



DEPARTMENT OF DEFENSE
**SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE**



COMMANDER'S 30-DAY CHECKLIST
FOR UNRESTRICTED REPORTS OF SEXUAL ASSAULT
AND CORRESPONDING ALLEGATIONS OF RETALIATION
JANUARY 10, 2023

I. INTRODUCTION

The sexual assault response checklist is intended to serve as a baseline for the first 30 days for the commander's response to adult sexual assault victim(s), alleged offender(s), and unit in the event of an Unrestricted Report of sexual assault and corresponding allegations of retaliation. The checklist may be expanded to meet Military Service-specific requirements and procedures. These checklist items do not represent all the responsibilities assigned to commanders for the entire Sexual Assault Prevention and Response (SAPR) program. Please refer to the following three policies located at www.esd.whs.mil/Directives/issuances/dodi/.

- DoDI 6495.02, Volume 1, "Sexual Assault Prevention and Response: Program Procedures" [hereinafter SAPR DoDI]
- DoDI 6495.02, Volume 2, "Sexual Assault Prevention and Response: Education and Training" [hereinafter Training DoDI]
- DoDI 6495.02, Volume 3, "Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases" [hereinafter Retaliation DoDI]

In accordance with (IAW) the SAPR DoDI, each commander is required to meet with the Sexual Assault Response Coordinator (SARC) within 30 days of taking command for one-on-one SAPR training. After the initial SAPR training, it is important for commanders to take time prior to an incident to become familiar with Service SAPR policies and installation SAPR personnel. There are other important SAPR requirements to consider past the 30-day timeframe covered in this list. For full details regarding all SAPR program responsibilities for commanders, see DoD policies listed above and applicable Military Service-specific policies.

Eligibility for the SAPR advocacy services of a SARC and SAPR Victim Advocate (VA): Commanders should refer sexual assault victims to SARCs to determine their eligibility for SAPR Services.

IAW p. 33 of the SAPR DoDI, commanders at every level are required to receive training so they can:

- a) Explain to their subordinates when an alleged sexual assault is reported in a unit, what is the appropriate, professional response:
 1. By the chain of command at every level (officer and enlisted).
 2. By peers to a victim and an alleged offender.
- b) Explain to their subordinates when an alleged sexual assault is reported in a unit, that incidents of retaliation, reprisal, ostracism, and maltreatment violate good order and discipline, erode unit cohesion, and deter reporting of alleged sexual assault incidents.
- c) Explain to all personnel, officer and enlisted, in their respective chain of command that, when they become aware of allegations of retaliation, reprisal, ostracism, or maltreatment, they must take appropriate measures to protect the individual who

- reported the allegation(s).
- d) Explain how to prevent retaliation, reprisal, ostracism, and maltreatment in a unit after a report of an alleged sexual assault.

II. EXPANDED ELIGIBILITY FOR RESTRICTED REPORTING

The Deputy Secretary of Defense Memo, "Updates to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations," effective November 10, 2021, issued comprehensive policy.

