

SEXUAL ASSAULTS

1. References:

- a. UCMJ Article 120
- b. Army Regulation 600-20
- c. Army Regulation 27-10
- d. DODI 6495.02 (May 2017)
- e. Army Directive 2011-19
- f. AR 614-200, para 5-18 (expedited transfer)
- g. AR 600-37, para 3-4 (inclusion and review of information on sex offenses in AMHRRR and ERB/ORB).
- h. Secretary of Defense, subject: "Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases", dated 20 APR 2012.
- i. ALAARACT 036/2017, subject: "Guidance for Processing Assignment Consideration Codes (ASCO) For Documented Sex-Related Offenses and Convicted Sex Offenses, dated May 2017.

1. Background and Recommendations: Congress, Commanders, and the Army as a whole takes any allegations of sexual assault seriously. You should take any sex assault allegation of an unwanted touching seriously. When you hear of any unwelcomed touching, the first thing you should immediately do is notify CID and ensure the victim is safe. If you are reviewing a 15-6 and you discover the Investigating Officer uncovered an unwanted touching, notify CID immediately. When CID takes an Article 120 investigation, make sure to contact the AC Special Victim Prosecutor (SVP) and the AC Chief of Justice that handles your potential courts-martial; give them the courtesy call so they might anticipate what to expect from you in the future. Keep the lines of communication open with the SVP throughout the CID investigation. Talk the investigation through with the SVP, and provide an opine to CID. When you go to your Commander with recommendations about what actions to take after the CID investigation, you will be able to tell them that you consulted with the SVP and the AC Chief of Justice for potential courts-martial.

2. Inside this section you'll find:

- a. Big Picture of Sexual Assault: This page highlights the main players and notes important regulations and policies to be mindful of regarding Sexual Assault.
- b. The Secretary of Defense Withholding Policy from 20 April 2012: Any penetrative Article 120 offense must at least go to a special court-martial convening

authority in the grade of O-6 or higher. A penetrative case cannot be acted upon by any other lower Commander.

c. ALARACT 036/2017: Provides guidance for processing assignment consideration codes for sex offenses. Paragraph 6.B. specifically refers to USAR Soldiers.

d. Entitlements of Victims in Article 120 cases.

e. Sexual Assault Battle Drill: A handy quick guide for what actions to take in a sexual assault.

BIG PICTURE OF SEXUAL ASSAULT

1. Know the Players and the Rules¹:

a. Special Victim Prosecutor (SVP): Understand the SVP program and its mission to touch every special victim case and to train TCs. You should ask how the SVP works with CID Sexual Assault Investigators (SAIs). **The SVP should be notified of every allegation involving a special victim.**

b. Special Victim Counsel (SVC): Generally, victims of sex-related offenses (Article 120, 120a, 120b, 120c) who are service members (including reserve and national guard), dependent family members, and non-contractor DA civilian employee victims (when a Soldier is the subject) are entitled to SVC Services. See 10 USC sec. 1044e.

c. Sexual Assault Review Board (SARB): The senior commander chairs the SARB. The SJA should know who is attending the SARB and monitor meetings for UCI.

d. CCIR and Command Requirements: Make sure to report any allegation of sexual assault up through command channels. The victim's Battalion Commander has many responsibilities to a victim. Commanders must check in with a victim of sexual assault and notify them of the progress of the investigation (14 days after the report, at final disposition, 45 days after final disposition), talk to the victim on a monthly basis (usually 72 hours after the SARB), as well as draft a plan to address any retaliation after a sex assault report (see AD 2015-16).

e. Monitor Cases: Evidence to USACIL? Anticipate defense experts; M.R.E. 412/413/414/513/514 litigation; and potential issues of case timing, complexity, and cost. Be prepared to articulate to the Active Component issues regarding potential litigation.

f. Correct Forms: Check them. It is imperative to use current versions of DD Form 2910 (Victim Reporting Preference Statement), June 2014 and DD Forms 2701/2702 (Initial Information/Court-Martial Information for Victims and Witnesses of Crime - CID trifold), March 2016.

g. Policies to Know: AR 600-20; AR 27-10 (Ch. 17); DODI 6495.02 (May 2017); Army Directive (AD) 2011-19 and AR 614-200, para. 5-18 (expedited transfer); AD 2014-20/ AD 2015-16 (prohibition of retaliation and command engagement to prevent retaliation); AR 600-37, para. 3-4 / AR 27-10 para. 3 (inclusion and review of information on sex related offenses in the AMHRR and ERB/ORB coding); AD 2015-29 (sex assault victim discharge characterization review); AD 2014-09/AD 2017-16 (SVC eligibility for reserve and DA civilians); and AD 2017-02 (SHARP services for DA civilians).

