



DEPARTMENT OF THE ARMY
HEADQUARTERS, 32D ARMY AIR AND MISSILE DEFENSE COMMAND
5800 CARTER ROAD
FORT BLISS TEXAS 79916

AFVL-CG

NOV 04 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Letter, Sexual Harassment/Assault Response and Prevention Program

1. References:

a. Army Regulation 600-20 (Army Command Policy), Chapter 7, Prevention of Sexual Harassment; Chapter 8, Sexual Assault Prevention and Response (SAPR) Program, 6 November 2014.

b. DOD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 20 January 2015.

c. DOD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 7 July 2015.

2. Purpose. The purpose of this policy is to reinforce my commitment to ensure that Soldiers, military dependents, and DA civilian employees live and work in an environment free of sexual harassment and sexual assault. Commanders, leaders, and supervisors will be committed to creating and maintaining an environment conducive to dignity, respect, and productivity. Sexual harassment and sexual assault destroys teamwork and negatively affects unit readiness and mission performance. Victims must feel empowered to report these incidents and must receive support from their chain of command.

3. Sexual harassment is defined as any form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal/non-verbal or physical conduct of a sexual nature between the same or opposite genders. Anyone in a supervisory or command position who witnesses or are made aware of an incident of sexual harassment must immediately take appropriate action to correct the harassing behavior. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the job, career, or pay of a Soldier or civilian employee is engaging in sexual harassment.

4. Everyone must urgently address incidents of sexual harassment. Commanders must initiate investigations of alleged sexual harassment promptly. Victims of sexual harassment are encouraged to seek assistance immediately from their chain of command, Sexual Assault Response Coordinator (SARC), Sexual Assault Prevention

AFVL-CG

SUBJECT: Command Policy Letter, Sexual Harassment/Assault Response and Prevention Program

and Response Victim Advocate (VA), Inspector General, Staff Judge Advocate, Provost Marshal, Medical Agency Personnel, or Chaplain. Victims may choose to file an informal or formal complaint. An informal complaint is not filed in writing and may be resolved directly by the victim, indirectly, third party intervention, or by utilizing the chain of command. An informal complaint is not subject to timelines. A formal complaint is filed in writing and initiates an investigation that must be completed within 14 calendar days of the receipt of the complaint by the Brigade Commander.

5. Sexual assault is a criminal offense that has no place in this command. Sexual assault is defined as the “intentional sexual contact, characterized by the use of force, physical threat, abuse of authority, or when the victim does not or cannot consent.” Allegations of sexual assault must be taken seriously and investigated promptly by the jurisdictional investigative agency. Anyone in a supervisory or command position who receives a report of sexual assault must immediately report the assault to law enforcement, the SARC, and the General Court-Martial Convening Authority (GCMCA). Commanders and supervisors who deliberately or negligently fail to report the alleged assault may face adverse action.

6. Victims of sexual assault should feel comfortable and know how to report incidents of sexual assault. Victims have the option to file a restricted or unrestricted report. Restricted reports may be made through an appointed SARC, VA, Chaplain, or healthcare provider. Restricted reports provide confidentiality and will not initiate an official investigation. Unrestricted reports may be made through an appointed SARC, VA, healthcare provider, chain of command or law enforcement. Unrestricted reports will initiate an official investigation of the criminal offense by the appropriate jurisdictional investigative agency. Both filing options allow victims to receive medical and behavioral health care to include Sexual Assault Forensic Exams (SAFE).

7. It is the right of every member of this command to present a complaint without fear of retaliation, reprisal, ostracism, or maltreatment. Every member of the chain of command will ensure that all complaints and victims are protected from the previously mentioned acts of retaliation. Commanders will take immediate action to initiate a fair and thorough investigation referencing any alleged act of retaliation and will deal with the incident appropriately.

