



DEPARTMENT OF THE ARMY
UNITED STATES ARMY COMBINED ARMS SUPPORT COMMAND
2221 ADAMS AVENUE
FORT LEE VIRGINIA 23801-2102

CASCOM POLICY # 16-02

29 FEB 2016

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Commander's Policy Letter for Sexual Harassment/Assault Response and Prevention Program

1. References:

- a. Army Regulation (AR) 27-10 (Military Justice), 3 October 2011.
- b. AR 600-20 (Army Command Policy), 6 November 2014.
- c. Department of Defense Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," 28 March 2013 (incorporating change 2, effective 7 July 2015).
- d. Department of Defense Sexual Assault Prevention and Response Strategic Plan, January 2016.
- e. TRADOC Sexual Harassment/Assault Response and Prevention (SHARP) Campaign Plan, Fiscal Years 2016-2017.
- f. Guide for Use of the U.S. Army Soldier and Leader Risk Reduction Tool (USA SLRRT).
- g. Articles 80, 120, and 125, Uniform Code of Military Justice (UCMJ), Manual for Courts-Martial, United States (2012 Edition).
- h. USACASCOM Supplement 1 to AR 27-10, 07 August 2015.

2. Sexual harassment and sexual assault will not be tolerated in the Combined Arms Support Command (CASCOM). Commanders will implement programs to prevent and respond to sexual assault and sexual harassment in order to enable team cohesion and readiness. The goal of these programs is to eliminate incidents of sexual misconduct within CASCOM's formations. Commanders will promote and enable an environment of dignity and respect where all Soldiers and Civilians perform to their maximum potential, victims feel safe reporting incidents, and the workforce trusts their leaders to take appropriate actions. Leaders will also ensure that those accused of offenses are evaluated in an appropriate manner for elevated risk and are afforded necessary care.

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3. Sexual assault is a criminal offense that has no place within the Profession of Arms and is a threat to the integrity, resilience, and readiness of our Army. Prevention of these acts is an inherent responsibility of every member of the Army Team. Every person who is aware of an incident of sexual assault will immediately report it. Sexual assault is incompatible with the Army Values and is punishable under the UCMJ and other federal and local civilian laws.

4. Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, both verbal and physical between same or opposite genders when submission to or rejection of such conduct is made a condition of a person's job, pay, or career, and creates an intimidating, hostile or offensive work environment. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control the work environment is engaging in sexual harassment. Similarly, any Soldier or Civilian employee who makes unwanted verbal comments or physical contact of a sexual nature is engaging in sexual harassment.

5. Through leadership, teamwork, education, discipline and enforcement of standards, CASCOM will continue to establish an environment free of sexual assault and sexual harassment where every member of the CASCOM team is valued and protected. The following lines of effort (LOEs) drawn from reference 1d, the Department of Defense Sexual Assault Prevention and Response Strategic Plan, will guide us:

a. Prevent potential offenders from committing sexual crimes; provide compassionate care for reported victims while protecting their privacy and rights. Ensure both reported victims and reported perpetrators are afforded medical care, behavioral health care, and legal assistance. (LOE 1 and 4).

b. Conduct timely, thorough, effective, and professional investigations of allegations of sexual assault and sexual harassment. (LOE 2).

c. Instill a positive climate and an environment of trust and respect where every person can thrive and achieve their full potential. (LOE 3, 4 and 5).

d. Hold those responsible for sexual assault and sexual harassment appropriately accountable. (LOE 3).

e. Leaders will instill a climate where sexual assault and sexual harassment are not tolerated. (LOE 1, 3, 4 and 5).

6. Leaders, at all levels, will follow the Department of the Army strategic guidance in accordance with TRADOC's five LOEs, captured in reference 1e:

a. Inculcate SHARP within the Command.

