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COMDTINST 1754.10C

20 Dec 2007

COMMANDANT INSTRUCTION 1754.10C

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM (SAPRP)

- Ref:
- (a) Military Justice Manual, COMDTINST 5810.1 (series)
 - (b) United States Coast Guard Regulations 1992, COMDTINST M5000.3 (series)
 - (c) Mandatory Reporting of Incidents To The Coast Guard Investigative Service and Requesting Investigative Assistance, COMDTINST 5520.5 (series)
 - (d) Medical Manual, COMDTINST M6000.1 (series)
 - (e) Coast Guard Family Advocacy Program, COMDTINST 1750.7 (series)
 - (f) U. S. Coast Guard Competency Management System Manual M5300.2 (series)
 - (g) Information and Life Cycle Management Manual COMDTINST M5212.12 (series)
 - (h) Mandatory Use of the Training Management Tool, COMDTINST 5270.2 (series)
 - (i) A National Protocol for Sexual Assault Medical Forensic Examinations, Department of Justice Publication NCJ 206554

1. **PURPOSE.** To establish policy and prescribe procedures for the Coast Guard Sexual Assault Prevention and Response Program (SAPRP). The ultimate purpose of this program is to build a culture of prevention, sensitive response and accountability in keeping with the Coast Guard’s values of honor, respect, and devotion to duty.
2. **ACTION.** Area, district, and sector commanders, commanders of maintenance and logistics commands, commanding officers of integrated support commands, commanding officers of headquarters units, assistant commandants for directorates, Judge Advocate General and special staff elements at Headquarters shall ensure compliance with the provisions of this Instruction. Internet release authorized.
3. **DIRECTIVES AFFECTED.** Reporting and Responding to Rape and Sexual Assault Allegations, COMDTINST 1754.10B is cancelled.

DISTRIBUTION – SDL No. 147

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NON-STANDARD DISTRIBUTION:

4. APPLICATION.

- a. This Instruction applies when sexual assault is reported or alleged and a Coast Guard active duty member, Coast Guard Reserve member on active duty or in a drill status, civilian employee, or dependent is the victim or accused and the incident occurs on Coast Guard controlled property. It also applies when sexual assault is reported or alleged and a Coast Guard active duty member or Coast Guard Reserve member on active duty or in a drill status is the victim or accused and the incident occurs off Coast Guard controlled property.
- b. Total compliance with the requirements of this instruction will be challenging and, in some cases impossible, as circumstances beyond Coast Guard control will limit what can be done. Nonetheless, reasonable efforts shall be made to provide all covered victims the same response procedures and applicable reporting options described in this Instruction.
- c. Afloat commands in particular may experience challenges in implementing requirements contained in this Instruction while underway. The expectation is that requirements and notifications will be implemented to the maximum extent possible at the earliest opportunity. See paragraph 5.c. (2) (a) for further clarification.
- d. The Superintendent of the Coast Guard Academy may supplement the procedures in this Instruction to effectively use the unique support and counseling resources available at the Academy in cases involving cadets and officer candidates. All incidents must be reported to Commandant (CG-1112) per paragraphs 8.i.(2).b. and 8.i.(2).d. All incidents where victims choose unrestricted reporting must be immediately reported to the Coast Guard Investigative Service.
- e. The restricted reporting option is available to those sexual assault victims who are Coast Guard members assaulted while in an active duty status. This includes members of the Coast Guard Reserve component when they are performing active duty training, or are in Title 10 (regular active duty) or Title 14 (emergency augmentation) status, or while in an inactive duty for training status. (Note: legislative and notice of eligibility procedural changes are needed to ensure that reservists can receive all needed services and still request restricted reporting. These issues are being worked. Future guidance will be provided when needed changes are in place.)
- f. This Instruction supersedes all regulatory and policy guidance that is inconsistent with this Instruction, including references (a) through (d), not expressly mandated by law.
- g. Reference (e) provides policies and procedures for reporting sexual abuse incidents occurring between family members or committed by caregivers and should be followed in those situations.
- h. Any questions about the applicability of this Instruction should be directed to the cognizant Integrated Support Command/Headquarters Support Command Work-Life staff, or Commandant (CG-1112).

5. DISCUSSION.

- a. The Coast Guard is committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided appropriate ongoing support. In addition, the Coast Guard is dedicated to ensuring that persons who commit crimes are held accountable. To achieve these dual objectives, the Coast Guard is adopting new policies that provide victims with more choices. The Coast Guard prefers unrestricted (complete reporting) of sexual assaults to activate both victims' services and accountability actions but recognizes that unrestricted (complete reporting) represents a barrier for some victims in accessing needed services. Therefore, the Coast Guard now provides an option for restricted (confidential) reporting which does not activate the official investigatory process until/unless the victim chooses to request this option.
- b. Commanding Officers have a responsibility to ensure community safety and due process of law, but they must also recognize the importance of protecting the privacy of victims under their command. Subject matter experts agree that a reporting system which promotes privacy and confidentiality for victims can have a positive impact that encourages victims to provide information about the assault.
- c. Coast Guard members who are sexually assaulted now have the following reporting options: unrestricted and restricted reporting.
 - (1) Unrestricted Reporting. A service member who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his or her allegation can report the matter using official reporting channels, e.g., Duty Watchstander, Supervisor, or the Chain of Command. Once a Coast Guard official receives a report that a sexual assault has occurred, the Coast Guard Investigative Service (CGIS) must be notified immediately. Use of the unrestricted reporting option is encouraged as it provides for immediate formal investigation by trained criminal investigators as well as the full range of protections to the victim including Military Protection Orders (MPO) and other police and command protective actions. It is the only option that can lead to offenders being held accountable and stopped from reoffending. Once notified of an allegation, CGIS has sole responsibility for the investigation. Commands are prohibited from taking any formal or informal investigative action, to include preliminary inquiry or interview of alleged victims, suspects or witnesses regarding the assault.
 - (2) Restricted Reporting. Restricted reporting allows a sexual assault victim to confidentially disclose the details of his or her assault to specific categories of individuals and receive medical treatment and counseling without triggering the official Coast Guard investigative process and notification of the victim's command. Service members who are sexually assaulted and desire restricted reporting under this policy should report the assault only to an Employee Assistance Program Coordinator (EAPC), a Victim Support Person (VSP), or a DoD or Coast Guard Healthcare Provider (HCP). Cadets or Officer Candidates at the Coast Guard Academy may also report to those individuals listed in the Superintendent's Instruction including Cadet Counselors, Academy Chaplains, and members of Cadets Against Sexual Assault (CASA). Service members who initially elect the restricted reporting option can, within 12 months of their initial confidential report of the assault, elect to pursue unrestricted reporting, which will result in initiation of a formal investigation by CGIS and

afford the victim the full range of protections, including Military Protection Orders (MPO) and other police and command protective actions.

(a) Restricted reporting may not be an option if:

1. The member is assigned to an afloat unit and is underway and/or in a port other than their homeport at the time the assault is reported. However, restricted reporting may be available to victims who initially report to a military treatment facility (MTF) ashore, regardless of where the assault occurred; and restricted reporting may be an option if reported while assigned to a Coast Guard vessel with a Medical Officer aboard.
2. State law mandates that a report be made to the police agency that has jurisdiction where the assault occurred or was reported. In such jurisdictions the victim may be questioned by the police who may pursue the investigation and may notify CGIS regardless of the victim's wishes. A description of applicable State Laws can be found at www.sapr.mil (click on Resources and go to bottom of page and click Civilian Rape Reporting Laws).
3. It is determined that the victim or other person(s) would otherwise remain in serious and imminent danger if the crime is not reported;
4. The victim is incapacitated or otherwise unable to make a competent decision;
5. The sexual assault was disclosed by a third party (someone other than an EAPC, HCP, VSP, or Chaplain) to another member either in the same command or another command. Third-party disclosures shall not by themselves rule out the possibility of restricted reporting when the incident is disclosed by the victim in the presence of a non-medical support person at a medical procedure.

(b) Normally, an HCP or EAPC, in consultation with the servicing legal office, can determine whether one of the "exceptions" to the third party disclosure rule has been met. Any privilege recognized under the Military Rules of Evidence will constitute an "exception" to the third party disclosure rule.

(c) If a victim reveals offenses in addition to the alleged sexual assault, that information will be subject to the same rules governing disclosure as the reported sexual assault.

(d) Unauthorized disclosures of restricted reporting may result in administrative or disciplinary action.

(e) The restricted reporting option does not create any actionable rights for the alleged offender or victim, nor does it constitute a grant of immunity for any actionable misconduct on the part of the victim.

