinator (DCC), collect, report, and maintain data on cases involving victims/offenders/sponsors assigned to the installation regardless of where the incident occurs.

8. Evaluate the effectiveness of prevention programs and victim advocate services (e.g., how the response team functions, how the victim feels about the system response and treatment received, whether collection of statistics has identified risk factors). Provide status reports, as required, to the installation commander.

9. Work with the local installation Public Affairs Officer (PAO) to develop an internal information system which ensures that the target population is informed of all programs and services.

10. Attend 40 hours of training on the SAVI Program.

The Victim Advocate Coordinator shall (the SAVI Program Coordinator often performs these functions also):

1. Implement and manage the Victim Advocate Program according to the guidance provided at enclosure (5) of OPNAVINST 1752.1A.

2. Attend 40 hours of training on the SAVI Program and victim advocate responsibilities.

3. Recruit volunteers from both the military and civilian communities. Screen and select volunteers using appropriate methods.

4. Develop and implement initial and ongoing training for volunteers, using military and civilian subject matter experts and material.

5. Oversee volunteer schedules, track monthly hours and provide awards and recognition for service.

6. Direct a public awareness program. Provide information on the SAVI Program, other military services available to victims, and applicable civilian services.

7. Make presentations to various military and civilian groups to increase awareness of sexual assault issues, victim assistance, and volunteer opportunities.

8. Maintain liaison with medical treatment facility, Naval Criminal Investigative Service, and legal services to facilitate a team approach in sexual assault cases.

9. Assist victims of sexual assault whenever necessary.

10. Keep records of all victim assistance activities.

NOTE: These responsibilities may be combined into one position if necessary.

GUIDELINES FOR PROTECTING THE INTERESTS OF SEXUAL ASSAULT VICTIMS

1. While the rights of crime victims are addressed by both state and federal legislation, sexual assault victims are faced with issues unique to that crime. Traditionally, sexual assault has been viewed as neither violent nor a criminal act. The victim has often been considered responsible for his or her predicament and is often re-victimized by those in a position to assist. To eliminate these systemic problems, it is Navy policy that personnel working with sexual assault victims shall treat these victims with sensitivity.

2. Navy personnel shall make their best efforts to ensure that a victim of sexual assault:

a. Is given as much credibility as a victim of any other crime;

b. Is considered a victim of sexual assault when any unwanted act of sex is forced on him or her through any type of coercion, violent or otherwise;

c. Is considered a victim of sexual assault, regardless of his/her behavior at the time of the sexual assault (e.g., fraternization, underage drinking, etc.);

d. Is considered a victim of sexual assault, regardless of the assailant's relationship to the victim (e.g., boyfriend, co-worker, acquaintance, etc.);

e. Is asked only those questions that are relevant to a potential court case or to medical treatment;

f. Is provided medical and mental health treatment, only after giving his or her informed consent;

g. Is consulted about their desires to participate in legal procedures;

h. Is treated fairly and without prejudice;

i. Is treated in a manner that does not usurp control from the victim, but enables him or her to determine his or her own needs and how to meet them;

j. Is not identified to the news media without his or her consent;

k. Has access to victim advocate services where available, to resource information, and to referral to appropriate support/counseling; and

1. Is informed of options concerning involvement with investigative/legal personnel and potential consequences.

Enclosure (4)

VICTIM ADVOCATE PROGRAM MODEL

1. Area regional coordinators and installation commanders are responsible for ensuring service members and family members have access to a well coordinated, highly responsive victim advocate program. One purpose of this program is to provide support and guidance for victims of sexual assault. Depending on availability of resources, commanders may elect to either develop an internal program using command assets/volunteers or utilize community agencies which provide victim assistance services.

2. Civilian victims who are not beneficiaries, but are sexually assaulted on property under DON jurisdiction, are eligible for victim advocacy services and evidentiary examinations if performed at a Navy medical treatment facility, but are not eligible for ongoing support and counseling services. They should be referred to a civilian resource for counseling services.

3. Regardless of whether an installation commander elects an internal or community-based program, each program should contain the following core elements:

a. The capacity to respond by telephone and in person 24 hours-a-day, providing support and assistance to victims of sexual assault;

b. A team of volunteer advocates trained to provide effective and appropriate assistance to victims of sexual assault;

c. Established procedures for contacting volunteer advocates, as well as specific protocols which govern the duties and responsibilities of the victim advocate;

d. Coordination among cognizant departments/agencies (e.g., medical, base security, NCIS, legal) concerning the role of the victim advocate; and

e. An ongoing public awareness campaign designed to inform personnel of the availability of the victim assistance program and how victims may access the program (e.g., via counselors, medical and law enforcement agencies, community crisis intervention agencies, etc.).

4. For installation commanders who elect to develop an internal program, the above core elements should be established (resources permitting) by ensuring that the following actions are accomplished:

[redacted]

exact number should be determined locally based on need.)

(4) Be able to respond to an incident anytime during the day or night when on call.

(5) Be willing to undergo both initial and in-service training.

(6) Be willing to sign a volunteer service agreement (see appendix B) and agree to maintain victim confidentiality.

(7) Demonstrate emotional maturity and stability through an interview process which incorporates questions identified in appendix A to this enclosure.

c. Training of volunteers. All volunteers must receive a minimum of 20 hours of training before they can participate as a victim advocate. In addition, volunteers should receive 10-15 hours of refresher training per year. Receipt of training should be documented in a personnel file established for each volunteer. Training should be conducted using local subject matter experts (e.g., medical and legal staff, NCIS agents, counselors, chaplains, etc.) and the information contained in enclosures (2) and (3). Training topics should include at a minimum: (1) specific duties and responsibilities of victim advocates; (2)

medical, investigative, and legal procedures followed by civilian and military officials/agencies; (3) common responses by victims to sexual assault to include Rape Trauma Syndrome; (4) effective listening techniques; and (5) rights of sexual assault victims to include the right to seek compensation.

d. Certification of volunteers. All volunteers must be certified as having the requisite level of training and knowledge before they can participate as a victim advocate. A formal document which grants certification should be maintained in a volunteer's personnel file. Volunteers must receive a minimum of 20 hours of training before they can be certified. As part of the certification process, volunteers should sign a statement acknowledging their role and responsibility to protect victim privacy, as well as any legal restriction applicable to the performance of their duties.

e. Management of volunteers. Victim Advocate Coordinator should be designated to organize and administer the team of volunteers. The manager should be knowledgeable on crisis intervention and have excellent administrative skills. The manager's duties should include: (1) maintaining a current roster of all qualified volunteers; (2) establishing a watch schedule identifying the name and phone number of a primary victim advocate and an alternate; (3) providing quality assurance on the assistance/services provided to victims; (4) ensuring that an effective support system is available for volunteers who may experience emotional stress as a result of assisting victims; and (5) maintaining personnel files on each volunteer advocate. Specific duties are found in enclosure (3).

f. Promoting victim advocate services. The availability of the victim advocacy program should be widely publicized so that all service members and family members are aware of the program's existence, its purpose, and procedures for accessing its services.

