

**COAST GUARD OMBUDSMAN ADVANCED TRAINING
SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM****Introduction**

This ombudsman advanced training will provide the OMBUDSMAN with a more thorough description of SAPR goals and response efforts so the OMBUDSMAN understands how sexual assault victim response is handled by SAPR personnel and how the OMBUDSMAN can support these efforts.

Objectives

After completing this lesson, students should be able to:

- **UNDERSTAND** the Ombudsman's role in SAPR
- **RECOGNIZE** sexual assault
- **IDENTIFY** "myths" about sexual assault
- **IDENTIFY** program services/resources
- **EXPLAIN** the details of confidentiality and the reporting options

References

The following references were used to develop this unit:

- Sexual Assault Prevention and Response Program, COMDTINST 1754.10 (series)
- Hecht Schafran, L. (1998). Barriers to Credibility: Understanding and Countering Rape Myths. National Judicial Education Program Legal Momentum
- Coast Guard Ombudsman Program, COMDTINST 1750.4 (series)
- Coast Guard Ombudsman Training Student Guide (May 2014)

**Sexual Assault
Prevention and
Response**

Sexual assault prevention and response (SAPR) is a high-visibility area for the military and a priority for the Coast Guard. Sexual assault is a criminal act, incompatible with the Coast Guard's core values, high standards of professionalism and personal discipline.

The SAPR Program provides service to military members, reservists serving on active duty or in a drill status, and military dependents that are 18 years or older, unless it is an intimate partner sexual assault, which would be referred to a Family Advocacy Specialist (FAS). Intimate partner is defined as someone with whom the victim shares a child in common or someone who shares or has shared a common domicile.

The purpose of the SAPR Program is to eliminate sexual assault within the Coast Guard by providing a culture of prevention, education and training, response capability, victim support, reporting procedures, and accountability that enhances the safety and well-being of all its members.

Military dependents understand that their OMBUDSMAN is experienced in military culture and is a great source of helpful information. In order to do this, an OMBUDSMAN must understand the nature of sexual assault, the resources available, and the procedures to be followed subsequent to a report.

It is important to remember that an OMBUDSMAN is a mandated reporter and must notify Command and the field SARC of all alleged reports of a sexual assault. It is vital that OMBUDSMEN make this known to individuals prior to someone disclosing an assault to them.

Sexual Harassment

Although this training is about sexual assault, it is important to understand the difference between sexual harassment and sexual assault.

Sexual harassment may be a crime, depending on the form it takes, but sexual assault is always a crime. Both sexual harassment and sexual assault are punishable under the Uniform Code of Military Justice (UCMJ).

Sexual harassment is a form of gender discrimination and is characterized by:

- Unwelcome sexual advances
- Requests for sexual favors
- Verbal or physical conduct of a sexual nature

Sexual harassment is further defined as “repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character.”

Sexual assault and sexual harassment are not the same, although they are related. If left unchallenged, sexual harassment can result in sexual assault.

What is Sexual Assault

Sexual assault is intentional sexual contact, characterized by the use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent.

Sexual assault includes rape, forcible sodomy, and other unwanted indecent contact (e.g., kissing against another person's will) that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts.

Consent is words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of refusal or lack of consent through words or conduct means there is no consent (i.e., "No Means No"). Lack of verbal or physical resistance or submission by the victim does not constitute consent, especially when it results from:

The accused's:

- Use of force
- Threat of force
- Placing another person in fear

The victim's:

- Intoxication
- Unconsciousness due to sleep or alcohol consumption
- Any other conditions which render the person substantially incapacitated or substantially incapable of understanding the nature of the sexual act
- Declining participation in the act, or communicating unwillingness to engage in the sexual act
- Current or previous dating relationship
- Manner of dress of the victim

Victims of sexual assault may experience shock, denial and fear and have other emotional, physical, and psychological reactions.

Such as:

- Shame/guilt
- Anger/rage
- Depression/isolation
- Sleep and eating disruptions
- Nightmares
- Suicidal thoughts/attempts
- Hyper/hypo sexuality
- Drug or alcohol abuse

SAPR Program

SAPR is a victim-centric program. This means that the victim's wishes are considered whenever possible, and the victim is consulted at every stage of the investigative and legal processes.

