



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

MCO 1752.5
M&RA
28 Sep 2004

MARINE CORPS ORDER 1752.5

From: Commandant of the Marine Corps
To: Distribution List

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM

Ref: (a) SECNAVINST 1752.4
(b) MCO 1000.9
(c) MCO P5354.1D
(d) MCO 1700.28
(e) MCO P5800.16A
(f) MCO P1700.24B
(g) OPNAV 1752.4
(h) NAVMEDCOMINST 6310.3

Encl: (1) Definitions
(2) Sexual Assault Resources
(3) Marine Corps Sexual Assault Response Flow Chart
(4) Victim Preference Statement

1. Purpose. To issue Marine Corps policy and guidance to address the specific needs of sexual assault victims and related issues by defining sexual assault and required reporting procedures; establish procedures to protect the victim's privacy; establish a mandatory, standardized sexual assault victim assistance program for service members; and implement a database to track sexual assault trends throughout the Marine Corps. This Order implements reference (a).

2. Policy

a. Sexual assault is a criminal act. Sexual assault impedes unit or members' morale, effectiveness, efficiency, and negatively impairs the ability of the Marine Corps to function smoothly. Criminal behavior, especially sexual offenses, will not be tolerated. As defined in reference (a), and for purposes of this Order, sexual assault includes rape, forcible sodomy, indecent assault, and attempts to commit these offenses.

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

b. Commanders shall ensure that all service members within their commands are familiar with this Order, and that the contents of this Order are prominently displayed in their commands' common areas.

c. The Marine Corps' goal is to eliminate sexual assaults committed by Marines and to assist those affected by sexual assault.

3. Information

a. Leadership is the key to sexual assault prevention and response. The commander's role in prevention is to establish a climate that confronts the beliefs and values that cause and reinforce sexual assault, to establish clear standards for personal behavior, and hold offenders accountable. As leaders, commanders must be keenly aware of and sensitive to the climate of their units. Commanders must continuously educate their Marines on how to prevent incidents of sexual assault, while also encouraging victims and witnesses to report these incidents when they occur. Leaders must be aware that Marines who are sexual assault victims are physically, mentally, and emotionally traumatized and wounded. A wounded Marine must never be left on the battlefield.

b. Commanders shall immediately report all actual, suspected, or alleged sexual assaults to the Provost Marshal's Office (PMO). Additionally, after a thorough investigation, commanders shall hold individuals accountable for their actions.

c. Marines are our most precious assets. Sexual assault victims have at times been considered responsible for their predicament and are sometimes re-victimized by those in a position to assist. To eliminate these systemic problems, it is Marine Corps policy that all personnel shall treat these victims with dignity and sensitivity. They will be protected through fair, conscientious, and unbiased treatment as individuals. In this fair and equitable treatment, leaders must recognize that both genders can be sexual assault victims. Sexual assault is a criminal act, and as a criminal act sexual assault differs from sexual harassment and falls outside the purview of equal opportunity. Sexual harassment is addressed in references (b) and (c). Equally as relevant is not to mislabel sexual assault as hazing, which is addressed in reference (d).

4. Definitions. Definitions applicable to this Order are found at enclosure (1).

5. Responsibilities

a. This Order defines and assigns specific responsibilities throughout the Corps for sexual assault prevention and response. It applies to all Marines, Armed Forces personnel attached to or serving with Marine Corps commands, civilian Marines, and contractors employed by the Marine Corps. Individuals are directed to acquaint themselves with enclosures (2) and (3) for appropriate implementation of this Order.

b. This Order assigns specific responsibilities related to the unique issues surrounding sexual assault and supplements the responsibilities contained under the Victim and Witness Assistance Program (VWAP)(chapter 6 of reference (e)) for law enforcement, judge advocates, commanders, and service providers.

c. This Order is not intended to, and does not create any entitlement, cause of action, or defense in favor of any person arising out of a failure to accord a victim the assistance outlined in this Order. No limitations are hereby placed on the lawful prerogatives of the Marine Corps or its officials.