¹ Taken from U.S. Army Judge Advocate General's Corps Military Justice-Best Practices Pamphlet, December 2018.

h. Investigation: **All sexual assault allegations, from unwanted touching to forcible rape, must be reported to CID.** No command investigations should be conducted. You should ensure that commanders are aware they must immediately report SA allegations to CID and should also immediately notify SARC, higher command, and their servicing judge advocate. You should also ensure your legal advisors are on the lookout for potential sexual assaults in administrative investigations—particularly those investigating sexual harassment complaints.

i. Withholding Policy: Disposition of all penetrative sexual offenses withheld to SPCMCA (O-6 with legal advisor). Disposition of all victim collateral misconduct also withheld to the SPCMCA (O-6 with legal advisor) and may be deferred until after final disposition of allegations against the accused.

j. AMHRR Filing and SJA Responsibility for ERB/ORB Coding Through HRC: For sex-related offenses resulting in guilty findings through NJP, administrative action or court-martial. AR 600-37, para. 3-4 / AR 27-10.

k. Expedited Transfer: See Army Directive (AD) 2011-19 and AR 614-200, para. 5-18 for enlisted transfers.

- After a credible report, the presumption is in favor of granting the victim request to transfer.
- Within 72 hours from the receipt of the Soldier's request, the commander (or equivalent senior civilian) with the appropriate approval authority must provide a decision.
- Approval authority for local moves (do not cross ACOM/ASCC/DRU) is the lowest level commander exercising control over both gaining and losing units and the disapproval authority is the first GO in the chain of command. Additional 72 hours for first GO in chain of command to deny.
- Approval authority for local moves across ACOM/ASCC/DRU is the senior mission commander (SMC) and the disapproval authority is the SMC as long as the SMC is a GO.
- Requests for PCS moves (approval and disapproval) must go to HRC.
- Do you know how long your unit/post takes to process and expedited transfer request? What is the standard?

l. Victim's Collateral Misconduct: See DoDI 6495.02, Encl. 5, para. 8. The O-6 SPCMCA can, but is not required to, defer adjudication of the victim's collateral misconduct. If the command does defer, then immunity for the victim's testimony during the court-martial should be considered. The victim may be provided a defense counsel in addition to an SVC. How will you recommend the command deal with a victim's collateral misconduct? How will the command deal with a victim's collateral misconduct?

m. Retaliation: See AD 2014-20/ AD 2015-16. Reprisal, or professional retaliation by members of a service member crime reporter's supervisory chain of command, is made punitive by AD 2014-20 and the new Article 132, UCMJ. The AD 2014-20 also

makes ostracism, or social retaliation by the crime reporter's peers and cruelty and maltreatment by superiors, members of the chain of command or peers punitive and punishable under Article 92, UCMJ. However, imposing non-judicial punishment or other UCMJ punishment for social retaliation may have the unintended consequence of making the retaliation worse, and is only recommended in the most egregious of cases (see DoD Retaliation Strategy). How will you recommend the command take action in retaliation cases



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

APR 20 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
COMMANDERS OF THE COMBATANT COMMANDS
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases

Pursuant to my general court-martial convening authority under Article 22 of the Uniform Code of Military Justice (UCMJ) and Rules for Courts-Martial 306, 401, and 601, I hereby withhold initial disposition authority from all commanders within the Department of Defense who do not possess at least special court-martial convening authority and who are not in the grade of O-6 (i.e., colonel or Navy captain) or higher, with respect to the following alleged offenses: (i) rape, in violation of Article 120; (ii) sexual assault, in violation of Article 120 of the UCMJ; (iii) forcible sodomy, in violation of Article 125 of the UCMJ; and (iv) all attempts to commit such offenses, in violation of Article 80. Additionally, this withholding applies to all other alleged offenses arising from or relating to the same incident(s), whether committed by the alleged perpetrator or the alleged victim of the rape, sexual assault, forcible sodomy, or the attempts thereof.

The effective date of this action will be June 28, 2012. The Services have discretion to further elevate initial disposition authority for these offenses.

The special court-martial convening authority shall be responsible for determining what initial disposition action is appropriate, to include whether further action is warranted and, if so, whether the matter should be resolved by court-martial, nonjudicial punishment, or adverse administrative action. The special court-martial convening authority's initial disposition decision shall be based upon his or her review of the matters transmitted, any independent review and recommendation received (including court-martial charges, if any), and consultation with a judge advocate. Subordinate unit commanders are encouraged to provide their own recommendations regarding initial disposition.

Nothing in this directive removes the responsibility of commanders, at every level, to maintain an environment free of sexual assault, to provide support and assistance to victims, and to maintain good order and discipline within their units.

A handwritten signature in black ink, appearing to be "John M. McHale", is located below the main text of the memorandum.

cc:
Acting USD(P&R)
Director, Sexual Assault Prevention and Response Office

ALARACT 036/2017

DTG: R 111554Z MAY 17

UNCLAS

SUBJ/ALARACT 036/2017 - GUIDANCE FOR PROCESSING ASSIGNMENT CONSIDERATION CODES (ASCO) FOR DOCUMENTED SEX-RELATED OFFENSES AND CONVICTED SEX OFFENSES