Sexual assault response efforts fall into two categories: victim response and alleged offender accountability. Sexual Assault

Response Coordinators (SARCs) and Sexual Assault Victim Advocates (SAPR VAs) conduct an intake and assessment of victims for services.

Because victims of sexual assault, unlike victims of most other crimes, often have strong feelings of guilt and shame associated with the assault, the first responders, medical personnel and SAPR personnel offer non-judgmental support.

SAPR is a voluntary program with all personnel trained to assist victims when, how and to the extent the victim wishes. SAPR VAs are the first responders for victims of sexual assault.

The most important thing for ombudsmen to remember about the SAPR program is that it is victim-centered. Sexual assault is one of the most unreported crimes. Some victims reach out for help directly from the crime scene. Others may come forward after weeks, months, even years. However, most do not ever report the crime. We will begin by looking at common barriers to reporting sexual assault.

Barriers to Reporting

Although many reasons are given for not reporting and for delayed reporting of sexual assault, some of the most common are:

- Sense of shame about disclosing the details of the assault
- Having family and friends hear the details
- The perception as having permitted the assault or being complicit in the assault
- Fear of being seen by the command as weak
- Embarrassment due to underage drinking
- Memory block because of alcohol
- Fear of the legal process
- Desire by females to be seen as tough
- Desire to protect alleged offender from harsh punishment
- Lack of trust in chain of command or system
- Concern about career, unit and mission
- Lack of privacy or fear of exposure
- Accusations of victim
- Having to retell and relive the assault
- Fear of higher-ranking alleged offenders
- Self-blame
- Fear of punishment for collateral misconduct

Male victims may have additional fears. Victims of male-against-male sexual assault may fear that others might think they are

homosexual. Male victims often feel acutely ashamed because they believe they allowed themselves to be assaulted.

Victims of drug or alcohol facilitated sexual assault may have willingly taken the drugs or drunk the alcohol, however, do to their impairment, they are unable to provide consent. They may feel ashamed because they believe the assault is somehow their fault.

One of the most common things that those working with victims of sexual assault tell victims is that the assault is not their fault. No matter what a victim did before or during the assault, they did not cause or deserve the assault.

Roles and Responsibilities

Sexual Assault Response Coordinators (SARC) are the single point of contact for incorporating and coordinating sexual assault victim care services for all CG members and their dependents 18 years or older. Additionally, the SARC tracks the services provided to a victim from the initial report through final disposition and resolution. The SARC is assisted with these duties through trained uniformed volunteers that serve as Victim Advocates (VA). Ombudsmen should contact the SARC whenever they have questions.

Victim Advocates (VA) - VA's are not counselors, therapists, or investigators, but advocates for the victim and the only responders whose sole interest is to ensure the victim's needs are met. The VA provides information and support until the case is concluded or the victim no longer has a need for the additional support.

Note: *SAPR VAs do not keep records. SAPR VAs submit all SAPR records to the SARC on the next business day.*

Special Victim Counsel (SVC) - Coast Guard SVC attorneys can be assigned to victims upon request to offer legal advice and guidance regardless of the reporting option elected.

Coast Guard Investigative Service (CGIS) - Responsible for conducting criminal investigations into allegations of sexual assaults where the victim or subject is a military member or a military dependent.

Expedited Transfer- A victim that elects an Unrestricted Report may also request to change his/her current location permanently or temporarily due to several factors, especially those factors involving safety concerns.

Reporting Options

Although the Coast Guard is committed to the accountability and prosecution of sexual alleged offenders, it is equally committed to ensuring that victims of sexual assault are protected, treated with dignity and respect, and provided support, advocacy, and services. Because sexual assault is the most unreported violent crime and mandated reporting can represent a barrier for victims to access support, the Coast Guard believes that a system that promotes privacy and confidentiality may have a positive influence in bringing victims forward.

With this in mind, the Coast Guard offers two reporting options for active-duty victims of sexual assault and their legal dependents 18 years of age and older:

Unrestricted reporting — for victims of sexual assault who want medical treatment, advocacy, counseling and an official investigation of the crime, and

Restricted reporting — for victims who want to confidentially disclose the crime to specifically identified individuals and receive medical treatment, advocacy and counseling without triggering command notification and official investigation.

