



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
POSTAL SERVICE CENTER BOX 8003
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ASO 1752.6B
MCCS

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AIR STATION ORDER 1752.6B

From: Commanding Officer, Marine Corps Air Station, Cherry Point
To: Distribution List

Subj: STANDING OPERATING PROCEDURES FOR RESPONDING TO ALLEGATIONS OF SEXUAL ASSAULT AT MARINE CORPS AIR STATION (MCAS) CHERRY POINT

Ref: (a) MCO 1752.5B
(b) DoDI 6495.02
(c) MCO 3504.2A

Encl: (1) Commander's Protocol for Responding to Allegations of Sexual Assault
(2) Recommended Actions for Commanders to Help Reduce or Eliminate Sexual Assault
(3) Additional Recommended Actions for Commanders should a Sexual Assault Occur

1. Situation. Reference (a) issues 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. This Order provides information, policies, and procedures as it relates to the MCAS Cherry Point Sexual Assault Prevention and Response Program.

a. Sexual Assault is a criminal act. It is defined by the DoD as intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority, or when the victim does not, or cannot consent.

b. The term sexual assault includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

2. Cancellation. ASO 1752.6A.

3. Mission. To establish policy and procedures for responding to sexual assault incidents that involve personnel stationed aboard MCAS Cherry Point. Guidance for situations not covered in this Order can be found in more detail within the references.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Victims of sexual assault will be treated with sensitivity, decency, and respect. Victims will receive appropriate medical, emotional, psychological, and social services. Care will be given to ensure that the identity of a victim of sexual assault that elects an unrestricted report is released only to those who have a need to know. Victim safety is

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paramount at all times. Victims who choose to make a restricted report in accordance with the references will have that choice honored to the fullest extent. Victims who have the courage to report assault must feel confident that their personal safety will be protected and they will not be re-victimized. Victims, Sexual Assault Response Coordinators (SARCs), and Victim Advocates (VAs) are to be protected from coercion, discrimination, and reprisal at all times.

(2) Concept of Operations. When required, Commanders at all levels will act in accordance with instructions contained within all references and enclosures.

(a) All personnel are encouraged to make complete unrestricted reports of sexual assault in order to achieve the objectives and goals of reference (a). However, victims of sexual assault have two methods of reporting assaults: restricted and unrestricted reporting.

1. Restricted Reporting. This option allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, SAPR VA, or healthcare personnel), and receive medical treatment, including emergency care, counseling, and assignment of a SARC and SAPR VA, without triggering an investigation. The victim's report provided to healthcare personnel (including the information acquired from a SAFE Kit), SARCs, or SAPR VAs will NOT be reported to law enforcement or to the member's command to initiate the official investigative process unless the victim consents or an established EXCEPTION applies.

2. Unrestricted Reporting. Individuals utilize this process to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report provided to healthcare personnel, the SARC, a SAPR VA, chain of command, or other persons, is reported to law enforcement and may be used to initiate the official investigative process. Commands must notify NCIS of all allegations of sexual assault brought to their attention.

(b) Per references (a) and (b), confidentiality applies to all covered communications. Covered communications include oral, written, and electronic that involves personally identifiable information transmitted to a SARC, VA/UVA, Chaplain, healthcare provider, or mental health counselor related to their sexual assault. All involved parties must maintain the integrity of the confidentiality policy (except in those instances described in references (a) and (b)).

b. Coordinating Instructions. UVAs and civilian VAs of Marine and Family Programs (M&FP) are available to assist military members of MCAS Cherry Point that are victims of sexual assault. Victim Advocates from M&FP will assist military dependents who are victims of a sexual assault or military members who have been sexually assaulted as a result of domestic violence.

5. Administration and Logistics

a. Questions pertaining to the content of this Order should be directed to the Installation SARC, MCAS Cherry Point.

b. Installation SARC: 252-466-5490 or 252-497-0501 (Cell),

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c. 24/7 Sexual Assault Response Line: 252-665-4713.

6. Command and Signal

a. Command. This Order is applicable to MCAS Cherry Point and its subordinate and tenant commands.