- Expanded eligibility to file a Restricted Report: If victims did not personally report the sexual assault incident to law enforcement, including Military Criminal Investigation Offices (MCIO) **AND** they did not previously elect to make an Unrestricted Report by signing a DD Form 2910, with a SARC or SAPR VA on the same sexual assault incident, they can file a Restricted Report even if they disclosed the sexual assault incident to their commander or to personnel in the chain of command.
- Sexual assault victims are eligible to file Restricted Reports EVEN IF:
 - They disclosed the sexual assault incident to their commander or to personnel in the chain of command, or
 - There is an ongoing MCIO investigation into the sexual assault incident initiated by a third party and not due to the victim's disclosure to law enforcement, or
 - The MCIO investigation into the sexual assault incident has been closed.
- Why do victims retain eligibility for a Restricted Report after the investigation has closed? To receive SAPR advocacy services that facilitate access to medical and mental health care, Special Victims' Counsel (SVC)/Victims' Legal Counsel (VLC), and a safety assessment. In addition, after filing the Restricted Report, victims receive a copy of the completed DD Form 2910, which they can use with the Department of Veterans Affairs as documentation of their sexual assault report, such as when seeking healthcare services or filing a disability claim.
- Non-Participating Victim "Section 540K Declination Letter" for MCIO Investigations: In MCIO investigations that are initiated upon third party reports or by command – such as if a Service member reports a sex-related offense to a supervisor in the chain of command – an individual identified as a victim may submit a "Section 540K Declination to Participate in the MCIO Investigation" letter ("Section 540K Declination Letter") to document his or her decision not to participate in the investigation and the reason for declining should they choose.
- Impact on Commander's Duties: None. While the expanded eligibility for Restricted Reporting and the Section 540K Declination Letter increased victims' rights, there is NO change to the commander's responsibilities to immediately report a sexual assault to the MCIO.
 - In accordance with the NDAA FY 2014, Section 1742, a commander who receives a report of a sex-related offense involving a member of the armed forces within his or her chain of command shall immediately refer the report to the MCIO of the military department concerned with responsibility for investigating that offense. A commander retains his/her duty, in accordance with this instruction, DoDI 5505.18, DoDI 5505.19, and section 1742 of the NDAA FY 2014, to immediately contact the MCIO upon being notified of a sexual assault, whether the sexual assault is in his/her own chain of command or another. Military law enforcement and MCIOs retain their duty to initiate a criminal investigation in response to allegations of adult sexual assault, in accordance with DoDI 5505.03 and DoDI 5505.18.
 - Commanders and personnel in the chain of command shall encourage individuals

covered by this instruction who report experiencing a sexual assault to meet with a SARC or SAPR VA.

- The commander and other appropriate personnel in the chain of command shall inform the individual disclosing the sexual assault of their respective reporting requirements, including notifying the SARC, but also inform the victim that this has no impact on the victim choosing to file a Restricted or Unrestricted report.
- 8-Day Report: An incident report must be submitted in writing within 8 days after an Unrestricted Report of sexual assault has been made IAW section 1743 of NDAA for FY 2014. This 8-day incident report will only be provided to personnel with an official need to know and will not include the victim's PII.

III. REPORTING FORMS

The following DoD forms will be used for Restricted and Unrestricted reporting, Retaliation reporting, and to request the return of personal property in Restricted Reporting cases. They will be uploaded to the DSAID File Locker and retained for 50 years.

- DD Form 2910. "Victim Reporting Preference Statement"
 - Used to elect a reporting option — Restricted or Unrestricted — by the adult sexual assault victim in the SAPR Program.
 - The DD Form 2910 also notifies eligible victims of the Catch a Serial Offender (CATCH) Program. Participation in the CATCH Program is voluntary and allows an eligible adult sexual assault victim to submit an anonymous entry into the CATCH database to discover if the suspect in their report may have also assaulted another person (a "potential match" in the CATCH database), and having that knowledge, decide whether to participate in an investigation of the serial offender suspect.
- DD Form 2910-1. "Replacement of Lost DD Form 2910. Victim Reporting Preference Statement"
 - While not a common occurrence, if a sexual assault victim requests a copy of a previously filed DD Form 2910 and the original paper or electronic copy of the DD Form 2910 cannot be located, the victim can complete a DD Form 2910-1.
 - If separated, the former or retired Service member shall sign the DD Form 2910-1 and then send the form to the nearest SARC or Military Service headquarters SAPR office. The Services have the flexibility to determine whether to request that the signed DD Forms 2910-1 are sent through secure email or mail. When completing the DD Form 2910-1, victims may elect to convert their original reporting option from Restricted to Unrestricted. The DD Form 2910-1 will take the place of the original DD Form 2910 and shall be uploaded to the DSAID File Locker for document retention purposes.
- DD Form 2910-2. "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases"
 - Used to file a Retaliation report within the SAPR Program related to an existing Unrestricted Report. Persons eligible to file a DD Form 2910-2 include: Adult Sexual Assault Victim, who has previously made an Unrestricted Report of sexual assault; Adult Sexual Assault Victim's adult family member (e.g., spouse, son, daughter); Witness; Bystander (who intervened); SARC or SAPR VA on the case; Responder; and other party to the incident (i.e., friend, coworker, etc.). Retaliation reports can also be filed outside the SAPR Program. Refer to Enclosure 4 in this instruction for the listing, "Resources for Victims to Report Retaliation, Reprisal, Ostracism, Maltreatment, Sexual Harassment, or to Request an Expedited/Safety Transfer or Military Protective Order (MPO)/Civilian Protective Order (CPO)."

