



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
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WASHINGTON, DC 20350-1000

SECNAVINST 1752.4A
PERS-61
01 Dec 2005

SECNAV INSTRUCTION 1752.4A

From: Secretary of the Navy

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE

Ref: (a) 42 U.S.C., Sections 10605 and 10607
(b) DODI 1030.2 of 4 Jun 04
(c) SECNAVINST 5800.11A
(d) Manual for Courts-Martial 2005
(e) NAVADMIN 128/05 (CNO Washington DC 161952Z Jun 05)
(f) NAVMEDCOMINST 6310.3

Encl: (1) Crime Victim's Bill of Rights
(2) Sexual Assault Incident Data Collection Report and Explanation
(3) Sexual Assault Data for U.S. Navy/U.S. Marine Corps

1. Purpose. To revise policy and provide guidance for the establishment of a sexual assault prevention/victim assistance program within the Department of the Navy (DON), including development and maintenance of a DON sexual assault reporting system and database for data on all such offenses against persons who are over 18 years of age and not married to the alleged offenders. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1752.4.

3. Background

a. Reference (a) establishes that certain services are available to victims of crime, including the following:

(1) Availability of emergency medical and social services.

(2) Any available restitution or other relief.

(3) Public and private programs available to provide counseling, treatment, and other support to the victim.

(4) Assistance in contacting persons responsible for providing those services and relief.

b. Reference (b) provides guidance on assisting victims and witnesses of crime from initial contact through investigation, prosecution, and confinement. Enclosure (1) is the Crime Victim's Bill of Rights per references (b) and (c). Reference (c) establishes the Victim Witness Assistance Program (VWAP) for DON and provides further guidance to DON for assisting victims and witnesses of crime.

c. This instruction addresses specific needs of victims of sexual assaults and related issues by defining sexual assault; establishing procedures to protect the victim's privacy; establishing a mandatory, standardized sexual assault victim assistance program; developing a database to track sexual assault trends; and implementing a sexual assault prevention program for service members.

4. Policy

a. Sexual assault is a criminal act that is absolutely incompatible with the DON's core values, high standards of professionalism, and personal discipline. Commanders shall take appropriate action under U.S. laws and regulations in all cases of sexual assault. The term "sexual assault," for the purpose of this instruction, includes rape, indecent assault, forcible sodomy, assault with intent to commit rape, and assault with intent to commit sodomy as defined in reference (d).

b. It is a DON goal to eliminate sexual assault incidents that impact DON personnel and family members or incidents that are perpetrated by DON personnel. To reach this goal, the DON will establish a standardized and effective sexual assault prevention and victim assistance program at the command level; will meet mandated reporting requirements without unduly compromising victim confidentiality or safety, or generating fear of reprisal; and will provide education to Navy and Marine Corps members and their families on socially responsible standards of behavior and factors that contribute to victimization.

c. Sexual assaults against children and those that occur within a marital relationship shall be reported under the DON's Family Advocacy Program (FAP).

d. This instruction is not intended to, and does not, create any entitlement, cause of action, or defense in favor of any person arising out of a failure to accord to a victim the assistance outlined in this instruction. No limitations are hereby placed on the lawful prerogatives of the DON or its officials.

5. Application

a. The newly established Department of Defense (DOD) Sexual Assault Prevention and Response Office will be issuing a DOD Directive and Instruction on Sexual Assault, incorporating the 14 Directive-Type Memorandums establishing policy for addressing sexual assault. Until the directive and instruction are issued, SECNAVINST 1752.4A, "Sexual Assault Prevention and Response," will be the governing document for the DON Sexual Assault program, along with any guidance on handling sexual assaults issued by cognizant DON authority via message traffic or other means.

b. Reference (e) outlines new DOD policy concerning confidential restricted reporting of sexual assaults. None of the reporting or database requirements in this instruction apply to a Sexual Assault reported by a victim confidentially under the restricted reporting guidelines of reference (e).