- (3) Report Made to a Chaplain. The policy on restricted reporting is in addition to the current protections afforded privileged communications with a Chaplain, and does not alter or affect those protections.
- d. The purpose of the notification requirements described in this Instruction are to:
- (1) Initiate the immediate official investigative process when appropriate;
 - (2) Document the initiation and progress of a victim's case to ensure system accountability;
 - (3) Identify treatment options recommended to or preferred by the victim;
 - (4) Identify the final legal disposition; and
 - (5) Assist with identifying and managing trends, analyzing risk factors or circumstances, and taking action or making plans to eliminate or mitigate those risks as much as possible.
- e. The purpose of the interventions described in this Instruction is to assist victims in tapping into their own natural resilience in recovering from the assault. In other words, to help "victims" become "survivors."
6. **DEFINITIONS.** An extensive list of terms and definitions related to this Instruction is provided in enclosure (1).
7. **PREVENTION.** A command climate of prevention is enhanced by efforts to increase mutual respect and trust, efforts that highlight appreciation for diversity, and efforts to affirm the contributions of all personnel. Additionally, commands shall foster this climate by:
- a. Emphasizing that sexual assault is a serious crime punishable under the Uniform Code of Military Justice (UCMJ) as well as under state and local criminal statutes.
 - b. Emphasizing that sexual assault violates the Coast Guard's core values and that ultimately it destroys unit cohesion and the trust that is essential for mission success.
 - c. Reminding all members that appropriate action will be taken with all reported sexual assaults.
 - d. Emphasizing the potential legal consequences for those who are found guilty of such crimes.
 - e. Assessing the organization's climate and responding with appropriate action toward any negative trends that may emerge.
 - f. Ensuring that all unit personnel receive annual sexual assault prevention training as required by this Instruction.
 - g. Handling all incidents per guidance in this Instruction.

8. KEY DUTIES AND RESPONSIBILITIES.

a. Commandant (CG-111) shall:

- (1) Be responsible for oversight of policy and procedure implementation as described herein.
- (2) Collaborate with Commanding Officers, Work-Life staff supervisors, and Coast Guard Medical personnel to ensure compliance with this Instruction.
- (3) Monitor restricted reporting incidents, including tracking the locations and providing reports as appropriate. Names or other personal identifying information are not to be included in these reports and names shall not be included in the file names used for this report.
- (4) Coordinate with CGIS and the Judge Advocate General's Office of Military Justice (CG-0946) as needed.

b. Commandant (CG-1112) shall:

- (1) Promulgate policy and guidance regarding the Coast Guard's SAPRP.
- (2) Provide periodic training on the requirements of this Instruction to field elements to ensure adequate and appropriate implementation.
- (3) Establish a reporting system as required by this Instruction and create and evaluate quarterly statistical updates for training purposes and for monitoring the effectiveness of the SAPRP.
- (4) Provide oversight of Quality Assurance review processes to ensure provision of quality services.
- (5) Provide direct technical guidance to field staff, e.g., EAPCs, HCPs, etc., on the SAPRP.

c. CGIS Headquarters (CG-2-CGIS) shall:

- (1) Ensure CGIS field units initiate and report formal criminal investigation of all alleged, suspected or actual incidents of rape or sexual assault reported to CGIS as an unrestricted report per CGIS policy and procedures.
- (2) Ensure all CGIS field elements immediately notify the appropriate EAPC upon receipt of the initial report of an allegation of rape or sexual assault.
- (3) Ensure all CGIS investigative personnel are trained on the requirements of this Instruction.
- (4) Centrally manage the storage of evidence gathered in restricted reporting cases, to include Victim's Sexual Assault Evidence Collection Kits, until the victim decides to initiate the official investigative process or until the one-year anniversary date of receipt of the evidence by CGIS Headquarters, whichever comes first. Enclosure (2) provides information on the management of evidence collected in restricted reporting cases.

- (5) Liaison with external investigating law enforcement agencies in all cases as appropriate under this Instruction.
 - (6) Advise all victims that they have the option to have a VSP, or other support person of his/her choosing, present during any interview. If the victim requests a VSP, or other support person, ensure that reasonable efforts are made for that person to be present during any interview or medical procedure if this can be accomplished without unduly delaying the investigation.
 - (7) Coordinate the transfer of any evidence held in restricted reporting cases for laboratory analysis when the victim chooses the unrestricted reporting option.
 - (8) Report aggregate data on unrestricted reporting cases to the Director of the Department of Defense Sexual Assault Prevention and Response Office on a quarterly basis.
- d. Superintendent of the Coast Guard Academy shall:
- (1) Ensure that all sexual assault incidents are reported to Commandant (CG-1112) using the Sexual Assault Incident Report Format in enclosure (3). Ensure that monthly updated reports are provided until services are no longer being provided and the case has been resolved. The case tracking number, as defined in this Instruction, is to be used to identify the case. No names are to be included in these reports. (No reports with names, or cross-reference list containing names, will be kept by Commandant (CG-1112)).
 - (2) Comply with the Commander's Checklist for Unrestricted Reports of Sexual Assault, which is enclosure (4).
 - (3) Establish procedures to ensure the restricted reporting option and support services are available to all victims assigned to the Academy.
 - (4) Seek agreements with civilian medical facilities and local law enforcement agencies to retain and maximize victims' reporting options described in this Instruction.
- e. Commanders of Maintenance and Logistics Commands (MLC) shall:
- (1) Conduct regular Quality Assurance reviews of EAPC performance to ensure compliance with this Instruction.
 - (2) Ensure that a Judge Advocate advises the victim and any witness(es) of their rights under the Victim Witness Assistance Program, per reference (a).
 - (3) Ensure all Coast Guard HCPs know the requirements of this Instruction. Of particular importance are those responsibilities in response to the victim immediately after a report is made. A collaborative approach with the EAPC, VSP and all HCPs is essential to meet the needs of the victim.

f. Command Chaplains shall:

- (1) Provide and/or coordinate appropriate spiritual care and/or referral services, if requested by the victim.
- (2) Participate appropriately in command climate stabilization responses.
- (3) Ensure all chaplains receive mandatory annual training on implementation of this Instruction, which shall be provided or coordinated by the EAPC.

g. Commanding Officers (COs) and Officers-in-Charge (OINCs) shall:

- (1) Comply with the Commander's Checklist for Unrestricted Reports of Sexual Assault, which is enclosure (4).
- (2) Provide information to the cognizant EAPC for the purpose of meeting the initial and monthly update requirements of paragraph 8.i.(2) of this Instruction. Commands must notify the EAPC of all reports of sexual assaults immediately after being informed of an allegation.
- (3) Ensure completion of mandatory annual training on sexual assault prevention and the correct use of this Instruction by all unit personnel, both military and civilian, including assigned Coast Guard Chaplains and Public Health Service personnel detailed to the Coast Guard. The training must provide military personnel with an understanding of the reporting options available to them and the procedures used to ensure confidentiality.
- (4) Ensure that all persons nominated to become VSPs are screened and recommended by the EAPC.
- (5) Ensure that the competency/qualification code "VSP" is appropriately recorded per reference (f) for each Coast Guard member VSP, once certified as qualified by the EAPC.
- (6) Provide support for the VSP, including reimbursement for travel expenses. Ensure that each supervisor of a VSP signs enclosure (5) and each VSP signs enclosure (6). VSPs provide emotional support and assistance to the victim per enclosure (7) and as directed by the EAPC.
- (7) In cases involving unrestricted reporting consider not taking action on victim collateral misconduct until the final disposition of the sexual assault case.
- (8) Recognize the consumption of alcohol by the victim, when discovered as a factor in an incident, as an alcohol-related situation vice an alcohol incident for administrative purposes and refer the victim for screening and treatment as appropriate. If the screening determines alcohol treatment is necessary, and the victim refuses or fails treatment, the use of alcohol may be considered an alcohol incident for administrative purposes.
- (9) Consider the use of an MPO. In most cases it will be appropriate to bar the alleged offender from contact with the victim. In cases under investigation by CGIS, the use of an MPO shall

be coordinated with CGIS to ensure that any on-going investigative activity is not compromised or otherwise hampered.

- (10) Consider reassignment of the victim. Reassignment of the victim is appropriate based on service need and when doing so is in the victim's best interest and is consistent with his/her performance. In cases under investigation by CGIS, the use of reassignment for the victim shall be coordinated with CGIS to ensure that any on-going investigative activity is not compromised or otherwise hampered.
- (11) Consider reassignment of the alleged offender when it is in the best interest of the victim and there is a service need. Reassignment of the alleged offender should only be used after consultation with the servicing legal office and Coast Guard Personnel Command. In cases under investigation by CGIS, the use of reassignment for the alleged offender shall be coordinated with CGIS to ensure that any on-going investigative activity is not compromised or otherwise hampered.
- (12) Where applicable and to the extent possible, consider military, vice civilian, incarceration and prosecution of the alleged offender to protect the member's family from immediate financial hardship. If the proposed initial law enforcement response is civilian incarceration and prosecution, recognize that this response option statutorily mandates that the member be placed in an absent without leave status, resulting in the immediate loss of all pay and benefits.

h. Work-Life Supervisors shall:

- (1) Upon notification by the CO or OINC that an alleged rape or sexual assault has occurred, notify the EAPC as soon as possible, and confirm that CGIS has been notified in cases where the victim has elected unrestricted reporting.
- (2) Be prepared to provide advice and guidance per this Instruction in the event the EAPC is not available.
- (3) Ensure cross-training is provided to other appropriate Work-Life staff who may, in the absence of the EAPC, perform EAPC duties under this Instruction.
- (4) Coordinate directly with the appropriate district Staff Judge Advocate to facilitate creation of agreements with civilian medical facilities to retain and maximize victim's reporting options described in this Instruction.

i. EAPC Responsibilities:

- (1) Victim.
 - (a) Explain the Victim Reporting Preference Statement Form, enclosure (8), to all active duty victims. The goal of this explanation is for victims to understand all reporting options available, including the limitations of restricted reporting, and to have an opportunity to declare their choice. Of particular concern is for the victim to understand

that the normal protections under unrestricted reporting, such as a military protection order, will not be available to them and that they may have continuing contact with the abuser. This form must be completed for all victims. This responsibility may be delegated to the VSP or Coast Guard HCP in those situations where the VSP or HCP see the victim first.