6. Action

a. Deputy Commandant for Manpower and Reserve Affairs (DC M&RA) shall:

(1) Establish a Sexual Assault Prevention and Response Office (SAPRO) that serves as the focal point for coordinating all sexual assault prevention and response actions within the Marine Corps.

(2) Ensure coordination between the SAPRO and Manpower Equal Opportunity (MPE) on command climate issues.

(3) Act as liaison and Marine Corps representative on all sexual assault matters.

(4) Coordinate with the Commanding General, Marine Corps Combat Development Command (CG MCCDC), to develop training standards on sexual assault awareness and prevention that commanders may use to fulfill the annual training requirement of the Marine Corps Common Skills Program.

(5) Develop an Automated Inspection Reporting System (AIRS) checklist based upon this Order, and any other appropriate directive, to be used by commanders at all levels and for the Inspector General's use during regular inspections.

(6) Coordinate with DC, PP&O and DC, MCCDC, to establish and maintain those measures (Memorandums Of Agreement (MOAs) or other inter-service agreements) that facilitate the timely exchange of information between the other services and the Marine Corps regarding the involvement in sexual assault cases of Marines serving on non-DoN installations.

(7) Coordinate with civilian resources and non-USMC Department of Defense installations to ensure the availability of victim advocates and other sexual assault victim-related services for Marine Forces Reserve and Marine Corps Recruiting Command units not in the vicinity of USMC installations.

(8) Monitor victim advocate programs at all installations, ensuring a common level of training in order to provide sexual assault victims with:

- (a) Crisis intervention.
- (b) Referrals to military and civilian medical.
- (c) Mental health and social services resources.
- (d) Safety planning.
- (e) Referral to military and civilian shelters.
- (f) Assistance in applying for civilian protection orders and command notification upon issuance.
- (g) Accompaniment to medical exams or to court or to both.

(9) Ensure service providers understand the informed consent policy for sexual assault victims as discussed below in par 6a(11) and in enclosure (1).

(10) Develop, implement, and coordinate a Marine and Family Services (MFS) Program to provide support services to victims of sexual assault in accordance with reference (e). Ensure prevention specialists and victim advocates are properly trained to provide briefings to commands to enhance awareness of

sexual assault issues such as proper reporting procedures, maintaining victim confidentiality, and available victim support services.

(11) Ensure, in coordination with the Staff Judge Advocate (SJA), the initial entry into the Sexual Assault Incident Reporting Database (SAIRD) of cases where the victim seeks assistance at MFS but does not desire to have the incident investigated.

(12) Ensure that in those cases where a sexual assault victim seeks services and assistance but does not desire to have the incident investigated by military authorities, MFS personnel, including victim advocates, shall stress the need to make such a report to military authorities. Additionally, the victim will be advised of the informed consent policy and shall complete the victim preference statement at enclosure (4) indicating that they do not desire to have the case investigated, and also be informed that the initial of their last name, last four digits of their SSN, grade (rank, if military), gender, age, and the following information will be entered in the SAIRD for statistical and analytical purposes:

- (a) Nature of the incident (e.g., rape).
- (b) Location of incident (e.g. barracks).
- (c) Date of incident/date MFS notified.
- (d) Why the victim does not desire to have the incident investigated.
- (e) MFS services provided (e.g., victim advocate, referral to civilian community services, etc.).
- (f) The military status of the victim (i.e., service member, family member) and, if known, the offender.
- (g) Whether alcohol or drugs were involved.
- (h) Duty station.
- (i) Duty status (i.e., training, permanent duty station, or forward deployed).

(13) Ensure information about installation and community-based victim support resources are widely disseminated

throughout each installation. All information should include enclosure (2), which is a partial list of national toll-free phone numbers and internet-based victim-related resources.

b. Deputy Commandant for Plans, Policies, & Operations (DC PP&O) in coordination with the DC, M&RA, and the CG, MCCDC, establish and maintain those measures (MOAs or other inter-service agreements), that facilitate the timely exchange of information between the other services and the Marine Corps, regarding the involvement in sexual assault cases of Marines serving on non-DoN installations. In addition, DC, PP&O in coordination with SAPRO shall ensure all law enforcement personnel (including criminal investigators):

(1) Receive specialized training in understanding sexual assault victims' needs, special concerns, and sensitivities.

