

Sexual Assault Prevention and Response Program (SAPR)
Marine Corps Base, Camp Pendleton, CA
Frequently Asked Questions (FAQs)

Question: What is sexual assault?

Answer:

Sexual assault is defined as intentional sexual contact, characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts.

Question: Does digital (finger) penetration constitute sexual assault?

Answer:

Yes, digital penetration meets the definition of sexual assault.

Question: What constitutes consent?

Answer:

Consent is defined as words or overt acts indicating a freely given agreement to the sexual conduct at issue by a *competent person*. Consent shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.

Question: Who does the SAPR program cover?

Answer:

The SAPR program applies to military service members, their spouses, and dependent family members 18 years of age or older sexually assaulted in a non-domestic situation (e.g.: a Marine sexually assaulted by Service member, friend, civilian, or stranger). Marines assaulted by someone they have a domestic relationship with (e.g. current or former spouse, never married but share a child in common, live in intimate partner) are not covered under the SAPR program. This would fall under the Family Advocacy Program (FAP) MCO 1754.11 and be reported through Counseling Services. A FAP Victim Advocate can explain the domestic violence sexual assault policy and the program protections. Camp Pendleton's 24/7 FAP Helpline is 760-500-2633.

Question: What will the command do about my misconduct?

Answer:

If, as a victim, you are engaged in prohibited conduct (e.g. underage drinking, out of bounds, off-limits establishment, fraternization, or adultery) prior to the sexual assault, the command will decide whether to bring disciplinary actions on the misconduct. Your commander has complete discretion in addressing violations of established rules and orders within the unit. However, the SARC will advise the commander of the Commandant White Letter dated 29 April 2005. The White Letter advises commanders to consider

delaying addressing a victim's collateral misconduct. Commanders are encouraged to wait until the sexual assault investigation is completed before holding a victim accountable for their misconduct. However, a commander can choose to address the victim's misconduct at any point in the process.

Question: Do I have to report a sexual assault?

Answer:

Maybe. MCO 1752.5B states that Marines, when not designated as a UVA, are required to immediately report incidents of sexual assault which come under their *observation* to their command. If the person whom the victim confided the information (e.g., roommate, friend, family member) is in the victim's chain of command or law enforcement, there can be no Restricted Report. A Victim Advocate (VA) or Uniformed Victim Advocate (UVA) is not a mandatory reporter except in cases involving imminent life threatening danger to the self or others. If you desire to make a restricted report it is important that you seek out a VA, UVA, SARC, Military Mental Health Counselor, or Chaplain to maintain confidentiality. In the state of California healthcare personnel are mandated reporters to law enforcement of all alleged, suspected, or known sexual assaults so please ensure that you speak with an Advocate first to help maintain the Restricted Reporting option.

Question: How do I report?

Answer:

There are several ways to make an initial report of a sexual assault. Depending on whether you choose to make a Restricted or Unrestricted report, you will have reporting options. Under *restricted* reporting, you can make a report confidentially to a VA, UVA, Sexual Assault Response Coordinator (SARC), Military Mental Health Counselor, or Chaplain. In *unrestricted* reporting, you may report to any command personnel, PMO, NCIS, legal, VA, UVA, SARC, Chaplain, or a healthcare provider. To make a report of a sexual assault, the Camp Pendleton 24/7 reporting line is **760.500.1707**.

Question: Can I seek support services without reporting?

Answer:

Yes. Both DoD policy and MCO 1752.5B allow sexual assault victims to make a restricted report. Restricted reporting allows you to obtain the necessary medical, counseling and mental health services without reporting to law enforcement. ** It is very important to be aware that due to California state law, all medical facilities (civilian and military) are required to report to law enforcement agencies all cases of suspected or actual sexual assault. **

Question: Under restricted reporting can I change my mind about not reporting to authorities?

Answer:

Yes. Restricted reporting is a tool to assist you, as a victim of sexual assault, in addressing the myriad of emotions surrounding a sexual assault. The Marine Corps' goal is to hold all perpetrators of sexual assault accountable. However, the Corps realizes that you may not be able to immediately face the challenges that come along with reporting to authorities. Therefore, you may choose to make a restricted report initially, but may change your mind when and if you choose to make an unrestricted report.

Question: Is confidentiality absolute?

Answer:

No. In those instances where your or another person's safety is in imminent danger, confidentiality is deemed waived. There are several other exceptions to confidentiality, which your VA or UVA will explain in more detail.

Question: Do I have to use on base services?

Answer:

No. A civilian VA, or UVA, can provide referral information for off base services. Please contact one of them for further details.

Question: If I choose not to use installation services will I be responsible for any costs associated with civilian resources?

