

# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
Training, or Other Venues)  
As of 1 October 2017

## SHARP Supplemental Training

### Overview/Purpose

SHARP talking points are designed to supplement SHARP Annual Refresher Training. This toolkit will assist Commanders with creating a regular and repeated dialogue. Commanders can spend a few minutes during a regularly scheduled event (Commander's Calls, Safety Days, safety briefings, staff meetings, etc.) to discuss each topic, use when issues arise as on-the-spot training, or use when out in the field as quick hip-pocket training.

### Guidance

Commanders can administer all, some or none of these talking points to their Soldiers and DoD Civilian personnel. Contractors are highly encouraged, but not required to receive the talking points. The talking points have been divided into small segments. All twelve talking points supplement the 2018 SHARP Annual Refresher Training and SHARP Standing Strong online training found on the ALMS Training website.



### SENSITIVITY NOTICE

Commanders should address the sensitive nature of the content at the start of each brief to prevent unintentional disclosure of a sexual assault as well as acknowledge that victim sensitivity and care are top priorities for the Army.

### SUPPORT

Commanders can seek support from SJA or other legal office personnel on legal or investigative topics. SARC involvement should be specific to the SHARP program.

### RESOURCES

For additional resources or to access the talking points online, visit the [Commander's Toolkit](#) on the Army SHARP Website.



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## SHARP Supplemental Training

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### SENSITIVITY NOTICE

Commanders should address the sensitive nature of the content at the start of each brief to prevent unintentional disclosure of a sexual assault as well as acknowledge that victim sensitivity and care are top priorities for the Army.

### RESOURCES

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## SHARP PROGRAM AND COMMANDER ROLES AND RESPONSIBILITIES

### Objectives

- ❖ Identify SHARP program mission.
- ❖ Identify commander roles and responsibilities.

### Talking Points

- ❖ SHARP Mission: to reduce with an aim toward eliminating sexual offenses within the Army through cultural change, prevention, intervention, investigation, accountability, advocacy/response, assessment, and training to sustain the All-Volunteer Force.
- ❖ Ensure response services are gender-inclusive, culturally competent, and recovery-oriented.
- ❖ SHARP services are available 24/7, for all locations including deployed locations.
- ❖ Installation or Senior Commander oversight over local SHARP program—ensuring immediate, trained response capability exists to support victims.
- ❖ Contact the SARC for additional information and support.



### SENSITIVITY NOTICE

*Commanders should address the following sensitivity notice at the start of each brief to prevent unintentional disclosure of a sexual assault as well as acknowledge that victim sensitivity and care are top priorities for the Army.*

- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ SHARP Mission: to reduce with an aim toward eliminating sexual offenses within the Army through cultural change, prevention, intervention, investigation, accountability, advocacy/response, assessment, and training to sustain the All-Volunteer Force.
- ❖ The Army SHARP Program will:
  - ❖ Focus on the victim, doing what is necessary and appropriate to support his or her recovery, and transition to survivor.
  - ❖ Ensure SHARP response services are gender-inclusive, culturally competent, and recovery-oriented.
  - ❖ Offer unrestricted and restricted (confidential) reporting options.
  - ❖ Execute a proactive and comprehensive sexual assault prevention program to enable mission readiness and reduce – with a goal to eliminate – sexual assault from Army.
- ❖ SHARP services are available 24/7, for all locations including deployed locations.
- ❖ SHARP personnel will ensure victims are protected, treated with dignity and respect, and receive timely access to appropriate medical treatment and services.
- ❖ The Installation or host Senior Commander has oversight over the local SHARP program—ensuring immediate, trained response capability exists to support sexual assault victims. This includes, but is not limited to:
  - ❖ Establishing a command climate that is predicated on mutual respect and trust.
  - ❖ Ensuring that SHARP personnel meet the certification and recertification requirements.
  - ❖ Ensuring standardized, timely, accessible, and comprehensive healthcare for victims, to include the ability to elect a SAFE.
  - ❖ Requiring that victim care is gender-responsive, culturally competent, and recovery-oriented.
  - ❖ Taking immediate steps to ensure the physical safety and emotional security of a victim.
  - ❖ Protecting victims, witnesses, bystanders (who intervene), responders, or others parties to the incident from reprisal and retaliation.
  - ❖ Chairing the Sexual Assault Review Board (SARB) on a monthly basis to review individual cases of unrestricted sexual assault reports.
  - ❖ Ensure all assigned military and civilian personnel receive sexual assault prevention and response training.
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

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## DEFINING SEXUAL ASSAULT AND CONSENT

### Objectives

- ❖ Identify sexual assault.
- ❖ Identify punishment under the UCMJ.
- ❖ Identify consent.

### Talking Points

- ❖ Sexual Assault is inconsistent with our Army Core Values.
- ❖ Every allegation of sexual assault the chain of command is informed of will be referred to CID and the SARC.
- ❖ Sexual Assault within the SHARP program is defined as intentional sexual contact by force, threats, intimidation, abuse of authority, or victim does not or cannot consent.
- ❖ Sexual Assault conviction may generate mandatory dismissal or dishonorable discharge.
- ❖ Consent within SHARP program is defined as a freely given agreement to the conduct at issue by a competent person.
- ❖ **These definitions are NOT the definitions used for military justice actions under the UCMJ.**
- ❖ Contact SJA or SVC for sexual assault and consent UCMJ (criminal) definitions or for additional legal information.



