

Guide to Reporting and Responding to Sexual Assault: Wildland Fire Edition

Preface

This document is a constant work in progress. If you have questions, comments, or lessons learned for a situation in your workplace please reach out to: Grassroots Wildland Fire Culture Committee At: grassrootswildlandfirefighters@gmail.com

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Introduction

Every year there are **more sexual assaults reported to federal land management agencies than there are line-of-duty deaths**. While these situations are relatively rare, your response to them matter. What kind of fire leader do you want to be?

This Sexual Assault Response Toolkit for Supervisors is a culmination of lessons learned from firefighters who have navigated the process. It is designed for the crew boss through FMO-level supervisors to assist in responding to reports of sexual assault or violence by firefighters. While this group is our primary target audience, sexual violence has cascading logistical, interpersonal, and emotional effects throughout a crew or organization, and some or all the information here could become relevant to anyone. Our hope is that this document helps those first line supervisors lead through these times of crisis and reduce the potential for additional harm.

This document begins with general information, then transitions into a series of checklists to guide users through the first 24 hours, the first week, and the rest of the fire season. Specific contacts and procedures will vary agency to agency. There are spaces to insert the specific information relevant to your unit, such as your agency’s HR hotline. ***The time to fill out these spaces is now, BEFORE a sexual assault is reported.***

This toolkit was designed from the experiences and difficult lessons learned of wildland firefighters *for wildland firefighters* as a working tool to help navigate fraught and uncertain situations. **It is not a replacement for your workplace's policy or emergency plan.** The single biggest recommendation we have is to **know your agency's reporting process IN ADVANCE and follow it.** Always defer to instructions from law enforcement and your HR chain of command.

It is your responsibility to stay up to date on:

- Your agency's specific investigative process
- Where you can find written policy and guidelines
- Your agency HR's contact information at the local, regional, and national levels

We use the language Alleged Offender (AO) and Affected Individual (AI) to describe alleged perpetrators and victims. This language is borrowed from one federal agency's vocabulary and might be different at your department, agency, or bureau.

We hope you never have to use the information provided in this toolkit. However, your preparedness as a leader is critical to minimizing further harm after a sexual assault. Thank you for taking the time to engage with a tough topic.

Before an Assault

Action Checklist: Before an Assault

#	Task	Notes	ASSIGNED TO	STATUS
1	Develop contact list for reporting process. See Reporting Log, Appendix A This list will be used as a starting place for the contacts that will need to be made and by whom.	Sexual assault or sexual violence is a crime. If you witness, become aware of, or receive a report of sexual assault or sexual violence, your first call is immediately to local law enforcement (911) . After this call, your agency/bureau specific reporting process should be followed. There are timelines for reporting, usually within 24 hours.		
2	Identify your agency's process for reporting and investigating sexual assault.	Write in your agency's contact information and process in Appendix A		
3	Be familiar with your HR personnel and their chain of command. They can turn over frequently. Don't expect to get the same point of contact incident to incident. My regional HR contact is: Ph: Email:	Larger federal agencies have complex, multi-step reporting processes. You might be communicating with Human Resources, Civil Rights, internal and external investigators and other entities including contractors at various points in a single incident. Contractors likely will not be familiar with wildland fire or fire processes. Don't assume any HR personnel, internal or external, understand your day to day. Take the time to explain things in laypeople's terms.		
4	Make sure you know the difference between agency policy violations and crimes.	Sexual harassment is a policy violation. Rape, stalking, battery, and assault are law enforcement problems. Crimes between coworkers are usually also policy violations, but policy violations are not always crimes.		
5	Know the difference between criminal investigations and internal misconduct investigations.	Also make sure you understand the difference between criminal investigations, charges, and convictions.		
6	Make sure your staff knows who they're supposed to tell in case of harassment, bullying, or violence, or generally when they need help.	Number for employees and/or contractors to report harassment, bullying, or violence: # _____		

