

# SAPR Talking Point 1: The SAPR Program

Sexual Assault is inconsistent with our AF Core Values. The DAF SAPR mission is to educate, advocate, and collaborate to stop sexual assault and to provide direct response services to victims of sexual assault. The AF will ensure response services are:

**Gender-inclusive, culturally competent, and recovery-oriented.**

- ❖ SAPR services are available 24/7 for all locations, including deployed locations.
- ❖ SAPR personnel will ensure victims are protected, treated with dignity and respect, and receive timely access to appropriate medical treatment and services.
- ❖ Installation or host Wing Commander provides functional oversight of local SAPR program, ensuring immediate response capability exists to support victims.
- ❖ **Sexual Assault Defined\*:** Intentional sexual contact characterized by force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent.
  - These behaviors may constitute one or more criminal offenses under the Uniform Code of Military Justice (UCMJ) and/or applicable state, Federal, or foreign jurisdiction's criminal law.
  - UCMJ sexual assault offenses are listed in the Manual for Courts-Martial under Articles 120 (rape, sexual assault, aggravated sexual contact, and abusive sexual contact) and 120b (sexual abuse of a child). Attempts or conspiracies to commit such acts are also punishable under Article 80 and Article 81.
  - Other sexual or related offenses under the UCMJ include Articles 93a (prohibited activities with recruits/trainees), 117a (wrongful distribution/broadcast of intimate images), 120a (obscene mail), 120c (other sexual misconduct), and 130 (stalking).
- ❖ **Consent Defined\*:** A freely given agreement to the conduct at issue by a competent person.
  - An expression of lack of consent through words or conduct means there is no consent.
  - Lack of verbal or physical resistance does not constitute consent.
  - 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 / social / 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.
  - *Consent cannot be assumed.* If you are unsure about consent, always ask and wait for an affirmative response. Stop unless you have explicit permission to continue.

**\*NOTE:** These are training definitions and are NOT necessarily the definitions used to determine whether conduct is prosecutable under the UCMJ or other applicable law.

# SAPR Talking Point 2: SAPR Reporting Options\*

- ❖ **Unrestricted Report:** Investigated and command authorities notified.
- ❖ **Restricted Report\*\*:** Confidential, not investigated, can be made to Sexual Assault Response Coordinator (SARC), SAPR Victim Advocate (VA), Volunteer VA, or health care provider.
- ❖ **Reporting Outside the Chain of Command:** A victim is not required to first notify his or her commander prior to making a report, and should not if the alleged perpetrator is the commander (or equivalent) or otherwise in the victim's chain of command. Victims have the opportunity to go outside the chain of command to report the offense to others, including (unrestricted reports only):
  - Their next senior commanding officer
  - Commanders outside the chain of command
  - Office of Special Investigations (OSI) or an Inspector General (IG)
  - DoD Safe Helpline
- ❖ **Independent Investigation:** If information about a sexual assault comes to a commander's attention from a source other than a victim, that commander must immediately report the matter to an MCIO and an investigation may be initiated based on that independently acquired information.
  - Victims who previously made a Restricted Report can maintain that Restricted Report and *can elect not to participate in the investigation.*
  - If a SARC is notified of an independent investigation and the victim has not signed a DD Form 2910 electing a Restricted Report, the SARC must inform the victim that the option to file a Restricted Report is no longer available.
- ❖ **Mandatory Reporters** for sexual assault include: Commanders, chain of command (includes supervisors, supervisory chain, First Sergeants), AF Instructors (with exception of USAFA instructors), and law enforcement.
- ❖ **Sexual Harassment:** not the same as sexual assault, but is are along the same continuum of harm. 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 creates an intimidating, hostile, or offensive working environment.
  - Complaints of sexual harassment can be reported to the Equal Opportunity Office or Command.
  - Sexual harassment may be civil or criminal (UCMJ).