6. Action

a. Chief of Naval Operations (CNO)/Commandant of the Marine Corps (CMC) shall:

(1) Establish an Integrated Database (IDB) to capture and track reported incidents of sexual assault against persons who are over the age of 18 who are not married to their alleged offenders, and to track subsequent investigative and/or legal actions as defined in enclosure (2). This database will provide policy makers, developers of training, and other key leadership personnel with reliable statistical information to quantify and

categorize incidents, as well as to analyze the effectiveness of policies, training, and the command climate with relation to the identification and prevention of sexual assaults.

(2) Establish policy and procedures by which the sexual assault incident information contained in appendix A to enclosure (2) will be collected, reported, and entered into the DON IDB.

(3) Provide an annual report to Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) by 31 January for the preceding fiscal year, using the format in enclosure (3).

(4) Develop and conduct a sexual assault awareness and prevention program at both junior and senior levels, and at key career progression points (officer and enlisted) for all servicemembers. Training will be commensurate with a member's seniority and level of command responsibility/supervision.

(5) Establish a sexual assault victim assistance program that maximizes coordination of local resources, provides victim advocates, and minimizes re-victimization.

(6) Ensure installation commanders provide the safest possible environment for all servicemembers with particular emphasis on proper street lighting, enhanced barracks safety and base security, and the responsible use of alcohol onboard Navy and Marine Corps installations. This environment also requires diligent efforts by commanders to provide protection for victims from alleged offenders and a command climate that encourages the reporting of sexual assaults without fear of reprisal.

(7) Maximize cooperation between law enforcement and victim advocate personnel.

b. Director, Naval Criminal Investigative Service (NAVCRIMINVSVC) and Director, Marine Corps Criminal Investigation Division (CID) have key roles in management of sexual assault cases and shall:

(1) Provide technical guidance and training for military security forces and DON civilian law enforcement personnel involved in prevention of, and response to, sexual assault. In

order to keep re-victimization to a minimum, appropriate training in understanding sexual assault victims' needs and concerns shall be an essential component of this guidance and training.

(2) Provide training in the sensitive handling of sexual assault victims in both the Special Agent Basic Training course and in-service criminal investigative courses. Include in the Special Agent Basic Training course a review of Federal statutes and Navy and Marine Corps policies regarding the handling of sexual assault victims. Ensure all criminal investigators are included in all in-service training.

(3) Ensure that NAVCRIMINVSVC Resident Agencies (RAs) and Marine Corps CID Offices (CIDOs) provide necessary information to the appropriate command data collection coordinator to allow accurate completion of sexual assault incident reports. Information should be provided to the extent that it will not compromise the investigation.

(4) Ensure that NAVCRIMINVSVC RAs and Marine Corps CIDOs have special investigators available 24 hours a day to respond immediately to reported incidents of sexual assault.

c. The Judge Advocate General of the Navy shall provide advice, instruction, guidance, and assistance regarding the legal aspects of the Sexual Assault Prevention and Response Program.

d. Chief, Bureau of Medicine and Surgery (CHBUMED) shall:

(1) Provide medical training and technical guidance for appropriate personnel in order to provide comprehensive medical management for alleged sexual assault victims.

(2) Ensure adherence to reference (f), which provides guidance for appropriate training, forensic evidence collection and examination, and medical management for alleged sexual assault victims.

e. Commander, Naval Education and Training Command shall develop, conduct, and maintain a training continuum for all individual sexual assault training.

7. Form and Reports

a. NAVPERS 1752/1 (1-96), Sexual Assault Incident Data Collection Report, S/N 0106-LF-020-2900, may be obtained using requisitioning procedures contained in Navy Forms Online at <http://forms.daps.dla.mil>.

b. Report Control Symbol OPNAV 1752-1, Sexual Assault Incident Data Collection Report, is assigned to NAVPERS 1752/1 and is referred to in paragraph 6a(1) and (2), and is approved per SECNAVINST 5214.2B.

c. Symbol DD-P&R(A)1952(1752) is assigned to the reporting requirement contained in paragraph 6a(3).