#	Task	Notes	ASSIGNED TO	STATUS
7	Make sure you've had at least one conversation with each of your employees, including seasonal. Don't make a sexual assault report the first time someone's ever talked to you individually.			
8	Explicitly state your expectations for conduct at the beginning of the season or assignment. Communicate clearly and in the manner you communicate any other expectations you have for your people.	Avoid euphemisms like "things you're not supposed to be doing". Avoid shifting responsibility through language such as "The (your agency/bureau) doesn't like sexual harassment." Own your values.		
9	Determine the closest medical facility that is set up for a sexual assault forensic exam or "rape kit".	To find a location near you that performs sexual assault forensic exams, call the National Sexual Assault Hotline at 800.656.HOPE (4673) or talk to your <u>local sexual assault service provider.</u>		

A Crime has been Reported. Now What?

Action Checklist: Within the First Hour

#	TASK	NOTES	STATUS
1	Determine where your people are physically located and separate Alleged Offenders (AO) and Affected Individuals (AI).		
2	Determine if you're dealing with a crime, an agency policy violation, or both	<ul style="list-style-type: none"> ✓ Sexual Assault/Sexual Violence is a crime and is likely a policy violation. Call 911 ✓ Sexual Harassment is a policy violation and may or may not be a crime. Call your agency/bureau's reporting center ✓ See definitions in this document or in your agency/bureau's policy and write in Appendix A 	
3	Don't investigate or ask specific questions about the actual events of a crime.	<ul style="list-style-type: none"> ✓ Asking investigative questions creates more work for law enforcement. Rural communities particularly have limited resources for complex sexual assault investigations. Don't accidentally make yourself a key witness. ✓ Asking investigative questions can be violating for AIs. Minimize the number of times they need to repeat graphic details. ✓ Some elements of the crime might not make sense to you. You might not understand why someone didn't physically fight their attacker, didn't attempt to escape, or didn't immediately report. Law enforcement understands the dynamics of crime better than you do. Let them figure it out. 	
4	In the case of sexual assault/sexual violence. Contact law enforcement. Call 911.	<ul style="list-style-type: none"> ✓ For most wildland fire agencies/bureaus, policy requires you to contact law enforcement. Know your agency policy and follow it. ✓ Immediately contacting law enforcement helps establish a timeline for prosecution down the road and law enforcement is a great resource for figuring out what to do next. ✓ When speaking with law enforcement, be direct, honest, and stick to the facts. Avoid sharing your 	

#	TASK	NOTES	STATUS
		<p>opinions or commentary on the events or your staff. Anything you say to law enforcement could potentially end up in court, even if the conversation feels very informal to you.</p>	
5	<p>Determine medical needs and make sure injured employees are treated appropriately</p>	<p>✓ This will likely be happening concurrently with the arrival of law enforcement</p>	
6	<p>Most agency policies require multiple people to be informed. Be transparent. Make sure your AI and AO knows who you must tell.</p>	<p>✓ Contact your agency/bureau's harassment reporting center, typically required within 24 hours of being made aware of a situation.</p> <p>✓ Human Resources representative is typically required to be contacted within one duty day. Establish a point of contact and get their name and phone number.</p> <p>✓ Agency policy determines whether your AI must participate in an investigation. Currently, most federal agencies do not mandate AI participation. Even if they do not participate, the AI cannot prevent you from following the agency reporting process. Be prepared for them to be upset with you. It can feel incredibly violating from their perspective. You are still required to report suspected crimes to HR/law enforcement, even against the AI's wishes.</p>	
7	<p>Document, document, document</p>	<p>✓ Assume everything you put in writing will get subpoenaed, maybe years down the road. Write your emails, texts, and police statements in a fact oriented, neutral tone.</p>	