5. For installation commanders who elect to utilize a community-based victim advocate program, many of the implementation steps, listed in paragraphs 3 and 4 of this enclosure may be achieved by the local organization. It is recommended that an MOU be established between the installation and the community organization(s) to ensure delivery of victim assistance services. A sample MOU is provided at appendix C of enclosure (5) and can be tailored to local needs. The community agency is not required to provide information to the government regarding identity in sexual assault cases, but should be encouraged to at least provide to the Navy SAVI Program Coordinator/POC responsible for

reporting the statistical information specified in the Sexual Assault Incident Report/Data Collection Form (NAVPERS 1752/1). If a community-based victim advocate program is used, afloat commands must have trained advocates on board to respond to sexual assault victims when deployed or in foreign ports.

6. In deciding how best to develop a victim advocate program, commanders should note that there are over 6,000 programs providing a wide variety of services to help crime victims throughout the United States. They include rape crisis centers, domestic violence shelters, victim/witness assistance units, as well as others. Programs are located in law enforcement agencies, prosecutor's offices, churches, independent community-based groups, hospitals, mental health associations, and social service agencies. They provide crisis intervention, counseling, emotional support, emergency assistance, court notification, case information, and an array of other services. Information regarding the availability and capabilities of these programs can be obtained either through the U.S. Department of Justice, Office for Victims of Crime, or through the State Victim of Crime Act Administrator. Information on these programs may also be obtained from FSCs or BUPERS (Pers-661).

VICTIM ADVOCATE PROGRAM VOLUNTEER QUESTIONNAIRE

PRIVACY ACT STATEMENT: Authority to request this information is derived from 5. USC 301, Departmental Regulations and E.O.9397; 10. USC, Section 1588; and OPNAVINST 1752.1A. Intended use is to provide pertinent data for evaluation and selection of volunteer candidates for Sexual Assault Victim Advocates. Completion of this form is completely voluntary; however, failure to provide the requested information may impair your opportunity for selection.

> NOTE: Due to the sensitivity and complexity of working with sexual assault victims, volunteer advocates are likely to be involved in highly charged, emotionally stressful situations. As a result you may experience an increase in stress due to your involvement. While this is a normal reaction, it is important that you answer each question as accurately as possible. Your responses may assist you in determining if there are special concerns that should be addressed with the volunteer coordinator during your screening and training process.

Volunteer's Name: _____

Telephone Number: (W) _____
(H) _____

DOB_____, SSN ___-__-___, Driver's Lic #_____

Address: _____
_____
_____

1. How did you hear about the program?_____

2. What interested you in this program?_____
_____

3. Has sexual abuse/assault/rape ever touched your life? _____

4. If so, how did you deal with these issues? _____
_____

5. If you received counseling for these issues where do you see yourself in your recovery process? _____
_____
_____

6. Have you ever been arrested for, or convicted of, a sexual assault? _____

7. Is there any aspect of sexual assault that you would be uncomfortable discussing? _____
_____

8. Have you ever attended a 12 step recovery program for substance (including alcohol) use/abuse? _____
_____

9. If so, how do you feel this would affect your working relationship with a sexual assault victim? _____
_____

10. Do you have experience in this field through employment, volunteer work, college courses, or personal experiences?
_____
_____

11. Are you willing to be on call periodically to respond to a rape/sexual assault crisis situation? _____
_____

12. Are you willing to receive training and keep up-to-date on issues related to sexual assault? _____

13. How do you deal with stress? _____
_____

14. What are your hobbies and outside interests? _____
_____
_____

15. Please list two individuals who can provide character references.

Name:	_____	_____
Telephone:	_____	_____
Address:	_____	_____
	_____	_____
	_____	_____

16. Comments. _____

_____

_____

_____

_____

_____

Appendix A to
Enclosure (5)

VOLUNTEER SERVICE AGREEMENT

VICTIM ASSISTANCE PROGRAM VOLUNTEER SERVICE AGREEMENT BETWEEN
_____(ACTIVITY)_____ AND _____(VOLUNTEER)_____.

Statement of Understanding. This is an agreement for the provision of volunteer services under the provisions of 10 U.S.C. section 1588. In support of a family support program relating to the Department of the Navy's Sexual Assault Victim Intervention (SAVI) Program, volunteer services as noted below will be provided.

The following conditions apply:

1. Voluntary service is for the purpose of making available a victim advocate to provide effective and appropriate assistance to victims of sexual assault. Such voluntary service does NOT include the provision of counseling services to victims of sexual assault.

2. There is no monetary compensation for voluntary service. Volunteers accrue no rights, privileges, or benefits of federal employment, other than as provided by paragraph 3, below.

3. Volunteers are considered federal employees solely for the purposes of the following provision of law under the United States Code:

(a) Subchapter I of chapter 81 of title 5 (relating to compensation for work-related injuries);

(b) Section 2733 of title 10 and Chapter 171 of title 28 (relating to claims for damages or loss);

(c) Section 522a of title 5 (relating to maintenance of records on individuals); and

(d) Chapter 11 of title 18 (relating to conflicts of interest).

Volunteers are not considered federal employees for any other purpose.

Reason: Ensure compliance with and incorporation of 10 U.S.C. 1588(d).

4. Volunteer service confers neither civil service status nor any entitlement to future employment with any federal agency, department, or organization.

5. Volunteer service may be terminated at any time at the discretion of the Secretary of the Navy, the Deputy Chief of Naval Operations (Manpower and Personnel), the installation commander, or the installation SAVI Program Coordinator.

6. Volunteer services may not be used as an alternative to paid employment for the volunteer or any other person.

7. Volunteer service may not exceed a total of _____ months in any calendar year.

8. Volunteer service will be performed at _____ and will involve_____
_____. Service is expected to comprise _____ hours per _____, and is expected to last the period of
_____.

9. Volunteer service requires at least 20 hours of training prior to participation as a victim advocate, and 10-15 hours of "refresher" training per year.

10. Volunteer service requires certification by ___(certifying official)_____, which must be completed by _____(date)_____.

_____ (Activity Representative)

_____ (Volunteer)

Dated:_____

Dated:_____

VICTIM ADVOCATE PROGRAM
MEMORANDUM OF UNDERSTANDING

BETWEEN

(INSTALLATION) and (LOCAL VICTIM ASSISTANCE AGENCY)

1. PURPOSE. To establish a written Memorandum of Understanding between (INSTALLATION) and (AGENCY) regarding the implementation and execution of a Sexual Assault Victim Advocate Program. This program is intended to provide emotional support and guidance to victims of sexual assault during administrative, medical, investigative and legal procedures, and to ensure that they understand and can anticipate these procedures. In addition, the Victim Advocate Program seeks to inform victims on the availability of appropriate follow-up care.

2. BACKGROUND. Area Coordinators and installation commanders have the responsibility for ensuring the safety and well-being of personnel assigned under their jurisdiction. Under the Navy's Sexual Assault Victim Intervention (SAVI) Program, installation commanders are charged specifically with providing assistance and access to counseling to victims of sexual assault. This responsibility extends to the family members of servicemembers. It is recognized, however, that victims of sexual assault often need assistance which requires specialized training and skills: assistance which exceeds the resource capability of a local command, but which may be available through community-based organizations. Thus, to fulfill the military's commitment to its personnel and to avoid duplication of services, (INSTALLATION) and (AGENCY) agree to collaborate to assist victims of sexual assault.