William A. Navas, Jr.
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

Distribution:
Electronic only via Navy Directives Web site
<http://neds.daps.dla.mil/>

CRIME VICTIM'S BILL OF RIGHTS

A crime victim has the following rights:

1. The right to be treated with fairness and with respect for the victim's dignity and privacy.
2. The right to be reasonably protected from the accused offender.
3. The right to be notified of court proceedings.
4. The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
5. The right to confer with the attorney for the Government in the case.
6. The right to receive available restitution.
7. The right to be provided information about the conviction, sentencing, imprisonment, and release of the offender.

**SEXUAL ASSAULT INCIDENT DATA COLLECTION REPORT AND EXPLANATION
(Coincides with Integrated Database (IDB))**

1. Purpose. This reporting system:

a. Establishes a single, comprehensive database in which the prevalence of sexual assault within the Department of the Navy (DON) can be monitored and analyzed. In addition, information on the circumstances accompanying a sexual assault (e.g., involvement of alcohol or drugs, location of assault) will help in the development of appropriate measures to reduce the incidence of this crime.

b. Maintains data for all incidents of sexual assault reported to commands or civilian or military law enforcement, investigative, medical or social service agencies under either of the circumstances defined in paragraph 3a(1) and (2) of this enclosure.

2. Privacy Interests. The privacy interests of all parties shall be protected with particular emphasis on the following:

a. Data collection and reporting must protect the victim's identity. Access to the system to report and review information must be controlled at all levels of use to maintain confidentiality of case information.

b. The victim's identity will not be released to the media without the victim's express consent.

c. This system must use a means of identifying and tracking individual incidents and subsequent investigative and legal actions that does not rely on victim identity. Points of contact may include the Naval Criminal Investigative Service (NAVCRIMINVSVC), Marine Corps Criminal Investigative Division (CID), Fleet and Family Service Centers (FFSCs), law enforcement agencies, Medical Treatment Facilities (MTF), Staff Judge Advocates (SJA), and Trial Service Office (TSO) or Regional Legal Service Office (RLSO) as appropriate. The data collection coordinator shall obtain required data from these agencies rather than from the victim or alleged offender. The purpose of collecting data is for program management and statistical data analysis. Victim and alleged offender identifying data will not

be included in the database (e.g., name, social security number (SSN)).

d. Data collection and incident investigation shall be pursued with sensitivity to avoid re-victimization.

3. Reporting Requirement

a. An initial report must be submitted if an incident of sexual assault is reported to a military authority or support service (e.g., duty officer, legal officer, security, medical, or Fleet and Family Support (FFS)) and meets either of the following criteria:

(1) If the sexual assault occurs in areas under DON control or jurisdiction, regardless of the victim's or the alleged offender's duty status, military affiliation, or nationality.

(2) If the victim is a family member, or if the victim or the alleged offender is an active duty Navy or Marine Corps servicemember or Reservist on active duty, or is an active duty member of another Service assigned to a Navy or Marine Corps command at the time of the incident, regardless of the location of the incident.

(Note: Victims who are under the age of 18 or victims of marital sexual assault will not be reported through the IDB but must be reported through the FAP.)

b. Sexual Assault Incident Reports should be completed within 10 days of initial notification to any Navy or Marine Corps support service or command. Submission of the initial report should not be delayed to obtain more information.

c. Continuation (status) reports will be used to provide new or revised information and must be submitted to Service headquarters at least quarterly until final resolution of a case, or a determination that the installation commander is unable to monitor the progress of a case (e.g., the incident falls under the jurisdiction of civilian authorities). Final resolution refers to completion of investigative, disciplinary/criminal, and/or administrative actions (e.g., defendant found

guilty/not guilty, case determined to be unsubstantiated or false, alleged offender administratively separated.)