- (b) Offer the services of a VSP, if available, and counseling services to the victim. The assigned VSP must be the same gender as the victim unless the victim agrees to a VSP of the opposite gender.
- (c) Ensure that victims are informed of their rights under federal law, 18 USC § 3771(a). These rights are listed on page 2 of enclosure (8), the Victim Reporting Preference Statement Form.
- (d) Explain to the victim any applicable State Law and associated investigatory practices in sexual assault cases that may require, despite the victim's preference, reporting the offense to the local police department where the offense occurred, and that the police department may notify CGIS.
- (e) In all cases, inform victim of their right to contact law enforcement authorities, including CGIS.
- (f) Provide rape and sexual assault information handouts to victims and families.
- (g) Provide case management to ensure the victim continues to receive appropriate services.
- (h) Maintain records as necessary to identify victims and track services provided. This includes maintaining a victim-specific file with a contact log that records each contact made with the victim or on behalf of the victim. The signed copy of enclosure (8) will be kept in this file. The EAPC will maintain all records that could serve to identify the victim in a secure container and strictly control access to the information. Per reference (g), the case record shall be destroyed at the end of three years after the last contact with the victim. Consultation with the servicing legal office is required prior to releasing any information related to a case when the restricted reporting option has been selected or when the request comes from a military or civilian court.
- (i) Ensure that the victim is aware that, regardless of reporting preference, the information contained in the record can be disclosed to military or civilian courts when so ordered by a judge, or as otherwise required in federal and state law, or by international agreements.
- (j) Limit contacts made on behalf of the victim, or related to the victim's case, to those authorized by the victim, or this Instruction, or listed as exceptions under page 2 of enclosure (8).
- (k) Contact CGIS Headquarters immediately if a victim who previously requested restricted reporting now requests unrestricted reporting. If the case involves evidence in storage, this report must include the victim's identifying information, the EAPC tracking number

- specific to the victim, and the Preliminary Inquiry Case Control Number (PI CCN) previously provided by CGIS Headquarters. Upon receipt of this information, CGIS Headquarters will notify the appropriate CGIS field office to initiate a criminal investigation and initiate transfer of any evidence collected under restricted reporting, to include Victim's Sexual Assault Evidence Collection Kit, to the appropriate laboratory for analysis.
- (l) Advise all victims that collection of forensic evidence is preferred in all cases, including those cases in which the victim requests restricted reporting. Advise the victim that it is up to him or her to determine to what degree he or she will participate in the evidence gathering process.
 - (m) If the victim agrees to the collection of evidence, advise him/her not to hamper potential evidence collection by bathing, douching, changing clothes, eating, drinking, or cleaning in any way prior to the forensic examination.
 - (n) In restricted reporting cases, attempt to collect all clothing worn during or after the attack, and other materials (such as sheets, blankets, etc.) that may have evidence on them for transfer to CGIS Headquarters for storage. If there is any question about whether an article or item has evidence on it, include it. Consult with CGIS Headquarters regarding the best methods for handling and packaging evidence.
 - (o) Arrange whenever possible, with the victim's consent, for a qualified medical person to collect evidence from the victim using a Victim's Sexual Assault Evidence Collection Kit. In unrestricted reporting cases, CGIS special agents will be responsible for ensuring collection and proper handling of evidence.
 - (p) Explain to the victim that in restricted reporting cases the evidence collected will be kept in storage for up to 12 months and will be available during that time should the victim choose unrestricted reporting.
 - (q) Ensure that any evidence collected under restricted reporting, to include the completed Victim's Sexual Assault Evidence Collection Kit, is forwarded via overnight express delivery directly to CGIS Headquarters per enclosure (2) for storage. Use only the assigned case number to identify the evidence.
 - (r) Ensure that the CGIS PI CCN, created at the time CGIS Headquarters receives the evidence, is recorded in the victim's case record in restricted reporting cases involving forensic evidence.
 - (s) In restricted reporting cases, contact the victim in the sixth and eleventh month after forensic evidence was collected and confirm the victim's decision regarding whether or not to pursue an unrestricted investigation. If the victim does not elect the unrestricted reporting, notify CGIS Headquarters in writing on the 1-year anniversary of submission of evidence. The written notification must reference the EAPC tracking number and CGIS PI CCN. (CGIS Headquarters will then destroy all evidence associated with the referenced EAPC tracking number and CGIS PI CCN.)

- (t) Act as an advocate for victim as appropriate in providing information, as requested by the victim, for personnel-related processes such as Disability Retirement Boards and fitness for duty examinations, or other processes which need a more complete understanding of the victim's experience. This is particularly applicable in cases involving restricted reporting. Such disclosure, by itself, does not change the victim's reporting option in restricted cases.

(2) Notifications.

- (a) Ensure that the victim's CO, the servicing legal office of the victim's command, and CGIS are notified immediately in all cases where the victim elects unrestricted reporting.
- (b) Report all alleged sexual assault incidents, using the Sexual Assault Incident Report Format in enclosure (3), in all cases and forward to Commandant (CG-1112) by email message within two business days of notification. Use the case tracking number to identify the case. Names or other personal identifying information is not to be included in these reports and names shall not be included in the file names used for this report. (No reports with personal identifying information, or cross-reference list containing personal identifying information, will be kept by Commandant (CG-1112)).
- (c) Arrange for regular meetings with the Integrated Support Command/Headquarters Support Command Commanding Officer (CO) (at least once each quarter in which an alleged assault is reported) to provide information about the alleged assaults within the AOR, particularly any information that may indicate a pattern involving locations, personnel of certain ranks or assigned to one unit which could place them at higher risk. The purpose of these discussions is to enable the CO to provide informational advisories or other warnings to members, and alert appropriate individuals, including sector and district commanders, regarding preventable risks. The cognizant Commander may choose to take actions such as restricting members from certain locations, holding mandatory educational sessions, or any other action intended to ensure a safer environment for members.
- (d) Send monthly updated reports to Commandant (CG-1112), using enclosure (3), to provide additional information on assistance to victims and the legal/investigatory disposition of cases. Reports shall be sent as an encrypted, password-protected attachment to an email message. Use the case tracking number to identify the case. These reports shall continue until the case is resolved and the victim no longer is receiving services. No names shall be included in these reports and names shall not be included in the file names used for these reports.
- (e) With the victim's consent, notify the cognizant EAPC when a victim transfers to a new Work-Life office area of responsibility, if the victim is still receiving treatment, counseling or other services related to their assault, to ensure identification of appropriate support options and follow up.

(3) Victim Support Person Standards and Qualifications.

- (a) Ensure that the VSP, if requested and assigned, has received VSP training and is thoroughly familiar with requirements contained in this Instruction.
- (b) Ensure that the supervisor of each VSP signs enclosure (5), Victim Support Person Supervisor Statement of Understanding, and that each VSP signs enclosure (7), Victim Support Person Statement of Understanding.
- (c) Recruit and screen VSPs within the AOR to cover expected needs. Criteria for applicant selection include:
 - 1. Has not suffered a major loss or experienced a significantly traumatizing incident within the preceding twelve months.
 - 2. Be emotionally mature: has good communication and interpersonal skills, including the ability to readily empathize with the pain of others; can easily relate to others in a genuine way regardless of rank, rate, gender, or sexual orientation; and is not easily discouraged by anger misdirected at him/her by people he/she is trying to help.
 - 3. Have at least two years remaining at the unit upon completion of training.
 - 4. Be recommended for VSP duties by his/her command.
 - 5. Applicant meets the needs of the AOR in terms of location, rank, rate, gender, and diversity.
- (d) Certify in writing that the VSP has met requirements for a VSP Competency Code. Provide document to the VSP with instructions to take to his/her servicing personnel office so that this code can be properly entered into their training record per reference (h).
- (e) Supervise VSPs in the performance of their duties to ensure compliance with the requirements of this Instruction. Provide support, re-training, and guidance as needed.
- (f) Establish at least monthly contact with all VSPs in the AOR to ensure their continued availability and to provide additional information or training. Sending email messages, with appropriate reading material included, meets this requirement.
- (g) Conduct monthly case updates with VSPs on all assigned open cases. Case updates may be telephonic.

