



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
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USNAINST 1752.2G
4/SAPR PM

4 JUN 2015

USNA INSTRUCTION 1752.2G

From: Superintendent

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

Ref: (a) DODI 6495.01
(b) USNAINST 1050.2
(c) NAVADMIN 132/12
(d) SECNAVINST 5211.5(series)
(e) SECNAVINST 5720.42(series)
(f) CNICINST 5800.7(series)
(g) 10 U.S.C. 1044e
(h) SECNAVINST 1752.4(series)
(i) OPNAVINST 5800.7(series)
(j) Uniform Code of Military Justice
(k) Victims' Rights and Restitution Act of 1990 (P.L. 101-647)

Encl: (1) Responsibilities
(2) Sexual Assault Intervention Protocols
(3) Confidentiality Agreement
(4) Crime Victim's Bill of Rights

1. Purpose. To provide guidance and designate responsibilities for implementation of the Sexual Assault Prevention and Response (SAPR) Program for all United States Naval Academy (USNA) midshipmen and all active duty and civilian members of the staff and faculty. This program is established in accordance with policy promulgated in reference (a).

2. Cancellation. USNAINST 1752.2F.

3. Applicability. The provisions of this instruction apply without regard to race, ethnicity, national origin, sex, sexual orientation, or religion within constraints of the law to all military personnel and assigned civilian faculty and staff personnel within the purview of the Superintendent. The following persons are eligible for victim advocacy services when subjected to sexual assault (SA):

a. Active duty members of the Army, Navy, Marine Corps, Air Force and Coast Guard (hereafter referred to as "Military Services") and their dependents, 18 years of age and older (dependents under the age of 18 will fall under the Family Advocacy Program (FAP)), who are eligible for treatment in the military healthcare system, and who are victims of SA perpetrated by someone other than a spouse or intimate partner per reference (a).

b. Members of the National Guard and Reserve who are sexually assaulted when performing active service and inactive duty training.

c. Any person who is a victim of SA and is eligible for treatment in military treatment facilities.

4 JUN 2015

d. All victims of SA, regardless of affiliation, which occur on USNA property, are eligible for available services on a humanitarian basis (e.g., evidence collection, triage, emergency medical treatment, and referral to available civilian community services).

4. Policy

a. No form of SA is ever acceptable at USNA. The institution must be the visible cornerstone of a values-based naval culture of dignity and mutual respect in which SA is eliminated and never tolerated, where SA victims receive compassionate and coordinated support, and where offenders are held accountable. Every midshipman and member of faculty and staff share dual responsibilities for their own actions and for protecting each other from harm. Our Core Values demand nothing less.

b. Combating SA and supporting SA victims are primary responsibilities at every level of civilian and military leadership. Leaders must take every report of SA seriously, they must immediately refer unrestricted cases for criminal investigation and all cases for advocacy services, and they must actively protect SA victims from retaliation or re-victimization.

c. All SA victims have the unfettered options of Restricted Reporting and Unrestricted Reporting. Either form of reporting is acceptable.

d. Per reference (b), midshipmen who file Unrestricted Reports of SA have the option to request a leave of absence not to exceed one year. The purpose of the leave of absence is to enable victims to concentrate on their physical and psychological well-being and to focus on any ongoing investigation and potential judicial process. Midshipmen may be reinstated at the end of the leave of absence by notifying USNA of their desire for reinstatement and asserting that they are prepared to handle all academic, professional, physical, and military duties.

e. Per reference (c), victims and survivors of SA who have filed an Unrestricted Report of SA must be advised of their option to request transfer from the command (military staff members) or company (midshipman) to which they are assigned.

(1) A request for an expedited transfer must come from the individual who filed the Unrestricted Report. The request must be in writing and include the reason(s) for the request.

(2) Upon receipt of the request, and within 72 hours, the Commandant of Midshipmen must approve or recommend disapproval of an expedited transfer for midshipmen, subject to the Superintendent's final approval.

f. Victim-support SAPR services and medical care must be victim-centric, gender-responsive, culturally competent, and recovery-oriented. USNA seeks to help SA victims heal as individuals and succeed in their careers. Individuals who file an Unrestricted or Restricted Report of SA must be protected from reprisal, or threats of reprisal, for filing a report.

5. Responsibilities. See enclosure (1).

6. Victim Advocacy and Support

4 JUN 2015

a. Victim advocacy provides victims of SA with an advocate who can provide information, emotional support, and direction during the various medical, legal, and investigation processes with a goal of preventing re-victimization.

b. An internal victim advocacy program shall be maintained and supervised by the Sexual Assault Response Coordinator (SARC) using reference (a). The SARC shall ensure the applicable actions listed in enclosure (2), *Commander's Checklist*, to reference (a) are accomplished. Additionally, the victim advocacy program shall at a minimum include the following core elements:

(1) An adequate number of trained SAPR Civilian Victim Advocates (CVA) shall 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. All SAPR VAs must be certified per the Department of Defense SA Advocacy Certification Program (D-SAACP).

