



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY GARRISON WIESBADEN  
UNIT 29623  
APO AE 09005-9623

IMWB-ZA

09 July 2012

MEMORANDUM FOR All Members of the USAG Wiesbaden Community

SUBJECT: US Army Garrison Command Policy Letter 5, Sexual Assault Prevention and Response Program (SAPRP)

1. References:

- a. Uniform Code of Military Justice, 2008.
- b. P.L. 108-375, "Ronald W. Reagan National Defense Authorization Act," section 577(b), 28 Oct. 2004.
- c. Memorandum, HQ USAREUR, 29 Aug. 05, subject: Authority to Convene Sexual Assault Review Board (SARB).
- d. AR 600-20, Army Command Policy, 18 Mar. 08.

2. Purpose: The Sexual Assault Prevention and Response Program (SAPRP) is designed to prevent sexual assault; to encourage the reporting of all instances of sexual assault; to ensure the prompt assessment and investigation of all sexual assault cases; to protect victims of assault; and to treat all Soldiers, Family Members, civilians, and contractors who are affected by or involved in sexual assault and abuse.

3. Applicability: This policy applies to all military personnel, Department of Defense/Army Civilians, and Family Members in the Wiesbaden military community.

4. Policy: *Sexual Assault*. Sexual assault is a crime defined as 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. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.  
(AR 600-20, Chapter 8; 8-4)

a. Plan of Action: Rape, forcible sodomy, and indecent assault are crimes under the UCMJ. These acts have lasting effects upon their victims and can significantly damage relationships with families, units, and the local military and civilian communities. The law regarding these acts does not change during deployments, they are crimes whenever and wherever committed. As leaders, we must do everything we can within our command to prevent sexual assault before it happens; properly

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address the crime if it should happen; and finally, provide for recovery of the victim after the incident.

b. Phase I: Prevention. This phase is continuous and concentrates on training and alerting everyone, including commanders, unit members, Family Members, and organizations of sexual assault issues and our responsibilities for preventing sexual assault. This phase also involves deterring potential offenders by ensuring that the consequences of sexual assault are known and the judicial process is understood. Leader presence, education, inspections of security in housing, and holding offenders accountable all can help prevent incidents of sexual assault.

c. Phase II: Crisis. This phase begins with an agency's notification that a sexual assault has occurred, and concentrates on providing expeditious care and support to the victim as well as informing the victim of his or her rights. The victim must be referred to the Sexual Assault Response Coordinator (SARC) as soon as possible. The SARC will explain to the victim the victim advocacy services available and advises the victim of his or her options for restricted and unrestricted reporting. The victim may then decide to accept the offer of victim advocacy services or choose to seek help without the presence or assistance of a Victim Advocate (VA). Depending on the type of reporting selected by the victim (restricted or unrestricted), agencies are available to provide care and support for the victims of sexual assault, including the Military Police (MP), the Criminal Investigation Command (CID), the servicing Staff Judge Advocate (SJA), the local Medical Treatment Facility (MTF), the unit Chaplain, or the unit chain of command. Also critical to this phase are the proper and immediate actions by military law enforcement personnel in conducting a thorough investigation to document all evidence and witness statements pertaining to the crime. On notification that a sexual assault has occurred in a unit, the unit commander will consider the case as genuine, treat those involved in the case fairly, and not pass judgment on them. This phase is completed once the victim begins Phase III.

d. Phase III: Recovery. This phase begins after the victim's immediate health concerns have been addressed and the victim has been informed of the availability of VA services for sexual assault. The goal of this phase is the rehabilitation of the victim and providing victim/witness liaison support needed to keep the victim informed of ongoing investigative and legal processes related to the assault. Local MTFs, in conjunction with commanders, will develop a long-term physical and mental health care plan for eligible victims. This phase is continuous and will last as long as the victim indicates that he or she requires care.

e. Reporting:

(1) Restricted Reporting: Restricted reporting is intended to give a victim additional time and increased control over the release and management of their personal information. Soldiers will be empowered to seek relevant information and support to make informed decisions about participating in a criminal investigation. Additionally this allows the Soldier to receive medical treatment and

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counseling without triggering the official investigative process. Restricted reporting allows a Soldier who is the victim of sexual assault to confidentially disclose the details of the assault to specifically identified individuals: Family Advocacy Program Manager (FAPM), Victim Advocate Coordinator (VAC) /Sexual Assault Response Coordinator (SARC), Installation Victim Advocate (IVA), Unit Victim Advocate (UVA), Health Care Provider, and Chaplain.

(2) Exceptions to Restricted Reporting. In cases where victims elect restricted reporting, confidential communications will be suspended if one of the following occurs:

(a) The victim authorizes the command or law enforcement officials in writing to disclose.

(b) Command or law enforcement officials believe it is necessary to disclose to prevent or lessen a serious and imminent threat to the health and safety of the victim or another person.

(c) A healthcare provider is required to disclose the information in the process of a fitness for duty for disability retirement determination. However, the disclosure is limited to only information that is necessary for the disability retirement board to process the disability retirement determination.

