



DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION AND US ARMY HAWAII
SCHOFIELD BARRACKS, HAWAII 96857

REPLY TO
ATTENTION OF:

APVG-CG

5 November 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Hawaii Policy Letter 8 - Prevention of Sexual Assault and Treatment of Victims

1. References.

a. DOD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March 2013, Incorporating Change 1, 12 February 2014.

b. HQDA EXORD 221-2012, Sexual Harassment/Assault Response and Prevention Program (SHARP) Synchronization Order, 23 June 2012.

c. ALARACT 007-2012, Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation Guidance, 12 January 2012.

d. Army Directive 2013-20, Assessing Officers and Non-Commissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program, 27 September 2013.

e. Army Directive 2013-21, Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses, 07 November 2013.

f. AR 600-20, Army Command Policy, 18 March 2008, RAR 004, 4 August 2011.

g. ALARACT 007-2012, Sexual Harassment/Assault Response and Prevention (SHARP) Program Implementation Guidance, 12 Jan 12.

2. Intent. To establish the policy on the prevention of sexual assault, treatment of victims, and accountability for those who commit sexual assault.

3. 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 of sexual assault. Commanders will ensure that victims of sexual assault know 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 their Brigade SARC. Leaders

will account for the rights of both the victim and the accused. Creating an environment of dignity and respect is imperative to changing the culture that prevents and combats sexual assault within our ranks.

4. Soldiers and their adult dependents who are victims of sexual assault can choose to make a Restricted Report or an Unrestricted Report, as described below. Additional resources and information are available at the USARHAW SHARP Resource Center, Building 692, Grant Hall, 3585 McCornack Road, Schofield Barracks, Hawaii 96857-6000.

a. Restricted Reporting: The victim confidentially discloses the details of his/her assault to the individuals specified below and will receive the opportunity for medical treatment, victim advocacy, counseling services and Special Victim Counsel legal assistance.

(1) Treatment occurs without triggering the official investigative process.

(2) A restricted report can be made by contacting the 24 hour on-call SHARP Hotline at (808) 655-9474, any appointed SHARP personnel (SARC and VAs), TAMC Emergency Room at (808) 433-6629/3710, a medical Primary Care Provider (PCM), or any Chaplain during duty hours, and On-Call Chaplain after duty hours via FOD at (808) 217-5989 (ask for the on-call Chaplain).

b. Unrestricted Reporting: The victim discloses the details of his/her assault to law enforcement and an official investigation begins. Victims may receive medical treatment, victim advocacy, counseling services, Special Victim Counsel legal assistance, and administrative rights, including expedited transfer and protection orders.

(1) An unrestricted report can be made by contacting the 24 hour on-call SHARP Hotline at (808) 655-9474, any appointed SHARP personnel (SARC and VAs), TAMC Emergency Room at (808) 433-6629/3710, a medical Primary Care Provider (PCM), or any Chaplain during duty hours, and On-Call Chaplain after duty hours via FOD at (808) 217-5989 (ask for the on-call Chaplain). In addition, an unrestricted report can be made when a victim reports an assault to his or her chain of command, or when a victim requests healthcare providers to notify law enforcement. Unrestricted reporting triggers the official investigative process.

(2) Victims may directly contact Military Police at 911 or (808) 655-5555, or the Criminal Investigation Command (CID) at (808) 655-8371. Details regarding the incident will be limited to those who have a legitimate need to know in order to protect privacy and maintain the dignity of those affected by sexual assault.

(3) In establishing the Restricted Reporting option, DoD recognizes that a victim may tell someone (e.g., roommate, friend, family member) that a sexual assault has occurred before considering whether to file a Restricted or Unrestricted Report.

(a) A victim's communication with another person (e.g., roommate, friend, family member) does not, in and of itself, prevent the victim from later electing to make a Restricted Report. Restricted Reporting is confidential, not anonymous, reporting. However, if the person to whom the victim confided the information (e.g., roommate, friend, family member) is in the victim's officer and non-commissioned officer chain of command or DoD law enforcement, there can be no Restricted Report.

(b) Communications between the victim and a person other than the SARC, SAPR VA, healthcare personnel, or Chaplain are NOT confidential and do not receive the protections of Restricted Reporting.

(4) The O-6 Brigade-level Commander will process, maintain investigative liaison with CID and SJA, and adjudicate an unrestricted sexual assault report.

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

(a) If a Soldier files a restricted report, but then seeks an expedited transfer, he/she must change his/her report to unrestricted.

(b) When the Commander determines that the report is credible, 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. These requests will not be sent through the orderly room or the S1.

(c) The Commander must act on the request within 72 hours of receiving the request. If denied, the action is sent to the first General Officer in their Chain of Command.

(d) If the Expedited or Compassionate reassignment is approved, the request will be sent to the I Corps SHARP Office to process with Human Resources Command (HRC).

(6) Sexual assaults involving a victim who is the offender's spouse / intimate partner, or a victim who shares a child with the offender must be reported to the Family Advocacy Program at (808) 433-8579.

(7) 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 cases.

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5. If information about a sexual assault comes to a commander's attention from a source other than a victim who has elected Restricted Reporting, or where no election has been made by the victim, that commander shall report the matter to CID and an official (independent) investigation may be initiated based on that independently acquired information.

a. If there is an ongoing independent investigation, the sexual assault victim will no longer have the option of restricted reporting when:

- (1) DoD law enforcement informs the SARC of the investigation, and
- (2) The victim has not already elected Restricted Reporting.

b. The timing of filing a Restricted Report is crucial. The victim MUST take advantage of the Restricted Reporting option BEFORE the SARC is informed of the investigation. If an independent investigation begins before an unrestricted report is filed, the SARC then shall inform the victim of an ongoing independent investigation of the sexual assault. If an independent investigation begins AFTER the victim has formally elected Restricted Reporting, the independent investigation has NO impact on the victim's Restricted Report and the victim's communications and Sexual Assault Forensic Examination (SAFE) Kit remain confidential, to the extent authorized by law.

6. It is vital that all commanders, directors, managers, and supervisors actively work to prevent any form of sexual assault from their areas of responsibility.

7. Commanders will initiate the administrative separation of any Soldier convicted of a sex-offense, as defined by AR 27-10 and Title 42 USC, 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 and regardless of component of membership and current status in that component.

8. Commanders will consult with the Senior Commander SHARP Office and the SJA on all instances of victim collateral misconduct involving a sexual assault prior to taking any disciplinary action.

9. Commanders will schedule and conduct training concerning the prevention of sexual assault four hours annually (once per quarter). The same training will not be given for all four hours. All Soldiers within the chain of command will attend this training and maintain copies of the class as well as the sign-in rosters. All unit Sexual Harassment/Assault Response and Prevention (SHARP) training will be conducted in accordance with ALARACT 007-2012.

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10. Proponent. The Senior Commander SHARP Office is the proponent staff agency for this policy memorandum. Questions concerning this policy should be directed to the Senior Commander SHARP Office, 808-655-9442/9441/1603.



CHARLES A. FLYNN
Major General, USA
Senior Commander

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