3. GENERAL. This agreement does not create additional jurisdiction nor limit or modify existing jurisdiction vested in the parties.

4. DEFINITIONS. For purposes of this agreement, the following definitions apply:

a. SAVI Program - a comprehensive Navy program directed at preventing sexual assault and its attendant problems, monitoring the incidence of such assaults and advocating for victims of sexual assault. Established by OPNAVINST 1752.1A, this program seeks to prevent the "re-victimization" of victims through the sensitive handling of sexual assault incidents and by ensuring that victims are made aware of and exert control over their options during each phase of the medical, legal and investigative processes.

b. SAVI Program Coordinator - the installation commander's designated program manager with responsibility for coordinating and overseeing local implementation and execution of the Navy's SAVI Program.

c. SAVI Program Coordination Committee - a multi-disciplinary group which acts to oversee the installation's SAVI Program. Basic membership shall include: installation SAVI Program Coordinator; Staff Judge Advocate; Naval Criminal Investigative Service representative; representatives from the family service center and medical treatment facility.

5. DUTIES. To provide for an effective program which meets the needs/expectations of victims as well as the civilian and military community, the below signatories agree to the following responsibilities:

a. Installation

- Establish, in conjunction with ____(AGENCY)____, specific procedures for command personnel to inform __(AGENCY)__ of an incident of sexual assault.

- Establish, in conjunction with ____(AGENCY)____, specific procedures for command personnel to refer sexual assault victims to ____(AGENCY)____ for advocacy and/or counseling, guidance, and information on the administrative, medical, investigative and legal processes.

- Train security, medical and watch personnel on procedures to contact ____(AGENCY)____ in cases of sexual assault.

- Designate a point of contact (POC) to coordinate with POCs from ____(AGENCY)____ on providing program services.

- Publicize program availability and method of access.

- Invite and encourage attendance of the ___(AGENCY)___ representative at the command SAVI Program Coordination Committee meeting.

b. Agency

- Respond to incidents of sexual assault which either occur on military property, or involve military personnel or their family members. (Note: Response time to be locally negotiated between command authorities and agency representatives).

- Help victims of sexual assault understand the administrative, medical, investigative and legal processes so that they are prepared to cope with these complex systems.

- Encourage victims to seek professional counseling and advise victims as to how to access follow-on care.

6. REVIEW. This agreement shall be reviewed annually by both parties to determine if any revision is necessary.

7. TERMINATION. This agreement may be terminated at any time by either party. At least 60 days notice must be given unless otherwise agreed.

8. PRIVACY INTERESTS. The privacy of victims shall be protected. The victim's identity shall not be disclosed to the general public without the consent of the victim. (AGENCY) is not required to provide information to the government regarding the victim's identity, but is encouraged to provide statistical information needed for Navy aggregate reporting requirements.

(SIGNATURE)	(SIGNATURE)
(TYPED NAME)	(TYPED NAME)
(INSTALLATION)	(AGENCY)

SEXUAL ASSAULT INTERVENTION PROTOCOLS

1. Background. Research has shown that an unintentional consequence of victim interviewing and treatment by health care providers and investigative officials can be the re-victimization of sexual assault victims. Victims are sometimes required to repeatedly answer intimate questions, explain (if not defend) their actions and motives, and undergo intrusive medical examinations. Consequently, it is imperative that procedures be established and continuously reviewed to ensure competent, sensitive handling of sexual assault victims.

2. Purpose. This enclosure provides model protocols governing procedures for initial intervention/response to reported incidents of sexual assault. These protocols should be modified to meet individual command needs. It is recommended that these protocols be widely distributed and posted for ready access.

3. Sample Protocols. These sample protocols have been prepared for the purpose of providing guidance to departments which serve as initial points of contact for victims of sexual assault. These points of contact generally include, but are not limited to:

a. Base Security

b. Medical Treatment Facility (MTF)

c. Naval Criminal Investigative Service (NCIS)

d. Family Service Centers (FSC)

e. Chaplain Corps

f. Quarterdeck/Command Duty Officer (CDO)

g. Victim Advocate

h. Judge Advocate

i. Command Victim Witness Assistance Coordinator (VWAC)

4. Command personnel responding to the report of a sexual assault have both a specialized role and a collaborative one. A coordinated team approach in responding to reports of sexual assault is key to sensitive, comprehensive handling of these

cases. Subject to available resources, it is recommended that personnel identified in this enclosure receive annual training in crisis intervention and Rape Trauma Syndrome to ensure an effective and appropriate command response.

5. All initial points of contact for victims, as listed in paragraphs 3a through 3i of this enclosure, shall treat the victim in a manner which observes victim sensitivity. The following are important considerations:

a. Victim Response: Each sexual assault victim will respond differently depending upon victim maturity, personality, personal history and factors unique to this assault. **DO NOT** discount a victim's report based on the victim's emotional state or style of relating the events of the incident. It is not uncommon in sexual assault cases for a victim to recant the initial allegation because of the trauma of sexual assault. Victims often are embarrassed, fear reprisal by the offender(s), their superiors and/or peers, fear adverse effects on career advancement, fear not being believed, and desire to avoid multiple retellings of the incident, all of which constitute re-victimization. It is important to note that a recantation does not necessarily mean that the victim lied or that a sexual assault did not occur. There are multiple reasons why sexual assault victims recant, depending upon the circumstances of the case.

b. Cultural Considerations: A victim may be from a culture that does not recognize sexual assault. Victims of same gender assault may be reluctant to discuss the crime or admit that a sexual assault occurred due to embarrassment or concern with being labeled as homosexual.

c. Personal Bias: If a person has biases regarding sexual assault, these preconceived beliefs must not be projected to the victim. Personnel who have been personally affected by sexual assault, or unduly biased by their involvement in other cases, may need to defer participation to a colleague. In many cases, the initial point of contact (e.g., base security) will be the first representative of the criminal justice system to contact a sexual assault victim. The actions of the first responder set the tone for the later emotional recovery of the victim and for a successful resolution of the case. Sensitivity training for personnel shall be provided annually, since it can alleviate some of the attitudinal problems in this area.

d. Professional Conduct: Respondents must handle cases in a professional manner at all times. While the victim is considered

the crime scene, the victim is a human being, and is to be treated with sensitivity and respect at all times. Many people are uncomfortable dealing with sex-related crimes. Personnel should learn their indicators of discomfort and adhere to the following when handling such cases:

(1) Do not joke about the case to the victim or colleagues.

(2) Do not be accusatory in your questions.

(3) Do not make a value judgment about the victim or the victim's behavior at the time of the incident. Avoid a "he/she deserved it" mentality.

(4) Do not make promises to the victim in an effort to make him/her feel better or gain his/her confidence.

(5) Do not discuss the case outside of official channels.

(6) Do not say anything while on the scene that you would not want the victim to hear. (Being out of eyesight of the victim does not mean being out of earshot.)

