



UNITED STATES MARINE CORPS  
MARINE MEDIUM TILTROTOR SQUADRON 263  
MARINE AIRCRAFT GROUP 26  
2D MARINE AIRCRAFT WING  
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IN REPLY REFER  
1752  
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Policy Letter 02-10

From: Commanding Officer, Marine Medium Tiltrotor Squadron 263  
To: Distribution List

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE

Ref: (a) MCO 1752.5A

Encl: (1) Appendix D, MCO 1752.5A

1. Purpose. To publish updated policy guidance for identifying, reporting, and addressing the issue of sexual assault within VMM-263.

2. Background. Sexual assault is a crime. Sexual Assault is defined as intentional sexual contact, characterized by the use of force, physical threat of force or abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender, spousal relationship or age of victim. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion, or when the victim is sleeping, incapacitated, or unconscious.

3. Policy

a. Sexual assault will not be tolerated. Failures to report or ignoring sexual assault incidents have damaging consequences for the victim and for the unit. Where cause exists, appropriate legal and/or administrative actions will be taken against violators.

b. 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 the identity of a victim of sexual assault is released only to those who have a need to know (i.e. the unit commander, Provost Marshall Office, or Naval Criminal Investigative Service). The safety of a victim is paramount at all times. Victims who choose to make a restricted report in accordance with the reference will have that choice honored to the fullest extent. Victims who choose to make an unrestricted report must feel confident that their personal safety will be protected and that they will not be re-victimized by the organization. Marines/Sailors who are sexually assaulted are physically, mentally, and emotionally, traumatized and wounded. They must be treated with sensitivity and care.

c. Alcohol use is frequently cited in sexual assault incidents. Irresponsible consumption of alcohol can place a Marine at increased risk. It is imperative that Marines take care of each other and not allow a fellow Marine to be victimized due to intoxication.

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d. Leaders at all level will take immediate action to become familiar with the contents of the reference. All members of this command should become familiar with the contents of the reference and will receive annual refresher training by those trained to conduct it.

e. VMM-263 has assigned two Marines to the billet of Uniformed Victims Advocate (UVA) to assist the victims of sexual assault with seeking help. Point of contact information for these UVAs will be displayed in the unit common areas such as heads or information boards and will be located within the Non-Commissioned Officer duty hut of the squadron's barracks.

f. Sexual assault is a complete and total contradiction to the core values we hold so dear. Eliminating sexual assault will take a dedicated community effort. I challenge each leader and individual to accept responsibility for achieving this goal. Our Marines, Sailors, and family member deserve nothing less than our complete dedication to this cause.



C. S. NELMS

DISTRIBUTION: A

APPENDIX D

COMMANDER'S PROTOCOL FOR RESPONDING TO ALLEGATIONS OF SEXUAL  
ASSAULTS

1. Victim's Commander

a. Ensure the physical safety and emotional security of the victim - determine if the alleged assailant is still nearby and if the victim desires/needs protection.

b. Determine if the victim desires/needs any emergency medical care.

c. Notify the appropriate military criminal investigative organization (MCIO), as soon as the victim's immediate safety is assured, and victim's medical treatment procedures are in motion. To the 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. Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by the authorities who have a legitimate need-to-know.

e. Ensure the SARC is notified immediately.

f. Submit OPREP-3/SIR report as required.

g. Collect only the necessary information (e.g. victim's identity, location and time of the incident, name and/or description of offender(s)). **DO NOT ASK DETAILED QUESTIONS AND/OR PRESSURE THE VICTIM FOR RESPONSES OR INFORMATION ABOUT THE INCIDENT.**

h. Advise the victim of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while waiting for the arrival of representatives of the military criminal investigative organization.

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

j. Ensure the victim understands the availability of victim advocacy and the benefits of accepting advocacy and support.

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

l. Immediately notify a Victim Advocate for the victim. Contact the Sexual Assault Response Coordinator (SARC). If not already appointed, the SARC will assign a Victim Advocate to meet with and provide support to the victim.

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

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. 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, working 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.

p. To the extent practicable, consider the desires of the victim when making any reassignment determinations.

q. 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 or her victim support rights.

r. Attend the monthly case management meeting as appropriate.

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

t. Consult with servicing legal office, as needed, to determine when and how best to dispose of the victim's collateral misconduct, if any.

u. Absent extenuating or overriding considerations which, in the commander's judgment, make it inappropriate to delay taking action, the commander should consider deferring discipline for such victim misconduct until all investigations are completed and the sexual assault allegation has been resolved. Keep in mind the implications of this decision on speedy trial and/or statute of limitations.

v. When practicable, consult with the servicing legal office, MCIO, and notify the assigned VA or SARC prior to taking any administrative or disciplinary action affecting the victim.

w. 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 his/her related trauma without compromising his/her 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 established national security standards, per reference (o).

x. Throughout the investigation, consult with the victim and, to the 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.

y. 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 she/he 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. Any contact with a Service member suspected of an offense under Chapter 47 of reference (j) may involve rules and procedures that ensure due process of law and are unique to the military criminal justice system. Therefore, 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. However, if questioning does occur, do advise the Service member suspected of committing a UCMJ offense of his or her rights under Article 31 of Chapter 47 of reference (j).

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

f. Strictly limit information pertinent to an investigation to those who have a legitimate need-to-know.

g. Ensure procedures are in place to inform the alleged

offender, as appropriate, about the investigative and legal processes that may be involved.

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

i. With the benefit of SARC, VA, legal, and/or investigative advice, determine the need for a "no contact" order, or the issuance of a Military Protective Order, DD Form 2873.

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

### 3. Unit Commander of Victim and/Or Alleged Offender Prevention

a. Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of its entire member.

b. Reassure members of your personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.

c. Reiterate your "zero tolerance" policy on sexual assault and the potential consequences for those who violate the law.

d. Keep a "finger on the pulse" of the organization's climate and respond with appropriate action toward any negative trends that may emerge.