

IDEAS & ISSUES (LEADERSHIP)

# HQMC SAPR

The need for reform is being addressed

by Col Michael Hudson

In May 2012 the Commandant of the Marine Corps, Gen James F. Amos, issued a letter to all Marines addressing the problem of sexual assault. The letter marked the beginning of a sweeping campaign calling for the implementation of several institutional reforms, the goal of which was to revive the Corps' sense of tradition and ethics, and by doing so, uprooting the underlying conditions allowing sexual assaults to occur undetected. Marine Corps leaders, the Commandant wrote, must set and enforce an environment in which victims "trust their command[s] to listen respectfully, respond confidentially, investigate immediately, and to take appropriate action."<sup>1</sup>

The following month, the Commandant launched the three-phase Sexual Assault Prevention and Response (SAPR) campaign plan. While the prevention of sexual assault was SAPR's first and highest priority, the plan also introduced initiatives designed to strengthen the Corps' ability to provide continuous care to victims and hold offenders ac-

**>Col Hudson is the Branch Head, Sexual Assault Prevention and Response, Marine and Family Programs Division, HQMC.**

countable. Nearly 2 years later, the most promising outcome thus far has been the rise in sexual assault reporting. Between fiscal year 2011 (FY11) and FY13, reports of sexual assault have increased nearly 150 percent. "If this represents an increase in the bonds of trust between our junior Marines and their chain of command," the Commandant later said, "I will consider that a successful step on the path to eliminating this issue."<sup>2</sup>

For a crime that is—in the Armed Services or elsewhere—universally underreported, a rise in reporting is not necessarily indicative of more sexual assaults being committed. Such a rise would necessarily precede the overall decline in prevalence, with the increased report data being used to further clarify the scope of the problem and to identify

gaps in the program. For example, a preliminary look at FY13 reports shows that close to 20 percent were made for incidents that occurred prior to the beginning of the fiscal year. Many of these incidents occurred either more than 1 year earlier or before the victim joined the Corps.<sup>3</sup> From a purely statistical perspective, such reports contribute to the spike in reporting without adding to the prevalence for the given time period. More importantly, these reports suggest that Marine Corps efforts are working to reach long-suffering victims who were once resigned to coping with the trauma unaided.

More telling than this, however, is the timing of the trend. Increased reporting in the Marine Corps started precisely in the second half of FY12, coinciding with the Commandant's letter, the campaign plan's launch, and the Corps' initial upsurge in top-down SAPR training. The timing would therefore suggest that, vice prevalence, this upward trend in reporting reflects an increase in the awareness of and confidence in the available options, resources, and services offered to victims.

Several supporting trends can be found in the 2012 Workplace and Gender Relations Survey, a confidential survey often cited when illustrating the military's losing battle against sexual assault. A closer look at the survey, however, reveals some positive developments in the area of victim services, particularly within the Marine Corps. When compared to the findings of the 2010 survey, significantly more female Marines who reported an incident expressed satisfaction with the quality of victim advocacy and counseling provided to them.

Additionally, the survey showed that, compared to those in other military Services, females in the Marine Corps were not only more likely to indicate



From CG to the rear rank, all Marines are involved in prevention. (Photo by LCpl Melissa Eschenbrenner.)



**Awareness is at an all-time high.** (Photo by Cpl Kowshon Ye.)

satisfaction with counseling and victim advocacy, but were also more likely to correctly identify important victim options such as restricted reporting and expedited transfer requests. These small-but-encouraging signs, together with the continued upswing in reporting, suggest that campaign plan efforts are working not only to reach but truly help a historically silent, invisible group within the ranks.

Today the campaign plan is in its second phase, and, with awareness at an all-time high, it has certainly fulfilled the Commandant's preliminary step "to shine a bright light on the crime of sexual assault."<sup>24</sup> The campaign plan continues to guide the implementation of large-scale initiatives that affect Marines on an individual level, while steadily transforming the Corps into a leading institution in both preventing and responding to this crime. To this end, each of the following victim care initiatives has been implemented within the last 2 years.

**SAPR 8-day brief:** The SAPR 8-day brief is a tool that enhances the commanding officer's ability to provide immediate attention and care to victims. The brief must be submitted within the first 8 days following the submission of an unrestricted report to the first general officer in the victim's chain of command. This victim-centric brief follows the initial serious incident report that

is sent directly to the Commandant. An effective oversight tool, it essentially functions as a comprehensive checklist that includes the responsibilities of both the commander and the sexual assault response coordinator (SARC). These responsibilities include the following:

- Assigning the victim a victim advocate (VA) or uniformed victim advocate.
- Referring the victim to medical services.
- Ensuring that a sexual assault forensic examination was offered, and, if it was not, detailing the reasons why.
- Ensuring that the victim is aware of all available counseling and chaplain services.
- Informing the victim of the right to request an expedited transfer.
- Informing the victim of the right to speak confidentially with a legal assistance attorney about the military justice process and rights and benefits afforded the victim.