8. Commanders, leaders and supervisors will be familiar with the Sexual Assault Response and Prevention Program Regulations to include: AR 600-20, Army Command Policy, dated 06 November 2014, Chapters 7 and 8, and Appendices C, D, G, H, and J. All Soldiers will be familiar with the 32d Army Air and Missile Defense Command (AAMDC) Command Policy Letter, Sexual Harassment/Assault Response and Prevention Program, to include: Critical Time Standards in Sexual Assault Cases and the Formal Sexual Harassment Complaint Timeline Attachments.

AFVL-CG

SUBJECT: Command Policy Letter, Sexual Harassment/Assault Response and Prevention Program

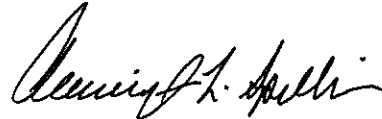
9. Any Soldier or adult military dependent needing assistance in filing a complaint may contact their battalion SARC or VA, brigade SARC or VA, installation SHARP office, 24/7 SHARP Helplines, or local law enforcement. Any DA civilian needing assistance in filing a complaint may contact the installation Equal Employment Opportunity Office or local law enforcement.

2 Encls

1. Critical Time Standards
2. Formal Complaint Timeline

DISTRIBUTION:

A



CHRISTOPHER L. SPILLMAN
Brigadier General, USA
Commanding

Encl a. Critical Time Standards in Sexual Assault Cases

Critical Time Standards In Sexual Assault Cases

Initial Action For Unrestricted Report:

- Take immediate steps to ensure victim's physical safety, emotional security, and medical treatment (600-20, para. 8-5o(1)& (29)).
- Bridge Commander must notify the Commanding General within **24 hours** of an alleged sexual assault. Company and Battalion Commander **immediately** notifies CID. (DODI 6495.02, ENCL 5h(1)). Per AR 600-20, para. G2-h., this should be done "as soon as the victim's safety is established and victim's medical treatment procedures are in motion," but **NLT 24 hours** after receipt of the report.
- Encourage a victim to seek medical attention (600-20, para 8-5o(5) & (20)).
- SJA **immediately** refers victim to Victim Witness Liaison, notifies victim advocacy for their rights, notifies BDE SARC (600-20, para 8-5g(2) & (4)).
- Flag any Soldier under charges, restraint, or investigation for sexual assault (600-20, para 8-5o(32)).

Within 14 Calendar Days:

- BATTALION Commander updates the victim on the status of the case (600-20, para 8-5o(30)).
- Unit Commander updates higher commands on status of victim and alleged offender (600-20, App G).

Upon **Final Case Disposition**

- BATTALION Commander ensures victim is updated on the case disposition (600-20, para 8-5o(30) and 27-10, para 17-14).
- Complete DA Form 4833 (600-20, para 8-5o(28)).



Within 24 Hours:

- Notify SJA (600-20 para 8-5o(8)).
- Notify CID (see initial actions above), MPs Provost Marshal, and appropriate members of the chain of command (600-20, para G-2h.)
- Per AR 600-20, para 8-2a. All Soldiers should report sexual assault within **24 hours**.

Monthly:

- BATTALION Commander ensures victim is updated on the status of the case (600-20, para 8-5o(30)).
- SJA updates victim on legal actions, courtroom procedures and necessary testimony (600-20, para 8-5(6) & (7)).
- Unit Commander updates higher commands on status of the victim and subject (600-20, App G).

Within 45 Calendar

Days after disposition:

BATTALION Commander follows-up with the victim to ensure the victim's needs have been addressed. The BDE SARC follows up with the victim 30, 60, and 90 days after disposition. (600-20, para 8-5o(30)).

Ongoing:

- Provide emotional support to the victim
- Protect victim privacy IAW (AR 600-20 & DoDI 6495.02)
- Upon request, consider transfer or redeployment of victim
- Follow local procedures for reporting sexual assault through the CoC. (600-20, para 8-5o(23)).
- Determine in a timely manner how to best dispose of alleged victim misconduct. (600-20, para 8-5o(24))
- Consult with SJA, CID and Victim Advocate prior to talking any administrative action affecting the victim.

Formal Sexual Harassment Complaint Timeline