(4) Training and Education.

- (a) Provide annual general mandated trainings on Sexual Assault Prevention and the SAPRP as requested by Commands. This training shall minimally provide information necessary for participants to meet the following performance steps:
 - 1. Identify the Coast Guard's Zero Tolerance of Rape and Sexual Assault.

2. Identify the consequences if convicted to include jail time, dishonorable discharge and felony convictions.
 3. Identify what constitutes “consent” and “lack of consent.”
 4. Identify the Coast Guard’s policy on sexual assault response including the victim’s reporting options.
 5. Recognize sexual assault when presented various scenarios.
 6. Identify the required actions of bystanders.
 7. Identify specific behaviors of the bystander that may help prevent sexual assault.
 8. Identify specific behaviors of bystanders that may help prevent sexist behavior.
 9. Identify how bystander behavior directly relates to Coast Guard Core Values of Honor, Respect, and Devotion to Duty.
 10. Identify techniques for reducing the risk of sexual assault.
 11. Identify protection against “date rape” drugs.
 12. Identify the impact of alcohol abuse in Rape and Sexual Assault cases and one’s personal accountability when consuming alcohol.
 13. Recognize the profile of a typical date or acquaintance rapist.
 14. Recognize the effects of sexual assault on victims.
 15. Identify assistance for victims.
 16. Identify the role of the Victim Support Person including the methods for volunteering and the training provided.
 17. Identify Rape and Trauma Syndrome including how it impacts one’s life far after the event and the importance of seeking both medical and counseling services.
 18. Identify sources of help including websites and local non-Coast Guard-resources.
- (b) Ensure that all Coast Guard HCPs in the AOR who may have contact with victims understand the requirements in this Instruction.
 - (c) When possible, provide additional trainings to COs, XOs, OINCs, XPOs, medical staffs, and CGIS offices to address their unique concerns in implementing requirements contained in this instruction.
 - (d) Give all training participants a customer satisfaction form to complete. Review and share results with the Work-Life staff supervisor.

- (e) Provide references for all statistics used in the presentation as well as recommended websites and reading material.

(5) Other:

- (a) Provide advice and assistance to commands in the AOR regarding sexual assault.
- (b) Identify local community medical treatment facilities equipped to provide forensic medical exams specific to sexual assault victims, preferably per standards provided in reference (i).
- (c) If the accused is a Coast Guard member, Cadet, civilian employee, or family member of a Coast Guard member or Civilian employee, ensure that he/she is contacted and offered support as appropriate after CGIS has conducted an interview.

j. Coast Guard HCP shall:

- (1) Immediately inform the EAPC when an active duty member reports any actual, alleged or suspected sexual assault covered under this Instruction. If the EAPC is not available for on-site contact with the victim, the HCP will ensure that requirements listed in paragraph 8.i.(1) are met to the extent possible.
- (2) Immediately report all allegations of sexual assault to CGIS and the EAPC (or Work-Life supervisor if the EAPC is not available.) If the victim is active duty and chooses the unrestricted reporting option, immediately report the allegation to the victim's command.
- (3) Provide victims who present at Coast Guard clinics any urgent first aid or life-saving care indicated by their presenting symptoms or complaint before they are referred to another source of care. In most cases, Coast Guard HCPs will arrange for the victim to be transported to an appropriate location for examination by a sexual assault forensic examiner (SAFE) or sexual assault nurse examiner (SANE). When transport to a SAFE/SANE is not possible, Coast Guard Medical Officers (Physicians, Nurse Practitioners and Physician Assistants) with appropriate clinical privileges may elect to assist victims by using a Forensic Evidence Kit to gather specimens as indicated by the patient's history and presenting clinical signs. Note: Health Services Technicians may not collect forensic evidence.
- (4) Consult as needed with the cognizant EAPC or the Sexual Assault Program Manager at CGIS Headquarters for guidance on appropriate handling and disposition of any forensic specimens, photographs, or other evidence.
- (5) Ensure that when examining a victim a gender appropriate chaperone is provided, keeping in mind that the victim may be in a fragile emotional state. VSPs or another Coast Guard member of the victim's choice may serve as a chaperone in these cases.
- (6) Ensure that any victim who reports a sexual assault receives appropriate testing and counseling about sexually transmitted diseases, pregnancy, and psychiatric care/counseling options.

(7) Obtain training on the requirements of this Instruction as needed from the EAPC.

k. VSP shall:

- (1) Attend a minimum of 15 hours of Victim Support Person Training prior to being assigned to a support role.
- (2) Provide emotional support and assistance to the victim per enclosure (8) and as directed by the EAPC.
- (3) Provide assistance to the victim by offering to and/or helping to secure basic needs (e.g., provide clothing to wear home from the hospital after the forensic exam, arrange transportation, contact a family member/friend, etc., as requested by victim).
- (4) Make follow-up telephone contact(s) with the victim to provide emotional support and to determine if additional referral services should be provided. Also assist the victim with scheduling follow-up counseling appointments.
- (5) Attend mandatory annual training on use of this Instruction, which shall be provided or coordinated by the EAPC.

9. RESPONSE PROCEDURES.

- a. When a Coast Guard member is treated at a non-Coast Guard military treatment facility the initial sexual assault response procedures of that military service will apply. Normally, the service's Sexual Assault Response Coordinator (SARC) will contact the cognizant Coast Guard EAPC to report the case. The EAPC will work with the SARC to determine an initial follow-up care plan that best meets the needs of the victim. Depending on the location, the SARC may continue to be involved but once referred, the EAPC becomes responsible for ensuring proper management of the case per this Instruction.
- b. Responding to the needs of the victim, once identified, will require a coordinated approach to include the victim's command (in those cases in which the victim has chosen the unrestricted reporting option), the EAPC, HCP, and VSP (if assigned). In order to ensure a reasonable response time, it is critical that whoever is first to meet with the victim be fully knowledgeable regarding the victim's options and the requirements of this Instruction and capable of explaining enclosure (8). EAPCs, VSPs, and HCPs also need to be thoroughly familiar with all applicable laws and local procedures in order to provide the victim an accurate description of his or her rights and options.
- c. Sexual assault reporting procedures require EAPC notification for all incidents of reported sexual assault. The EAPC, in turn, will assign a VSP, if available, to assist the victim. Once any urgent medical injuries have been treated, the HCP, EAPC, or VSP (if assigned) shall advise the victim of the reporting options available to him or her, explaining the benefits and limitations of each, and document the reporting option the victim selects using enclosure (8).

- d. At the victim's discretion or request, the HCP, VSP, or EAPC shall arrange for the victim to have forensic evidence collected. To safeguard the victim's identity in restricted reporting cases, the case tracking number will be used to label the evidence collected.
 - e. Evidence in restricted reporting cases will be forwarded to CGIS Headquarters for storage up to 12 months after the assault was reported.
 - f. When a victim requests restricted reporting and there are concerns regarding imminent threat and safety, the HCP or EAPC will consult with the servicing legal office of the victim's command and CGIS before deciding to deny the victim's request for restricted reporting. The VSP will not participate in the final decision; their role is limited to providing information about safety issues to the EAPC and/or HCP.
 - g. If at any time a victim elects to change his or her reporting preference from restricted to the unrestricted reporting option, the EAPC shall immediately notify the victim's command, the servicing legal office of the victim's command, and CGIS.
 - h. Collaboration with DoD Military Treatment Facilities (MTFs) and the military branch sexual assault prevention and response personnel and civilian medical facilities will be essential in many incidents. Coast Guard HCPs, EAPCs and VSPs will need to be familiar with the local civilian facility or MTF's procedures and prepared to liaison with the treatment facility's personnel in each case, as applicable, to ensure assistance and advocacy for victims covered under this Instruction.
 - i. Support services are to be provided as appropriate when the accused is a Coast Guard member. The command should monitor the well-being of the accused, particularly for any indications of suicide ideation, and ensure appropriate intervention occurs. Additionally:
 - (1) The accused is to be considered innocent until proven guilty in a legal proceeding.
 - (2) Command representatives shall not interview the accused about the incident. Investigative interviews of alleged perpetrators, victims, and witnesses in suspected incidents of rape or sexual assault shall only be conducted by CGIS special agents.
 - (3) The accused will be treated respectfully, with appropriate care and concern, at all times.
 - (4) Information about the accused and the incident is to be closely held. Only those who have an official need to know are to have access to this information.
10. **PRIVACY PROVISIONS.** The Privacy Act and the Health Insurance Portability and Accountability Act (HIPAA) of 1996 apply to records that contain protected health information. These acts and regulations place procedural requirements on the use and disclosure of such information.
- a. The Coast Guard Healthcare Program may disclose protected health information about an individual whom it reasonably believes to be a victim of violence or sexual assault to a government authority, including a social service or protective services agency, authorized by law to receive such reports if:

- (1) The victim agrees to the disclosure; or
 - (2) The disclosure is required by law and the disclosure complies with and is limited to the relevant requirements of such law; or
 - (3) The disclosure is expressly authorized by statute or regulation; and
 - (a) The Coast Guard Healthcare Program, in the exercise of professional judgment, believes the disclosure to be necessary to prevent serious harm to the victim or other potential victims; or
 - (b) The victim is incapacitated and unable to agree to disclose their protected health information. A law enforcement or public official, authorized to receive the report, shall verify the purpose that such disclosure is sought, that it is not intended to be used against the victim, and that immediate enforcement activity is dependent upon the disclosure and would be adversely affected by waiting until the individual is able to agree to the disclosure.
- b. When information is disclosed, the Coast Guard Healthcare Program must promptly inform the person who is the subject of the information whenever it discloses reports of abuse, neglect, or domestic violence. There are two exceptions to this requirement:
- (1) If the Healthcare representative believes informing the person would place him or her at risk of serious harm, or that
 - (2) The Coast Guard Healthcare Program would be informing a personal representative who it reasonably believes is responsible for the abuse, neglect, or violence.

11. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this directive and have been determined to be not applicable.

12. FORMS/REPORTS AVAILABILITY. The forms called for in this instruction are available in USCG Electronic Forms on the Standard Workstation or on the Internet <http://www.uscg.mil/forms/default.asp>, Intranet at <http://cgweb2.comdt.uscg.mil/CGFORMS/Welcome.htm>, and CG Central at <http://cgcentral.uscg.mil>.

Mark J. Tedesco /s/
Director of Health and Safety

- Encl: (1) Definitions
(2) Restricted Reporting Evidence Tracking and Management Process
(3) Sexual Assault Incident Report Format
(4) Commander's Checklist for Unrestricted Reports of Sexual Assault

- (5) Victim Support Person Supervisor Statement of Understanding
- (6) Victim Support Person Statement of Understanding
- (7) The Role of the Victim Support Person (VSP)
- (8) Victim Reporting Preference Statement Form CG-6095

Definitions

1. Case Tracking Number. A ten-digit alpha-numeric number used in place of identifying information to protect the victim's identity. The number is generated by the EAPC and consists of the following: the first three places are the first three letters of the servicing Work-Life office, the next 6 are numerals for the current date (MMDDYY) and the final number is a single digit indicating the ordinal number of the reports for that day. Example: ALA0415061 for first incident reported to Alameda on April 15, 2006. This number is used to label forensic evidence in restricted reporting cases and is used in all reports to CG-1112.
2. Employee Assistance Program Coordinator (EAPC). U.S. Coast Guard personnel, military or civilian employee, who ensures appropriate care is coordinated and provided to victims of sexual assault; and tracks the services provided to a victim of sexual assault from the initial report through final disposition and resolution. Serves as the central point of contact at a Command or within a geographic area to oversee sexual assault awareness, prevention and response training.
3. Healthcare Provider (HCP). This term applies to individuals who are employed or assigned as healthcare professionals; who have privileges to provide health care services at a military medical or military dental treatment facility, or who provide clinical care at a deployed location in an official capacity. This term includes military and non-military personnel, Department of Defense (DoD), Public Health Service personnel, or Coast Guard civilian employees, and DoD and Coast Guard contractors who provide health care, whether at an occupational health clinic for DoD civilian employees or DoD contractor personnel or another location. For purposes of this Instruction Healthcare Provider includes Coast Guard Health Services Technicians.
4. Lack of Consent. Can include situations where resistance is overcome by duress; acts of violence or harm or the threat of harm; the victim lacks mental or physical faculties to resist; the victim is unconscious; the victim is of unsound mind; or the victim is incapable of consent due to intoxication by alcohol or other drugs. "Consent" should not be construed to mean the failure of the victim to offer physical resistance.
5. Military Protective Order (MPO). An order directing a person to do or refrain from doing specified acts, i.e. staying a certain distance away from another place of work and/or residence or no contact with another. See *Rules for Court Martial, 304, Manual for Courts Martial* (2005 edition). MPOs apply only to military members.
6. Medical Officer. Medical Officers include Physicians, Physician Assistants, and Nurse Practitioners who are members of the Coast Guard or Public Health Service detailed to the Coast Guard.
7. Official Investigative Process. The formal process a commander or law enforcement organization uses to gather evidence and examine the facts and circumstances surrounding a report of sexual assault.
8. Personal Identifying Information. For the purpose of this Instruction, this term applies to the victim and alleged assailant of a sexual assault and is that information which would disclose or have a tendency to disclose the person's identity. Personal identifying information includes the person's name or particularly identifying description (e.g., physical characteristics or identity by position,

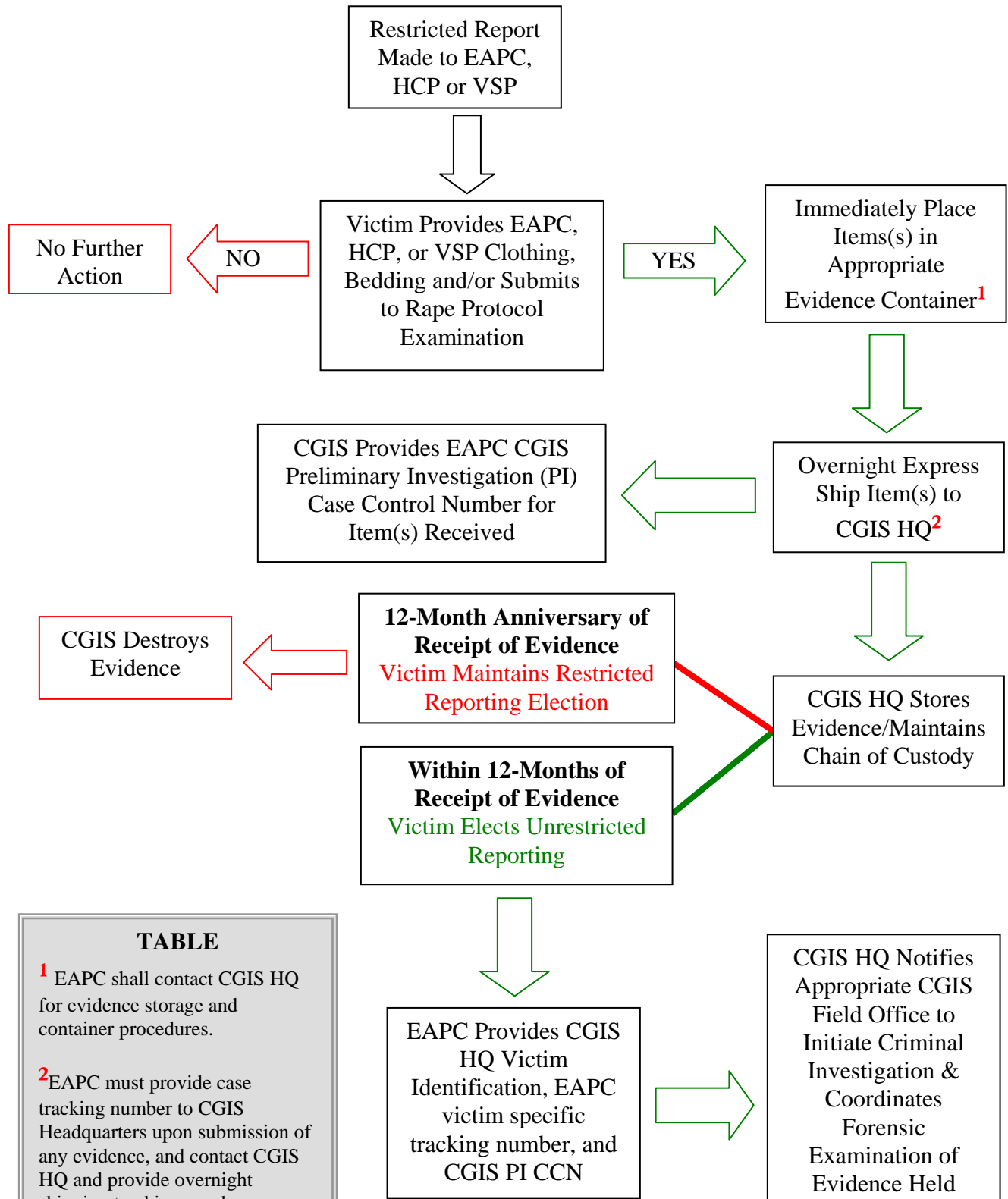
rank, or organization), or other information about the person or the facts and circumstances involved that could reasonably be understood to identify the person (e.g., a female on a particular Coast Guard Cutter or barracks when there is only one female assigned). In contrast, non-identifying personal information includes those facts and circumstances surrounding the sexual assault incident or individuals that generally describe the incident and individuals without tending to disclose an individuals' identity.