(2) Properly record all reports of sexual assault in the Consolidated Law Enforcement Operations Center.

(3) Receive VWAP training and provide [DD Form 2701](#) (Initial Information for Victims of Crime) for all victims and witnesses of crime.

(4) Report all sexual assault incidents to the cognizant SJA.

(5) Forward all appropriate cases to Naval Criminal Investigative Service (NCIS).

(6) Contact a victim advocate for all sexual assault victims.

c. Deputy Commandant for Installations and Logistics (DC I&L), in coordination with the SAPRO, shall work with security representatives to improve security, lighting, and accessibility where feasible. Particular emphasis will be placed on street lighting, barracks/berthing/housing safety, and base security.

d. CG MCCDC, in coordination with the SAPRO, shall:

(1) Update the Marine Corps Common Skills Program, as required, with training standards consistent with this Order. At a minimum, individual training standards will inform Marines on the critical aspects of sexual assault prevention, the identification of sexual assault, and the assistance available to victims.

(2) Ensure the programs of instruction throughout the entry-level training continuum have the required instruction on sexual assault prevention, organization culture, ethics, culture awareness, fraternization, and discrimination to include sexual harassment. Ensure all other levels of professional military education and training receive required refresher training on sexual assault prevention, leadership, ethics, culture awareness, fraternization, and discrimination.

(3) Coordinate with DC, PP&O and DC, M&RA to establish and maintain those measures (MOAs or other inter-service agreements) that facilitate the timely exchange of information between the other services and the Marine Corps, regarding the involvement in sexual assault cases of Marines serving on non-DoN installations.

e. Inspector General of the Marine Corps, in coordination with the SAPRO, shall ensure the sexual assault prevention program is an item of special interest during regular and no-notice inspections.

f. SJA to CMC, in coordination with the SAPRO, shall:

(1) Assist commanders in understanding the requirements of this Order.

(2) Ensure the SAIRD is updated by local SJAs for each reported sexual assault incident.

(3) Continue to manage VWAP and ensure:

(a) Judge advocates receive training on the special concerns and issues surrounding sexual assault victims.

(b) Installation VWAP councils, victim witness liaison officers (VWLO) (installation VWAP representatives) and victim witness assistance coordinators (VWAC) (VWAP command representatives), address the special concerns and issues surrounding sexual assault victims.

g. Headquarters Marine Corps, Health Services in coordination with the SAPRO shall ensure local military treatment facilities follow the instructions in reference (g), and references (a) and (b) for treatment of sexual assault victims.

h. Commanding generals/commanding officers, in coordination with the SAPRO, shall:

(1) Conduct training on sexual assault prevention and awareness annually and, at a minimum, such training will include the contents of this Order.

(2) Ensure sexual assault awareness and prevention training is included in pre-deployment work-up procedures.

(3) Establish and publish policies on the responsible consumption of alcohol both on and off military installations.

(4) Immediately notify the PMO and the cognizant SJA of all allegations of sexual assault. PMO will provide necessary liaison with the NCIS consistent with departmental regulations.

(5) Ensure victims are provided reasonable protection from the offender.

(6) Aggressively support VWAP, in accordance with chapter 6 of reference (e), and to the extent possible, while deployed. Additionally, as required under VWAP, commanders will ensure the command VWAC is appointed in writing, is properly trained, and is made available to command personnel and their families.

(7) To the maximum extent possible, ensure sexual assault support personnel and services are provided to deployed personnel.

(8) Include sexual assault prevention considerations in deployed site planning/set up (layout, lighting, billeting, noise, etc.).

(9) Minimize re-victimization of all sexual assault victims per the following:

(a) Ensuring, as appropriate, victims and offenders do not remain in the same work and/or living area.

(b) Protecting the interest and privacy of sexual assault victims to the maximum extent possible.

(c) Limiting access to documents identifying victims to only those with a need to know (i.e., incident reports, charge sheets, military protective orders, etc.).

(d) Fostering a command environment that encourages the reporting of sexual assaults without fear of reprisal.

