

**BY ORDER OF THE COMMANDER
JOINT BASE ELMENDORF-
RICHARDSON**

**JOINT BASE ELMENDORF-
RICHARDSON INSTRUCTION 40-301**

21 JUNE 2018

Medical Command

FAMILY ADVOCACY PROGRAM



COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-Publishing.af.mil for downloading or ordering

RELEASABILITY: There are no releasability restrictions on this publication

OPR: 673 MDOS/SGOWF

Certified by: 673 MDG/CC
(Colonel Tambra Yates)

Supersedes: JBELMENDORF-
RICHARDSONI 40-301,
6 June 2013

Pages: 8

This instruction establishes procedures and responsibilities for the administration of the Family Advocacy Program at Joint Base Elmendorf-Richardson in dealing with allegations of sexual assault. It explains policies and procedures in accordance with **AFI 40-301, Family Advocacy**, for identification, protection, treatment and prevention of sexual violence in an intimate partner or family context. It assigns responsibilities and explains procedures for notifying base leadership of incidents of sexual violence, while ensuring that victims are provided with information about all of the services available to them. Compliance with this instruction cannot be waived. Refer recommended changes and questions about this publication to the office of primary responsibility using the AF Form 847, *Functional Recommendation for Change of Publication*. Route the AF Forms 847 through to appropriate chain of command. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System Records Disposition Schedule located at <https://my.af.mil/afrims/afrims/afrims/rims.cfm>. See Attachment 1 for Glossary of References and Supporting Information.

This instruction requires collecting and maintaining information protected by the Privacy Act of 1974 authorized by 10 USC. 8013, Secretary of the Air Force; Air Force Instruction 40-301, Air Force Family Advocacy Program and EO. 9397 (SSN). System of Records Notice Number F044 AF SG Q, Family Advocacy Program Record (May 1, 2002, 67 FR 38068) Applies.

SUMMARY OF CHANGES

This document is substantially revised and must be completely reviewed. This entire instruction is newly created. It imposes obligations on Family Advocacy personnel to become familiar with sexual assault definitions and comply with reporting requirements when they receive sexual assault allegations, in order to ensure that Victims are fully apprised of the rights available to them.

1. Sexual Assault Allegations:

1.1. Sexual abuse, from unwanted touching to rape, is part of the spectrum of domestic abuse, and it is vital in any domestic abuse case to explore whether sexual abuse has ever occurred.

1.1.1. All Family Advocacy personnel must be generally familiar with what conduct constitutes a sexual offense according to Articles 120 and 120 (a)-(c) of the Uniform Code of Military Justice.

1.2. Any Family Advocacy personnel who, through the course of their duties, become aware of any allegation that could meet the definition of sexual abuse or assault generally, as specified in Article 120 and Articles 120 (a)-(c) of the Uniform Code of Military Justice, must take the following steps:

1.2.1. Ensure the Victim is immediately aware of all services available to help her/him; including the Sexual Assault Prevention and Response Program, Special Victim's Counsel, Case Management Group, Air Force Office of Special Investigations, the Office of the Staff Judge Advocate, medical and mental health services, and the chaplain.

1.2.1.1. Ensure that the Victim is aware of the different reporting options that are available to her/him. If the Victim consents to such notification, notify the Sexual Assault Prevention and Response office that there has been an allegation of sexual assault. Notification to the Sexual Assault Prevention and Response office will not change the status of an otherwise restricted report.

1.2.1.2. Consult the office of the Special Victims' Counsel to determine whether the victim is entitled to an Special Victims' Counsel.

1.2.2. Ensure the victim understands the concept of informed consent that enables the Victim to include anyone (for example, a Special Victims' Counsel, domestic violence victim advocate, friend, family member, co-worker, chaplain) they choose in appointments regarding their assault.

1.2.3. Ensure the Victim understands that, if eligible, she/he can choose Sexual Assault Prevention and Response Program services or Family Advocacy services with respect to the sexual assault allegation.

1.2.3.1. If the Victim elects Sexual Assault Prevention and Response Program services, the Case Management Group, must be informed of the safety risks with the Victim and ensure a safety plan is coordinated by the Sexual Assault Response Coordinator with the Victim.

1.2.3.2. If the Victim elects Family Advocacy services, no information about the case is shared with the Sexual Assault Prevention and Response Program or at the Case Management Group, without the Victim's consent.

1.2.3.2.1. If the Victim consents, her/his case will be briefed by Family Advocacy at the Case Management Group.

1.3. Within 24 Hours of learning of an allegation of sexual abuse:

1.3.1. Complete a Department of Defense Form 2967 for the Victim to indicate a restricted or unrestricted report.

1.3.2. Report non-Personally Identifiable Information on sexual assault incidents to the installation commander for both restricted and unrestricted reports. *See 24 hour notification template at [Attachment 2](#).*

GEORGE T.M. DIETRICH III Colonel, USAF
Commander

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

AFMAN 33-363, *Management of Records*, 1 March 2008

AFPD 40-3, *Family Advocacy Program*, 10 March 2005

AFI 40-301, *Family Advocacy*, 30 Nov 2009.

AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program* 21 May 2015, Incorporating Change 1, 18 March 2016 and AFGM2017-01, 12 October 2017

Adopted Forms

AF Form 847, *Functional Recommendation for Change of Publication*

Attachment 2

24-HR RESTRICTED OR UNRESTRICTED REPORT NOTIFICATION TEMPLATE

Figure A2.1. Twenty-four (24)-Hr Restricted Or Unrestricted Report Notification Template.

