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United States Forces Korea
Regulation 600-20

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Personnel-General

SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM

***This regulation supersedes USFK Regulation 600-20, dated 24 October 2012.**

FOR THE COMMANDER:

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Summary. This regulation establishes policies and procedures for the United States Forces Korea (USFK) Sexual Assault Prevention and Response (SAPR) Program. It is an implementing draft until it can be fully reviewed by each service component.

Summary of Change. Summary of major changes are as follows:

- Plan for and secure funding to fill the sexual assault victim advocate (SAVA) bags which contain toiletry items and changes clothes for the victims to use after SAFE. SAVA bags and SAFE Kits should be immediately available where sexual assault examinations occur. (chapter 6, para b(5))
- Ensure that all commanders receive training regarding Military Rule of Evidence (MRE) 514 (Victim Advocate Confidentiality Privilege) from their Staff Judge Advocate (SJA) providing counsel for military justice matters within 30 days of assuming command. (chapter 6, para d(23))

- Revise or establish internal controls (i.e., policies, SOPs, continuity books, regulations/instructions, or "tactic, techniques and procedures" (TTPs)) to ensure that SAPR roles and responsibilities are clearly defined for program managers, SARC's and VAs. (chapter 6, para d(24))
- Require that Sexual Assault Response Coordinators (SARC's) will brief their Commanders on the Sexual Assault Reporting & Response (SAPR) Program and trends within 30 days of their assuming command. (chapter 6, para d(25))
- Maximize, as much as possible, opportunities for SAPR Program Managers and SARC's to remain for at least two years in those positions. (chapter 6, para d(26))
- Provide training regarding MRE 514 (Victim Advocate Confidentiality Privilege) to all commanders assigned to USFK within 30 days of the commanders taking command. In most cases, commanders will receive training from the Service component SJA primarily responsible for military justice matters. (chapter 6, para f(5))
- Service Elements (USFK-STB, USFK Air Force Element, USFK Navy Element and USFK Marine Corp Element) will report mandatory SAPR training completion for its USFK Staff members on the 10th day of each quarter, using their Military Service SAPR standards. (chapter 6, para k)

Applicability.

a. This regulation applies to all active duty personnel and Reserve Component (Reserve and National Guard) personnel on active duty and assigned to U.S. military organizations in the Republic of Korea (ROK). This Regulation does not apply to Korean Augmentation to the United States Army (KATUSAs).

b. Victims who are family members (18 years of age or older) of active duty, retired military, Department of Defense (DoD) civilians, contractors, and technical representative employees will receive services through the military Medical Treatment Facility (MTF) and the Family Advocacy Program (FAP) in accordance with their eligibility status and at a cost based on this status.

Supplementation. Issue of further supplements to this regulation by subordinate commands is prohibited unless prior approval is obtained from USFK J1 (FKJ1-11), Unit #15237, APO AP 96205-5237, at pacom.yongsan.usfk.mbx.j11-workflow@mail.mil.

Forms. USFK forms are available at [Click Here](#). DoD Forms for sexual assault can be found at [Click Here](#).

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at: <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is USFK J1 (FKJ1-11). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the USFK J1 (FKJ1-11), Unit #15237, and APO AP 96205-5237, email: pacom.yongsan.usfk.mbx.j11-workflow@mail.mil.

Exception Authority. Requests for exceptions to policy or waivers will be submitted through the USFK J1 and coordinated with the USFK Office of the Judge Advocate. Only the Commander, Chief of Staff, or the Deputy Chief of Staff of USFK, has the authority to approve exceptions or waivers to this regulation.

Distribution. Electronic Media Only (EMO).

CONTENTS

1. Purpose
2. References
3. Explanation of Abbreviations and Terms
4. Concept
5. Implementing Instructions
6. Responsibilities

Appendixes

- A. References
- B. Overarching Tenets of the DoD Sexual Assault Strategic Directive

Glossary

1. Purpose

This regulation establishes policies and procedures for the United States Forces Korea (USFK) Sexual Assault Prevention and Response Program (SAPR). The USFK objective for the SAPR Program is to provide overarching command guidance as outlined from the Department of Defense (DoD) Strategic Direction to the Joint Force and allow each service to determine how they manage their own service specific programs. This revised regulation will provide the minimum requirements for all Commanders to follow, implement and monitor within their areas of responsibilities.

2. References

Required publications, forms, checklists and websites are listed in [appendix A](#).

3. Explanation of Abbreviations and Terms

Abbreviations and terms used in this regulation are explained in the [glossary](#).

4. Concept

a. The goal of the USFK Sexual Assault and Prevention Program is to develop a culture free of sexual assault, through an environment of prevention, education and training, response capability (defined in DoD Directive 6495.01 (Sexual Assault Prevention and Response (SAPR) Program), victim support, clearly reporting procedures, and appropriate accountability that enhances the safety and well being of all persons. USFK is dedicated to this goal. Sexual assault is a crime. It demeans the value of others and erodes the basic foundation of trust that is so vital to the success of every military mission and to the readiness of this command. There is zero tolerance for sexual assaults in USFK and Commanders will take appropriate action based on the facts and evidence in consultation with legal counsel.

b. Commanders at all levels are responsible for providing a safe, healthy, and non-threatening environment for those in their charge. Commanders must take action to mitigate sexual assaults, protect and support victims, and hold offenders accountable by taking all appropriate administrative and judicial actions based on facts and circumstances. All accused subjects will have the right of due process.

c. Dormitories and barracks require special consideration. Commanders will ensure sufficient leadership is present to diminish opportunities for this crime to occur. All unrestricted reports of sexual assault will be documented and coordinated immediately in accordance with procedures contained in [DoDI 6495.02](#) (Sexual Assault Prevention and Response Program Procedures).

d. USFK's SAPR Program aligns with the DoD's Strategic Directive using five Lines of Effort (LOE): Prevention, Investigation, Accountability, Advocacy and Assessment. These are reinforced by the Overarching Tenets of Leadership, Communication, Culture/Environment, Integration and Resourcing.

e. Each LOE represents SAPR Program specific activities. Each LOE includes specific actions to assist Commanders in reducing gaps and enhance efforts to operationalize the USFK SAPR Program at all echelons and across all services.

f. Overarching Tenets are used to represent guidelines essential to refining a professional culture and command climate/environment. They set conditions to optimize program implementation. All five Tenets must be fully realized in order to achieve optimal integration of the SAPR Program into the command environment – a weakness in one diminishes the whole. Overarching Tenets work hand-in-hand with LOEs to operationalize the program as a natural extension of a unit culture based on professionalism, core values and trust. Ultimately, this serves

to reaffirm USFK's enduring commitment to the health and readiness of its Service members, Civilians and their Families.

