
First Responder to Sexual Assault

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The Department of Defense (DOD) is adopting a program of universal policies and procedures to address sexual assaults. This program assigns new roles and procedures and features a multidisciplinary approach that includes medical, spiritual, and mental health personnel; victim advocates; and sexual assault response coordinators (SARCs). In support of this program, the Department of the Army (DA) and the Military Police Corps are changing the way they respond to reports of sexual assault in order to create a safe environment for victims to report their assault. A telephone call to the installation provost marshal (PM) office is often the first notification of a sexual assault. The first responders to the scene are the military police or DA civilian police. These first responders are part of an installation response team that will grow to include medical, legal, social work, and investigative personnel and others. The new Army program is built around a team effort that coordinates resources to support the victim. The first responders to the crime scene are critical to that effort.

In some cases, at the victim's request, law enforcement will not become fully engaged or complete a criminal investigation. The installation PM office will still be involved in providing services to victims and ensuring that they are treated with dignity and respect. The traditional law enforcement response is to engage all investigative resources to track the offender and present a case suitable for prosecution. Those traditions and practices will continue—with the consent and support of the victim.

However, the victim has the option of requesting a restricted report. Restricted reporting is intended to give a victim additional time and increased control over the release and management of his or her personal information. It empowers the victim to seek relevant information and support to make informed decisions about participating in a law enforcement or criminal investigation. A victim who receives appropriate care and treatment is more likely to feel that his or her needs are of primary concern to the command and the agencies involved in addressing the assault.

In restricted reporting, the installation PM office may be the law enforcement agency to receive a call from a SARC, a chaplain, or medical treatment facility personnel. Each of these individuals is authorized to make a restricted report to law enforcement personnel and to withhold the name of the victim. They may ask the installation PM office to take custody of articles or property retrieved during a physical examination, to include a sexual assault evidence collection kit. The installation PM office will receive these property items, complete the chain of custody documentation, and prepare a police report (DA Form 3975, *Military Police Report*) on the incident. The SARC will provide the installation PM office with a unique identification number, which will be recorded in the police report, the Centralized Operations Police Suite, and the chain of custody documents. The name of the victim will not be recorded. The property will be retained in the installation PM office evidence room for one year. In all instances of restricted reporting, law enforcement personnel will remain in contact with the SARC, who is charged with a key communication role.

Law enforcement personnel play an important role in protecting any information concerning a restricted report on a sexual incident. They will not conduct any investigative activity or complete serious incident reports or blotter entries. Army Regulation 190-45, *Law Enforcement Reporting*, provides specific guidance on procedures to be followed for restricted reporting, and Army Regulation 195-5, *Evidence Procedures*, addresses PM procedures for the retention of property gathered and provided to the installation PM office. Additional information on these procedures can be found at the Office of the Provost Marshal General Web site at: http://www.hqda-aoc.army.pentagon.mil/AOC_Org/ODL/Operations-Branch/Cross/default.htm.

The victim may choose unrestricted reporting. In such a case, the traditional investigative procedures will be pursued with an increased emphasis on the command's responsibility to keep the victim informed monthly on the progress of the investigation. More

emphasis is placed on reporting and tracking actions taken by the chain of command against the offender. The SARC is responsible for coordinating and implementing the Sexual Assault Prevention and Response Program at the installation level. Installation and unit victim advocates work directly with the SARC, the victims of a sexual assault, and other installation agencies, including medical, legal, and social work personnel and the chain of command. Installation PMs must maintain regular contact with the SARC.

The installation Sexual Assault Review Board (SARB) requires the presence of the installation PMs at all scheduled meetings. The SARB consists of representatives from the medical, legal, investigative, and law enforcement staffs; the chain of command; and other designated personnel who are involved in the support of victims of a sexual assault. During

these meetings, information is exchanged to ensure that the victims receive all of the support services and information to which they are entitled.

The roles, responsibilities, and procedures for law enforcement personnel working in sexual assault cases require awareness of policy guidance on restricted and unrestricted reporting. The three essential ingredients to success are—

- Respecting the wishes of the victim in maintaining confidentiality for restricted reporting.
- Maintaining accountability of any property that is provided to the installation PM office.
- Keeping continuous contact with the installation SARC to ensure the flow of information to the victim and to the agencies involved in providing services to the victim.