(d) When a disclosure is ordered by a military or civilian court of competent jurisdiction or is required by federal or state statute. SARCs, VAs, and healthcare providers will consult with the local SJA Office to determine if the criteria apply and if they have a duty to obey. Until those determinations are made, only non-identifying information should be disclosed.

(3) Unrestricted Reporting: A Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of the allegation should use current reporting channels (for example, chain of command, law enforcement officials) or report the incident to the VAC/SARC.

f. Responsibilities:

(1) Battalion Commanders will:

(a) Appoint and place on appointment orders, 2 UVAs (non MP) and 1 DSARC.

(b) Ensure UVAs have received required training prior to performing duties.

(c) For unrestricted reporting, provide an update to the victim 14 calendar days after the initial report. Thereafter, at a minimum, a monthly update is provided to the victim on the current status of any ongoing investigative, medical, legal, or command proceedings regarding the assault. Monthly updates will continue until the final disposition of the reported assault. Additionally, the battalion

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commander will follow up with the victim within 45 days after disposition of the case to ensure victim's needs have been addressed.

(2) Unit Commanders will:

(a) Take immediate steps to ensure the victim's physical safety, emotional security, and medical treatment needs are met and the local SARC/VAC and appropriate law enforcement/criminal investigative services are notified IAW AR 600-20, Appendix G.

(b) Collaborate closely with the local SARC, legal, medical, and chaplain offices and other service providers to provide timely, coordinated, and appropriate responses to sexual assault issues and concerns.

(c) Encourage the victim to get a medical examination, no matter when the incident occurred.

(d) Report all incidents of sexual assault to the Staff Judge Advocate within 24 hours.

(e) Review current policies and validate their relevance.

(f) Develop and implement ongoing sexual assault awareness, prevention, and education training.

(g) Conduct annual, post and pre-deployment SAPR training. SAPR Training is not an extension of sexual harassment training.

(h) Conduct bi-annual training aimed at the prevention of sexual assault that reiterates and reinforces the Army's policy on sexual assault. Ensure 100% of Soldiers attend this training.

(i) Coordinate with local SARCs to ensure area UVA coverage for all outlying platoons and personnel.

(j) Publish contact information of SARCs, IVAs, and UVAs, provide take-away information such as telephone numbers for unit and installation points of contact, booklets, and information on available victim services.

(k) Update Commander's Battle Drill quarterly and ensure all Soldiers are informed.

(l) Advertise the SAPR Program through local means to ensure Soldiers, Army Civilians, Family Members, and leaders are aware of the program.

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(m) Post written sexual assault policy statements and victim services resource chart(s) on unit bulletin boards.

(n) Ensure all Soldiers understand both restricted and unrestricted reporting.

(o) Inform Soldiers of legal consequences and career implication of committing acts of sexual violence. Use public bulletin boards to post the outcome of sexual assault cases as well as notification of punishment under UCMJ.

(p) Conduct command climate surveys within 90 days after assuming command and annually thereafter.

(q) Identify Soldiers who are high-risk or have a potential drinking problem.

(r) Inform Soldiers of off-limits areas and discuss local high risk areas during weekly safety briefings.

(s) Review barracks safety policies and procedures, focusing on reducing unnecessary risks.

(t) Include training on sexual assault and barracks safety for new arrivals during unit in-processing.

(3) Unit Victim Advocates will:

(a) Meet standards for selection and attend annual and ongoing training.

(b) Ensure all victims of sexual assault receive appropriate services.

(c) Attend monthly SARB meetings as required by the installation commander.

(d) Report directly to the local SARC/VAC for any sexual assault response.

(e) Report directly to the Deployable SARC/VAC (D-SARC) during deployment periods.

(f) Military police will not be detailed to perform victim advocate support outside of military police units.

(g) A Soldier accused of sexual assault is innocent until proven guilty. Soldiers accused will receive access to necessary legal, spiritual, and mental healthcare resources. Each case will be evaluated on the basis of its particular facts. The rights of both the victim and accused will be protected. Commanders should ensure re-victimization does not occur and should determine the best

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course of action for separating victims from the subject(s) during the investigation of sexual assault cases.

(h) Commanders and leaders at all levels will treat every reported sexual assault incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only. All sexual assault victims will be treated with dignity, fairness, and respect for their privacy.

(i) Sexual assault is incompatible with Army values and the Warrior Ethos. You have a responsibility as a Soldier to prevent sexual assault from occurring within your unit. Sexual assault not only impacts the victims, but adversely impacts the morale and cohesiveness of the unit, thereby affecting readiness.

(j) This policy will be posted on all unit bulletin boards.

(k) 24 hour, 7 days a week hotline for Sexual Assault: 0162-296-6741.

5. Point of contact for this memo is Ms. Michelle Stosich, Family Advocacy Program Manager, who may be reached at DSN: 335-5254 / CIV: 0611-4080-234 or via email: michelle.a.stosich.civ@mail.mil.



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