(2) Key personnel shall be trained to provide victims with sensitive and discreet care. The Brigade Medical Officer, Legal Advisor, SAPR VA, USNA Chaplains, all Bancroft Hall Command Duty Officers, Company Officers (COs), and Senior Enlisted Leaders (SEs) shall follow the model SA intervention protocols contained in enclosure (2) of this instruction, relating to their respective positions.

(3) Assigned SAPR VA shall inform victims that identifying information regarding the SA must be reported to a SARC and/or SAPR VA. If a victim chooses to file a Restricted Report (military only), non-identifying information regarding the assault will be provided to the Superintendent, Chief of Staff, Commandant, and Deputy Commandant. If an Unrestricted Report is chosen or required, identifying information will be provided to the Chain of Command as listed above, certain Department of the Navy Offices (e.g., CNO, OJAG via UNIT SITREP), and other personnel the victim wishes to inform, as identified to the SARC and SAPR VA. Release of information to non-governmental authorities shall be controlled by federal laws and Navy regulations governing the release of information (e.g., Privacy Act and Freedom of Information Act). The SAPR VA shall ensure victims who choose an Unrestricted Report are aware of their options concerning their involvement with investigative and legal personnel, including:

(a) The option to discuss and provide information to others, including investigative and legal personnel.

(b) The option to have a friend, counselor, SAPR VA or Victims' Legal Counsel accompany them to interview sessions.

(c) The option to provide a written statement.

(d) The option to state a preference to decline participation in the case and not discuss the event with anyone. The victim should be informed that should they 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 reduce the ability to hold the alleged offender(s) accountable.

4 JUN 2015

(4) Victim privacy shall be protected to the maximum extent possible. Victim records shall be maintained in accordance with references (d) and (e). All members of USNA that are involved with SA victims shall ensure case-related information is shared only for official purposes with those who have an absolute need to know.

(5) Every effort shall be made to protect victim confidentiality. In the case of an Unrestricted Report, the SARC and SJA/Commandant's Legal Advisor shall determine if a service member who is interviewed as part of the investigation (whether victim, witness, or offender), should receive a "Confidentiality Agreement" (enclosure (3)). If it is determined that a Confidentiality Agreement is required, it shall be issued no later than close of business on the day the initial interview is conducted. The Confidentiality Agreement is a written order to refrain from discussing an active case in any non-official capacity in an effort to reduce speculation, the spread of rumor, gossip, or the release of information of a sensitive nature to personnel without the need-to-know that will likely create a hostile atmosphere and increased stress to the victim.

c. A Victims' Legal Counsel is available to provide legal support and advice to midshipmen or USNA military staff members who report being a victim of an offense punishable under Article 120, 125, or any attempt to commit offenses under those articles. Victims' Legal Counsel report directly to the Office of the Judge Advocate General and are not assigned by USNA. Victims' Legal Counsel are experienced and trained in the practice of military justice, administrative law, legal assistance, and the specific rights and privileges afforded to Navy SA victims. All victims shall be informed of the Victims' Legal Counsel services as part of the SA intervention protocols as set forth in enclosure (2).

7. Victim Counseling. During regular business hours, the Midshipmen Development Center (MDC) shall provide victims with psychological and supportive counseling, which is covered under therapist-patient privilege established by Military Rules of Evidence (MRE 514) pursuant to reference (f). The Director of Education and Clinical Services (DECS), a licensed clinical social worker, is a specialist in mental health counseling for SA victims and conducts trauma-based counseling with victims through the MDC. Other MDC counselors are available in the event the DECS is not. After business hours, the duty Medical Officer shall ensure victims are offered mental health services on a crisis intervention basis. If a victim desires, the SARC or SAPR VA will facilitate counseling with a specialist not affiliated with the military.

8. Response Procedures

a. Personnel aware of or involved in an incident or allegation of SA shall ensure that immediate action is taken to protect victims from further injury by an alleged offender.

b. All SA cases should be reported to a SAPR VA or SARC. Contact numbers are located at the main page of the USNA Intranet under "Sexual Assault Prevention and Response Office."

c. All personnel must take care to avoid the potential for "re-victimization," whereby a victim feels antagonized by the medical, administrative, and legal processes that follow a SA. All personnel bear

4 JUN 2015

responsibility to develop a command climate in which victims feel safe and free from scrutiny, judgment, and any adverse repercussion.

d. Victims shall be advised of their rights as set forth in enclosure (4) and be made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.

e. In accordance with reference (g), the SARC, SAPR VA, health care provider, Military Criminal Investigative Officer (MCIO), trial counsel, and victim/witness liaison are required to notify the victim of the option of receiving assistance from a Victims' Legal Counsel (VLC) upon report of a SA.

f. Victims shall have access to appropriate assistance, including medical care, counseling, victim advocacy, and legal assistance. All victims shall be offered the opportunity to receive counseling from the DECS. If the DECS is unavailable, a referral shall be made to MDC. This counseling opportunity is a personal choice and a decision freely made by the victim, who should not feel pressured to accept counseling.