\*Sexual assaults that occur between intimate, married, or dating partners or when the victim is below the age of 18 are to be reported to the Family Advocacy Program (FAP) (Director of Psychological Health for ANG). See AFI 90-6001 for definitions and additional information.

\*\*Exceptions to confidentiality of Restricted Reports can be found on page 16.

# SAPR Talking Point 3: Available SAPR Resources

There are many support resources available to sexual assault victims, both within and outside of the SAPR Program. If you have additional questions, the SARC can provide you with more information.

## Available Resources for all Victims of Sexual Assault:

- ❖ SARC (military and civilian eligible).
- ❖ Advocacy from a SAPR VA or Volunteer VA (military and civilian eligible).
- ❖ Sexual Assault Forensic Examination (SAFE) (military and civilian eligible).
- ❖ Special Victims' Counsel (SVC) (military, other UCMJ nexus - see SARC for request/exceptions) (communications are confidential and privileged).
- ❖ Mental Health (military/dependents), Employee Assistance Program (civilians), local counseling resources (both military and civilians) (communications to mental health providers are confidential and privileged).
- ❖ Military OneSource (military/dependents) (mandatory reporter for sexual assault).
- ❖ Medical Care - Primary Care (military) / Local hospital or physician (civilians).
- ❖ Chaplain & Religious Affairs Airmen (both military and civilians) (communications are confidential and privileged).
- ❖ DoD Safe Helpline (both military and civilians). The Safe Helpline can be reached by calling 877-995-5247, going to <https://www.safehelpline.org/>, or using the Safe Helpline App.

## Additional Resources Available for Victims who File Unrestricted Reports:

- ❖ Expedited Transfer (ET)—PCS or PCA to support immediate and future welfare of victim of a sexual assault who file an Unrestricted Report via DD Form 2910.
- ❖ Military Protective Orders (MPOs) and Civilian Protective Orders (CPOs)—Prohibit contact or communication between the alleged offender(s) and the victim. MPOs are issued by the alleged offender's commander and are enforceable by military authorities. Civilian law enforcement is not required to honor or enforce an MPO.
- ❖ Non-rated Period—Request made directly to the unit Commander. See SARC or SVC for additional information.

## New Resource: Catch a Serial Offender Program (CATCH):

- ❖ CATCH offers victims who file a Restricted Report the opportunity to confidentially and anonymously submit information about the alleged offender(s) and the incident to Military Criminal Investigators with the goal of identifying serial offenders.
- ❖ If a match is identified, victims will be notified by the SARC and offered the opportunity to convert to an Unrestricted Report. Contact the SARC or SVC for additional details about the CATCH program. See page 18, SARC, SVC, and <https://www.sapr.mil/catch> for details.

# SAPR Talking Point 4:

## SAPR Victim Rights

### SAPR Victim Rights:

- ❖ Sexual assault victims have the right to (but not limited to) the following:
  - Be treated with fairness and respect for your dignity and privacy
  - Be reasonably protected from the alleged offender
  - Express a preference on military or civilian prosecution of the offense
  - Provide inputs to the convening authority on disposition of the offense
  - Receive notice of certain proceedings and events and be present at certain proceedings unless a military judge orders otherwise
  - Reasonably confer with the prosecutor/trial counsel in the case
  - Receive restitution, if available by law
  - Proceedings free from unreasonable delay
  - Be heard at certain proceedings

### Retaliation and Reprisal:

It is Air Force policy to protect individuals from retaliation, ostracism, maltreatment, and reprisal related to a sexual assault incident. See page 20 for definitions.