- The SARC or SAPR VA is required to explain that the person wishing to report retaliation can go to an Inspector General at any time during the process to discuss and report retaliation. The DD Form 2910-2 is NOT a report to the IG – it is a Retaliation report to the SAPR Program ONLY. Retaliation reporters must contact the DoD IG DIRECTLY if they want to file a Retaliation complaint with the IG. Information for the “IG Hotline – Whistleblower Reprisal Complaints,” can be found at: www.dodig.mil/Components/AdministrativeInvestigations/DoD-Hotline/
- DD Form 2910-3. “Return of Victim’s Personal Property in Restricted Sexual Assault Cases Collected During a Sexual Assault Forensic Examination (SAFE)”
 - The SARC or SAPR VA will use the DD Form 2910-3 to document the adult sexual assault Restricted Reporting victim’s request, to describe the personal property requested, and to identify the RRCN that identifies the SAFE Kit in question in accordance with Section 536 of NDAA FY 2020. This return of personal property request is not applicable for individuals who obtained a sexual assault forensic exam at a civilian facility, and whose kit and personal property are maintained by civilian law enforcement.

IV. VICTIM’S COMMANDER

- MCIO Contact:** Immediately after receiving a report of sexual assault incident through a DD Form 2910 or by law enforcement from a third party, refer the matter to the MCIO concerned – Naval Criminal Investigative Service (NCIS), Air Force Office of Special Investigations (OSI), or Army Criminal Investigation Command (CID).
 - Notify the appropriate MCIO immediately after receiving a report of a sexual assault incident filed by the victim through a DD Form 2910 or received by law enforcement from a third-party report.
 - Notify the appropriate MCIO immediately after receiving a report of retaliation filed in the SAPR Program through a DD Form 2910-2. All DD Form 2910-2 have to be associated with an Unrestricted Report of sexual assault filed with DD Form 2910. There is a section in the 2910-2 where the SARC fills in the DSAID Control Number of the associated Unrestricted Report.
 - The victim’s healthcare (SAFE, medical, mental health) cannot be put on hold to wait for MCIOs to interview the victim. A unit commander shall not conduct internal, command-directed investigations on sexual assault allegations (i.e. no referrals to appointed command investigators or inquiry officers) or delay immediately contacting the MCIOs while attempting to assess the credibility of the report.
- Victim’s Alleged Collateral Misconduct:** Review Service’s/NGB’s Safe-to-Report policy to assess whether the alleged collateral misconduct is “minor” or “non-minor” by weighing mitigating and aggravating factors. As required by section 539A of the NDAA for FY 2021, the Safe-to-Report Policy prescribes the handling of alleged minor collateral misconduct involving a Service member who is the victim of an alleged sexual assault and is applicable to all members of the Military Departments (including Reservists and cadets and midshipmen at the Military Service Academies). This policy applies regardless of to whom the victim makes the allegation of sexual assault, and regardless of whether the investigation and/or prosecution is handled by military or civilian authorities. This policy does not preclude MCIOs from continuing to investigate and document in final reports incidents of alleged collateral misconduct revealed during associated investigative

processes, but it may impact the commander's action or response to such misconduct.