9. USNA Sexual Assault Case Management Group (SACMG). Using reference (f) as a guide, the Superintendent shall chair the multi-disciplinary USNA SACMG on a monthly basis to facilitate execution and oversight of program requirements. The purpose will be to review only unrestricted cases, facilitate victim updates, direct system coordination and accountability, assess for any instances of retaliation, and ensure victim access to quality services. This responsibility may not be delegated. The Lead Sexual Assault Response Coordinator (SARC) shall serve as the co-chair. The installation SARC may serve as co-chair in the Lead SARC's absence.

a. Core members shall include:

- (1) Superintendent (chair, non-delegable)
- (2) Chief of Staff (may serve as co-chair in the Superintendent's absence)
- (3) Lead SARC (co-chair, non-delegable)
- (4) Staff Judge Advocate General
- (5) Mental health representative
- (6) Commandant of Midshipmen (Deputy Commandant in his/her absence)
- (7) SAPR Civilian Victim Advocate(s)
- (8) SAPR Program Manager
- (9) SAPR Deputy Program Manager

b. Non-core Members shall include (attendance based upon direct involvement with the individual case being reviewed):

- (1) A member of the victim's immediate chain of command (e.g., CO or SEL)

4 JUN 2015

- (2) Director of Education and Clinical Services
- (3) Victim's counseling or mental health provider (if not the DECS)
- (4) Chaplain's Office
- (5) Naval Criminal Investigative Service (NCIS)
- (6) Victim and Witness Assistance Council (VWAC) representative
- (7) Victim's Legal Counsel

c. All SA victims who file an Unrestricted Report shall receive monthly updates regarding the status of ongoing investigative, medical, legal, or command proceedings until the final disposition of the reported assault. This update must occur within 72 hours of the last SACMG. This update notification is made to the victim by their assigned SARC, VA, or Company Officer unless a special request is made to receive updates from the Superintendent.

10. Case Reporting and Data Collection

a. SARCs shall immediately report SA incidents to the Superintendent, Chief of Staff, and the victim's Cost Center Head. Unrestricted Reports will also be reported to the Chief of Naval Operations (N1) via the Superintendent using OPREP-3 NAVY BLUE or UNIT SITREP, per the Sexual Assault Incident Data Collection Report (NAVPERS 1752-1) format contained in reference (h).

b. To the extent possible, internal data collection should avoid use of individual identifiers in order to maintain victim and alleged offender privacy.

11. Prevention and Awareness Training

a. SAPR training, to include General Military Training (GMT), for all military staff as well as appropriate training for civilian staff and faculty, will focus on sexual harassment, misconduct and assault awareness, bystander intervention, prevention and response training (with emphasis on treating others with dignity and respect), types of reports, victim care, legal action, and interactive scenarios. This training is distinct from the prevention education provided to midshipmen through the Sexual Harassment and Assault Prevention Education (SHAPE) program.

b. Comprehensive SAPR training, meeting the requirements of references (a) and (h) will be conducted for all USNA personnel, including military and civilian faculty and staff. This training is required annually, but should be conducted throughout the training calendar and in conjunction with important evolutions, including Reform of the Brigade, prior to major leave periods, and before commencing summer training. The USNA SAPR Program Manager (PM) is responsible for the coordination and execution of training. The DECS is responsible for ensuring that all training adheres to the strategic SAPRO Training and Education Plan. All SAPR staff are responsible for assisting to develop and execute training.

(1) The SAPR PM will ensure initial training occurs at USNA faculty and staff orientations for new check-ins. The goal of this training is to

4 JUN 2015

inform newly reporting individuals about the USNA SAPR program and their active role in ensuring program success.

(2) The SAPR PM will locate and schedule external training professionals for exposure and additional training and educational opportunities for all USNA faculty and staff as appropriate.

(3) All SAPR training opportunities provided to the Brigade will be made available to faculty and staff.

(4) All SAPR training, including periodic, annual, and stand-down, will be fully documented by the PM.

12. Review Responsibility. This instruction shall be reviewed at least every two years.


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RESPONSIBILITIES

1. Sexual Assault Prevention and Response Program Manager (SAPR PM) serves as the key advisor to the Superintendent on the USNA SAPR program. Duties include but are not limited to:

a. Exercises administrative oversight of the USNA SAPR program contained within and governed by this instruction.

b. Oversees instruction management and overall strategic training and education plan.

c. Collaborates with the Lead SARC in matters involving response protocols for all first responders to include, but not limited to watchstanders, SAPR VA, medical personnel, Chaplains, legal personnel, Base Security, MDC personnel, and Fleet and Family Services staff.

d. Enhances communication and information sharing regarding the SAPR program across the Naval Academy.

e. Serves as liaison to Service and DoD higher authorities in matters related to the SAPR program.

f. Conducts outreach and collaborates with local community to augment or enhance the Naval Academy SAPR program.

g. Works with designated midshipmen GUIDES and SHAPE Peer Educators for outreach and training.

h. Serves as the command SAPR Point of Contact (POC), ensuring responsive command management of alleged SAs and compliance of SAPR program requirements per reference (i).

2. SAPR Deputy Program Manager (DPM). The SAPR DPM serves as the primary assistant to the SAPR PM. Specific duties include but are not limited to:

a. Assists the SAPR PM in assigned administrative duties associated with program management.

b. Serves as SAPR PM in his/her absence.

c. Assists with the development and execution of SAPR training of midshipmen, faculty, and staff.

d. Recruits, trains and supervises midshipmen serving as Guidance, Understanding, Information, Direction, and Education (GUIDES).

e. Manages the annual budget for the SAPRO staff.

