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U.S. ARMY MILITARY DISTRICT OF WASHINGTON &
JOINT TASK FORCE - NATIONAL CAPITAL REGION
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JUL 13 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter 5 - Sexual Harassment/Assault Response and Prevention (SHARP)

1. REFERENCES.

- a. Army Regulation 600-20, Army Command Policy, 24 July 2020.
- b. Army Regulation 195-2, Criminal Investigation Activities.
- c. Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response Programs Procedures, 28 March 2013 (Incorporating Change 6, November 10, 2021).
- d. Department of Defense Instruction 6495.02, V3. Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases, 24 Jun 2022.
- e. Army Directive 2022-13, Reforms to Counter Sexual Harassment/Sexual Assault in the Army, 20 Sep 2022.
- f. Army Directive 2018-23, Improving the Effectiveness of Essential and Important Army Programs: Sexual Harassment/Assault Response and Prevention, Equal Opportunity, Suicide Prevention, Alcohol and Drug Abuse Prevention, and Resilience, 8 November 2018.
- g. Army Directive 2021-30 (Sexual Harassment/Assault Response and Prevention Services for Department of the Army Civilians), 2 September 2021.
- h. ALARCT 013/2021, Additional Sexual Harassment/Assault Response and Prevention Program Guidance: Expedited Transfers, 24-Month SARC and VA Stabilization, and SHARP Personnel Incentives, 22 February 2021.

2. PURPOSE.

- a. To provide direction and intent for the Joint Task Force - National Capital Region/U.S. Army Military District of Washington (JTF-NCR/USAMDW) Sexual Harassment/Assault Response and Prevention (SHARP) Program.

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b. Acts of sexual harassment and sexual assault are unlawful and unacceptable. Sexual harassment and sexual assault dehumanize victims and degrade mission readiness by devastating the Army's ability to work effectively and cohesively as a team. Sexual harassment and sexual assault are incompatible with Army Values and have no place in the Army. We will not tolerate sexual harassment or sexual assault.

c. I am committed to, and fully support, the SHARP program. I expect commanders and leaders at all levels to create and maintain an environment conducive to preventing and eliminating sexual harassment and sexual assault. All personnel will support this policy by fostering a climate of dignity and respect. In accordance with AR 600-20, paragraph 7-5 (11), Commanders will initiate flag (suspend favorable personnel actions) of any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600-8-2 and suspend the Soldier's security clearance in accordance with AR 380-67.

3. APPLICABILITY.

a. This policy applies to all Department of the Army, Department of Defense Service members and Civilians assigned or attached to JTF-NCR/USAMDW.

b. Military dependents 18 years of age and older who are eligible for treatment in the military healthcare system (MHS), at installations in the continental United States (CONUS) and outside of the continental United States (OCONUS), and who were victims of sexual assault perpetrated by someone other than a spouse or intimate partner. Adult military dependents may file unrestricted or restricted reports of sexual assault.

c. The following non-military individuals who are victims of sexual assault are only eligible for limited emergency care medical services at a military treatment facility (MTF), unless that individual is otherwise eligible as a Service member or TRICARE beneficiary of the military health system to receive treatment in a MTF at no cost to them. These limited medical and Sexual Assault Prevention and Response (SAPR) services shall be provided to:

(1) DoD Civilians and their Family dependents 18 years of age and older when they are stationed or performing duties OCONUS and eligible for treatment in the military healthcare system at military installations or facilities OCONUS.

(2) U.S. citizen DoD contractor personnel when they are authorized to accompany the Armed Forces in OCONUS contingency operations and their U.S. citizen employees.

(3) Service members who were victims of sexual assault PRIOR to enlistment or commissioning are eligible to receive SAPR services under either reporting option. The DoD shall provide support to Service members regardless of when or where the sexual assault took place.

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4. POLICY.

a. Preventing sexual harassment and sexual assault is everyone's responsibility. The Department of Defense has demonstrated its commitment to preventing and eliminating all types of harassment, based upon race, color, gender, national origin, religion, age, disability, sexual orientation, or reprisal, within the military ranks and civilian workforce through written policy, communication, education, training, enforcement, and assessment. We must continue to focus our energy on ensuring that our Service members and civilians understand the importance of the DoD's policy on this issue. There is zero tolerance for SH/SA in this command.

b. Commanders will ensure Soldiers, Army Civilians, and Family members who seek assistance with any Army agency requesting SHARP services will receive a direct handoff to a Sexual Assault Response Coordinator or Victim Advocate.

c. **Sexual assault** is a crime punishable under the Uniform Code of Military Justice (UCMJ), and other Federal and local civilian laws. Sexual assault has no place in our communities or the Army. Sexual assault is intentional sexual contact, characterized by use of force, threats, intimidation, or the abuse of authority, or when the victim does not or cannot consent. Sexual assault includes UCMJ offenses of rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these acts. It can occur without regard to the gender, spousal relationship, or age of the victim.

d. Victims of sexual assaults will be briefed and given the option to speak with the Special Victim Counsel (SVC). Individuals who are sexually assaulted may seek confidential counsel from a chaplain or a SVC. The chaplain nor SVC cannot accept a report of a sexual offense, but can offer advice and counseling to the individual, including recommending that the individual report the incident a SARC, VA, or healthcare provider if the individual desires to file an official report.

e. **How to report a Sexual Assault.** Service members and their adult military dependents may report a restricted or unrestricted sexual assault incident to the DoD SAFE Helpline at 877-995-5247, www.safehelpline.org.