5. Implementing Instructions

a. The first SAPR LOE is Prevention.

(1) Prevention is the most critical LOE; it ultimately defines program success. Unlike the other LOEs, prevention has neither a beginning nor an end. It informs and is informed by the other LOEs. There are tangible aspects of prevention that promote a positive command *climate/environment* including program education and training. However, there are also intangible aspects that translate education and training to promote a professional *culture* that instills knowledge, awareness, communication, personal responsibility and the empowerment to act. Effective prevention efforts reduce environmental risks, predatory and high risk behaviors and personal vulnerabilities associated with the crime of sexual assault. These factors are most prolific in the barracks, during social activities involving alcohol consumption, among our youngest Service members and often during transitions. The majority of sexual assaults happen within the first 90 days upon the victim's arrival to the new command. Commanders must take a special interest in safe guarding our newly arrived personnel providing them a safe environment to live and learn about their new assignment in Korea. Prevention is every individual's responsibility and it ranges from controlling one's own actions, to stepping in if the situation requires.

(2) USFK SAPR Program includes sexual assault training for all USFK personnel assigned to USFK organizations as well as specific baseline training for first responders such as Sexual Assault Victim Advocates (SAVA), Sexual Assault Response Coordinator (SARC), Law Enforcement, Military Criminal Investigative Organizations (MCIO), Judge Advocates, Religious Support Teams (i.e., Chaplains) and Health Care Providers (HCP).

(a) SAPR training will be provided upon in-processing and annual refresher training conducted in accordance with (IAW) Service-specific policy (i.e., The Army uses the SHARP concept to train Soldiers and Department of the Army (DA) civilians). Initial USFK SAPR training will be conducted based on USFK Regulation 350-2 (Theater Specific Required Training for Arriving DoD Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to Korea) prior to personnel arriving in Korea or immediately upon arrival. An outline of first responder training requirements can be found in [DODI 6495.02](#), Enclosure 6. A DoD SAPR training overview can also be found at DoD SAPR home page - [click here](#).

(b) SAPR refresher training will be conducted annually for all service members (to include all flag and general officers) and DoD Civilians/Contractors assigned to USFK (i.e., on Safety Stand Down days). All training will require a sign-in sheet to document this requirement and will be made available for all Inspector General (IG) inspections.

(c) The focus of SAPR training is to ensure that all Service members and civilian supervisors of Service members have a working knowledge of what constitutes sexual assault, why sexual assaults are crimes, definitions of sexual assault terms (as outlined in the [Terms](#) section of this regulation) and the meaning of consent. Additionally, the training should provide personnel with information on the reporting options available to them, the exceptions and/or limitations of each option, victim advocacy program and resources related to victim care.

(d) To help Service members and civilian supervisors understand the nature of sexual assaults in the military environment, this training should be scenario-based, using real-life

situations (with changed information so as to protect the victim of an actual case) to demonstrate the entire cycle of victim support, reporting procedures, response, and accountability procedures.

b. The second SAPR LOE is Investigation.

(1) An investigation begins with an unrestricted report of sexual assault and continues until all available facts and evidence are gathered, analyzed and the case is submitted to the commander for action. Investigations play a pivotal role across each LOE, informing both concurrent and subsequent LOE execution. All unrestricted reports will be immediately referred to a Military Criminal Investigative Organization (MCIO) for investigation in a manner that respects the dignity of the victim while safeguarding the due process rights of the alleged offender. Investigations are independent of the chain of command to guarantee they are free from the perception of undue command influence.

(2) Without an effective investigative process, commanders lack the information necessary to make an informed decision regarding the merits of the investigative findings. Investigators play a critical role in the SAPR process because they are often the first to make contact with both victims and alleged offenders and ensure timely collection and preservation of facts and evidence. Investigators work jointly with all Services and with external law enforcement agencies to ensure a thorough and timely investigation.

c. The third SAPR LOE is Accountability.

(1) Accountability is an enduring aspect of command. The Accountability LOE encompasses those actions specific to adjudicating an alleged sexual assault crime from the initial unrestricted report through its appropriate disposition. Commanders must take action to protect the health and safety of the victim during the investigation while safeguarding the due process rights of the alleged offender. Commanders will take appropriate action based on the facts and evidence in consultation with legal counsel.

(2) For those cases not disposed of by an individual Service Member's Service component commander, commanders will submit for initial disposition, allegations of (a) rape, in violation of Article 120 Uniform Code of Military Justice (UCMJ); (b) sexual assault, in violation of article 120 UCMJ; (c) forcible sodomy, in violation of Article 125 UCMJ; (d) all attempts to commit such offenses, in violation of Article 80 UCMJ; (e) and all other alleged offenses arising from or relating to the same incidents, whether committed by the alleged perpetrator or the alleged victim of the rape, sexual assault, forcible sodomy, or the attempts thereof, to their Special Court Martial Convening Authority in the grade of O-6 or higher. See SECDEF Memorandum, Subject: Withholding Initial Disposition Authority Under Uniform Code of Military Justice in Certain Sexual Assault Cases, 20 Apr 12. Every case will have a consultation with a judge advocate. Subordinate Commanding Officers are encouraged to provide their own recommendations regarding disposition to their Special Court Martial initial disposition authority. Within the limits of commanders' authorities, they may dispose of an alleged offense by preferring court-martial charges, imposing non-judicial punishment, applying administrative action, or taking no action when appropriate. The objective of military justice is to fairly dispose of all allegations in a timely manner at the most appropriate level.