3. Sexual Assault Response Coordinator (SARC). USNA has two SARCs dedicated for response to SA incidents involving midshipmen and USNA military staff. Per reference (a), one of the positions shall be designated as the Lead SARC, although both SARCs shall serve as equal points of contact for the coordination of SA services. Specific duties include, but are not limited to the following:

4 JUN 2015

- a. Collaborates with the SAPR PM in the management and execution of the USNA SAPR program.
- b. Ensures the Superintendent, Chief of Staff, Commandant of Midshipmen, and Deputy Commandant are notified of all incidents of SA involving midshipmen and provides regular case updates.
- c. Provides the same notification and updates to the Superintendent, Chief of Staff, SAPR PM, and appropriate Cost Center Head for SA incidents involving USNA military staff.
- d. Provides oversight of SA response.
- e. Oversees incident response, case management, and coordination of victim care through the SAPR VA.
- f. Completes data entry and management of the Defense Sexual Assault Incident Database (DSAID) for SA cases. The Lead SARC will ensure continuity of local case number assignments.
- g. Participates as a member of the Sexual Assault Case Management Group (SACMG), with the Lead SARC serving as co-chair.
- h. Provides subject matter expertise (SME) in all matters involving response.
- i. Serves as a primary POC for USNA personnel in reporting SA cases.
- j. Provides long-term support for SA victims, to include continuing dialogue with an assigned SAPR VA to ensure continuity of care.
- k. Attends local Sexual Assault Response Team (SART) meetings in support of community outreach and awareness. Attendance is delegable to the VA.
- l. Assists the SAPR PM in developing and supporting Brigade Sexual Harassment/SA prevention efforts to include leadership guidance, Sexual Assault Awareness Month, in-company training, and Brigade-wide awareness efforts.
- m. Oversees and trains volunteer SAPR VAs.
- n. Establishes and maintains the SAPR VA Watchbill.
- o. Leads USNA efforts for Sexual Assault Awareness and Prevention Month (SAAPM)

4. Sexual Assault Prevention and Response Civilian Victim Advocates (SAPR VA). Two SAPR VA shall assist the SARCs in managing response and care of SA victims at USNA. The SAPR VA shall:

- a. Comply with DoD Sexual Assault Advocate Certification requirements and adhere to the roles and responsibilities of a certified SAPR VA as prescribed in references (a) and (h).
- b. Be trained in, and understand, the confidentiality requirements of Restricted Reporting and MRE 514.

4 JUN 2015

- c. Facilitate care and provide referrals and non-clinical support to adult victims of a SA.
- d. Provide information on available options and resources so the victim can make informed decisions about his or her case.
- e. Be directly accountable to the SARC and provide victim advocacy for adult victims of SA.
- f. Acknowledge understanding of their advocacy roles and responsibilities using DD Form 2909.
- g. Assist the SARCs in the coordination of volunteer SAPR VAs
- h. Receive 40 hours of SAPR program training prior to appointment, be certified via the D-SAACP, and comply with all roles and responsibilities as set forth in references (a) and (h).
- i. Complete at least 16 hours of annual refresher training.
- j. Assist the SARCs in leading USNA SAAPM efforts.

5. Director of Education and Clinical Services (DECS). The DECS is a licensed clinical social worker specializing in SA trauma treatment and prevention education. Specific duties include, but are not limited to:

- a. Develops and ensures compliance with the overall strategic SAPRO training and education plan.
- b. Supervises the Training Specialist.
- c. Collaborates in the development and execution of training and education for midshipmen, faculty, and staff.
- d. Leads a team that provides continuous SHAPE curriculum and program development and co-facilitates the training of SHAPE Peer Educators.
- e. Provides confidential psychological individual and group counseling to midshipmen SA victims and intimate partner violence through the MDC while maintaining therapist-patient confidentiality.
- f. Provides clinical consultation to other MDC counselors, as well as clinical consultation to USNA faculty, staff, and administration.

6. Training Specialist. Responsible for the management of all SAPR prevention training programs and of the SHAPE Program. Specific duties include, but are not limited to:

- a. Schedules and ensures execution of mandatory training sessions.
- b. Provides SME in SHAPE curriculum development.
- c. Collaborates in the development and execution of program-wide SAPR training and education of midshipmen, faculty and staff.
- d. Recruits, trains, and supervises midshipmen SHAPE Peer Educators.