4. Reporting Responsibility

a. A data collection coordinator will be responsible for obtaining data elements through a coordinated effort with all agencies involved in the reporting, investigation, or prosecution of sexual assault.

b. Specific instructions for completing the report, NAVPERS 1752/1 (appendix A to this enclosure), are provided on pages 9-13 of NAVPERS 1752/1. It is recommended that a coordinating committee be used as the principal means of obtaining necessary information for the report.

c. The data collection coordinator should monitor the progress and outcome of all DON-related sexual assault incidents. A concerted effort is required in cases where an assault occurs outside the investigative and legal jurisdiction of the military, such as when the alleged offender is not an active duty servicemember or Reservist on active duty, or when the incident does not occur on military property. In cases where an assault is being investigated and prosecuted by civilian authorities with little or no military involvement, local military officials (e.g., NAVCRIMINVSVC and CID agents, military police, SJAs) should contact their civilian counterparts and arrange for sharing of information. Overseas locations should establish guidelines for interaction with nation authorities under applicable Status of Forces Agreements (SOFA). The data collection coordinator should note in the comment section of this report when a case falls under the jurisdiction of the civilian judicial or law enforcement system and information is not readily obtainable.

SEXUAL ASSAULT INCIDENT DATA COLLECTION REPORT

Instructions for completing this form are on pages A-11 through A-15 of this appendix.

A. GENERAL INFORMATION

1. Date reported: _____
2. Type of report: ___ Initial ___ Continuation (status)
3. Name of person and command submitting report: _____

Command/FSC affiliation: ___ USN ___ USMC

4. Incident Report Number: a. _ _ _ _ _ b. _ _ c. _ _ _

UIC/MCC: _____

NAVCRIMINVSVC/CID Case Control Number: _____

NOTE: An incident will always retain the same incident report number regardless of whether reporting responsibility is transferred to another installation.

B. VICTIM INFORMATION

5. (a) Affiliation: (b) Status: (c) Paygrade:

___ USN	___ Active Duty	___ E-1 ___ W-1
___ USMC	___ Reservist on	___ E-2 ___ W-2
___ USAF	Active Duty	___ E-3 ___ W-3
___ USA	Retired	___ E-4 ___ W-4
___ USCG	Family Member	___ E-5 ___ O-1
___ Unknown	N/A	___ E-6 ___ O-2
___ DOD Civilian		___ E-7 ___ O-3
___ Civilian		___ E-8 ___ O-4
(no military affiliation)		___ E-9 ___ O-5
		___ O-6
		___ O-7+

6. Age: _____

7. Gender: Male or Female

8. Race:

White American Indian/Alaskan Native
 Black Asian/Pacific Islander
 Hispanic Other: _____
 Unreported

9. (a) Initial contact/entry into system:

Medical Treatment Facility FFSC
 Base/Command Security/MPs Chaplain
 Duty Office/Quarterdeck Other: _____

(b) Date of initial contact: _____

10. Did victim receive initial medical examination? Y/N

11. (a) Was the victim referred for additional medical care following initial physical examination/evidence collection? Y/N

