



The Source for Navy News

## Zero Tolerance: NCIS Aims to Prevent Sexual Assault Crimes

Story Number: NNS111227-05

12/27/2011

From Naval Criminal Investigative Service

NORFOLK (NNS) -- In an effort to bring attention to the sexual assault prevention awareness campaign, the Naval Criminal Investigative Service (NCIS) issued important guidelines and tips on how individuals can report and prevent sexual assault crimes through NCIS' Crime Reduction Program, Dec. 26.

The increased prevention awareness campaign is a proactive effort to reduce sexual assaults across the Department of the Navy. NCIS Special Agent Leatrice DeBruhl-Daniels is assigned as the FY12-1st quarter campaign representative for Hampton Roads.

Sexual assault is defined as sexual abuse of an individual by the use of force, threat, or intimidation. Rape, sodomy, sexual battery and attempts to commit these crimes are examples of sexual assault offenses.

Sexual assaults are more prevalent with those who recently enlisted or are away from home for the first time. In many cases, the situations involve alcohol.

Sexual assault crimes are not necessarily isolated on-base. Crimes may also occur in other jurisdictions where local police departments may assume the case - NCIS is still notified.

In the Department of Defense Fiscal Year 2010 Annual Report on Sexual Assault in the Military, there were 2,617 service members who reported they had been a victim of sexual assault.

Sexual consent must be freely given by a competent person and you cannot force anyone to have sex at any time.

"There is no such thing as drunken consent," said DeBruhl-Daniels. "Drugs and alcohol will impair a person's judgment and may increase sexual desire, therefore, a person's actions may be misunderstood when they are intoxicated. Do what is right morally. If you violate a person's rights and have sex with them without their permission, you may be subject to charges under the Uniform Code of Military Justice (UCMJ) Article 120."

NAVADMIN 122/11 reinforces Navy's "zero tolerance" sexual assault policy and directs active support from all Sailors - from the deck plates to the blue tile - to successfully eliminate this egregious act from the ranks.

The Navy averages 1.5 reported sexual assaults per day, with aggravated sexual assault accounting for the largest category of offenses reported. Female Sailors have a 20 percent chance of being sexually assaulted during their careers, and the younger they are, the greater the risk of sexual assault.

Under UCMJ Article 120, sexual act crimes, such as rape and aggravated sexual assault, carry very high penalties. Rape itself under the UCMJ can carry a death penalty and the maximum punishment for aggravated sexual assault is 30 years.

"When there is a report of sexual assault, commands are required to report it almost immediately to NCIS," said Cmdr. Frank D. Hutchison, staff judge advocate.

Once NCIS completes their investigation, the case is turned over to the command for disposition.

"Typically, commands will forward the investigative facts to RLSO for analysis of its prosecutorial merit,"

said Hutchison. "... based on the investigation, [we determine] whether there is a case that can be prosecuted under courts-martial or whether it should be handled at a different level. For the vast majority of sexual assault cases, courts-martial is the appropriate forum. Then at that point, RLSO is the prosecution office, and they work hand-in-hand with NCIS from that stage on."

Victims have a choice of reporting preference as either restricted or unrestricted. Victims who choose to use restricted reporting are only allowed to talk to a victim advocate, sexual assault response coordinator, chaplain or healthcare provider. This ensures that no one without confidentiality knows the details about the case, and it remains confidential until the case is reported to law enforcement, or NCIS, at which time it will automatically become an unrestricted report.

An unrestricted report allows victims to legally pursue the perpetrator. In this option, NCIS, local law enforcement and the command are notified that you are a victim of sexual assault. The command is restricted from conducting their own investigation on the matter, but they will be notified that the event occurred.

Time is of the essence when you have a sexual assault crime, especially if alcohol or some sort of drug influence is involved. The victim should contact NCIS as quickly as possible to investigate their level of consent. Victims should not be afraid of reporting a sexual assault crime to NCIS. Keeping the victim safe is NCIS' main priority in sexual assault cases. Victims will be notified of key steps within the investigation from case initiation to case closure.

Sexual assaults are serious crimes, therefore, victims should not report false sexual assault claims.

Regrettable sex, absent or late for muster with a rape excuse, caught cheating on your spouse or significant other, or becoming pregnant by someone you do not want to be the father of your child are not excuses to report rape and are unacceptable.

If you or someone you know is in need of help, contact the NCIS hotline at (877) 579-3648 or the Sexual Assault Hotline at (800) 656-HOPE (4673). For more information about sexual assault prevention and response, visit [www.sapr.mil/](http://www.sapr.mil/).

To view the video online, visit [http://www.youtube.com/watch?v=hqnN25\\_W2Cc](http://www.youtube.com/watch?v=hqnN25_W2Cc).

Tips on prevention:

- \* Drink responsibly.
- \* Have a designated driver
- \* Know your drinking limits.
- \* Use a "buddy system" before going out and have a plan.
- \* Remove your buddy from a risky situation.
- \* Always be safe

For more information, visit [www.navy.mil](http://www.navy.mil), [www.facebook.com/usnavy](https://www.facebook.com/usnavy), or [www.twitter.com/usnavy](https://www.twitter.com/usnavy).

For more news from Commander, Navy Region Mid Atlantic, visit [www.navy.mil/local/cnrma/](http://www.navy.mil/local/cnrma/).