THIS MESSAGE HAS BEEN TRANSMITTED BY JSP ON BEHALF OF HQDA DCS G-1

1. REFERENCES.

- 1.A. ARMY DIRECTIVE 2014-29 (INCLUSION AND COMMAND REVIEW OF INFORMATION ON SEX-RELATED OFFENSES IN THE ARMY MILITARY HUMAN RESOURCE RECORD), 9 DECEMBER 2014.
- 1.B. AR 600-37 (UNFAVORABLE INFORMATION) 19 DECEMBER 1986.
- 1.C. THE NATIONAL GUIDELINES FOR SEX OFFENDER REGISTRATION AND NOTIFICATION, DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, 2 JULY 2008 (FEDERAL REGISTER, VOLUME 73, NUMBER 128, PAGES 38030-38070).
- 1.D. SECTION 16911, TITLE 42, UNITED STATES CODE (42 USC 16911).
- 1.E. AR 27-10 (MILITARY JUSTICE), 11 MAY 2016.
- 1.F. DEPARTMENT OF DEFENSE INSTRUCTION (DODI) 1325.07, ADMINISTRATION OF MILITARY CORRECTION FACILITIES AND CLEMENCY AND PAROLE AUTHORITY, 11 MARCH 2013.
- 1.G. ARMY DIRECTIVE 2013-21 (INITIATING SEPARATION PROCEEDINGS AND PROHIBITING OVERSEAS ASSIGNMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES), 07 NOVEMBER 2013.
- 1.H. AR 600-20 (ARMY COMMAND POLICY), 6 NOVEMBER 2014.
- 1.I. AR 600-8-2 (SUSPENSION OF FAVORABLE PERSONNEL ACTIONS) (FLAGS), 11 MAY 2016.
- 1.J. AR 135-175 (SEPARATION OF OFFICERS), 28 FEBRUARY 87, RAR, 4 AUGUST 2011.
- 1.K. AR 135-178 (ENLISTED ADMINISTRATIVE SEPARATIONS), 12 JANUARY 2017.
- 1.L. AR 600-8-24 (OFFICER TRANSFERS AND DISCHARGES), 12 APRIL 06, RAR, 13 SEPTEMBER 2011.
- 1.M. AR 635-200 (ACTIVE DUTY ENLISTED ADMINISTRATIVE SEPARATIONS), 19 DECEMBER 2016.
- 1.N. AR 614-30 (OVERSEAS SERVICE), 22 DECEMBER 2016.
- 1.O. AR 614-100 (OFFICER ASSIGNMENT POLICIES, DETAILS, AND TRANSFERS), 10 JANUARY 2006.
- 1.P. AR 614-200 (ENLISTED ASSIGNMENTS AND UTILIZATION MANAGEMENT), 29 FEBRUARY 2009, RAR, 11 OCTOBER 2011.
- 1.Q. AR 600-8-104 (ARMY MILITARY HUMAN RESOURCE RECORDS MANAGEMENT), 7 APRIL 2014.

1.R. ALARACT 093/2015 (INITIATING SEPARATION PROCEEDINGS AND PROHIBITING OVERSEAS ASSIGNMENT/DEPLOYMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES (INACTIVE)).

1.S. ALARACT 058/2016 (GUIDANCE FOR PROCESSING ASSIGNMENT CONSIDERATION CODES (ASCO) FOR DOCUMENTED SEX-RELATED OFFENSES AND CONVICTED SEX OFFENSES (INACTIVE)).

2. POLICIES REFERENCE IN THIS ALARACT MESSAGE APPLY TO THE ACTIVE ARMY, ARMY NATIONAL GUARD OF THE UNITED STATES, AND U.S. ARMY RESERVE.

3. PURPOSE.

3.A. THIS ALARACT PROVIDES GUIDANCE FOR PROCESSING ASSIGNMENT CONSIDERATION CODES (ASCO) DESIGNATED FOR DOCUMENTED SEX-RELATED OFFENSES AND CONVICTED SEX OFFENSES.

3.B. REFERENCE (1.A) REQUIRES THE INCLUSION OF INFORMATION ON SEX-RELATED OFFENSES IN PERSONNEL SERVICE RECORDS AND THE MANDATORY REVIEW OF SUCH RECORDS BY THE SOLDIER'S COMMANDER. THE PROVISIONS OF REFERENCE (1.A), AS OUTLINED, REMAIN IN EFFECT.

3.C. ASCO L3 IS DESIGNATED TO IDENTIFY SOLDIERS WITH DOCUMENTED SEX-RELATED OFFENSES (DSRO) IN HUMAN RESOURCE SYSTEMS. ASCO L8 IS DESIGNATED TO IDENTIFY SOLDIERS WITH ASSIGNMENT RESTRICTIONS FOR CONVICTED SEXUAL OFFENSES.

4. DOCUMENTED SEX-RELATED OFFENSES (L3).

4.A. CONSISTENT WITH REFERENCE (1.A), COMMANDERS WILL ENSURE THAT A SOLDIER'S PERMANENT RECORD IN THE ARMY MILITARY HUMAN RESOURCE RECORD (AMHRR) IS DOCUMENTED FOR SOLDIERS WHO RECEIVE A COURT-MARTIAL CONVICTION, NONJUDICIAL PUNISHMENT, OR PUNITIVE ADMINISTRATIVE ACTION (INCLUDES SEPARATION IN LIEU OF COURT MARTIAL) FOR A SEX-RELATED OFFENSE.

4.B. IN ACCORDANCE WITH REFERENCE (1.A), SEX-RELATED OFFENSES INCLUDE A VIOLATION OF ANY OFFENSE UNDER THE FOLLOWING SECTIONS OR SUBSECTIONS OF TITLE 10, UNITED STATES CODE, AND EQUIVALENT ARTICLES OF THE UNIFORMED CODE OF MILITARY JUSTICE.