### SENSITIVITY NOTICE

*Commanders should address the following sensitivity notice at the start of each brief to prevent unintentional disclosure of a sexual assault as well as acknowledge that victim sensitivity and care are top priorities for the Army.*

- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ Sexual Assault is sexual contact characterized/accomplished by use of force, threats, intimidation, or abuse of authority, or when the victim does not or cannot consent.
  - ❖ The term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit any of these acts.
  - ❖ Punitive UCMJ offenses are listed in the Manual for Courts Martial under Articles 120, 120a, 120b, 120c, or 125 of the UCMJ; or attempts to commit such acts punishable under Article 80.
  - ❖ At minimum, punishment for rape or sexual assault includes a mandatory dismissal or dishonorable discharge if found guilty in a general court-martial.
- ❖ When it comes to sexual relations, the best way to prevent sexual assault is by obtaining consent from the other person. If you are a Soldier or DA Civilian, always act in ways that are consistent with our Army values. Don't engage in any sexual conduct with someone who does not or cannot consent. Consent is about communication. If you are unsure about consent, always ask, ensure you have permission to proceed or stop.
- ❖ **This discussion is not intended to educate you on the legal definition of sexual assault and consent under the UCMJ and in particular what level of intoxication is required under the law so that a person is incapable of legal consent or deemed incompetent. All of you could potentially serve as court-martial members (panel). In that case a military judge will instruct you on the legal definitions that will be pertinent to your duty as court-martial members. The training definitions and concepts of consent, sexual assault, and possible sentences that we are going to discuss today are not a substitute for a military judge's legal instructions during a court-martial.**
- ❖ Consent as defined by the SHARP program is freely given agreement to the conduct at issue by a competent person. Additionally, DoD includes the following in the SHARP consent definition:
  - ❖ An expression of lack of consent through words or conduct means there is no consent (verbal or nonverbal)
  - ❖ Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.
  - ❖ A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.
  - ❖ A sleeping, unconscious, or incompetent person cannot consent.
- ❖ A person does not give consent merely because they did not say "no" or did not fight back.
- ❖ *Consent is not automatic.* Even if there was a prior sexual relationship, there is no automatic permission to have sex with them again.
- ❖ Sexual harassment is not the same as sexual assault. Sexual harassment involves:
  - ❖ Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that unreasonably interferes with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- ❖ **These definitions are NOT the definitions used for military justice actions under the UCMJ.** They are guidelines to consider when determining if there is consent. If you have questions regarding the legal definition of consent contact your local legal office.
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

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## SEXUAL ASSAULT REPORTING OPTIONS

### Objectives

- ❖ Identify reporting options for sexual assault.
- ❖ Identify exceptions to restricted reports.
- ❖ Discuss document retention, including use for potential Veteran Affairs benefit application.

### Talking Points

- ❖ Reporting options:
  - ❖ Unrestricted – investigated
  - ❖ Restricted – confidential, not investigated, reported to SARC, VA, or healthcare
- ❖ Exceptions to restricted reports include:
  - ❖ Victim provides written authorization
  - ❖ To prevent/lessen a serious and imminent threat
  - ❖ Disability Evaluation Boards (DEB) and Medical Evaluation (MEB) officials participating on boards
  - ❖ SARC, VA or healthcare supervising victim services
  - ❖ When required by law.
- ❖ DD Forms 2910, 2911, and SAFE Kits are retained indefinitely or until the case is completed.
- ❖ Victims should retain records for potential VA benefits applications
- ❖ Contact the SARC or a SVC for additional information and support.



### SENSITIVITY NOTICE

*Commanders should address the following sensitivity notice at the start of each brief to prevent unintentional disclosure of a sexual assault as well as acknowledge that victim sensitivity and care are top priorities for the Army*

- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ Unrestricted reporting – When a person chooses to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report and any details provided to the SARC, Healthcare Personnel, a VA, command authorities, or other persons are reported to law enforcement and may be used to initiate the official investigation process.
- ❖ Restricted reporting – A process used by a Service member, dependent 18 years of age and older, as well as DoD civilians use to report or disclose that he or she is the victim of a sexual assault to specified officials on a requested confidential basis. Under these circumstances, the victim's report and any details provided to the SARC, Healthcare Personnel, or a VA will not be reported to law enforcement to initiate an official investigation unless the victim consents or an established exception is exercised under DoDD 6495.01.
- ❖ There are exceptions to restricted reports. This means that sometimes circumstances require that your Restricted Report of sexual assault must be disclosed. The following persons or organizations may be told about your sexual assault report for the reasons stated in each exception:
  1. Command officials or law enforcement when you provide written authorization.
  2. Command officials or law enforcement to prevent or lessen a serious and imminent threat. This may be a threat to the health or safety of you or another person. Multiple reports involving the same alleged suspect may also meet this criteria.
  3. Disability Evaluation Boards, Medical Evaluation Boards, and the officials participating in the boards. The report may be disclosed to these parties when it is required for fitness for duty or disability retirement determinations. Disclosure is limited to only that information necessary to make a determination for disability processing.
  4. SARC, VA or healthcare personnel when required for the direct supervision of victim services.
  5. When required by law.
- ❖ **Before disclosing any information, SARCs, VAs and healthcare personnel will first consult with the servicing legal office. The legal office will determine if any of the above exceptions apply, if there is a duty to disclose the information, and who will make the disclosure when required.**
- ❖ DD Forms 2910 and 2911 are retained indefinitely, to include retention of any investigative records.
  - ❖ DD Form 2910 – Victim Reporting Preference Statement
  - ❖ DD Form 2911 – DoD Sexual Assault Forensic Examination (SAFE) Report
- ❖ It is recommended that victims retain sexual assault records for potential use in VA benefits applications.
- ❖ SAFE Kits are retained indefinitely years for both unrestricted and restricted reports
  - ❖ SAFE Kits are used to store and safeguard any evidence collected during a SAFE.
  - ❖ For restricted reports, victims have the opportunity to change their minds and convert to unrestricted.
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.