Unrestricted Reporting

Unrestricted Reporting - An Unrestricted Report means that a full investigation by Coast Guard Investigative Service (CGIS) will be launched and the command is notified. This type of reporting offers the best benefit to the victim as it provides for services such as an expedited transfer and military protective order. However, victims are adults and therefore provided the opportunity to make an informed decision. Victims also have the option of whether or not to participate in a law enforcement investigation.

Unrestricted Reporting gives law enforcement a greater ability to protect the victim through military protective orders as well as seeking justice for a victim through the legal realm.

Unrestricted reporting ensures the widest range of rights and protections to the victim, including an official investigation of the allegations, alleged offender accountability, and additional command protective actions. The victim has access to the same support and care offered with a restricted report, to include medical treatment, advocacy services, counseling, chaplain and legal assistance.

Unrestricted reporting triggers command notification. When a sexual assault is reported to an ombudsman, it must be reported to

the field SARC and the commanding officer. Assaults perpetrated by a current or former spouse, or current or former intimate partner should be handled as a domestic abuse case and are reportable to the FAS and the commanding officer.

All unrestricted reports of alleged sexual assault that involve adult victims and alleged offenders will be reported regardless of the military affiliation of the victim or alleged offender or the location in which the assault occurred.

Unrestricted Reporting Applicability

The following individuals may choose to make an unrestricted report:

- Any military medical beneficiary
- Active-duty service members
- Reservists
- Adult military dependents sexually assaulted by someone other than a spouse or intimate partner

Reserve members who were sexually assaulted while performing active service or inactive duty training are entitled to full SAPR services.

Unrestricted Reporting Benefits

Unrestricted reporting benefits include:

- Protection of victims
- Accountability of the assailant
- Special consideration of the duty status for victims
- Reduced threat of attacks on others

Unrestricted Reporting Limitations

There are limitations when someone chooses an unrestricted report:

- Victims cannot change to restricted reporting
- Victims may consider the investigation or legal process to be too intrusive
- Assault will become known and discussed among those with a need to know
- The investigation and court proceedings could be lengthy

***Note:** If a victim inadvertently makes an unrestricted report (e.g., tells the leading petty officer), nothing in Coast Guard confidentiality policy requires the victim to participate in any criminal justice investigation that might be initiated. A victim may choose not to provide a statement to CGIS.*

Restricted Reporting

A victim may disclose a sexual assault as a confidential report (Restricted Report) to a SARC or VA, and no investigation will take place regarding that report. If a victim discloses his/her sexual assault to anyone other than those mentioned below, a Restricted Report would not be available to the victim.

To file a restricted report, the victim can only disclose a sexual assault to the following people:

- SARC
- SAPR VA
- Healthcare provider
- Chaplain

Note: *Chaplains have confidentiality due to their role within a command. Any disclosure made to a Chaplain remains confidential but is not an official report, either Unrestricted or Restricted.*

Investigations of restricted reporting cases may occur if:

- The commander receives information from a source independent of the restricted reporting avenues.
- The victim discloses the circumstance of the sexual assault to someone other than the SAPR VA, SARC, chaplain, or healthcare provider (the protective sphere). For example, if the command received notification of an assault from a witness or someone that the victim/alleged offender told about the assault, the command would then be required to notify law enforcement to investigate.

Restricted Reporting Applicability

Restricted reporting is only available to active-duty military personnel and military dependents 18 years of age or older. This means that a victim can receive services without informing the command of the sexual assault for triggering an investigation.

Reserve members who were sexually assaulted while in civilian status (i.e., prior to or while not performing active service or inactive training) are only eligible to receive limited, immediate short-term SAPR support services from a Sexual Assault Response Coordinator (SARC) or Sexual Assault Prevention and Response Victim Advocate (SAPR VA), including Restricted and Unrestricted Reporting options. The SARC or SAPR VA will connect them to appropriate resources and service for further care and assistance.

Restricted Reporting Exceptions

Any victim, including active-duty personnel, who discloses a sexual assault by a current or former spouse or intimate partner, will be referred to Coast Guard Family Advocacy.

When someone under age 18 is sexually abused by someone older than 18 or in a position of power or authority over them (e.g., a teenage babysitter), this constitutes child sexual abuse and will be referred to FAP.