4.B.1. SECTION 920 - ARTICLE 120: RAPE AND SEXUAL ASSAULT. THIS INCLUDES RAPE, SEXUAL ASSAULT, AGGRAVATED SEXUAL CONTACT, ABUSIVE SEXUAL CONTACT, AND PROOF OF THREAT.

4.B.2. SECTION 920A - ARTICLE 120A: STALKING.

4.B.3. SECTION 920B - ARTICLE 120B: RAPE AND SEXUAL ASSAULT OF A CHILD. THIS INCLUDES RAPE, SEXUAL ASSAULT, SEXUAL ABUSE OF A CHILD, AND PROOF OF THREAT.

4.B.4. SECTION 920C - ARTICLE 120C: OTHER SEXUAL MISCONDUCT. THIS INCLUDES INDECENT VIEWING, VISUAL RECORDING, OR BROADCASTING.

4.B.5. SECTION 925 - ARTICLE 125: FORCIBLE SODOMY; BESTIALITY.

4.B.6. SECTION 880 - ARTICLE 80: ATTEMPT (ANY ATTEMPT TO COMMIT THESE OFFENSES).

4.C. PUNITIVE ADMINISTRATIVE ACTION, FOR PURPOSES OF THIS ALARACT, MEANS ANY ADVERSE ADMINISTRATIVE ACTION INITIATED AS RESULT OF A SEX-RELATED OFFENSE AS OUTLINED IN REFERENCE (1.A) AND INCLUDES, BUT IS NOT LIMITED TO, MEMORANDUM OF REPRIMAND, ADMONISHMENT OR CENSURE FROM ALL LEVELS OF COMMAND. REGARDLESS OF THE USE OF THE

TERM "PUNITIVE," THE ASSIGNMENT OF AN ASCO L3 DSRO IS AN ADMINISTRATIVE ACTION CONSISTENT WITH THE LANGUAGE IN REFERENCE (1.B.), PARA. 3-4.

4.D. IN ALL CASES, THE SOLDIER WILL BE GIVEN NOTICE AND OPPORTUNITY TO RESPOND BEFORE THE ADVERSE ADMINISTRATIVE ACTION IS INCLUDED IN THE SOLDIER'S PERSONNEL FILE. THE SOLDIER'S RESPONSE WILL BE FILED WITH THE ADVERSE ADMINISTRATIVE ACTION. UNFAVORABLE INFORMATION WILL BE PROCESSED IN ACCORDANCE WITH REFERENCE (1.B).

4.E. ASCO L3 DSRO IS DESIGNATED TO IDENTIFY SOLDIERS WITH A COURT-MARTIAL CONVICTION, NONJUDICIAL PUNISHMENT, OR PUNITIVE ADMINISTRATIVE ACTION (INCLUDES SEPARATION IN LIEU OF COURT MARTIAL) FOR A SEX-RELATED OFFENSE IN HR SYSTEMS. GUIDANCE FOR PROCESSING L3 ASCO IS OUTLINED IN PARAGRAPH 6 OF THIS ALARACT.

4.F. CONSISTENT WITH REFERENCE (1.A), LTC COMMANDERS OR HIGHER AUTHORITY WILL REVIEW THE HISTORY OF SEX-RELATED OFFENSES DOCUMENTED IN THE AMHRR FOR ANY SOLDIER PERMANENTLY ASSIGNED TO THEIR UNIT. COMMANDERS WILL SCREEN THE RECORD BRIEF OF CURRENT AND INCOMING SOLDIERS FOR THE ASCO L3 INDICATING THE SOLDIER HAS RECEIVED A DOCUMENTED SEX-RELATED OFFENSE. THE PURPOSE OF THIS REVIEW IS TO ENSURE THAT COMMANDERS ARE AWARE OF THE HISTORY OF SEX-RELATED OFFENSES OF SOLDIERS WITHIN THEIR FORMATIONS.

4.F.1. ACTIVE COMPONENT: EMILPO USERS WITH DATASTORE ACCESS CAN QUERY EMILPO FOR ASCO L3 TO IDENTIFY ALL ACTIVE DUTY SOLDIERS WITH A SEX RELATED OFFENSE:

"PUBLIC FOLDERS > HRC > TAGD - THE ADJUTANT GENERAL DIRECTORATE > FSD-FIELD SERVICES DIVISION > FIELD ASSISTANCE > ASCO L3 REPORT"

4.F.2. ACTIVE COMPONENT ENLISTED: EMILPO DISPLAYS THE ASCO ON THE ENLISTED RECORD BRIEF IN THE REMARKS SECTION.

4.F.3. ACTIVE COMPONENT OFFICER: THE ASCO WILL ALSO DISPLAY IN THE REMARKS SECTION OF THE OFFICER RECORD BRIEF AS "DSRO."

4.F.4. USAR AND ARNG COMMANDS WILL TRACK SOLDIERS IDENTIFIED WITH ASCO L3 AND ASCO L8.

