



DEPARTMENT OF THE NAVY
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IN REPLY REFER TO:
CMC-MR
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WHITE LETTER NO 03-05

From: Commandant of the Marine Corps
To: All General Officers
All Commanding Officers
All Officers in Charge

Subj: COLLATERAL MISCONDUCT IN SEXUAL ASSAULT CASES

1. ALMAR 053/04, Sexual Assault Prevention and Response, announced the release of MCO 1752.5 and initiation of the Marine Corps' comprehensive program for preventing and responding to sexual assault including procedures to support victims and protect their privacy. Of note, this order approved a process whereby sexual assault victims may receive support and assistance through our Marine and Family Services organizations without having the facts of their particular cases made known to the commands or to criminal investigators. Subsequent to the publication of this new order, the Department of Defense published additional policy specifically addressing the collateral misconduct of sexual assault victims.

2. One of the most significant barriers to the reporting of sexual assault is the victim's fear of punishment for some of the victim's own actions leading up to or associated with the sexual assault incident. Many reported sexual assaults involve circumstances where the victim may have engaged in some form of misconduct (i.e. underage drinking or other related alcohol offenses, adultery, fraternization or other violations of certain regulations and orders). Such behavior may be considered collateral misconduct, and may be viewed as a contributing factor to the sexual assault.

3. As commanders, you have the authority to determine how to best dispense with alleged collateral misconduct. These actions may include deferring disciplinary action regarding a victim's collateral misconduct until after final disposition of the more serious sexual assault case. Disposing of the collateral misconduct and the sexual assault cases in closer proximity may serve to increase awareness concerning the command's commitment to fair and balanced accountability. The decisions that you ultimately make regarding collateral misconduct are extremely important in forging victim cooperation and maintaining their confidence in our sexual assault reporting process and are essential to the appropriate and expeditious handling of all sexual assault cases.

4. We must never lose sight of the fact that sexual assault is a criminal act, wholly incompatible with the ethos of our Corps. When it occurs, we must see to the victims' needs, earn their trust and cooperation, and hold offenders accountable.

M. W. Hagee