(3) Preserving and promoting good order and discipline are inherent responsibilities of every commander. Their authority extends to all aspects of the unit's mission, morale and discipline. When presented with the results of a sexual assault investigation, commanders are charged with forwarding the investigation to the initial disposition authority in the grade of O-6 or higher who holds Special Court Martial authority. Initial disposition decision is one of the most

important decisions the Special Court Martial Convening authority will make, with broad ranging consequences to the victim, alleged offender, and the unit. The latter cannot be overstated; these disposition decisions have a direct impact on command climate/environment and unit/team cohesion and readiness. Only commanders can fully balance the many factors that affect their decisions. Commanders are responsible for making dispositions that are warranted, appropriate and fair.

(4) Commanders will ensure that SAPR training requirements are documented and provided to all commanders, judge advocates and investigators under their organizations.

(5) Commanders and Investigators will document and assess the number and type of sexual assault allegations, investigative findings and dispositions with the "Assessment" LOE. Per DoDI 6495.02 for Unrestricted Reports, each Service will:

(a) Implement and monitor compliance with the requirement to input the DD Form 2910 (Victim Reporting Preference Statement) in the Defense Sexual Assault Incident Database (DSAID) as an electronic record. This electronic record will be maintained for 50 years from the date the victim signed the [DD Form 2910](#).

(b) Ensure that their Military Criminal Investigation Organization (MCIO) will include the [DD Form 2911](#) in their archived investigative reports. This electronic record will be maintained for 50 years from the date the sexual assault investigation was closed.

(6) For Restricted Reports, DD Forms 2910/2911 and Sexual Assault Forensic Examination (SAFE) kits will be retained for 5 years (which is consistent with DoD guidance of storing Personal Identifiable Information). Services must contact the service member after 1 year to determine if the victim still desires to keep the report Restricted and discuss options for an Unrestricted Report. Services must inform the victim that evidence held under Restricted Reporting can only be held for 5 years. Changing the option to Unrestricted Report will allow case files to be stored for future review for 50 years. The SARC will emphasize to the victim that his or her privacy will be respected. If the victim can still be found, **one last contact by the SARC will be made 30 days prior to the 5th year mark allowing the victim one last opportunity to consider the disposition of the evidence (SAFE kits and DD Form 2910 (Victim Reporting Preference Statements) are destroyed after the 5th year if no disposition is directed)**. The SARC will stress it is the victim's responsibility from that point forward. If the victim chooses to change from a Restricted Report to an Unrestricted Report, the victim will need to resign their DD Form 2910 before the 5th year. The victim will be advised to keep a copy of the DD Forms 2910 and 2911 for possible use at a later date.

(7) DoD has established policy and procedures to expedite the transfer of a Service member who files an Unrestricted Report of sexual assault in accordance with DoDI 6495.02.

(a) Any threat to life or safety of a Service member shall be immediately reported to command and law enforcement authorities and a request to transfer the victim under these circumstances will be handled in accordance with established Service regulations. USFK recognizes that circumstances may also exist that warrants the transfer of a Service member who makes an Unrestricted Report of sexual assault but may not otherwise meet established criteria for affecting the immediate transfer of Service members.

(b) Transfers are limited to only Service members. DoD civilians and family members are covered by the Family Advocacy Program outlined in DoD Instruction 6400.01 to protect and assist actual or alleged victims of child or spouse abuse.

(c) To expedite Service member transfers, the sexual assault must be in the form of Unrestricted Report documented on a DD Form 2910 (Victim Reporting Preference Statement).

(d) When an expeditious transfer is requested, the Commanding Officer has 72 hours from receipt of the action to render a decision. If approval is recommended, the Commanding Officer will send the action to the appropriate personnel office for the approved reassignment transfer. If the Commanding Officer recommends disapproval, the service member has an option to have the first general/flag officer/SES equivalent in the chain of command of the member to review the action. This review must be made within 72 hours of submission.

(e) Services shall make every reasonable effort to minimize disruption to the normal career progression of a Service member who reports as a victim of a sexual assault.

(8) Service members who file Unrestricted and Restricted Reports of sexual assaults shall be protected from reprisal, or threat of reprisal, for filing a report.

d. The fourth SAPR LOE is Advocacy.

(1) The Advocacy LOE encompasses those actions involving response, protection and care for Service members from initiation of a restricted/unrestricted report through offense disposition and victim recovery. For purposes of this regulation, the Advocacy LOE includes both victim and alleged offender protections and services. It includes appropriate care and legal support of the alleged offender and reporting, advocacy coordination, medical services, legal support and (behavioral health) counseling for the victim. To achieve this balance, commanders must establish a positive command climate/environment free of stigma, where all Service members have faith in fair and impartial due process and victims have enough confidence and trust in their chain of command to report sexual assault.

(2) Successful advocacy is achieved through effective relationships between commanders, service providers and Service members. Commanders can strengthen this relationship by assigning the most qualified and trained professionals to serve in critical advocacy positions. This emphasis on advocacy will deepen individual trust, health and team/Service member readiness and productivity.

(a) Commanders will appoint, in writing, a qualified, trained and certified professionals to serve as their Sexual Assault Response Coordinator (SARC) and Victim Advocates (VA). This will help ensure the Commanders are aware, appropriately advised and implement effective sexual assault prevention and response programs.

(b) Alleged offenders will be given due process rights and protections afforded by the Constitution and the UCMJ. They will also be provided legal and medical services/counseling to address stress associated with the investigation.

