



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON GRAFENWOEHR
UNIT 28130
APO AE 09114-8130

IMGF-ZA

06 MAR 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Bavaria Military Community Policy Letter #5; Sexual Assault Prevention and Response

1. **Effective Date:** This policy letter is in effect immediately and remains in effect until superseded or rescinded.
2. **Scope and Punitive Effect:** The scope of this policy applies to all Soldiers, Civilians, Family Members, government employees, contractors, organizations and units assigned or TDY to USAG Grafenwoehr installations and residing in the USAG Grafenwoehr Area of Responsibility (AOR). Violators of this policy and leaders who fail to take the appropriate action may be subject to administrative actions or punishment under the Uniform Code of Military Justice (UCMJ).
3. **References:**
 - a. AR 600-20, Army Command Policy, 18 March 2008.
 - b. Memorandum, Deputy Secretary of Defense, 16 Mar 05, Subject: Confidentiality Policy for Victims of Sexual Assault (JTF-SAPR-009), on the web at:
<http://www.dtic.mil/whs/directives/corres/memos/OSD%2004154-05.pdf>
 - c. Memorandum, Under Secretary of Defense for Personnel and Readiness, 17 Dec 04, Subject: Response Capability for Sexual Assault (JTF-SAPR-008).
4. **Policy:**
 - a. Sexual Assault is a crime that cannot and will not be tolerated in the United States Army. Sexual assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority, or when the victim does not or cannot give consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to the gender, spousal relationship, or age of the victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, the threat of force, or coercion, or when the victim is asleep, incapacitated, or unconscious.

IMGF-ZA

SUBJECT: Bavaria Military Community Policy Letter #5: Sexual Assault Prevention and Response

b. Military personnel have two sexual assault reporting options, restricted and unrestricted reporting. Civilian personnel currently have a similar option but it's recommended they contact the Sexual Assault Response Coordinator (SARC) / Victim Advocate Coordinator (VAC) for more current information on their reporting options. **In all instances** notification to the SARC / VAC of the occurrence of an incident of sexual assault is primary. A brief description of restricted and unrestricted reporting is below:

(1) Restricted Reporting. Restricted reporting allows an active duty service member who has been sexually assaulted to confidentially disclose the details of the assault to the SARC / VAC, chaplain and/or healthcare provider. Restricted reporting allows a victim to receive medical treatment, counseling, and victim advocacy, without triggering the official investigative process. The healthcare provider may disclose confidential information to specific individuals only for specific purposes as outlined in AR 600-20, Chapter 8. If anyone other than those previously mentioned are notified, the report will be deemed unrestricted and must follow the procedures outlined in 3b (2) of this memorandum. The procedures to be followed when a service member elects Restricted Reporting, under this policy, are those set out in AR 600-20, Chapter 8, Sexual Assault Prevention and Response (SAPR) Program and Appendix H, confidentiality Restricted Reporting. The installation SARC / VAC can be contacted at 24/7 at DSN 476-3217 or COMM 09662-83-3217.

(2) Unrestricted Reporting. Unrestricted reporting allows an active duty service member who has been sexually assaulted to disclose the details of the assault to the SARC / VAC, Installation Victim Advocate (IVA), chaplain, healthcare provider, chain of command and/or law enforcement. Unrestricted reporting allows a victim to receive medical treatment, counseling, and victim advocacy, and begin an official investigation. Details regarding the incident will be limited to only those personnel with a need to know.

c. Commanders and Directorates will ensure that their personnel have their Unit Victim Advocate (UVA) information on the bulletin board or a place where everyone can see the information. Staff Duty Offices and Charge of Quarters must have instructions on the procedures to take should anyone report a sexual assault at the organization. All leaders must take a proactive role in raising the sexual assault awareness level at every opportunity especially on weekend safety briefings. New leaders and other key responders are required to complete a sexual assault awareness and response briefing from the SAPR office within 45 days of assuming their duties.

d. Should a sexual assault incident occur, Commanders and Directorates must contact the SARC to ensure victims get assistance from all supporting agencies. Agencies available include but are not limited to: Military One Source, Chaplain, Criminal Investigation Division, Health Clinic, IVA, Legal Assistance, Mental Health, Military Police, Social Work Services, UVA, and Victim Witness Liaison. Everyone is reminded that the response capability to victims operates around the clock (after duty hours, weekends, and holidays) to assist victims as soon as possible.

IMGF-ZA

SUBJECT: Bavaria Military Community Policy Letter #5; Sexual Assault Prevention and Response

e. Commanders and Directorates will ensure that all allegations of Sexual Assault are investigated promptly and impartially. Leaders will coordinate with the local Criminal Investigation Division and the Staff Judge Advocate immediately following an allegation. Leaders will ensure that both victim and alleged offenders are afforded their rights so that all involved are treated with fairness throughout the investigation process.

f. I am committed to providing and maintaining a safe work and living environment so that we eliminate any and all incidents of sexual assault. The occurrence of sexual assault has a devastating and often lasting impact on the victim. Moreover, Sexual Assault tears at the moral fiber of our unit formations and degrades our readiness. Sexual assault has no place in the Army. We are a values based organization. We take care of and value our fellow Soldiers, Civilians and Family Members and treat all Soldiers, Civilians and Family Members with dignity and respect. I will take actions to ensure that our Soldiers, Civilians and Family Members have a robust and immediate response system capable of assisting all victims around the clock ensuring assistance is rendered immediately.

g. I charge all leaders with the responsibility to prevent and eliminate sexual assault incidents in our community. Leaders at all levels must take necessary actions to maximize the safety and welfare of our population. Take the time to think what we can do to prevent someone from being a victim of this heinous crime. Taking care of our Soldiers, Civilians and Family Members is our priority.

h. Contact numbers and SAPR program information will be posted in common unit areas throughout the installation to include the SARC/ VAC, IVA, UVA, Military Police and Chaplain contact numbers as well as Restricted and Unrestricted reporting procedures and the Army sexual assault policy letters.

5. **Point of Contact:** To obtain more information regarding the SAPR Program contact the SARC at 476-3217 or 09662-83-3217.


JAMES E. SAENZ
COL, SF
Commanding

DISTRIBUTION:

A