4 JUN 2015

- e. Recruits, trains, and supervises active duty SHAPE Fleet Mentors.
 - f. Provides oversight and coordination of "One in Four" Men's Program midshipmen presenters.
7. Leadership Ethics and Law (LEL)/SAPR Faculty Member. A faculty member from the LEL Department is assigned to provide approximately twenty percent of his/her time to the SAPR program. Specific duties include, but are not limited to
- a. Advises SAPR staff regarding leading scientific efforts to help evaluate the SHAPE program.
 - b. Provides subject matter expertise in SHAPE curriculum development and assists in training SHAPE Peer Educators.
 - c. Provides research expertise to ensure SAPRO programming follows the most recent research data in the field of SA prevention and intervention.
8. Commandant's Legal Advisor. For unrestricted cases where the victim or alleged offender is a midshipman, specific duties include, but are not limited to:
- a. As appropriate, prepare and serve Military Protective Orders.
 - b. Prepare and serve Confidentiality Agreements to the appropriate personnel.
 - c. Serve as the Commandant of Midshipmen's representative and POC for Naval Criminal Investigative Service (NCIS) agents; federal, state, and local law enforcement agencies; and Staff Judge Advocate, USNA, during SA investigations.
 - d. Advise the Brigade SARCs and SAPR VA on legal matters and provides a continuous review of the program from a legal perspective as it pertains to the Brigade of Midshipmen.
 - e. When Victims' Legal Counsel is detailed to a case, work through the Victims' Legal Counsel to keep the victim informed on legal matters associated with the victim's case.
9. Superintendent's Staff Judge Advocate. Specific duties include, but are not limited to:
- a. As appropriate, prepare and serve Military Protective Orders (MPO).
 - b. Ensure victims are aware of their rights (through Victims' Counsel, if assigned) under references (j) and (k).
 - c. Serve as the Superintendent's representative and POC for NCIS agents; and federal, state, and local law enforcement agencies during SA investigations.
 - d. Advise the SARCs on legal matters.
10. Victim Witness Assistance Coordinator (VWAC). Reference (i) discusses the duties of the VWAC which include, but are not limited to:

4 JUN 2015

- a. Serve as the USNA's primary point of contact for victim witness assistance matters.
- b. Obtain and distribute Victim Witness Assistance Program (VWAP) materials and provide VWAP training to USNA.
- c. Ensure the victim and witness have been advised of their rights, issued a DD701, and received information concerning available military and civilian resources.
- d. Maintain contact with other VWACs and other VWAP personnel such as Trial Counsel.
- e. If elected, inform and provide status updates of the case to victim.
- f. Assist victims and witnesses as appropriate and necessary in the exercise of their rights.
- g. Coordinate command-generated reports per references (a) and (i), including the Personnel Incident Reports (OPREP-3 NAVY BLUE); Sexual Assault Incident Response Oversight (SAIRO) Report; and the Sexual Assault Disposition Report (SADR).

11. Victim's Legal Counsel (VLC). Reference (f) discusses the duties of the Victims' Legal Counsel which include, but are not limited to:

- a. Provide advice, assistance, and, when appropriate, representation on matters that arise from the victim's report of SA consistent with guidance provided by the Deputy Assistant Judge Advocate General (Code 16).
- b. Coordinate, as appropriate, with the SARC, SAPR VA, Commandant's Legal Advisor, Superintendent's Staff Judge Advocate, Trial Counsel, NCIS, Defense Counsel, and others as required, when providing advice and assistance.

4 JUN 2015

SEXUAL ASSAULT INTERVENTION PROTOCOLS

1. Background. Research has shown that an unintentional consequence of victim interviewing and treatment by Health Care Providers (HCP) and investigative officials can be the re-victimization of SA victims. Victims are sometimes unnecessarily 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 SA victims.

2. Purpose. This enclosure provides guidelines for initial intervention and response to reported incidents of SA. These guidelines have been modified for application to the Brigade of Midshipmen but have applicability for all personnel at USNA. The SARCs will use these protocols and the Commander's Checklist for Prevention and Response of reference (d) in the oversight and execution of the SAPR program.

3. Initial Responders and Points of Contact. These sample protocols have been prepared for the purpose of providing guidance to departments which serve as initial points of contact for victims of SA, including midshipmen and members of the faculty and staff. Points of contact generally include, but are not limited to:

- a. VA
- b. SARC
- c. Brigade Medical Clinic
- d. Chaplain Corps
- e. Midshipmen Development Center
- f. Staff Judge Advocate
- g. Officer of the Watch (OOW)/Naval Academy Duty Officer (NADO)

4. Support Services. Although the organizations listed below are not under direct report to the Naval Academy, their roles and response are crucial to the overall success of USNA's SAPR program. Thus, they are key members of the Sexual Assault Response Team. Their actions are also outlined in this protocol.

- a. Naval Criminal Investigative Service
- b. Victims' Legal Counsel
- c. Fleet and Family Support Center
- d. Base Security

5. Collaboration and Coordination. USNA personnel responding to a SA report have both a specialized role and a collaborative one. A coordinated team approach in responding to SA reports is key to sensitive, comprehensive handling of these cases. Therefore, USNA first responders are directed to collaborate with appropriate points of contact from paragraphs 3 and 4 above

4 JUN 2015

and with community SA response personnel to ensure a complete and timely response across the spectrum of possibilities.