Family Advocacy will complete and submit the 24-hr Notification for all restricted or unrestricted reports to the Installation Commander as a standalone report via an encrypted, unclassified email. **Do not include Personally Identifiable Information.**

- (1) Assault Occurred: Choose one below
 - a. Assault occurred within the last 30 days
 - b. Assault occurred more than 30 days ago
 - c. Assault occurred prior to military service
- (2) Time: Choose one below
 - a. Daytime; 0600L – 1759L
 - b. Nighttime; 1800L – 0559L
 - c. Multiple (Both day/night due to multiple instances)
 - d. Undetermined
- (3) General Location: Choose one below
 - a. On installation (Includes USAF owned/operated property/transportation)
 - b. Off installation
 - c. Multiple (Both on/off due to multiple instances)
 - d. Undetermined
- (4) Victim Status: Choose one below
 - a. Military (Regardless of Component, Service or Status)
 - b. Civilian (Contractor, Department of Defense Civilian, Military Dependent (18 yrs and older only), Non- Service affiliated civilian)
 - c. Protected due to restricted report
 - d. Undetermined
- (5) Number of Victim(s):
- (6) Alleged Assailant Status: Choose one below
 - a. Military (Regardless of Component, Service or Status)
 - b. Civilian (Contractor, Department of Defense Civilian, Military Dependent (18 yrs and older only), Non- Service affiliated civilian)
 - c. Protected due to restricted report
 - d. Undetermined
- (7) Number of Alleged Assailant(s): (Number or Unknown)
- (8) Nature/Type of Sexual Assault: Choose one below
 - a. Penetration
 - b. Non-Penetration
 - c. Unknown at this time

(9) Alcohol Involved: Choose one below

- a. Yes
- b. No
- c. Protected due to restricted report
- d. Unknown at this time

(10) Drugs Involved: Choose one below

- a. Yes
- b. No
- c. Protected due to restricted report
- d. Unknown at this time

(11) Confirmation that Victim was offered the following:

- a. Advocacy Services: (Yes/No)
- b. An explanation of the Department of Defense Form 2967: (Yes/No)
- c. Medical Care: (Yes/No)
- d. Mental healthcare: (Yes/No)
- e. Informed of eligibility for a Special Victims' Counsel: (Yes/No)
- f. Informed of Sexual Assault Prevention and Response Office services: (Yes/No)

PLEASE NOTE: Item 12 is ONLY answered for Unrestricted Reports.

(12) Commander's Critical Information Requirement. Does the sexually based, alleged or confirmed, crime meet one of the following criteria (see note):

- a. Involves an O-6 Commander, or equivalent, and above, Sexual Assault Response Coordinator/Victim Advocate, or a Sexual Assault Prevention and Response Office Staff Member, as either a victim or subject? Yes/No
- b. Incident warrants higher level command awareness? Yes/No
- c. An overturned conviction of a sexually based crime? Yes/No
- d. Media Attention? Yes/No
- e. Congressional Involvement? Yes/No

Note: If the above answers to (12) Commander's Critical Information Requirement questions are/or become "Yes" the Installation Commanders will provide that information in accordance with section 1.12.10.3 of AFI 40-301 to the Command Post for submission as an OPREP-3 in accordance with AFI 10-206, *Operational Reporting* and the current Chief of Staff of the Air Force OPREP-3 Reporting Matrix.

UNRESTRICTED REPORT BODY EXAMPLE:

1. Assault Occurred: Assault occurred within the last 30 days
2. Time: Nighttime; 1800L-0559L
3. General Location: Off installation
4. Victim Status: Military
5. Number of Victims: 1
6. Alleged Assailant Status: Military - ANG
7. Number of Alleged Assailants: 2
8. Nature/Type of Assault: Non-Penetration
9. Alcohol Involved: Yes
10. Drugs Involved: Yes
11. The victim was offered the following:
 - a. Advocacy Services: Yes
 - b. An explanation of the Department of Defense Form 2967: Yes
 - c. Medical Services: Yes
 - d. Mental Health services: Yes
 - e. Information on services and eligibility for an Special Victims' Counsel: Yes
 - f. Informed of Sexual Assault Prevention and Response Office services: Yes
12. Commander's Critical Information Requirement Criteria Met: No. [If "yes", state what Commander's Critical Information Requirement criteria was met]

RESTRICTED REPORT BODY EXAMPLE:

1. Assault Occurred: Assault occurred within the last 30 days
2. Time: Nighttime; 1800L-0559L
3. General Location: Off installation
4. Victim Status: Protected due to restricted report
5. Number of Victims: 1
6. Alleged Assailant Status: Protected due to restricted report
7. Number of Alleged Assailants: 2
8. Nature/Type of Assault: Penetration
9. Alcohol Involved: Protected due to restricted report
10. Drugs Involved: Protected due to restricted report
11. The victim was offered the following:
 - a. Advocacy Services: Yes
 - b. An explanation of the Department of Defense Form 2967: Yes
 - c. Medical Services: Yes
 - d. Mental Health services: Yes
 - e. Information on services and eligibility for an Special Victims' Counsel: Yes
 - f. Informed of Sexual Assault Prevention and Response Office services: Yes

NOTE: Answer all items on the template and DO NOT add additional information