Action Checklist: Before Everyone Leaves for the Night

#	TASK	NOTES	STATUS
1	Make sure everyone has a safe place to sleep.	<ul style="list-style-type: none"> ✓ People living in their vehicles, bunkhouses, fire camps, and spike out situations might require creative arrangements. ✓ If your district/station uses the same door code for everything, seriously consider using a different one for the bunkhouse. Also consider this <i>before</i> sexual violence happens. Not everyone needs access to where your firefighters sleep. 	
2	Make sure everyone involved (AO, AI, and witnesses) know not to contact other parties and to save all text message and social media exchanges.		
3	Start thinking about your game plan.	<ul style="list-style-type: none"> ✓ Both criminal and agency investigations move slowly. There will likely be a limbo period after a crime is reported but before the agency/law enforcement can make a judgement on the validity of the allegations. ✓ Agency's/bureau's cannot fire someone without due process, and they'll frequently wait until after a criminal case has resolved to initiate their internal investigation. This delay could last for months or years where they can't fire someone, but they also can't safely let them around other firefighters. ✓ Plan for what you are going to do tomorrow if there's no movement from the investigation? What about next week or the next couple of weeks? 	

Action Checklist: Days to Weeks Following the Assault

#	TASK	NOTES	STATUS
1	Be ready for the long haul.	<ul style="list-style-type: none"> ✓ Sexual assault will be investigated by your agency/bureau, but typically after the criminal investigation is concluding or complete. ✓ Criminal investigations can take months or years to resolve. 	
2	Account for physical safety. Treat sexual violence like any other fireline hazard. Identify and mitigate hazards.	<ul style="list-style-type: none"> ✓ If both parties are still working, keep them separated. This is in everyone's best interest, including your AO. Maintain a higher than usual level of supervision, particularly if someone is being investigated for criminal conduct. Account for everything your people do from PT, to travel, to nighttime accommodations. ✓ Utilize creative options for separating personnel. Consider different days off or duty stations. Absolutely utilize separate squad and truck assignments. ✓ A recent analysis by the Forest Service wildland fire program determined that 64 percent of cases of sexual harassment and/or assault directly involved alcohol. Additionally, the U.S. Equal Employment Opportunity Council (EEOC) recognizes "Workplaces that tolerate or encourage alcohol consumption," as a significant risk factor for harassment and assault. You cannot control individuals' relationships with alcohol, but you can control what you condone and model. <ul style="list-style-type: none"> □ Often alcohol is used as a reward or incentive at the end of an assignment. Think about how you speak about drinking to your crew. Is going to the bar during travel home a carrot in your leadership toolbox? 	
3	Follow all recommendations and orders from your HR representative, law enforcement, and courts	<ul style="list-style-type: none"> ✓ Criminal investigations and agency investigations don't work in parallel. This might put you in strange situations. <ul style="list-style-type: none"> □ There can be cases where someone is fired but not convicted criminally. This doesn't mean that they were wrongly fired. It just means that there's different burdens of proof to send someone to prison versus 	

#	TASK	NOTES	STATUS
		<p>taking personnel action. To <i>charge</i> someone with a crime, prosecutors need to prove reasonable cause. For a <i>conviction</i>, a prosecutor needs to prove beyond a reasonable doubt that someone committed a crime, which is a high standard for crimes that are often intimate and unwitnessed. Just because someone didn't get convicted doesn't mean a crime didn't occur.</p> <p>OR</p> <p><input type="checkbox"/> It can be that someone has been <i>charged</i> criminally but is still working because the burden of proof only needs to be reasonable cause. It may be that the Agency has not finished (or even started) their administrative investigation or that there was not finding of actionable misconduct.</p> <p>✓ Your agency/bureau's internal investigation process is intended to ensure compliance with employment and civil rights law. Their actions are not designed to fix a crew culture or provide justice. Ask your agency/bureau for resources to help resolve lingering conflict as appropriate.</p> <p>✓ A judge might issue an Order of Protection or Restraining Order. This is also a common stipulation for release into the community while awaiting trial. Court orders are mandates, not suggestions. However, the ultimate burden of following the order falls on the AO, not you, the agency/bureau, or the AI.</p>	
4	Determine where the rest of the crew needs support.	<p>✓ Expect morale and crew cohesion to suffer. Everyone is going to feel the vibe shift, even people not involved. Put some effort into team building. Recognize the good judgement and good work you see.</p> <p>✓ Make sure the rest of the crew understands the importance of being honest if they witness or hear anything inappropriate or illegal. Create safe and confidential channels for other people to report. Reiterate your values and expectations for your crew. Reiterate <i>Duty, Integrity, Respect</i>. If fire assignments and trainee opportunities are privileges on your district, think about what</p>	

