

COMMON TERMS RELATED TO SEXUAL ASSAULT ISSUES IN THE MILITARY

Accessions training: Training that a Service member receives upon initial entry into military service through basic military training.

Administrative Separation (ADSEP): Early termination of military service based upon conduct on the part of the Service member. A Service member may be administratively separated based on a pattern of misconduct, drug abuse, or convenience of the government.

Armed Forces of the United States: A term used to denote collectively all components of the Army, Marine Corps, Navy, Air Force, and Coast Guard (when mobilized under Title 10, United States Code, to augment the Navy).

Base: An area or locality containing installations which provide logistic or other support.

Chain of command: The succession of commanding officers from a superior to a subordinate through which command is exercised.

Collateral misconduct: Victim misconduct that might be in time, place, or circumstance associated with the victim's sexual assault incident. Collateral misconduct by the victim of a sexual assault is one of the most significant barriers to reporting assault because of the victim's fear of punishment. Some reported sexual assaults involve circumstances where the victim may have engaged in some form of misconduct (e.g., underage drinking or other related alcohol offenses, adultery, fraternization, or other violations of certain regulations or orders). *See* DoDI 6495.02.

Command: (1) The authority that a commander in the armed forces lawfully

exercises over subordinates by virtue of rank or assignment; (2) an order given by a commander; that is, the will of the commander expressed for the purpose of bringing about a particular action; or (3) a unit (or units), an organization, or an area under the command of one individual.

Commander: A commissioned officer or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a DoD organization or prescribed territorial area.

Consent: A freely given agreement to the 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 use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent. A sleeping, unconscious, or incompetent person cannot consent. *See* DoDD 6495.01.

Convening authority (CA): Unless otherwise limited, general or special courts-martial may be convened by persons occupying positions designated in Article 22(a) or Article 23(a) of the UCMJ, respectively, and by any commander designated by the Secretary concerned or empowered by the President. The power to convene courts-martial may not be delegated. The authority to convene courts-martial is independent of rank and is retained as long as the convening authority remains a commander in one of the designated positions. *See* Rule for Courts-Martial 504(b) and discussion.

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Defense Incident-Based Reporting System (DIBRS): Department of Defense crime reporting system designed to collect statistical information on criminal incidents in the Department of Defense

Defense Sexual Assault Incident Database (DSAID): A DoD database that captures uniform data provided by the military services and maintains all sexual assault data collected by the military services. *See* DoDD 6496.01.

Domestic Abuse Victim Advocate (DAVA): DAVAs are victim advocates in the Family Advocacy Program, civilians with a bachelor's or master's degree in social work or a related field, who provide assistance to victims of spousal or intimate partner domestic abuse, including sexual abuse, as well as child victims of abuse, sexual violence, or neglect.

Family Advocacy Program (FAP): A program designed to address prevention, identification, evaluation, treatment, rehabilitation, follow-up, and reporting of family violence. The Family Advocacy Programs across the services consist of coordinated efforts designed to prevent and intervene in cases of family distress, and to promote healthy family life. *See* DoDD 6400.1.

Flag officer: An officer of the Navy or Coast Guard serving in or having the grade of admiral, vice admiral, rear admiral, or commodore.

General Court-Martial (GCM): A court-martial consisting of a military judge and usually at least five members and having authority to impose a sentence of dishonorable discharge or death.

General officer: An officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

Grade: A step or degree, in a graduated scale of office or military rank that is established and designated as a grade by law or regulation.

Installation: A base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, or Department of Homeland Security in the case of the Coast Guard, including any leased facility. It does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense, or Department of Homeland Security in the case of the Coast Guard.

Joint Basing: A location at which the 2005 Base Closure and Realignment Committee directed that installation management functions be consolidated between two or more military services operating at two or more locations within close proximity.

Judge advocate (JA): A military attorney who is an officer of the Judge Advocate General's Corps of the Army, Air Force, Marine Corps, Navy, and the United States Coast Guard who is designated as a judge advocate.

Judge Advocates General (JAG): Severally, the Judge Advocates General of the Army, Navy, and Air Force, and, except when the Coast Guard is operating as a service in the Navy, an official designated to serve as Judge Advocate General of the Coast Guard by the Secretary of Homeland Security.

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Law enforcement (LE): Includes all DoD law enforcement units, security forces, and military criminal investigative organizations.

Military Criminal Investigative Organization (MCIO): Refers to the Army Criminal Investigation Command (CID), the Naval Criminal Investigative Service (NCIS), and the Air Force Office of Special Investigations (AFOSI).

Military Department: One of the departments within the Department of Defense created by the National Security Act of 1947, which are the Department of the Army, the Department of the Navy, and the Department of the Air Force.