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## AVAILABLE RESOURCES

### Objectives

- ❖ Identify available resources for restricted or unrestricted reports.

### Talking Points

- ❖ Reporting options:
  - ❖ Unrestricted – investigated.
  - ❖ Restricted –not investigated, confidential, reported to SARC, VA, or healthcare personnel.
- ❖ Available victim resources:
  - ❖ SARC
  - ❖ Advocacy from a VA
  - ❖ Sexual Assault Forensic Exam (SAFE)
  - ❖ Special Victims' Counsel (SVC)
  - ❖ Mental Health
  - ❖ Medical (Primary Care)
  - ❖ Chaplain
  - ❖ DoD Safe Helpline
  - ❖ Expedited Transfer (applies to military members who are the victim of a sexual assault and unrestricted reports)
  - ❖ Military or Civilian Protective Orders (unrestricted only)
- ❖ Contact the SARC for additional information and support.



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- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
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## Supplemental Information

- ❖ Individuals have the option of filing an unrestricted or restricted report and receiving services that are gender-responsive, culturally-competent, and recovery-oriented.
- ❖ The following resources are available for sexual assault victims when filing a restricted report:
  - ❖ SARC or Victim Advocate
  - ❖ Sexual Assault Forensic Exam (SAFE)
  - ❖ Special Victims' Counsel (SVC)
  - ❖ Mental Health (e.g. Counseling)
  - ❖ Medical (Primary Care)
  - ❖ Chaplain
  - ❖ DoD Safe Helpline
- ❖ Remember restricted reports initiate confidential victim support without triggering command knowledge or law enforcement investigation.
- ❖ SVCs and Chaplains have and maintain privileged communications with victims, but cannot accept an official sexual assault report. They can refer the victim to the SARC or VA who can accept an official report.
- ❖ As a reminder, Military OneSource has mandatory reporting requirements.
- ❖ Individuals filing an unrestricted report have the same resources available as individuals filing a restricted report. In addition to those resources, the following are also available:
  - ❖ Command Support
  - ❖ Expedited Transfer (ET). Only applies to military victims of sexual assault who file an unrestricted report. DoD civilians cannot receive a ET.
  - ❖ Military Protective Order (MPO)
- ❖ Remember that unrestricted reports initiate a law enforcement investigation and command support.
- ❖ Victims can opt to change their restricted reports to unrestricted at any time, but cannot change their unrestricted report to restricted.
- ❖ Here is a quick refresher on terms we just went over:
  - ❖ Sexual Assault Forensic Exam (SAFE) — Allows for collection of forensic evidence without giving up confidentiality and is not processed unless/until a victim converts their report to an unrestricted report. SAFE kits are retained by the Army indefinitely.
  - ❖ Special Victims' Counsel (SVC) — Attorneys who provide confidential legal assistance through independent representation to victims.
  - ❖ Expedited Transfer (ET) — Allows victims an option of a PCS or PCA to support immediate and future welfare of the victim.
  - ❖ Military Protective Order (MPO) — Ensures victim safety by prohibiting the alleged offender from contacting or communicating with the victim. MPOs are only enforceable on installations. Victims can also seek a Civilian Protective Order (CPO) when off the installation.
- ❖ If you have any questions, please contact the SARC for additional information and support, including available resources off the installation (i.e., local rape crisis centers, national/state sexual assault coalitions, culture and gender specialized organizations, survivor networks and support groups, etc.).
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

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## Victim Rights and Legal Assistance

### Objectives

- ❖ Identify rights afforded to sexual assault victims.
- ❖ Provide handout of [DD Form 2701](#) – Initial Information for Victims and Witnesses of Crime.
- ❖ Identify the role of the Special Victims' Counsel (SVC).

### Talking Points

- ❖ Sexual assault victims have the right to, *but not limited to*,:
  - ❖ Be treated with fairness and respect for your dignity and privacy
  - ❖ Be reasonably protected from the accused offender
  - ❖ Receive notice and be present unless military judge orders otherwise
  - ❖ Reasonably confer with the prosecutor/Trial Counsel in the case
  - ❖ Receive available restitution
  - ❖ Proceedings free from unreasonable delay
- ❖ SVC – Provide confidential legal assistance through independent representation to victims.
- ❖ For more information, contact the SVC and refer to DD Form 2701.



