DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS AND FORT HOOD
1001 761ST TANK BATTALION AVENUE
FORT HOOD, TEXAS 76544-5000

DEC 15 2014

AFZF-CG

COMMANDING GENERAL'S POLICY LETTER # 6

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Sexual Harassment / Assault Response and Prevention (SHARP) and Special Victims Counsel (SVC)

1. REFERENCES.

a. Army Regulation 600-20, Army Command Policy, 22 October 2014, Chapters 6, 7, 8, and Appendix C.

b. Army Regulation 600-8-2, Suspension of Favorable Personnel Actions (Flag), 23 October 2012.

c. Army Regulation 27-26, Rules of Professional Conduct for Lawyers, 1 May 1992.

d. Army Regulation 623-3, Evaluation Reporting System, 31 March 2014.

e. Department of the Army Pamphlet 623-3, Evaluation Reporting System, 31 March 2014.

f. Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004.

g. Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March 2013, Incorporating Change 1, February 12, 2014.

h. Secretary of Defense Memorandum, subject: Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases, 20 April 2012.

i. National Defense Authorization Act for Fiscal Year 2014, Pub. L. 113-66 (2014).

j. 10 U.S.C.S. § 1044 (2014).

2. APPLICABILITY. This policy applies at all times and in all locations to all service members and Civilians assigned to, attached to, or performing duties in units or activities assigned, attached, stationed, based, or otherwise located on the Fort Hood military reservation. This includes, but is not limited to, units, service members, and Civilians conducting maneuvers, training, maintenance, or other duties on the Fort Hood military reservation. All service members and Civilians assigned to, attached to, or performing duties in units or activities over whom Commander, III Corps and Fort Hood, exercises Senior Commander (SC) authority are also subject to this policy. (Note that service members, Civilians, and Family members may have differing reporting avenues depending on the nature of the harassment or assault.)

3. POLICY.

a. The Army, FORSCOM, and III Corps are committed to ensuring that service members, Civilian employees, and Family members live and work in an environment free of sexual harassment and sexual assault. Leaders at every level must be committed to creating and maintaining an environment that promotes productivity and respect for human dignity. Sexual harassment and sexual assault are offenses contrary to Army Values and the Warrior Ethos. These unacceptable actions erode trust, destroy teamwork, and negatively affect combat readiness. Sexual harassment and sexual assault are punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local laws. We will hold ourselves accountable.

b. Commanders will protect individuals who file complaints from actual or perceived intimidation, harassment, or reprisal. Commanders will ensure that rated Soldiers are assessed on fostering climates of dignity and respect, and adhering to the SHARP Program, as a part of each Officer/Noncommissioned Officer Evaluation Report (OER/NCOER).

c. Prevention of sexual harassment and sexual assault is everyone's responsibility. Every service member, Civilian employee, and Family member is responsible for treating one another with mutual dignity and respect. All leaders will set the example and create an environment of trust where sexual assault and sexual harassment cannot exist.

d. We must urgently address allegations of sexual harassment and sexual assault. All allegations of sexual harassment must be taken seriously and investigated promptly. SHARP personnel will assist individuals who experience sexual harassment to resolve the issue at the lowest level possible with an informal complaint or through the formal complaint process. DOD and DA (DOD/DA) Civilian complaints of sexual harassment will be investigated and processed IAW the EEO Program and AR 690-600. Every

service member who is aware of a sexual assault should immediately report it (within 24 hours). The U.S. Army Criminal Investigation Command (CID) will promptly and thoroughly investigate all allegations of sexual assault of which they become aware and that are within their jurisdiction.

4. RESOURCES AND REPORTING.

a. Victims of sexual harassment or sexual assault are strongly encouraged to seek assistance immediately. Commanders must provide support and assistance to victims and report sexual assaults to CID. Many helpful resources are available to victims, to include medical assistance and treatment, counseling, and legal advice. Service members and their Family members age 18 or older are eligible for SHARP services. Victims who are minors are encouraged to report directly to the Family Advocacy Program (FAP) at West Fort Hood or to Families in Crisis (FIC) located in Killeen. SHARP representatives will refer those individuals who are not authorized SHARP services to one of these agencies. DOD/DA Civilians are eligible for SHARP services for sexual assault when deployed, and when assigned to some locations outside of the continental United States (OCONUS), but not in the continental United States (CONUS). Those who meet the criteria above and seek assistance are entitled to a full range of support services. Victims of sexual assault may make either a restricted or unrestricted report.

(1) Restricted reporting allows a service member, or Family member age 18 or older, to confidentially report a sexual assault to a Sexual Assault Response Coordinator (SARC), Sexual Assault Prevention and Response Victim Advocate (SAPR VA), or healthcare provider, and receive medical care without notifying the chain of command or triggering an official investigation. Additionally, in the course of otherwise privileged communications with a chaplain or legal assistance attorney, a victim may indicate that he or she wishes to file a restricted report. If this occurs, the chaplain or legal assistance attorney shall facilitate contact with a SARC or SAPR VA to ensure that the victim is offered SAPR services and is counseled on the available reporting options. A restricted report may be changed to an unrestricted report at any time when requested by the victim. Those able to discuss restricted reports should inform victims of how either a restricted or unrestricted report will be handled. When the option exists, the victim should make a well-informed choice of how to report a sexual assault.