(1) **Unrestricted Report.** To file an unrestricted report that will trigger a law enforcement investigation, notify your SARC, VA, chain of command, law enforcement, SJA, or healthcare provider, Chaplain.

(a) a Service member and their family member that are 18 years or older enrolled in DEERS electing to make an unrestricted report of sexual assault using a DD Form 2910 (Victim Reporting Preference Statement) are eligible to receive victim advocacy services from Sexual Assault Response Coordinators (SARCs) and Sexual Harassment/Assault Response Program (SHARP) Victim Advocates (VAs) or Victim Representatives (VRs). These services include expedited transfers, Military Protective

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Order (MPO), Civilian Protective Order (CPO), medical, Counseling Services and legal services. CATCH Program when the name of suspect is not known by law enforcement.

(b) DA Civilians electing to make an unrestricted report of sexual assault using a DD Form 2910 (Victim Reporting Preference Statement) are eligible to receive victim advocacy services from Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs) or Victim Representatives (VRs). These services **do not** include expedited transfers, Nonemergency medical services (follow up care) at a military medical treatment facility and legal services that laws unless the DA Civilian victim is otherwise legally entitled to the services authorize DA Civilians.

(2) **Restricted Report.** To file a restricted report that will remain confidential and will NOT trigger a law enforcement investigation, notify your SARC, VA, or healthcare provider.

(a) Service members and their family member that are 18 years or older and enrolled in DEERS are eligible to file a Restricted Report, at any time providing they did not personally report the sexual assault incident to law enforcement, to include Military Criminal Investigative Organizations (MCIO), and they did not previously elect to make an Unrestricted Report by signing a DD Form 2910, with a SARC or SAPR VA on the same sexual assault incident.

(3) **Catch a Serial Offender (CATCH).** Program allows an eligible adult sexual assault victim to submit an anonymous entry into the CATCH system to discover if the suspect in the victim's report may have assaulted another person (i.e., a "match" in the CATCH website):

(a) Participation in the CATCH Program is voluntary and allows an eligible adult sexual assault victim to submit an anonymous entry into the CATCH database to discover, if the suspect in their report may have also assaulted another person (a "potential match" in the CATCH database), and having that knowledge, decide whether to participate in an investigation of the serial offender suspect. Eligible adult sexual assault victims include.

(b) Those who file, or have already filed, a Restricted Report with a DD Form 2910. If notified of a potential match, the Restricted Reporting victim can decide whether to convert to Unrestricted and participate in the investigation. The Restricted Report will not be converted based on the information provided to the CATCH Program without the victim's written permission on a revised DD Form 2910.

(c) Those who file, or have already filed, an Unrestricted Report with a DD Form 2910 and the identity of their suspect was not disclosed by the victim or uncovered by law enforcement to include MCIOs (e.g., third-party report with no suspect identification). If notified of a potential match, the Unrestricted Reporting victim can decide whether he or she now wants to participate in the investigation.

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(4) Timelines.

(a) Supervisory SARCs will provide notification to the MDW Lead SARC within 12 hours of receiving a call.

(b) For unrestricted reports the unit Commanders will report information concerning the sexual assault by providing all obtained information to the MDW CG and MDW Lead SARC within 24 hours of the incident.

(c) The brigade or equivalent SARC will ensure all unrestricted reports are reported to the brigade commander and CID as soon as possible following the signing of the DD Form 2910. Note*: Medical care and immediate safety/crisis intervention are priority.

(d) The brigade or equivalent SARC will ensure all restricted reports are reported to the MDW CG via the Lead SARC. When providing the notification, provide only non-identifying information to preserve the victim's anonymity. Information such as rank, gender, age, race, and service component, and time/location of incident may be omitted. Careful consideration of which details to include is of particular significance in units where there are a limited number of members of a given demographic group.

(e) All restricted and unrestricted reports will be entered into the Defense Sexual Assault Incident Database (DSAID) within 48 hours of receiving the report.

f. **Sexual harassment** is a conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment; and is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive:

(1) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay or job of a member of the Armed Forces or a Civilian employee of the Department of Defense.

(2) Any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the DoD.

(3) There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.