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- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ Sexual assault victims have the following rights (DD Form 2701):
  - ❖ The right to be treated with fairness and respect for your dignity and privacy;
  - ❖ The right to be reasonably protected from the accused offender;
  - ❖ The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
  - ❖ The right to be present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony;
  - ❖ The right to reasonably confer with the prosecutor/Trial Counsel in the case;
  - ❖ The right to receive available restitution;
  - ❖ The right to be reasonably heard at: 1) a public hearing concerning the continuation of any pretrial confinement of the accused; 2) a sentencing hearing related to the offense; 3) a public Military Department Clemency and Parole Board hearing related to the offense;
  - ❖ The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence;
  - ❖ The right to proceedings free from unreasonable delay;
  - ❖ The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.
- ❖ SVC – Provide confidential and at no cost legal assistance through independent representation to victims.
  - ❖ The relationship between a victim who obtains an SVC is an attorney/client one—meaning privileged communication and confidentiality are maintained.
  - ❖ SVCs cannot accept an official sexual assault report, but can refer victims to the SARC or VA who can accept an official report (DD Form 2910 required).
  - ❖ Unrestricted reports – SVCs can provide assistance in CID interviews, obtaining MPOs, Expedited Transfers, Trial and Defense Counsel interviews, Court-Martial, complaints about retaliation and reprisal, etc.
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

### DD Form 2701



Ensure that participants receive a copy of the Initial Information for Victims and Witnesses of Crime brochure for this talking point brief.

## Your Rights as a Victim.

As a crime victim, you have the following rights:

- The right to be treated with fairness and respect for your dignity and privacy;
  - The right to be reasonably protected from the accused offender;
  - The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
  - The right to be present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony;
  - The right to reasonably confer with the prosecutor/Trial Counsel in the case;
  - The right to receive available restitution;
  - The right to be reasonably heard at: 1) a public hearing concerning the continuation of any pretrial confinement of the accused; 2) a sentencing hearing related to the offense; 3) a public Military Department Clemency and Parole Board hearing related to the offense;
  - The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence;
  - The right to proceedings free from unreasonable delay;
  - The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.
- For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <http://vwac.defense.gov/>

## If You Need Additional Assistance:

In regard to the status of the investigation, contact the investigator below:

(Name)

(Telephone Number)

In regard to other assistance available, contact the command Victim/Witness Liaison (VWL), or the person identified below:

(Name)

(Telephone Number)

In regard to the prosecution, contact the legal office below:

(Name)

(Telephone Number)

In regard to compensation for medical or other expenses, contact the state office for Crime Victim Compensation:

(Office Name)

(Telephone Number)

In regard to any reprisal, retaliation, or ostracism you experienced as a result of reporting a crime, contact:

(Office Name)

(Telephone Number)

You may be eligible for legal assistance and/or a Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC), depending on the specific offense. To determine eligibility or obtain assistance, contact these offices at:

(Legal Assistance Office)

(Telephone Number)

(SVC/VLC Office Number)

(Telephone Number)

If you believe one of your rights as a victim or witness of a crime has been violated, contact the following authority responsible for receiving and investigating such complaints:

(Office Name)

(Telephone Number)

# DEPARTMENT OF DEFENSE



## INITIAL INFORMATION FOR VICTIMS AND WITNESSES OF CRIME

## **Initial Information For Victims and Witnesses of Crime**

**Introduction.** We are concerned about the problems often experienced by victims and witnesses of crime. We know that as a victim or witness, you may experience anger, frustration, or fear. The Victim/Witness Liaison (VWL) can help. His or her name is listed on the back of this brochure.

We have prepared this brochure to help you deal with the problems and questions which often surface during an investigation and to provide you with a better understanding of how the military criminal justice system works. Your continued assistance is greatly needed and appreciated.

A criminal investigation can be both complex and lengthy and may involve several agencies, some Federal and some local. You can request a status report of the investigation by contacting the investigator handling the case. His or her name is listed on the back of this brochure. It is important to keep the assigned investigator and your VWL informed of any changes to your address, email, or telephone number.

**If You Are Threatened or Harassed,** if anyone threatens you or you feel that you are being harassed because of your cooperation with this investigation, contact the investigator or the VWL right away. It is a crime to threaten or harass a victim or witness.

**Safety.** For your safety, you may want a civilian restraining order, military protective order, or temporary shelter. Certain victims may request a transfer, and dependents may request a personal safety move. Your VWL, Victim Advocate, and the Family Advocacy Program (FAP) can assist you in safety planning and obtaining counseling. For further information, please call your VWL, Victim Advocate, or FAP official. If you fear for your immediate safety, call 911, or notify law enforcement.

**If You Were a Victim of Spouse or Child Abuse.** For information about these steps or about counseling services, call the Family Advocacy Office or the VWL. If the offender is convicted or discharged for abusing you or your children, you may be eligible for "transitional compensation" benefits. Contact the VWL identified on the back of this brochure for further information.

**Restitution.** If an individual is arrested and prosecuted in federal court, you may be eligible for restitution. Restitution is court-ordered payment to you as a victim of crime, generally for out-of-pocket costs. It is made by the offender for any out of pocket expenses caused by the crime. Restitution cannot be ordered as a sentence in a military court-martial, but it can be used as a condition of a pre-trial agreement to plead guilty to an offense, or as a condition of clemency or parole. Under Article 139, Uniform Code of Military Justice, victims may be provided with relief if the property loss or damage resulted from wrongful taking or willful damage by a Service member due to riotous, violent, or disorderly conduct. Contact your VWL for further information on available restitution.

If your property was stolen, we hope to recover it as part of our investigation. If we do, we will notify you and return it to you as quickly as possible. Sometimes property needs to be held as evidence for trial. We will return your property once it is no longer needed as evidence.

**If You Need Assistance With Your Employer or Command.** If you have problems at work because of the crime or the investigation, we can contact your employer or Commanding Officer to discuss the importance of your role in the case.