(c) Successful advocacy strengthens service provider participation in an integrated victim services network of care including legal representation and guidance, as well as medical care and counseling.

(d) Successful advocacy encourage the portability of care services to provide extraordinary program capability and accessibility/continuity of care in USFK environment. For example, an Army Soldier may get help from an Air Force SARC at Osan Air Base (AB) or a Navy

Sailor may be initially served by an Army SARC in Daegu and then have the Commander Naval Forces Korea (CNFK) SARC provide continued support while back at home station.

e. The fifth SAPR LOE is Assessment.

(1) The Assessment LOE closes the loop to create a continuous cycle of execution from Prevention through each subsequent LOE. It represents an enduring process of data collection, analysis and assessment that assists commanders, program managers, service providers, investigators and judge advocates in evaluating and improving program and service efficacy.

(2) The Assessment LOE cuts across each LOE to incorporate sexual assault prevention and response measures (including an assessment of the impact of stigma), sexual assault reporting (restricted/unrestricted), victim services, investigative referrals, investigations, investigative findings, command/judicial referrals and case dispositions.

(3) Assessments are essential to improving sexual assault prevention and response programs/services to enhance the seamless coverage across each LOE as part of an enduring improvement cycle. This will ensure that programs and services are adaptive, flexible and oriented toward achieving jointness, while preserving unique Service requirements.

6. Responsibilities

a. Commander, USFK will -

(1) Implement DoD sexual assault policies, directives and ensure Service component commanders are incorporating this regulation into applicable Services' SAPR Program guidance.

(2) Designate USFK, Assistant Chief of Staff (ACofS), J1, with the responsibility for managing and overseeing the USFK SAPR Program regulatory and policy guidance.

b. USFK J1, Assistant Deputy Chief of Staff will -

(1) Publish, update and maintain all USFK regulatory and policy guidance pertaining to the USFK SAPR Program.

(2) Designate USFK J1 SAPR primary and alternate Program Managers.

(3) Conduct quarterly USFK Sexual Assault Task Force meetings with service components and subject matter experts from legal, medical, law enforcement, victim advocacy, public affairs and chaplain professionals. This meeting will be chaired by the USFK Deputy Chief of Staff. Garrison and Installation level SARCs should be encouraged to attend, but are not mandatory participants. Target months to meet will be August, November, February, and May. Leaders from installations outside Yongsan will be given the option to use VTC to attend this meeting. Each functional subject matter expert and service component sexual assault representative will provide updates on their respective topics and provide policy or regulatory updates to the group. The service components will provide a review of any lessons learned, new initiatives working, and resourcing issues they may have to conduct their sexual assault programs.

(4) Maintain overview of the USFK Sexual Assault Victim Hotline. Sexual Assault victims using an unrestricted report option can dial 158 from any DSN line in Korea or 0505-764-5700 from off the installation. Callers will be directed to the installation SARC desired.

(5) Plan for and secure funding to fill the sexual assault victim advocate (SAVA) bags which contain toiletry items and changes of clothing for victims to use after SAFE. SAVA bags and SAFE Kits should be immediately available where sexual assault examinations occur.

c. USFK J3, Assistant Deputy Chief of Staff will develop online training for all inbound personnel on the USFK SAPR policies and programs (USFK Reg 350-2 (Theater Specific Required Training for Arriving DoD Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to Korea)).

d. Service Component Commanders (CC) will -

(1) Incorporate the DoD Strategic Directives on SAPR into their respective Service component's SAPR programs in Korea (see references at [appendix A](#)).

(2) Ensure SHARP (Army)/SAPR (Air Force, Navy & Marines) Programs are executed and monitored IAW established DoD and Service component policies and programs.

(3) Appoint qualified, trained and certified professionals to serve as the Sexual Assault Response Coordinators (SARC) and Victim Advocates (VA) according to their service component requirement.

(4) Establish policy to reduce the impact of high-risk behaviors and personal vulnerabilities to sexual assaults and other crimes against persons (e.g., alcohol consumption, barracks visitation, transition policy, use of CCTV in the barracks, etc.).

(5) Commanders will conduct a command climate survey as directed by their service component to provide unit leadership with the current status of their personnel. For example, the Army guidance is to conduct a command climate survey within the first 120 days of assuming command and annually as appropriate. Air Force Instruction 36-2706, Paragraph 12.2.2 states that the Equal Opportunity (EO) office must conduct a Unit Climate Assessment on units with more than 50 personnel assigned every two years or upon the commander's request.

(6) Ensure that all Service members are assigned a sponsor before or upon arrival to Korea to mitigate sexual assaults which are more likely to occur to our junior Service members within 90 days of arrival. Service members will be quickly integrated and assigned a chain of command no later than 72 hours of arrival to the unit.

(7) Ensure services identify initial and annual refresher training opportunities for Sexual Assault Response Coordinators (SARC), Sexual Assault Victim Advocates (SAVA) and Sexual Assault First Response Group (SAFRG) members IAW Service component guidance.

(8) Ensure SAPR training is being conducted IAW DoD and Service component guidance for both new arrivals and annual refresher training. All SAPR training must be documented with sign-in rosters and available to the IG during inspections. Commanding Officers are responsible for 100% accountability of personnel receiving this mandatory training.

(9) Ensure Sexual Assault training is conducted in a way that promotes active audience participation, dialogue, discussion, and is scenario based. For example, the Army uses the stage interactive demonstrations called "Sex Signals" to create awareness of sexual assault culture we live in today.

(10) Ensure all unrestricted sexual assaults are reported to the USFK Provost Marshall's Office for continuity and statistical review.

(11) Provide a 80-hour SAVA training course (DoD controlled), IAW Service component SAPR regulatory and policy guidance, to train victim advocates within each Service component. Ensure all SAVA personnel have cleared background check and appointment orders signed by O-5 or above in the chain of command.

