



SqdnO 1752.1A
S-1
23 Mar 11

SQUADRON ORDER 1752.1A

From: Commanding Officer
To: Distribution List

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

Ref: (a) MCO 1752.5A
(b) MCO 1000.9A
(c) MCO P5354.1D
(d) MCO 1700.28
(e) MCO P5800.16A
(f) White Letter NO 03-05

Encl: (1) Commander's Protocol for Responding to Allegations of Sexual Assaults
(2) Guidance to all Marines
(3) Sexual Assault Unrestricted Report Flowchart
(4) Sexual Assault Restricted Report Flowchart

1. Situation. To promulgate policy and guidance in accordance with the Department of Defense and the Marine Corps Sexual Assault Prevention and Response (SAPR) program, address the specific needs of the service member victims of sexual assault (not in a domestic abuse situation) and protocol and guidance in regards to allegations of sexual assault.

2. Cancellation. SqdnO 1752.1

3. Mission. Sexual assault is a criminal act and will not be tolerated. The Marine Corps' goal is to eliminate sexual assaults within the Marine Corps and to assist those Marines and Sailors assigned to this station affected by sexual assault. To facilitate this goal, this command shall ensure all leaders and supervisors are familiar with this Order and the guidance published in the enclosures.

DISTRIBUTION STATEMENT A: Approved for public release;
distribution is unlimited

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) This order assigns specific responsibilities for sexual assault prevention and response. It applies to all Marines and civilian Marines assigned to Headquarters and Headquarters Squadron, Marine Corps Air Station (MCAS) Yuma.

(b) Sexual assault impedes a unit or member's morale, effectiveness, efficiency, and impairs the ability to function smoothly. Sexual assault differs from sexual harassment and falls outside the purview of equal opportunity. Sexual assault must not be labeled as hazing.

(c) This order is not intended to, and does not create any entitlement, cause of action, or defense in favor of any person arising out of a failure to accord a victim the assistance outlined in chapters 1 and 2 of this Order. No limitations are hereby placed on the lawful prerogatives of the Marine Corps or its officials.

(2) Concept of Operations

(a) All personnel are encouraged to make complete, unrestricted reports of sexual assault in order to achieve the objectives and the goals of this Order. However, victims of sexual assault now have two methods of reporting the assault:

1. Unrestricted reporting includes all suspected, alleged, or actual sexual assaults made known to command or law enforcement for formal investigations. An unrestricted reporting flowchart is provided in the enclosure.

2. Restricted reporting affords military victims of sexual assault the option to make a confidential report to specified individuals (Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Uniform Victim Advocate (UVA), Marine and Family Services Counselors, and health care providers). A restricted reporting flowchart is provided in the enclosure.

3. For purposes of this Order, confidentiality applies to all covered communications. Covered communications

are oral, written, or electronic communications of personally identifiable information made by a victim to a SARC, VA/UVA, chaplain, healthcare provider, or Marine and Family Services Counselor related to his/her sexual assault. The Chaplain Corps operates under the clergy-penitent privilege. All involved parties must maintain the integrity of this confidentiality policy.

b. Tasks

(1) Program Manager, Sexual Assault Prevention and Response Program

(a) Conduct training on sexual assault awareness and prevention at least annually. At a minimum, such training will include the contents of reference (a).

(b) Ensure victims that come forward receive appropriate and timely access to services. Identify and correct potential and actual barriers to appropriate victim care.

(2) Department Heads/Officers in Charge (OIC) and Staff Noncommissioned Officers in Charge

(a) Ensure that all personnel attend sexual assault awareness and prevention training at least annually. Leaders are encouraged to request additional training for maximum sexual assault prevention efforts.

(b) Ensure that each member of their department/section becomes familiarized with Appendices A and B.

(3) All Marines/Sailors. Ensure that a person who is sexually assaulted is treated fairly, with dignity, sensitivity and without prejudice; is treated in a manner that does not usurp control from the victim, but enables the victim to determine his/her needs and how to meet them; and is not identified to the news media without their consent.