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



C. PAPPAS III

DISTRIBUTION: A

Commander's Protocol for Responding to Allegations of Sexual Assault

(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 whether the victim requires/desires protection.

b. Determine if the victim requires/desires emergency medical care. The Naval Health Clinic Cherry Point is available during clinic hours. After clinic hours, refer victims to Naval Hospital Camp Lejeune or Carteret Health Care.

c. Notify the appropriate Military Criminal Investigative Organization (MCIO) as soon as the victim's immediate safety is assured and medical treatment procedures are in motion. To every 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. Safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by authorities who have a legitimate need-to-know.

e. Immediately notify a Uniform or Civilian Victim Advocate (VA) for the victim and contact the SARC. If not already assigned, the SARC will assign the victim to a VA to provide immediate support.

f. Per reference (c), submit an OPREP-3/Serious Incident Report as required.

g. Per reference (a), submit an eight day brief if required.

h. Collect only necessary information (location and time of incident, name and/or description of the offender). **DO NOT ASK DETAILED QUESTIONS OR PRESSURE THE VICTIM FOR MORE INFORMATION THAN IS NECESSARY ABOUT THE INCIDENT.**

i. Advise the victim of the need to preserve evidence (e.g., no showering, washing garments, etc.) while waiting for the arrival of representatives of the MCIO.

j. If needed, assist with or provide immediate transportation for the victim to the hospital or other appropriate medical facilities.

k. Ensure the victim understands the availability of a VA and the benefits of accepting their support.

l. Ask if the victim needs a support person, which can be a personal friend or family member, to immediately join him/her. Be sure to advise the victim that this support person could later be called to testify as a witness if the case goes to trial.

m. Ask if the victim would like a Chaplain to be notified and notify accordingly.

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n. 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.

o. Ensure the victim understands that working with an advocate is voluntary and that there is availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes to advise the victim of their support rights.

p. 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. Coordinate 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.

q. To every extent practicable, consider the desires of the victim when determining reassignment.

r. Notify the victim of the right to request an expedited transfer and follow procedures in references (a) and (b).

s. 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/her victim support rights.

t. Attend the monthly case management meeting if the command has any open unrestricted cases of sexual assault (reference (b)).

u. Ensure the victim receives monthly reports regarding the status of the sexual assault investigation until its final disposition.

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

w. Initial disposition authority is withheld to the SA-IDA for all alleged offenses arising from or relating to a reported sexual assault, whether committed by the alleged offender or the alleged victim. The SA-IDA has the non-delegable responsibility for the initial disposition. In cases involving a victim's collateral misconduct, the SA-IDA is encouraged to defer a victim's disciplinary proceeding until final disposition of the more serious sexual assault case in accordance with reference (b). Such offenses commonly include underage drinking, traveling out-of-bounds or to off-limits establishments, fraternization, or adultery.

x. When practicable, consult with the servicing legal office and MCIO, and notify the assigned Uniformed Victim Advocate (UVA), VA, or SARC prior to taking any administrative or disciplinary action affecting the victim.

y. 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 their related trauma without compromising their 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 rules and regulations governing security clearances.

z. Throughout the investigation, consult with the victim and to any 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.

aa. Ensure the victim, SARC, VA, or others involved have not experienced any incidents of retaliation, reprisal, ostracism, or maltreatment.

bb. 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 they can rely on the commander's support.

2. Alleged Offender's Commander

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. 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. If questioning does occur, advise the alleged offender of his/her rights under Article 31 of the UCMJ.

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

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

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

h. Upon consulting the appropriate SARC, UVA, VA, legal and/or investigative agencies advice, determine the need for a "No Contact" Order or Military Protective Order (DD Form 2873).

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

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j. Per reference (c), submit an OPREP-3/Serious Incident Report as required, for all reports of sexual assault when the victim is a civilian and the alleged offender is a Marine or other member assigned to the command.

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Recommended Actions for Commanders to Help Reduce or Eliminate Sexual Assault

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 Marines and Sailors are aware of the command's 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 a "zero tolerance" policy on sexual assault and the potential consequences for those who choose to violate laws governing sexual misconduct.
4. Keep a "finger on the pulse" of the command's climate and respond with appropriate action towards any negative trends.

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Additional Recommended Actions for Commanders should a Sexual Assault Occur

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, rumors are counter-productive to good order and discipline and should not be vocalized.
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 unit refresher training, or have a subject matter expert address the unit regarding sexual assault prevention. This training may also include the emotions that can manifest and negatively affect the unit.
6. To ensure good order and discipline, continuously monitor the unit's overall climate to confirm neither the victim, nor the alleged offender, is being ostracized.