(12) Foster a climate of confidence where Service members are not forced to disclose their incident of sexual assault and encourage the Service member to receive sensitive, confidential and immediate victim advocacy, medical care, legal and chaplain counseling services.

(13) Develop and ensure procedures for assuming custody, storing, and preserving of Sexual Assault Forensic Evidence (SAFE) are being enforced within USFK IAW DoD and Service component policies and guidance.

(14) Ensure personnel serving as evidence custodians are trained in assuming custody, storing, and preserving SAFE IAW Service component and policy guidance.

(15) Ensure Law Enforcement and MCIO (Criminal Investigation Division (CID), Air Force Office of Special Investigations (AFOSI) and Naval Criminal Investigative Service (NCIS) report no later than 48 hours upon notification of any sexual assault that occurs at, on, or around their respective component installations. The information will be provided to the USFK Provost Marshal IAW the reporting instructions contained in Serious Incident Reports (SIR's) as outlined in USFK Regulation 190-50 (Law Enforcement Procedures in Korea).

(16) Promote and market SAPR and Sexual Assault Awareness Month (each April) in order to bring awareness of sexual assault prevention and bystander intervention within the community.

(17) Provide transportation means for victim advocates in their lines of victim advocacy work. Victim Advocates should possess government driver's license prior to operating GOV. VAs should not respond to the victim off post.

(18) Designate a sexual assault point of contact to the USFK SAPR Task Force on their service specific SAPR/SHARP policy and regulatory issues.

(19) In accordance with Service directives, ensure compliance with OSD policy regarding initial disposition authority under the Uniform Code of Military Justice in certain sexual assault cases from all commanders who do not possess at least Special Court Martial Convening Authority (SPCMCA) and who are not in the grade of O-6 or higher, with respect to the following alleged offenses: rape, sexual assault, forcible sodomy and attempts to commit such offenses. See SECDEF Memorandum, Subject: Withholding Initial Disposition Authority Under Uniform Code of Military Justice in Certain Sexual Assault Cases, 20 Apr 12. As required by OSD policy, commanders must consult a judge advocate regarding disposition of the above-listed offenses. Subordinate Commanding Officers are encouraged to provide their own recommendations regarding initial disposition.

(20) Ensure commanders submit reports of disciplinary or administrative action on action taken in all sexual assault cases involving Service members in their units to their local law enforcement agency (i.e., Security Forces, Provost Marshal Office, etc.). (Note: Submitting this report is essential to document disposition of sexual assault cases. Case dispositions are a metric of accountability and part of the case synopses reported in the Annual Report to Congress).

(21) Ensure that Cultural Awareness training specific to the Republic of Korea is conducted as part of in-processing and regularly.

(22) Through service medical commands and/or Command Surgeons, ensure Medical Treatment Facilities (MTFs) meet the following requirements:

(a) Ensure policies are in place to ensure when a victim reports directly to the MTF that the assigned staff notifies the SARC on-call. Ensure the sexual assault victim is given priority as an urgent case and provide the victim with as much privacy and confidentiality as possible, and ensure they are supported by all means possible. The SARC or assigned victim advocate, upon arrival to the MTF, will explain to the victim the differences between the reporting options, ascertain the victim's reporting election, and notify law enforcement of unrestricted reports. Victim Advocate assignment is optional and the victim can accept or decline services at any time.

(b) Ensure HCPs receive SAPR training IAW DoD Memo, dated 26 Apr 05, Essential Training Task for a Sexual Assault Response Capability (JTF-SAPR-013), and DODI 6495.02, including any updates that are developed for these training requirements. Ensure HCPs use the response protocol for Sexual Assault Examinations IAW DoD and Service component policies. Ensure HCPs are trained to provide a full explanation of the SAFE process to the victim, obtain written consent from the victim and process according to the victim's elected reporting option. Ensure HCPs work with the SARC to coordinate for continued medical care with the new location (military base/installation or local community) or Veterans Administration, as applicable.

(c) Develop memoranda of agreement/understanding between installation MTF and host nation facilities, as required, on administering medical care and treatment to victims of sexual assault and performing SAFE. All sexual assault victims will be given priority and treated as emergency care patients.

(d) Budget and develop procedures for ensuring funding for "no-cost to the sexual assault victim" transportation. Transportation will be for the sole purpose of returning the victim back to his/her unit or area of assignment. This requirement takes on added significance when the victim has elected restricted reporting.

(e) Establish a policy that the sexual assault forensic examiner, when not already at the MTF, will arrive at the MTF within 45 minutes of being notified of a victim being brought to the facility. Ensure adequate unexpired supplies of SAFE Kits are available at the MTF (if authorized to perform and collect SAFE from sexual assault victims).

(f) Establish procedures to ensure sexual assault victims receive medical, psychological and counseling services.

(g) Ensure that both fluent English and Korean speaking representatives are available to screen (or interpret) for victims of sexual assault at all points of intake during hours of operation, and that appropriately trained translators are available on-call at those MTFs that do not operate 24-hours, and to assist with patients presenting or transported to Host Nation support facilities.

(23) Ensure that all commanders receive training regarding Military Rule of Evidence (MRE) 514 (Victim Advocate Confidentiality Privilege) from their Staff Judge Advocate (SJA) providing counsel for military justice matters within 30 days of assuming command.

(24) Revise or establish internal controls (i.e., policies, SOPs, continuity books, regulations/instructions, or "tactic, techniques and procedures" (TTPs)) to ensure that SAPR roles and responsibilities are clearly defined for program managers, SARCs and VAs.

(25) Require that Sexual Assault Response Coordinators (SARCs) will brief their Commanders on the Sexual Assault Reporting & Response (SAPR) Program and trends within 30 days of their assuming command.

(26) Maximize, as much as possible, opportunities for SAPR Program Managers and SARCs to remain for at least two years in those positions.

e. USFK Provost Marshal will -

(1) Support the joint exchange of information between Service components' Law Enforcement, MCIO and Staff Judge Advocate (SJA) functions. All information exchanged will be in terms of unrestricted sexual assault reports.

