

ALCOAST 292/20 - JUL 2020 SEXUAL ASSAULT PREVENTION, RESPONSE AND RECOVERY (SAPRR) POLICY UPDATE: SEXUAL ASSAULT VICTIM CONFIDING IN ANOTHER PERSON

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TO ALCOAST

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ALCOAST 292/20

COMDTNOTE 1754

SUBJ: SEXUAL ASSAULT PREVENTION, RESPONSE AND RECOVERY (SAPRR) POLICY UPDATE:
SEXUAL

ASSAULT VICTIM CONFIDING IN ANOTHER PERSON

A. COMDT COGARD WASHINGTON DC 080802 JAN 20/ALCOAST 003/20

B. Sexual Assault Prevention and Response (SAPR) Program, COMDTINST M1754.10E

C. United States Coast Guard Regulations 1992, COMDTINST M5000.3B

1. The Commandant's vision for our Service is founded on our Core Values of Honor, Respect, and Devotion to Duty. Every member of our workforce has a responsibility to foster a climate of trust and dignity – as well as a duty to act against abhorrent crimes like sexual assault. In alignment with REF (A) and our emphasis on facilitating victim recovery, this message updates REF (B) to increase options for victims of sexual assault to confide in another person.

2. REF (B), Chapter 4.C is amended as follows:

a. Sexual Assault Victims may confide in another person (e.g., roommate, friend, and/or family member including military or civilian spouse) without affecting their reporting options. A victim confiding in another person does not automatically create an Unrestricted Report, and does not automatically preclude a victim from making a Restricted Report. Victims who confide in another, subject to the restrictions in paragraph b., will have the option to choose whether to make a Restricted or Unrestricted Report of sexual assault.

b. This policy provides an exception to the mandated duty to report criminal offenses per REF (C). If the person to whom the information is confided is a Coast Guard member, that person will not have a duty to report that sexual assault. Discussing the sexual

assault with a member of the clergy, Victim Advocate, or Special Victims Counsel does not activate a report and is always considered confidential.

c. Confiding in another person does not include confiding in a superior in the victim's immediate chain of command, up through the Unit's Command Cadre, or USCG Base Security/DoD law enforcement. If the victim confided the SA information to a civilian law enforcement officer, the command may be notified depending on the agency's policy. If the command learns of the SA from any source, the command must notify the Coast Guard Investigative Service, which will prompt an Unrestricted Report and an investigation. Additionally, some civilian healthcare and responder occupations mandate, under various state laws, that their members report sexual assault, and in some cases, notify law enforcement.

d. REF (B) specifies that communications between the victim and a person other than the Sexual Assault Response Coordinator, Victim Advocate, Health Care Provider, Special Victims Counsel, or Chaplain are NOT privileged. This policy remains unchanged. Therefore, any information disclosed by the person in whom the victim confided is not protected. If the person in whom the victim confided is questioned by law enforcement, the person may be required to disclose the information shared by the victim.

3. This policy is effective immediately but does not affect cases already being investigated or adjudicated. This policy will be incorporated in the next update to REF (B).

4. There will be no hardcopy distribution of this change. Additional information including Frequently Asked Questions (FAQs) is located on CG Portal at: <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Human-Resources-CG-1/Health-Safety-and-Work-Life-CG-11/Office-of-Work-Life-CG-111/Sexual-Assault-Prevention-and-Response-Program/>.

5. POC: Ms. Andrea L. McKie COMDT (CG-1111), SAPRR Program Specialist, (202) 475-5151, Andrea.L.McKie@uscg.mil.

6. RADM J. M. Nunan, Assistant Commandant for Human Resources, sends.

7. Internet release is authorized.