5. CONVICTED SEX OFFENSE (L8).

5.A. CONSISTENT WITH REFERENCE (1.H), A CONVICTION INCLUDES A PLEA OR FINDING OF GUILTY, A PLEA OF NOLO CONTENDERE, AND ALL OTHER ACTIONS TANTAMOUNT TO A FINDING OF GUILTY. IN ACCORDANCE WITH REFERENCE (1.C), THE CONVICTION QUALIFIES IF IT OCCURRED IN ANY U.S. JURISDICTION. AS FURTHER EXPLAINED BY REFERENCES (1.C) AND (1.D), CERTAIN FOREIGN CONVICTIONS MAY ALSO BE COVERED. A CONVICTION INCLUDES A CONVICTION AT A GENERAL OR SPECIAL COURT-MARTIAL, BUT DOES NOT INCLUDE RESULTS FROM A SUMMARY COURT-MARTIAL OR NONJUDICIAL PUNISHMENT UNDER THE UNIFORMED CODE OF MILITARY JUSTICE (UCMJ), ARTICLE 15.

5.B. IN ACCORDANCE WITH REFERENCES (1.C), (1.D), AND (1.E), A SEX OFFENSE INCLUDES OFFENSES FROM ANY OF THESE SIX CATEGORIES: (1) OFFENSES INVOLVING A SEXUAL ACT OR SEXUAL CONTACT, AS DEFINED BY THE JURISDICTION WHERE THE CONVICTION OCCURRED; (2) CERTAIN OFFENSES AGAINST MINORS, AS DEFINED IN PARAGRAPH 7 OF REFERENCE (1.D); (3) FEDERAL OFFENSES UNDER 18 USC, SECTION 1591, OR 18 USC CHAPTERS 109A OR 117; (4) A MILITARY OFFENSE SPECIFIED UNDER APPENDIX 4 TO ENCLOSURE 2 TO REFERENCE (1.F); (5) ATTEMPTS AND CONSPIRACIES TO COMMIT ONE OF THE OFFENSES IN (1) THROUGH (4); OR (6) A MILITARY OFFENSE SPECIFIED IN PARAGRAPH 24-2 OF

REFERENCE (1.E). COMMANDERS SHOULD CONSULT WITH THEIR SERVICING JUDGE ADVOCATE (SJA) FOR QUESTIONS PERTAINING TO CONVICTIONS IN REFERENCE (1.G).

5.C. ASCO L8 (ASSIGNMENT RESTRICTIONS FOR CONVICTED SEXUAL ASSAULT OFFENDERS) IS DESIGNATED TO IDENTIFY SOLDIERS WHO HAVE BEEN CONVICTED OF A SEX OFFENSE. ASCO L8 PROCESSING GUIDANCE IS OUTLINED IN PARAGRAPH 6 OF THIS ALARACT.

5.D. UPON DISCOVERY THAT A SOLDIER WITHIN THEIR COMMAND RECEIVED A SEX OFFENSE CONVICTION THAT DID NOT RESULT IN A PUNITIVE DISCHARGE OR DISMISSAL, COMMANDERS WILL INITIATE AN ADMINISTRATIVE SEPARATION ACTION AS DIRECTED IN REFERENCE (1.G). THIS APPLIES TO ALL PERSONNEL CURRENTLY IN THE ARMY, REGARDLESS OF WHEN THE CONVICTION FOR A SEX OFFENSE OCCURRED AND REGARDLESS OF COMPONENT OF MEMBERSHIP AND CURRENT STATUS WITHIN THAT COMPONENT.

5.E. SOLDIERS PENDING INVOLUNTARY SEPARATION OR DISCHARGE MUST BE FLAGGED IN ACCORDANCE WITH REFERENCE (1.I).

5.F. COMMANDERS WILL FOLLOW CURRENT POLICY FOR INITIATING AN ADMINISTRATIVE SEPARATION PURSUANT TO REFERENCES (1.G), (1.J), (1.K), (1.L) AND (1.M), AS APPROPRIATE.

5.G. COMMANDERS WILL ENSURE SOLDIERS CONVICTED OF A SEX OFFENSE ARE NOT ASSIGNED OR DEPLOYED ON A TEMPORARY DUTY, TEMPORARY CHANGE OF STATION OR PERMANENT CHANGE OF STATION STATUS TO DUTY STATIONS OUTSIDE OF THE CONTINENTAL UNITED STATES. THE ONLY PERMITTED OCONUS LOCATIONS ARE HAWAII, ALASKA, THE COMMONWEALTH OF PUERTO RICO, OR TERRITORIES OR POSSESSIONS OF THE UNITED STATES. ADDITIONAL GUIDANCE COVERING PROHIBITED OVERSEAS ASSIGNMENT/DEPLOYMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES IS OUTLINED IN REFERENCE (1.G).

6. IN ACCORDANCE WITH REFERENCE (1.A), THE COMMANDER, HUMAN RESOURCES COMMAND WILL DESIGNATE AND IMPLEMENT AN APPROPRIATE CODE FOR USE ON SOLDIERS' RECORD BRIEFS TO IDENTIFY THOSE SOLDIERS WITH A COURT MARITAL CONVICTION, NON-JUDICIAL PUNISHMENT OR PUNITIVE ADMINISTRATIVE ACTION FOR A SEX-RELATED OFFENSE. REFERENCE (1.A) FURTHER STATES THE DEPUTY CHIEF OF STAFF, G-1, IN COORDINATION WITH THE ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS), WILL PUBLISH APPROPRIATE IMPLEMENTING INSTRUCTIONS. THIS ALARACT OUTLINES IMPLEMENTATION INSTRUCTIONS FOR PROCESSING DOCUMENTED SEX-RELATED OFFENSE (L3) AND CONVICTED SEX OFFENSES (L8) ASSIGNMENT CONSIDERATION CODES FOR ACTIVE DUTY, ARMY NATIONAL GUARD OF THE UNITED STATES, AND U.S. ARMY RESERVE AS SPECIFIED BELOW IN PARAGRAPHS 6A, 6B, 6C, AND 7.