(e) Ensuring, in coordination with the cognizant SJA, that the SAIRD is completed as follows:

1 If both the victim and offender are members of the same command, the unit commander will coordinate with their cognizant SJA on that incident for SAIRD purposes.

2 If either the victim or offender, but not both, is active duty, the commander of that active duty member will coordinate with the cognizant SJA on that incident for SAIRD purposes.

3 If both the victim and offender are active duty and from separate commands, the offender's commander will coordinate with the cognizant SJA on that incident for SAIRD purposes.

i. All Marine Corps personnel shall:

(1) Eliminate behavior that violates our ethos and serves to tarnish the prestige of the Marine Corps.

(2) When witnessing another person physically, sexually, or verbally assaulting another person, take appropriate action.

(3) Report all incidents of sexual assault to PMO and the chain of command.

(4) Upon learning that a sexual assault incident occurred but was not reported, or that such an assault is being planned, notify your chain of command.

(5) Become familiar with the victim-related resources available in your community.

(6) Ensure that a person who is sexually assaulted is treated fairly, with dignity, sensitivity and without prejudice; is treated in a manner that does not usurp control from the victim, but enables the victim to determine their needs and how to meet them; and is not identified to the news media without their consent.

MCO 1752.5
28 Sep 2004

(7) Avoid questioning a sexual assault victim about the incident unless required in the course of official duties (i.e., law enforcement, legal, counselors, mental health care providers, etc.), to limit re-victimization.

(8) Maintain a climate that is respectful to all.

7. Applicability. This Order is applicable to the Marine Corps Total Force.



M. W. Hagee

DISTRIBUTION: PCN 10202560300

Copy to: 7000260 (2)
8145001 (1)

DEFINITIONS

1. **Consolidated Law Enforcement Operations Center (CLEOC)** - The central database for the collection of law enforcement data in the Marine Corps.
2. **Forcible Sodomy** - The unnatural carnal copulation with another person of the same or opposite sex done by force and without the consent of the other person. Forcible sodomy is proscribed by Article 125, Uniform Code of Military Justice (UCMJ).
3. **Indecent Assault** - Generally, an indecent assault is an assault of another person who is not the spouse of the offender, that is done with the intent to gratify the lust or sexual desires of the offender and when, under the circumstances, the conduct was to the prejudice of good order and discipline of the armed forces or was of a nature to bring discredit upon the armed forces. Indecent assault is proscribed by Article 134, UCMJ.
4. **Informed Consent Policy** - With the exception of reports made to chaplains under a clergy-penitent relationship, and the specific exception noted below, victims of crimes seeking assistance shall be immediately informed that any reports of sexual assault will be forwarded to military law enforcement for further investigation. However, sexual assault victims who seek victim-related services from the Marine and Family Services, but choose to not report an alleged sexual assault for further investigation, shall be informed that non-identifying information will be included in SAIRD. This policy allows the Marine Corps to balance the needs of the victim with the needs of commanders to maintain good order and discipline.
5. **Rape** - An act of sexual intercourse by force and without consent of the victim. It may be committed on a victim of any age and against a spouse. Rape is proscribed by Article 120, UCMJ.
6. **Sexual Assault Incident Reporting Database (SAIRD)**- A web-based, incident-based reporting system specifically designed for capturing information related to sexual assaults. Information in SAIRD will permit tracking of data related to sexual assaults to determine trends, positive and negative, which will allow validation of sexual assault prevention and response efforts.

7. **Sexual Assault Prevention and Response** - Those efforts designed to address the specific needs of victims of sexual assault and related issues. Sexual assault prevention and response includes establishing procedures to protect the victim's dignity and privacy; establishing processes under the Victim and Witness Assistance Program (VWAP) to address the special needs of sexual assault victims, as coordinated by SJA to CMC; to formalize a mandatory, standardized sexual assault victim assistance program; developing a Rape and Sexual Assault (RASA) database to track certain sexual assault trends, and formalizing a sexual assault prevention program throughout the Marine Corps.