6. Victim Care. All initial POCs for victims listed in paragraphs 3 and 4 above, shall respond and treat a victim with sensitivity and respect. The following are important considerations:

a. Victim Response. Each SA victim reacts differently depending upon personality and the history of prior trauma and psychological issues. It is not uncommon in SA cases for a victim to recant the initial allegation because of the trauma of SA. Victims of SA may experience distress; fear reprisal by the alleged 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 may lead to re-victimization. It is important to note that a recantation does not necessarily mean that the victim lied or that a SA did not occur. There exists a myriad reasons why SA victims recant, depending upon the circumstances of the case.

b. 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 person, and is to be treated with sensitivity and respect at all times. Many people are uncomfortable dealing with sex-related crimes. Personnel should learn to identify 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 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 or position.
- (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.

7. Specific Responsibilities and Protocols

a. The Bancroft Hall Officer of the Watch (OOW) or Naval Academy Duty Officer (NADO) shall:

- (1) Report SA incidents to the SAPR Duty VA. If the Duty VA is not available, contact a SARC.

4 JUN 2015

- (2) Obtain name, telephone number, and location of the victim.
- (3) Reassure the victim that reporting the incident was the right thing to do.
- (4) Advise the victim not to destroy possible evidence by bathing, douching, changing clothes, eating, drinking, or cleaning up in any way.
- (5) Offer to notify the Duty Chaplain if the victim desires pastoral counseling.

b. The SAPR VA shall:

- (1) Respond to calls from the victim, Base Security, Brigade Medical Clinic, or other official sources.
- (2) Ensure a SARC or Duty SAPR VA has been notified.
- (3) Provide immediate support and assistance to the victim as needed or requested. The SAPR VA shall not function in the role of a behavioral counselor or investigator.
- (4) Provide the victim with information on victim's rights, enclosure (4), and the availability of counseling, shelter, Victims' Legal Counsel, and medical services.
- (5) Provide assistance to the victim by helping to secure basic needs (e.g., provide clothing to wear from the hospital, arrange transportation, contact a family member or friend).
- (6) Offer to contact the Duty Chaplain or mental health counselor.
- (7) Review the Victim Preference Form (DD 2910) with the victim, explain Restricted and Unrestricted Reporting options, and have the victim initial and sign the appropriate sections of the form. Return the signed DD 2910 to a SARC as soon as feasible.
- (8) Provide the victim with options concerning his/her involvement with investigative and legal personnel. Possible involvement options include:
 - (a) The victim may choose to be interviewed without assistance.
 - (b) The victim may choose to be interviewed with a SAPR VA and/or Victims' Legal Counsel present during interview(s).
 - (c) The victim may prefer not to be interviewed personally by law enforcement officials. In this case, it is likely that a limited criminal investigation will be initiated or conducted and valuable evidence may be lost, reducing the ability to hold the alleged offender(s) accountable.
- (9) Make follow-up telephone contact with the victim within 48 hours to provide emotional support and information, to determine if additional services are requested, and to encourage and assist in scheduling follow-on counseling.

(10) Offer to accompany the victim to interviews with investigative and legal staff in order to provide emotional support.

c. Brigade Medical Clinic Shall:

(1) Place the victim in a private room, separate from the waiting or processing area, until medical care is provided.

(2) Notify the SARC, or VA (as appropriate) that a SA has occurred. Provide the name, telephone number, and location of the victim.

(3) Provide emergent care as needed and be available during normal clinic hours to conduct a Sexual Assault Forensic Examination (SAFE) by a certified examiner. If care occurs outside normal clinic hours, the responding SARC will determine to which facility a military victim should be transported. USNA may utilize Anne Arundel Medical Center (AAMC), in Annapolis; Mercy Medical Center, in Baltimore; or for military only, the Walter Reed National Naval Medical Center (WRNNMC) Bethesda.

(4) Explain the availability of victim advocacy services.

(5) Notify the SAPR VA and ensure they arrange transportation to a civilian hospital or Military Treatment Facility (MTF) if a SAFE is required.

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

(6) Provide the responding SARC or SAPR VA with case statistical data for completion of the initial and follow-on reporting requirements as requested.

NOTE: Sensitivity to the victim's emotional state is critical, do not involve unnecessary individuals.

d. USNA Legal Staff or Trial Counsel shall:

(1) Explain the availability of victim advocacy services, including Victims' Legal Counsel services, if the victim is eligible, and have a SAPR VA or SARC present if the victim desires one.

(2) If the victim has retained a Victim's Legal Counsel, USNA legal staff will not communicate with the victim about matters covered by the Victims' Legal Counsel's representation. USNA legal staff will coordinate closely with the Victims' Legal Counsel to determine what matters may be discussed directly with the victim.

(3) Ensure that the victim is aware of his/her options concerning participation in the investigation and prosecution, and the availability of Victims' Legal Counsel to discuss the options with the victim before the victim has to choose. Possible involvement options include:

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

(b) The victim may agree to be interviewed with a SAPR VA and/or Victims' Legal Counsel present during interview(s).

(c) The victim may prefer not to be interviewed personally by law enforcement officials. In this case, it is likely that a limited criminal

4 JUN 2015

investigation will be initiated or conducted and valuable evidence may be lost, reducing the ability to hold the alleged offender(s) accountable.

(4) Ensure that NCIS has been notified that a SA occurred. If the victim chooses to report to civilian law enforcement officials, legal personnel, Victims' Legal Counsel, or NCIS can make the initial contact on behalf of the victim.