Restricted Reporting Benefits

Unrestricted reporting benefits include:

- Removing barriers for victims
- Enabling victims to change to unrestricted reporting
- Providing victims time to consider their options and begin the healing process
- Empowering victims

Restricted Reporting Limitations

The limitations of making a restricted report include:

- Assailants remain unpunished
- Victims cannot receive military protective orders or be reassigned for safety
- Evidence from crime scenes may be lost
- Victims are limited in terms of with whom they can discuss the assault

Ombudsman's Role in SAPR

Many ombudsmen are uncertain about what to report, when to report it, and to whom. The most important thing to remember is that ombudsmen are not counselors, and when in doubt, contact the SARC and ask about the situation, without giving the victim's name. The SARC will help decide what action is necessary.

When speaking with someone who **MAY BE** trying to disclose a sexual assault, the ombudsman should ask the caller if they believe they are in immediate danger or in need of medical attention. If they answer "Yes," ask them to stay on the phone with you while you call 911. If they answer "No," explain the mandatory reporting requirements. If the caller has not disclosed a sexual assault, a restricted report can still be made. You may provide the phone number for the SARC and Safe Helpline information, as well as offer to contact the SARC for the victim.

It is not up to the ombudsman to determine whether a sexual assault has occurred. If a victim seeks advice from or reports directly to an ombudsman, the ombudsman needs to be clear about their responsibility in reporting. When a sexual assault is reported

to an ombudsman, it must be reported to the SARC and the commanding officer, and restricted reporting is no longer an option.

“Pausing” a Possible SAPR Reportable

The crime of sexual assault is of a sensitive and unique nature, and Coast Guard members and their families are trained to trust that their Ombudsmen will keep their information confidential. Ombudsmen have an obligation under policy to report any known or suspected sexual assault to his or her command and the SAPR. Once they learn of a sexual assault, a restricted report is no longer an option. It is important for Ombudsmen to keep this in mind when taking calls from command and family members.

If in the course of taking a call from a member or family member, the Ombudsmen suspects that a sexual assault is about to be disclosed, he or she should attempt to preserve the victim's option of a restricted report. Keeping in mind that it may have taken the caller a lot of courage to make this report, the Ombudsman should do and say what is possible and appropriate to allow the caller to retain the option of still making a restricted report if he or she chooses. A reminder of the reportables and a recommendation for an alternate person to speak to (such as the SARC, the Chaplain, or any member of Work-Life) if what the caller wants to discuss falls into a "reportable" category might make a world of difference in the life of a sexual assault victim who chooses not to make the Coast Guard aware of the assault.

Report

Ombudsmen must report all allegations of sexual assault to the field Sexual Assault Response Coordinator (SARC) and the CO/OIC for appropriate action.

In cases of sexual assault, ombudsmen should consider the abuse or assault alleged if:

- An individual discloses to the ombudsman an abuse or assault.
- A third party discloses to the ombudsman that they witnessed abuse or assault.
- The ombudsman has first-hand knowledge of abuse or assault.

After a Report is Received

When a report is received by the SARC or VA, the victim is given the option of a Restricted or Unrestricted report. Note that Restricted Reporting may not be an option if the victim has already disclosed the sexual assault outside of the SARC or VA.

The victim signs form (CG 6095) to make the selection. During the initial meeting, the victim's needs are assessed and discussion with the victim occurs regarding the need for medical treatment and/or forensic evidence collection.

The victim's safety concerns are also addressed. If this is an Unrestricted Report, the command and Coast Guard Investigative Services (CGIS) will be notified and a multi-disciplinary group (called a SAPR Crisis Intervention Team) will convene within 24 hours to discuss the case and make recommendations.

If this is a Restricted Report, the command and CGIS will not be contacted but the victim will receive all required services available within the scope of a Restricted Report.

Regular contact is made with the victim, most often through the VA assigned by the SARC to the victim. Ombudsmen should not be following up or expect to hear any additional information once the report is made to command and the SARC.

The SARC and VA have numerous resources to offer the victim based on their needs and desires.

From the initial report to the point at which the victim requests no further support, the SARC and VA will provide service to the victim.

Civilians who report an assault to a SARC/VA are provided initial crisis intervention and given resources for assistance available within their communities.

Conclusion

OMBUDSMAN are critical to keeping family members informed of their role (mandated reporter) what the SAPR Program offers, and how to contact the SARC in the AOR for additional information and resources. The SAPR Program website, www.uscg.mil/sapr is frequently updated with SARC contact information.