**Pretrial Confinement.** If an accused offender is placed in pretrial confinement, there may be a 7-day review on whether to continue such confinement. Victims have the right to be reasonably heard at this review. Both victims and witnesses can seek a military or civilian protective order if safety is a concern and the accused offender is released before trial.

**Trial.** Once an offense has been referred to trial, you will be contacted by the Trial Counsel (prosecutor), district attorney, or the Assistant U.S. Attorney assigned to handle your case, as appropriate. Each command, district attorney, and U.S. Attorney has a Victim/Witness Responsible Official to help answer your questions and deal with your concerns during the prosecution. You may have the right to be consulted at key stages in the trial and will be informed of these rights by trial counsel. If you are the victim of a sexual assault, and the case goes to court-martial, you will be entitled to receive a copy of the record of the trial.

**Legal Assistance and Special Victims' Counsel/ Victims' Legal Counsel (SVC/VLC).** If you are a member of the Armed Forces or a dependent, you have the right to speak with a legal assistance attorney, at no cost. You may contact the legal assistance office listed on the back of this form. If you are the victim of sexual assault and certain related offenses, you may also be entitled to the assistance of a SVC/VLC, in addition to services provided by a Sexual Assault Response Coordinator and your Victim Advocate.

**If You Believe You Were the Victim of Reprisal, Retaliation, or Ostracism.** Federal law prohibits military members, civilian employees, and contractors from reprisal, retaliating, or ostracizing individuals who report a crime or provide information relating to a criminal investigation. Prohibited actions may include taking, or threatening to take an unfavorable personnel action; withholding, or threatening to withhold a favorable personnel action; or socially ostracizing you for making a protected communication. If you believe someone has reprisal, retaliated, or ostracized you for reporting a crime or participating in a criminal investigation, contact the corresponding official listed on the back of this form.

**If You Were Injured.** If you do not have insurance to pay the cost of your medical or counseling bills, or related expenses, the state Crime Victim Compensation office may be able to assist.

**Financial and Emotional Impact of Crime.** Many victims and witnesses are emotionally affected by the crime. Although everyone reacts differently, victims and witnesses report some common behaviors, such as increased concern for their personal safety and that of their family, trouble concentrating on the job, difficulty handling everyday problems, feeling overwhelmed, and thinking of the crime repeatedly.

Some or all of these behaviors may occur and should ease with time. They are normal reactions but you may wish to see a counselor. State resources may be available to assist you with recovery, to include possible reimbursement for costs or financial losses you may have had, such as lost wages. Your VWL will have further information.

# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
Training, or Other Venues)  
As of 1 October 2017

## MILITARY RULE OF EVIDENCE (MRE) 514: COMMUNICATION AND CONFIDENTIALITY

### Objectives

- ❖ Recognize that MRE 514 provides privileged communication between a victim/survivor and their SARC or VA.

### Talking Points

- ❖ Victim or SARC/VA can refuse to disclose communication made with SARC/VA if:
  - ❖ Facilitating advice or supportive assistance from SARC/VA
- AND**
- ❖ Not intended for third party
- ❖ Applies to all stages of the process – from initial report to court-martial
- ❖ Contact the SARC for additional information and support.



### SENSITIVITY NOTICE

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- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ Whether a victim filed an unrestricted report or an independent investigation was launched, a victim can maintain confidentiality with their SARC or VA under Military Rule of Evidence (MRE) 514.
  - ❖ This privilege applies to all stages of a UCMJ proceeding—from initial investigation to a court-martial.
  - ❖ Under MRE 514, a victim can refuse to disclose privileged communications made with their SARC or VA when:
    - ❖ Conversations are made for the purpose of facilitating advice or supportive assistance
- AND**
- ❖ When they are not intended to be disclosed to a third party.
  - ❖ SARCs and VAs can refuse to disclose these conversations on behalf of the victim.
  - ❖ For example, a victim seeks advice from the VA about their sexual assault and underage drinking. Law enforcement later asks the VA questions about the victim's underage drinking.
    - ❖ Because the conversation is protected under MRE 514, the VA is prohibited from disclosing any information about the victim.
  - ❖ Communications between victim and SARC/VA are given similar protection as that between the patient and a mental health professional.
  - ❖ If you have any questions, please contact the SARC for additional information and support.
    - ❖ Name: \_\_\_\_\_
    - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
  - ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.



# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
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As of 1 October 2017

## SEXUAL ASSAULT MILITARY JUSTICE UPDATES

### Objectives

- ❖ Identify military justice updates that impact victims/survivors.

### Talking Points

- ❖ Recent military justice updates for victims and offenders:
  - ❖ Eliminates the 5 year statute of limitations on sexual assault as defined by the UCMJ.
  - ❖ Requires offender mandatory dismissal/dishonorable discharge
  - ❖ Enhances victims' rights
  - ❖ Provides more support and access to SVCs
- ❖ Contact the SARC or SVC for additional information.