(2) Develop quarterly sexual assault statistical report and analysis for the USFK Commander on all unrestricted sexual assaults and for input for the periodic congressional testimony from the USFK Commander to Congress. Provide statistical analysis to the USFK J1 SAPR Program managers at pacom.yongsan.usfk.mbx.j11-workflow@mail.mil.

(3) Send all Serious Incident Reports (SIRs) on unrestricted Sexual Assaults incidents to key agencies deemed appropriate by the USFK Provost Marshal. These agencies will include, but not be limited to, the USFK Chief of Staff, USFK Deputy Chief of Staff, USFK PMO, USFK SJA, USFK J1 SAPR Program Managers, and Eighth Army G1 SHARP Program Manager. All SIRs will be digitally signed until a means of encrypting the SIR to all service components is possible. All efforts will be used to protect the privacy of victims.

(4) Make recommendations for Installation Commanders for "Off Limits" of commercial businesses off their installation that have had reports of sexual assaults within their establishments.

(5) Designate a sexual assault subject matter expert to the USFK SAPR Task Force on law enforcement policy and regulatory issues.

f. USFK Judge Advocate will -

(1) Support the joint exchange of information between Service component SJA offices, Law Enforcement, and MCIOs. Ensure rapid coordination between investigators and judge advocates when initiating a sexual assault investigation.

(2) Ensure all judge advocates within USFK receive SAPR training IAW DoD Memo, dated 26 Apr 05, Essential Training Task for a Sexual Assault Response Capability ([JTF-SAPR-013](#)) including any updates that are developed for this training requirement (i.e., specialized training for responding to allegations of a sexual assault).

(3) Ensure victims who testify will be provided support consultation in matters such as courtroom procedures and other legal procedures IAW applicable Service component policies and guidance.

(4) Ensure the privileged communication between the victims and the advocates are protected ([IAW MRE 514](#)).

(5) Provide training regarding MRE 514 (Victim Advocate Confidentiality Privilege) to all commanders assigned to USFK within 30 days of the commanders taking Command. In most cases, commanders will receive training from the Service component SJA primarily responsible for military justice matters.

(6) Designate a sexual assault subject matter expert to the USFK SAPR Task Force on legal policy and regulatory issues.

g. USFK Public Affairs Office will -

(1) Develop a USFK SAPR Media Campaign which continually publicizes the USFK SAPR program policies through public service announcements, local print media, television infomercials, radio programming and the USFK SAPR web site.

(2) Publicize sexual assault case dispositions for public awareness.

(3) Assist with posting USFK SAPR Program training materials and training/reference information on the USFK SAPR homepage. Coordinate with the J1 SAPR Program managers on web page development and maintenance.

(4) Designate a sexual assault subject matter expert to the USFK SAPR Task Force on public affairs policy and media issues.

h. USFK Surgeon will –

(1) Provide medical policy recommendations to the USFK Commander and serve as the Command Subject Matter Expert (SME) for medical-specific issues in the USFK SAPR program.

(2) Support the joint exchange of medical information between installation medical treatment facilities (MTFs) and across services.

(3) Designate a sexual assault SME to the USFK SAPR Task Force on medical policy and regulatory issues.

(4) Provide executive oversight and assist service component command surgeons as required in accomplishing the medical-specific tasks of the SAPR program.

i. USFK Chaplain will -

(1) Establish procedures to ensure sexual assault victims and suspects receive chaplain counseling services upon notification of a sexual assault when a victim requests chaplain support.

(2) Designate a sexual assault subject matter expert to the USFK SAPR Task Force on religious policy and victim/suspect counseling.

j. SOFA Secretariat will designate a sexual assault subject matter expert to the USFK SAPR Task Force on international policy and any Republic of Korea Government issues/actions.

k. Service Elements (USFK-STB, USFK Air Force Element, USFK Navy Element and USFK Marine Corp Element) will report mandatory SAPR training completion for its USFK Staff members on the 10th day of each quarter, using their Military Service SAPR standards.

Appendix A References

Section I. Required Publications

AF Policy Directive 90-60, Sexual Assault Prevention and Response (SAPR) Program

AFI 90-6001, Sexual Assault Prevention and Response (SAPR) Program

AR 600-20, Army Command Policy, specifically chapter 8 and appendix F-K – [Click Here](#)

DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program – [Click Here](#)

DoD Instruction 6400.01, Family Advocacy Program (FAP)

DoD Instruction 6495.02, Sexual Assault Prevention and Response Procedures (Incorporating Change 2, 7 July 15) – [Click Here](#)

DoD/All Services SAPR Training Video Facilitator's Guide – [Click Here](#)

MCO 1752.5A, Sexual Assault Prevention and Response (SAPR) Program – [Click Here](#)

SECDEF Memorandum, Subject: Withholding Initial Disposition Authority Under Uniform Code of Military Justice in Certain Sexual Assault Cases, 20 Apr 12 – [Click Here](#)

Strategic Direction to the Joint Force on Sexual Assault Prevention and Response, 7 May 2012 – [Click Here](#)

United States Pacific Command official policy statement on Sexual Assault - [Click Here](#)

USFK Regulation 190-50, Law Enforcement Procedures in Korea.

Section II. Required Forms

[DD Form 2910](#), Victim Reporting Preference Statement.

[DD Form 2911](#), DoD Sexual Assault Forensic Examination Report.

[Victim Instruction to the DD Form 2911](#), DoD Sexual Assault Forensic Examination Report.

[Suspect Instruction to the DD Form 2911](#), DoD Sexual Assault Forensic Examination Report.

Section III. Required Websites

AF official website on Sexual Assault Prevention and Response Program - [Click Here](#)

Army official website on Sexual Harassment/Assault Response & Prevention (SHARP) – [Click Here](#)

DoD Safe Helpline: www.SafeHelpLine.org or call the telephone Helpline at 877-995-5247.

