



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
COMMANDANT OF MIDSHIPMEN
ANNAPOLIS MARYLAND 21402-5100

COMDTMIDNINST 1752.1C
27 Sep 04

COMDTMIDN INSTRUCTION 1752.1C

Subj: SEXUAL ASSAULT VICTIM INTERVENTION (SAVI) PROGRAM

Ref: (a) OPNAVINST 1752.1A
(b) SECNAVINST 1752.4
(c) USNAINST 1752.2
(d) USNAINST 5354.5
(e) OPNAVINST 5800.7 (Victim/Witness Assistance Program)
(f) U.C.M.J.
(g) Manual for Courts-Martial (MCM), United States 2000
(h) 10 U.S.C. § 6962
(i) COMDTMIDNINST 1610.2B, Administrative Conduct System
(j) Victims' Rights and Restitution Act of 1990
(P.L. 101-647) (NOTAL)
(k) SECNAVINST 5211.5D (DON Privacy Act Program)
(l) SECNAVINST 5720.42E (DON Freedom of Information Act Program)

Encl: (1) Definitions
(2) Brigade Sexual Assault Awareness Education and Prevention
(3) Midshipmen SAVI GUIDE Program
(4) Awareness Focus Groups
(5) Leadership Responsibility Counseling
(6) Sexual Assault Intervention Guidelines
(7) SAVI Advocate Volunteer Service Agreement
(8) Midshipman SAVI GUIDE Volunteer Service Agreement
(9) Levels of Confidentiality
(10) Victim's Rights

1. Purpose. To issue policy, provide guidance, and designate responsibility for implementation of the Sexual Assault Victim Intervention (SAVI) Program for the Brigade of Midshipmen.

2. Scope. This instruction establishes internal guidance for the operation of a SAVI Program for the benefit of the Brigade of Midshipmen and is not intended to, nor does it, create any rights, substantive or procedural, enforceable by 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 Commandant of Midshipmen or subordinates.

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3. Cancellation. COMDTMIDNINST 1752.1B, CH-1.

4. Definitions. Terms used in this instruction are defined in enclosure (1).

5. Applicability. This instruction applies to all midshipmen within the Brigade of Midshipmen. All midshipmen who are victims of sexual assault are eligible for victim advocacy services in accordance with this instruction and references (a) through (c).

6. Background. This instruction is promulgated to ensure compliance with references (a) through (d) as it applies to the Brigade of Midshipmen.

7. Discussion

a. An important aspect in the implementation of the Naval Academy's mission is to develop combat leaders who can build unit cohesion and teamwork. The initial step in doing this is to develop a professional command climate that fosters dignity and respect among midshipmen and encourages personal responsibility and accountability. The principle of "Ship - Shipmate - Self" can guide us since it emphasized that the mission of the Academy comes first and that the welfare of shipmates takes precedence over one's personal desires.

b. In addition to the harmful and often tragic impact sexual assault has on the victim, these crimes undermine good order and discipline in the Brigade and impede realization of the Naval Academy's mission. The Department of the Navy's policy regarding sexual assault is clear -- comprehensive assistance to victims, prompt and thorough investigation and assessment, and zero tolerance for offenders.

c. Incidents of sexual assault, including rape, are violent acts causing psychological and often physical trauma. Directly following an incident of sexual assault, a victim may feel powerless to exert control over his or

her situation and may experience shock, anxiety, lack of trust in others and sometimes will deny that the rape or sexual assault occurred. Victims require immediate attention to ensure that they feel and are physically safe. Proper law enforcement authorities must be notified and medical attention and counseling must be promptly provided.

d. Sexual assault and victimization take many forms. Though women are the most common victims of sexual assault, men can also be victims. Perhaps the most common sexual assault among young adults is acquaintance or "date" rape. Social familiarity between a victim and an assailant does not generally lessen physical or emotional injury suffered by the victim.

e. Priorities include treatment of life threatening physical injuries, treatment for other physical injuries and psychological trauma, and protection of important evidence. Sexual assault, including rape, may represent both medical and psychological emergencies. However, sexual assault is also a criminal act that will need to be addressed legally. In caring for the victim, effort should be made to ensure protection of evidence and maintenance of the chain of custody of such evidence.

8. Policy

a. The goal of the Commandant of Midshipmen is to create a professional command climate which promotes the safest possible learning environment for all midshipmen through the prevention of sexual assault awareness and prevention. Because alcohol abuse is a significant factor in many sexual assault cases, the Naval Academy leadership has designed and implemented the Alcohol and Drug Education Program, a comprehensive organization that parallels the efforts of the Navy's Right Spirit and Urinalysis Programs.

b. Midshipmen who are victims of sexual assault shall be treated with fairness and respect. Members of the Commandant's Staff shall ensure the sensitive, coordinated and effective management of sexual assault cases involving midshipmen under their supervision, including referral to a victim advocate, counseling and medical services.

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c. 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), reference (c), or COMDTMIDNINST 1610.2B, Administrative Conduct System (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.

d. Sexual assault, in any form, tears at the fabric of unit cohesion and teamwork. As a result, a professional command climate could quickly erode into a sexually hostile environment. The Naval Academy seeks to maintain a professional command climate by establishing leadership environments that closely parallel the Fleet and Marine Corps and by implementing a comprehensive, dynamic program to address sexual assault issues. Midshipmen alleged to have committed a sexual assault offense may be subject to discipline per references (f) and (g) including trial and, if found guilty, punishment by court-martial. Additionally, such midshipmen are subject to being processed for discharge from the Naval Academy in accordance with references (h) and (i).

9. Procedures. All members of the Commandant's Staff will implement and support the Brigade of Midshipmen SAVI Program by ensuring:

a. Immediate action is taken to protect victims from further injury by an alleged assailant.

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

c. Victims are advised of their rights as set forth in enclosure (2) of reference (a) and are made aware of and encouraged to exercise their options during each phase of the medical, investigative and legal processes.

d. Victims are offered appropriate assistance, including medical care and counseling.

e. Incidents of sexual assault are reduced through an active program of education with special emphasis on personal avoidance of risk and by providing the safest possible environment. Education and training will be provided to all personnel governed by this instruction. Both professional and personal living environments are populated by men and women of character who treat one another with dignity and respect, constantly reinforcing the notion of ship, shipmate, self.

f. Sexual assaults are reported to appropriate authorities.

10. Program Elements

a. Comprehensive awareness education: Prevention of sexual assault will be pursued through an awareness and prevention education program and by maintaining physical facilities in a manner which reduces potentially hazardous situations. The following requirements will implement the prevention component of the Brigade of Midshipmen SAVI Program:

(1) SAVI Awareness/Sexual Assault Prevention training for the Brigade of Midshipmen, occurring at least annually, as promulgated per enclosure (2) of this instruction.

(2) An annual review by the Commandant of Midshipmen of command procedures and physical spaces (including berthing areas) to ensure the provision of a safe and secure environment. The review may be completed as part of a more general physical security review.

(3) Focus groups consisting of male and female midshipmen from all four classes will be conducted at least quarterly as promulgated per enclosure (4) of reference (c).

b. 24/7 on-call support: Victims shall be able to contact a SAVI Victim Advocate, midshipman SAVI GUIDE or a specialized counselor at any time for immediate support.

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c. Multiple paths for reporting: Multiple paths are trained and available for victims to seek guidance and receive emotional support (description of specific duties and reporting responsibilities of each is outlined in paragraph 14 of this instruction):

- (1) Brigade SAVI Coordinator (BSC)
- (2) SAVI Victim Advocates
- (3) SAVI GUIDES
- (4) Midshipman Development Center
- (5) Chaplains
- (6) Chain of Command
- (7) Faculty and Staff

d. Create an environment that encourages incident reporting: The SAVI Program and supporting processes shall be organized to encourage victims and/or witnesses to come forward. Two key elements of the SAVI Program which encourage incident reporting are:

(1) *Victim Privacy*: Victim privacy is protected to the maximum extent possible. Privacy is a key issue in any sexual assault case. Victim records shall be maintained in accordance with references (d) and (e). Individuals directly involved with sexual assault victims, via the chain of command or otherwise, must ensure case-related information is shared only for official purposes with those who have a need to know. Sensitivity to victim privacy is paramount.