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## Supplemental Information

- ❖ Recent updates to the military have enhanced victims' rights.
- ❖ Offenders will also be impacted by the recent updates.
- ❖ These military justice updates include:
  - ❖ CID, defense counsel, and others must request victim interviews through the Special Victims' Counsel (SVC). If no SVC, then through trial counsel.
  - ❖ Allowing the victim the right to be accompanied to an interview by the SARC, VA, SVC, or other counsel for the government.
  - ❖ Consulting with the victim/survivor on their preference whether the sexual assault offense should be prosecuted by court-martial, or in a civilian court with jurisdiction, for offenses that occur in the U.S.
  - ❖ The victim has the right to submit matters for consideration by the convening authority during the clemency phase of the court-martial process. The convening authority will not consider the victim's character as a factor in making his or her determination unless such matters were presented at trial and not excluded at trial.
  - ❖ Requiring a minimum mandatory sentence of dismissal or dishonorable discharge for persons found guilty in a general court-martial of: rape under Article 120(a); sexual assault under Article 120(b); forcible sodomy under Article 125; or an attempt to commit these offenses under Article 80 of the UCMJ.
  - ❖ Eliminating the 5 year statute of limitations on sexual assault as defined by the UCMJ.
  - ❖ Requiring that sex-related findings/determinations (NJP) be included in personnel records and mandating commanders to review personnel records of incoming Service members for these notations.
  - ❖ Making changes to Article 32 (preliminary hearings) and limiting convening authority's ability to disapprove or change findings pursuant to Article 60 (convening authority) of the UCMJ.
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
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As of 1 October 2017

## INDEPENDENT INVESTIGATION

### Objectives

- ❖ Identify a third party report (independent investigation).
- ❖ Recognize that only the unrestricted report option is available after an investigation is opened.

### Talking Points

- ❖ When information regarding a sexual assault is provided to law enforcement by someone other than the victim (i.e. third party).
- ❖ When a third party reports to law enforcement, an official investigation may be initiated.
- ❖ Mandatory reporters include: Commanders, First Sergeants, chain of command (includes supervisors and supervisory chain) and law enforcement.
- ❖ Independent investigation opened before victim files a report with the SHARP Office: only unrestricted reporting option available.
- ❖ Contact the SARC or SVC for additional information and support.



### SENSITIVITY NOTICE

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- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ An independent investigation occurs when law enforcement initiates an official investigation of a sexual assault after a third party report.
  - ❖ A third party can be witnesses, friends, family, roommates, supervisors, chain of command, etc.
  - ❖ Commanders, First Sergeants, chain of command (includes supervisors and supervisory chain), and law enforcement are mandatory reporters and are required to contact law enforcement.
  - ❖ Military OneSource also has mandatory reporting requirements.
- ❖ If a victim filed a restricted report (by signing DD Form 2910) BEFORE the SARC is informed of an independent investigation by law enforcement, they can maintain their restricted report.
  - ❖ The SARC, VA, and healthcare personnel will maintain confidentiality and will not disclose covered communications, including the existence of a restricted report or prior contact with the victim, unless the victim authorizes the disclosure in writing or another exception applies.
- ❖ A victim CAN decline to participate in an investigation whether an unrestricted report or restricted report is made.
  - ❖ A victim cannot be compelled to participate or be interviewed.
- ❖ If an independent investigation is opened before a victim files a report, they can only file an unrestricted report.
  - ❖ The restricted reporting option is no longer available.
  - ❖ Victims will have confidential and privileged communication with their SVC, SARC or VA.
- ❖ An independent investigation does not automatically convert a restricted report to an unrestricted report.
  - ❖ The victim can convert their restricted report to an unrestricted report, especially if they want to access services and resources such as military protective orders, expedited transfers, and support from their chain of command.
- ❖ It is permissible for a roommate, friend, or family member (excludes law enforcement personnel) to not report the incident when the victim has expressed to that individual that he or she wishes the report to remain restricted.
  - ❖ If a victim discloses information about their sexual assault to individuals other than the SARC, VA, or healthcare personnel this may limit the ability to request a restricted report.
  - ❖ The more individuals are aware of the incident/details surrounding the sexual assault, the greater possibility of disclosures and opening an official investigation.
  - ❖ If there is a third party report to law enforcement before a victim elects a restricted report, the only option available will be an unrestricted report.
- ❖ All restricted reporting information is still confidential and protected.
- ❖ However, unauthorized or inadvertent disclosures made to a commander, supervisor or law enforcement will be reported to law enforcement, which may start an investigation by MCIO.
- ❖ If you have any questions about independent investigations or other SHARP matter, please contact the SARC for additional information and support.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
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As of 1 October 2017

## MILITARY PROTECTIVE ORDERS AND EXPEDITED TRANSFERS

### Objectives

- ❖ Identify the option of a Military Protective Order (MPO).
- ❖ Identify the option of an Expedited Transfer (ET).

### Talking Points

- ❖ Unrestricted reports – victims can request No Contact Orders/MPO, and/or an ET.
- ❖ MPO – issued by alleged offender's commander to prohibit contact or communication with the victim. Only enforceable on installation.
- ❖ ET– PCS or PCA to support immediate and future welfare of military sexual assault victim. (note: ET is not available to DoD civilians)
- ❖ Victims can seek support from the SARC and/or SVC to initiate requests.
- ❖ Contact the SARC for additional information and support.