- Commanders retain discretion to make the final determination of whether the alleged collateral misconduct is minor or not, based on their analysis of aggravating and mitigating factors. Commanders shall consult with their servicing Staff Judge Advocate in reaching these determinations. Take into account the trauma to the victim and respond appropriately to foster a unit climate that encourages reporting of sexual assault and continued victim cooperation.
- If the victim's alleged collateral misconduct is determined to be non-minor: The commander still retains discretion on whether to discipline and when to discipline. In accordance with Enclosure 5, section 8, of the SAPR DoDI, commanders in the grade of O-6 and above who possess special court-martial convening authority shall have discretion to defer action on alleged non-minor collateral misconduct by the sexual assault victims and commanders shall not be penalized for such a deferral decision, until final disposition of the sexual assault case. Under this policy, commanders may take into account the trauma to the victim and respond appropriately so as to encourage reporting of sexual assault and continued victim cooperation. Commanders may wait to take action, if any, on the alleged collateral misconduct, until after final disposition of the sexual assault case while also bearing in mind any potential speedy trial and statute of limitations concerns. If a commander believes that it would be appropriate to document alleged non-minor collateral misconduct in the interest of rehabilitation, s/he should consider actions that minimize or eliminate impacts on the victim's career.
- When practicable, notify the assigned SARC or SAPR VA prior to taking any administrative or disciplinary action affecting the victim.
- Once the final determination is made that the alleged collateral misconduct is minor, the individual shall not be disciplined for the alleged minor collateral misconduct pursuant to this Safe-to-Report Policy. However, this policy does not preclude the commander from fulfilling certain administrative requirements, for example: referral to substance abuse screening if the minor collateral misconduct involves any kind of substance abuse, referral to behavioral health or medical providers for a fitness for duty determination, or temporarily suspending access to critical positions such as positions in the personnel reliability program (PRP). It may be appropriate to temporarily decertify the victim from PRP status or other critical positions until appropriate evaluations can be conducted.
- SAPR Advocacy:** Require that the SARC is notified immediately and that the SARC or a SAPR VA makes contact with the victim as soon as possible, not to exceed 48 hours or 96 hours when deployed.
- Emergency Healthcare:** Require that sexual assault victims be given priority, and treated as emergency cases. Emergency care shall consist of emergency healthcare (medical and mental health) and the offer of a Sexual Assault Forensic Examination (SAFE). The victim shall be advised that even if a SAFE is declined the victim is encouraged, but not mandated, to receive medical care, mental health care, and victim advocacy. A sexual assault victim may require immediate medical intervention to prevent loss of life or suffering resulting from physical injuries (internal or external), sexually transmitted infections, pregnancy, and psychological distress. If needed, the SARC/SAPR VA shall facilitate obtaining immediate transportation for the victim to the hospital using a government owned/operated vehicle. Do not use a personally operated vehicle.

- Forensic Exam:** Require that the SARC ask the victim whether s/he would be willing to have a SAFE, if applicable. If the victim elects to have a SAFE, advise the victim of the need to preserve evidence (by not bathing, showering, having anything by mouth, emptying bladder, washing garments, or sheets, etc.). Any delay in the SAFE can result in the loss of evidence.

- Victim Safety:** Ensure the physical safety of the victim. The Case Management Group (CMG) Chair – the Installation commander or Deputy Installation Commander – has designated installation personnel trained and able to perform a formal Safety Assessment of adult sexual assault victims. Types of imminent danger may include non-lethal, lethal, or potentially lethal behaviors; the potential harm caused by the alleged perpetrator, family/friend(s)/acquaintance(s) of the alleged perpetrator, or the survivors themselves (e.g., harboring self-harm or suicidal thoughts). As a tool, a Safety Assessment is used to identify potential threats while addressing immediate safety needs and outlining strategies to help reduce future incidents of harm. Require the designated personnel to conduct a Safety Assessment of the victim. Safety Assessments are required for both Unrestricted Reports and Restricted Reports.

The Safety Assessment will determine:

- If the victim desires or needs protection or if the victim is at risk of self-harm.
- If the victim is concerned about retaliation from peers or supervisors.
- If the victim's safety is in jeopardy, take immediate action to ensure victim safety.
 - For Unrestricted Reports:
 - If a victim is assessed to be in a high-risk situation, the assessor will immediately contact the installation commander or his/her deputy, who will immediately stand up a multi-disciplinary High-Risk Response Team (HRRT) IAW Enclosure 9 of the SAPR DoDI 6495.02, vol. 1. This will be done even if the victim is not physically located on the installation.
 - If there is a safety issue, the SARC will immediately refer the service member to mental health for crisis support and the commander will assess the immediate safety risk, not waiting for the HRRT to be stood up IAW p. 97 of SAPR DoDI 6495.02, vol. 1.
 - For Restricted Reports:
 - If the victim is assessed to be in a high-risk situation, it may qualify as an exception to Restricted Reporting, which is necessary to prevent or mitigate a serious and imminent threat to the health or safety of the victim or another person. The SARC will be immediately notified.
 - The SARC will disclose the otherwise-protected confidential information only after consultation with the staff judge advocate (SJA) of the installation commander, supporting judge advocate, or other legal advisor concerned, who will advise the SARC as to whether an exception to Restricted Reporting applies, IAW the guidance in Enclosure 4 of the SAPR DoDI. If the SJA determines that the victim is not in a high-risk situation, then the report will remain Restricted.
 - The SARC will ensure a safety assessment is conducted and repeated, as needed.