(2) *Addressing conduct infractions committed by the victim*: In accordance with the Department of the Navy's policy, the circumstances surrounding the assault and the impact upon the victim shall be carefully weighed in determining whether it is appropriate to take administrative or disciplinary action against the victim for minor conduct infraction he/she may have committed. To encourage reporting Navy's policy, the

circumstances surrounding the assault and the impact upon the victim shall be carefully weighed in determining whether it is appropriate to take administrative or disciplinary action against the victim for minor conduct infraction he/she may have committed. To encourage reporting and thereby ensure victims receive available medical and counseling services, victims of sexual assault generally will not be disciplined for self-reported violations of references (g) and (h) such as alcohol offenses or prior consensual sexual misconduct. If the victim committed ancillary conduct infractions and the case is determined to be a sincere complaint, reasonably supported by the evidence, minor conduct or aptitude for commissioning issues will generally be addressed through Leadership Responsibility Counseling, rather than pursuing action via the administrative conduct system or any other disciplinary process. Enclosure (6) of this instruction provides further explanation of the Leadership Responsibility Counseling program. Final decisions concerning the processing of violations committed by midshipmen victims will be made on a case-by-case basis, after a thorough review of all reasonably available information, and considering the severity of the offense(s) and the likelihood that the offense(s) would have otherwise been reported. Recognizing that victims may be reluctant to provide relevant information also implicating misconduct by non-assailant peers or friends, the above policy to encourage victim reporting shall be considered and carefully weighed before disciplining other midshipmen based on such information.

e. Prompt, thorough investigative procedures: The assistance of the Naval Criminal Investigative Service (NCIS), will be requested in all allegations of sexual assault to ensure they are promptly, impartially and thoroughly investigated.

f. Immediate and continuous victim support: At the onset of a sexual assault allegation, the victim shall be assigned a SAVI Victim Advocate to provide emotional support and assistance throughout the medical, administrative, and legal procedures of the case. Close coordination with additional support organizations, including the Midshipman Development Center, Chaplain Office, and medical clinic, enable the victim to receive professional counseling, as desired.

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g. Follow-on counseling: Upon conclusion of the investigative and legal processes (as applicable), the SAVI Program, directly supported by the Midshipman Development Center, provides recovering victims with information regarding the various resources available both within the command and/or the local community for expert follow-on counseling.

11. Coordination Committee. To facilitate execution and oversight of program requirements, the Deputy/Chief of Staff and the Deputy Commandant shall co-chair a USNA SAVI Coordination Committee. Committee members shall include: the Sexual Harassment, Misconduct and Assault Prevention and Response Program Manager, the Sexual Harassment, Misconduct and Assault Prevention and Response Training Coordinator, Brigade SAVI Coordinator, Faculty/Staff SAVI Coordinator, the Brigade Medical Officer, the Commandant's Legal Advisor, the Brigade Equal Opportunity Officer, and representatives from the Brigade of Midshipmen, the Naval Academy Athletic Association, the Naval Academy Chaplain's Office, Naval Academy Faculty, Midshipman Development Center, Character Development, and the Naval Criminal Investigative Service. If not already represented by other members on the committee, a Company Officer and a Senior Enlisted Leader shall also attend.

12. Victim Advocacy

a. The purpose of victim advocacy is to provide the victims of sexual assault with an advocate who can provide information and emotional support, and help guide them through the various medical, legal, and investigation processes with a goal of minimizing "re-victimization."

b. The victim advocate program will be established and supervised by the BSC. At a minimum, the following core elements shall be present in the victim advocate program:

(1) A minimum of ten trained SAVI Victim Advocates 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 shall decide to what extent the advocate's services are desired within the limits of the program. As required by reference (a), the primary assigned advocate shall be female unless the victim specifically requests a male advocate. Female/male advocate teams may be used as necessary with the female advocate providing primary support to the victim and the male advocate providing secondary support (e.g., obtaining meals, clothing, etc.).

(2) In cooperation with the Training Coordinator, the BSC shall act as Victim Advocate Coordinator and shall recruit, screen, and supervise SAVI Victim Advocates. The BSC shall ensure all victim advocates are trained in accordance with the requirements of this instruction and shall forward a list of proposed victim advocates to the Deputy Commandant for formal appointment, certifying all training requirements have been met.

(3) The BSC shall ensure annual SAVI Program training is provided for Company Officers, Senior Enlisted Leaders, USNA chaplains, Midshipman Development Center personnel and other Commandant Staff personnel who are likely "first responders" to reports of sexual assault by midshipmen. The BSC shall ensure SAVI program information is promulgated to other Commandant's Staff and USNA personnel who routinely work directly with midshipmen, as well.

(4) All victims shall be handled in a sensitive, professional manner at all times. The Brigade Medical Officer, Legal Advisor, BSC, USNA chaplains assigned to minister to the Brigade of Midshipmen, all Bancroft Hall Command Duty Officers, Company Officers and Senior Enlisted Leaders shall follow the model sexual assault intervention protocols contained in enclosure (6) of ref (c), relating to their respective positions.

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c. In addition to an internal victim advocate program, the BSC shall establish and supervise midshipmen SAVI GUIDES. The SAVI GUIDES will not be assigned as victim advocates but will be trained, identified and assigned to discuss the SAVI program with midshipmen who desire information prior to deciding whether or not to report an incident of sexual assault. The Midshipmen SAVI GUIDE Program is governed by enclosure (3) to this instruction.

13. Victim Counseling. The Brigade Medical Officer shall ensure victims are offered psychological and supportive counseling. Victims shall be initially referred to the Midshipman Development Center. Victims may also be medically referred to another provider, as appropriate.

14. Data Collection and Reporting

a. Incidents of sexual assault will be immediately reported to Superintendent, U.S. Naval Academy, by the Commandant of Midshipmen or his designated representative. Incidents of sexual assault also will be reported to the Chief of Naval Operations (N1) via the Superintendent, U.S. Naval Academy, using the Sexual Assault Incident Data Collection Report (OPNAV 1752-1).

b. An initial written report shall be forwarded to Superintendent, U.S. Naval Academy, within 10 days of the commencement of an investigation on allegations of sexual assault involving a midshipman as either offender or victim. Continuation reports shall be forwarded monthly until final resolution. Copies of all reports shall be provided to the Chief of Naval Operations (N09BE), and the Bureau of Naval Personnel (Pers-661; Pers-83).

c. The collection of data will be used for statistical purposes. Collection of accurate data, therefore, 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. Responsibilities

a. Brigade SAVI Coordinator (BSC). The BSC shall manage the Brigade of Midshipmen SAVI Program. The BSC shall have attended training on the SAVI program as required by reference (a). Specific duties of the BSC include, but are not limited to:

(1) Assist and advise Deputy Commandant as Chair of Program Coordination Committee.

(2) Ensure annual SAVI training for the Brigade of Midshipmen.

(3) Schedule Commandant of Midshipmen's annual review of SAVI Program.

(4) Serve as Victim Advocate Coordinator for the Brigade, managing internal victim advocate program and ensuring the program meets all requirements discussed in paragraph 13 of this instruction and in subparagraph (b) below.

(5) Have responsibility for Midshipmen SAVI GUIDE Program as promulgated in enclosure (3) of this instruction.

(6) Serve as Data Collection Coordinator, ensuring data collection and reporting complies with the requirements of paragraph 15 of this instruction.

(7) Have responsibility for conducting quarterly focus groups as promulgated in enclosure (8) of ref (c).

(8) Have limited confidentiality, meaning that for victims who affirmatively choose not to report an incident and desire to remain anonymous, the BSC will not disclose the identity of the victim nor provide other information that may reasonably identify the victim when he/she notifies the Commandant of Midshipmen, via the Deputy Commandant.

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b. SAVI Victim Advocates. Victim advocates shall be officers and senior enlisted who volunteer for the position and have received 20 hours of SAVI program training prior to appointment. Additionally, victim advocates must receive 10-15 hours of annual refresher training. There will be a minimum of 10 victim advocates in the program each year. Previous experience with the SAVI Program in the Fleet is certainly encouraged but not a pre-requisite for interested volunteers. Specific duties of a victim advocate include, but are not limited to:

(1) Inform assigned victims of reporting requirements and of victims' options concerning involvement with investigative/legal personnel as discussed in paragraph 13(b) (5) of this instruction.

