



DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNITED STATES ARMY CADET COMMAND  
FORT MONROE, VIRGINIA 23651-5000

REPLY TO  
ATTENTION OF

ATCC-ZA

1 September 2004

MEMORANDUM FOR All Personnel Assigned or Attached to U.S. Army  
Cadet Command (USACC)

SUBJECT: Prevention of Sexual Assault and Treatment of Victims  
Standard Operating Procedures (SOP)

1. References.

a. Memorandum, HQ, USACC, 1 Sep 04, subject: Policy  
Memorandum 12 - Prevention of Sexual Assault and Treatment of  
Victims.

b. Memorandum, HQ, TRADOC, 26 Apr 04, subject: Commander's  
Statement on Prevention of Sexual Assault and Treatment of  
Victims.

c. Army Handbook: Sexual Assault - Prevention and Response,  
23 Dec 98.

d. AR 608-18, The Army Family Advocacy Program.

e. Memorandum, HQ, USACC, 5 Dec 03, subject: Policy  
Memorandum 9 - Serious Incident Reporting (SIRs).

f. Memorandum, HQ, USACC, 17 Nov 03, subject: Policy  
Memorandum 1 - Prevention of Sexual Harassment (POSH).

2. Policy.

a. Sexual assault is a violation of Army core values and standards and constitutes a criminal act. Leaders will take an active role in eradicating sexual assault in the Army. The chain of command will provide a safe and secure environment to ensure victims know their concerns are being addressed while protecting the rights of the accused.

b. Sexual assault is defined as any behavior of a sexual nature performed against another person against their will. Sexual assault includes rape, forcible sodomy, assault with intent to commit rape or sodomy, indecent assault, or an attempt to commit any of these offenses. Any behavior of a sexual nature performed against another person against their will must be

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reported to the chain of command. Prevention of sexual assault and responsiveness to victims requires an integrated effort by Commanders at all levels and cooperation between all agencies. This effort is everyone's responsibility.

3. Procedures.

a. Leaders at all levels set the standards for soldiers, DA civilians, cadre members, and cadets.

(1) IAW reference 1e, supervisors and commanders are responsible for reporting any information concerning an alleged sexual assault to the chain of command immediately. A Serious Incident Report (SIR) is required in all cases including those in which the victim declines to make a formal report to law enforcement. These reports are on a "need to know" basis only. Every precaution should be taken to protect the victim's privacy.

(a) While all SIRs are handled as "For Official Use Only," do not prepare and forward these as routine SIRs. Include only personnel with a "need to know" on address lines. Reports of sexual assault will not include the victim's name, rank, position, or other identifying information. Regions should send SIRs directly to the Director, Personnel and Administration (ATCC-PA-M), for limited notifications.

(b) Whenever there is any report of a sexual assault on an adult victim, supervisors and commanders shall attempt to have the victim substantiate it. However, if the victim refuses and/or there is an independent report (i.e., police report or eyewitnesses), direct substantiation by the victim is not needed. The person sexually assaulted must be the one to make a report to the criminal authorities. Supervisors and commanders may not force the victim to report nor make a criminal report concerning the matter themselves. Whether or not a criminal investigation occurs is based on the victim's desire to make a formal report. Whether the victim formally reports or not, any alleged sexual assault must still be reported to the chain of command and the victim should still receive the same consideration and services.

(c) Any allegation involving sexual assault of a person not of legal age of consent is child abuse and must be reported in accordance with reference 1d.

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(2) Commanders and supervisors will treat victims with dignity and respect at all times, ensuring they receive immediate professional and medical care. Maintain a current list of appropriate military and/or local resources for victims of sexual assault at every duty location. Include contact information for victim advocate services.

(3) Sexual assault is a crime. Commanders and supervisors will cooperate fully, without bias, with all military and civilian law enforcement agencies in the investigative and judicial process in accordance with the UCMJ and local laws.