9. Privileged Communication. Conversation that takes places within the context of a protected relationship, such as that between an attorney and client, a husband and wife, a priest/clergy person and penitent/client, and a doctor/psychotherapist and patient/client. The law often protects against forced disclosure of such conversations. However, there are exceptions that can invalidate a privileged communication, and there are various circumstances where it can be waived, either purposefully or unintentionally. To qualify for privileged status, communications must generally be made in a private setting. The privilege is lost (waived) when all or part of the communication is disclosed to a third person. See, generally, Manual of Courts Martial Section V, 500 series (2005 Ed.). Information disclosed to a Victim Support Person is normally not considered a privileged communication.
10. Restricted Reporting. A process used by a service member to report or disclose that he or she is the victim of a sexual assault to specified officials on a requested confidential basis. Under these circumstances, the victim's report and any details provided to a healthcare provider, the Employee Assistance Program Coordinator, or a Victim Support Person will not be reported to law enforcement through the official investigative process unless the victim consents or an established exception is exercised under this Instruction.
11. Sexual Assault. Sexual Assault is defined as intentional physical contact of a sexual nature, committed without the victim's consent. A victim is not considered to have consented where the perpetrator uses force, threats, or coercion to commit the sexual contact, or where the victim is asleep, incapacitated or unconscious.
12. Sexual Assault Forensic Examination (SAFE). The medical examination of a sexual assault victim under circumstances and controlled procedures to ensure the physical examination process, and the collection, handling, analysis, testing, and safekeeping of any bodily specimens, meet the requirements necessary for use as evidence in criminal proceedings. The standard for SAFE is provided in "A National Protocol for Sexual Assault Medical Forensic Examinations," Department of Justice Publication NCJ 206554, and is available online at <http://www.ncjrs.gov/pdffiles1/ovw/206554.pdf>.
13. Unrestricted Reporting. A process a Service member uses to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report and any details provided to healthcare providers, the Employee Assistance Program Coordinator, a Victim Support Person, command authorities, or other persons are reportable to Coast Guard Investigative Service to initiate the official investigative process.
14. Victim. For the purpose of this Instruction, a victim is a person who alleges direct physical, emotional, or pecuniary harm as a result of the commission of a sexual assault, or is identified, based

upon the report of another person or other information, as a person who has been subjected to a sexual assault.

15. Victim Support Person (VSP). An advocate for the victim. A person who can provide emotional support to the victim during interviews, medical procedures and legal proceedings. The support person may be present, but is not to participate (e.g., prompting the victim) during the interview process. In coordination with the Employee Assistance Program Coordinator, this person can also facilitate care for victims of sexual assault on behalf of the sexual assault victim, and provide liaison assistance with other organizations/agencies on victim care matters. VSPs report directly to the EAPC when performing victim advocacy duties. VSPs can be required to testify at a courts martial proceeding. At the Coast Guard Academy VSPs are referred to as Victim Advocates.

Restricted Reporting Evidence Tracking and Management Process



TABLE

¹ EAPC shall contact CGIS HQ for evidence storage and container procedures.

² EAPC must provide case tracking number to CGIS Headquarters upon submission of any evidence, and contact CGIS HQ and provide overnight shipping tracking number upon shipment.

Sexual Assault Incident Report Format

[Send initial report to Commandant (CG-1112) within 2 business days of notification. Provide monthly follow-up reports until resolved.]

1. Case Tracking Number: _____
2. Date of this report (MM/DD/YY):
3. Type of Report (Initial or Updated):
4. Type of Reporting (Unrestricted or Restricted):
5. Victim Gender:
6. Relationship to sponsor if not AD:
7. Work-Life Office or Coast Guard Academy Office responding:
8. Date Work-Life staff or CGA Office, was notified (MM/DD/YY):
9. Has Victim received medical care and follow-up?
10. Was Victim offered counseling?
11. Was Victim offered services of a Victim Support Person (VSP) or other support person?
12. Has victim accepted services of a VSP or other support person?
13. Did victim sign Victim Preference Reporting Statement (Form CG-6095)?
14. If victim has changed preference to unrestricted reporting, provide date of change (MM/DD/YY):
15. Incident (complete if not provided previously or needs correction)
 - a. Date of incident (MM/DD/YY):
 - b. Location of assault (on or off installation):
 - c. Nature of incident (sexual assault, rape, molestation, physical injuries, etc.):
16. Services provided (since last report if this is not the initial report):
17. Current status of any legal procedures if involved in case:

CONFIDENTIAL NOTICE (Leave this notice in report.)

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Commander's Checklist for Unrestricted Reports of Sexual Assault

1. Victim's Commander

- a. () Ensure the physical safety of the victim--determine if the alleged offender is still nearby and if the victim desires or needs protection.
- b. () Determine if the victim desires or needs any emergency medical care.
- c. () Notify Coast Guard Investigative Service (CGIS), as soon as the victim's immediate safety is assured, and medical treatment procedures elected by the victim are initiated.
 - (1) () To the extent practicable, strictly limit knowledge of the facts or details regarding the incident to only those personnel who have a legitimate need to know.
 - (2) () Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by CGIS or other law enforcement authorities.
- d. () Ensure the Employee Assistance Program Coordinator (EAPC) is notified immediately.
- e. () Collect only the necessary information (e.g. victim's identity, location, and time of the incident, name and/or description of offender(s)). **Do not ask detailed questions and/or pressure the victim for responses or information about the incident.**
- f. () Advise the victim of the need to preserve evidence (by not bathing, showering, having anything by mouth, voiding bladder, or washing garments) while waiting for the arrival of CGIS or other police agency.
- g. () If needed, assist with or provide immediate transportation for the victim to the hospital or other appropriate medical treatment facility.
- h. () Ensure the victim understands the availability of victim advocacy and the benefits of accepting advocacy and support.
- i. () Ask if the victim needs a support person, which can be a personal friend, or Victim Support Person (VSP) (if one is available) to immediately join him or her. Be sure to advise the victim this support person could later be called to testify as a witness if the case goes to trial.
- j. () Ask if the victim would like a chaplain to be notified and notify accordingly.
- k. () Throughout the investigation, consult with the victim, and listen/engage in quiet support, as needed, and provide the victim appropriate emotional support resources. To the extent practicable, accommodate the victim's desires regarding safety, health, and security, as long as neither a critical mission nor a full and complete investigation is compromised.
 - (1) () Continue to monitor the victim's well-being, particularly if there are any indications of suicidal ideation, and ensure appropriate intervention occurs as needed.

- (2) () If needed, confer with victim's health care provider(s) (HCP) and consider the need for convalescent leave or other administrative leave options as Coast Guard policy permits.
 - (3) () Determine if the victim desires or needs a "no contact" order or Military Protection Order (MPO), to be issued, particularly if the victim and the alleged offender are assigned to the same command, unit, duty location, or living quarters. Consultation with CGIS is required when considering a MPO in order to prevent impeding criminal investigative activity. Coordination with other commanders may be necessary if the alleged offender is assigned to a different commander.
 - (4) () Determine the need for temporary reassignment to another unit, duty location, or living quarters on the installation of the victim or the alleged offender being investigated, after consultation with CGIS. It may be necessary to work with the alleged offender's commander, if different than the victim's commander, until there is a final legal disposition of the sexual assault allegation, and/or the victim is no longer in danger. To the extent practicable, consider the desires of the victim when making any reassignment determinations.
 - (5) () Ensure the victim understands the availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes and advise the victim of his or her victim support rights.
 - (6) () Consult with the EAPC regarding resources available and emphasize to the victim the availability of additional avenues of support; refer to available counseling groups and other victim services.
- l. () Attend the periodic meetings with the EAPC as required.
 - m. () Ensure the victim receives monthly reports regarding the status of the sexual assault investigation from the date the investigation was initiated until there is a final disposition of the case. If it is determined that the final disposition in the case is that there is insufficient evidence or other legal issues exist that prevent judicial, non-judicial or administrative action against the alleged perpetrator, this determination shall be conveyed to the victim in a timely manner.
 - n. () Consult with servicing legal office, as needed, to determine when and how best to dispose of the victim's collateral misconduct, if any.
 - (1) () Absent extenuating or overriding considerations which, in your judgment, make it inappropriate to delay taking action, consider deferring discipline for such victim misconduct until all investigations are completed and the sexual assault allegation has been resolved. Keep in mind the implications of this decision on speedy trial and/or statute of limitations.
 - (2) () When practicable, consult with the servicing legal office, CGIS, and notify the assigned VSP and EAPC prior to taking any administrative or disciplinary action affecting the victim.

- o. () Avoid automatic suspension or revocation of a security clearance, understanding that the victim may be satisfactorily treated for his/her related trauma without compromising his/her security clearance. Consider the negative impact that suspension of a victim's security clearance may have on building a climate of trust and confidence in the Coast Guard's sexual assault reporting system, but make a final determination based upon established security standards.