(2) Be available to provide emotional support and assistance during initial assessment, medical, administrative, legal and investigative procedures as discussed in paragraph 10(b) (1) of this instruction.

(3) Per reference (a) and (c), be willing to sign a volunteer service agreement and agree to uphold victim privacy at all times.

(4) Notify the BSC should they become aware that a sexual assault has occurred.

c. SAVI GUIDES. SAVI GUIDES are midshipman volunteers who provide a peer resource to other midshipmen within the Brigade. Each company will have at least one SAVI GUIDE assigned. As with the victim advocates, SAVI GUIDES are required to complete twenty hours of formal training in accordance with DON standards. If a victim reports to a Midshipman SAVI GUIDE, the SAVI GUIDE will notify the BSC within 24 hours to report that an incident has occurred. To protect the anonymity of the victim, however, the SAVI GUIDE is not required to provide identifying information to the BSC. Any identifying information will remain confidential until the victim is ready to come forward and make a formal complaint.

d. Midshipman Development Center. The Midshipman Development Center consists of both military and civilian PhD level licensed psychologists who are experienced in the treatment of sexual assault victims. The psychologists at MDC meet the definition of "psychotherapist" and, therefore, shall be granted confidentiality through the psychotherapist-patient privilege.

e. Chaplains. Various denominations of chaplains are available to provide sexual assault intervention options to victims they may encounter. Military chaplains are granted confidentiality through the policy of privileged communication.

f. Chain of Command. Company Officers and Senior Enlisted Leaders provide mentoring and emotional support for midshipmen. They are required to receive annual preventing re-victimization training to ensure the sensitive, coordinated treatment of victims and shall inform the BSC should they become aware that a sexual assault incident has occurred.

g. Faculty/Staff. Faculty and staff members provide an additional means of advice, information and mentoring. All faculty and staff will be trained in how to avoid re-victimization and shall notify the BSC when they are made aware that an incident has occurred within the Brigade, as well.

h. Commandant's Legal Advisor. Specific duties include, but are not limited to:

(1) As appropriate, prepare and serve Military Protective Order to alleged assailant.

(2) Ensure victim is aware of his/her rights under references (b) and (g).

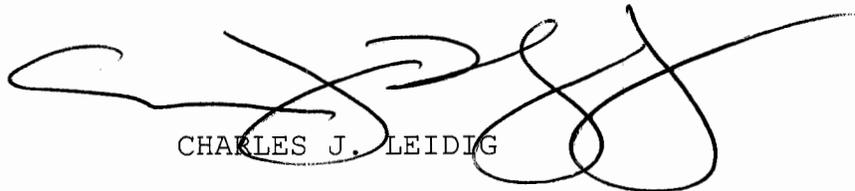
(3) Serve as victim's legal point of contact for the processing of the case until the investigation is concluded and (1) appropriate action is taken by the Commandant of Midshipmen, or (2) the case is referred to the Superintendent for appropriate action.

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(4) Serve as the Commandant of Midshipmen's representative and point of contact for Naval Criminal Investigative Service agents; federal, state and local law enforcement agencies; and Staff Judge Advocate, U.S. Naval Academy, during sexual assault investigations.

(5) Advise the BSC on legal matters and provide a continuous review of the program from a legal perspective.

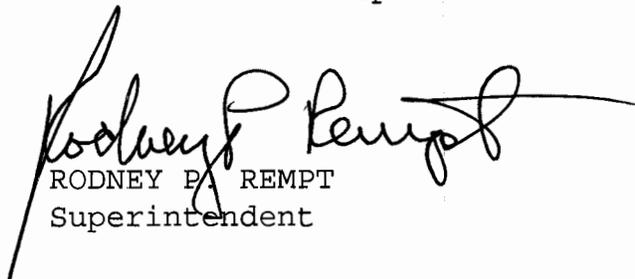


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Distribution:
C-1 (Electronically)

Reviewed and approved.

28 September 2004



RODNEY P. REMPT
Superintendent

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 the intent to commit rape - an assault with the 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 the 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 an 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.

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2. Victim - for purposes of this instruction a victim is any member of the Brigade of Midshipmen 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.

BRIGADE SEXUAL ASSAULT AWARENESS EDUCATION

1. Purpose. The purpose of the Brigade Sexual Assault Awareness Education Program is to provide awareness education to the Brigade of Midshipmen. Sexual Assault Awareness Education for the Brigade of midshipmen will occur at least annually.

2. Scope. This enclosure establishes internal guidance for a Sexual Assault Awareness Education Training Program for the benefit of the Brigade of Midshipmen.

3. Discussion. Sexual Assault is a real phenomenon. Midshipmen need to be aware that not only do such offenses occur in the civilian world, but these crimes are committed against military members, both in the active duty Navy and at USNA. Effective training can raise the level of awareness and may prepare midshipmen to be sensitive and knowledgeable about this issue for their own protection and that of their shipmates.

4. Policy. The SAVI Program Coordinator and the SAVI GUIDE organization in consultation with the SAVI Coordination Committee, will prepare and maintain class-specific lessons on sexual assault awareness and prevention for the Brigade of Midshipmen. This training will occur at least annually.

5. Procedures. The SAVI Program Coordinator, SAVI GUIDE Organization, Company Officers, and Senior Enlisted will implement and support the Brigade Sexual Assault Awareness Education by ensuring that every midshipman in the Brigade receives annual SAVI training. Plebes will receive bi-annual training.

6. Responsibilities

a. The SAVI Program Coordinator shall manage the Brigade Sexual Assault Awareness Program. The Coordinator shall:

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(1) Ensure that the training plan for each class is reviewed and updated annually.

(2) Ensure that each SAVI GUIDE has been trained on how to facilitate the lesson plans for each class.

(3) Ensure that each company is assigned a SAVI GUIDE Representative who will be responsible for conducting the training for their specifically assigned company.

b. The Midshipman SAVI GUIDES shall:

(1) Make contact with the Company Officer of the company to which they are assigned immediately after reform and design a training plan for the semester.

(2) Conduct four training sessions with their assigned company during the fall semester, one per class.

(3) Inform the SAVI Coordinator of any problems that arise in the conduct of the training sessions immediately.

(4) Be willing to sign a volunteer service agreement (see enclosure (9)) and agree to uphold victim privacy at all times.

c. The Company Officers and Senior Enlisted Shall:

(1) Know who their assigned company SAVI GUIDE Representative is and contact them with a schedule of when they would like the training to be conducted.

(2) Be present during the actual training sessions to provide support and to ensure that 100% participation is achieved.

MIDSHIPMEN SAVI GUIDE PROGRAM

1. Purpose. The purpose of the Midshipmen SAVI GUIDE Program is to foster an environment within the Brigade of Midshipmen that encourages midshipmen who are victims of sexual assault to come forward, report incidents, and be offered appropriate medical treatment and counseling.

2. Scope. This enclosure establishes internal guidance for the operation of a Midshipmen SAVI GUIDE Program for the benefit of the Brigade of Midshipmen. Midshipmen victims of sexual assault may approach and talk to trained Midshipmen SAVI GUIDES to receive information before deciding whether or not to report an incident. Midshipmen SAVI GUIDES receive valuable, Fleet-relevant training and experience regarding the SAVI program.

3. Discussion.

a. Studies indicate that crimes involving sexual assault are significantly underreported in U.S. society. Midshipmen who are victims of sexual assault may be reluctant to report incidents without first receiving information regarding relevant investigation, medical examination and disciplinary procedures, and the availability of counseling. Midshipmen victims who do not report, or hesitate in reporting, incidents of sexual assault are less likely to receive important medical and counseling services. Significant delay in reporting may also prejudice investigation and judicial or administrative processing. Midshipmen SAVI GUIDES are perceived as being more approachable by midshipmen victims of sexual assault who desire information before deciding whether or not to report an incident.

b. The goals of the Midshipman SAVI GUIDE Program are as follows: (1) foremost, to ensure midshipmen victims of sexual assault are provided immediate choices about obtaining initial and continuing medical, counseling, and other necessary support services; (2) to encourage midshipmen to report incidents so that timely and effective investigations can be undertaken to collect and preserve

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evidence; and (3) to promote an open environment within the Brigade of Midshipmen in which midshipmen victims feel free to report incidents of sexual assault without fear of stigma or retaliation.