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- b. Immediate, thorough, and effective investigations.
- c. Provide assurance of an environment free from sexual harassment and sexual assaults.
- d. Safeguard the reported victim/survivor and assist in delivering consistent and effective response and support.
- e. Implement lessons learned, best practices, and innovative initiatives based on metrics and analysis.

7. Reporting Options and Procedures for Sexual Assault Notification

a. Every unit in the Army has established procedures on how to manage casualties. Service members and military dependents 18 years and older who have been sexually assaulted have two reporting options: unrestricted and restricted reporting. Department of Defense (DoD) Civilian employees and their family dependents and DoD contractors are only eligible for unrestricted reporting and for limited emergency care medical services at a military treatment facility unless the individual is otherwise eligible for TRICARE benefits.

b. I want leaders to think of sexual assault reported victims as casualties and to react accordingly. Upon notification of all sexual assault a safety assessment will be conducted on the reported victim. If notification on of an unrestricted allegation that a Service Member, DoD Civilian, or Military Dependent (18 years and older) has been the victim of an offense involving penetration or unlawful force falling under Article 120 or Article 125, UCMJ, the brigade-level commanders and O-6 level commandants exercising Special Courts-Martial Convening Authority (SPCMCA) will assemble a High Risk Response Team (HRRT) consisting of appropriate leaders and experts to ensure the reported victim is receiving all appropriate support and services. The HRRT will be established as soon as practicable, but no later than 12 hours after learning of the report. HRRT requirements will vary based on individual incident or situation.

c. For restricted reports, if the reported victim is assessed to be in a high-risk situation, it may qualify as an exception to restricted reporting. The exception is necessary to prevent or mitigate a serious and imminent threat to the health or safety of the victim or another person. The Sexual Assault Response Coordinator (SARC) will disclose the otherwise protected confidential information only after consultation with Staff Judge Advocate (SJA) of the installation commander, or supporting judge advocate. If the SJA determines that the reported victim is not in a high risk situation, the report will remain restricted and the SARC will ensure a safety assessment is conducted. The Office of the Secretary of Defense Sexual Assault Prevention and Response Office Commander's 30-Day Checklist for Unrestricted Reports of Sexual

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Assault (Enclosure 2), serves as a guide for both the reported victim and reported offender's commanders.

d. The HRRT informs, advises and enables Commanders exercising SPCMCA regarding:

(1) Ensuring the reported victim is protected and is in contact with the Victim Advocate (VA) and Special Victim Counsel (SVC) (when/if appropriate).

(2) Ensuring the reported victim is informed of, and receives timely access to comprehensive medical and psychological treatment, including emergency medical care services (regardless of visible injuries), unless the reported victim declines healthcare. If desired, ensure the reported victim is escorted to the appropriate medical facility for treatment and a Sexual Assault Forensic Exam (SAFE).

(3) Ensuring that the matter is referred to Criminal Investigative Division (CID) (unrestricted reports only) as soon as the reported victim's immediate safety is assured and medical treatment procedures elected by the reported victim are initiated. Ensure the reported victim is notified of the right to have a SVC present at all interviews conducted by investigators, trial counsel and defense counsel. Upon request, ensure the reported victim is escorted to interviews with investigators.

(4) Evaluation of expedited transfer options, both temporary and permanent, for the reported victim and the reported offender, as the situation dictates.

(5) Employment of the Soldier Leader Risk Reduction Tool (enclosure 1) to identify factors that may indicate that the reported victim should be considered high risk based on: if the reported victim needs protection; the reported victim is concerned about retaliation from peers, or supervisors; if the reported victim poses a suicide risk; or if the victim's safety is in jeopardy.

(6) Ensuring the reported victim has access to speak or meet with support personnel such as family members, a chaplain, and emergency contact, or other support persons.

(7) Ensuring that reported victim collateral offenses are withheld to the SPCMCA.

(8) Ensuring that reported offenders are recognized as high risk and that risks are mitigated accordingly.

e. The purpose of the HRRT is purely administrative in nature. The HRRT will not discuss the conduct of the investigation of the allegation(s), the facts or evidence of a case, or the disposition of the alleged offense(s).