The HRRT will continually monitor the victim's safety, by assessing danger and developing a plan to manage the situation in accordance with DoDI 6495.02, Enclosure 9. The HRRT shall be chaired by the victim's commander and shall make their first report to the installation commander, CMG chair, and CMG co-chair within 24 hours of being activated. A briefing schedule for the CMG chair and co-chair will be determined, but briefings shall occur at least once a week while the victim is on high-risk status.

- Access to Support Person:** Ask if the victim would like to speak to a chaplain, family member, emergency contact, or other support person and, if so, facilitate the meeting.
- Legal Services:**
 - Inform the victim of the opportunity to consult with SVC, VLC, or Legal Assistance Attorney.
 - In cases where the victim may have been involved in collateral misconduct, inform the victim of the opportunity to consult with defense counsel.
- Military Protective Orders (MPO)/Civilian Protective Orders (CPO):**
 - Determine if the victim desires or needs a MPO to be issued via completion of DD Form 2873, particularly if the victim and the alleged offender are assigned to the same command, unit, duty location, or living quarters. Coordination with other commanders may be necessary if the alleged offender is assigned to a different commander.
 - Are only available for Unrestricted Reports.
 - The following distribution is required for the DD Form 2873: Service member (alleged offender), Protected Person (Adult sexual assault victim), Service member's local personnel file (alleged offender), and Installation Law Enforcement for entry in the National Crime Information Center (NCIC).
 - If an MPO is issued, notify the appropriate civilian and military authorities of the MPO issuance and of the individuals involved in the order, in the event the MPO has been issued against a Service member and any individual involved in the MPO does not reside on a military installation at any time during the duration of the MPO.
 - Also, notify the appropriate civilian and military authorities of any change in or termination of the MPO and have the installation law enforcement agency update the NCIC entry.
 - Require the alleged offender to sign the DD Form 2873.
 - Require the MCIO to document the MPO in their investigative case file.
 - Advise the person seeking the MPO that it is not enforceable by civilian authorities off base and that victims desiring protection off base should with the assistance of the SARC or SAPR VA seek a CPO.
 - Take all necessary measures to ensure that a CPO is given full force and effect on all DoD installations within the jurisdiction of the court that issued the order and inform the SARC of an existing CPO or MPO. The SARC will then ensure the CMG is aware of the existence of the order(s).
- Expedited Transfer:** Safety issues are NOT handled through an Expedited Transfer. They are handled through a fast safety move. An Expedited Transfer may take longer than a safety move. The intent behind the Expedited Transfer policy is to address situations where a victim feels safe, but uncomfortable or believes s/he is being retaliated against.

Sexual Assault Prevention and Response Office

- Require the SARC or the SAPR VA to explain to adult military sexual assault victims that they may request an Expedited Transfer (temporary or permanent) to a different installation or to a different unit within his/her current installation. If the victim requests an Expedited Transfer, consider the desires of the victim when making any reassignment determinations.
- Are only available for Unrestricted Reports.
- Commanders are authorized to transfer the alleged offender instead of the Service member victim requesting the transfer.
 - Commanders have the authority to make a timely determination and to take action regarding whether a Service member who is alleged to have committed or attempted to commit a sexual assault offense should be temporarily reassigned or removed from a position of authority or from an assignment.
 - This reassignment or removal must be taken not as a punitive measure, but solely for the purpose of maintaining good order and discipline within the member's unit IAW section 1713 of NDAA for FY 2014.
 - This determination may be made at any time after receipt of notification of an Unrestricted Report of a sexual assault that identifies the Service member as an alleged perpetrator.

