STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

MILITARY DEPARTMENT
OFFICE OF THE ADJUTANT GENERAL
9800 Goethe Road - P.O. Box 269101
Sacramento, California 95826-9101

CAAG

16 February 2012

MEMORANDUM FOR All California Military Department Service Members and Employees

SUBJECT: Sexual Assault Prevention and Response Program

1. Sexual assault is a crime. It demeans the value of others and erodes the basic foundation of trust vital to the success of every military mission. The California Military Department has implemented an aggressive Sexual Assault Prevention and Reponse Program to prevent and address sexual assaults. Reporting sexual assaults is imperative in caring for victims and prosecuting offenders. Every report of sexual assault will be immediately forwarded through the chain of command to this Headquarters, without exception.

2. Sexual assault is defined as, "intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts. "Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship with the accused by itself or the manner of dress of the person involved shall not constitute consent."

3. Leaders at all levels will ensure full compliance with the Sexual Assault and Response Program. To accomplish this task, all commanders and leaders must become fully informed about the policies that govern sexual assaults. Commanders will place special emphasis on ensuring that all accusations are referred to the proper authorities, ensuring confidentiality and victim privacy. Leaders will educate service members annually on the prevention of sexual assault, treating victims with care and dignity, and protecting victims against reprisal. All members of the Military Department have a responsibility to protect their fellow co-workers. If you have witnessed or are aware of a sexual assault of one of your fellow Military Department members, report it to your chain of command or supervisor.

4. Service members who are sexually assaulted should immediately seek safe refuge, obtain medical care and law enforcement services. The enclosed reporting process describes response and resources for victims. Prompt medical care is essential to address the potential negative physical consequences of sexual assault and for the collection of forensic evidence for offender prosecution. Victims of sexual assault retain the right and are encouraged to report the incident to the Sexual Assault Repsonse Coordinateor (SARC), Victim Advocate (VA), Commander, Chaplain, law enforcement, or local rape crisis center for assistance.

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5. Every member of the California Military Department has the right to work in a professional, threat free workplace. Leaders will remain committed to maintaining an environment where our service members and employees are treated with dignity and respect.

6. For additional information, Commanders/Leaders may contact the California Military Department Sexual Assault Response Coordinator Mr. Robert (Bob) May at (916) 869-0787 or robert.may7@us.army.mil. Victims will receive confidential and immediate support 24 hours a day by calling the Sexual Assault Helpline at (855) 225-7277.

DAVID S. BALDWIN
Major General
The Adjutant General

Encl:
as

If You Are the Victim

Sexual Assault Helpline
(855) 225-7277

Military Department SARC
Mr. Bob May (916) 869-0787
Robert.may7@us.army.mil

Victim Reports To:
Law Enforcement, Chain of Command or another Military Member

UNRESTRICTED REPORT

Local Law Enforcement, Military Police, Military Criminal Investigations notified and investigation initiated

JFHQ SARC notified and assigns a Victim Advocate

VA provides crisis intervention, non-clinical support, and an explanation of reporting options and available resources

Medical Care and Sexual Assault Forensic Exam (SAFE)

VA provides ongoing survivor advocacy and non-clinical support

Survivor receives monthly updates on case/investigation, victim's rights, resources and ongoing advocacy

Victim Reports To:
Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), Chaplain, or Healthcare Provider

JFHQ SARC notified and assigns a Victim Advocate

VA provides crisis intervention, non-clinical support, and explanation of reporting options and available resources

UNRESTRICTED REPORT (Title 32, AT, IDT)

Local Law Enforcement, Military Police, Military Criminal Investigations notified and investigation initiated

RESTRICTED REPORT (Title 10/Most Title 32)

Confidential

Medical Care and Sexual Assault Forensic Exam (SAFE)

JFHQ SARC notifies TAG with non-identifying information

VA provides survivor advocacy and non-clinical support

At any time, the survivor may switch a Restricted Report to an Unrestricted Report triggering an investigation.

LIMITED REPORT (Non-Duty Status)

Confidential

Provided referrals to civilian medical treatment & counseling

VA provides referrals to non-military funded resources

JFHQ SARC notifies TAG with non-identifying information