4. Policy. Trained Midshipmen SAVI GUIDES will be available in a duty status and at large within the Brigade to provide information to midshipmen regarding the Brigade SAVI Program. Except with regard to providing SAVI Program information and discussing options with midshipmen victims, Midshipmen SAVI GUIDES shall not act as counselors, nor shall they act as Sexual Assault Victim Advocates. However, Midshipmen SAVI GUIDES may assist in victim advocacy under the direct supervision of the assigned SAVI Advocate.

5. Procedures. When a victim approaches a Midshipman SAVI GUIDE, the SAVI GUIDE will provide SAVI information and explain available options. Once the SAVI GUIDE has explained the SAVI process and discussed options as desired by the victim, the GUIDE shall ask the victim whether he or she wants to report the incident and receive SAVI victim services. For victims who choose to report, the SAVI GUIDE shall immediately notify the Brigade SAVI Coordinator (or the duty SAVI Advocate if the Brigade SAVI Coordinator can not be reached) regarding the incident and shall assist the victim in receiving initial services until the duty SAVI Advocate arrives and meets with the victim.

6. Responsibilities

a. Brigade SAVI Coordinator (BSC): The BSC shall manage the Midshipmen SAVI GUIDE Program. The BSC shall screen all midshipmen before assigning them as Midshipmen SAVI GUIDES. The BSC shall:

(1) Ensure SAVI GUIDES:

(a) are 1/C, 2/C, or 3/C midshipmen.

(b) have completed at least 20 hours of SAVI Program training prior to appointment as a Midshipman SAVI GUIDE.

(c) are in good conduct standing.

(d) do not have unresolved counseling issues that could potentially interfere with their judgment.

(e) receive 10-15 hours of annual refresher training.

(2) Appoint qualified SAVI GUIDEs in writing by direction of the Commandant.

(3) Ensure that at least one SAVI GUIDE is assigned to each company, one 1/C SAVI GUIDE is assigned to each Battalion, and one 1/C SAVI GUIDE is selected to be the SAVI GUIDE Coordinator for the Brigade. Also, ensure that a watchbill is properly developed and implemented in each duty section.

(4) Conduct a monitoring program to ensure the availability of SAVI GUIDEs and the quality of information provided.

(5) Provide recommendations for SAVI GUIDE Program changes to the SAVI Program Coordination Committee.

b. Midshipmen SAVI GUIDEs: All Midshipmen SAVI GUIDEs shall have received 20 hours of SAVI Program training prior to their appointment as GUIDEs. Midshipmen SAVI GUIDEs shall also receive 10-15 hours of annual refresher training. Specific duties of a Midshipman SAVI GUIDEs include, but are not limited to:

(1) To be available by pager when assigned as SAVI GUIDE within the duty section.

(2) When contacted, to inform a victim of the SAVI Program so that he or she may make an informed decision about whether or not to report an incident. Also, to inform the victim that the Brigade SAVI Coordinator will be notified of the incident and will be notifying the Commandant, but identifying information will generally not be disclosed.

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(3) To immediately report to the duty SAVI Advocate if a victim is perceived to be a threat to his/herself or others and to escort the victim to the Midshipmen Development Center or medical clinic for appropriate evaluation and counseling.

(4) If the victim elects to report the incident and receive SAVI services, to immediately contact the Brigade SAVI Coordinator, or duty SAVI Advocate if the BSC can not be reached, and provide assistance by escorting him/her to medical, legal, counseling, etc., until the duty SAVI Advocate is able to meet with the victim.

(5) To be available to provide emotional support and assistance during the initial assessment and throughout the SAVI process under the supervision of the assigned SAVI Advocate.

(6) To report all incidents to the BSC within 24 hours.

(7) To log all calls and personal contacts (excluding names or other significant identifying data).

(8) To update the BSC as needed, or at least once per week, while involved in an active case in which a midshipman victim remains undecided as to whether or not to report an incident.

(9) To be sensitive regarding the issue of victim preference regarding the sex of the SAVI GUIDE.

(10) To protect the privacy of victims by only discussing victim information with those who have a need to know.

(11) To inform respective Company Officers and Senior Enlisted Leaders of his/her position as a Midshipman SAVI GUIDE and provide annual training to the company, as appropriate.

Awareness Focus Groups

1. Purpose. This enclosure contains background information on the purpose and format of midshipman focus groups that aid in determining the climate of the Naval Academy with respect to gender and sexual assault issues. It also contains sample questions that may be used in the Awareness focus groups.

2. Background

a. A focus group is a qualitative measurement tool to provide multi-dimensional evidence in support of, or in contrast to, other more precise quantitative instruments. Focus groups are essential to the process of assessment, in that they give the researcher an opportunity to question individual subjects at length in a conversational, probing, but structured environment. This furnishes the researcher with the essential narrative context for his or her analysis of more targeted, and by definition, more limited assessment measures. Put another way, focus groups usually exemplify both the relevance and the omissions of survey data. The focus groups will also be contrasted with the Values/Quality of Life Survey given to all midshipmen in August of every year.

b. A focus group is not scientific in the same way that a survey can be proven sound through statistical validation. A facilitator uses his or her conversation with focus group subjects to elicit responses more nuanced than a survey ever could be. The questions that a facilitator employs are merely starting places for the conversation. While remaining in relevant territory, it is presumed that the focus group conversation will drift slightly towards subjects, ideas, observations, perceptions and declarations that the facilitator does not foresee. This is where the most interesting and useful data lie, and is precisely the reason why focus groups must be used to supplement survey data.

c. A summary of the feedback obtained from the focus group will be forwarded to the chain of command, via the

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Brigade SAVI Coordinator, for appropriate action. Upon commencement of a focus group session, participants will be informed of the anonymity of their responses. Any names mentioned during the course of the focus group discussion will not be documented nor will the information be attributed to the participant in the written summary. The participants are given a promise of anonymity in order to elicit their honest feedback while eliminating the fear of reprisal. Focus group participants are never encouraged to be negative, but rather they are encouraged to be truthful, thoughtful and forthcoming in their feedback.

3. Procedure

a. The Brigade SAVI Coordinator (BSC) will ensure the Awareness focus groups are conducted at least quarterly in accordance with this enclosure.

b. Focus group facilitators, assigned by the SPC, will lead the discussion and provide written feedback to the Deputy Commandant on the results.

c. The midshipmen will be divided into four separate focus groups as follows:

Group 1	Five to Seven female midshipmen from the two upper classes
Group 2	Five to Seven female midshipmen from the two lower classes
Group 3	Five to Seven male midshipmen from the two upper classes
Group 4	Five to Seven male midshipmen from the two lower classes

4. Statement to the Midshipmen Participants

a. Welcome the midshipmen to the group and introduce all the facilitators.

b. Describe the purpose of the focus group. "The purpose of this focus group is to get a feel for the perceptions of the midshipmen with respect to several issues regarding gender, sexual misconduct and sexual assault. The questions and topics discussed should attempt to gain a sense for how midshipmen feel with respect to these issues at the Naval Academy."

c. Explain that the session will be recorded in order to ensure the accuracy of the statements and to allow the facilitators to become more involved within the group. No names will be associated with the tape and all statements will be kept completely anonymous.

d. Encourage the group not to use names.

e. Ensure the midshipmen understand that no conduct action will be taken against anyone and that their statements will remain 100% anonymous based on what is said during the focus group.

f. Clear up any questions the midshipmen may have prior to beginning the actual session.

LEADERSHIP RESPONSIBILITY COUNSELING

1. Purpose. The purpose of Leadership Responsibility Counseling is to provide an alternate means of addressing minor conduct offenses committed by the victim of a sexual assault that typically would be handled through a disciplinary process. In accordance with the Department of the Navy's policy, in order to encourage reporting and to minimize the psychological damage of re-victimization, the Administrative Conduct System will generally not be used to discipline the victims of a sexual assault. As an alternative, Leadership Responsibility Counseling will usually be administered. Leadership Responsibility Counseling seeks to address any aptitude for commissioning issues identified on the part of the victim by emphasizing leadership by example and professionalism.

2. Scope. This enclosure establishes internal guidance for administering Leadership Responsibility Counseling to victims of sexual assault whose conduct, factually related to the incident, may be considered an actionable offense under the Administrative Conduct System, Midshipman Regulations, or in some cases, the Uniform Code of Military Justice.