Military judge: The presiding officer of a general or special court-martial detailed in accordance with Article 26 of the UCMJ to the court-martial to which charges in a case have been referred for trial.

National Incident Based Reporting System (NIBRS): Incident-based reporting system in which civilian law enforcement agencies collect data on each crime occurrence. Data comes from local, state, and federal automated systems.

Panel: Military equivalent of a jury; short for court-martial panel or members panel.

Permanent Change of Station (PCS): To permanently move from an assignment at one military installation to an assignment at another installation.

Post: A common term used to describe a military base or installation.

Preferral: Comparable to a civilian indictment, referral is the formal act of signing and swearing allegations of offenses against a person who is subject to the

UCMJ. Preferred charges and specifications must be signed under oath before a commissioned officer of the Armed Forces authorized to administer oaths. *See* Rule for Courts-Martial 307.

Referral: The order of a convening authority that charges against an accused will be tried by a specified court-martial. Referral requires three elements: (1) a convening authority who is authorized to convene the court-martial and not disqualified, (2) preferred charges which have been received by the convening authority for disposition, and (3) a court-martial convened by that convening authority or a predecessor. *See* Rule for Court-Martial 601(a) and discussion.

Reprisal: Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a Service member for making, preparing, or receiving a communication. *See* DODI 6495.02.

Reserve Component: Reserve Components of the Armed Forces of the United States, which include the National Guard (Army and Air Force) and Reserve (Army, Air Force, Navy, Marine Corps, and Coast Guard).

Responders: Includes first responders, who are generally composed of personnel in the following disciplines or positions: SARCs, SAPR victim advocates, healthcare personnel, law enforcement, and MCIOs. Other responders are judge advocates, chaplains, and commanders, but they are usually not first responders. *See* DoDI 6495.02.

Restricted Reporting: A process used by a Service member to report or disclose that he

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or she is the victim of a sexual assault to specified officials on a confidential basis. Under these circumstances, the victim's report and any details provided to healthcare personnel, the SARC, or a VA will not be reported to law enforcement to initiate the official investigative process unless the victim consents or an established exception is exercised under DODD 6495.01. Restricted reporting applies to Service members and their military dependents 18 years of age or older.

Retaliation: Includes social retaliation, professional retaliation, and criminal retribution associated with the victim reporting a sexual misconduct. Social retaliation includes ostracism and maltreatment by peers. Professional retaliation is also known as reprisal. Criminal retribution may involve stalking, threats, or other criminal activity.

SAPR Victim Advocate (SAPRVA or VA): A person who, as a victim advocate, shall provide non-clinical crisis intervention, referral, and ongoing non-clinical support to adult sexual assault victims. Support will include providing information on available options and resources to victims. Provides liaison assistance with other organizations on victim care matters and reports directly to the SARC when performing victim advocate duties.

Service: A branch of the Armed Forces of the United States, established by act of Congress, which are the Army, Marine Corps, Navy, Air Force, and Coast Guard.

Service Secretaries: The Secretary of the Army, with respect to matters concerning the Army; the Secretary of the Navy, with respect to matters concerning the Navy, Marine Corps, and the Coast Guard when it is operating as a service in the Navy; the

Secretary of the Air Force, with respect to matters concerning the Air Force; the Secretary of Homeland Security, with respect to matters concerning the Coast Guard, when it is not operating as a service in the Navy.

Sexual Assault: 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. *See* DoDI 6495.02

Sexual Assault Prevention and Response (SAPR) Program: A DoD program for the Military Departments and the DoD Components that establishes SAPR policies to be implemented worldwide. The program objective is an environment and military community intolerant of sexual assault. *See* DoDD 6495.01.

Sexual Assault Prevention and Response Office (SAPRO): Serves as the DoD's single point of authority, accountability, and oversight for the SAPR program, except for legal processes and criminal investigative matters that are the responsibility of the Judge Advocates General of the Military Departments and the Inspectors General, respectively.

Sexual Assault Response Coordinator (SARC): The single point of contact at an installation or within a geographic area who oversees sexual assault awareness, prevention, and response training; coordinates medical treatment, including emergency care, for victims of sexual assault; and tracks the services provided to a victim of sexual assault from the initial

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report through final disposition and resolution. *See* DoDD 6495.01.

Sexual Assault Response Team (SART):

A multi-disciplinary team that provides specialized immediate response to victims of recent sexual assault. The team typically includes health care personnel, law enforcement representatives, victim advocates, prosecutors (usually available on-call to consult with first responders, although some may be more actively involved at this stage), and forensic lab personnel (typically available to consult with examiners, law enforcement, or prosecutors, but not actively involved at this stage). *See* A National Protocol for Sexual Assault Medical Forensic Examinations (2d Ed; April 2013).

Sexual Harassment: A form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that create an intimidating, hostile, or offensive environment.