(5) Encourage the victim to seek medical and counseling services.

(6) Ensure that the victim is informed of their rights (through Victims' Legal Counsel, if assigned) as identified in enclosure (4) and references (i) and (j).

(7) Unless Victims' Legal Counsel has been assigned, notify the victim that should they decide to participate in an investigation, their testimony and participation may be required in proceedings other than a court martial or civil trial.

(8) Consider a Military Protective Order (MPO) when the alleged offender is an active duty service member in order to prevent contact between the victim and the alleged offender.

(9) Unless Victims' Legal Counsel has been assigned, if the victim desires to testify, be available to provide consultation/referral to the victim and/or the VA in areas such as courtroom procedures.

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

(11) Honor the victim's wishes if he/she desires to be interviewed in the presence of a friend, SAPR VA, or Victims' Legal Counsel.

(12) Keep the SAPR VA and the victim (through Victims' Legal Counsel, if assigned) informed of the status of the case and pertinent details.

(13) Immediately provide the responding SARC, SAPR VA, or Duty VA with case statistical data for completion of the initial and follow-on reporting requirements as requested.

e. Chaplain Corps personnel shall:

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

(2) Provide emotional, psychological, and spiritual support to the victim and family, as requested.

(3) Encourage the victim to seek appropriate assistance or counseling. If the victim concurs, encourage the victim to seek counseling from the MDC or another qualified organization which specializes in assisting SA victims. Remain as involved as the victim desires.

4 JUN 2015

(4) Encourage the victim to seek medical attention, regardless of whether the victim requires emergency or non-emergency care.

(5) Explain the availability of victim advocacy services and notify the Duty SAPR VA if the victim desires.

(6) Explain the availability of Victims' Legal Counsel and notify Victims' Legal Counsel if the victim desires.

(7) As appropriate, encourage the victim to report the incident to a SARC, VA, or their chain of command.

(8) If the victim desires to report the incident, immediately provide the SARC or SAPR VA with case statistical data for completion of the initial and follow-on reporting requirements as requested.

f. Midshipmen Development Center counselors shall:

(1) Maintain therapist-patient confidentiality, with the exceptions articulated in MDC's informed consent document, including the exception that the counselor must report any SA that occurred after age 18 to the SAPR Office. This report can either be restricted, if the option is available to the patient, or unrestricted. The victim may also choose not to make a report.

(2) Offer a release form to provide information to SAPR personnel beyond reporting for purposes of advocacy. The victim may choose whether or not to sign the release. Once a release is signed, the counselor is required to obtain verbal instructions as to what specific information may be given to the SAPRO.

(3) Clearly explain confidentiality in the context of a SAPR case.

(4) Explain the reporting options, provide information on the SAPR Office, medical, legal (including Victims' Legal Counsel), and investigative systems as needed.

(5) The DECS shall coordinate all clinical case management in liaison with the appropriate SARC or VA. If another counselor provides counseling to a SA victim, that counselor shall inform the DECS and provide the DECS with regular input regarding progress.

(6) The MDC Director shall attend monthly SACMGs.

g. Base Security shall:

(1) Respond to all SA calls occurring under their jurisdiction.

(2) Notify the Duty SAPR VA, NADO, SARC, SAPR VA, or the Officer of the Watch (OOW), as appropriate, that a SA has occurred. Provide the name, telephone number, and location of the victim.

(3) Ensure that the victim has some form of clothing or cover.

4 JUN 2015

(4) Ensure that the victim receives immediate medical care for any injuries that warrant such care.

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

(6) Apprehend alleged offender(s), as appropriate.

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

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

(9) Explain to the victim normal law enforcement procedures which can be expected to occur in the next 24 hours. Ensure the victim is aware of future actions and processes.

(10) If the victim is emotionally upset or distraught, attempt to calm the victim until further assistance (e.g., SAPR Victim Advocate, SARC, 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.

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

(12) Immediately provide the SARC, SAPR VA, or Duty SAPR VA with case statistical data for completion of the initial and follow-on reporting requirements as requested.

h. NCIS shall:

(1) Receive reports of SA incidents. If the victim chooses to report to civilian law enforcement officials, NCIS personnel can make the initial contact on behalf of the victim.

(2) Explain the availability of victim advocacy and Victims' Legal Counsel services, and contact a Staff Judge Advocate (SJA), Victims' Counsel, Duty SAPR VA, SARC, SAPR VA, OOW, or NADO, as appropriate, regarding the incident.

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

(a) The victim may choose to be interviewed without assistance.

(b) The victim may request to be interviewed with a SAPR VA and/or Victims' Counsel present during NCIS interview(s).

(c) The victim may not desire to meet with law enforcement officials (e.g., NCIS special agents or civilian police). A SAPR VA and/or VA Victims' Legal Counsel may report to NCIS in lieu of the victim, providing a written summary of information to the investigative agent.

4 JUN 2015

(d) The victim may not desire to participate in the investigation with law enforcement officials. In this case, it is likely that a limited criminal investigation will be initiated or conducted and valuable evidence may be lost, reducing the ability to hold the alleged offender(s) accountable.

(4) Advise the victim on safety precautions in the event that the alleged offender poses a continuing threat.