(b) If yes, was medical care rendered at medical treatment facility? CIV/MIL

12. Was victim referred for counseling? Y/N (If yes, was counseling rendered at a civilian or military facility? CIV/MIL

13. (a) Use of alcohol? Yes/No/Unknown

(b) Use of drugs? Yes/No/Unknown

C. OFFENDER INFORMATION (If more than one, use OFFENDER INFORMATION/INVESTIGATION/RESOLUTION Continuation Sheets)

14. Offender is known/unknown?

(a) Number of offenders: ____

(b) Offender Number: ____

15. (a) Affiliation (b) Status: (c) Paygrade:
- | | | | |
|--|--|------------------------------|-------------------------------|
| <input type="checkbox"/> USN | <input type="checkbox"/> Active Duty | <input type="checkbox"/> E-1 | <input type="checkbox"/> W-1 |
| <input type="checkbox"/> USMC | <input type="checkbox"/> Reservist on | <input type="checkbox"/> E-2 | <input type="checkbox"/> W-2 |
| <input type="checkbox"/> USAF | <input type="checkbox"/> Active Duty | <input type="checkbox"/> E-3 | <input type="checkbox"/> W-3 |
| <input type="checkbox"/> USA | <input type="checkbox"/> Retired | <input type="checkbox"/> E-4 | <input type="checkbox"/> W-4 |
| <input type="checkbox"/> USCG | <input type="checkbox"/> Family Member | <input type="checkbox"/> E-5 | <input type="checkbox"/> O-1 |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> N/A | <input type="checkbox"/> E-6 | <input type="checkbox"/> O-2 |
| <input type="checkbox"/> DOD Civilian | | <input type="checkbox"/> E-7 | <input type="checkbox"/> O-3 |
| <input type="checkbox"/> Civilian | | <input type="checkbox"/> E-8 | <input type="checkbox"/> O-4 |
| <input type="checkbox"/> (no military affiliation) | | <input type="checkbox"/> E-9 | <input type="checkbox"/> O-5 |
| | | | <input type="checkbox"/> O-6 |
| | | | <input type="checkbox"/> O-7+ |
16. Age: _____
17. Gender: Male or Female
18. Race:
- | | |
|-----------------------------------|---|
| <input type="checkbox"/> White | <input type="checkbox"/> American Indian/Alaskan Native |
| <input type="checkbox"/> Black | <input type="checkbox"/> Asian/Pacific Islander |
| <input type="checkbox"/> Hispanic | <input type="checkbox"/> Other: _____ |
| | <input type="checkbox"/> Unreported |
19. Relationship to victim (see instruction for #19):
- | |
|---|
| <input type="checkbox"/> Ex-Spouse |
| <input type="checkbox"/> Family Member (not Spouse) |
| <input type="checkbox"/> Acquaintance/Friend |
| <input type="checkbox"/> Shipmate/Co-worker |
| <input type="checkbox"/> Girlfriend/Boyfriend |
| <input type="checkbox"/> No known relationship (i.e., stranger) |
| <input type="checkbox"/> Family Member (USMC) |
| <input type="checkbox"/> Other: _____ |
20. (a) Use of alcohol? Yes/No/Unknown
- (b) Use of drugs? Yes/No/Unknown
21. Type of assault:
- | | |
|---|--|
| <input type="checkbox"/> Rape | <input type="checkbox"/> Forcible Sodomy |
| <input type="checkbox"/> Indecent Assault | <input type="checkbox"/> Forcible Sodomy (same gender) |
| <input type="checkbox"/> Other: _____ | |

22. If the offender is found guilty, does the victim want to be notified of the offender's release? Yes/No/Unknown

D. ASSAULT DYNAMICS/CIRCUMSTANCES

23. Date of Assault: _____

24. Location of assault (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> On-base, U.S. | <input type="checkbox"/> Off-base, U.S. |
| <input type="checkbox"/> On-base, Overseas | <input type="checkbox"/> Off-base, Overseas |
| <input type="checkbox"/> Aboard ship, at sea | <input type="checkbox"/> Aboard ship, in port |

E. INTERVENTION

25. a. Did victim advocate assist the victim through the following proceedings?

- Medical
- Investigation
- Legal

b. If not, why?

c. Was the advocate same gender? Y/N

26. Victim's willingness to assist with investigation/prosecution. (Mark as many statements as appropriate.)

- Will (or did) submit to medical examination/evidence collection
- Statement given to law enforcement
- Willing to assist with prosecution
- Willing to testify against offender
- Unwilling to provide evidence to law enforcement

Unwillingness reasons:

- Fear of reprisal by offender
- Fear of reprisal by superiors and/or peers
- Fear of adverse effect on career advancement
- Fear of not being believed by others
- Did not want others to know of assault
- Embarrassment
- Desire to avoid retelling defending victim's actions
- Unknown

___ Other, specify: _____

F. INVESTIGATION/RESOLUTION (If more than one, use OFFENDER INFORMATION/INVESTIGATION/RESOLUTION Continuation Sheets)

27. Lead criminal investigative agency:
___ NAVCRIMINVSVC
___ U.S. Civilian Law Enforcement
___ Foreign Civilian Law Enforcement
___ Command Security/Military Police
___ Other: _____
28. Criminal investigation initiated?
- (a) Was investigation initiated? Yes/No
- (b) Status: ___ In progress ___ Completed
- (c) Results:
___ Forwarded to Command or TSO/RLSO for action
___ Offender not identified
___ Unfounded/False report
29. Offender disposition:
- (a) Administrative
___ Nonjudicial Punishment (NJP)
___ Administrative Separation Processing
___ Initiated/Completed
___ No Action Taken
___ Separation in Lieu of Trial
___ Article 32
___ Other: _____
- (b) Judicial:
___ Summary Court-Martial
___ Special Court-Martial
___ General Court-Martial
___ Civilian Trial
30. Results of court-martial/civilian trial:
___ Guilty
___ Not Guilty/Acquitted