5. Administration and Logistics. This order is issued under Distribution Statement A and is published and distributed accordingly.

d. However, if questioning does occur, do advise the Service member suspected of committing a UCMJ offense of his or her rights under Article 31 of Chapter 47 of the reference (e).

e. Safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation, to include limitations on any formal or informal investigative interviews or inquiries by personnel other than by those personnel with a legitimate need-to-know.

f. Strictly limit information pertinent to an investigation to those who have a legitimate need-to-know.

g. Ensure procedures are in place to inform the alleged offender about available counseling support. As appropriate, refer the alleged offender to available counseling groups and other services.

i. With the benefit of SARC, VA, legal, and/or investigative advice, determine the need for a "no contact" order, or the issuance of a Military Protective Order, DD Form 2873.

j. Monitor the well being of the alleged offender, particularly for any indications of suicidal ideation, and ensure appropriate intervention occurs if indicated.

3. Unit Commander of Victim and/or Alleged Offender Prevention

a. Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of its entire member.

b. Reassure members of your personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.

c. Reiterate your "zero tolerance" policy for sexual assault and the potential consequences for those who violate the law.

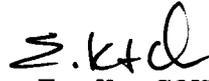
d. Keep a "finger on the pulse" of the organization's climate and respond with appropriate action toward any negative trends that may emerge.

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6. Command and Signal

a. Command. This order is applicable to all members of Headquarters and Headquarters Squadron.

b. Signal. This order is effective the date signed.


E. K. COUCH

DISTRIBUTION: A

COMMANDER'S PROTOCOL FOR RESPONDING TO ALLEGATIONS
OF SEXUAL ASSAULTS

1. Victim's Commander

- a. Ensure the physical safety and emotional security of the victim - determine if the alleged assailant is still nearby and if the victim desires/needs protection.
- b. Determine if the victim desires/needs any emergency medical care.
- c. Notify the appropriate military criminal investigative organization (MCIO), as soon as the victim's immediate safety is assured, and victim's medical treatment procedures are in motion. To the extent practicable, strictly limit knowledge of the facts or details regarding the incident to only those personnel who have a legitimate need to know.
- d. Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by the authorities who have a legitimate need-to-know.
- e. Immediately notify a Victim Advocate for the victim. Contact the Sexual Assault Response Coordinator (SARC). If not already appointed, the SARC will assign a Victim Advocate to meet with and provide support to the victim.
- f. Submit OPREP-3/SIR report as required.
- g. Collect only the necessary information (e.g. victim's identity, location and time of the incident, name and/or description of offender(s)). **DO NOT ASK DETAILED QUESTIONS AND/OR PRESSURE THE VICTIM FOR RESPONSES OR INFORMATION ABOUT THE INCIDENT.**
- h. Advise the victim of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while waiting for the arrival of representatives of the military criminal investigative organization.
- i. If needed, assist with or provide immediate transportation to the victim to the hospital or other appropriate medical facility.

Enclosure (1)

j. Ensure the victim understands the availability of victim advocacy and the benefits of accepting advocacy and support.

k. Ask if the victim needs a support person, which can be a personal friend or family member, to immediately join him or her. Be sure to advise the victim this support person could be later called to testify as a witness if the case goes to trial.

m. Ask if the victim would like a Chaplain to be notified and notify accordingly.

n. Determine if the victim desires/needs a "no contact" order or a Military Protective Order, DD Form 2873, to be issued, particularly if the victim and the accused are assigned to the same command, unit, duty location, or living quarters. When law enforcement authorities request delay of MPO in order to utilize appropriate investigative techniques, coordinate with the SARC to ensure victim's safety.

o. Determine the need for temporary or permanent reassignment to another unit, duty location, or living quarters on the installation of the victim or the accused being investigated, working with the commander of the accused if different than the victim's commander, or until there is a final legal disposition of the sexual assault allegation, and/or the victim is no longer in danger.

p. To the extent practicable, consider the desires of the victim when making any reassignments determinations.