- DD Form 2910/2910-2 and DSAID retention:** Require the SARCs to use the DD Form 2910 for sexual assault reporting and the 2910-2 for retaliation reporting. Confirm that the SARC entered all sexual assault and retaliation reports into DoD Sexual Assault Incident Database (DSAID) within 48 hours of the report. In deployed locations that have internet connectivity issues, the time frame is extended to 96 hours.

- 8-Day Report:** Section 1743 of NDAA for FY 2014 requires an 8-Day report to be submitted in writing within 8 days after an Unrestricted Report of sexual assault has been made. This is sometimes called a Sexual Assault Incident Response Oversight (SAIRO) report.
 - Victim Privacy: This 8-Day Incident Report will only be provided to personnel with an official need to know and will not include the victim's PII. Including the victim's name is NOT required by law and is unnecessary to carry out the needed requirements, absent a specific need.
 - Purpose: Section 1743 states that the purpose of the 8-Day Report is to "detail the actions taken or in progress to provide the necessary care and support to the victim of the assault, to refer the allegation of sexual assault to the appropriate investigatory agency, and to provide initial notification of the serious incident when that notification has not already taken place."
 - Refer to your Service/NGB requirements for the 8-day report.

- Victim Privacy:** Strictly limit knowledge and release of the facts or details regarding the incident to only those personnel who have an official need-to-know or as authorized by law IAW DoDI 6495.02 Sexual Assault Prevention and Response: Program Procedures, Vol. 1.

- Case Management Group (CMG) Meeting:** Participate in the monthly CMG meeting. Contact the SARC or installation commander to identify when the next CMG is scheduled. The victim's commander is a mandatory member of the CMG and s/he may not delegate the responsibility to attend the CMG, unless an approved Exception to Policy is

applicable. Note: The intent is to have command involvement in the CMG. Thus, the victim's immediate commander is the intended participant in the CMG.

- Provide the victim with monthly status updates to include:
 - MCIO investigation
 - medical
 - legal
 - status of an Expedited Transfer request
 - any other request made by the victim
 - command proceedings regarding the sexual assault from the date the investigation was initiated until there is a final disposition of the case

This update must occur within 72 hours of the last CMG meeting. If the victim is transferring from the installation, make future communication arrangements with the victim, so you can contact her/him after future CMGs to provide updates.

- Protection from Retaliation:** IAW the Retaliation DoDI, for personnel under the jurisdiction of the sexual assault victim's or suspect's commander or supervisor (officer, enlisted, civilian employee), all commanders or supervisors, in the sexual assault victim's and suspect's chains of command or supervisory chain, are **REQUIRED**, when they become aware of allegations of retaliation, to take appropriate measures to protect the victims, their family members, witnesses, responders, and bystanders (who intervened), SARCs and SAPR VAs from retaliation that is related to an unrestricted report of sexual assault made by the victim or through a third-party report related to the unrestricted report.
 - Adhere to the retaliation response requirements listed in Paragraph 3.1 of the Retaliation DoDI.
 - Adhere to the "Commander Notification/Consultation Responsibilities: Retaliation Allegation Is Received by Commander" requirements in the chart at the end of this document.
 - The SARC or SAPR VA is required to explain that the person wishing to report retaliation can go to an IG at any time during the process to discuss and report retaliation. The DD Form 2910-2 is **NOT** a report to the IG, it is a Retaliation report in the SAPR Program **ONLY**.
 - At every CMG meeting, the CMG Chair will ask the CMG members if the victim, witnesses, bystanders (who intervened), SARCs and SAPR VAs, responders, or other parties to the incident, have experienced any incidents of coercion, retaliation, ostracism, maltreatment, or reprisals. If any incidents are reported, the installation commander will develop a plan to immediately address the issue. The coercion, retaliation, ostracism, maltreatment, or reprisal incident will remain on the CMG agenda for status updates, until the victim's case is closed.
 - DD Form 2910-2:
 - Require a retaliation reporter to file DD Form 2910-2, Retaliation Reporting Statement for Unrestricted Sexual Assault Case, if they wish to report their retaliation allegations through the SAPR Program.
 - Require the SARC to facilitate retaliation reporting.

