

## Response - Non SA-IDA Commanders

In addition to the immediate considerations noted on the front, commanders who are not SA-IDAs:

- Must forward the allegation of sexual assault to the SA-IDA. The allegation should be forwarded within 30 days of receipt of the report.
- If the SA-IDA returns the case, the commander may take any action deemed appropriate.

## Response - SA-IDA Commanders

In addition to the immediate considerations noted on the front, upon receipt of a sexual assault allegation, an SA-IDA shall:

- Consult with a JAG.
- Make an initial disposition decision in accordance with RCM 306.
- Document the SA-IDA decision.
- Take action as appropriate. Action may include no action or returning the case back to the subordinate commander for disposition as that officer deems appropriate.
- Consider the impact and timing of any action on collateral misconduct (all other offenses arising from or relating to the incidents implicated in allegation, whether by the victim or perpetrator) on the disposition of the sexual assault case.

# Sexual Assault Prevention and Response Training for Navy Leaders

## Legal Perspective

When presented with an allegation of sexual assault, commanders are charged with ensuring the alleged victim obtains necessary support services and safeguarding the due process rights of the accused.

## Support Report Initiate NCIS Investigation

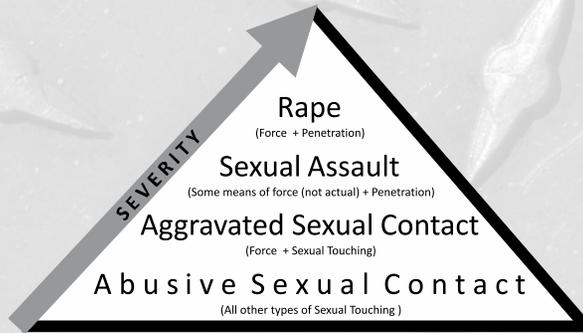


# Support, Report, Initiate an Investigation - Response

## New UCMJ Article 120

Effective 28 June 2012

### Sexual Violence Offenses



- The term “sexual assault” is now a specific offense under the UCMJ.
- Sexual offenses against children have been moved into their own enumerated article, Article 120b, UCMJ.

The 2012 version of Manual for Courts-Martial (MCM) is located at:

<http://www.dod.gov/dodgc/images/mcm2012.pdf>

## Initial Disposition Authority

- On 20 April 2012, SECDEF withheld the initial disposition authority (IDA) for certain sexual assault offenses to Special Court-Martial Convening Authorities (SPCMCA) in the grade of O-6 and above. Commanders who are not Sexual Assault Initial Disposition Authorities (SA-IDA) by rank and office may NOT make an initial disposition determination in cases involving these specified alleged sexual offenses, but instead must forward the matter to the appropriate SA-IDA.
- This withholding policy applies to: rape, sexual assault, forcible sodomy and attempts to commit these offenses, **but does not apply to sexual contact offenses.**

## Navy Policy

- SECNAV memorandum of 14 June 2012
- NAVADMIN 195/12
- **Withholding applies to whom?** All commanders who are not an O-6 with special court-martial convening authority.
- **Withholding applies to what?** All alleged offenses of rape, sexual assault, forcible sodomy, and attempts to commit these.
- **What other offenses are affected?** Collateral Misconduct. All other offenses arising from or relating to the same incident(s), whether committed by the alleged perpetrator or the alleged victim are withheld to the O-6 special court-martial convening authority level.

## Response -All Commanders Upon receipt of allegation

- Once a report of sexual assault is received, ensure the alleged victim receives appropriate services.
- Once a report of sexual assault is received, ensure the accused due process rights are observed.
- Commands must report incident via OPREP/SITREP. See OPNAVINST F3100.6 series.
- Commanders: Consult with a JAG immediately upon report or allegation.
- Commanders shall contact NCIS to initiate an investigation. See OPNAVINST 1752.1 series.

### Immediate Considerations

- Avoid contact between alleged victim and accused.
- Should a Military Protective Order (MPO) be issued? See DD Form 2873
- Does alleged victim desire an expedited transfer? See MILPERSMAN 1300-1200
- Is pre-trial confinement necessary? See Rule for Court-Martial (RCM) 305