6.A. ACTIVE DUTY.

6.A.1. LTC COMMANDERS WILL COORDINATE WITH LOCAL JA TO ENSURE THE OFFENSE MEETS THE CRITERIA FOR A DOCUMENTED SEX OFFENSE (L3) OR CONVICTED SEX OFFENSE (L8).

6.A.2. LOCAL JA WILL SUBMIT VALIDATED L3 AND L8 REQUESTS BY MEMORANDUM TO COMMANDER, U.S. ARMY HUMAN RESOURCES COMMAND, ATTN: AHRC-PLB, 1600 SPEARHEAD DIVISION AVENUE, FORT KNOX, KY 40122-5102 OR VIA ENCRYPTED EMAIL TO USARMY.KNOX.HRC.MBX.SEX-OFFENSES@MAIL.MIL WITH SUBJECT LINE "L3 DOCUMENTED SEX-RELATED OFFENSE" AND/OR "L8 CONVICTED SEX OFFENSE" FOR FURTHER PROCESSING. THE MEMORANDUM MUST INCLUDE SOLDIER'S FULL NAME, LAST FOUR OF SSN, GRADE, AND LOCAL JA. ALL SUPPORTING DOCUMENTS FOR THE OFFENSE AND ALL REBUTTAL MATERIALS MUST BE INCLUDED IN THE REQUEST. DOCUMENTED SEX-

RELATED OFFENSE (L3) REQUESTS MUST INCLUDE A COVER LETTER FROM LOCAL JA STATING THE REQUEST IS A VALIDATED SEX-RELATED OFFENSE FOR FILING IN THE AMHRR. HRC G3/7 WILL RETURN WITHOUT ACTION ANY PACKET NOT MEETING THE CRITERIA SET FORTH IN THE ALARACT.

6.A.3. HRC G3/7 RECEIVES PACKET FROM LOCAL JA FOR PROCESSING.

6.A.3.A. ENLISTED PERSONNEL. HRC G3/7 CONCURRENTLY SUBMITS VALIDATED SEX OFFENSES TO HRC, ENLISTED PERSONNEL MANAGEMENT DIRECTORATE AND HRC, ADJUTANT GENERAL DIRECTORATE FOR PROCESSING. EPMD WILL ENTER THE RESPECTIVE ASCO INTO THE APPROPRIATE HR SYSTEM. TAGD WILL ENSURE DOCUMENTED SEX-RELATED OFFENSES ARE PROCESSED INTO IPERMS.

6.A.3.B. COMMISSION OFFICERS AND WARRANT OFFICERS. HRC G3/7 CONCURRENTLY SUBMITS VALIDATED SEX OFFENSE TO HRC, OFFICER PERSONNEL MANAGEMENT DIRECTORATE AND HRC, THE ADJUTANT GENERAL DIRECTORATE FOR FURTHER PROCESSING. OPMD WILL ENTER RESPECTIVE ASCO INTO THE APPROPRIATE HR SYSTEM. TAGD WILL PROCESS DOCUMENTED SEX-RELATED OFFENSES INTO IPERMS.

6.B. USAR SOLDIERS.

6.B.1. LTC COMMANDERS WILL COORDINATE WITH LOCAL JA TO ENSURE THE OFFENSE MEETS THE CRITERIA FOR A DOCUMENTED SEX OFFENSE (L3) OR CONVICTED SEX OFFENSE (L8).

6.B.2. LOCAL JA WILL SUBMIT VALIDATED L3 AND L8 REQUESTS BY MEMORANDUM TO COMMANDER, UNITED STATES ARMY RESERVE ATTN: (AFRC-PRM), 4710 KNOX ST, FORT BRAGG NC 28310 FOR PROCESSING. THE MEMORANDUM MUST INCLUDE SOLDIER'S FULL NAME, LAST FOUR OF SSN, GRADE, AND LOCAL JA. ALL SUPPORTING DOCUMENTS FOR THE OFFENSE AND ALL REBUTTAL MATERIALS MUST BE INCLUDED IN THE REQUEST. USARC WILL PROCESS VALIDATED DOCUMENTED SEX-RELATED OFFENSES INTO IPERMS WITH COVER LETTER FROM USARC SJA STATING THE REQUEST IS A VALIDATED DOCUMENTED SEX-RELATED OFFENSE. USARC WILL ALSO ENTER THE APPROPRIATE ASCO IN HR SYSTEM (RCMS-R). USARC WILL RETURN WITHOUT ACTION ANY PACKET NOT MEETING THE CRITERIA SET FORTH IN THE ALARACT.

