



UNITED STATES MARINE CORPS

2D MARINE AIRCRAFT WING
II MARINE EXPEDITIONARY FORCE
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WgO 1752.5

SARC

FEB 25 2009

WING ORDER 1752.5

From: Commanding General, 2d Marine Aircraft Wing
To: Distribution List

Subj: STANDING OPERATING PROCEDURES FOR RESPONDING TO
ALLEGATIONS OF SEXUAL ASSAULT WITHIN 2D MARINE
AIRCRAFT WING (2D MAW)

Ref: (a) MCO 1752.5A

Encl: (1) Commanders Protocol for responding to
allegations of Sexual Assaults
(2) Recommended Actions for Commanders to help
reduce or eliminate Sexual Assault in their
unit(s)
(3) Additional recommended actions for Commanders in
the event a Sexual Assault occurs in their unit

1. Situation. The reference provides Marine Corps policy and guidance in accordance with the Department of Defense (DOD) Sexual Assault Prevention and Response (SAPR) program. It is essential that Commanders, at all levels, execute timely and effective actions when allegations of sexual assault are received.

2. Mission. When required, Commanders take appropriate actions in response to allegations of sexual assaults within 2d MAW units.

3. Execution

a. Commanders Intent. The purpose of this Order is to delineate requirements and eliminate confusion as to what actions are required when responding to a report of an alleged sexual assault upon, or by, a military member of 2d MAW.

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b. Concept of Operations. When required, Commanders at all levels will act in accordance with instructions contained within the reference and enclosures (1) through (3).

c. Tasks. Enclosures (1) through (3) are provided as information to assist Commanders at all levels.

4. Administration and Logistics. Forward all recommended changes or inquiries regarding this Order to the 2d MAW Command Sexual Assault Response Coordinator (SARC).

5. Command and Signal

a. Command. This Order is applicable to all personnel assigned or attached to 2d MAW.

b. Signal. This Order is effective on the date signed.


J. F. FLOCK

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COMMANDER'S PROTOCOL FOR RESPONDING TO ALLEGATIONS OF
SEXUAL ASSAULTS

(Unrestricted Reports)

1. Victim's Commander

a. Ensure the physical safety and emotional security of the victim - determine if the alleged assailant is still nearby and if the victim requires/desires protection.

b. Determine if the victim requires/desires any emergency medical care.

c. Notify the appropriate military criminal investigative organization (MCIO), as soon as the victim's immediate safety is assured, and victim's medical treatment procedures are in motion. To the extent practicable, strictly limit knowledge of the facts or details regarding the incident to only those personnel who have a legitimate need to know.

d. Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by the authorities who have a legitimate need-to-know.

e. Assign the victim a Uniformed Victim Advocate (UVA) from your unit. Ensure the 2d MAW SARC is notified immediately, or as soon as possible.

f. Submit OPREP-3/SIR report as may be required. (Do not report if the victim chooses restricted report.)

g. Collect only the necessary information (e.g. victim's identity, location and time of the incident, name and/or description of offender(s)). DO NOT ASK DETAILED QUESTIONS AND/OR PRESSURE THE VICTIM FOR RESPONSES OR INFORMATION ABOUT THE INCIDENT.

h. Advise the victim of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while waiting for the arrival of representatives of the military criminal investigative organization.

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- i. If needed, assist with or provide immediate transportation for the victim to the hospital or other appropriate medical facility.
- j. Ensure the victim understands the availability of a Victim Advocate (VA) and the benefits of accepting advocacy and support. When not deployed, the UVA should escort the victim to the base Victim Advocacy center and do a soft hand off.
- k. Ask if the victim needs a support person, which can be a personal friend or family member, to immediately join him or her. Be sure to advise the victim this support person could later be called to testify as a witness if the case goes to trial.
- l. Ask if the victim would like a Chaplain to be notified and notify accordingly.
- m. Determine if the victim desires/needs a "no contact" order or a Military Protective Order, DD Form 2873, to be issued, particularly if the victim and the accused are assigned to the same command, unit, duty location or living quarters.
- n. Determine the need for temporary reassignment to another unit, duty location or living quarters on the installation of the victim or the accused being investigated, working with the commander of the accused if different than the victim's commander, until there is a final legal disposition of the sexual assault allegation and/or the victim is no longer in danger.
- o. To the extent practicable, consider the desires of the victim when making any reassignment determinations.
- p. Ensure the victim understands the availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes and advise the victim of his or her victim support rights.
- q. Attend the monthly case management meeting as appropriate.
- r. Ensure the victim receives monthly reports regarding the status of the sexual assault investigation until its final disposition.