(7) Do not show partiality to victims due to their rank.

(8) Do not discourage a victim from filing a report.

(9) Explain procedures to the victim. Be aware that victims can be intimidated or upset by police cars, uniforms, radio communication devices, etc.

6. Base Security shall:

a. Respond to all sexual assault calls occurring under their jurisdiction.

b. Notify NCIS immediately if the sexual assault occurred on property under DON jurisdiction. If the assault occurred on property not under DON jurisdiction and the offender(s) is not affiliated with the Navy, the victim may choose whether or not to report to civilian law enforcement officials. If the victim chooses to report to civilian law enforcement officials, base security can make the initial contact on behalf of the victim.

c. Ensure that the victim has some form of clothing and is not left naked or exposed. Provide some means of cover, such as a blanket, large towel, etc.

d. Ensure that the victim receives immediate medical care for any injuries that warrant such care.

e. Explain the availability of victim advocacy services and notify the on-call victim advocate.

f. If first to arrive at the crime scene, collect only the necessary information (e.g., victim's identity, location and time of incident, name and/or description of offender(s)), taking precautions to secure the crime scene. Do not ask detailed questions and/or pressure the victim for responses.

g. Make apprehensions of alleged offender(s), as appropriate.

h. Provide support and reassurance to the victim. It is important that security make the victim feel safe, secure, and in control again.

i. Advise the victim not to destroy possible evidence by bathing, douching, changing clothes, eating, drinking, or cleaning up in any way.

j. Explain normal law enforcement procedures which will occur in the next 24 hours to the victim so that he or she is aware of and can anticipate future actions/processes.

k. If the victim is emotionally upset or distraught, attempt to calm the victim until further assistance (e.g., victim advocate, duty chaplain, counselor) can be arranged. Be aware that victims may be intimidated or upset by police cars, uniforms, radio communication devices, and extraneous police officers not directly involved in the case.

l. Arrange transportation for the victim to an appropriate medical facility, unless the victim has already reported there.

m. In cooperation with NCIS and local law enforcement agencies, advise/assist the victim on safety precautions in the event that the alleged offender(s) poses a continuing threat.

n. Notify the victim's commanding officer or Command Duty Officer (CDO) (after normal working hours) that a sexual assault has occurred on property under DON jurisdiction. Provide the name, telephone number, military affiliation (servicemember or family member) and status (active duty, Reservist on active duty, or retired) and location of the victim to the victim's commanding officer or CDO.

property under DON jurisdiction. If the assault occurred on property not under DON jurisdiction and the offender is not affiliated with the Navy, the victim may choose whether or not to report to civilian law enforcement officials. If the victim chooses to report to civilian law enforcement officials, MTF personnel can make the initial report on behalf of the victim.

c. Conduct a medical examination and gather physical evidence as soon as possible paying particular attention to victim sensitivity and privacy. Allow the victim to receive medical care and emotional support/stabilization prior to detailed investigative interviews.

d. Manage cases in compliance with reference (p) if sexual assault exams are performed. NOTE: Victim's written consent is necessary for all medical procedures.

e. Explain the availability of victim advocacy services and notify the on-call victim advocate.

f. Ensure the victim is reasonably protected from the accused offenders by contacting base security if warranted.

g. If the sexual assault occurred on property under DON jurisdiction, inform the victim that NCIS will be contacted and provide the victim with options concerning his/her involvement with investigative/legal personnel and possible consequences. Possible involvement options include:

(1) The victim may agree to be interviewed without assistance.

(2) The victim may agree to be interviewed with an FSC counselor or victim advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC counselor or victim advocate may report to NCIS in lieu of the victim, providing a written summary of information to the investigative agent.

(4) It should be explained to the victim that should he/she decline to be interviewed personally by law enforcement officials (e.g., NCIS special agents or civilian police, depending on jurisdiction), it is likely that a limited criminal investigation will be initiated or conducted and valuable evidence may be lost, negatively impacting the possibility of holding the offender(s) accountable.

h. Notify the duty chaplain if the victim desires pastoral counseling/assistance.

i. Provide the victim with a copy of Victims' Rights, (enclosure (2)). Refer the victim to appropriate legal authorities if the victim has questions regarding his/her rights.

j. Notify the victim's commanding officer or CDO (after normal working hours) that a sexual assault has occurred on property under DON jurisdiction. Provide the name, telephone number, military affiliation (servicemember or family member) and status (active duty, Reservist on active duty, or retired) and location of the victim to the victim's commanding officer or CDO.

k. Within 3 working days, provide the appropriate command DCC with case statistical data necessary for completion of the NAVPERS 1752/1.

NOTE: Sensitivity to the victim's emotional state is critical. **DO NOT** call any unnecessary persons or agencies to the scene.

8. NCIS should:

a. Receive reports of sexual assault incidents that occurred on property under DON jurisdiction. If the assault occurred on property not under DON jurisdiction and the offender(s)is not affiliated with the Navy, it is the victim's choice whether or not to report to civilian law enforcement officials. If the victim chooses to report to civilian law enforcement officials, NCIS personnel can make the initial contact on behalf of the victim.

b. Explain the availability of victim advocacy services and contact the victim advocate.

c. Provide the victim with options concerning his/her involvement with investigative/legal personnel. Possible options include:

(1) The victim may agree to be interviewed without assistance.

(2) The victim may agree to be interviewed with an FSC counselor or victim advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC counselor or victim advocate may report in lieu of the victim, providing a written summary of information to the investigative agent.

(4) It should be explained to the victim that should he/she decline to be interviewed personally by law enforcement officials (e.g., NCIS special agents or civilian police, depending on jurisdiction), it is likely that a limited criminal investigation will be initiated or conducted and valuable evidence may be lost, negatively impacting the possibility of holding the offender(s) accountable.

d. Advise/assist the victim on safety precautions in the event that the alleged offender(s) poses a continuing threat.

e. Provide the victim with information and assistance required in references (g) and (h), and as delineated in enclosure (2) of this instruction.

f. Conduct the investigative interview in a manner which recognizes victim sensitivity as outlined in paragraph 5 of this enclosure.

g. Honor the victim's wishes if he or she desires to be interviewed in the presence of a friend or advocate.

h. Keep the victim informed concerning the NCIS role in the case, status of the investigation, and other pertinent details to the extent that it will not interfere with the investigation.

i. Conduct a thorough investigation of the crime, in compliance with reference (n), the Victim's Rights as delineated in enclosure (2) and the NCIS Manual For Investigations.

j. Within 3 working days, the case agent will provide the appropriate command DCC with case statistical data necessary for the completion of the NAVPERS 1752/1.