The SAPR 8-day brief is recognized as a best practice in victim care and commander-focused victim support, and similar oversight mechanisms are being adopted for use across the entire Department of Defense.

**Credentialing of SAPR personnel.** In compliance with the FY13 National Defense Authorization Act, all Marine Corps SAPR personnel, to include both civilian and uniformed SARCs and

VAs, have been credentialed through the National Organization of Victim Assistance. This credentialing process includes the completion of a 40-hour specialized victim advocacy training course that covers every aspect of the Marine Corps' SAPR program. The course teaches the principles of victim advocacy, emphasizing the importance of confidentiality, ethical decisionmaking, and understanding the complex behavioral and emotional responses of victims. It identifies best practices to be utilized throughout the advocacy process pertaining specifically to building rapport, identifying problems, exploring options, supporting victims' choices, and providing them with ongoing support.

"Ongoing support" includes providing victims with monthly case status updates, which, in addition to the quality assurance of services and systemic coordination, are facilitated by case management groups (CMGs). CMGs meet monthly to review all unrestricted reports of sexual assault. Co-chaired by the installation commander and SARC, CMGs include the VA/uniformed victim advocate, the staff judge advocate, Naval Criminal Investigative Service (NCIS), law enforcement, health care personnel, mental health/counseling representatives, the victim's commander, and the chaplain. CMGs discuss in a confidential setting the status of all cases in which the victim continues to receive advocacy services through the Marine Corps and the legal process has yet to reach its final disposition. CMG training is given to all installation SARCs as an additional requirement for their billets.

To maintain their credentials, both SARCs and VAs must complete 16 hours of annual continuing education. In an effort to facilitate this requirement, HQMC conducts an annual training event for all SAPR personnel. The last event was held in August 2013 and consisted of training and lectures by subject matter experts regarding victim assistance, sexual assault forensic examinations, legislative affairs, the reorganized Marine Corps legal community, prosecution strategies, and the implementation of sexual assault response teams (SARTs).

**SARTs.** Established at every Marine Corps installation, SARTs assist victims in navigating a multifaceted process without revictimization and ensure a coordinated response. At a minimum, a SART consists of NCIS, military police, a SARC/VA, a judge advocate or trial counsel, mental health services representatives, and sexual assault forensic examiners.

SARTs provide a support team of first responders and key stakeholders to ensure supportive services from initial contact with the victim to the conclusion of services and care. They are to meet at least quarterly to monitor coordination and communicate concerns pertaining to specific unrestricted cases.

**Sexual assault advisory group.** The sexual assault advisory group meets quarterly at the headquarters level to

standing of the traumatic incident from the perspective of the victim.

ASAP is currently established in Norfolk, VA; Camp Lejeune; Camp Pendleton; in San Diego, CA; in the northwest region (Bangor/Bremerton, WA); and in Okinawa, Japan. It is in the planning stages for Hawaii, the National Capitol Region, and the Jacksonville/Mayport, FL, region. In July 2013 the Secretary of the Navy approved the hiring of 54 new ASAP special agents, crime scene personnel, and other support personnel.

#### **Legal Community Reorganization**

In October 2012 the Commandant directed the reorganization of the Marine Corps' legal community into a regional model that gives the Marine Corps the flexibility to better utilize the

investigate and prosecute cases involving child abuse, domestic violence, and all sexual offenses). The complex trial team is assembled for specific cases and may contain any or all of the following:

- Two experienced, specially qualified litigators trained to prosecute complex cases such as sexual assault.
- Two experienced military criminal investigators to help develop cases.
- A highly qualified civilian expert who provides additional advice, training, and litigation capacity.
- A legal administrative officer.
- Paralegal support for better coordinated trial preparation.

#### **VLCO**

The Marine Corps' Victims' Legal Counsel Organization (VLCO) was established in November 2013 to provide close and confidential guidance to victims of sexual assault throughout the length of the investigation and prosecution process. The VLCO is a functionally independent organization led by a colonel judge advocate and based on a regional model (east, west, National Capital, and Pacific), with each regional VLCO supervised by a major judge advocate. Nine company-grade judge advocates, distributed among the regions, serve as victim legal counsel.

#### **Victim Advocacy Survey**

The Marine Corps has developed an anonymous victim advocacy survey to maintain both the quality of care and the level of victim engagement from the date of the report to the conclusion of services. The survey includes questions pertaining to services provided by the SARC and VA, law enforcement, medical, legal, the chaplain, and the chain of command. Compiling the firsthand concerns of sexual assault victims, the survey will help the Marine Corps establish a baseline from which the institution's support and advocacy capabilities can be further enhanced.