Mistrial Retry Mistrial: Yes/No/Unknown

31. Charges convicted of:

- Rape Forcible Sodomy
 Indecent Assault Forcible Sodomy (same gender)
 Other: (e.g., Assault with Intent to Commit Rape
 and Assault with Intent to Commit Sodomy)

32. If offender was found guilty, results:

(a) Military:

- Discharge/Dismissal
 Confinement/Imprisonment
 Forfeiture/Fine
 Reduction in pay grade/Loss of lineal number
 Other: _____

(b) Civilian courts:

- Confinement
 Fine
 Counseling
 Other: _____

33. Did convening authority approve the results of the
court-martial? Yes/No

Specify approved results _____

G. COMMENTS:

OFFENDER INFORMATION/INVESTIGATION/RESOLUTION Continuation Sheet

14. Offender is unknown/unknown?

(a) Number of offenders: ____ (b) Offender Number: ____

15. (a) Affiliation:	(b) Status:	(c) Paygrade:
___ USN	___ Active	___ E-1 ___ W-1
___ USMC	___ Reservist on	___ E-2 ___ W-2
___ USAF	___ Active Duty	___ E-3 ___ W-3
___ USA	___ Retired	___ E-4 ___ W-4
___ USCG	___ Family member	___ E-5 ___ O-1
___ Unknown	___ N/A	___ E-6 ___ O-2
___ DOD Civilian		___ E-7 ___ O-3
___ Civilian		___ E-8 ___ O-4
(no military affiliation)		___ O-5
		___ O-6
		___ O-7+

16. Age: ____

17. Gender: Male or Female

18. Race:

___ White	___ American Indian/Alaskan Native
___ Black	___ Asian/Pacific Islander
___ Hispanic	___ Other: _____
	___ Unreported

19. Relationship to victim (see instructions for #19)

___ Ex-Spouse
___ Family Member (not Spouse)
___ Acquaintance/Friend
___ Shipmate/Co-worker
___ Girlfriend/Boyfriend
___ No known relationship (i.e., stranger)
___ Family Member (USMC)
___ Other: _____

20. (a) Use of alcohol? Yes/No/Unknown

(b) Use of drugs? Yes/No/Unknown

OFFENDER INFORMATION/INVESTIGATION/RESOLUTION Continuation Sheet

21. Type of assault:

- Rape Forcible Sodomy
 Indecent Assault Forcible Sodomy (same gender)
 Other: _____

22. If the offender is found guilty, does the victim want to be notified of the offender's release? Yes/No/Unknown

23-26. Not used on continuation sheets.

27. Lead criminal investigative agency:

- NAVCRIMINVSVC
 U.S. Civilian Law Enforcement
 Foreign Civilian Law Enforcement
 Command Security/Military Police
 Other: _____

28. Criminal investigation:

(a) Was investigation initiated? Yes/No

(b) Status: In progress? - Completed?

(c) Results:

- Forwarded to Command or TSO/RLSO for action
 Offender not identified
 Unfounded/False report`

29. Offender disposition:

(a) Administrative

- Nonjudicial (NJP)
 Administrative Separation
 No action taken
 Other: _____
 Separation In Lieu Of Trial
 Article 32

- (b) Judicial:
 Summary Court-Martial
 Special Court-Martial
 General Court-Martial
 Civilian Trial

30. Results of court-martial/civilian trial:
 Guilty
 Not Guilty/Acquitted
 Mistrial Retry Mistrial: YES/NO/UNKNOWN

31. Charges convicted of:
 Rape Forcible Sodomy
 Indecent Assault Forcible Sodomy (same gender)
 Other: (e.g., Assault with Intent to Commit Rape
and Assault with Intent to Commit Sodomy)

