DEPARTMENT OF THE ARMY
HEADQUARTERS, NATIONAL TRAINING CENTER AND FORT IRWIN
FORT IRWIN, CALIFORNIA 92310

REPLY TO ATTENTION OF:

AFZJ-CG

11 Feb 11

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: NTC Policy Letter 08, Sexual Assault Prevention and Response Program

1. PURPOSE: To define the Fort Irwin policy concerning Sexual Assault Prevention and Response Program (SAPRP) procedures and policies, create the Sexual Assault Review Board, (SARB) and to direct the involvement of the chain of command.

2. APPLICABILITY: This policy applies to all military personnel.

3. REFERENCE:

a. AR 600-20, Command Policy, Chapter 8, Sexual Assault Prevention and Response Program, 18 Mar 08

b. MEDCOM Regulation 40-36, Medical Facility Management of Sexual Assault, 23 Dec 04

c. AR 27-10, Military Justice, 16 Nov 05

d. CA Penal Code Section 11160, "Healthcare Provider Mandatory Reporting."

4. POLICY:

a. Sexual assault is a crime that is incompatible with Army Values and the Warrior Ethos. Sexual assault directly and negatively impacts readiness across the force. The Fort Irwin SAPRP will minimize sexual assault through training, education and awareness. The program will reinforce a commitment to Army Values. This policy applies to all Soldiers, on and off post, during duty and non-duty hours.

b. Commands will ensure the sensitive handling of victims of sexual assault; offer victims assistance and counseling; hold those who commit sexual assault offenses accountable; and provide written procedures for reporting sexual assault. Commands will integrate sexual assault awareness into installation newcomer orientation briefings.

c. Commands will ensure all victims of sexual assault are protected and treated with dignity, fairness, and respect. Commands will ensure that sexual assault victims are provided support, advocacy and care. Assuring privacy and providing a confidential disclosure option for sexual assault victims is critical to discharging our commitment.

d. Commanders have a responsibility to ensure community safety and due process of law. Commanders must also recognize the importance of respecting privacy of victims and treat all reports of sexual assault seriously by following proper guidelines. Commanders will post written assault policy and victim resources on unit bulletin boards.

5. Definition of Sexual Assault for the purpose of this policy: The intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts.

6. Implementation of fort Irwin Sexual Assault Prevention and Response Program:

a. Appointment of Unit Victim Advocates (UVA): Commands will appoint two UVA for each unit at the Battalion level, a deployable SARC, and supply UVA as needed at remote locations. These individuals will be qualified officers (CW2/1LT or higher), NCO (SSG or higher), or DA civilian (GS-9 or higher), who are properly trained and serve in this position as a collateral duty.

b. Restricted reporting: Commands will ensure Soldiers are informed and procedures are in place to allow for restricted reporting 24 hours per day/7 days per week. Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive counseling, without triggering the official investigative process. Civilians and Family members do not have the option of restricted reporting at this time. Victims of sexual assault can only make a restricted report, prior to notifying any other personnel, to the following:

(1) The Sexual Assualt Prevention Coordinator (SARC)

(2) The Installation Victim Advocate (IVA)

(3) Their Unit Victim Advocate (UVA)

(4) The Chaplain

(5) Healthcare Provider *

c. Unrestricted reporting. Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (e.g., chain of command, law enforcement, or he/she may report the incident to the above listed individuals).

d. *Exceptions to restricted reporting. California Penal Code Section 11160, mandates health care providers report to local law enforcement incidents of sexual assaults. Therefore, healthcare providers on post will comply with California law and report incidents of sexual assault to local law enforcement **off-post,** but will **not report to military authorities** except in compliance with this policy. Victims will be notified that there is no "strict" confidential communication available for victims of sexual assault to healthcare providers in the state of California in accordance with AR 600-20, Appendix H-6a(5).

e. Installation Commanders, Provost Marshall, CID, MEDDAC, Chaplains, Unit Commanders and Family Advocacy Program will support and enforce all requirements of AR 600-20, ch. 8, MEDCOM Reg 40-36 and AR 27-10.

f. The Fort Irwin Garrison Commander will establish the SARB to convene monthly to provide executive oversight, procedural guidance (to include a command checklist) and feedback concerning the installation's SAPRP. This board reviews the installations prevention program and the response to any sexual assault incidents occurring at the installation. This includes reviewing cases and procedures to improve processes, system accountability and victim access to quality services. Sexual Assault Review Board Composition will be:

(1) Sexual Assault Response Coordinator (SARC)

(2) Installation Victim Advocate (IVA) (as appropriate)

(3) Army Criminal Investigation Command (if required)

(4) Staff Judge Advocate (SJA) or representative

(5) Provost Marshal or representative, Law enforcement (Military or Civilian police)

(6) Chaplain or representative

(7) Sexual Assault Clinical Provider or Sexual Assault Care Coordinator

(8) Chief, Behavioral and Mental Health

(9) Victims' and Offenders' Commander (as appropriate)

(10) Other members may be appointment by nature of their responsibilities as they pertain to sexual assault (e.g., victim witness liaisons, Alcohol and Substance Abuse Program)

7. SUPERSESSION: This policy letter supersedes all previous NTC policy letters on this subject.

8. The proponent for this policy letter is the Director of Morale, Welfare, and Recreation, at 380-5111.

TERRY R. FERRELL
Brigadier General, USA
Commanding

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