3. Discussion. Typically, sexual assault victims feel further victimized when questioned about either their own conduct or inaction during a sexual assault. This fear, often accompanied by a fear of reprisal and intense self-blame, frequently prevents victims from reporting cases of sexual assault. Not reporting a sexual assault incident may preclude the victim from receiving proper psychological and medical attention and may prevent the Naval Academy from taking action against an alleged perpetrator. To encourage sexual assault reporting and avoid re-victimization, victims are generally not disciplined for minor, self-reported conduct violations related to the incident. However, as prospective commissioned officers and future leaders of our Navy and Marine Corps, it is important that midshipmen victims be held accountable for their actions. Leadership Responsibility Counseling helps assist the victim in addressing their conduct infractions from both a leadership perspective and that of a future commissioned officer, just as the

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Administrative Conduct System would serve to accomplish these same goals in a regular conduct case. The benefit of Leadership Responsibility Counseling is that it allows more sensitivity to the victims' special emotional needs in the aftermath of a sexual assault. The goal at the conclusion of counseling is to increase the effectiveness of a future leader who is empowered to make the right conduct choices in professional and social situations and who is equipped with the knowledge and confidence to provide valuable guidance on the topic of sexual assault/harassment to his/her Sailors or Marines as a junior officer.

4. Policy

a. The SAVI Program Coordinator, in coordination with the Midshipmen Development Center, the SAVI Advocate Organization, and the Commandant's Legal Advisor, will assist the Commandant in implementing the Leadership Responsibility Counseling program for sexual assault victims within the Brigade of Midshipmen. Training must ensure Leadership Responsibility Counselors exercise a careful balance between providing direction or guidance and being sensitive to the victims' personal and psychological needs.

b. Leadership Responsibility Counselors will be selected by the Commandant of Midshipman to conduct Leadership Responsibility Counseling. Each Counselor will be a senior commissioned officer (usually O-4 and above), assigned to the Naval Academy, and will have received the proper training required to perform his/her duties.

c. Midshipmen victims of sexual assault must be professionally and emotionally prepared to internalize the required counseling prior to commencing Leadership Responsibility Counseling. It is not uncommon for the victim to be in a state of crisis for many months following the assault. As a result, the SAVI Program Coordinator, in coordination with the Midshipmen Development Center (MDC), the SAVI Advocate and Legal Advisor, will provide a recommendation to the Commandant

as to when a Leadership Responsibility Counselor should be assigned. Due to the sensitive nature of Leadership Responsibility Counseling, a minimum time period of four months after the incident occurred will be upheld.

d. The assigned Leadership Responsibility Counselor will always be of the same gender as the victim, unless specifically requested otherwise. The same-gender relationship fosters a more comfortable and empathetic counseling environment.

e. Leadership Responsibility Counseling will be conducted in a sensitive, professional manner. Great care must be taken to ensure that the victim is not blamed for what happened by conveying that they were at fault or deserved to be sexually assaulted as a result of ancillary misconduct they may have been engaged in at the time.

f. If a victim openly admits to committing a conduct violation during the course of the investigation or a victim's misconduct is disclosed through other evidence, at the completion of the case processing for the accused, the Commandant will assess the appropriate forum to address conduct infractions. Generally, this will be Leadership Responsibility Counseling. The advocate assigned to the victim may advise him/her that Leadership Responsibility Counseling is one of the possible forums for addressing conduct infractions and if elected, it will be administered by a senior commissioned officer at a later date. Informing the victim beforehand of this possibility will prevent or mitigate surprises later on.

g. After the initiation of counseling, if a Leadership Responsibility Counselor determines that a midshipman is not emotionally ready to undergo counseling, the Leadership Responsibility Counseling will cease immediately. The midshipman will be urged to seek out further counseling from the Midshipmen Development Center or a comparable facility available to him/her.

h. A Leadership Responsibility Counselor may decline

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to participate in counseling if he/she has a conflict of interest that could negatively impact their ability to provide effective counseling and adequate emotional support. Additionally, if at any time during the counseling process, a Leadership Responsibility Counselor feels as if he/she is unable or unwilling to complete the counseling, the SAVI Program Coordinator will be notified and another Leadership Responsibility Counselor assigned.

5. Procedures

a. Training - Phase I. Leadership Responsibility Counselors will undergo an initial classroom orientation to ensure the following is understood:

(1) Familiarize the Counselor with the special emotional considerations associated with counseling victims of sexual assault, such as guilt and self-blame;

(2) Provide specific guidance on how to counsel and support a victim while directing the interaction from a leadership perspective;

(3) Emphasize the importance of being sensitive to the victim's privacy and avoid being overly intrusive;

(4) Provide examples of potential warning signs that suggest the victim is not emotionally ready to participate in counseling. These indicators include, but are not limited to, evidence of great emotional turmoil during first or subsequent sessions and/or general deterioration of composure and thought as the counseling progresses.

b. Training - Phase II. After a Leadership Responsibility Counselor has been assigned to conduct counseling with a particular victim, the SAVI Program Coordinator, Legal Advisor, and designated SAVI Advocate will meet with the Counselor again to discuss individual case issues and address any specific concerns the counselor may have.

c. Duration. Midshipmen assigned to Leadership Responsibility Counseling will undergo a minimum of three sessions in order to demonstrate to the Leadership Responsibility Counselor that they have grasped the intended concepts and are ready to move on with their overall professional development. The Leadership Responsibility Counselor will determine when the required level of understanding and internalization has been achieved.

d. Documentation. Leadership Responsibility Counselors will receive a letter of appointment from the Commandant, notifying him/her that they have been selected to perform counseling on a particular victim, at the onset of the process. An example of the letter is provided at the end of this enclosure. At the conclusion of Leadership Responsibility Counseling, the Counselor will complete a Formal Counseling form to be placed in the midshipman's personal performance record, as well as a formal evaluation of the midshipman's commissionability to the Commandant, via the Deputy. This evaluation will document that counseling has either been successfully or unsuccessfully completed.

6. Responsibilities

a. The Commandant shall approve and assign all Leadership Responsibility Counselors, decide when to initiate Leadership Responsibility Counseling, and review the midshipman's commissionability evaluation once counseling has been conducted.

b. The Deputy Commandant shall recommend Leadership Responsibility Counselors to the Commandant and review the counseling evaluation.

c. The SAVI Program Coordinator shall:

(1) Assist the Commandant in deciding when to assign a Leadership Responsibility Counselor and begin the counseling process.

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(2) Provide orientation training to Leadership Responsibility Counselors.

(3) Advise Leadership Responsibility Counselors on individual case concerns.

(4) Submit recommendations to the Deputy Commandant for Leadership Responsibility Counselors.

d. Leadership Responsibility Counselors shall:

(1) Function as "coaches" in their counseling of midshipmen.

(2) Guide midshipmen through an examination of conduct infractions from a leadership and future commissioned officer perspective.

e. The SAVI Advocates shall:

(1) Educate the victim on the purpose and possibility of Leadership Responsibility Counseling.

(2) Assist the Commandant in deciding when to initiate Leadership Responsibility Counseling.

(3) Advise the assigned Leadership Responsibility Counselor on any case-specific issues and address sensitive concerns.

(4) Provide emotional support to the victim throughout Leadership Responsibility Counseling when required.

f. The Midshipmen Development Center shall:

(1) Provide psychological expertise on the subject of sexual assault before, during, and after Leadership Responsibility Counseling.

(2) Assist in the initial orientation training for the Leadership Responsibility Counselors.

g. The Commandant's Legal Advisor shall:

(1) Advise Leadership Responsibility Counselors on individual case concerns.

(2) Assist in the initial orientation training for Leadership Responsibility Counselors.