(4) Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

(5) The use of disparaging and/or sexualized terms may contribute to an unlawful hostile environment and thus will not be tolerated. Leaders at all levels will protect their teams against sexual harassment and proactively ensure that their environments are free from all forms of sexual harassment.

g. How to report a Sexual Harassment. Service members and their adult military dependents may report an Informal, Formal or Anonymous sexual harassment complaint to the SHARP hotlines. DOD civilians, former employees, or applicants seeking employment, and certain contract employees may report Sexual harassment to the Equal Opportunity complaint (EEO) in accordance with AR 690-600 (Equal Employment Opportunity Discrimination Complaints). Details for military personnel filing a complaint are found in AR 600-20 (Army Command Policy).

(1) **Informal** complaints of sexual harassment involve less severe or egregious incidents that can be resolved by the individual, with the help of another, and/or by the direct resolution.

(2) **Formal** military complaint requires use of DA Form 7746 (Sexual Harassment Complaint Form), and complainants must swear to the accuracy of their allegations. The process contains specific timelines, and commands are required to include specific documentation. All formal sexual harassment complaints are reportable to higher headquarters:

(3) **Anonymous** complaint is defined as a report of sexual harassment, regardless of the means of transmission, from an unknown/unidentified source. The individual reporting the information is not required to divulge any PII. The anonymous report can be submitted by any means from an unidentified complainant. Actions taken regarding anonymous complaints will depend upon the extent of information provided by complainants.

(a) If an anonymous complaint contains sufficient information (for example, who, what, when, where, desired outcome, unit(s) of assignment for the complainant and the subject) to permit the initiation of an investigation, the investigation will be initiated by the commanding officer in accordance with 10 USC 1561.

(b) If the anonymous complaint does not contain sufficient information to permit the initiation of an inquiry or investigation, the individual making the anonymous complaint will be notified if possible. The complaint may be the person subjected to sexual harassment or may be a third-party witness. An anonymous complaint can be provided to any source but may only be processed by Chain of command, SHARP Office, Inspector General (IG).

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(c) If sufficient information exists to permit the initiation of an investigation, commanders will appoint investigating officers (IOs) from outside the subject's assigned brigade-sized element to conduct sexual harassment complaint investigations under AR 600-20, Chapter 7. Sexual harassment complaint investigations will comply with processing timelines established by law and DoD and Army policies.

h. Brigade commanders (or brigade-equivalent commanders) will notify the Soldier-complainant within two business days of receiving the outcome of any judicial, non-judicial, or administrative proceedings. This new requirement is in addition to the requirement to provide status updates to victims within 72 hours of each recurring Sexual Assault Review Board in accordance with Army Command policy (AR 600-20).

i. Commanders will initiate involuntary administrative separation proceedings for all Soldiers against whom there is a substantiated complaint of sexual harassment, unless the Soldier is otherwise punitively discharged or dismissed from the Army as part of a court-martial sentence.

j. Commander may rehabilitate a Soldier against whom there is a minor substantiated complaint of sexual harassment, as determined by the commander in consultation with the servicing judge advocate.

k. Commanders will publish the nature and results of all judicial, non-judicial, letters of reprimand, and adverse administrative actions and disseminate this information to troops using unit newsletters, bulletin boards, etc.

l. **Retaliation and Reprisal** refers to 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 Soldier, Family Member, DoD Civilian, or contractor for reporting or planning to report a criminal offense, or making, or planning to make a protected communication. This includes acts of cruelty, oppression or maltreatment committed against an individual who makes or attempts to make a protected communication. Individuals who believe they have evidence of reprisal should immediately report it to their chain of command or the Inspector General.

(1) If a Service Members and their adult military dependents or DoD Civilians report experiencing retaliation associated with their unrestricted report of sexual assault, the victim can file a report of retaliation using DD Form 2910-2 (Retaliation Reporting Statement for Unrestricted Sexual Assault Cases).

m. Commanders, supervisors, and leaders at all levels will be fully committed to ensuring that the working environment of Soldiers, DoD Civilians and contractor employees are free of sexual harassment and sexual assault. Prevention of sexual harassment and sexual assault is everyone's responsibility. Every Soldiers, family member, DoD Civilians, and contractor employee is responsible for treating one another with dignity and respect.

