

MEDDAC Memorandum 40-26

Medical Services

Sexual Assault

**Headquarters
U.S. Army Medical Department Activity
Fort George G. Meade
2480 Llewellyn Avenue
Fort George G. Meade, MD 20755-5800
22 January 2003**

Unclassified

SUMMARY of CHANGE

MEDDAC MEMO 40-26
Sexual Assault

Specifically, this revision—

- o Has been published in a new format that includes a cover and this “Summary of Change” page.
- o Reformats the title page. The Contents section now includes the page numbers that the various chapters and paragraphs begin on.
- o Reduces the list of responsibilities to two positions; the attending physician and the on-call social worker (para 1-4).
- o Removes chapter 3, Sexual Assault Awareness Training.

Department of the Army
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* MEDDAC
Memorandum 40-26

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FOR THE COMMANDER:

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Summary. This memorandum covers policy, procedures and responsibilities for the collection of evidence pertaining to cases of alleged sexual assault, disposition of victims of alleged sexual assault, the Sexual Assault Review Board (SARB), and sexual assault awareness training.

Applicability. This memorandum applies to Headquarters, U.S. Army Medical Department Activity, Fort George G. Meade (MEDDAC) (that is, Kimbrough Ambulatory Care Center (KACC)).

Proponent. The proponent of this memorandum is the Deputy Commander for Nursing (DCN).

Suggested improvements. Users of this publication are invited to send comments and suggested improvements, by memorandum, directly to the Commander, U.S. Army Medical Department Activity, ATTN: MCXR-ZN, Fort George G. Meade, MD 20755-5800, or to the MEDDAC's Command Editor by fax to (301) 677-8088 or e-mail to john.schneider@na.amedd.army.mil.

Distribution. Distribution of this publication by electronic medium only.

History. This is the fourth revision of the publication, which was originally published on 18 November 1997.

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* This publication supersedes MEDDAC Memo 40-26, dated 1 October 2001.

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Glossary

Chapter 1 Introduction

1-1. Purpose

This memorandum prescribes policies, procedures and responsibilities concerning the treatment of military personnel, military dependents, retirees and civilians who allege sexual assault. (The term “sexual assault” is explained in the glossary.)

1-2. References

Required and related publications are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this memorandum are explained in the glossary.

1-4. Responsibilities

- a. *The attending physician.* The attending physician will—
 - (1) Send patients alleging sexual assault to NNMC for the medicolegal examination and collection of evidence using the Sexual Assault Determination Kit.
 - (2) Perform all responsibilities specified in MEDCOM Reg 40-36, paragraph 6d.
- b. *The On-call Social Worker.* The On-call Social Worker will escort the patient alleging sexual assault to NNMC or the appropriate civilian MTF that will perform the examination and collection of evidence.

Chapter 2

Procedural Changes, Collection of Medicolegal Evidence, and Victims of Alleged Acute/Chronic Sexual Assault, Transport of Alleged Victims, and Notification of the Military Police

2-1. Procedural Changes

Policies and Procedures within this memorandum are subject to change depending on developments in the law and changes in Army and U.S. Army Medical Command (MEDCOM) regulations. The office of the SJA, FGGM will be consulted on all issues of legal interpretation.

2-2. Who collects medicolegal evidence?

The collection of medicolegal evidence is a professional, legal and ethical responsibility that occurs outside the confines of KACC. To preclude the legal problems incurred with transporting evidence across state lines, all medicolegal evidence must be obtained in the same state in which the alleged sexual assault occurred. For example, if the alleged sexual assault occurred in Maryland (MD), the medicolegal evidence must be obtained within the state of Maryland; if the alleged sexual assault occurred in Pennsylvania (PA), the medicolegal evidence must be obtained within the Commonwealth of PA; if the alleged sexual assault occurred in the District of Columbia (DC), the medicolegal evidence must be obtained in DC; etc.