COMDTMIDNINST 1752.1C

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Sample Leadership Responsibility Counseling Letter

From: Commandant of Midshipmen, U.S. Naval Academy

To: **(Mentor - Rank, Full Name, U.S. Service)**

Subj: ASSIGNMENT AS A MENTOR FOR MIDSHIPMAN **(FULL NAME, USN, CLASS, ALPHA NUMBER)**

Ref: (a) COMDTMIDNINST 1752.1B

1. Midshipman **(LAST NAME)** has been assigned to receive Leadership Responsibility Counseling in accordance with COMDTMIDNINST 1752.1B until **(DATE)**.
2. You are assigned as the mentor for Midshipman **(LAST NAME)**.
3. The Leadership Responsibility Counseling Program provides an excellent opportunity to enhance a midshipman's professional development. As a mentor, you are the personal point of contact who will assist Midshipman **(LAST NAME)** in **(HIS/HER)** development. The mentor-midshipman relationship must be one of a "reflective practicum." This practicum consists of a periodic discussion between teacher and student, one in which counseling is followed by periods of individual work and reflection. At a minimum, the program shall include:
 - a. An initial counseling session to determine issue(s)/circumstance(s) surrounding the conduct infraction. These factors should remain the focus throughout the entire counseling period.
 - b. A weekly counseling session to focus on lessons learned, application, and reflective thought.
4. You are required to submit an evaluation of Midshipman **(LAST NAME)**'s commissionability at the conclusion of the Responsibility Counseling Program. The report will include a complete overview of the practicum and its elements (paragraph 3). Your evaluation must include one of the following:

a. Leadership Responsibility Counseling successfully completed and a recommendation to remove Midshipman (**LAST NAME**) from the program;

b. Leadership Responsibility Counseling not successfully completed and a recommendation to extend the probation period for (**X**) length of time.

Your recommendation should be focused on an analysis of Midshipman (**LAST NAME**)'s officer potential and based on your observations in the Leadership Responsibility Counseling Program. You are not limited to personal observations in arriving at your recommendation.

5. The Leadership Responsibility Counseling Program is a unique opportunity to improve the development of midshipmen in many ways. You play a critical role in the cognitive growth Midshipman (**LAST NAME**) will experience during this program. The intent of this guideline is to assist, yet not restrict you in your approach to this assignment. Please feel free to contact the SAVI Program Coordinator or Midshipman (**LAST NAME**)'s SAVI Advocate with any questions or concerns.

(Commandant of Midshipmen)

Copy to:
SAVI Program Coordinator

SEXUAL ASSAULT INTERVENTION GUIDELINES

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 guidelines for initial intervention/response to reported incidents of sexual assault. These guidelines have been modified for application to the Brigade of Midshipmen at the United States Naval Academy.

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. Brigade Medical Clinic
- c. Naval Criminal Investigative Service (NCIS)
- d. Family Service Centers (FSC)
- e. Chaplain Corps
- f. Officer of the Watch (OOW)
- g. SAVI Advocate
- h. Judge Advocate

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4. Naval Academy 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 3.a through 3.h 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,

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may need to defer participation to a colleague. In many cases, the initial point of contact 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.
- (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.

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6. Base Security shall:

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

b. Notify the SAVI Program Coordinator (SPC) or the Officer of the Watch (OOW), after normal working hours, that a sexual assault has occurred. Provide the name, telephone number, and location 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. 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.

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

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

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

i. Explain to the victim normal law enforcement procedures which he/she can expect to occur in the next 24 hours. Ensure he/she is aware of and can anticipate future actions/processes.

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j. If the victim is emotionally upset or distraught, attempt to calm the victim until further assistance (e.g., SAVI 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.

k. 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.

l. Immediately provide the SPC with case statistical data for completion of the initial and follow-on Data Collection Reports.

7. Brigade Medical Clinic shall:

a. Place the victim in a private room, separate from the waiting/processing area, until medical care is provided.

b. Notify the SPC or OOW (after normal working hours) that a sexual assault has occurred. Provide the name, telephone number, and location 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. Explain the availability of victim advocacy services and notify the on-call SAVI advocate.

e. Call the SAVI Advocate on duty to arrange transportation to North Arundel Medical Center if sexual assault exams (i.e., Rape Kit) is required.

NOTE: Victim's written consent is necessary for all medical procedures.

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transportation to North Arundel Medical Center if sexual assault exams (i.e., Rape Kit) is required.

NOTE: Victim's written consent is necessary for all medical procedures.

f. Immediately provide the SPC with case statistical data for completion of the initial and follow-on Data Collection Reports.

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

8. NCIS shall:

a. Receive reports of sexual assault incidents. 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 either a staff Judge Advocate, the SPC or OOW regarding the incident.

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 SAVI Advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC counselor or SAVI 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

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enforcement officials (e.g., NCIS special agents or civilian police), 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. Inform the victim that a Military Protective Order will be issued preventing contact between the victim and the alleged offender(s), when the alleged offender is also an active duty service member.

e. 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. Notify the Commandant's Legal Advisor in order to 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 Victim's Rights and the NCIS Manual For Investigations.

j. Immediately provide the SPC with case statistical data for completion of the initial and follow-on Data Collection Reports.

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.

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a. Ensure the victim is reasonably protected from the accused offender(s). Contact 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 SAVI Advocate.

d. Advise the victim that the FSC is required to report the incident to the Navy/military law enforcement officials.

e. Ensure the SPC or the OOW (after working hours) at the Naval Academy is notified immediately of the incident. Provide the name, telephone number, and location of the victim.

f. Inform the victim that he/she 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.

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

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

(2) The victim may agree to have an FSC counselor or SAVI Advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC Counselor or SAVI 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

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enforcement officials (e.g., NCIS special agent or civilian police), 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 Victim's Rights. Refer the victim to appropriate legal authorities at the Naval Academy if the victim has questions regarding his/her rights.

j. Immediately provide the SPC with case statistical data for completion of the initial and follow-on Data Collection Reports.

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 people 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.

c. Encourage the victim to seek appropriate assistance/counseling. If the victim concurs, encourage the victim to seek counseling from the Midshipmen Development Center or another qualified organization which specializes in assisting victims of sexual assault. Remain as involved as the victim desires.

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

e. Explain the availability of victim advocacy services and notify the SPC or on-call SAVI Advocate if the victim desires one.

f. Encourage the victim to report the incident to the SPC or to his/her chain of command.

g. Immediately provide the SPC with case statistical data for completion of the initial and follow-on Data Collection Reports.

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

11. The Officer of the Watch (OOW) shall:

a. Receive reports of sexual assault incidents and pass on to the SPC or the on-call SAVI Advocate, when the SPC is not available.

b. Obtain name, telephone number, and location of the victim.

c. Reassure the victim that reporting the incident 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 SPC or on-call SAVI Advocate if the victim desires one.

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

g. Ensure that the SAVI Program Coordinator is notified of the sexual assault within one working day of notification.

12. The SAVI Advocate shall:

a. Respond to calls from the victim, base security department, Brigade Medical Clinic, or other official sources.

b. Ensure the SPC has been notified.

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 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 the hospital, arrange transportation, contact a family member/friend, etc., if requested by the 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 SAVI Advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC counselor or SAVI 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), 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 services are requested. In addition to making follow-up telephone contact(s), the SAVI Advocate should encourage follow-on counseling. The Advocate should assist the victim in following through with the scheduling of subsequent counseling appointments.

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

13. Judge Advocates shall:

a. Explain the availability of victim advocacy services, if the victim is eligible, and notify the SPC or on-call SAVI Advocate if the victim desires one.

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 SAVI Advocate present during NCIS interview(s).

(3) The victim may refuse to be interviewed. An FSC counselor or SAVI 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), 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 that a sexual assault occurred. 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.

g. Ensure that a Military Protective Order is issued when the alleged offender(s) is an active duty service member in order to prevent contact between the victim and the alleged offender(s).

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

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

j. Ensure 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.

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

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

m. Immediately provide the SPC with case statistical data for completion of the initial and follow-on Data Collection Reports.

14. Company Officers, Senior Enlisted Leaders, Faculty/Staff shall:

a. Inform the SPC upon notification of a sexual assault allegation.

b. Recognize some victims may receive a negative response from other midshipmen following the report of a sexual assault and more education may be needed to ensure compliance with current policy regarding sexual assault. This may require training that addresses the myths of sexual assault.

c. Ensure that Military Protective Orders are strictly adhered to for the victim's safety. Military Protective Orders are issued when the alleged offender(s) is an active duty service member and directs the accused to remain at least 500 feet from the victim.

d. Be aware that if the offender(s) and victim are in the same company, typically, one is reassigned to another company in order to prevent contact with one another.

SAVI ADVOCATE - VOLUNTEER SERVICE AGREEMENT

VICTIM ASSISTANCE PROGRAM VOLUNTEER SERVICE AGREEMENT BETWEEN THE UNITED STATES NAVAL ACADEMY'S SEXUAL ASSAULT VICTIM INTERVENTION (SAVI) PROGRAM AND (NAME OF VOLUNTEER).