- ❖ When individuals engage in retaliation or reprisal, it not only violates good order and discipline, it can erode unit cohesion and undermine mission readiness. Moreover, it can deter other victims from reporting their sexual assault and receiving support services.
- ❖ Individuals protected from retaliation or reprisal include victims and/or their dependents, witnesses or bystanders who intervene or report a sexual assault, SARC, SAPR VAs, and VVAs executing their duties and responsibilities, SVCs and other First Responders.
  - Report retaliation/reprisal related to a report of sexual assault to:
    - ✓ SARC or SAPR VA
    - ✓ Special Victims' Counsel (SVC)
    - ✓ Installation/DoD Inspector General (IG)
    - ✓ Office of Special Investigations (OSI)
    - ✓ Immediate Commander
    - ✓ Commander outside the Chain of Command

### Military Justice Updates:

- ❖ Ask Installation SJA for FY20 NDAA updates/changes.
- ❖ See page 19 for additional information.

# SAPR Talking Point 5: Wingman and Leadership Intervention

If we all do our part as wingman, and leaders, to intervene (reactive) and set new norms (proactive), we can reduce the number of people who are impacted by sexual violence.

## Recognize Warning Signs:

- ❖ **Recognize warning signs for sexual violence is the first step to intervening.**
  - Wingman might know the potential perpetrator, victim, or maybe even both. What you notice can change depending on your relationships with the people involved. It is important to remember all genders are at risk for sexual violence.
  - The warning signs we each notice can be different. What's essential is that we each take action when we see a behavior that concerns us or crosses our line.
  - See the appendix (page 21) for a list of common warning signs.

## Intervening:

- ❖ **Everyone has barriers to intervening sometimes.**
  - Personal Barriers: Things such as fear of embarrassment or retaliation, fear of escalation or getting hurt, or being uncertain what to do.
  - Social Barriers: Being concerned with how Airmen in your unit, friends, or other people will react if you get involved.
  - Organizational Barriers: Concern that getting involved could have a negative impact on your career, rank, or someone else's career.
- ❖ What is important is that we each take action when we see a behavior that concerns us.
- ❖ **Pick a intervention option that is most *realistic* for you to do despite the barriers.**
  - Direct: Address the situation yourself by approaching any of the people involved.
  - Delegate: Get someone else to intervene such as a supervisor, first sergeant, friends, a bartender, chaplain, etc.
  - Distract: Create a distraction that will diffuse or interrupt the situation. You could ask someone to drive you home, ask to borrow a phone, or interrupt and start a conversation.

## Creating a Healthy Climate:

- ❖ **Prevention is not limited to intervening when you notice warning signs. It includes *setting norms* that promote respect and make sexual violence less likely to happen.**
  - Three important norms that help reduce sexual violence:
    - ✓ Sexual assault will not be tolerated.
    - ✓ Everyone deserved to be treated with respect.
    - ✓ Everyone is expected to play a part in prevention.
  - Consider different contexts to communicate that sexual violence prevention efforts are important to you like social media, work life, and your personal/social life.
  - Norms are set by small decisions: What is something you can say or do today to promote a healthy climate of respect?

# References

- ❖ AFI 90-5001, *Integrated Resilience*
- ❖ AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*
- ❖ CNGBI 1300.01, *Sexual Assault Prevention and Response Program*
- ❖ DoDI 6490.16, *Defense Suicide Prevention Program*
- ❖ DoDD 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*
- ❖ DoDI 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures*
- ❖ DoD SAPRO, *Annual/Refresher SAPR Training Core Competencies and Learning Objectives*
  - Located at the following website under “Education and Training”:  
<https://www.sapr.mil/prevention-program-elements>

# Resources

- ❖ AF Resilience: <https://www.resilience.af.mil/>
- ❖ DoD SAPRO: <https://www.sapr.mil/>
- ❖ DSPO: <https://www.dspo.mil/>
- ❖ Air National Guard Prevention: <https://www.ang.af.mil/prevention/>
- ❖ Military OneSource: <https://www.militaryonesource.mil/>
- ❖ Contact your servicing legal office with any legal or policy questions.

*For additional support on the Talking Points, contact the Installation SARC/SAPR VA for SAPR or the VPI (or ANG OPR) for Suicide Prevention.*