2. Alleged Offender's Commander

- a. () Notify the appropriate CGIS office as soon as possible after receiving a report of a sexual assault incident.
- b. () Avoid questioning the alleged offender about the sexual assault allegation, since doing so may jeopardize the criminal investigative process. Any contact with a Service member suspected of an offense under Chapter 47 of reference (a) may involve rules and procedures, which ensure due process of law and are unique to the military criminal justice system. Therefore, commands are prohibited from questioning or discussing the case with an alleged offender without CGIS and servicing legal office approval.
- c. () Strictly limit information pertinent to an investigation to those who have a legitimate need-to-know.
- d. () Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative and legal processes that may be involved.
- e. () Ensure procedures are in place to inform the alleged offender about available counseling support. As appropriate, refer the alleged offender to available counseling groups and other services, in consultation with CGIS to avoid conflict with the investigative process..
- f. () With the benefit of the EAPC, VSP, HCP, legal, and/or investigative advice, determine the need for a "no contact" order, or the issuance of a MPO, DD Form 2873.
- g. () Monitor the well-being of the alleged offender, particularly for any indications of suicide ideation, and ensure appropriate intervention occurs if indicated.
- h. () Ask if the alleged offender would like to request the support services of a chaplain and contact the chaplain accordingly.

3. Unit Commander of Victim and/or Alleged Offender

a. () Prevention

- (1) () Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of all its members.
- (2) () Emphasize that sexual assault violates the core values of what being a professional in the Coast Guard is all about and is something that ultimately destroys unit cohesion and the trust that is essential for mission success.

- (3) () Emphasize the Coast Guard's policies on sexual assault and the potential legal consequences for those who commit such crimes.
- (4) () Assess the organization's climate and respond with appropriate action toward any negative trends that may emerge.

b. () In the Event of a Sexual Assault

- (1) () Discourage members from participating in gossip or speculation about the case or investigation. Remind everyone to wait, until all the facts are known and final disposition of the allegation has occurred, before reaching conclusions.
- (2) () Remind members that discussion of a possible sexual assault incident might compromise an ensuing investigation.
- (3) () Emphasize that the alleged offender is presumed innocent until proven guilty. Avoid making statements about what the outcome or punishment should be for any particular case or class of cases because such statements could constitute unlawful command influence.
- (4) () Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved.
- (5) () Consider some form of unit refresher training; or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest themselves, affect the unit, and require their response during the course of the investigation.
- (6) () Continuously monitor the unit's overall climate to ensure neither the victim and/or the alleged offender is being ostracized and prevent organizational splintering.
- (7) () Advise crew members that these situations can be upsetting for all who hear about them and can trigger unpleasant memories for some. Encourage those affected to consider taking advantage of services available, including talking to the chaplain.

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-6095B Rev. (08-07)	Victim Support Person Supervisor Statement of Understanding		
I am the supervisor of a Victim Support Person (VSP), I have been briefed by the Employee Assistance Program Coordination (EAPC) on the VSP roles and responsibilities. (initials) _____			
I understand if the VSP is out after duty hours on a case, the VSP may not be able to report to work the following morning. (initials) _____			
I understand that the VSP may have to accompany victim to various other referral appointments, and if a case proceeds to an Article 32, Uniformed Code of Military Justice, investigative hearing, a court-martial, or civilian criminal proceedings the VSP may be absent from the work area for the duration of the hearing/trial. (initials) _____			
I understand I will be informed of any absences from the workplace as soon as possible, and if the mission dictates the VSP must report to work for normal duty hours, every effort will be made to afford them compensatory time as soon as possible after the event. (initials) _____			
I understand the VSP will not report any details of the case to me, nor will I ask them for any details. (initials) _____			
I understand the responsibilities of the VSP and am willing to support them. (initials) _____			
If I should encounter any problems or concerns, I will contact the EAPC. (initials) _____			
Supervisor's Printed Name		VSP's Printed Name	
Supervisor's Signature	Date Signed	VSP's Signature	Date Signed
EAPC's Signature		Date Signed	

**U.S. DEPARTMENT OF
HOMELAND SECURITY**
U.S. COAST GUARD
CG-6095A Rev. (08-07)

Victim Support Person Statement of Understanding

The undersigned has applied for a position as a Victim Support Person (VSP). The undersigned acknowledges the following:

I, (full name) _____, understand that this is a volunteer position.
(initials) _____

I understand that this collateral duty may impact my primary Coast Guard duty. **(initials)** _____

I understand that an Employee Assistance Program Coordinator (EAPC) will discuss my collateral duty as a volunteer VSP with my Supervisor, and before I have permission to serve as a VSP, my supervisor will have to sign an agreement of understanding after meeting with the EAPC acknowledging the impact the collateral duty will have on my military duty. **(initials)** _____

I understand that as a VSP I will handle confidential information of a personal nature.
(initials) _____

I understand that as a VSP I may not take any action, either directly or indirectly, to coach or otherwise influence statements or testimony provided by a victim to CGIS and/or civilian investigators.
(initials) _____

I understand and agree that it is my responsibility to keep all oral, written or electronic communications that include personal identifying information, reported by a victim to myself, unless the victim authorizes disclosure in writing. **(initials)** _____

I understand that such communications are considered covered communications, and failure to keep all covered communications confidential will result in removal as a VSP and may also result in discipline under the Uniform Code of Military Justice (UCMJ), loss of credentials, or other adverse personnel or administrative actions. **(initials)** _____

I understand that any time I am performing duties in support of victim advocacy, I report directly to an EAPC **(initials)** _____

I understand I will be on call. I agree to keep the EAPC informed of my contact information. I also acknowledge that if I am unable to be reached while on call I can be removed as a volunteer victim advocate. **(initials)** _____

I understand I am expected to attend monthly case management meetings for any case for which I am the assigned victim advocate. **(initials)** _____

I understand that, if a case proceeds to an Article 32, UCMJ investigative hearing, a court-martial, or civilian criminal proceedings, I may have to accompany the victim during the duration of the hearing/trial. And, I further understand that I may be called to testify in such hearing.
(initials) _____

Prior to my appointment as a victim advocate, I understand that I will have to complete the essential training tasks for a victim advocate. **(initials)** _____

VSP's Signature

Date Signed

EAPC's Signature

Date Signed

The Role of the Victim Support Person (VSP)

1. The role of the VSP is fundamental to the success of the Sexual Assault Prevention Response Program (SAPRP) in the Coast Guard. Those who advocate for victims of any crime have three primary responsibilities: to support and inform; to act as a companion in navigating investigative, medical, and recovery processes; and to help ensure the victim's safety. The VSP's role is to assume these three responsibilities in working with victims of sexual assault. Specifically, the VSP:
 - a. provides emotional support,
 - b. provides information on victim's rights,
 - c. accompanies victims to medical facilities, interviews, legal hearings, etc.,
 - d. secures basic needs, e.g., providing clothing to wear from the hospital and arranging transportation,
 - e. provides information and options to victims, and helps them to make informed decisions for next steps and safety planning,
 - f. offers to contact others including the duty chaplain or other service providers as appropriate and desired,
 - g. makes regular follow-up phone contacts with victims to check on their welfare,
 - h. coordinates appointments as requested and appropriate, and
 - i. advocates on behalf of victims as appropriate.
2. VSPs are supervised by the Employee Assistance Program Coordinator (EAPC). VSPs are not counselors, therapists, or investigators. They are available any time of the day or night to help victims. EAPCs provide VSPs with training, supervisory support, and feedback, and act as protector from outside pressures. This support allows VSPs to focus entirely on the victim. VSPs are the only responders whose sole interest is to ensure that the victim's needs are met. A VSP may be the first person to meet with a victim and will continue to provide information and support until the case is concluded or the victim no longer has a need for the additional support.
3. VSPs typically encounter a range of reactions from victims, e.g., shock, frenzy, disorientation, flat or inappropriate affect, or calm demeanor. At times there is a natural desire to take over and "solve" the victim's problems. As a general rule, VSPs are encouraged to resist this temptation and instead help the victim to regain a feeling of self-control. Specifically, VSPs should help the victim to:
 - a. identify their own concerns,
 - b. identify their own options, and
 - c. discuss next steps for helping themselves.