Marine Corps official website on Sexual Assault Prevention and Response Program - [Click Here](#)

Navy official website on Sexual Assault Prevention and Response - [Click Here](#)

United States Department of Defense Sexual Assault Prevention and Response Office (SAPRO) official website - [Click Here](#)

United States Pacific Command official website on Quality of Life - [Click Here](#)

USFK Sexual Assault Prevention and Response home page – [Click Here](#)

Section IV. Required Checklists

Commander's Checklist for Unrestricted Reports of Sexual Assault

The Commander's Sexual Assault Response Checklist is provided to assist Commanding Officers in successfully navigating the myriad of competing demands placed upon them once a sexual assault is reported. The use of the checklist has the primary objective of ensuring that there is an appropriate balance between a victim's right to feel secure and the alleged offender's rights to due process under the law. Its use also provides guidelines and standards for addressing unit interests in sexual assault cases.

[Commander's Checklist](#)

SAPR VA Sexual Assault Response Protocols Checklist

The VA Sexual Assault Response Protocols are provided to assist VAs in successfully navigating the myriad of competing demands placed upon them once a sexual assault is reported. The use of these protocols has the primary objective of ensuring that the victim of a sexual assault is provided with the appropriate medical treatment and advocacy support, as well as other referral information which may be of some benefit to him or her.

[VA Sexual Assault Response Protocols Checklist](#)

Appendix B
Overarching Tenets of the DoD Sexual Assault Strategic Directive

Leadership	Communication	Culture and Climate / Environment	Integration	Resourcing
Preventing sexual assaults is commander business; SAPR is a commander's program and the responsibility of leaders at every level.	Effective communication by commanders is imperative to achieving comprehensive sexual assault prevention, intervention and response.	A culture of mutual respect, trust and professional values is foundational to establishing command climates / environments free of sexual assaults.	Establishment of a well-defined joint Climate / environment is imperative to promoting Service integration and assuring individual/ unit security, health and readiness.	Effective and efficient resourcing of SAPR Programs supports prevention, investigations, accountability, advocacy and assessments.
Sexual assault prevention, intervention and response starts with every commander who-through personal example-mentors subordinate commanders, leaders and Service members at all levels.	Commanders communicate prevention by establishing a climate/environment based on mutual respect, trust and professional values.	Command climates / environments enriched by appropriate leader oversight, team cohesion, social responsibility, regulated living conditions and responsible alcohol consumption will reduce the risks and vulnerabilities associated with sexual assaults.	Commanders must actively sponsor and integrate newly arriving Service members into their commands with special emphasis on those transitioning from initial training to their first operational assignment.	Services and Combatant Commanders resource SAPR Programs to provide continuity for supported units from deployment through redeployment.
Leaders at every level must remain vigilant to identify environmental risks, predatory and high-risk behaviors and personal vulnerabilities associated with the crime of sexual assault and take steps to mitigate them.	Commanders must promote dialogue that encourages awareness, intervention and removes barriers to reporting sexual assault within the unit.	An effectively applied military justice system holds offenders accountable, promotes good order and discipline and discourages criminal behavior.	Integration of individual Service member augmentees is equally important as they transition forward to theaters of operation.	Commanders provide sufficient oversight, engagement and personnel to achieve the actions/objectives outlined in this document.

Glossary

Section I. Abbreviations

AFOSI	Air Force Office of Special Investigations
ASAP	Alcohol and Substance Abuse Program
CC-Seoul	Command Center Seoul
CFC	Combined Forces Command
CID	Criminal Investigation Division
DoD	Department of Defense
DSAID	Defense Sexual Assault Incident Database
DTM	Directive-Type Memorandum
FAP	Family Advocacy Program
HCP	Health Care Provider
IAW	In Accordance With
IG	Inspector General
IMCOM-P	Installation Management Command – Pacific
JPIC	Joint Police Information Center
LOE	Line of Effort
MCIO	Military Criminal Investigation Organization
MTF	Medical Treatment Facility
NCIS	Naval Criminal Investigative Service
PMO	Provost Marshal's Office
SACP	Sexual Assault Clinical Provider
SAFE	Sexual Assault Forensic Examination
SAFRG	Sexual Assault First Response Group
SAMFE	Sexual Assault Medical Forensic Examiner
SAMM	Sexual Assault Medical Management

SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SARB	Sexual Assault Review Board
SARC	Sexual Assault Response Coordinator
SAVA	Sexual Assault Victim Advocate
SHARP	Sexual Harassment/Assault Response and Prevention
SIR	Serious Incident Report
SJA	Staff Judge Advocate
UCMJ	Uniform Code of Military Justice
UNC	United Nations Command
USFK	United States Forces Korea
USPACOM	United States Pacific Command
VA	Victim Advocate

Section II. Terms

Climate/Environment. Represents those actions by commanders to integrate unit members, build team cohesion, and provide seamless oversight to reduce high-risk behavior (e.g., responsible drinking and social activities that contribute to Service member risk and vulnerability).

Confidential Reporting. Is restricted reporting that allows a Service member to report or disclose to specified officials that he or she has been the victim of a sexual assault. This reporting option gives the member access to medical care, legal, counseling, and victim advocacy, without requiring those specific officials to automatically report the matter to law enforcement or initiate an official investigation. The restricted reporting option is only available to those sexual assault victims who are Service members; however, it may not be an option if the sexual assault occurs outside of the military installation or the victim first reports to a civilian facility and/or a civilian authority.

Consent. Words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. There is no consent where the person is sleeping or incapacitated, such as due to age, alcohol or drugs, or mental incapacity.

Crisis Intervention. Emergency non-clinical care aimed at assisting victims in alleviating potential negative consequences by providing safety assessments and connecting victims to needed resources. Either the SARC or SAPR VA will intervene as quickly as possible to assess the

victim's safety and determine the needs of victims and connect them to appropriate referrals, as needed.