- Victim Rights:**

- Direct MCIO and VVAP personnel to provide the victim with Victim Rights information outlined on the DD Form 2701, "Initial Information for Victims and Witnesses of Crime," through the investigative and legal process.
- Ensure the victim has access to an SVC/VLC.
- Confer with the SJA and the SARC to confirm that the victim was afforded all Victim Rights.

Victim Support from Commander:

- Throughout the investigation, with assistance from the SARC or SAPR VA, consult with the victim, listen to his/her feedback, and engage as needed to provide the victim appropriate support resources and referrals. Help the victim regularly access care and attend referral appointments, as needed. To the extent practicable, accommodate the victim's desires regarding safety, health, and security, as long as neither a critical mission nor a full and complete investigation is compromised.
- With assistance from the SARC or SAPR VA, continue to monitor the victim's well-being, particularly if there are any indications of suicidal ideation, homicidal, or other unhealthy attempts to cope with stress, and ensure appropriate assistance is rendered. Consult with medical and mental health providers for appropriate courses of action, as needed.
- Consider offering the victim time off to facilitate recovery, if the victim wants it. See October 20, 2022, Manpower & Reserve Affairs Memorandum, "Clarification of Convalescent Leave Policy for Service Members Recovering from Sexual Assault": www.sapr.mil/sites/default/files/public/docs/policy/Clarification_of_Convalescent_Leave_Policy_20Oct2022.pdf.

- Personnel Reliability Program:** A sexual assault victim certified under the personnel reliability program (PRP) is eligible for both the Restricted and Unrestricted Reporting options. If electing Restricted Reporting, the victim is required to advise the competent medical authority of any factors that could have an adverse impact on the victim's performance, reliability, or safety while performing PRP duties. If necessary, the competent medical authority will inform the certifying official that the person in question should be suspended or temporarily decertified from PRP status, as appropriate, without revealing that the person is a victim of sexual assault, thus preserving the Restricted Report.

- Avoid automatic suspension or revocation of a security clearance and/or PRP status, understanding that the victim may be satisfactorily treated for his/her related trauma without compromising his/her security clearance or PRP status. Make the final determination based upon established national security standards, taking into consideration the negative impact that suspension of a victim's security clearance or PRP may have on building a climate of trust and confidence in the Military Service's sexual assault reporting system. See DoD Instruction 5210.42, "DoD Nuclear Weapons Personnel Reliability Assurance", DoD Manual 5210.42, "Nuclear Weapons Personnel Reliability Program" for specific requirements.

V. ALLEGED OFFENDER'S COMMANDER

- MCIO:** Notify the appropriate MCIO immediately after receiving a report of a sexual assault incident.

- No Command-Directed Investigations:** Do **NOT** conduct any internal command-directed investigation of the sexual assault, delay immediate contact with the MCIO, or attempt to assess the credibility of the report. Avoid questioning the alleged offender about the sexual assault allegation, to the extent possible, since doing so may jeopardize the criminal investigation.
- Privacy:** Strictly limit information pertinent to an investigation to those who have an official need-to-know.
- Defense Legal Services:** Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative, legal, and command processes that may be involved.
- Alleged Offender Healthcare:** As appropriate, refer the alleged offender to available counseling groups and other services or make sure that procedures are in place to inform the alleged offender about available counseling support. However, precautions need to be taken to verify that the victim and the alleged offender are not in the same counseling sessions, groups or classes or any other gatherings or installation events.
- Safety of Alleged Offender and Victim:**
 - Monitor the well-being of the alleged offender, particularly for any indications of suicide ideation or other unhealthy attempts to cope with stress, and ensure appropriate assistance is rendered. Consult with medical and mental health providers for appropriate courses of action, as needed.
 - Monitor the alleged offender for erratic or violent behavior that may endanger the safety of the victim or others.
 - If the victim's safety is in jeopardy and a multi-disciplinary HRRT is convened, participate in the HRRT to continually monitor the victim's safety, and provide insight on alleged offender's current behavior by assessing danger and developing a plan to manage the situation.
 - With assistance from the SARC, SAPR VA, legal, and/or investigative agent, determine the need for an MPO via completion of DD Form 2873. (See above for further details regarding MPOs.)
- Victim and Victim's Family Members Retaliation or Ostracism:** Monitor for incidents of coercion, ostracism, discrimination, or reprisals against the victim or the victim's family members in person, in the unit or workplace to determine if the alleged offender is using friends or family members to retaliate or intimidate the victim or the victim's family members. Inquire whether there are any incidents of coercion, ostracism, discrimination, or reprisals against the victim or the victim's family members through electronic communications, or through social media.
 - Witness/Bystander/SARC/SAPR VA/Responder Retaliation or Ostracism:** Monitor for incidents of coercion, ostracism, discrimination, or reprisals against a Witness/Bystander/ SARC/SAPR VA/Responder in person, in the unit or workplace to determine if the alleged offender is using friends or family members to retaliate or intimidate a Witness/Bystander/SARC/SAPR VA/Responder. Inquire whether there are any incidents of coercion, ostracism, discrimination, or reprisals against any Witness/Bystander/SARC/SAPR VA/Responder through electronic communications, or through social media.