9. Family Service Centers (FSCs) shall:

NOTE: The primary mission of the FSC when responding to a victim of sexual assault is to provide immediate support and counseling assistance, and assess the current needs of the victim.

a. Ensure the victim is reasonably protected from the accused offender(s) by contacting base security if warranted.

b. Strongly encourage the victim to seek medical attention regardless of whether the victim requires emergency or non-emergency care.

c. Explain the availability of victim advocacy services and notify the on-call victim advocate.

d. Advise the victim that the FSC is required to report the incident to the Navy/military law enforcement officials if the incident occurred on property under DON jurisdiction.

e. Notify NCIS immediately if the sexual assault occurred on property under DON jurisdiction. If the assault occurred on property not under DON jurisdiction and the offender(s) is not affiliated with the Navy, the victim may choose whether or not to notify civilian law enforcement officials. If the victim chooses to report to civilian law enforcement officials, FSC personnel can make the initial contact on behalf of the victim.

f. Provide the victim with options concerning his/her involvement with investigative/legal personnel. Possible involvement options include:

(1) The victim may agree to be interviewed without assistance.

(2) The victim may agree to be interviewed with an FSC counselor or victim advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC counselor or victim advocate may report to NCIS in lieu of the victim, providing a written summary of information to the investigative agent.

(4) It should be explained to the victim that should he/she decline to be interviewed personally by law enforcement officials (e.g., NCIS special agent or civilian police, depending on jurisdiction), it is likely that a limited criminal investigation will be initiated or conducted and valuable evidence may be lost, negatively impacting the possibility of holding the offender(s) accountable.

g. Notify the duty chaplain if the victim desires pastoral counseling/assistance.

h. Provide the victim with a copy of Victim's Rights (enclosure (2)). Refer the victim to appropriate legal authorities if the victim has questions regarding his/her rights.

i. Notify the victim's commanding officer or CDO (after normal working hours) that a sexual assault has occurred on property under DON jurisdiction. Provide the name, telephone number, military affiliation (servicemember or family member) and status (active duty, Reservist on active duty, or retired) and location of the victim to the victim's commanding officer or CDO.

j. Within 3 working days, provide the appropriate command DCC with case statistical data for the completion of the Sexual Assault Incident Report/Data Collection Form (NAVPERS 1752/1).

k. Provide individual and group counseling if the victim so desires and resources permit. If command-sponsored counseling is unavailable, refer the victim to an appropriate alternative counseling source.

> NOTE: Sensitivity to the victim's emotional state is critical. **DO NOT** call any unnecessary persons or agencies to the scene.

10. Chaplain Corps Personnel shall:

a. Ensure the victim is reasonably protected from the accused offender(s) by contacting base security if warranted.

b. Provide emotional, psychological, and spiritual support to the victim and family as requested.

[redacted]

regardless of whether the victim requires emergency or non-emergency care.

e. Explain the availability of victim advocacy services and notify the on-call victim advocate if the victim desires one.

f. Encourage the victim to inform the appropriate law enforcement agency of the incident.

g. If the victim consents, <u>within 3 working days</u>, provide the appropriate command DCC with case statistical data necessary for completion of the NAVPERS 1752/1.

> <u>NOTE</u>: Sensitivity to the victim's emotional state is critical. **DO NOT** call any unnecessary persons or agencies to the scene.

11. <u>CDO shall</u>:

a. Receive reports of sexual assault incidents.

b. Obtain name, telephone number, military affiliation (servicemember or family member) and status (active duty, Reservist on active duty, or retired) and location of the victim.

c. Reassure victim that reporting was the right thing to do.

d. Advise the victim not to destroy possible evidence by bathing, douching, changing clothes, eating, drinking, or cleaning up in any way.

e. Explain the availability of victim advocacy services, if the victim is eligible, and notify the on-call victim advocate if the victim desires one. If the victim is not entitled to Navy victim advocacy services (see paragraph 4 of this instruction), provide a referral to an appropriate civilian resource. Local FSCs can provide information on these resources.)

f. Concurrently, notify NCIS if the sexual assault occurred on property under DON jurisdiction. If the assault occurred on

property not under DON jurisdiction and the offender(s) is not affiliated with the Navy, the victim may choose whether or not to notify civilian law enforcement officials. If the victim chooses to report to civilian law enforcement officials, the CDO can make the initial contact on behalf of the victim.

g. Offer to notify the duty chaplain if the victim desires pastoral counseling/assistance and is eligible.

h. Ensure that the appropriate command SAVI Program Point of Contact (POC) for the victim's command is notified of the sexual assault within 1 working day of duty office notification. This is a requirement whether the assault occurs on or off property under DON jurisdiction.

12. The Victim Advocate shall:

a. Respond to calls from the victim, base security department, MTF, quarterdeck, or other official sources.

b. Notify NCIS, if not already done by security, command, or another element if the sexual assault occurred on property under DON jurisdiction. If the assault occurred on property not under DON jurisdiction and the offender(s) is not affiliated with the Navy, the victim may choose whether or not to report to civilian law enforcement officials. If the victim chooses to report to civilian law enforcement officials, the victim advocate can make the initial contact on behalf of the victim.

c. Provide emotional support and assistance to the victim as needed/requested. (The advocate is not to function in the role of counselor or investigator.)

d. Provide the victim with information on victims' rights (including the right to seek restitution/compensation) and the availability of counseling, shelter, legal, and medical services.

e. Provide assistance to the victim by offering to and/or helping to secure basic needs (e.g., provide clothing to wear from hospital, arrange transportation, contact family member/friend, etc., if requested by victim).

f. Offer to contact the duty chaplain if the victim desires.

g. Provide the victim with options concerning his/her involvement with investigative/legal personnel. Possible involvement options include:

(1) The victim may agree to be interviewed without assistance.

(2) The victim may agree to be interviewed with an FSC counselor or victim advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC counselor or victim advocate may report to NCIS in lieu of the victim, providing a written summary of information to the investigative agent.

(4) It should be explained to the victim that should he/she decline to be interviewed personally by law enforcement officials (e.g., NCIS special agents or civilian police, depending on jurisdiction), it is likely that a limited criminal investigation will be initiated or conducted and valuable evidence may be lost, negatively impacting the possibility of holding the offender(s) accountable.

h. Make follow-up telephone contact(s) with the victim within 48 hours to provide emotional support and information and to determine if additional referral services are requested. In addition to making follow-up telephone contact(s), the victim advocate should make a referral for follow-up counseling if it has not already been made. If a referral has been made, the advocate should assist the victim in following through with the contact and scheduling a follow-up counseling appointment.

i. Offer to accompany the victim to all interviews with investigative/legal staff in order to provide emotional support.

j. Provide emotional support to the victim during legal proceedings.

k. Inform the victim of his or her rights as established by the 1990 Victims' Rights and Restitution Act (reference (g)). Victims may be entitled to seek financial assistance for medical expenses (including mental health counseling), dental services, lost wages attributable to a physical injury, and eyeglasses. Financial assistance may be pursued either from an offender(s) (restitution) or through state agencies (compensation).

13. Judge Advocates shall:

a. Explain the availability of victim advocacy services and notify the on-call victim advocate if the victim requests their services.

b. Ensure that the victim is aware of his/her options concerning their participation in the investigation and prosecution. Possible involvement options include:

(1) The victim may agree to be interviewed without assistance.

(2) The victim may agree to be interviewed with an FSC counselor or victim advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC counselor or victim advocate may report to NCIS in lieu of the victim, providing a written summary of information to the investigative agent.

