



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 62ND AIR DEFENSE ARTILLERY
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AFVL-LRB-BC

5 June 2015

MEMORANDUM FOR RECORD

SUBJECT: Policy Letter #4, Sexual Assault Prevention and Response Policy

1. REFERENCE.

a. Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures, 23 January 2012

b. AR 600-20, Army Command Policy, 6 November 2014

c. 69th ADA BDE Policy Letter #4, 3 June 2015

2. PURPOSE. To make Soldiers and leaders aware of the Army's commitment to eliminate incidents of sexual assault through a comprehensive policy that centers on awareness and prevention, training and education, victim advocacy, response reporting, and accountability.

3. APPLICABILITY. 1ST Battalion, 62D Air Defense Artillery and all units assigned or attached.

4. POLICY.

a. Sexual assault is a criminal offense and 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.

b. Sexual assault includes rape, nonconsensual 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. "Consent" will 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, or coercion, or when the victim is asleep, incapacitated, or unconscious.

c. Commanders, supervisors, and leaders at every level are responsible for providing a safe environment for those in their charge. Leaders are in the best position to mentor their subordinates in an effort to prevent incidents of sexual assault before they occur.

d. Personnel in command, supervisors, and leaders at all levels must take action to eliminate risk-factors for sexual assault from all work areas, living quarters, and recreational facilities throughout the command. These leaders must ensure that their Soldiers are briefed on the commander's commitment to eliminate sexual assault. Where prevention fails, commanders and leaders must ensure victims have access to prompt, professional, and compassionate care. All victims of sexual assault should be treated with dignity, fairness, and respect. Commanders and leaders must be familiar with the Sexual Assault Prevention and Response Program (SAPRP) regulations, the duties and responsibilities of the Area Sexual Assault Response

Coordinator (SARC), Deployable Sexual Assault Response coordinator (DSARC), Unit Victim Advocates (UVA), and the Army's Victim Witness (Liaison) Assistance Program (VWAP), see AR 27-10, Chapter 18).

e. Service members who are victims of sexual assault have two reporting options from which to choose. These options are restricted and unrestricted reporting.

(1) As noted in AR 600-20, paragraph 8-4c, restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the sexual assault response coordinator (SARC), Victim advocate, Chaplain, or healthcare provider.

(2) As noted in AR 600-20, paragraph 8-4d, unrestricted reporting allows a Soldier who is sexually assaulted and who desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (for example, the chain of command or law enforcement), or he/she may report the incident to the SARC or the on-call victim advocate. Upon notification of a reported sexual assault, the SARC will immediately notify a victim advocate. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

f. An essential component for sexual assault prevention is the awareness training that all personnel receive semi-annually, pre-deployment, and post-deployment.

(1) Senior leader training will be conducted for all commanders and senior leaders semiannually.

(2) Commanders are responsible for semi-annual unit level training at every unit and staff level. The training must be scenario-based, using the small group facilitated format that will demonstrate the entire cycle of reporting, response, and accountability.

5. This policy remains in effect until superseded or rescinded.

6. The point of contact for this memorandum is CPT Annie Arauz, Battalion S-1 at annie.m.arauz.mil@mail.mil or at 254-553-7335.



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