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n. Reports of sexual offenses will be treated seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.

o. Commanders of brigade-sized units will identify two members of their command to serve as full-time SARC and VA. Commanders of battalion-sized units will identify at minimum two members of their command to serve collateral duty as VAs. Commanders of smaller units with limited resources may also coordinate VA support with larger size units or with the SARC.

p. Commanders will submit a Sexual Assault Incident Response Oversight Report (SAIRO) within eight calendar days of the incident report. The SAIRO report will not delay a Commander's immediate reporting to USACIDC or operational reporting through appropriate channels.

q. A Military Protective Order (MPO) may be implemented for both sexual assault and sexual harassment complaints. The first O-6 in the subject's chain of command will implement mechanisms to protect complainants of sexual harassment and victims of sexual assault. When warranted by facts and circumstances, this may include Military Protective Orders. MPO will be initiated no later than six hours after determining an MPO is warranted.

r. Ensure the subject's commander issues a DD Form 2873 (Military Protective Order) to the subject and submits the DD Form 2873 to the installation Directorate of Emergency Service or Provost Marshal Office (DES/PMO).

s. Commanders will provide a copy of the MPO to the sexual assault victim or sexual harassment complainant. The commanders must inform the victim or complainant that MPO's may not be enforceable by non-military authorities and advise them of their ability to also seek a Civilian Protective Order (CPO) issued by a judge, magistrate, or other authorized civilian official. Commander should refer victims to a SHARP professional and the Installation Office of the Staff Judge Advocate for assistance in obtaining a CPO.

t. Garrison Commanders will ensure that sexual assault response capability is available 24 hours per day/7 days per week, and that the garrison website and other forms of media accurately displays the installation's 24/7 Hotline and the DoD 24/7 Safe Helpline (SHL) numbers (877-995-5247).

u. The success of this program is an individual responsibility. Therefore, I expect all personnel to educate themselves to detect and prevent sexual assault and sexual harassment. Our effectiveness and success depend upon a change in the command's climate and intervention "People First", to include the following imperatives:

(1) Commanders/leaders must be fully engaged and lead from the front - they are centrally responsible and accountable for solving the problems of sexual assault and

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sexual harassment within the ranks and restoring the trust of our Soldiers, Civilians, and Families.

(2) Commanders must schedule and receive a SHARP in-brief by the Brigade or higher SARC within the first 30 days of assuming command.

(3) Commanders must thoroughly and professionally investigate every allegation of sexual assault, sexual harassment, and retaliation. Commanders must hold individuals, units, and organizations accountable for preventing, intervening and stopping sexual harassment/sexual assault.

(4) Commanders must create a positive climate and environment of trust and respect in which every person can thrive and achieve their full potential. A positive command climate fosters trust, cohesion, and respect for others while reducing tolerance for inappropriate attitudes and behaviors.

(5) Commanders/leaders must build cohesive teams, provide compassionate care for victims, protect their rights and privacy and utilize the Golden Tri-Angle (Leaders/Peers/Family).

(6) Commanders we will reinforce the right command climate, to ensure and promote a leadership support structure that will empower and encourage Service members to safely intervene.

(7) Commanders we will ensure contact information for available resources is posted in common areas of the workplace, provided in pamphlets or cards that personnel can freely obtain copies of, and updated on unit portal pages that are easy to locate (no more than two clicks from the homepage). Contact information will include, at a minimum:

(a) Official phone numbers for the SARC, Victim Advocate (VA), Special Victims' Counsel, and Chaplain.

(b) Official phone numbers and street addresses for Criminal Investigation Command (CID), Military Police Investigations (MPI), behavioral health services, Family Advocacy Program, and emergency medical care at Fort Belvoir Community Hospital.

(8) Commanders we will ensure sexual harassment and assault response is available 24 hours per day, 7 days per week to ensure victims receive timely, integrated, and comprehensive assistance:

(a) Ensure all full time SHARP personnel have access to an official phone and encrypted email to network with the appropriate support agencies, to include the higher echelon SARC/VA Specialist, Military Police, CID, medical professionals, the SVC, and the OSJA office.

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(b) Ensure all SHARP personnel have access to a non-tactical vehicle (NTV) to facilitate advocacy services when needed. Prior to use of an NTV, each professional must receive an ethics in-brief from the SJA on restrictions of AR 58-1, which will be documented in an MFR by the SJA and kept on file for three years.

(9) Commanders we will ensure that deploying personnel attend pre-deployment and post-deployment SHARP training, as applicable, all personnel assigned or attached will annual SHARP training for Military and DA Civilians and offer SHARP training to family member age 18 and over. Annual training guidance tasked commanders/Leader to conduct training with support from a certified SHARP professional.

v. In addition to the requirement in AR 600–20, paragraph 7–5t, to provide status updates to victims within 72 hours of each recurring Sexual Assault Review Board, the Brigade Commander will also notify the Soldier complainant within two business days of receiving the outcome of any judicial, non-judicial, or administrative proceedings. This duty is not delegable. This does not change the responsibilities requiring Victim Advocates and Sexual Assault Response Coordinators to provide information to victims in their care.

5. SHARP professionals will monitor compliance with requirements in paragraph 4, subparagraphs (a) through (w) and brief compliance at command and staff meetings.

6. PROPONENT. The USAMDW SHARP Office is the proponent for this policy.


TREVOR J. BREDENKAMP
Major General, USA
Commanding

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