(4) It should be explained to the victim that should he/she decline to be interviewed personally by law enforcement officials (e.g., NCIS special agent or civilian police, depending on jurisdiction), it is likely that a limited criminal investigation will be initiated or conducted and valuable evidence may be lost, negatively impacting the possibility of holding the offender(s) accountable.

c. Ensure that NCIS has been notified when the sexual assault occurred on property under DON jurisdiction. If the assault occurred on property not under DON jurisdiction, the victim may choose whether or not to report to civilian law enforcement officials. If the victim chooses to report to civilian law enforcement officials, legal personnel can make the initial contact on behalf of the victim.

d. Encourage the victim to seek medical and counseling services.

e. Ensure that the victim is informed of his/her rights as identified in references (g) and (h), and as delineated in enclosure (2).

f. Advise the victim that his/her testimony/participation may be required in proceedings other than a court martial/civil

trial. These additional proceedings may include employment hearings if the alleged offender(s) is a federal employee, base housing certification, etc.

g. If the victim does testify, be available to provide consultation/referral to the victim and/or the advocate in areas such as courtroom procedures.

h. Conduct the investigative interview in a manner which recognizes victim sensitivity as outlined in paragraph 5 of this enclosure.

i. Ensure that during legal contacts with the victim, the alleged offender(s) and victim are not placed in situations in which they may make contact with each other. Avoid situations such as scheduling pre-trial appointments for the victim and alleged offender(s) at the same time or one immediately following the other, placing the offender(s) and victim in the same court waiting rooms, etc.

j. Honor the victim's wishes if he/she desires to be interviewed in the presence of a friend or advocate.

k. Keep the victim informed as to the status of the case and other pertinent details.

l. Within 3 working days, provide information regarding prosecution of the case to the appropriate command DCC for completion of the NAVPERS 1752/1.

14. Command Victim Witness Assistance Coordinator (VWAC) shall:

a. Provide the victim with detailed information concerning available resources.

b. Assist the victim in obtaining needed counseling;

c. Maintain contact with other VWACs (such as the VWAC for the accused's command and the VWAC for the convening authority, if different from the accused's command) and others involved in the victim's case (such as the trial counsel); and

d. Assist victims as appropriate and necessary in the exercise of their rights.

e. Depending on the VWAC's relationship to the case, guidance should be sought from reference (h).

f. Within 3 working days, provide the appropriate command DCC with case statistical data for the completion of the NAVPERS 1752/1.

15. Afloat Commands:

a. Since afloat commands may not always have access to a victim advocate, commanding officers or their designees should ensure that victims understand the medical, investigative, and legal processes and are advised of their rights. All afloat commands should strive to have at least one trained volunteer victim advocate on board. If in port, commanding officers should use all available shore-based resources including victim advocacy services, FSC counselors, MTF services, chaplains, community crisis centers, etc. If these resources are not available, consider medically evacuating the victim to receive appropriate care.

b. Commanding officers of afloat commands should ensure that a coordinated approach is used in handling sexual assault cases. The goal is that a minimum amount of staff be involved, that the case be handled expeditiously, and that attention to victim sensitivity and privacy always be a priority. Since both males and females can be victims, commands with male only crews should not underestimate the need to plan ahead for such an occurrence.

c. Cases Reported while in Port. Incidents occurring while in port will likely be reported through the Quarterdeck/CDO watch, medical department, or Master-at-Arms (MAA). In any case, the following minimum procedures should be followed:

(1) If the report is made by telephone, obtain the name, telephone number, and location of the victim and contact base security or MAA, as appropriate, immediately for intervention.

(2) Ensure that the victim has some form of clothing and is not left naked or exposed. Provide some means of cover, such as a blanket, large towel, etc.

(3) Take the victim immediately to a previously designated location where privacy is ensured before further questioning is conducted.

(4) Ensure that the victim receives immediate medical care for any injuries that warrant such care. Allow the victim to receive medical care and emotional support/stabilization prior to detailed investigative interviews.

NOTE: Cases shall be managed in compliance with reference (o) if sexual assault examinations are performed. Victim written consent is necessary for all medical procedures.

(5) Inform the commanding officer or CDO immediately.

(6) Inform the command SAVI Program POC immediately.

(7) Provide support and reassurance to the victim.

(8) Advise the victim not to destroy possible evidence by bathing, douching, changing clothes, eating, drinking, or cleaning up in any way.

(9) If the initial report is made to the MAA:

(a) And the MAA is first to arrive at the crime scene, collect only the necessary information (e.g., victim's identity, location and time of incident, name and/or description of offender(s)), taking precautions to secure the crime scene. Do not ask detailed questions and/or pressure the victim for responses.

(b) Attempt to keep the victim calm during the abbreviated interview.

(c) Make apprehensions as appropriate.

NOTE: MAA staff are required to respond to all sexual assault calls occurring under their jurisdiction.

(10) The CDO will:

(a) Explain the availability of victim advocacy services and contact the victim advocate if the victim desires one.

(b) Concurrently, notify NCIS if the sexual assault occurred on property under DON jurisdiction. If the assault occurred on property not under DON jurisdiction and the offender(s) is not affiliated with the Navy, the victim may choose whether or not to report to civilian law enforcement

officials. If the victim chooses to report to civilian law enforcement officials, the CDO can make the initial contact on behalf of the victim.

(c) Contact the MTF in accordance with local medical procedures.

(d) If in a foreign port and NCIS is unavailable, contact the MAA to determine which local law enforcement agency to contact in accordance with applicable Status of Forces Agreements.

(e) Notify the duty chaplain, if available, should the victim desire pastoral counseling.

(f) Provide transportation for the victim to an appropriate MTF or law enforcement office.

(g) Provide the command DCC with case statistical data necessary for the completion of the NAVPERS 1752/1 within 1 working day.

NOTE: Sensitivity to the victim's emotional state is critical. **DO NOT** call any unnecessary persons or agencies to the scene.

d. Cases Reported When Deployed. These cases present unique problems since resources are limited. In addition to the guidance set forth in paragraph 14 of this enclosure, deployed units must consider and plan for the following:

(1) Immediate Aftercare. Ensure that the victim receives all medical and psychological support necessary as soon as possible. Possible options for ensuring that the victim receives appropriate care include: Medical Evacuation (MEDEVAC) to an MTF; transfer to another deployed unit which is better resourced; granting of emergency leave; or transfer to a shore unit upon arrival in port.

(2) Berthing Spaces. If the offender(s) and victim share the same berthing spaces, they should be separated immediately.

(3) Work Assignments. Reassignment of duties is necessary if the victim and offender(s) work together. If the victim is emotionally unfit to resume work, consider designating the victim "sick in quarters."

(4) Commanding officers will ensure that a SITREP is sent to CNO(N1) (info Pers-661 and Pers-83) within 24 hours of the commencement of an investigation of a sexual assault. SITREPS will follow the format found in reference (1).

(5) Reports. Within 10 days of the submission of the SITREP provide amplifying information in the initial OPNAV 1752-1 to the appropriate Echelon 2 command, and info all intermediate commands. Provide monthly continuation reports to the appropriate Echelon 2 command until final resolution. Required information for the Sexual Assault Incident Report/Data Collection form and specific guidelines regarding submission of RASAS reports is found in enclosure (7).

