



DEPARTMENT OF THE ARMY
UNITED STATES ARMY CHEMICAL, BIOLOGICAL, RADIOLOGICAL,
AND NUCLEAR SCHOOL
3RD CHEMICAL BRIGADE
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FORT LEONARD WOOD, MO 65473-8958

ATSN-CBZ

AUG 26 2013

MEMORANDUM FOR 3rd Chemical Brigade Personnel

SUBJECT: Command Policy #8, Sexual Assault Prevention and Response Program

1. REFERENCE. AR 600-20, Army Command Policy, dated 18 March 2008 (RAR 20 September 2012).

2. PURPOSE. This memorandum establishes the 3rd Chemical Brigade policy for the prevention of sexual assault and articulates procedures for reporting/filing sexual assault.

3. POLICY.

a. Sexual assault is a crime that cannot and will not be tolerated by this command! The nature of this crime is incompatible with our Army Values and its results can have long-lasting devastating effects on the victim and the commands ability to work as a team. I am committed to creating a climate that eliminates sexual assault incidents, however if an incident happens, I will ensure sensitive care and confidential reporting options are provided for victims, and hold accountable those who commit these crimes.

b. Sexual assault is a criminal offense that has no place in our Army. Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents. Sexual assault is punishable under the Uniform Code of Military Justice (UCMJ) and other federal, state and local civilian laws.

c. Sexual assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), aggravated sexual contact, abusive sexual contact, or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relations or age of the victim. "Consent" will 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, or coercion, or when the victim is asleep, unconscious or incompetent.

4. PROCEDURES.

a. All Soldiers and Civilians have a responsibility to report incidents of sexual assault. This policy applies both on and off post and duty and non-duty hours and to working, living and recreational environments, both on and off post housing. The following procedures are established for reporting incidents of sexual assault.

(1) Restricted Reporting. Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under

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this policy should report the assault to the on-call Sexual Assault Response Coordinator (SARC), Brigade SARC, Brigade Victim Advocate (VA), Battalion VA, Company VA, unit chaplain, or a healthcare provider. Note that if this option is selected the identity of the victim and assailant (if known) is not revealed to the chain of command. Therefore selection of this option may limit the ability of the government to prosecute the assailant, and restrict the chain of commands ability to provide adequate measures to limit contact between the victim and the assailant.

(2) Unrestricted reporting. Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation, to use the traditional reporting channels of the unit chain of command or law enforcement officials, or he/she may report the incident to the Brigade SARC, Brigade VA, Battalion VA, Company VA or the on-call SARC. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be disclosed to only those personnel within the chain of command who have a legitimate need to know.

b. All victims have the right to confidentiality, medical treatment and counseling, advocacy, and to select a reporting option compatible with their specific desires and situation without intimidation or fear of reprisal. I strongly encourage any victim of sexual assault to report immediately to the emergency room for treatment. Medical treatment, counseling, and victim advocacy will be provided to all victims regardless of reporting option selected.

c. This command is committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided support, advocacy and care. Resources for victims of sexual assault are listed at enclosure one.

5. PUNITIVE: The Sexual Harassment/Assault Response & Prevention Program is founded upon integrity and is designed for protection of individual rights. Therefore, Soldiers that knowingly submit a false sexual assault allegation (an allegation containing information or allegations that the complainant knew to be false) may be punished under the UCMJ. Violations of the provisions contained in this brigade policy may result in disciplinary action under the Uniform Code of Military Justice (UCMJ). This policy is punitive; failure to comply with the provisions of the paragraphs listed above is punishable under Article 92, UCMJ.

6. PROPONENCY. The proponent for this command policy is the 3rd Chemical Brigade Equal Opportunity Advisor (596-3497).


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Commanding