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f. In order to protect reported victim confidentiality, commanders will assemble a HRRT only for unrestricted reports of sexual assault, unless as noted in 7c. of this policy letter.

8. Response to Reported Victims Assessed to be in a High Risk Situation.

a. Senior Commander or Deputy Commander will immediately stand up a multi-disciplinary HRRT if a victim is assessed to be in a high-risk situation. The purpose and the responsibility of the High-Risk Response Team is to continually monitor the reported victim's safety by assessing danger and developing a plan to manage the situation.

b. The HRRT shall be chaired by the reported victim's immediate commander and at a minimum, include the alleged offender's immediate commander; the victim's Sexual Assault Response Coordinator (SARC) and (victim advocate) VA; the criminal investigation division (CID), the judge advocate, and the Victim Witness Counselor (VWC) assigned to the case, victim's healthcare provider or mental health and counseling services provider; and the personnel who conducted the safety assessment. The responsibility of the HRRT members to attend the HRRT meetings and actively participate in them will not be delegated.

c. The HRRT shall make their first report to the senior commander, or deputy and installation SARC within 24 hours of being activated. A briefing schedule for the senior commander or deputy will be determined, but briefings shall occur at least once a week while the reported victim is on high-risk status.

d. The HRRT assessment of the reported victim shall include, but is not limited to evaluating:

(1) Reported Victim's safety concerns.

(2) Reported offender's access to the victim or whether the reported offender is stalking or has stalked the victim.

(3) Previous or existing relationship or friendship between the reported victim and the reported offender, or the reported offender and the reported victim's spouse, or reported victim's dependents. The existence of children in common. The sharing (or prior sharing) of a common domicile.

(4) Whether the reported offender (or the reported offender's friends or family members) has destroyed victim's property; threatened or attacked the victim; or threatened, attempted, or has a plan to harm or kill the reported victim or the reported victim's family members; or intimidated the reported victim to withdraw participation in the investigation or prosecution.

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(5) Whether the reported offender has threatened, attempted, or has a plan to commit suicide.

(6) Whether the reported offender has used a weapon, threatened to use a weapon, or has access to a weapon that may be used against the reported victim.

(7) Whether the reported victim has sustained serious injury during the sexual assault incident.

(8) Whether the reported offender has a history of law enforcement involvement regarding domestic abuse, assault, or other criminal behavior.

(9) Whether the reported victim has a civilian protective order or command has a MPO against the reported offender, or there has been a violation of a civilian protective order or MPO by the reported offender.

(10) History of drug or alcohol abuse by either the reported victim or the reported offender.

(11) Whether the reported offender exhibits erratic or obsessive behavior, rage, agitation, or instability.

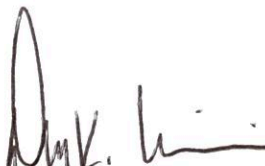
(12) Whether the reported offender is a flight risk.

9. Reported victims of sexual assault or sexual harassment are encouraged to report incidents to their unit SHARP representatives. Reports of sexual misconduct are taken seriously and will be dealt with promptly, with confidentiality, and with protection from reprisal. The CASCOM and Fort Lee 24-hour SHARP Hotline is (804) 894-0029 and is available to provide guidance and assistance.

10. A copy of this policy will be permanently posted on unit bulletin boards. The point of contact for this action is the CASCOM and Fort Lee Sexual Assault Response Coordinator at (804) 734-6594 or (804) 683-8000.

Encls

1. U.S. Army Soldier Leader Risk Reduction Tool
2. Commander's 30-Day Checklist for Unrestricted Reports of Sexual Assault


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3. Commander's SHARP Quick Reference Guide

4. DoDI 6495.02 (28 Mar 13, Change 2 7 Jul 15) Reporting Options and Sexual Assault Reporting Procedures

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