#	TASK	NOTES	STATUS
		<p>messages you're conveying to your crew with assignments.</p> <ul style="list-style-type: none"> ✓ Help everyone impacted utilize agency/bureau employee assistance resources to find help. If there is pushback or stigma around mental health care among your forces, reiterate that emotional and behavioral health are part of fire readiness. 	
5	Support the AI	<ul style="list-style-type: none"> ✓ Don't punish people for reporting sexual violence. Taking away assignments or reassigning people into non-fire positions will dissuade others from reporting in the future and could be against the law if retaliatory for reporting. ✓ If the parties are working separately but get assigned to the same incident, don't remove the AI while letting an AO stay. ✓ Do not rob AIs of their opportunities to be successful. Maintain the same fitness and preparedness standards for all firefighters, give them privileges like trainee assignments when earned, and give them feedback on their work. Recognize the incredible challenge of rebuilding after life-altering violence. ✓ Victims of sexual violence in fire describe incredible isolation, hopelessness, and fear. The feeling can be compounded by living in isolated communities, being away from their loved ones, or losing friendships and positive relationships with their coworkers. They need an open line of communication with at least one person in their chain of command. If you cannot provide it yourself, make sure someone else can. ✓ Many law enforcement agencies have designated victim advocates. Usually there are stipulations for working with those individuals, such as cooperation with prosecution. Encourage your AI to connect with this individual. ✓ Some AIs will be involved in ongoing criminal proceedings. Criminal complaints are brought by the local, state, or federal government, not by an individual. Your AI does not "press charges". A prosecutor does, sometimes without their consent. They might feel a lack of control as decisions are made without them. A prosecutor can also choose not to charge a crime, robbing individuals of their 	

#	TASK	NOTES	STATUS
		<p>perceived sense of justice. AIs involved in a criminal case might have to provide graphic testimony or have intimate evidence such as photographs or medical exams shared.</p> <p>✓ Criminal proceedings do not stop for fire season. If your AI is involved in a criminal case, the logistics alone can be grueling, with multiple hearings and frequent delays. Tell your AI that you will work with them around the court schedule, regardless of how long it takes. Be prepared for an emotionally intensive process for months or years.</p>	
6	<p>Things to consider before sending all involved parties on a fire assignment.</p>	<p>✓ For AOs:</p> <ul style="list-style-type: none"> □ Think hard about who you want to represent your district, department, or unit. If someone's under active investigation for criminal conduct, they probably shouldn't be a guest on someone else's unit. □ <i>If it is appropriate for AOs to leave the district:</i> <ul style="list-style-type: none"> ▪ Make sure law enforcement is finished talking to them and has a way of contacting them for follow up questions. ▪ Make sure HR investigators have had a chance to talk to them. ▪ Don't blindside the leadership on that assignment. The whole crew doesn't need to know, but the crew/engine boss should be aware (If you are not that person). <p>✓ For AIs:</p> <ul style="list-style-type: none"> □ Make sure AIs want to go and are ready to handle the stress of both the fireline and their recent experience. Explicitly tell them that the first assignment back will likely be one of the hardest of their career. □ Don't blindside the leadership on that assignment. The whole crew doesn't need to know, but the crew/engine boss should be aware (If you are not that person). <p>✓ With the above in mind, fire assignments can be a great way to create physical distance between people, especially if you can work the assignment rotation to minimize overlap during days off as well.</p>	