(5) Conduct the investigative interview in a manner which recognizes victim sensitivity as outlined in paragraph 6 of this enclosure.

(6) Honor the victim's wishes if he or she desires to be interviewed in the presence of a friend, victim advocate, or Victims' Legal Counsel.

(7) Notify the Victim Witness Assistance Coordinator (Staff SJA) as appropriate 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.

(8) Conduct a thorough investigation of the crime in compliance with victim's rights and the NCIS Manual for Investigations.

(9) Immediately provide the SARC, SAPR VA, or Duty SAPR VA with case statistical data for completion of the initial and follow-on reporting requirements as requested.

i. Fleet and Family Service Center (FFSC). FFSC shall assume case management and response for SA cases that meet Family Advocacy Program (FAP) guidelines of OPNAVINST 1754.2 (series). Cases normally managed under FAP include but are not limited to:

(1) Cases of SA involving a current or former spouse, a person with whom the abuser shares a child in common, or a current or former intimate partner with whom the abuser shares or has shared a common domicile.

(2) Cases of SA involving victims under the age of 18.

(3) Cases of SA involving an active duty dependent that is eligible for treatment at a military treatment facility and a civilian (e.g., a boyfriend or girlfriend).

(4) Cases involving same sex-domestic partners.

(5) Cases involving children of same-sex domestic partners who are under the age of 18.

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

(1) Inform a SARC or SAPR VA of a SA report.

(2) Recognize some victims may receive a negative response from other midshipmen following the report of a SA and more education may be needed to ensure retaliation and inappropriate behavior is not an issue. In such situations, consult with a SARC in order to develop and implement a plan to address undesired responses.

4 JUN 2015

(3) Ensure that MPOs are strictly enforced for the victim's safety. MPOs are issued when the alleged offender is an active duty service member and direct the accused to remain clear of the victim.

(4) Be aware that if the alleged offender and victim are in the same company, typically one is reassigned to another company in order to prevent contact with one another. The victim is given the option first to decide on reassignment, according to their preference. Faculty and staff issues will be similarly resolved.

4 JUN 2015

CONFIDENTIALITY AGREEMENT

From: Commandant of Midshipmen, United States Naval Academy
To: Midshipman _____ Class (name), _____, U.S. Navy, Class of
(YEAR)
Subj: CONFIDENTIALITY ORDER ISSUED TO MIDSHIPMAN _____ CLASS (NAME),
U.S. NAVY, CLASS OF (YEAR)

1. You are directed to abide by and obey the following Military Confidentiality Order. Violation of this order may result in administrative action or in disciplinary action under the Uniform Code of Military Justice or the Administrative Conduct System.
2. This order is strictly an administrative action to ensure the safety, security and privacy of the person(s) involved in the ongoing Naval Criminal Investigative Service (NCIS) investigation for which you have been interviewed. It is also intended to protect you from any allegations while this order is in effect. This order is not the beginning of disciplinary action against you, nor does it mean that you cannot or will not be punished for any actions taken before or after its issuance.
3. This order is issued concerning your participation in an ongoing NCIS investigation as a complainant, witness, or accused.
4. You are directed to refrain from initiating or taking part in any unofficial conversations, commenting on any third party speculation, rumors or judgments that are relevant to the investigation or the particulars of your role in the investigation. You are further directed to refrain from contacting or communicating with in any manner, including but not limited to, personally, telephonically, through third parties, in writing, by electronic mail or other electronic media, through the use of physical gestures, or by any other means other personnel that you know or reasonably should know are also participating in the investigation as a complainant, witness, or accused.
5. You are authorized to discuss the case with government agents or local law enforcement personnel in the execution of their duties; your Senior Enlisted or Officer chain of command; personnel assigned to the Commandant's or Superintendent's legal offices; defense counsel of the suspect or accused, or other legal counsel as appropriate.
6. This is a lawful order. Violation of this order may expose you to disciplinary action under Article 92 of the Uniform Code of Military Justice.
7. This order shall remain in effect until you are specifically notified it has been terminated. If you have any questions about this order, you are to direct them to my Legal Advisor, at (410)-293-7014, via your Company Officer.

S. E. LISZEWSKI
By Direction

Copy to:

Enclosure (3)

4 JUN 2015

Subj: CONFIDENTIALITY ORDER ISSUED TO MIDSHIPMAN _____ CLASS (NAME),
U.S. NAVY, CLASS OF (YEAR)

I understand the above order. I understand that violating this order may result in administrative or disciplinary action against me.

(Name)
MIDN USN

Date

Witnessed by:

Signature

Date

Printed Name

4 JUN 2015

CRIME VICTIM'S BILL OF RIGHTS

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

- a. The right to be treated with fairness and respect for the victim's dignity and privacy;
- b. The right to be reasonably protected from the accused offender;
- c. The right to be notified of court proceedings;
- d. The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial;
- e. The right to confer with trial counsel and the Staff Judge Advocate to the convening authority in the case;
- f. The right to receive available restitution; and
- g. The right to information about the conviction, sentencing, imprisonment, and release of the offender.

2. A copy of these rights shall be provided to anyone reporting a SA.

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