

USFK Sexual Assault Reporting Options and Porcedures

1. Definition of Sexual Assault

a. Sexual assault is a crime. Sexual Assault is any intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the survivor does not or cannot consent. Sexual assault includes:

1. Rape
2. Nonconsensual sodomy (oral or anal sex)
3. Indecent assault (unwanted, inappropriate sexual contact or fondling)
4. Any attempts to commit these acts

b. Sexual assault can occur without regard to gender or spousal relationship or age of survivor.

c. "Consent" shall 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, threat of force, coercion, or when the victim is asleep, incapacitated or unconscious (due to alcohol or drug use).

2. Rape

There are two categories of rape, rape by physical force and rape by constructive force.

a. Rape by Physical Force

An act of forced sexual intercourse without consent. Characteristics of this category rape are-

- The perpetrator is physically stronger than the victim.
- The perpetrator overcomes the victim with bodily strength.
- The perpetrator may inflict physical injuries on the victim, such as bruises from the use of force.

b. Rape by Constructive Force

In this type rape the perpetrator uses threats, intimidation or the abuse of authority to commit the rape. Characteristic of this category rape are-

- The perpetrator's actions, words or conduct, coupled with the surrounding circumstances, create a reasonable belief in the victim's mind that death or physical injury would be inflicted and that further resistance would be futile, and the act of sexual intercourse has been accomplished by force.

3. Sexual Assault Reporting Options

United States service members assigned within the Republic of Korea have two reporting options from which to choose if sexually assaulted.

a. The Restricted Reporting Option.

(1) Intended to give a victim additional time and increased control over the release and management of personal information and to empower the victim to seek relevant information and support to make informed decisions about participating in a criminal investigation.

(2) This reporting option is for victims, who desire confidentiality, medical care, treatment and counseling, but do not desire the involvement of law enforcement officials or an official investigative by either, CID, AFOSI or NCIS, depending on service affiliation.

(3) To obtain this reporting option, the victim may only report the sexual assault to the following individuals:

- Area Sexual Assault Response Coordinator (SARC).
- An individual known to the victim to be a trained Victim Advocate.
- Health Care Providers (located at a military hospital or clinic).
- Chaplains

(4) Victims electing the restricted option may, at a later time, change their election to unrestricted reporting.

(5) Victims should not bath or shower, douche (if female), brush teeth, eat or drink anything (not even water), urinate, defecate, change clothes or clean up the site of the assault (barracks/dorm room or apartment or quarters, car, hotel room, etc.).

b. The Unrestricted Reporting Option.

(1) This reporting option is for victims who desire medical care and treatment, counseling, victim advocacy services and desire an an official investigative by either, CID, AFOSI or NCIS, depending on service affiliation.

(2) To obtain this reporting option, the victim may report the sexual assault to any of the following individuals:

- Area Sexual Assault Response Coordinator (SARC).
- An individual known to the victim as a trained Victim Advocate.
- Health Care Providers (located at a military hospital or clinic).
- Law Enforcement Personnel
 - Military Police (Army)
 - Base Security (Air Force)
 - Master-at-Arms (Navy and Marine Corps)
- Military Criminal Investigating Organization Investigators
 - Criminal Investigation Division – CID
 - Air Force Office of Special Investigation – AFOSI
 - Naval Criminal Investigation Service - NCIS
- Members of the victim's chain of command
- Section Supervisors
- Chaplains

(4) Victims electing the unrestricted option may not, at a later time, change their election to restricted reporting.

(5) Victims should not bath or shower, douche (if female), brush teeth, eat or drink anything (not even water), urinate, defecate, change clothes or clean up the site of the assault (barracks/dorm room or apartment or quarters, car, hotel room, etc.).