

## WHAT IS SEXUAL ASSAULT?

“Sexual Assault” is intentional sexual contact, characterized by use of force, threats, intimidation, 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 abusive or wrongful (to include unwanted an inappropriate sexual contact), or attempts to commit these acts.

## WHAT IS CONSENT?

“Consent” is words or overt acts indicating a freely given agreement to the sexual 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 or submission resulting from the accused’s use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue also does not constitute consent.

## WHAT DO I DO IF I THINK I HAVE BEEN SEXUALLY ASSAULTED?

- Go to a safe location.
- Contact your local **Sexual Assault Response Coordinator (SARC)**, or healthcare personnel. You may also contact your chain of command or law enforcement (military or civilian), however if you do, an investigation will occur and you will not have the option of making a Restricted Report (see next page.)
- Seek medical care as soon as possible. Even if you do not have any visible physical injuries, you may be at risk of becoming

pregnant or acquiring a sexually transmitted disease.

- Ask healthcare personnel to conduct a **sexual assault forensic examination (SAFE)** to preserve forensic evidence.
- Preserve all evidence of the assault. Do not bathe, wash your hands or brush your teeth. Do not clean or straighten up a crime scene.
- Write down, tape or record by any means all the details you can recall about the assault and your assailant.

## HOW CAN I REPORT AN ASSAULT?

You have two basic options for reporting a sexual assault: (1) Restricted Reporting and (2) Unrestricted Reporting.

- (1) **Restricted Reporting** -- This option is for victims of sexual assault who wish to confidentially disclose the crime to specifically identified individuals and receive medical treatment and services **without** triggering the official investigative process. Service members who are sexually assaulted and desire restricted reporting under this policy must report the assault to a SARC, **Victim Advocate (VA)**, or healthcare personnel.

### *Who can make a Restricted Report?*

- Active Duty, Reserve, and National Guard members
- Active Duty dependents 18 years and older who are eligible for treatment in the military healthcare system
- Coast Guard when attached to the DoD
- AF Civilians (Appropriated and Non-Appropriated)

### *Who cannot make a Restricted Report?*

- AF Contractors
  - Other DoD Civilians
  - Retirees/Veterans
- (2) **Unrestricted Reporting** – This option is for victims of sexual assault who desire medical treatment, referral services and an official investigation of the crime. When selecting unrestricted reporting, you should use current reporting channels, e.g., chain of command, law enforcement, or report the incident to the SARC, or request healthcare personnel notify law enforcement. Upon notification of a reported sexual assault, the SARC will immediately assign a VA.

### *Who can make an Unrestricted Report?*

- Active Duty, Reserve, and National Guard members
- Active Duty dependents 18 years and older who are eligible for treatment in the military healthcare system
- Coast Guard when attached to the DoD
- AF Civilians (Appropriated and Non-Appropriated)
- OCONUS-
  - Civilians and Dependents 18 and older
  - US Citizen Contractors and their employees who are US Citizens

### *Who cannot make an Unrestricted Report?*

- Retirees/Veterans
- Minors
- Victims of intimate partner sexual assault/rape

## WHO CAN I REPORT AN ASSAULT TO?

When reporting an assault, be aware of who you are reporting the incident to. If you wish to make a confidential report, you can contact the local SARC, Victim's Advocate, Special Victim's Counsel, or a Chaplain.

The following people are **MANDATORY REPORTERS**: Commander, First Sergeant, EO, SFS, OSI, or anyone in your chain of command.

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### SEXUAL ASSAULT RESPONSE COORDINATOR

The Sexual Assault Response Coordinator (SARC) is considered the center of gravity when it comes to ensuring that victims of sexual assault receive appropriate and responsive care. They serve as the single point of contact to coordinate sexual assault victim care.

### VICTIM ADVOCATE

The Victim's Advocate (VA) provides essential support and care to the victim to include providing non-clinical information on available options and resources to assist the victim in making informed decisions as the progress through resolution and healing. The VA maintains communications and contact with victim as needed for continued victim support.

### SPECIAL VICTIM'S COUNSEL

The Special Victim's Counsel (SVC) is an attorney that represents the victim and the victim alone. The SVC provides confidential legal advice, protects the victim's rights and privacy interests. The SVC will accompany the victim to

any interviews, as well as, attend hearings and courts-martial.

### Contacts

- SARC or VA 24/7 Hotline: 632-7272 or 338-630-7824
- Chaplain's Office: 632-5211
- Victim's Counsel: 632-2934
- Medical: 632-5000
- DoD Sexual Assault Prevention and Response (SAPR) Office:  
<http://www.sapr.mil>
- The Rape, Abuse, & Incest National Network (RAINN):  
<http://www.rainn.org>
- National Sexual Violence Resource Center: <http://www.nsvrc.org>
- National Domestic Violence Hotline:  
<https://thehotline.org>

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Unit 6140 Box 115  
APO, AE 09604-0115  
Building 1403, Upstairs  
DSN 632-7843 or commercial 0434-30-7843

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## 31<sup>ST</sup> FW LEGAL OFFICE

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