



COMDTINST 1754.10A
APR 28 1999

COMMANDANT INSTRUCTION 1754.10A

Subj: REPORTING RAPE AND SEXUAL ASSAULT

- Ref:
- (a) Family Advocacy Program, COMDTINST 1750.7 (series)
 - (b) Military Justice Manual, COMDTINST M5810.1 (series)
 - (c) United States Coast Guard Regulations 1992, Chapter 9, COMDTINST M5000.3 (series)
 - (d) Investigative Assistance, COMDTINST 5520.5 (series)
 - (e) Medical Manual, COMDTINST M6000.1B, Chapter 13. E

1. PURPOSE. To establish policy and procedures for treatment referrals for rape and sexual assault victims, reporting requirements to ensure continuity of treatment, and geographic separation of suspected offender and victim, if required.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall ensure that the provisions of this Instruction are followed.
3. DIRECTIVES AFFECTED. COMDTINST 1754.10 is cancelled.
4. APPLICATION. This Instruction applies when active duty Coast Guard members or their dependents are victims of rape or sexual assault. Reference (a) establishes policies and procedures for reporting sexual abuse incidents occurring between family members or committed by caregivers.
5. DISCUSSION.
 - a. Rape and sexual assault are acts of violence. They leave the victims psychologically and physically traumatized. In the majority of cases, the assailant's motive is not to achieve sexual gratification but rather to terrorize, humiliate, and exert control over the victim. Directly after a rape and sexual assault

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incident, the victim may feel powerless to exert control in his or her situation; can experience shock, anxiety, and a fearful lack of trust in anyone; and sometimes will deny the rape or sexual assault ever occurred. A victim requires immediate help to make him or her feel physically safe, notify the proper law enforcement authorities, collect evidence and obtain medical attention and rape counseling.

- b. The victim's physical, psychological, and emotional rehabilitation depends on a coordinated response of medical and mental health intervention. A chain of responsibility within the Coast Guard will ensure continuity of care.

6. DEFINITIONS.

- a. Rape. An act of sexual intercourse by force and without consent. (Article 120, UCMJ; Part IV, paragraph 45, MCM, 1998 Edition.) This includes marital rape and acquaintance or "date" rape. Lack of consent includes situations where a victim did not resist because of mental condition, threats of violence, or intoxication.
- b. Sexual Assault. For purposes of this Instruction, the term sexual assault includes but is not limited to: assault with intent to commit rape, assault with intent to commit sodomy, indecent assault, and forcible sodomy. See the Manual for Courts-Martial, 1998 Edition for specific definitions of these terms.

7. POLICY.

- a. A victim's rape and sexual assault complaint or a situation that causes a commanding officer (CO) or officer in charge to believe rape or sexual assault has occurred must be reported to Commandant (G-WKW-2) in addition to reference (b), (c) and (d) reporting requirements.
- b. Reference (e) requires units with attached medical personnel to develop a protocol in accordance with the Quality Assurance Implementation Guide, Exercise 7.
- c. Commanding Officers (CO's) and officers-in-charge (OICs) are primarily responsible for carrying out notifications under this policy; they may use Employee Assistance Program Coordinators (EAPCs) assigned to Work-Life staffs, or where no EAPC exists, a Family Program Administrator (FPA). CO's and OIC's upon receipt of a report of rape or sexual assault shall:
 - (1) Immediately refer rape or sexual assault victims to medical and mental health resources and closely monitor victims' progress;
 - (2) Establish direct contact between the victim and EAPC;

- (3) Offer mental health intervention to a person who falsely reports rape and sexual assault; such behavior can indicate the person has unresolved psychological or emotional issues.
- (4) Immediately notify the servicing Regional CGIS Office, Special Agent in Charge, by telephone of all alleged rape or sexual assault incidents in which active duty Coast Guard members or their dependents are victims or assailants to ensure investigative efforts are pursued immediately and evidence protected. Rape and sexual assault cases can also be among the most difficult to litigate, and immediate involvement of trained investigators and law specialists frequently makes the difference in preserving evidence that may be critical in resolving the matter. These cases often raise complex evidentiary and other legal issues.
- (5) Consult with a law specialist prior to taking disciplinary or administrative action against the suspected offender; and
- (6) Ensure the victim is informed of his/her rights, options, and available resources throughout the investigative and legal processes.

8. PROCEDURES.

a. Commandant (G-WKW-2) shall:

- (1) Be informed immediately by telephone by the involved CO, OINC, EAPC, or FPA of all alleged rape or sexual assault incidents in which active duty Coast Guard members or their dependents are victims;
- (2) Shall coordinate continuity of the victim's treatment and geographic separation of victim and suspected offender, if required;
- (3) Maintain statistical data;
- (4) Conduct regular Quality Assurance Reviews of the EAPCs to ensure compliance with this Instruction; and
- (5) Provide direct technical guidance to EAPCs and Work-Life staffs about rape and sexual assault.

b. Work-Life Supervisors shall:

- (1) Ensure strict compliance with this Instruction;
- (2) Direct and ensure the EAPC refers all technical and policy questions to Commandant (G-WKW-2); and

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- (3) When rating the EAPC's performance, use the applicable Quality Assurance Report provided by Commandant (G-WKW-2).

c. EAPCs shall:

- (1) Immediately refer each victim to medical and mental health intervention resources;
- (2) Refer each person who makes a false report to mental health services;
- (3) Encourage each victim to file a police report and cooperate with the appropriate criminal investigative authority, per references (b) and (d);
- (4) Initially monitor the victim's follow-up regarding mental health and medical intervention referrals to ensure they are adequate and appropriate;
- (5) Advise Commandant (G-WKW-2) of any changes and problems in the victim's status;
- (6) Maintain no case files on rape and sexual assault incidents. EAPCs shall keep all information about an incident confidential and disseminate no information about it aside from this Instruction's reporting requirements and full cooperation, to the extent allowed by privacy laws and the Victim's Rights and Restitution Act of 1990, Public Law 101-647 (42 U.S.C. 10606, with law enforcement officials conducting the investigation);
- (7) Ensure commands within their Areas of Responsibility are familiar with this Instruction and reporting requirements;
- (8) Notify victims of their rights under the Federal Victim's Bill of Rights contained in the Victim's Rights and Restitution Act of 1990, Public Law 101-647 (42 U.S.C. 10606);
- (9) Assure the victim and others involved are treated with appropriate respect;
- (10) At all times remain non-judgmental about an alleged offender's guilt or innocence; and
- (11) Provide victims advocacy referrals during any military or civilian disciplinary or criminal proceedings resulting from the rape or sexual assault incident.

/s/ JOYCE M. JOHNSON
Director of Health and Safety