(4) Commanders and supervisors will seek and follow guidance from the chain of command in order to remain proactive in taking any necessary actions, to include possible reassignment of personnel, to ensure the victim's safety and rights. They will provide a non-judgmental, supportive work environment at all times and be responsive to the victim's needs while fulfilling mission requirements.

(5) Individuals mistreating or behaving in an inappropriate behavior toward sexual assault victims will not be tolerated. Commanders and supervisors will react immediately with appropriate administrative and disciplinary measures available to them to stop such behavior.

(6) Commanders and supervisors will ensure that all personnel under their command are educated about sexual assault prevention and victim's rights through the Army's annual Sexual Assault Awareness Training. Current USACC training is located on the USACC Blackboard. Commanders will ensure that prevention efforts are in effect at all times, such as buddy teams or escorts to vehicles during events at hours of darkness. Keep your workplaces and classrooms professional; do not tolerate sexual innuendos and remarks.

(7) While a policy cannot dictate your actions for all incidents, when you become aware of a sexual assault of cadre members, family members, or cadets through a third party, you must notify your chain of command.

(8) Safety, medical attention, and mental health are key elements.

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(a) Safety of all persons involved is your first concern.

(b) Encourage victims to visit a medical facility immediately. Be ready to assist the victim in coordinating the visit.

(c) The victim's mental and emotional health is also of concern. Your support or advocacy support for the victim must be coordinated. Know the mental health resources in your area and be ready to assist in setting up an appointment for the victim.

(d) Ensure your supporting on-call chaplain's contact information is immediately available to prevent any delay when support is needed.

b. All personnel are responsible for their actions - there is zero tolerance for sexual assault.

(1) Any person committing an act of sexual assault will be held accountable for their actions.

(2) All personnel who have any knowledge of a possible sexual assault should report it to their commander or supervisor immediately and cooperate fully with military and civilian law enforcement investigations.

(3) Any person who initiates or participates in inappropriate treatment of a sexual assault victim will be held accountable for their misconduct. If you witness or are subjected to any such mistreatment, report it to your chain of command immediately.

c. Region Commanders will provide a monthly report on the status of investigations of sexual assault allegations, to include civil and military cases, to the USACC Command Judge Advocate (CJA). The USACC CJA will provide the Commander, Cadet Command, a quarterly report on the status of sexual assault investigations.

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d. Region Commanders will ensure that offenses are reported to appropriate authorities:

(1) Regions will report offenses to their installations having GCMA (Fort Knox and Fort Lewis).

(2) IAW reference 1e, Regions will forward Serious Incident Reports to USACC within 24 hours. Send follow-up reports within 24 hours of changes to duty status or duty location, changes in civilian or military charges, and disposition of cases.

(3) After receiving CJA guidance, coordinate the attachment or reassignment of a soldier, if appropriate. You must separate the victim and alleged perpetrator. Local civilian jurisdiction may be a factor to be considered in reassignment.

(4) Ensure Brigades notify their local Criminal Investigation Division (CID). Coordinate with CID to ensure notification of the local law enforcement agency. Ensure notification of school administrators is in accordance with school policies.

(5) Ensure alleged perpetrators not subject to UCMJ are reported to local law enforcement agencies immediately, if the victim allows. Although the UCMJ does not apply in these cases, all other reporting requirements and support to victims still apply.

(6) Ensure Brigades and schools conduct annual training and train all newly arrived personnel. Training materials are located on the USACC Blackboard. Reference 1c is also an excellent resource.

4. We must protect the rights of every person assigned to this command. Sexual assault is a serious offense that can result in long-term consequences for the victim. Address reports of sexual assault immediately in accordance with all appropriate military and local civilian laws and policies with respect for the victim's rights and privacy.

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5. Do not confuse the definition of sexual harassment with sexual assault. Sexual harassment is also unacceptable conduct and will not be tolerated. Sexual Assault is defined in reference 1a. Additional information may be found in reference 1f.

FOR THE COMMANDER:

  
RADAMES CORNIER, JR.  
Colonel, GS  
Chief of Staff