### SENSITIVITY NOTICE

*Commanders should address the following sensitivity notice at the start of each brief to prevent unintentional disclosure of a sexual assault as well as acknowledge that victim sensitivity and care are top priorities for the Army.*

- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ Sexual assault victims who have filed an unrestricted report can request an MPO or ET via support from the SARC or SVC. This includes instances of retaliation and reprisal.
- ❖ MPO – Ensures the safety of a victim by prohibiting the alleged offender from contacting or communicating with the victim and/or their dependents (DD Form 2873).
  - ❖ Issued by alleged offender's commander and copies supplied to victim and alleged offender.
  - ❖ Remains in effect until the commander terminates the order or issues a replacement order.
  - ❖ Denials of requests go to the installation commander (in consultation with a judge advocate) for the final decision.
  - ❖ Enforced only on installations, but victims can seek Civilian Protective Orders (CPO).
  - ❖ Commanders, Security Forces and MCIOs shall reasonably ensure that a CPO is given full force on all DoD installations within the jurisdiction of the court that issued such order.
- ❖ ET – Provides military sexual assault victims an option to request a permanent change of station or a temporary or permanent change of assignment to support the immediate and future welfare of the military victim. (note: ET is not available to DoD civilians)
  - ❖ Initiated by the victim via support from the SARC, VA, or SVC and the victim's unit commander.
  - ❖ Installation or Senior Commander has 72 hours to make a determination on the request.
  - ❖ If disapproved, victims can appeal to the G/FO in their chain of command.
  - ❖ Once approved, HRC will process the PCS for the ET.
  - ❖ When approved, the losing commander will inform the gaining commander and will limit the information related to facts and care to provide context for victim behavior.
  - ❖ The SARC will not transfer the case documents to the gaining SARC without written consent from the victim.
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
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As of 1 October 2017

## SEXUAL ASSAULT AND SECURITY CLEARANCES (SF 86)

### Objectives

- ❖ Recognize that individuals completing Question 21 of SF 86, Questionnaire for National Security Positions, may answer "No" if they are sexual assault victims.

### Talking Points

- ❖ Sexual assault victims may answer "No" to SF 86 Question 21 about health care consultation when they meet both criteria noted below:
  - ❖ A sexual assault victim **AND**
  - ❖ Consulted on emotional/mental health condition strictly for sexual assault
- ❖ SF86 is the Questionnaire for National Security Positions.
- ❖ Contact the SARC or SVC for additional information.



### SENSITIVITY NOTICE

*Commanders should address the following sensitivity notice at the start of each brief to prevent unintentional disclosure of a sexual assault as well as acknowledge that victim sensitivity and care are top priorities for the Army.*

- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ SF86 is the Questionnaire for National Security Positions.
- ❖ When an individual is completing an SF 86 for a security clearance investigation or reinvestigation, a sexual assault victim may answer “No” to Question 21 with respect to consultation with a health care professional if they meet both criteria noted below:
  - ❖ The individual is a victim of a sexual assault, AND
  - ❖ The consultation occurred with respect to an emotional or mental health condition strictly in relation to the sexual assault.
- ❖ For example, an Airman decided to go to a mental health counselor to talk about their sexual assault trauma.
  - ❖ A year later, that Soldier is up for a security clearance reinvestigation and answers “No” to Question 21 on the SF 86 because the consultation was related to a sexual assault.
- ❖ It is Army and Department of Defense policy for a sexual assault victim to answer “No” to Question 21 and they will not be penalized.
- ❖ As a general reminder, the Army recommends that victims retain their sexual assault records for potential use in VA benefits applications. These documents include DD Form 2910 and DD Form 2911, which are retained by the Army indefinitely.
- ❖ DD Form 2910 is the Victim Reporting Preference Statement.
- ❖ DD Form 2911 is the DoD Sexual Assault Forensic Examination (SAFE) Report.
- ❖ The Army also retains SAFE Kits indefinitely for both restricted and unrestricted reports.
- ❖ SAFE Kits are used to store and safeguard any evidence collected during a SAFE.
  - ❖ A SAFE is a voluntary medical and forensic examination of a sexual assault victim under circumstances and controlled procedures to ensure the physical examination process and the collection, handling, analysis, testing, and safekeeping of any bodily specimens and evidence meet the requirements for use as evidence in criminal proceedings.
  - ❖ For restricted reports, the victim’s SAFE Kit is marked with a restricted report control number to prevent disclosure of the victim’s identity to law enforcement.
  - ❖ The indefinite retention also gives victim with restricted reports time to decide whether they want to convert to an unrestricted report, launching an official investigation.
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.



# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
Training, or Other Venues)  
As of 1 October 2017

## Defining Sexual Harassment and Sexual Harassment Reporting Options

### Objectives

- ❖ Define sexual harassment.
- ❖ Identify ways to report a sexual harassment.

### Talking Points

- ❖ Sexual harassment is inconsistent with our Army Core Values.
- ❖ Every allegation of sexual harassment will be addressed.
- ❖ Sexual harassment within the SHARP program is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- ❖ Reporting options:
  - ❖ Formal
  - ❖ Informal
- ❖ DD Form 7279
- ❖ Contact the SARC for additional information and support.



### SENSITIVITY NOTICE

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- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ Sexual harassment is a form of sex discrimination
- ❖ Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - ❖ Submission to or rejection of is made a term or condition of a person's job, pay, career;
  - ❖ Submission to or rejection of is used as a basis for career or employment decisions;
  - ❖ Conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment
- ❖ Two Types of Sexual Harassment: **Remember, a third party—not just the object of the attention—can also view behaviors as sexually harassing!**
  - ❖ Quid Pro Quo/Sexual Coercion
    - Demanding sexual favors in exchange for a promotion, award, or favorable assignment
    - Disciplining or relieving a subordinate who refuses sexual advances
    - Threatening a poor job evaluation for refusing sexual advances
  - ❖ Hostile Environment

Subjected to offensive, unwanted, and unsolicited comments or behaviors of a sexual nature. If these behaviors unreasonably interfere with an individual's performance, then the environment is classified as hostile