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

The following conditions apply for SAVI Advocates:

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. Volunteer service will be performed while assigned to the United States Naval Academy and may be terminated at any time at the discretion of the Superintendent, the Brigade SAVI Coordinator (BSC), or your chain of command.
3. Your specific duties as a SAVI Advocate include, but are not limited to, the following:
 - a. If a victim voluntarily contacts you, advise him/her that as a SAVI Advocate, you are required to report the incident to the chain of command and to Navy law enforcement officials.
 - b. Respond to calls from the victim, base security department, Medical Treatment Facility, Main Office, or other official sources.
 - 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.

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d. Inform the victim of their options regarding professional counseling, such as the Midshipmen Development Center (MDC), Chaplain Center, and the Brigade Mental Health Clinic. Offer to contact MDC, the duty chaplain, or the Mental Health Clinic and schedule appointments, if the victim so desires.

e. Provide the victim with information on victims' rights and the availability of legal and medical services.

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

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

h. Make follow-up telephone contact(s) with the victim within 48 hours to provide emotional support and information. Determine if professional counseling services are requested.

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

j. Ensure the victim's privacy is always upheld. Information regarding the victim and/or the events surrounding the sexual assault shall only be disclosed on an official, need-to-know basis.

4. Voluntary service is expected to involve at least two hours per month and last the duration of duty while assigned to the Naval Academy or at the request for termination of volunteer service.

5. 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.

6. Volunteer service requires certification by the Commandant of Midshipmen, which must be completed prior to participation as a SAVI Advocate.

(SAVI Program Coordinator)

(SAVI Advocate)

Dated: _____

Dated: _____

SAVI GUIDE - VOLUNTEER SERVICE AGREEMENT

VICTIM ASSISTANCE PROGRAM VOLUNTEER SERVICE AGREEMENT BETWEEN THE UNITED STATES NAVAL ACADEMY'S SEXUAL ASSAULT VICTIM INTERVENTION (SAVI) PROGRAM AND (MIDSHIPMAN'S NAME).

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

The following conditions apply for SAVI GUIDES:

1. Voluntary service is for the purpose of making available a peer resource 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. Volunteer service will be performed while assigned to the United States Naval Academy and may be terminated at any time at the discretion of the Commandant of Midshipmen, the Brigade SAVI Coordinator (BSC), or your chain of command.

3. Your specific duties as a midshipman SAVI GUIDE include, but are not limited to, the following:

a. If a victim voluntarily contacts and informs you that he/she is not ready to file an official report, advise the victim that SAVI GUIDES are required to report the facts of the incident (i.e., the time and location of the assault, whether both parties involved are midshipmen, and if so, whether the midshipmen are in the same company) without disclosing any identifying information, to the SAVI Program Coordinator who must in turn notify the chain of command.

b. Provide information on options of reporting and resources available to both primary and secondary victims. Provide assistance through the legal and medical phases of an investigation, as requested.

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c. Educate the Brigade of Midshipman on sexual assault and sexual harassment. Provide awareness and prevention training at the Brigade, Class, Battalion, and Company levels. GUIDEs are responsible to the Brigade SAVI Coordinator for completion of all training.

d. Dispel rumors within the Brigade pertaining to particular sexual assault cases. Remind midshipmen that advertising one side of the story is unjust and disrespectful to the victim's privacy.

e. Monitor the SAVI pager 24 hours a day when assigned duty in order to be available in case of emergency.

f. Provide emotional support and assistance to the victim as needed/requested. A SAVI GUIDE is not to function in the role of counselor or investigator. Inform the victim of their options regarding professional counseling, such as the Midshipman Development Center (MDC), Chaplain Center, and the Brigade Mental Health Clinic. Offer to contact MDC, the duty chaplain, or the Mental Health Clinic to schedule appointments, if the victim so desires.

g. Provide the victim with information on victims' rights and the availability of legal and medical services. Make medical appointments for the victim, as necessary.

h. Provide the victim with options concerning his/her involvement with investigative/legal personnel.

i. Make follow-up contact(s) with the victim to provide emotional support and information. Determine if professional counseling services are requested.

j. Ensure the victim's privacy is always upheld. Information regarding the victim and/or the events surrounding the sexual assault shall only be disclosed on an official, need-to-know basis.

4. Volunteer service is expected to involve at least two hours per month and last the duration of duty while assigned to the Naval Academy or upon request for termination of volunteer service.2

5. 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.

6. Volunteer service requires certification by the SAVI Program Coordinator, which must be completed prior to participation as a SAVI GUIDE.

(Brigade SAVI Coordinator)

(SAVI GUIDE)

Dated: _____

Dated: _____

LEVELS OF CONFIDENTIALITY

1. Purpose. To provide information regarding the resources available to midshipman victims of sexual assault and the levels of confidentiality each is afforded.

2. Policy. Confidentiality is a critical factor in encouraging the reporting of sexual assault incidents. It is equally important for victims to understand who is granted confidentiality, and to what level, before choosing to seek desired assistance. Following is a description of the resources available at the Naval Academy and the various levels of confidentiality each is granted.

a. Full Confidentiality.

(1) Midshipman Development Center (MDC). Both the civilian and military psychologists at MDC have been granted full confidentiality (privileged communication) under the Psychotherapist-Patient Privilege established in 1999 by Executive Order 13140. Disclosure of information will only be permitted if the psychologist believes the victim's mental condition makes them a danger to her/himself or to others. Additionally, if the accused in a sexual assault is determined to be a sexual predator and/or a potential threat to others, the testimony may be disclosed to ensure good order and discipline is maintained within the Brigade of Midshipmen.

(2) Chaplains. Similar to the policy at MDC, Chaplains have full confidentiality, granted to them by the terms of privileged communication. This privilege applies when communication is made to a chaplain in his/her capacity as a spiritual advisor and as a formal act of religion or matter of conscience. Disclosure of information again will only be permitted if the chaplain believes the victim's mental condition makes them a danger to her/himself or to others or if the accused in a sexual assault is determined to be a sexual predator and/or poses a potential threat to others within the Brigade of Midshipmen. Safeguarding privileged communication, however, is taken very seriously.

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b. Limited Confidentiality.

(1) Midshipman SAVI GUIDES. SAVI GUIDES have limited confidentiality. Limited confidentiality allows midshipman victims to obtain assistance and advice from specially trained peer resources, (the midshipman SAVI GUIDES), while maintaining anonymity. When a GUIDE is contacted by a victim who desires to remain anonymous and, thereby, is not ready to make an official complaint, the GUIDE can provide information regarding support services, the legal process, and options for reporting, without having to disclose the victim's identity. The GUIDE shall specifically inform the victim that her/his identity will not be disclosed until she/he decides to make an official complaint. To ensure accurate and consistent information is given to every victim, the GUIDE, after initial contact with a victim, will notify the Brigade SAVI Coordinator (BSC) that an incident has occurred without providing information as to the victim's identity or other information that may be used to reasonably identify the victim. The Brigade SAVI Coordinator will in turn, notify the Commandant, via the Deputy Commandant, again without providing identifying information. As a result, the Commandant and Superintendent can maintain a certain amount of situational awareness while also protecting victim anonymity.

(2) Commandant's Prerogative. Under limited circumstances, the Commandant, with the advice of the BSC, can exercise the ability to gain further information regarding the incident. Generally, this will be used only when an immediate danger to a victim and/or others exists or a dire impact on the Naval Academy mission will result relative to the incident. The decision to exercise this prerogative will be taken under very serious consideration. The importance of maintaining an environment that encourages victim's to report will be carefully weighed with the responsibility of the Commandant to ensure the safety and security of all involved.

(3) Brigade SAVI Coordinator (BSC). Limited confidentiality is extended to the Brigade SAVI Coordinator (BSC), as well. If contacted by a victim, the BSC shall also inform the victim that her/his identity will not be disclosed until she/he decides to make a formal complaint. If the BSC perceives there is significant short-term risk of the midshipman victim injuring her/himself or others or of again being victimized by the alleged offender, the BSC shall refer the matter to the Commandant, via the Deputy Commandant, for determination of appropriate action.