Enclosure (1)

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s. Consult with servicing legal office, as needed, to determine when and how best to dispose of the victim's collateral misconduct, if any.

t. Absent extenuating or overriding considerations which, in the commander's judgment, make it inappropriate to delay taking action, the commander should consider deferring discipline for such victim misconduct until all investigations are completed and the sexual assault allegation has been resolved. Keep in mind the implications of this decision on speedy trial and/or statute of limitations.

u. When practicable, consult with the servicing legal office, MCIO, and notify the assigned UVA, VA or SARC prior to taking any administrative or disciplinary action affecting the victim.

v. Avoid automatic suspension or revocation of a security clearance and/or Personnel Reliability Program (PRP) access, understanding that the victim may be satisfactorily treated for his/her related trauma without compromising his/her security clearance or PRP status. Consider the negative impact that suspension of a victim's security clearance may have on building a climate of trust and confidence in the Marine Corps sexual assault reporting system, but make the final determination based upon established national security standards, per DOD Regulation 521.42-R.

w. Throughout the investigation, consult with the victim and to the extent practicable, accommodate the victim's desires regarding safety, health and security, as long as neither a critical mission nor a full and complete investigation are compromised.

x. Listen/engage in quiet support of the victim, as needed. Be available in the weeks and months following the sexual assault, and assure the victim that she/he can rely on the Commander's support.

y. In case of a Restricted Report the Commander will be notified by the SARC that an incident has occurred within his/her command with no further details. Your UVA may or may not know about the assault, but should not be made to feel obligated to provide information concerning this incident. Your UVA is considered a go to person for protective communications. That trust must not be broken with the victim.

Enclosure (1)

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2. Alleged Offender's Commander. (Unrestricted Reports)

a. Notify the appropriate MCIO as soon as possible after receiving a report of a sexual assault incident.

b. Avoid questioning about the sexual assault allegation with the alleged offender, to the extent possible, since doing so may jeopardize the criminal investigation.

c. Any contact with a Service member suspected of an offense under Chapter 47 or MCO P5800.16A may involve rules and procedures that ensure due process of law and are unique to the military criminal justice system. Therefore, before questioning or discussing the case with the alleged offender, commanders and other command representatives should first contact the servicing legal office for guidance.

d. However, if questioning does occur, do advise the service member suspected of committing a UCMJ offense of his or her rights under Article 31 of the Uniform Code of Military Justice.

e. Safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation, to include limitations on any formal or informal investigative interviews or inquiries by personnel other than by those personnel with a legitimate need-to-know.

f. Strictly limit information pertinent to an investigation to those who have a legitimate need-to-know.

g. Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative and legal processes that may be involved.

h. Ensure procedures are in place to inform the alleged offender about available counseling support. As appropriate, refer the alleged offender to available counseling groups and other services.

i. With the benefit of the SARC, UVA, VA, legal and/or investigative agencies advice, determine the need for a "no contact" order, or the issuance of a Military Protective Order.

j. Monitor the well being of the alleged offender, particularly for any indications of suicide ideation, and ensure appropriate intervention occurs if indicated.

Enclosure (1)

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RECOMMENDED ACTIONS FOR COMMANDERS TO HELP REDUCE OR ELIMINATE
SEXUAL ASSAULT IN THEIR UNIT(S)

1. Establish a command climate that is predicated on mutual respect and trust, recognizes and embraces diversity and values the contributions of every member of the unit.
2. Ensure that your Marines and Sailors are aware of your commitment to maintaining a healthy unit environment that is safe, contributes to their well-being, and enhances the ability of the unit to accomplish its mission.
3. Reiterate your "zero tolerance" policy on sexual assault and the potential consequences for those who choose to violate the law.
4. Keep a "finger on the pulse" of the organization's climate and respond with appropriate action toward any negative trends that may emerge.
5. Ensure you have a minimum of two Uniformed Victim Advocates (UVAs) and they are engaged with the command climate and conducting sexual assault awareness training annually and pre-deployment briefs. Ensure that the UVAs are school trained and their pictures are posted with contact information in high traffic areas. Ensure UVAs participate in the unit's newcomers brief and check in process.
6. Use the leadership chain of command and the Force Preservation Program to ensure all members of your command are aware of this program and understand the difference between "Restricted and Un-Restricted" reporting. For Restricted reporting those with protective communication are; the 2d MAW or Installation Command SARC, Unit UVA, Victim Advocates at Marine Corps Family Advocacy Center, Health Care personnel, or Chaplain. All others are obligated to report the incident and the report becomes an automatic Unrestricted report.
7. Include sexual assault prevention considerations (e.g., camp layout, lighting, billeting, noise, etc.) in deployed site planning and set up.

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ADDITIONAL RECOMMENDED ACTIONS FOR COMMANDERS IN THE EVENT A
SEXUAL ASSAULT OCCURS IN THEIR UNIT

1. Discourage members from participating in "barracks gossip" or grapevine speculation about the case or investigation, reminding all to wait in reaching conclusions until all the facts are known and final disposition of the allegations has occurred. In short; "rumor is counter to good order and discipline and shall not be passed".
2. Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved.
3. Remind members that discussion of a possible sexual assault incident might compromise an ensuing investigation.
4. Emphasize that the alleged offender is presumed innocent until proven guilty.
5. Consider some form of unit refresher training; or have a subject matter expert address the unit regarding sexual assault preventive measure. This training may also include the emotions that may become manifest, and in doing so, negatively affect the unit.
6. Continuously monitor unit's overall climate to ensure neither the victim, nor the alleged offender, is being ostracized, and to prevent organizational splintering.
7. If the assault is reported as a restrictive report; with this information you are encouraged to conduct additional training concerning sexual assaults.