4. VSPs need to be thoroughly familiar with enclosure (8), the Victim Reporting Preference Statement, Form CG-6095. If not already completed, the VSP will need to explain the options contained in this form to the victim and help the victim make a choice as to what reporting option is preferred. VSPs must carefully explain the implications of each option and obtain the victim's initials and signature in the appropriate blocks. The signed copy must be given to the EAPC as soon as possible. A copy of this form may be given to the victim. No other copies are to be made by the VSP.
5. Victims turn to VSPs for information and frequently for appointment management. To successfully meet this responsibility, VSPs need a basic knowledge of the procedures that may take place when a victim interacts with the legal and medical system. Additionally, they have to know local resources and the elements of advocacy and have a basic understanding of local laws.
6. It is the role of the VSP to help the victim understand the value of a proper investigation and forensic examination. However, it is ultimately the victim's choice as to what extent he or she will cooperate. For instance, the victim may not want to relinquish clothing worn at the time of the assault or may not want to agree to certain parts of the forensic exam. It is the role of the VSP in these circumstances to reassure the victim that he or she has the final say regarding the extent of his or her cooperation.
7. The VSP's presence during any investigative, legal, or judicial proceedings could later result in the VSP being called as a witness in legal or administrative proceedings. The victim should be made aware of this before he or she consents to the VSP's presence. In addition, the VSP could be required to testify about any statements the victim makes to the VSP. The victim must be advised of this possibility before the victim discloses any information about the assault to the VSP.
8. VSPs can have a significant role in helping victims understand that criminal investigators are primarily interested in uncovering the truth about what happened. Investigators will have multiple contacts with the victim and will ask many questions that may be upsetting to answer. For instance, if the alleged perpetrator is an acquaintance they will ask about prior intimate contact with that person. Investigators will likely want to cover the same questions repeatedly. The VSP can help the victim to anticipate this kind of questioning. However, at no time in this process is it ever appropriate for the VSP to suggest or to prompt the victim to answer questions in a certain way. It is the VSP's role to always encourage the victim to be honest in responding to questions. It is important for VSPs to understand that, should investigators determine the VSP is hampering or otherwise inappropriately influencing the investigative process through their interaction with the victim, the VSP can be excluded from being present at victim interviews and medical examinations.
9. An important aspect of accompanying victims as they meet with other responders is fostering a strong sense that everyone is working together on behalf of the victim. VSPs are victims' principal connection to all support personnel and, as such, will frequently prepare victims before meeting with others, such as the investigative and medical staff. Part of the preparation entails explaining that, although the questions and examinations may be invasive and the staff may appear detached, each person working with the victim is performing an

important function. Some of these functions focus on the victims' emotional well-being while others do not. Invariably some responders will appear to be less sensitive than others. One of the main roles of a VSP is to be an empathic listener who helps the victim to process negative feelings. The VSP should always act professionally and avoid speaking negatively about other people. In this way the VSP will remain much more helpful to the victim.

10. Some victims of sexual assault face immediate safety issues if the suspect lives or works nearby and shares common areas, or if the trauma puts them at risk for substance abuse or harm to self. VSPs have to be able to help victims identify and use resources that are available to help keep them safe. One example is a Military Protection Order (MPO) that can be issued immediately, as appropriate, when the alleged assailant is a military member on active duty and the victim has chosen the unrestricted reporting option. A restraining order can be pursued if the suspect is a civilian. There is also the possibility of having the accused or the victim moved. Helping the victim develop a safety plan is always extremely important but especially so if the victim has chosen the restricted reporting option since police involvement and use of an MPO or restraining order are not available in these situations.

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-6095 (6-07)	VICTIM REPORTING PREFERENCE STATEMENT	Report Control Number RCN - 1754.10C
PRIVACY ACT STATEMENT		
AUTHORITY: Section 301 of Title 5, United States Code and Chapter 55 of Title 10, United States Code.		
PRINCIPAL PURPOSE(S): Information on this form will be used to document elements of the sexual assault response and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.		
ROUTINE USE(S): None.		
DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.		
1. REPORTING PROCESS AND OPTIONS DISCUSSED WITH THE HCP, EAPC, or VSP		
a. I, (Full name), _____ had the opportunity to talk with a Health Care Provider (HCP), an Employee Assistance Program Coordinator (EAPC), or Victim Support Person (VSP) before selecting a reporting option.		
b. UNRESTRICTED REPORTING - REPORTING A CRIME WHICH IS INVESTIGATED.		
INITIALS	I understand that law enforcement and my command will be notified that I am a victim of sexual assault and an investigation will be started. I understand I can receive medical treatment, advocacy services, and counseling, and an optional sexual assault forensic examination to collect evidence if indicated. The full range of victim protection actions may be available to me, such as being separated from the accused or receiving a military protective order against the accused. Any misconduct on my part may be punished, but at the discretion of the commander may be delayed until after the sexual assault charge is resolved.	
c. RESTRICTED REPORTING - CONFIDENTIALLY REPORTING A CRIME WHICH IS NOT INVESTIGATED.		
(1) I understand that I can confidentially receive medical treatment, advocacy services, and counseling, and an optional sexual assault forensic exam to collect evidence if needed, but military law enforcement and my command will NOT be notified. My report will NOT trigger a military investigation; therefore, no military action will be taken against the accused as the result of my report.		
(2) I understand restricted reporting will not be an option if the sexual assault is disclosed by a third party to the command of the accused.		
(3) I understand that there are exceptions to Restricted Reporting (see page 2). If an exception applies, limited details of my assault may be revealed to satisfy the exception.		
(4) I understand that if I have not made an Unrestricted Report within 1 year of any evidence collected, it will be destroyed and no longer available for any future investigation or prosecution efforts.		
(5) I understand that all state laws, local laws or international agreements that may limit some or all of the Coast Guard's restricted reporting protections have been explained to me. In _____, medical authorities must report the sexual assault to _____.		
(6) I understand that the EAPC will meet periodically with the CO of the ISC or HSC Support Command to provide information about the assaults within the AOR. I understand that the information shared will not reveal my identity, nor that of my offender. The purpose of this discussion is to enable the CO of the Support Command to provide informational advisories or other warnings to members, and alert appropriate individuals regarding preventable risks. This information is required for the purposes of public safety and command responsibility.		
(7) I understand that by choosing Restricted Reporting, the full range of victim protection actions will not be available, including the use of a military protective order against the accused. I also understand that unless my Command is aware of the reported assault, there may be little that can be done to ensure reasonable protection from the accused.		
(8) I understand that I may change my mind and report this offense at a later time as an Unrestricted Report, and law enforcement and my command will be notified. Delayed reporting may limit the ability to prosecute the accused. If the case goes to court, my VSP and others providing care may be called to testify about any information I shared with them.		
(9) I understand that if I do not choose a reporting option at this time, my commander and investigators will be notified.		
2. CHOOSE A REPORTING OPTION (Initial):		
a. Unrestricted Report. I elect Unrestricted Reporting and have decided to report that I am a victim of sexual assault to my command, law enforcement, or other military authorities for investigation of this crime.		
b. Restricted Report. I elect Restricted Reporting and have decided to confidentially report that I am a victim of sexual assault. My command will NOT be provided with information about my identity. Law enforcement or other military authorities will NOT be notified unless one of the exceptions on page 2 of this form applies. I understand the information I provide will NOT start an investigation or be used to punish the accused.		
3. CASE TRACKING NUMBER First 3 places for first 3 letters of servicing Work-Life office or "CGA" for Coast Guard Academy, then current date (MMDDYY) then a single digit indicating the ordinal number of the reports for that day, Ex: ALA0415071 for first incident reported to Alameda on April 15, 2007. _____		
4.a. SIGNATURE OF VICTIM		b. DATE (MM/DD/YY)
4.b. SIGNATURE OF PERSON WHO EXPLAINED VICTIM'S OPTIONS (Print name and Sign)		b. DATE (MM/DD/YY)

Enclosure (8) to COMDTINST 1754.10C

5. I have reconsidered my previous selection of Restricted Reporting, and I would like to make an Unrestricted Report of my sexual assault to authorities for a possible investigation.

a. SIGNATURE OF VICTIM

b. DATE (MM/DD/YY)

b. SIGNATURE OF PERSON WHO EXPLAINED VICTIM'S OPTIONS (Print name and Sign)

b. DATE (MM/DD/YY)

EXCEPTIONS TO RESTRICTED REPORTING

In cases in which members elect restricted reporting, disclosure of covered communications is authorized to the following persons or organizations when disclosure would be for the following reasons:

1. Command officials or law enforcement when the victim agrees to unrestricted reporting by signing block 5a above.
2. Command officials or law enforcement to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person.
3. Disability Retirement Boards and officials when required for fitness for duty for disability retirement determinations. Disclosure is limited to only that information necessary to process the disability retirement determination.
4. EAPCs, VSPs, or HCPs when required for monitoring victim services.
5. Military or civilian courts when ordered, or if disclosure is required by Federal or state statute.

EAPCs, VSPs, and HCPs will first consult with the servicing legal office to determine whether the criteria of any of the above exceptions apply, and whether they have a duty to comply by disclosing the information.

VICTIM'S RIGHTS*

1. The right to be reasonably protected from the accused.
2. The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
3. The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
4. The right to be reasonably heard at any public proceeding in the district court involving release, plea, [or] sentencing, or any parole proceeding.
5. The reasonable right to confer with the attorney for the Government in the case.
6. The right to full and timely restitution as provided in law.
7. The right to proceedings free from unreasonable delay.
8. The right to be treated with fairness and with respect for the victim's dignity and privacy.

* Under federal law [18 U.S.C. 3771(a)]