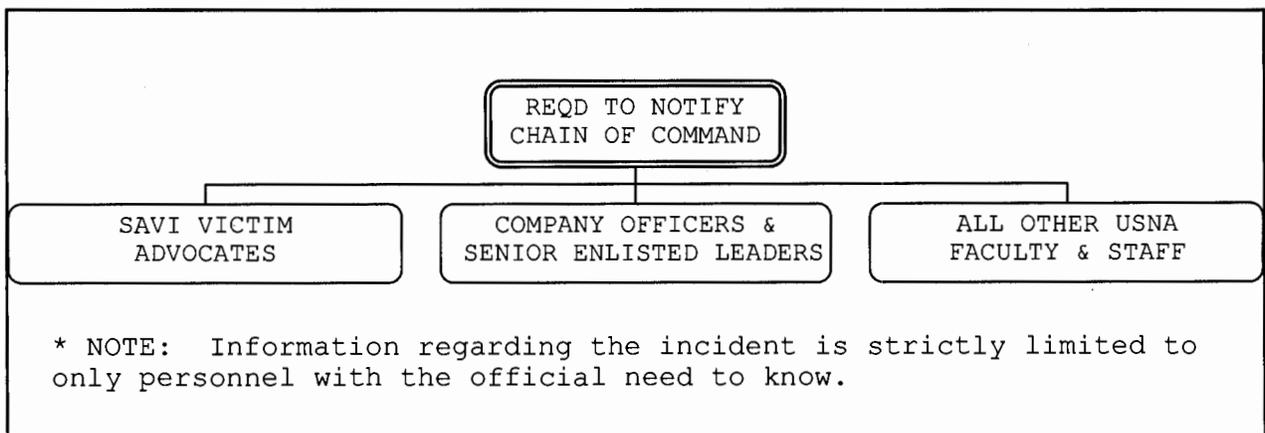
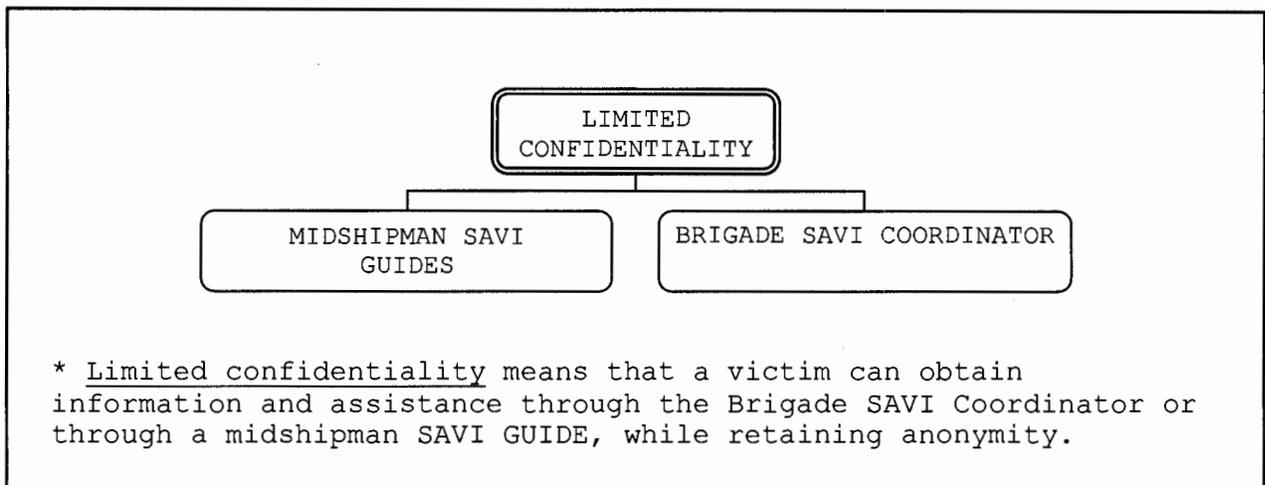
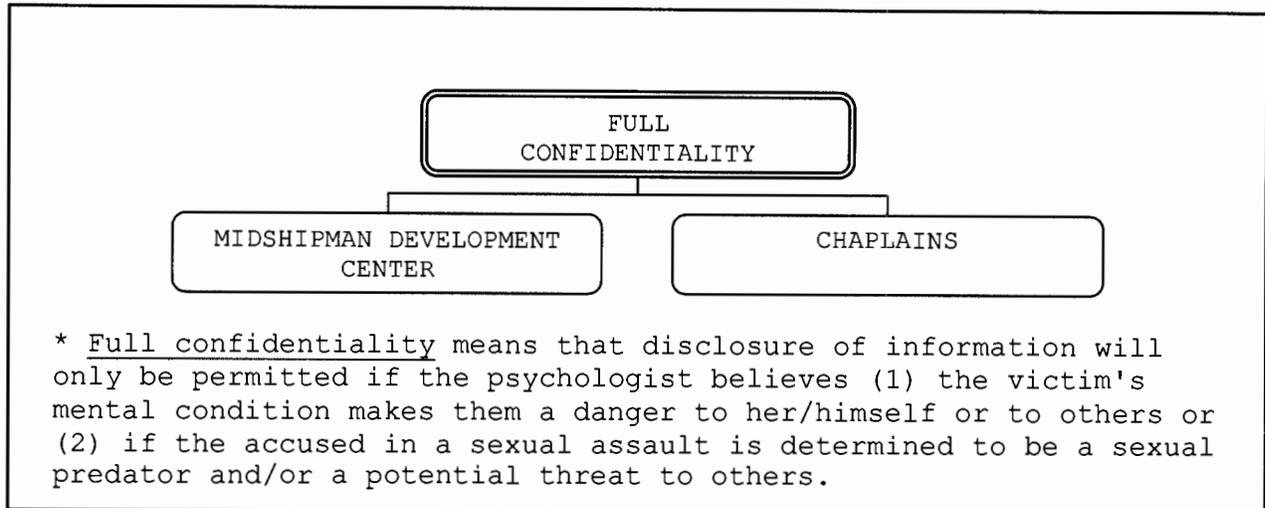
c. Required to notify appropriate, designated personnel.

(1) Victim Advocates. Assigned SAVI Victim Advocates shall inform victims that information they provide concerning a sexual assault will be brought to the attention of appropriate officials, and will normally be reported within the Commandant's Staff chain of command. Release to non-governmental authorities will be controlled by federal laws and Navy regulations governing the release of information (i.e., Privacy Act, Freedom of Information Act). Advocates also shall ensure victims are aware of their options concerning their involvement with investigative/legal personnel.

(2) Company Officers and Senior Enlisted Leaders. Company Officers and Senior Enlisted Leaders will notify the Brigade SAVI Coordinator and/or appropriate chain of command personnel should they become aware of a sexual assault. Disclosure of information regarding the incident is strictly limited to only those individuals with the official need to know. The victim's privacy is of utmost importance and will be respected at all times.

(3) Other faculty and staff. All other members of the Naval Academy faculty and staff, to include coaches, are required to notify the Brigade SAVI Coordinator, or appropriate chain-of-command, that an incident has occurred.

LEVELS OF CONFIDENTIALITY DIAGRAM



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 which sets forth the "Rights of Crime Victims."

3. 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:

a. The option to discuss and provide information to others, including investigative/legal personnel;

b. The option to have a friend, counselor or advocate accompany them to interview sessions;

c. The option to provide a written statement;

d. The option to refuse to discuss the event with anyone. The victim should be informed that should he/she wish to decline to be interviewed by law enforcement officials, it is likely a limited criminal investigation will be conducted and valuable evidence may be lost which could negatively impact the possibility of holding the offender(s) accountable;

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

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

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g. The right to be notified of court proceedings;

h. 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;

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

j. The right to receive available restitution or compensation, if appropriate, and;

k. The right to information regarding conviction, sentencing, imprisonment, and release of the accused.

4. A Victim Witness Assistance Program (VWAP) Representative will explain and provide a copy of these rights to all victims reporting a sexual assault.

5. It should be emphasized and explained to victims that members of the Commandant's Staff, and those otherwise affiliated with the Naval Academy and interact with victims, are required to make their best efforts to afford victims these rights. Resource limitations, operational commitments, or jurisdictional limitations may preclude the Naval Academy 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 needs of the Naval Academy, the maintenance of good order and discipline, and military demands.