q. Ensure the victim understands the availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes and advise the victim of his or her victim support rights.

r. Attend the monthly case management meeting as appropriate.

s. Ensure the victim receives monthly reports regarding the status of the sexual assault investigation until its final disposition.

t. Recognize that a victim's collateral misconduct may prevent disclosing sexual assault. To encourage victims to come forward, consider the seriousness of the sexual assault offense in light of the collateral misconduct. Consult with servicing

legal office, as needed, to determine when and how best to dispose of the victim's collateral misconduct, if any.

u. Absent extenuating or overriding consideration which, in the commander's judgment, make it inappropriate to delay taking action, the commander should consider deferring any necessary discipline for such victim misconduct until all the investigations are completed and the sexual assault allegation has been resolved. Keep in mind the implications of this decision on speedy trial and/or statute of limitations.

v. Consult with the servicing legal office, MCIO, and notify the assigned VA or SARC prior to taking any administrative or disciplinary action affecting the victim.

w. Throughout the investigation, consult with the victim and, to the extent practicable, accommodate the victim's desires regarding safety, health, and security, as long as neither a crucial mission nor a full and complete investigation are compromised.

x. Listen/engage in quiet support of the victim, as needed. Be available in the weeks and months following the sexual assault, and assure the victim that she/he can rely on the commander's support.

j. Monitor the well being of the victim, particularly for any indications of suicidal ideation, and ensure appropriate intervention occurs if indicated.

2. Alleged Offender's Commander

a. Notify the appropriate MCIO as soon as possible after receiving a report of a sexual assault incident.

b. Avoid questioning about the sexual assault allegation with the alleged offender, to the extent possible, since doing so may jeopardize the criminal investigation.

c. Any contact with a Service member suspected of an offense under Chapter 47 of this reference (may involve rules and procedures that ensure due process of law and are unique to the military criminal justice system. Therefore, before questioning or discussing the case with the alleged offender, commanders and other command representatives should first contact the servicing legal office for guidance.

4. In the Event of a Sexual Assault

a. Discourage members from participating in "barracks gossip" or grapevine speculation about the case or investigation, reminding all to wait in reaching conclusions until all the facts are known and final disposition of the allegations has occurred.

b. Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved.

c. Remind members that discussion of a possible sexual assault incident might compromise an ensuing investigation.

d. Remind members that the alleged offender is presumed legally innocent until proven guilty, however this presumption of innocence does not indicate that the victim must not be believed.

e. Consider some form of unit refresher training, or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest themselves, affect the unit, and requires their response during the course of the investigation.

f. Continuously monitor the unit's overall climate to ensure neither the victim nor the alleged offender is being ostracized, and to prevention organizational splintering.

GUIDANCE TO ALL MARINES

1. Purpose. Ensure that a person who is sexually assaulted is treated fairly, with dignity, sensitivity and without prejudice; is treated in a manner that does not usurp control from the victim, but enables the victim to determine their needs and how to meet them; and is not identified to the news media without his/her consent or consistent with this Order.

2. Awareness and Prevention Responsibilities

a. Eliminate behavior that violates our ethos and serves to tarnish the prestige of the Marine Corps.

b. Maintain a climate that is respectful to all.

c. When witnessing potential or actual physical, sexual, or verbal assault upon another person, take appropriate action.

3. Reporting Requirements

a. Report all incidents of sexual assault to PMO or chain of command.