6.C. NATIONAL GUARD SOLDIERS. LTC COMMANDERS WILL COORDINATE WITH STATE JA TO ENSURE THE OFFENSE MEETS THE CRITERIA FOR A DOCUMENTED SEX OFFENSE (L3) OR CONVICTED SEX OFFENSE (L8). STATE ARNG WILL SUBMIT VALIDATED OFFENSE BY MEMORANDUM, TO NATIONAL GUARD BUREAU, ATTN: ARNG-HRP-S, 111 S GEORGE MASON DRIVE, ARLINGTON, VA 22204 WITH SUBJECT LINE "L3 DOCUMENTED SEX-RELATED OFFENSE" OR "L8 CONVICTED SEX OFFENSE" FOR (RANK, FULL NAME). THE MEMORANDUM MUST INCLUDE SOLDIER'S FULL NAME, LAST FOUR OF SSN, GRADE, AND SERVICING JA. ALL SUPPORTING DOCUMENTS FOR THE OFFENSE AND ALL REBUTTAL MATERIALS MUST BE INCLUDED IN THE REQUEST. DOCUMENTED SEX RELATED OFFENSE "L3" REQUESTS MUST INCLUDE A COVER LETTER FROM SERVICING JA STATING THE REQUEST IS A VALIDATED SEX-RELATED OFFENSE FOR FILING IN THE AMHRR. ARNG-HRP WILL PROCESS THE VALIDATED DOCUMENTED SEX-RELATED OFFENSE INTO IPERMS AND THE STATE WILL ENTER THE RESPECTIVE ASCO INTO THE STANDARD INSTALLATION/DIVISION PERSONNEL SYSTEM (SIDPERS).

7. COMMANDS WILL ENSURE TO SAFEGUARD THE IDENTITY OF SEXUAL ASSAULT VICTIMS BY REDACTING PERSONALLY IDENTIFIABLE INFORMATION RELATED TO THE VICTIM WHEN PROCESSING L3 AND L8 ASCO REQUESTS.

8. POINTS OF CONTACT

8.A. HRC G3 READINESS, COMMERCIAL: (502) 613-4414, DSN (312) 983-4414,
USARMY.KNOX.HRC.MBX.SEX-OFFENSES@MAIL.MIL

8.B. NATIONAL GUARD BUREAU, COMMERCIAL: (703) 607-7512 (IPERMS); (703) 607-9175 (SYSTEMS),
NG.NCR.NGB-ARNG.LIST.ARNG-HRP-S-OWNER@MAIL.MIL.

8.C. U.S. ARMY RESERVE, (AFRC-PRM), CORNELIA JERNIGAN-COLLIER (910) 570-8146,
USARMY.USARC.USARC-USARC-HQ.MBX.IPERMS-SMS-ACCOUNT@MAIL.MIL.

9. THIS ALARACT MESSAGE EXPIRES ON 11 MAY 2018.

What Victims of Article 120 Charges Are Entitled to Receive¹

The Victim Receives...

IAW...

Pre-Preferral

Right to be informed of the victim's rights	10 U.S.C.S 3771
Right to have rights assumed by a family member, representative of the estate of the victim, or another suitable individual when the victim is under 18 (while not a member of the armed forces), or who is incompetent, incapacitated, or deceased.	R.C.M. 703(f)(4)(B)(6)
Right to be treated with fairness and respect for dignity and privacy	Art. 6b; 10 USCS 3771
Information regarding right to consult with an SVC by the victim's SARC, VA, VWL, CID Investigator, Government Counsel, or other local responsible official	AR 27-10, 17- 10a (11)(a)
An update as to the status of the investigation of the crime	AR 27-10, 17- 14a(1)
The status of the apprehension of the offender	AR 27-10, 17- 14a(2)
Notification of an MPO Copy of the DD Form 2873	AR 27-10, 17- 19a; DD Form 2873
Reasonable protection	Art. 6b; 10 USCS 3771; AR 27-10, 17- 19b

¹ Provided by the OSJA at Fort Campbell.

The status of the decision to prefer charges, to include which specific charges	AR 27-10, 17-14a(3)
Reasonable, accurate, and timely notice of a 39a session concerning continuation of confinement, an Art 32 hearing, a court-martial, a public proceeding of the service clemency and parole board, and the release or escape work release, furlough, or any other form of release from custody of the accused	Art. 6b; 10 USCS 3771; AR 27-10, 17-10a(3) (<i>See also</i> R.C.M. 305(i)(2)(A), R.C.M. 305(n), R.C.M. 405(i)(2)(A), R.C.M. 906(b)(8))
The right to confer with Government counsel at any proceeding described above	Art. 6b; 10 USCS 3771; AR 27-10, 17-10a(6); R.C.M. 806(b)(3); <i>See also</i> R.C.M. 906(b)(8)
A consultation regarding decisions not to prefer charges, decisions concerning pretrial restraint of the alleged offender or his or her release, pretrial dismissal of charges, and negotiations of pretrial agreements and their potential terms	AR 27-10, 17-15a (limited by 17-15b)
Any request from defense counsel to interview to be made through the victim's SVC	R.C.M. 701(e)(1)(A)
The right to have defense requested interviews conducted in the presence of trial counsel, a VA or the victim's SVC	R.C.M. 701(e)(1)(B); AR 27-10, 17-10a (11)(b)
The opportunity to express views as to whether the offense should be prosecuted in the military court or civilian court if the offense was committed in the U.S.	AR 27-10, 17-10a (11)(c) (<i>See list of steps</i>)