#### **Conclusion**

The implementation of these and other victim support initiatives has made the Marine Corps a much different institution than it was just 2

### ***The Marine Corps' Victims' Legal Counsel Organization (VLCO) was established in November 2013 to provide close and confidential guidance to victims of sexual assault throughout the length of the investigation and prosecution process.***

address systemic issues raised via installation SARTs and sexual assault advisory group members for the purpose of informing policy. Core members include SARC, NCIS, staff judge advocates, the family advocacy program, chaplains, the Bureau of Medicine and Surgery/health services, HQMC SAPR, and Plans, Policies, and Operations (law enforcement).

#### **NCIS ASAP**

Developed by NCIS, the Adult Sexual Assault Program (ASAP) links specially trained investigators into teams focused on adult sexual assault investigations, creating a surge team response that expedites the investigative process. ASAP teams have specialized training in legal jurisdiction, investigative procedures, evidence collection, the handling of reports and official statements, sexual assault victim sensitivities, and the forensic experiential trauma interview, a methodology that enhances under-

experience and supervision of more-experienced prosecutors. The new regional model essentially places the right prosecutor—one with the appropriate expertise, supervision, and support staff—on the right case, regardless of location.

Each of the legal community's four regions—east, west, National Capital, and Pacific—contains a legal services support section supervised by a colonel judge advocate officer-in-charge. Each section contains a regional trial counsel office led by an experienced lieutenant colonel litigator. This new construct provides for improved allocation of resources throughout the legal community and ensures that complex cases such as sexual assaults are assigned to experienced counsel who are best suited to handle them.

Each regional trial counsel office contains a complex trial team that gives the Marine Corps "special victim" capability (i.e., the capability to effectively





**UVA training.** (Photo by LCpl Lucas Vega.)

years ago. The Commandant cautioned, however, that while the progress was encouraging, the Marine Corps has a long way to go. "Where the system is not working as it should," he said, "we are committed to fixing it, and to holding commanders accountable for what is happening in their units."<sup>5</sup>

All aspects of victim care in the Marine Corps have been enhanced, and all responders, from SARC and VAs to NCIS agents and trial counsel, receive SAPR-specific training in order to better understand complex victim sensibilities and best practices. In addition, the Marine Corps has complied with all directives handed down by the Office of the Secretary of Defense, to include comprehensive and regular visual workspace inspections; mandatory command climate surveys; and withholding initial disposition authority to the colonel special courts-martial convening authority level for penetration offenses and forcible sodomy, and attempts to commit those crimes. The Commandant expanded this last requirement to include all attempted and completed contact sex offenses and child sex offenses.

The Marine Corps' ability to respond to sexual assaults has never been stronger. As new and existing programs and initiatives continue to be developed, integrated, and refined, a further rise in sexual assault reports is anticipated, and Marine Corps responders are trained and prepared to take action with characteristic readiness. Reporting is the bridge to victim care and offender accountability.

The larger mission, however—to reduce, if not eradicate, sexual assault from within the ranks—remains at the forefront. Since the launch of the campaign plan, prevention efforts have been implemented on an unprecedented scale and frequency. To support this ongoing fight against sexual assault, new video-based ethical discussion groups, all designed from direct feedback from the Operating Forces, are close to completion. In addition, a new bystander intervention training program designed for junior Marines (private to lance corporal), the Corps' highest-risk demographic, will soon be in the hands of commanders as they lead the efforts against this crime. These and other standardized SAPR training programs and tools are being implemented across the ranks, emphasizing the values and traditions that have made the Marine Corps the finest expeditionary force in the world.

"For almost 238 years, our Corps has answered our Nation's clarion call to fight and win its battles," the Commandant asserted. "We have never failed. We never will. Completely ridding our Corps of sexual assault is our current battle."<sup>6</sup>

#### Notes

1. Amos, Gen James F., white letter 2-12, Headquarters Marine Corps, Washington, DC, 2012, p. 2.
2. Amos, Gen James F., "The Posture of the United States Marine Corps: 2013 Report to

Congress," Headquarters Marine Corps, Washington, DC, 2013, p. 40.

3. The finalized official data will be included in "FY13 DoD Annual Report on Sexual Assault in the Military," scheduled for release in April/May 2014.

4. White letter 2-12, p. 2.

5. Amos, Gen James A., statement before the Senate Armed Services Committee on sexual assault and response, Washington, DC, 4 June 2013.

6. Amos, Gen James A., introductory statement to a leadership summit held 15-16 June 2013 for all colonel and lieutenant colonel commanders and their senior enlisted advisors.



Read more about sexual assault at [www.mca-marines.org/gazette/sexualassault](http://www.mca-marines.org/gazette/sexualassault).