    - Derogatory, gender-biased terms
    - Sexually suggestive pictures or jokes
    - Unwanted touching
- ❖ How to tell if it is Sexual Harassment:
  - Is the behavior sexual in nature?
  - Is the behavior unwelcomed?
  - Would a reasonable person find the behavior to be inappropriate?
  - Does one or more of the following:
    - Do the elements of power, control, or influence exist?
    - Does the behavior create a hostile or offensive environment?
- ❖ Military Reporting Options:
  - ❖ Formal Complaint
    - Must be submitted in writing within 60 days of the alleged offense (DA Form 7279)
    - Follow-up Assessment DA Form 7279-1
    - Commander required to identify and rectify sexual harassment complaint
    - Must follow a formal process and meet specific timelines for processing
  - ❖ Informal Complaint
    - Not filed in writing and is not subject to time suspense
    - Resolved directly by the individual, with the help of another unit member, the commander or other person in the complainant's chain of command
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
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As of 1 October 2017

## Bystander Intervention

### Objectives

- ❖ Define bystander intervention.
- ❖ Review steps to intervene.
- ❖ Review 3 Ds of intervention.

### Talking Points

- ❖ Bystanders are individuals who witness emergencies, criminal events or situations that could lead to criminal events and by their presence may have the opportunity to provide assistance, do nothing, or contribute to the negative behavior.
- ❖ Active bystanders are individuals whose behaviors intervene in ways that impact the outcome positively.
- ❖ 5 steps of being an active bystander
- ❖ 3 D's of to intervening



### SENSITIVITY NOTICE

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- ❖ We will be discussing SHARP related content, which can be sensitive for some individuals.
- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ Bystanders are individuals who witness emergencies, criminal events or situations that could lead to criminal events and by their presence may have the opportunity to provide assistance, do nothing, or contribute to the negative behavior.
- ❖ Active/pro-social bystanders are individuals whose behaviors intervene in ways that impact the outcome positively.
- ❖ 5 Steps of being an active bystander:
  - ❖ Notice that something is happening
  - ❖ Recognize something is wrong and needs intervention
  - ❖ Take personal responsibility
  - ❖ Know how you can help
  - ❖ Take Action
- ❖ 3 D's of intervention:
  - ❖ Direct: Check in with the person potentially being harmed or the person potential doing the harm, call someone out on their inappropriate behavior, etc.
  - ❖ Delegate: Ask for help from a supervisor, friend, co-worker, SARC or VA, etc.
  - ❖ Distract: Ask for directions, drop some paperwork on the floor, ask if anyone wants to go to a movie, ask about the TPS reports, etc.
- ❖ If you have any questions, please contact the SARC for additional information and support.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SHARP can connect you with an SVC.

# Commander's Toolkit: SHARP Talking Points

(For Commander's Calls, Hip-Pocket Field  
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As of 1 October 2017

## RETALIATION AND REPRISAL

### Objectives

- ❖ Identify retaliation and reprisal policy
- ❖ Identify reporting options for retaliation and reprisal
- ❖ Discuss types of retaliation and reprisal

### Talking Points

- ❖ Army Directive 2014-20 (Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense).
- ❖ Report Retaliation to the Inspector General (IG) office.
- ❖ Three types of retaliation actions



### SENSITIVITY NOTICE

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- ❖ If anyone needs support or is considering reporting an assault, please consider reaching out to a confidential resource that will protect your reporting options: SARC, Special Victims' Counsel (SVC), Mental Health, Chaplain, or DoD Safe Helpline.



## Supplemental Information

- ❖ As per Army Directive 2014-20 (Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense)
- ❖ No Soldier may retaliate against a victim, an alleged victim or another member of the Armed Forces based on that individual's report of a criminal offense.
- ❖ Policies in place:
  - ❖ It is every commanders' and supervisors' duty to protect complainants from reprisal or retaliation (AR 600-20, 5-12, section e).
  - ❖ If the complainant still feels they are being retaliated against they should make a report to the IG (AR 600-20, 5-12, section e).
  - ❖ At every SARB, SARCs and VAs are to bring up the issue of reprisal and if the complainant or victim is experiencing it (Army Directive 2015-16 Command Engagement to Prevent Retaliation).
- ❖ Retaliation can take on 3 types of actions:
  - 1) Taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action
  - 2) Ostracism
  - 3) Acts of cruelty, Oppression or Maltreatment
- ❖ If you have any questions about the SHARP program, please contact the SARC.
  - ❖ Name: \_\_\_\_\_
  - ❖ Tel: \_\_\_\_\_ Address: \_\_\_\_\_
- ❖ If you have general questions about legal terms, consult with your base legal office. If you have reported a sexual assault and obtain SVC representation, then what you say to the SVC is confidential. Your SARC can connect you with an SVC.

## References

- ❖ AR 600-20, Army Command Policy
- ❖ HQDA EXORD 221-12, Sexual Harassment/Assault Response and Prevention (SHARP) Program Synchronization Order
- ❖ DoDI 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures
- ❖ DoD SAPRO, Annual/Refresher SAPR Training Core Competencies and Learning Objective

## Resources

- ❖ Army SHARP: <http://www.sexualassault.army.mil>
- ❖ AF SAPR: <http://www.af.mil/SAPR.aspx>
- ❖ DoD SAPRO: <http://www.sapr.mil/>
- ❖ If you have any legal questions, it is recommended that you reach out to your SJA for guidance.

## Credit

- ❖ USAF SAPR Program's: Commander's Toolkit SAPR Talking Points