The opportunity to consult with TC about providing evidence in aggravation concerning financial, social, psychological, and physical harm done to, or loss suffered by, the victim	AR 27-10, 17-14a(8)
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The privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the victim and a VA or DoD Safe Helpline staff. Right to a closed hearing before a judge orders production	MRE 514(a)
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The result of disposition other than trial	AR 27-10, 17-14a(9)
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Upon Referral

The status of a decision to dismiss the charges	AR 27-10, 17-14a(3)
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A copy of all statements and documentary evidence produced or provided by the victim	TJAG Policy 14-09
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An excerpt of the charge sheet setting forth the preferred specifications pertaining to the victim	TJAG Policy 14-09
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The date, time, and location of any pretrial confinement review pursuant to RCM 305, and the Article 32 hearing	TJAG Policy 14-09
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Right to proceedings free from unreasonable delay	Art. 6b; 10 USCS 3771
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Right to petition ACCA for a writ of mandamus to require the PHO to comply	Art. 6b
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The right not to be excluded from any public hearing or proceeding unless testimony would be materially altered	Art. 6b; 10 U.S.C.S 3771; (See also R.C.M. 405(i)(2)(C), R.C.M. 806(b)(2) & MRE 615(e)), AR 27-10, 17-10a(4)
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The right to be reasonably heard (including through counsel) at a 39a session concerning confinement, sentencing hearing, and a public proceeding of the service clemency and parole board	Art. 6b; 10 U.S.C.S 3771; AR 27-10, 17- 10a(5); See also R.C.M. 1001A
The right not to testify at the preliminary hearing	R.C.M. 405(i)(2)(B)
Access to, or a copy, of the recording of the preliminary hearing proceedings, upon request.	R.C.M. 405(i)(6)
<i>Upon Referral</i>	
The right to have rights and concerns addressed by military magistrate during any review of pretrial confinement	AR 27-10, 8- 5b(1)
Right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.	10 U.S.C.S 3771
Notice of the acceptance of a plea of guilty or the rendering of a verdict after trial	AR 27-10, 17- 14a(7)
A separate waiting area from the accused or defense witnesses	AR 27-10, 17- 19c
Right to a reasonable opportunity to attend and be heard, including the right to be heard through counsel, on certain matters, outside the presence of the members	MRE 412(c)(2), MRE 513(e)(2); MRE 514(c)
Right to be reasonably heard at a sentencing hearing	R.C.M. 1001A(a)
Right to give a sworn statement through victim's designee appointed under R.C.M. 801(a)(6)	R.C.M. 1001A(d)
Right to make an unsworn statement through victim's designee appointed under R.C.M. 801(a)(6). The statement may be oral, written, or both. Copies must be provided to the TC, DC and MJ. MJ may waive the requirement to provide copies for good cause shown.	R.C.M. 1001A(e)

Right to petition ACCA for a writ of mandamus to quash an order to submit to a deposition	Art. 6b
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Right to petition ACCA for a writ of mandamus to require the CM to comply	Art. 6b
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After Trial

Information regarding conviction, sentencing, imprisonment, and release of the offender from custody	AR 27-10, 17-10a(9); AR 27-10, 17-14a(9)
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The right to submit matters for consideration by the convening authority during the clemency phase	Art. 60(d); R.C.M. 1105A; R.C.M. 1107; AR 27-10, 17-10a(10);
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The probable date on which the offender will be eligible for parole	AR 27-10, 17-14a(10)
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General information regarding the corrections process, including information about work release, furlough, probation, parole and other forms of release from custody, and the offender's eligibility for each	AR 27-10, 17-14a(11)
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The right to request, through the VWL, trial counsel, or designee of the commander of the corrections facility to which the offender is assigned, notice of post-trial procedures, the victim's election on DD Form 2704	AR 27-10, 17-14a(12)
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Direction on how to submit a victim impact statement to the Army Clemency and Parole Board for inclusion in parole and clemency considerations	AR 27-10, 17-14a(13); AR 15-130
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Formal information regarding post-trial procedures and the DD Form 2704 from either the TC or a representative for the Government	AR 27-10, 17-14b
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Right to receive restitution (as provided by law)	Art. 6b; 10 USCS 3771
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**This list may or may not be all inclusive but is a guide*

SEXUAL ASSAULT BATTLE DRILL

- ❑ Review DoDI 6495.02 and AR 600-20, Chapter 8.

- ❑ Immediately refer victim to the VWL and ensure VWL procedures in AR 27-10, Chapter 17 are followed.

- ❑ Ensure the victim has been advised of rights including requests for SVC, legal assistance, unit transfer, protective orders, and case updates.

- ❑ Ensure CID is notified immediately of alleged sexually based offenses IAW DoDI 6495.02, Enclosure 5 and 2014 NDAA, Section 1742.

- ❑ Ensure the SARC is notified immediately of alleged sexually based offenses.

- ❑ Ensure commanders are aware of their responsibilities IAW DoDI 6495.02, enclosure 5 and AR 600-20, Ch. 8, Appendix G.

- ❑ Notify the CoJ and SVP.

- ❑ Comply with ongoing requirements set forth for SJAs in AR 600-20, Paragraph 8- 5g, DoDI 6495.02, AR 27-10, paragraphs 17-14 and 17-15, and TJAG Policy Memos.