Action Checklist: As the Investigation Concludes

#	TASK	NOTES	STATUS
1	Explicitly tell both parties that the investigation has concluded to avoid creating unnecessary ongoing anxiety about it.	<ul style="list-style-type: none"> ✓ In most agencies, there will be separate meetings with both the AI and AO. 	
2	If the misconduct is <i>substantiated</i> .	<ul style="list-style-type: none"> ✓ The agency is mandated to act in cases of sexual harassment and assault. However, there are limited formal actions available in any employer's toolkit. They can write cautionary letters and reprimands, or issue suspensions, demotions, or removals. These tools have an important purpose, but they will not fix crew cohesion or help your people become better humans and firefighters. You will likely have some rebuilding to do beyond the formal agency action. Ask your Human Resources or supervisory chain for agency/bureau specific resources. ✓ Personnel action is confidential in most agencies/bureaus. The AI will most likely not be told what happened to the AO. This will be frustrating to them. 	
3	If the misconduct is <i>unsubstantiated</i> .	<ul style="list-style-type: none"> ✓ This can be a somewhat common outcome. Sexual violence is intimate, complicated, and often unwitnessed. It's a hard crime to "prove". ✓ This does not mean a crime did not occur. ✓ This also does not mean an AO is safe from criminal penalties. Local law enforcement operates independently of your agency. ✓ If your AO chooses to stay on after an unsubstantiated sexual assault allegation, figure out what they need to be successful. In many cases, you might have ongoing concerns about their judgement or behavior. Make your expectations for future behavior clear. Help them connect with substance abuse and mental health treatment programs. Surround them with people who model good judgement on and off the fireline. 	

#	TASK	NOTES	STATUS
4	Don't expect your people to reach closure just because a case is closed administratively	<ul style="list-style-type: none"> ✓ Everyone involved will need to process both the actual events of sexual assault and the administrative response. Be patient. Healing takes time. ✓ By this point, mental health and emotional support programs should have been offered to everyone involved multiple times and from multiple people. Keep offering. 	
5	If you do get subpoenaed months or years after an incident.	<ul style="list-style-type: none"> ✓ Stay calm. It will be okay. ✓ The prosecutor or defense attorney requesting your presence should brief you on what to expect in advance and answer any of your questions. Be honest and direct and answer the question at hand. It is okay to say if you don't remember something. 	
6	Learn from the experience, for yourself and for the rest of the fire community.	<ul style="list-style-type: none"> ✓ Are there channels where people can ask for help when they're in critical situations? ✓ Does your staff think you'd treat them fairly if this were to happen again? ✓ Did the sexual violence investigation expose any weak points in your staff's judgement, cohesion, or communication? ✓ Would you be ashamed if another duty officer/FMO/crew boss could see how this process played out on your district? <ul style="list-style-type: none"> <input type="checkbox"/> What would you change? 	

Appendix A: Contact List and Fill In Information

#	CONTACT	NOTES	TIME
1	Local Law Enforcement: 911	Sexual assault or sexual violence is a crime. If you witness, become aware of, or receive a report of sexual assault or sexual violence, your first call is immediately to local law enforcement (911) . After this call the Agency specific reporting process should be followed. There are timelines for reporting, usually within 24 hours.	
2	Immediate Supervisor: Name: _____ # _____		
3	Agency Sexual Harassment/Assault Reporting Center: # _____		
4	Agency/Bureau specific Victim Advocacy Hotline:		
5	RAINN: National Sexual Violence Resource Hotline: 800-656-4673 (HOPE)		
6	Agency/bureau specific employee mental health and emotional support resources:		
7	My agency's sexual harassment definition:		
8	My agency's sexual assault (or equivalent) definition:		
9	Steps in my agency's process (and HOW LONG EACH IS SUPPOSED TO TAKE):		