8. **Sexual Assault Response Team (SART)** - A multidisciplinary body to oversee coordination and collaboration related to immediate response to sexual assault cases, ensure a victim-centered approach to service delivery, and explore ways to prevent future victimization.

9. **Sexual Harassment** - A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career.

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.

c. Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile or offensive working environment. Workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures or physical contact of a sexual nature in the workplace is also engaging in sexual harassment. Additional information on sexual harassment can be found in MCO 1000.9.

10. **Service Providers** - Service providers include, but not by way of limitation: Marine and Family Services personnel (i.e., counselors, victim advocates), chaplains, and health care professionals.

11. **Victim Advocate** - The victim advocates in the Marine Corps Family Services, Family Advocacy Program, provide information, guidance and support to victims of domestic violence and sexual assault. Advocates are available 24 hours a day, 365 days a year to provide crisis intervention, safety planning, referrals to, and liaison with civilian resources, and support during medical exams and court proceedings. Victims are not required to use military victim advocates and may use victim advocates from civilian resources.

12. **Victim** - A person, male or female, who has suffered direct physical or emotional harm as a result of the commission of a sexual assault offense committed in violation of the UCMJ, or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD components, including military members and their family members; when stationed outside the continental United States, DoD civilian employees and contractors, and their family members. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence); a spouse, legal guardian, parent, child sibling, another family member, or another person designated by the court or the SJA to CMC, or designee. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice, even though the individual may be one of the representatives described previously.

13. **Victim and Witness Assistance Program (VWAP)** - A multi-disciplinary program to assist victims and witnesses of crime to ensure that the military criminal justice system accords crime victims and witness their rights, without infringing on the constitutional rights of an accused, and receive appropriate assistance. VWAP incorporates law enforcement personnel, criminal investigators, service providers, judge advocates, corrections personnel, and unit commanding officers, to identify and assist victims and witnesses of crime through the criminal justice process. The SJA to CMC is the VWAP Component Responsible Official.

14. **Victim Witness Liaison Officer (VWLO)** - Under VWAP, installation commanders are the local responsible official for

VWAP implementation. The VWLO is the installation commander's representative responsible for the coordination of victim and witness assistance efforts aboard the installation. The VWLO is appointed in writing by the installation commander and serves as the VWAP Council chairperson. VWLO's responsibilities and those of the VWAP Council are found in chapter 6 of reference (d).

15. **Victim and Witness Assistance Coordinator (VWAC)** - As defined under VWAP, the VWAC is the unit commander's (battalion/squadron level and above) primary point of contact for VWAP matters. VWAC's responsibilities are found in Chapter 6 of reference (d).

16. **Witness** - As defined under VWAP, a witness is a person who has information or evidence about a crime, and provides that knowledge to a DoD component about an offense in the investigative jurisdiction of a DoD component. When the witness is a minor, that term includes a family member or legal guardian. The term does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