Answer:

Maybe. All civilian medical services must be coordinated with Tricare except for medical emergencies. Tricare or a medical treatment facility should be contacted beforehand to ensure coverage of the services.

Question: What should I expect? Why don't I feel like myself? How will I feel?

Answer:

Crime affects different people in different ways. The way a person feels can differ from day-to-day and from person-to-person. Some days you may cope, others you may not be able to get on with your day-to-day activities. A memory, sight, sound, smell or event could start the bad feelings. It is important to remember that you are reacting normally to an abnormal situation. It may take time and support to get back to feeling settled. You may be aware of what happened, but feel numb. This is a common initial reaction. You may feel that what happened is remote and has nothing to do with you. You may or may not feel the impact immediately, or later. Over time you could suffer physical symptoms such as: lack of appetite, high blood pressure, fatigue and problems sleeping. Depending on your situation, you may experience a mix of emotions, and these will not occur in any particular order. Some emotions will go away and come back later. These emotions could include: emptiness or numbness, fear or anxiety, sadness or depression, guilt, shame or dirtiness, anger or irritability, grief, loss of privacy and control, and panic and confusion. You may feel helpless and deserted, and that no one understands what you are going through. These symptoms or feelings usually go away after some time, but they do create problems for some people. They could affect your ongoing health or relationships. It is important to take care of you, and to get any support and treatment that you need.

Question: Will I have to go through this alone?

Answer:

No. You will receive support from a VA, UVA, SARC, Mental Health Counselor, or Chaplain if desired. Depending on the type of reporting, you will receive assistance from Victim Witness Assistance Program (VWAP), as well as, command, legal, and investigative support.

Question: How will I be treated?

Answer:

MCO 1752.5B requires that you be treated **fairly, with decency, sensitivity, and respect.**

Question: Will the command keep me safe?

Answer:

Yes. In unrestricted reporting cases, MCO 1752.5B requires a commander to ensure you, as a victim of sexual assault, are provided reasonable protection. DoD policy and MCO 1752.5B, provide guidance to commanders that when appropriate, the victim and offender should not remain in the same work and/or living area.

Question: What if I work with the person who assaulted me and I want to keep a restricted report, how will the command keep me safe?

Answer:

With the nature of a restricted report being preservation of your confidentiality, a commander's ability to protect you is limited because the command will not have any identifying information of the victim and therefore would not be able to provide protection. The VA will assist you in the development of a safety plan.

Question: Will reporting impact my career?

Answer:

No. DoD policy and MCO 1752.5B encourages you as a victim to report any alleged, suspected, or actual sexual assault. Furthermore, sexual assault is a criminal act for which the perpetrator will be held accountable.

Question: If I seek medical treatment at a military facility will medical personnel maintain my privacy and choice to make a restricted report?

Answer:

Yes **with exceptions in California.** On June 14, 2005 the DoD policy on confidential reporting of sexual assault incidents went into effect. Thus, in most states as a victim of sexual assault you will be able to report your assault to specified medical personnel who will treat you without making a report to military authorities or law enforcement. However, medical personnel will make a report to SARC. **

In California, state law requires medical personnel to report all allegations of sexual assaults to law enforcement. The issue of mandatory reporting is dictated by the particular rules in your area. Therefore, you should find out what the requirements are for your area.

Question: How do I handle the reactions and criticism of others when they learn about my sexual assault?

Answer:

Many comments by others may feel like criticism or blaming even though it may not be intended that way. Remind yourself of the fact that you were sexually assaulted against your will - even if you may not be happy with some of your choices. You were taken out of control in the situation. You survived. Yes, your life has changed but you can move forward in spite of the criminal behavior committed against you. Use this as an opportunity to experience your personal strengths by holding your head up high, looking others in the eye, and holding the accused accountable for inappropriate behavior.

Question: I heard that a friend of mine reported a rape and the command ended up charging her for not telling the truth. Can this happen?

Answer:

Yes. False statements are a violation of the UCMJ.

Question: Do I have to testify when I do not want to?

Answer:

Maybe. The decision on whether a victim will testify ultimately rests with your commander. The commander will base his/her decision on many important concerns including your mental well-being and desires, as well as maintaining good order and discipline within the unit.

Question: When someone else in the command reports the sexual assault that happens to me, even if I do not want him or her too, will I have to participate in the investigation?

Answer:

Per DoD policy and MCO 1752.5B, a report of sexual assault will be forwarded to the criminal investigators for investigation. You will have the option to not participate in the criminal investigation by signing a Victim Preference Statement. You will be advised of the decreased likelihood of a successful investigation and prosecution of the perpetrator absent your participation. Even without your participation, the criminal investigation may continue.