Culture. Represents inherent aspects of professionalism and core values that promote social responsibility, team cohesion and trust.

Defense Sexual Assault Incident Database (DSAID). A DoD database that captures uniform data provided by the Military Services and maintains all sexual assault data collected by the Military Services. This database is a centralized, case-level database for the uniform collection of data regarding incidence of sexual assaults involving persons covered by DODI 6495.02. DSAID will include information (when available, or when not limited by Restricted Reporting, or otherwise prohibited by law) about the nature of the assault, the victim, the offender, and the disposition of reports associated with the assault.

Final Disposition. The conclusion of any judicial, non-judicial, or administrative actions, to include separation actions taken in response to the offense, whichever is later in time. If the final command determination is that there is insufficient evidence or other legal issues exist that prevent judicial or administrative action against the alleged perpetrator, this determination shall be conveyed to the victim in a timely manner.

Healthcare Provider (HCP). For purposes of this policy, HCP includes those individuals who are employed or assigned as healthcare professionals, or are credentialed to provide healthcare services, at medical or dental treatment facilities or to clinical counseling facilities such as the Army Social Work Services or Air Force Life Skills Support Centers.

High-Risk Behavior. Includes a range of behaviors that endangers fellow Service members (e.g., hazing, inappropriate social activities, and alcohol/drug abuse).

Identifying Personal Information. This term applies to the victim or alleged offender of a sexual assault, and is that information which would disclose or have a tendency to disclose the person's identity. Identifying personal information includes the person's name or a particularly identifying description (e.g., physical characteristics or identity by position, rank, or organization), or other information about the person or the facts and circumstances involved that could reasonably be understood to identify the person (e.g., a female in a particular squadron or barracks when there is only one female assigned).

Military Criminal Investigation Organization (MCIO). Refers to the Army's Criminal Investigating Division (CID), Air Force Office of Special Investigations (AFOSI) and Naval Criminal Investigation Service (NCIS).

Non-identifying Personal Information. Includes those facts and circumstances surrounding the sexual assault incident or information about the individual that enables the identity of the victim or alleged offender to remain anonymous.

Personal Vulnerability. Refers to command climate/environment factors that expose an individual to increased risk (untimely unit integration, lack of proper supervision, communication barriers).

Reprisal. Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a DoD member for making, preparing, or receiving a covered communication.

Restricted Reporting. A reporting option that allows a Service member who is sexually assaulted, to confidentially disclose details of the assault to specifically identified individuals (SARC, victim advocates, healthcare provider or chaplain) and receive medical treatment and counseling without an investigation being initiated. Only available to service members and their family members.

Note: The following definition of sexual assault has been directed by DoD and is for training and educational purposes only. This definition does not affect in any way the definition of any offenses under the Uniform Code of Military Justice (UCMJ). Commanders are encouraged to consult with their Staff Judge Advocate (SJA) for complete understanding of this definition in relation to the UCMJ.

a. Sexual Assault is a crime. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, non-consensual 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 gender or spousal relationship or age of victim.

b. **Sexual Assault Forensic Examination (SAFE)** kit includes the items and instructions used by healthcare providers (HCP) to collect and to preserve the physical evidence of the assault.

Sexual Assault First Responders Group (SAFRG). Represents those individuals from functional communities who are normally the first to respond to a sexual assault incident. SAFRG normally includes as a minimum: law enforcement personnel, criminal investigators, SARC, assigned VA, HCP, clinical counselor, Staff Judge Advocate (SJA) personnel to include the Victim Witness Assistance/Liaison Program (VWAP/WVLP) and chaplain. Under restricted reporting, the SAFRG membership is limited to the SARC, assigned VA, HCP, Counselor and Chaplain, if applicable.

Sexual Assault Prevention and Response (SAPR) Program. A DoD program based on a victim-centered model and coordinates medical, law enforcement, legal, counseling, and chaplain services for the victim using a case management system.

Sexual Assault Response Coordinator (SARC). A DoD or contracted civilian employee or active duty Service member (E-7 or higher) who reports directly to and has unhindered access to the Garrison/Vice Wing Commander. The SARC implements and manages the area level SAPR program. The SARC shall serve as the single point of contact for coordinating appropriate and responsive care for sexual assault victims. SARCs shall coordinate sexual assault victim care and sexual assault response when a sexual assault is reported. The SARC shall supervise SAPR VAs, but may be called on to perform victim advocacy duties.

Sexual Assault Medical Management. This is the 40 hours of instructive course plus a competency hands-on training by MEDCOM and Department of Justice standards.

Sexual Assault Medical Forensic Examiner. This refers to those HCP's that have been certified with SAMM class.

Sexual Assault Clinical Provider. This refers to the Health Care Professional's that are not certified with SAMM, but are the privileged providers (MD/DO/NP/PA) that can see the victim in follow-up medical visits.

UCMJ. Uniform Code of Military Justice is an act of Congress setting forth laws that govern the conduct of the Armed Forces of the United States.

Unrestricted Reporting. A reporting option that allows a Service member who is sexually assaulted and desires medical treatment, counseling and an official investigation of his/her allegations. This is the only option for DoD civilians, contractors and their family members

Victim. A victim is any person who reports a sexual assault upon him or herself, or is identified upon the report of another person or other information, as a person who has been subjected to a sexual assault.

Victim Advocate (VA). DoD or contracted civilian employees, active duty Service member or volunteer who receives guidance and mentoring from the SARC while assigned as a VA to a victim. Military Services member who are VA are assigned in a collateral duty in a non-deployed or deployed theater and may only be assigned to victims of sexual assault who are Service members. VA provides crises intervention, referral and on-going non-clinical support including information on available options and resources to assist the victim in making informed decisions about the case. VA services are optional and will continue until the victim states support is no longer needed. The SAPR VA shall provide non-clinical crisis intervention and on-going support, in addition to referrals for adult sexual assault victims. Support will include providing information on available options and resources to victims.