(6) Command Awareness. Recognize that some victims may receive a negative response from shipmates following the report of a sexual assault and that more education may be needed on board to ensure compliance with current Navy policy regarding sexual assault. This may require an "All Hands" type gathering during which myths of sexual assault are addressed.

e. Whether underway or in port, command interaction with the victim must be in a manner which recognizes victim sensitivity as outlined in paragraph 5 of this enclosure. Follow the Commanders' Guidelines for Response to Sexual Assault Incidents found in enclosure (8).

SEXUAL ASSAULT INCIDENT DATA COLLECTION REPORT EXPLANATION

1. Purpose. This reporting system:

a. Establishes a single, comprehensive data base in which the prevalence of sexual assault within the Department of the Navy can be monitored and analyzed. In addition, information on the circumstances accompanying a sexual assault (e.g., involvement of alcohol or drugs, location of assault) will help in the development of appropriate measures to reduce the incidence of this crime.

b. Maintains data for all incidents of sexual assault reported to civilian or military law enforcement, investigative, medical, commands, or social service agencies under either of the following circumstances as defined in paragraph 2a(1) and 2a(2) of this enclosure.

c. Protects a victim's privacy.

(1) Data collection and reporting must protect the victim's identity. Access to the system to report and review information must be controlled at all levels of use to maintain confidentiality of case information.

(2) The victim's identity will not be released to the media without the victim's express consent.

(3) A means of identifying and tracking individual incidents and subsequent investigative and legal action must be used which does not rely on victim identity. Data points of contact may include NCIS, FSC, law enforcement agencies, MTF, Staff Judge Advocate (SJA), and Naval Legal Service Office (NLSO). The DCC shall obtain required data from these agencies rather than from the victim or alleged offender(s). The purpose of collecting data is for program management and statistical data analysis. Victim and offender identifying data will not be included in the data base (e.g., name, SSN, etc.).

(4) Data collection and incident investigation shall be pursued with sensitivity to avoid re-victimization of the victim.

2. Reporting Requirement

a. An initial report must be submitted if an incident of sexual assault occurred and is reported to a military authority or support service (e.g., command, duty office, legal office, security, medical, FSC, etc.), and meets either of the following criteria:

(1) The sexual assault occurred in an area under Navy control or jurisdiction, regardless of the victim's or the alleged offender's duty status, military affiliation, or nationality.

(2) The sexual assault involves military family member victims or victims and/or alleged offenders who are active duty naval servicemembers or reservists on active duty, or who are active duty members of another Service assigned to a Navy command at the time of the incident, regardless of the location of the incident.

NOTE: Victims who are under the age of 18 and victims of marital sexual assault must be reported through the Family Advocacy Program (FAP).

b. Commanding officers will ensure that a SITREP is sent to CNO(N1) and BUPERS, Pers-661 and Pers-83 (info all intermediate commands), within 24 hours of the commencement of an investigation on all allegations of sexual assault that involve military family member victims or victims and/or alleged offenders who are active duty or reservists on active duty, or who are active members of another Service assigned to a Navy command at the time of the incident, regardless of location. SITREPs must also be submitted on incidents involving civilians sexually assaulted on property under DON jurisdiction. The SITREP should be drafted in accordance with the format in reference (l). Submission of reports should not be delayed to obtain more information. All reports, will have the installation incident control number on them to track the case. If the victim or reporting responsibility transfers, the original incident number will continue to be used until final resolution of the case.

c. Following submission of the SITREP, commanding officers shall provide amplifying information in the initial OPNAV 1752-1 to their Echelon 2 commander (info all intermediate commands) within 10 working days. Continuation reports shall be forwarded to Echelon 2 commands monthly until final resolution. Required information for the NAVPERS 1752/1 and specific guidelines regarding submission of OPNAV 1752-1 are contained in enclosure (7). Echelon 2 commands will provide quarterly reports to BUPERS (Pers-661) no later than the 30th day of the month following the end of the quarter. Continuation reports will be used to provide new or revised information and must be submitted monthly to the appropriate Echelon 2 command until a case reaches final resolution, or a determination is made that the commander

is unable to monitor the progress of a case (e.g., the incident falls under the jurisdiction of civilian authorities). Final resolution refers to completion of administrative, legal and/or investigative disposition (e.g., defendant found guilty/not guilty, case determined to be unsubstantiated or false, member administratively separated, etc.). These reports will be included in the Echelon 2 quarterly reports to BUPERS (Pers-661).

3. Reporting Responsibility

a. The command DCC will be responsible for obtaining data elements through a coordinated effort with all agencies involved in the reporting, investigation or prosecution of sexual assault.

b. Specific instructions for completing the report are provided in appendix A of this enclosure.

c. The DCC should monitor the progress and outcome of any known Navy-related sexual assault incidents. A concerted effort is required in cases in which an assault occurs outside the investigative and legal jurisdiction of the military, such as when the alleged offender(s) is not an active duty member or when the incident does not occur on military property. In cases in which an assault is being investigated and prosecuted by civilian authorities with little or no military involvement, local military officials (e.g., NCIS, military police, staff judge advocates, etc.) should contact their civilian counterparts and arrange for sharing of information. Overseas locations should establish guidelines for interaction within local Status of Forces Agreements (SOFA). The DCC should note in the comment section of this report when a case falls under the jurisdiction of the civilian judicial or law enforcement system and information is not readily obtainable.

COMMANDER'S GUIDELINES FOR RESPONSE TO SEXUAL ASSAULT INCIDENTS

The following are guidelines for commands when addressing all incidents of sexual assault within the command. ***(Remember: Sexual assault is a crime and is incompatible with the DON's core values, high standards of professionalism, and personal discipline. DON personnel will treat all victims of sexual assault with fairness and respect.)***

Commanding officers are responsible for ensuring a command climate that condemns sexual assault, provides victims with sensitive care and support, reports incidents of sexual assault, and holds offenders accountable for their actions.

Sexual assault includes rape (Art. 120 UCMJ), forcible sodomy (Art. 125 UCMJ), assault with intent to commit rape or sodomy (Art. 134 UCMJ), and indecent assault (Art. 134 UCMJ).

Guidelines

Upon receipt of a report of sexual assault involving a servicemember from their command, commanding officers must take the following actions:

1. Reassure the victim that reporting was the right thing to do. Make sure that the victim understands it is his/her choice as to how to proceed (e.g., whether to make a statement to law enforcement, etc.) and that the command will support his/her decision. Consider all information received regarding sexual assault incidents in a non-judgmental manner. Do not blame the victim for his/her behavior at the time of the sexual assault.

2. Ensure that the victim is informed of his/her rights, options, and available resources throughout the investigative, and legal processes.

3. Guard the victim's right to confidentiality and privacy by limiting "need to know" personnel.

a. Be sensitive to the needs of the victim's family.

b. Be aware that if a victim is legally an adult, he/she must consent in writing to the release of information to anyone (including parents, friends, etc.) regarding the incident or the status of the victim.

c. Only in cases where the victim has suffered life threatening injuries will next of kin be notified without prior approval of the victim.