32. If offender was found guilty, results:

- (a) Military:
 Discharge/Dismissal
 Confinement/Imprisonment
 Forfeiture/Fine
 Reduction in pay grade/Loss of lineal number
 Other: _____

- (b) Civilian courts:
 Confinement/Imprisonment
 Fine
 Probation
 Deferment/Dismissal
 Restitution
 Suspended Sentence
 Counseling
 Other: _____

33. Did convening authority approve the results of the court-martial? Yes/No

Specify approved results _____

SECNAVINST 1752.4A
01 Dec 2005

**INSTRUCTIONS FOR COMPLETING THE SEXUAL ASSAULT INCIDENT DATA
COLLECTION REPORT**

Question: Comments:

- 1 Enter current (today's) date.

- 2 If this is a new incident, which has not been previously reported, mark "initial." If a report was previously submitted on this particular incident, mark "continuation" in this space.

- 3 **Enter the name of the person who is completing the form and the command to which that person is assigned. DO NOT** enter the name of the victim or offender. Indicate whether the common FFSC submitting the report is Navy or Marine Corps.

- 4 Incident report numbers are locally generated and consist of:
 - a. The UIC (Navy) or MCC (Marine Corps) corresponds to the victim's command vice the reporting command/installation.

 - b. The last two digits of the fiscal year in which the assault occurred.

 - c. The sequential number that corresponds to the number of sexual assaults reported by the reporting command/installation in that fiscal year.

(For example, if a command/installation (with UIC/MCC 12345) is submitting a report on an assault which occurred in December 2005 and it's the second assault for that fiscal year, the incident report number would be [12345-06-002].) If this is a continuation (status) report, use the incident report number that was **originally assigned** to the incident. Afloat commands should use the same numbering system as outlined above.

Enter the victim's (or victim's sponsor's) UIC/MCC and the NAVCRIMINVSVC/CID case control number.

NOTE: If sending a continuation report, respond only to questions not previously answered. If previously reported information has changed or needs revision, indicate in the "comments" section as new or corrected data.

- 5a If military, select one category to indicate military affiliation. DOD Civilians includes permanent and temporary employees, as well as vendors contracted by DOD/DON.
- 5b If military, select status. If family member, select a category to show specific military affiliation.
- 5c If military, select specific pay grade.
- 6 Age at the time of assault.
- 7 Circle Male or Female.
- 8 Select only one category. If other, specify.
- 9a Indicate which office/department first became aware of and responded to the incident. If other, specify.
- 9b Indicate date when initial contact was made.
- 10 Indicate if victim received a medical examination following the incident.
- 11 Indicate whether the victim required medical treatment beyond an initial examination/evidence collection (e.g., for injuries). If yes, specify civilian or military treatment facility.
- 12 Counseling may include clinical psychologist, social worker, FFS counselor, chaplain, or community crisis center. If yes, specify civilian or military.
- 13 Any amount of alcohol or drug consumption prior to (within approximately 24 hours of) the incident

constitutes "use," backed up by the victim's account or blood test.

- 14 Indicate offender "known/unknown."
- 14a List number of offenders involved in the assault. If more than one offender was involved, questions 14-19 should be answered separately for each offender on a separate "OFFENDER INFORMATION/INVESTIGATION/RESOLUTION Continuation Sheet."
- 14b List offender as 1 of 1, 1 of 2, 2 of 2, etc., as appropriate.
- 15-18 Refer to explanations provided for questions 5-8.
- 19 Indicate offender's relationship to the victim. (If they were living together, check "other" and provide an explanation.)

NOTE: The USMC Sexual Assault and Rape Program covers all victims of sexual assault regardless of age and reports data under their FAP. Therefore, "Family Member" would include spouse.

The Navy's Sexual Assault Victim Intervention (SAVI) Program reports data for sexual assault victims who are 18 years or older except for victims of marital rape (legal spouse is alleged offender). Victims who are under 18 years old or victims of marital rape are reported through FAP.