2-3. Victims of alleged acute sexual assault

- a. *Non-emergent victims.* Victims of alleged acute sexual assault who present to KACC will be sent to the NNMC in Bethesda, MD for collection of medicolegal evidence. (The term “alleged

acute sexual assault” is explained in the glossary.)

b. *Emergent victims.* Victims of alleged acute sexual assault who present to KACC, who, due to significant injuries or at the discretion of the treating AHC physician, are determined to be non-transportable to NNMC, will be sent to the nearest civilian MTF that provides services for sexual assault victims.

2-4. Victims of alleged chronic sexual assault

Victims of alleged chronic sexual assault will be seen at KACC and given consults for Community Mental Health Service and other clinics and agencies as appropriate. (The term “alleged chronic sexual assault” is explained in the glossary.)

2-5. Victims with acute injuries that require stabilization

If a victim has acute injuries that require stabilization, treatment, to the extent possible, for the injuries will occur in the AHC prior to transporting the victim to NNMC or local civilian MTF at the discretion of the attending physician.

2-6. Transport of alleged victims of sexual assault

Victims of alleged sexual assault will be transported to NNMC or the nearest MTF as indicated by the attending physician. Victims will be transported as follows:

a. Pre-menarchal victims (usually minors under the age of 13 years) will be sent with parents via privately owned vehicle (POV) with parents within 24-48 hours of the alleged assault.

b. Adults and post-menarchal victims will be transported via ambulance, POV or government owned vehicle (GOV). If transported via GOV, the KACC Assistant Administrative Officer of the Day (AOD) will act as the driver, utilizing the AOD vehicle, and the SWS person on call will escort the victim.

2-7. Notification of the military police (MP)

The MP will be contacted whenever a patient, military or civilian, seeks intervention for alleged sexual assault. The medical personnel caring for the alleged victim will notify the MP prior to transport. The MP will notify the Anne Arundel County Police if the victim is a civilian.

Appendix A References

Section I Required Publications

MEDACOM Reg 40-36
Medical Facility Management of Sexual Assault.
(Cited in para 1-4.)

Section II Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

AR 310-25
Dictionary of United States Army Terms

AR 310-50
Authorized Abbreviations, Brevity Codes, and
Acronyms

AR 608-18
The Army Family Advocacy Program

Joint Commission on Accreditation of Health-
care Organizations Accreditation Manual for
Ambulatory Care Centers.

Section III Prescribed Forms

This section contains no entries.

Section IV Referenced Forms

This section contains no entries.

Glossary

Section I

Abbreviations

AHC

After Hours Clinic

AOD

administrative officer of the day

CID

Criminal Investigation Division

DC

District of Columbia

DENTAC

U.S. Army Dental Command, FGGM

DPC

Department of Primary Care

FGGM

Fort George G. Meade

GOV

government owned vehicle

KACC

Kimbrough Ambulatory Care Center

MD

Maryland

MEDCOM

U.S. Army Medical Command

MEDDAC

U.S. Army Medical Department Activity, FGGM

MP

military police

MTF

medical treatment facility

NNMC

National Naval Medical Center

PA

Pennsylvania

PAD

Patient Administration Division

PM

Preventive Medicine Service

POV

privately owned vehicle

SAC

Special Agent in Charge

SARB

Sexual Assault Review Board

SJA

Staff Judge Advocate

SWS

Social Work Section

VS

Fort Meade Branch Veterinary

Services

Section II

Terms

Alleged acute sexual assault

Sexual assault as reported by the victim that has occurred within the past 24 hours. The victim may be a child, adolescent or adult.

Alleged chronic sexual assault

Sexual assault as reported by the victim that may have been ongoing and did not occur within the past 24 hours.

Sexual assault

A criminal offense under the Uniform Code of Military Justice and the laws of Maryland, whose judgment is a legal decision and should not be written as a medical diagnosis. Terms such as "alleged rape" or "reported sexual assault" should be used in record annotations.