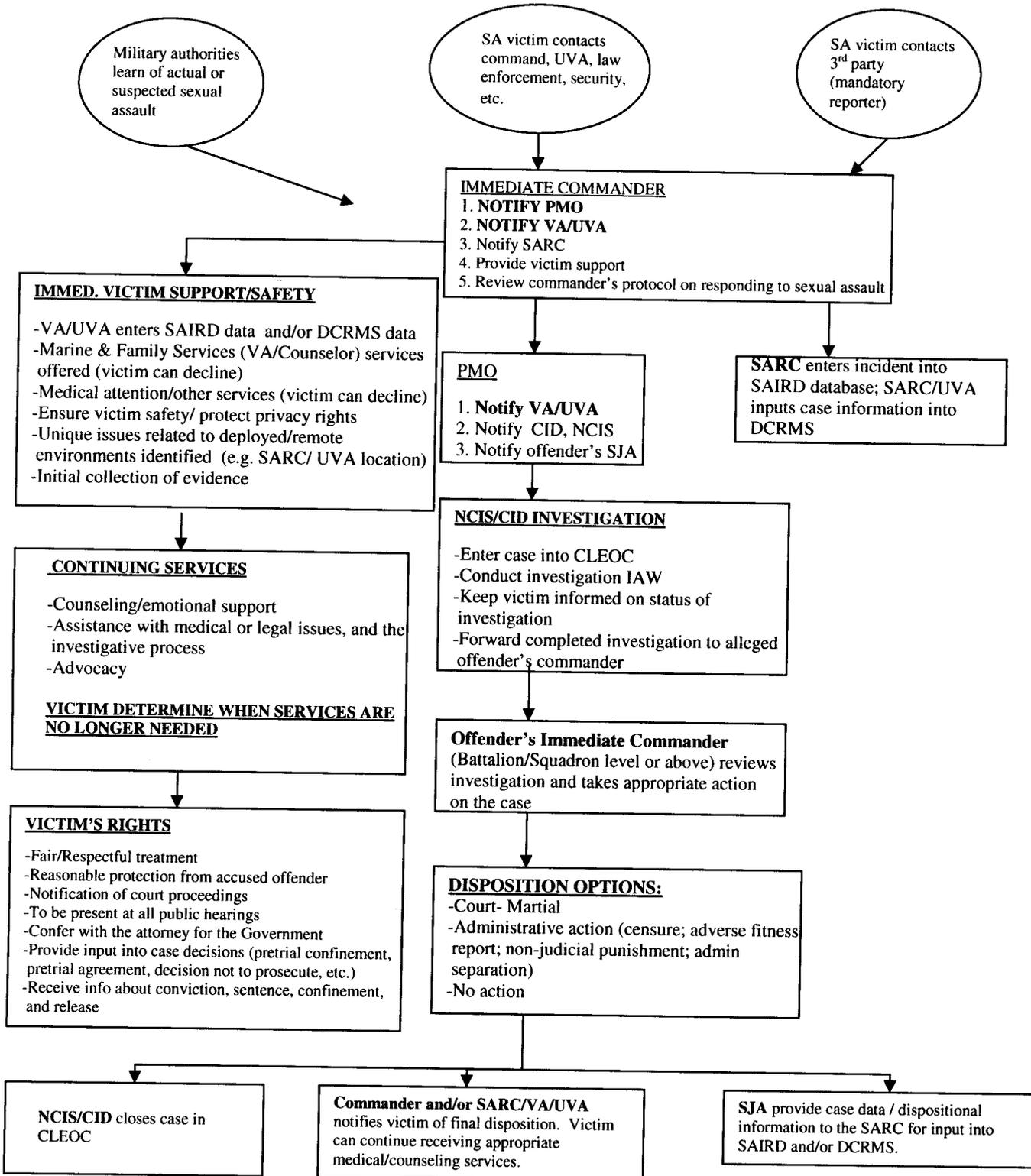
b. Upon learning that a sexual assault incident occurred but was not reported, or that such an incident is being planned, notify your chain of command unless you are a member of the SAPR confidentiality sphere.

c. Avoid questioning a sexual assault victim about the incident unless required in the course of official duties (i.e., law enforcement, legal, counselors, mental health care providers, etc.) to limit revictimization.

4. Resources. Become familiar with the victim-related resources available in your community. Marines are encouraged to use the Station SAPR website <http://www.yuma.usmc.mil/services/sapr/index.html> as a resource for up to date information on awareness, prevention, and response to sexual assault.

Enclosure (2)

SEXUAL ASSAULT UNRESTRICTED REPORT FLOWCHART



SEXUAL ASSAULT RESTRICTED REPORT FLOWCHART