- 20 Any amount of alcohol or drug consumption prior to (within approximately 24 hours of) the incident constitutes "use," backed up by the victim's account or blood test.
- 21 Describe the crime with which the offender is charged.
- 22 Indicate if victim wishes to be notified of offender's release. Notification is a function of the correctional facility.

- 23 Give the date the assault actually occurred.
- 24 If assault occurred in more than one location, check all that apply (e.g., on-base, U.S.; off-base, U.S.).
- 25 Indicate if a victim advocate assisted the victim through any of the processes, which ones, and if not, why. A victim advocate can be either a military or civilian trained volunteer or employee.
- 26 Indicate the victim's willingness to assist in the investigation and prosecution of the offender. Select all statement(s) that apply. The second part of question 26 is an option that is answered if the victim wishes not to assist in the investigation and states why he/she is unwilling to assist. If "Unwilling to provide evidence" was selected in question 26 and a reason given, the second part of question 26 must be answered. Select as many statements as appropriate. If further explanation is required, use comment section.
- 27 Indicate which agency has the lead in conducting the criminal investigation. If "other," specify.
- 28 If an investigation was opened, indicate the status/results of the criminal investigation as determined/reported by NAVCRIMINVSVC or other lead-investigating agency. Do not make your own status determination. Generally, the response choices have the following meanings:

Forwarded to Command or TSO/RLSO for action: The Case was forwarded to the offender's command or TSO/RLSO for review and appropriate disciplinary action.

Offender not identified: The offender was never identified, such as in the case of a stranger rape or unconscious victim with no other identifying evidence uncovered.

Unfounded/False Report: Allegation of a crime is unfounded or victim admits a false report.

- 29 Select only one. Disposition refers only to charges of sexual assault or any lesser-included offenses substituted for those charges. Other offenses with which the offender may be charged (e.g., breaking and entering in conjunction with an assault) should not be addressed. If in question 28, an incident was resolved, question 29 must be answered. If more than one offender is being investigated/prosecuted, questions 29-32 should be answered separately for each offender on OFFENDER INFORMATION/INVESTIGATION/RESOLUTION Continuation Sheets.
- 30 Results of courts martial/civilian trial refer only to charges of sexual assault or any lesser-included offenses substituted for those charges. Other offenses of which the offender may be found guilty (e.g., breaking and entering in conjunction with an assault) should not be addressed. Note in the comment section if and why information regarding the verdict cannot be obtained.
- 31 Indicate those charges for which a conviction resulted.
- 32 Select appropriate response(s). If other (e.g., probation), specify.
- 33 Refers only to military trials.

Comments Use this section to clarify any previous answer and to provide additional information if desired.

If final disposition of an incident has been determined or installation commander determines that further information is under civilian jurisdiction and this report represents the last report, state in the comments section, "Final report this incident."

SEXUAL ASSAULT DATA FOR U.S. NAVY/U.S. MARINE CORPS

NOTE: The following data reflect incidents reported per enclosure (2) of this instruction:

A. FY ____ REPORT 1st 2nd 3rd 4th Total
 Qtr Qtr Qtr Qtr

B. TOTAL SEXUAL ASSAULT INCIDENTS REPORTED: (Initial Report)

C. TOTAL TYPES OF SEXUAL ASSAULTS REPORTED:
(will not equal total incidents reported)

- Rape
- Forcible Sodomy
- Forcible Sodomy (same gender)
- Indecent Assault
- Assault with Intent to Commit Rape
- Assault with Intent to Commit Sodomy

D. INVESTIGATION RESULTS:

- Forwarded to Command or TSO/RLSO for action
- Offender not identified
- Unfounded/False report
- No investigation initiated

E. DISPOSITION:

(ADMINISTRATIVE)

(JUDICIAL)

- | | |
|-----------------------------|-----------------------|
| Non-Judicial Punishment | Summary Court-Martial |
| Administrative Separation | Special Court-Martial |
| No action taken | General Court-Martial |
| Separation in-lieu of trial | Civilian Trial |
| Article 32 | |
| Other | |

F. RESULTS OF COURT-MARTIAL/CIVILIAN

- Guilty
- Not Guilty/Acquitted
- Mistrial