Sexual Violence: A term without a specific federal legal meaning, but widely used to denote sexual acts of force against the will of victims.

Special Court-Martial (SPCM): A court-martial that consists of at least three officers, a military judge, a trial counsel, and a defense counsel and that has authority to impose a limited sentence and hear only non-capital cases.

Special Victim Investigation and Prosecution Capability / Special Victim Capability: A distinct, recognizable group of appropriately skilled professionals, including MCIO investigators, judge advocates, victim witness assistance personnel, and administrative paralegal

support personnel, who work collaboratively to (1) investigate and prosecute allegations of child abuse (involving sexual assault and/or aggravated assault with grievous bodily harm), domestic violence (involving sexual assault and/or aggravated assault with grievous bodily harm), and adult sexual assault (not involving domestic offenses) and (2) to provide support for the victims of such offenses. *See* DoDI 6495.02. Note the name of the capability was changed to Special Victim Investigation and Prosecution Capability (SVIP) to eliminate confusion with the Special Victims' Counsel.

Special Victims' Counsel Program and Special Victims' Counsel: The Special Victims' Counsel (SVC) Program was created to support victims of sexual assault and enhance their rights within the military justice system while neither causing unreasonable delay nor infringing upon the rights of an accused. An SVC's primary duty is to represent the clients' rights and interests during the investigation and court-martial process. In general, SVC services include, but are not limited to, accompanying and advising the victim during interviews, examinations and hearings, advocating to government counsel and commanders on behalf of the victim, and advising the victim on collateral civil matters which stem from the alleged sexual assault. SVCs are also able to advise a victim on the difference between a restricted and unrestricted report and on what to expect if they decide to make an unrestricted report and their case is referred to court-martial. SVCs may coordinate with the Sexual Assault Response and Victim Witness Assistance personnel on available resources. *See* United States Army Special Victim Counsel Handbook & U.S. Air Force Special Victim Counsel Rules of Practice and Procedure.

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Specification: A specification is a plain, concise, and definite statement of the essential facts of the offense charged. A specification is sufficient if it alleges every element of the charged offense expressly or by necessary implication. *See* Rule for Courts-Martial 307(c)(3).

Staff Judge Advocate (SJA): A judge advocate so designated in the Army, Air Force, or Marine Corps, and the principal legal advisor of a Navy, Coast Guard, or joint force command who is a judge advocate.

Status-of-Forces Agreement: A bilateral or multilateral agreement that defines the legal position of a visiting military force deployed in the territory of a friendly state.

Subordinate command: A command consisting of the commander and all those individuals, units, detachments, organizations, or installations that have been placed under the command by the authority establishing the subordinate command.

Summary Court-Martial (SCM): Lowest level court-martial in terms of punishment authority. The court-martial is composed of one commissioned officer who need not be an attorney. A Service member can be represented by a civilian attorney, but has no right to representation by a military counsel.

Titling: Placing the name, and other identifying data, of an individual or entity on the subject block of an investigative report and central index, for the potential retrieval and analysis for law enforcement and security purposes.

Trial Defense Counsel (TDC): A judge advocate who represents a Service member in any adverse action, such as a court-

martial, administrative separation, or non-judicial punishment proceeding.

Unfounded: False or baseless.

Unit: Any military element whose structure is prescribed by competent authority or an organization title of a subdivision of a group in a task force.

Unitary Sentencing: In a court-martial, the sentencing authority (military judge or court-martial members) adjudges a single sentence for all the offenses of which the accused was found guilty. A court-martial may not impose separate sentences for each finding of guilt, but may impose only a single, unitary sentence covering all of the guilty findings in their entirety, no matter how many such findings there may be.

Unrestricted Reporting: A process a Service member uses to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report and any details provided to health care personnel, the SARC, a victim advocate, command authorities, or persons are reportable to law enforcement and may be used to initiate the official investigative process.

U.S. Army Criminal Investigation Laboratory (USACIL): Located within the Defense Forensic Science Center at Fort Gillem, Georgia, provides forensic laboratory services to DoD investigative agencies and other federal law enforcement agencies.

Victims' Legal Counsel (VLC): See Special Victims' Counsel as VLC is the terms used by the Navy and Coast Guard.

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Victim Witness Assistance Program

(VWAP): A program designed to coordinate efforts and ensure that systems are in place at the installation level to provide information to victims and witnesses on available benefits and services and to provide assistance in obtaining those benefits and services. The program ensures that victims and witnesses are informed on the military justice process and available medical and social services. *See DoDD 1030.2.*

Victim Witness Liaison (VWL):

Coordinates efforts to ensure systems are in place at the installation level to provide information on available benefits and services; assists victims and witnesses in obtaining those benefits and services; and may delegate duties as appropriate but retains responsibility to coordinate the delivery of required services.