



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 25<sup>TH</sup> INFANTRY DIVISION ARTILLERY (DIVARTY)  
130 GRIMES STREET  
SCHOFIELD BARRACKS, HI 96857-6000

REPLY TO  
ATTENTION OF:

APVG-DI-CO

4 June 2015

MEMORANDUM FOR All Soldiers, Family Members, and Department of Defense (DoD)  
Civilian Employees

SUBJECT: Policy Letter #5, Prevention of Sexual Assault

1. References.

- a. Army Regulation (AR) 600-20, Army Command Policy, 6 Nov 2014.
- b. DoD Instruction 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 1 April 2013.
- c. Army Regulation (AR) 27-10, Military Justice, 3 Oct 2011.
- d. Army Regulation (AR) 350-1, Army Training and Leader Development, 19 Aug 2014.
- e. Army Directive 2011-19, Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault, 3 Oct 2011.
- f. HQDA EXORD 221-2012, Sexual Harassment/Assault Response and Prevention Program (SHARP) Synchronization Order, 23 June 2012.

2. Applicability. This policy applies to all units and personnel assigned to the 25<sup>th</sup> Infantry Division Artillery (DIVARTY).

3. Purpose. To establish policy on the prevention of sexual assault, treatment of victims, and accountability of those who commit sexual assault.

4. Definitions. The term "sex offense" means any of the following:

- a. Rape or sexual assault under Articles 120(a) or (b), Uniform Code of Military Justice (UCMJ).
- b. Forcible sodomy under Article 125, UCMJ.
- c. An attempt to commit any of the above referenced offenses under Article 80, UCMJ.

5. Sexual Assault is a crime. It can occur without regard to gender, spousal relationship, or age of the victim. Sexual assault is a violation of the Army core values, the UCMJ, and federal and state laws. Leaders will take an active role in eliminating sexual assault. Leaders will provide a safe, respectful environment for victims. Commanders will ensure that victims of sexual assault

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know that their concerns are being addressed and taken seriously. As soon as Commanders are notified of a sexual assault, they will contact CID immediately and then call the Brigade Sexual Assault Response Coordinator (SARC). Leaders will account for the rights of both the victim and the accused. Creating an environment of dignity and respect is imperative to developing a culture that prevents and combats sexual assault within our ranks.

6. Soldiers and dependents who are victims of sexual assault can choose to make a restricted or an unrestricted report.

a. **Restricted Reporting:** Victims confidentially disclose the details of his or her assault to specified individuals and receive the opportunity for medical treatment, advocacy, and counseling services. Treatment does not trigger an investigation. A restricted report is made by contacting the Brigade SHARP/SARC, the TAMC emergency room, a medical primary care provider, a chaplain, or a Special Victim Counsel. A Restricted Report can be changed to an Unrestricted Report at any time.

b. **Unrestricted Reporting:** The victim details his or her sexual assault to law enforcement and an official investigation begins. Victims may receive medical treatment, victim advocacy, counseling services, legal assistance, and administrative rights including an expedited transfer and protection orders. An Unrestricted Report is made when a victim reports an assault to law enforcement or the chain of command. Additionally, victims can request that their SHARP/SARC, Special Victim Counsel, or medical provider notify law enforcement.

c. In establishing the Restricted Reporting option, the DoD recognizes that a victim may tell someone that a sexual assault occurred before considering whether to file a Restricted or Unrestricted Report. A victim's communication to a friend or family member does not, in and of itself, prevent the victim from later electing to make a Restricted Report. However, if the person to whom the victim confided the information is in the victim's officer or non-commissioned officer chain of command or is DoD law enforcement, there can be no Restricted Report.

d. If a commander becomes aware of a sexual assault, he or she will report the matter to CID regardless of whether the victim has made a Restricted Report or no report at all.

7. Expedited Transfers will be processed at the Victims' request only under the unrestricted reporting option.

a. There is a presumption in favor of granting a request for transfer. The SARC will hand walk all expedited transfer paperwork to the appropriate personnel.

b. The Commander must act within 72 hours of receiving the request. If denied, the action is forwarded to the first General Officer in the Chain of Command.

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8. No Soldier may retaliate against a victim, alleged victim or another member of the Armed Forces based on that individuals report of a crime.
9. Sexual Assault involving a minor child, under the age of 18, must be reported to the civilian Child Advocacy Center where the child resides. The state of Hawaii requires mandatory reporting for all child abuse.
10. Commanders will initiate the administrative separation of any Soldier convicted of a sex offense whose conviction did not result in a punitive discharge or dismissal. This policy applies to all personnel currently in the Army, regardless of when the conviction for a sex offense occurred.
11. Commanders will consult with the DIVARTY Judge Advocate or Trial Counsel regarding any instance of sexual assault victim collateral misconduct prior to taking any disciplinary action.
12. Commanders will schedule and conduct sexual assault training prevention four hours annually (one hour per quarter). All training will be entered into Digital Training Management System (DTMS), placed on the training calendar, and copies of the class as well as the sign-in rosters will be maintained. All training stats will be forwarded to 25<sup>TH</sup> DIVARTY SARC no later than the last duty day of the month for further publication. All unit Sexual Harassment/Assault Response and Prevention (SHARP) training will be conducted in accordance with SHARP program guidelines.
13. Point of Contact for this policy is CPT Chris Walton, Trial Counsel, at 655-6959 or SFC Jean J. Torres, BDE SHARP/SARC at DSN: 808-655-6998, Cell: 808-859-5781 or email: [jean.j.torres.mil@mail.mil](mailto:jean.j.torres.mil@mail.mil).



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