(2) Unrestricted reporting allows the victim of a sexual assault to report the assault to the chain of command and other official channels, to include CID, Inspector General, and Provost Marshal. SHARP VA's will refer DA/DOD Civilian victims to CID and/or local advocacy agencies. Command SHARP advisors at company level are required to report sexual assault allegations to CID. CID will investigate all sexual

assaults of which they become aware and that are within their jurisdiction. An unrestricted report may not be changed to a restricted report.

b. SHARP resources are available to train and assist commanders and leaders at every level. SARCs and VAs are available from the Battalion to Corps level to provide assistance with sexual harassment and sexual assault reports, SHARP training, prevention and response efforts, and victim advocacy. Company-level SHARP Advisors will conduct prevention and training activities and advise the company level commander on SHARP program response activities. SHARP Advisors cannot offer any reporting options should a victim report a sexual assault to them. SHARP advisors are required to report sexual assault allegations to CID.

c. Medical Resources:

(1) Sexual Assault Clinical Providers and Sexual Assault Care Coordinators (SAC-P/SAC-C). Sexual Assault Clinical Providers and Sexual Assault Care Coordinators are available through our Fort Hood military treatment facilities. They provide emergency and follow-up medical and behavioral care, treat injuries, and provide referrals as needed.

(2) Sexual Assault Medical Forensic Examiners (SAMFE). Sexual Assault Medical Forensic Examiners are medical healthcare personnel authorized to perform the Sexual Assault Forensic Examination. The examination includes gathering information from the patient for the medical forensic history; an examination; coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient; documentation of findings; information, treatment, and referrals for sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and follow-up as needed to provide additional healing, treatment, or collection of evidence.

d. Legal Resources:

(1) Special Victim Counsel Program (SVCP). The Special Victim Counsel Program consists of Judge Advocates appointed by their respective Staff Judge Advocates to serve as SVC. These Judge Advocates are part of the Legal Assistance Office and are supervised by the Chief, Client Services. The SVCP's mission is to provide victims with confidential legal representation related to issues that may arise as a result of being a victim of a sex-related offense.

(a) An individual eligible for military legal assistance under 10 U.S.C.S. § 1044 who makes a restricted or unrestricted report of an alleged sex-related offense shall be

offered the option of receiving assistance from an SVC. Receiving assistance or advice from an SVC is not required, and a victim should elect whether they would like to speak to an SVC. Discussing a restricted report with an SVC does not make it unrestricted.

(b) The SVCP augments services already available to victims of sex-related offenses through SHARP and the Family Advocacy Program. An eligible victim will be entitled to SVC representation from initial report through any administrative or military justice action. This includes assistance with submissions pursuant to administrative or post-trial processes until action by the convening authority. Additionally, an eligible victim will have the opportunity to consult with an SVC beyond convening authority action should any new issues arise, to include help in preparing submissions to a parole and/or clemency board.

(c) At a minimum, victims will be notified twice of their eligibility for SVCP services. The first notification will occur at the initial report of a sex-related offense, and the second notification will occur at preferral of charges against their alleged perpetrator, if applicable. Initially declining to speak with an SVC does not preclude asking for SVC representation at any point throughout the process.

(d) If a victim is represented by an SVC, any agency involved with the investigation or adjudication of the underlying sex-related offense shall coordinate with the SVC to speak with the victim. Attorneys, to include trial and defense counsel, will adhere to the requirements of Army Regulation 27-26 and the code of professional responsibility of their respective state bar(s). Law enforcement agencies seeking to interview the victim must coordinate through the SVC. However, a victim may voluntarily waive this requirement and elect to meet with law enforcement without the SVC present.

(e) Commanders remain overall responsible for the health and welfare of the service members in their unit. Nothing in this policy should be interpreted to conflict with, restrain, or otherwise reduce this responsibility. Commanders may not talk with victims about the facts and circumstances concerning the allegations for which the victim sought representation. If a commander wants to talk with the victim about such represented matters, the commander must coordinate with the SVC, unless the commander determines that he or she must discuss these matters with the victim in order to take actions to ensure the safety and well-being of the victim. A victim may voluntarily waive this requirement and elect to discuss the substance of the allegations without the SVC present.

(2) Victim Witness Liaison (VWL). The VWL will act in conjunction with the SARC and VA, to facilitate and coordinate victim/witness access to information, assistance and services.

5. WITHHOLDING INITIAL DISPOSITION AUTHORITY. Pursuant to Secretary of Defense Memorandum, subject: Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases, 20 April 2012, initial disposition authority is withheld to the first special court-martial convening authority in the grade of O-6 or higher for the following alleged offenses:

a. Rape, in violation of Article 120, UCMJ.

b. Sexual assault, in violation of Article 120, UCMJ.

c. Forcible sodomy, in violation of Article 125, UCMJ.

d. Attempts to commit the above offenses, in violation of Article 80, UCMJ.

Additionally, this withholding applies to all other alleged offenses arising from or relating to the same incident(s), whether committed by the alleged perpetrator or the alleged victim of the rape, sexual assault, forcible sodomy, or the attempts thereof.

6. The proponent for this policy letter is the III Corps and Fort Hood SHARP Office at (254) 287-9487. The point of contact for questions about the SVCP is the Chief of Client Services, III Corps and Fort Hood, at (254) 287-3524. The 24-hour duty phone for the SVCP is (254) 702-2187.

7. EXPIRATION. This Command Policy Memorandum supersedes Command Policy SHARP-01 dated 25 May 2011. This policy will remain in effect until superseded or rescinded.

SEAN B. MacFARLAND
LTG, U.S. Army
Commanding

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