4. Ensure that the victim receives emergency medical treatment if there are major physical injuries.

5. Ensure that the victim is safe and receives reasonable protection from the alleged offender. If the alleged offender is from the same command and is not incarcerated, offer temporary reassignment to the victim. If the victim declines reassignment, the alleged offender should be temporarily reassigned to a different command, or placed on administrative leave pending the resolution of the sexual assault allegation. If the alleged offender is from another command, the alleged offender's commanding officer can issue a Military Protective Order forbidding contact with the victim and restricting how close the alleged offender can get to the victim to lessen the intimidation factor and increase the victim's feeling of safety. If the victim won't identify the offender, let him/her know that it's important to know in order to protect him/her.

6. Explain the availability of victim advocacy services and notify the on-call victim advocate (either a SAVI Program volunteer victim advocate or a victim advocate from an appropriate community resource, like a rape crisis center, where available). Some commands may have victim advocates on board who have formal victim advocate training through the SAVI Program or a civilian rape crisis center. It is a victim's choice whether or not to have a victim advocate assigned, but he/she should be encouraged to have one. The role of the victim advocate is to provide emotional support to and help guide a victim through the various medical, legal, and investigative processes with a goal of minimizing the re-victimization of sexual assault victims. Victim advocates must have formal training (20-40 hours) through the SAVI Program or a civilian rape crisis center.

7. Designate a command representative to act as the single command point of contact for the victim. All other direct contacts with the victim within the command (including the commanding officer) should be kept to a minimum. This person should:

a. Be senior (E7 and above), have, at a minimum, 20 hours of sexual assault awareness training, and be sensitive to victim needs and issues.

b. Be automatically assigned by the command. If the victim is not comfortable with the assigned command representative, he/she can request that another be assigned.

c. Have direct access to the commanding officer.

d. Promote responsive command management of sexual assault cases.

e. Keep the victim informed of command actions in his/her case.

f. Ensure a victim-sensitive command climate to avoid re-victimization of the victim within the command.

> NOTE: This person is different from the volunteer victim advocate defined in paragraph 6. This person's role is to advocate for the victim within the command structure to eliminate re-victimization and to ensure a supportive command climate.

8. Find out when and where the incident occurred. If the incident occurred on property under DON jurisdiction within the past 5 years, NCIS must be notified.

a. Encourage the victim to make a statement to NCIS; however, do not force the victim if he/she is unwilling to do so.

b. It should be explained to the victim that should he/she decline to be interviewed personally by law enforcement officials (e.g., NCIS special agents or civilian police, depending on jurisdiction), it is unlikely that a criminal investigation will be initiated or conducted and valuable evidence may be lost, negatively impacting the possibility of holding the offender(s) accountable.

c. If the victim chooses not to cooperate with the investigation/prosecution, NCIS may request the victim sign a Victim Preference Statement.

d. A victim can change his/her mind about following through with the investigation/prosecution at any time, even if the victim has signed the statement.

9. If the incident occurred on property not under DON jurisdiction and the offender(s) is not affiliated with the Navy, the victim may choose whether or not to report to civilian law

enforcement officials. Encourage the victim to report to civilian law enforcement officials; however, do not force the victim if he/she is unwilling to do so.

10. If the incident occurred within the past 72 hours, encourage the victim to go to a medical treatment facility for an evidentiary exam.

a. Advise the victim not to destroy possible evidence by bathing, douching, changing clothes, eating, drinking, or cleaning up in any way.

b. Do not force the victim if he/she is unwilling to do so.

11. Even if the incident occurred prior to the past 72 hours, it is important for the victim to seek medical attention. Encourage the victim to get a medical examination to assess possible injury, sexually transmitted diseases, etc. The victim's command representative should run interference with the medical treatment facility to smooth the way for the victim to receive services without re-victimization.

12. Ensure that the victim has received an Initial Information for Victims and Witnesses of Crime, DD 2701, and is aware of all civilian and military resources and services available to her/him under the Victim and Witness Assistance Program (VWAP).

13. Offer to notify the duty chaplain if the victim desires pastoral counseling/assistance.

14. Ensure that the victim receives appropriate crisis intervention and counseling services from a qualified counselor to address post trauma symptoms. Referrals can be made to the family service center or medical treatment facility for active duty victims. Family member victims can also be referred to civilian resources.

15. As defined in paragraph 13 of this instruction, submit a SITREP to CNO(N1), info Pers-661, Pers-83, and all intermediate commands, within <u>24 hours</u> of commencement of an investigation of a sexual assault allegation, regardless of where the incident occurred. SITREPs will follow the format found in reference (1).

16. In accordance with the Rape and Sexual Assault System (RASAS) reporting requirements defined in paragraph 13 of the basic instruction, the command must take the following actions:

a. Appoint a DCC to effect appropriate liaison with governmental agencies to obtain the information required for RASAS reporting. This information should NOT be obtained from the victim or alleged perpetrator.

b. Within 10 days of submission of the SITREP, provide amplifying information in the initial OPNAV 1752-1 to the appropriate Echelon 2 command, and info all intermediate commands. Provide monthly continuation reports to the appropriate Echelon 2 command until final resolution. Required information for NAVPERS 1752/1 and specific guidelines regarding submission of OPNAV 1752-1 are found in enclosure (7).

17. Commands may also become involved in sexual assaults involving family members. If the command is aware of these incidents, they should also be reported through OPNAV 1752-1. Additionally, it is important to:

a. Be empathetic by accepting and appreciating the pain and emotional trauma of sexual assault on victims, families, and friends.

b. Provide information and referral to appropriate base/civilian programs with services for sexual assault victims and their family members.

18. Provide legal consultation for the victim to ensure he/she is aware of options regarding prosecution and the implications of his/her decisions.

19. Arrange for long-term counseling of the victim and her/his family if necessary and desired. Counseling services are available at the medical treatment facility, family service center, or through civilian resources (for family members).

20. Designate a command SAVI Program POC. This person is responsible for implementing and coordinating awareness and prevention training programs for the command; maintaining and providing current information and referral to base/community programs for victims (e.g., victim advocate services, counseling, medical care, etc.); and ensuring collection and maintenance of sexual assault data. This person should maintain resource information (programs, telephone numbers, referral procedures, etc.). This information can be obtained from family service centers (if one is available) or from appropriate civilian agencies.

NOTE: This person is different from those defined in paragraphs 5 and 7. This person may act as the command representative for the victim if the criteria defined in paragraph 7 of this enclosure are met.

21. Victims of sexual assault often feel victimized by the criminal justice system when questioned about their conduct or inaction during a sexual assault. In cases in which the victim's behavior may be considered an offense under the Uniform Code of Military Justice (e.g., fraternization, underage drinking, drunk and disorderly conduct), the decision to take appropriate administrative or disciplinary action should be considered and weighed in the context of the circumstances surrounding the assault. At a minimum, any administrative or punitive action to be taken against a victim should be delayed until after disposition of the sexual assault allegation.

22. Determine and comply with victim's preference concerning gender of all involved (e.g., victim advocate, command representative, lawyer, physician, etc.) insofar as feasible.