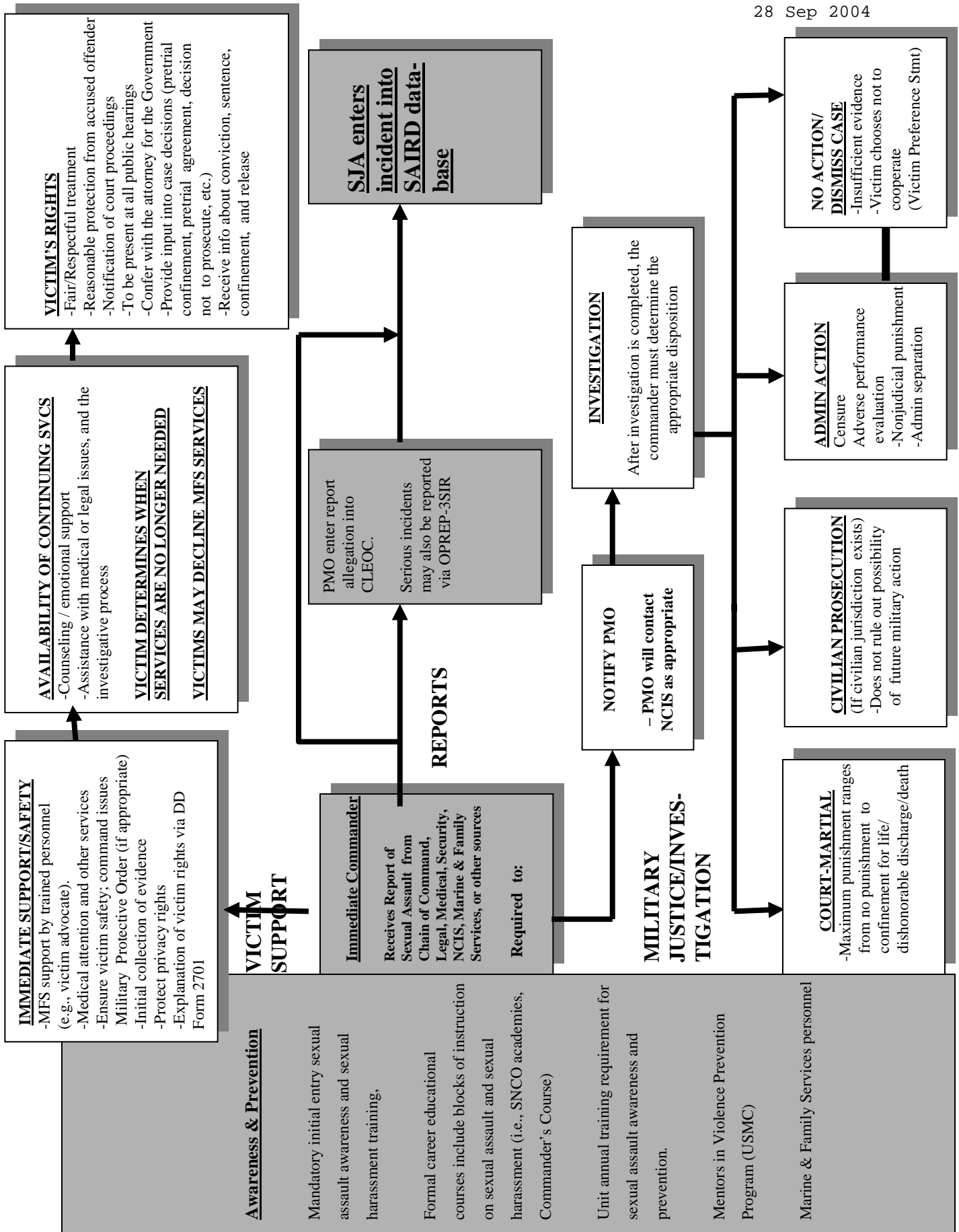
SEXUAL ASSAULT RESOURCES

National Sexual Violence Resource Center
877-739-3985
(24-hour access to information resources, and research
regarding sexual assault)

Rape, Abuse & Incest National Network (RAINN)
635-B Pennsylvania Avenue, SE
Washington DC 20003
800-656-HOPE
(Note: This number will direct callers to a local rape
crisis center.)

Additional resources for assisting victims of crime, and in
particular sexual assault, can be found at the following
website: <http://sja.hqmc.usmc.mil/jam/vwap/vwap.htm>

Enclosure (2)



VICTIM PREFERENCE STATEMENT

I, _____, have been informed of my rights as a crime victim under the Victim and Witness Assistance Program and have been provided a copy of [DD Form 2701](#), Initial Information for Victims and Witnesses of Crime. _____
(initials)

I have had the opportunity to consult with a victim advocate, counselor, or other person(s) of my choosing before making the following decision. _____
(initials)

At this time, I have decided to not report that I am a victim of sexual assault to my command, law enforcement personnel, or other military authorities. I understand that by not reporting this offense, there will be no investigation. _____
(initials)

Further, I have been informed that by not reporting this offense the full range of protections afforded to victims, including the issuance of a military protective order against the offender, may not be made available. _____
(initials)

Finally, I further understand that I may change my mind and report this offense at a later time. If I do report this offense at a later time, I understand that the delay may adversely affect the subsequent investigation and prosecution of the offender. _____
(initials)

Victim's signature and date

Witnessed by:

Title of witness and date

Enclosure (4)