- Alleged Offender Retaliation or Ostracism:** Monitor for incidents of coercion, ostracism, discrimination, or reprisals against the alleged offender in person, in the unit or workplace. Inquire whether there are any incidents of coercion, ostracism, discrimination, or reprisals against the alleged offender through electronic communications, or through social media.
- 8-Day Report:** The immediate commanding officer of the alleged offender will be responsible for preparing and submitting the abbreviated 8-Day Report containing available information within eight calendar days involving a civilian victim who is **NOT** eligible for SAPR Services and the alleged offender/Service member, with the understanding that some victim or subject information may not be accessible.

VI. IMPORTANT POINTS TO REMEMBER FOR EACH UNIT COMMANDER OF THE VICTIM AND ALLEGED OFFENDER

IN THE EVENT OF A SEXUAL ASSAULT

- Commanders shall explain to their subordinates:
 - When an alleged sexual assault is reported in a unit, what is the appropriate, professional response: 1. By the chain of command at every level, officer and enlisted. 2. By peers to a victim and an alleged offender.
 - When an alleged sexual assault is reported in a unit, that incidents of retaliation, reprisal, ostracism, and maltreatment violate good order and discipline, erode unit cohesion, and deter reporting of alleged sexual assault incidents.
 - Explain to all personnel in their respective chain of command, officer and enlisted, that when they become aware of allegations of retaliation, reprisal, ostracism, or maltreatment, they must take appropriate measures to protect the individual who reported the allegation(s).
- It is important to make sure that everyone in a unit and on base know that the alleged offender is presumed innocent until proven guilty.
- Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved in accordance with the standards of your Service and the Uniform Code of Military Justice.
- Remind members that discussion of a possible sexual assault incident might compromise an ensuing investigation. Discourage members from participating in barracks gossip or grapevine speculation about the case or investigation.
- Emphasize that acts of coercion, ostracism, discrimination, or reprisals against the victim, offender, and/or witnesses, bystanders will not be tolerated and the person(s) who are alleged to have committed any of these acts may be subject to disciplinary action in accordance with the UCMJ.
 - Consult with the Retaliation DoDI.
- Emphasize that acts of coercion, ostracism, discrimination, or reprisals against SARCs and SAPR VAs related to the execution of their SAPR duties and responsibilities will not be tolerated and the person(s) who are alleged to have committed any of these acts may

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be subject to disciplinary action according to the UCMJ will be subject to disciplinary action in accordance with the UCMJ.

- Review past Unit Climate Assessments, unit policies, and personnel practices for conditions that may have contributed or influenced circumstances leading to the reported sexual assault.
- Consider requesting assistance from experts (e.g. SARC, SAPR Program Manager, Rape Crisis Center) to help identify additional preventive measures.
- Make available or publicize the resources available to address some of the emotional or psychological consequences of crime that may manifest themselves, affect the unit, and require the unit's response during the course of the investigation.
- Continuously monitor the unit's overall climate to ensure neither the victim or the alleged offender are being ostracized and prevent organizational divisiveness.
- After the resolution or closure of a case continue to ensure that acts of coercion, ostracism, discrimination, or reprisals against the victim, witnesses, and/or alleged offender are not occurring in the unit, and if they are, take immediate action, as appropriate, to stop such behaviors. Refer to the Retaliation DoDI for requirements.

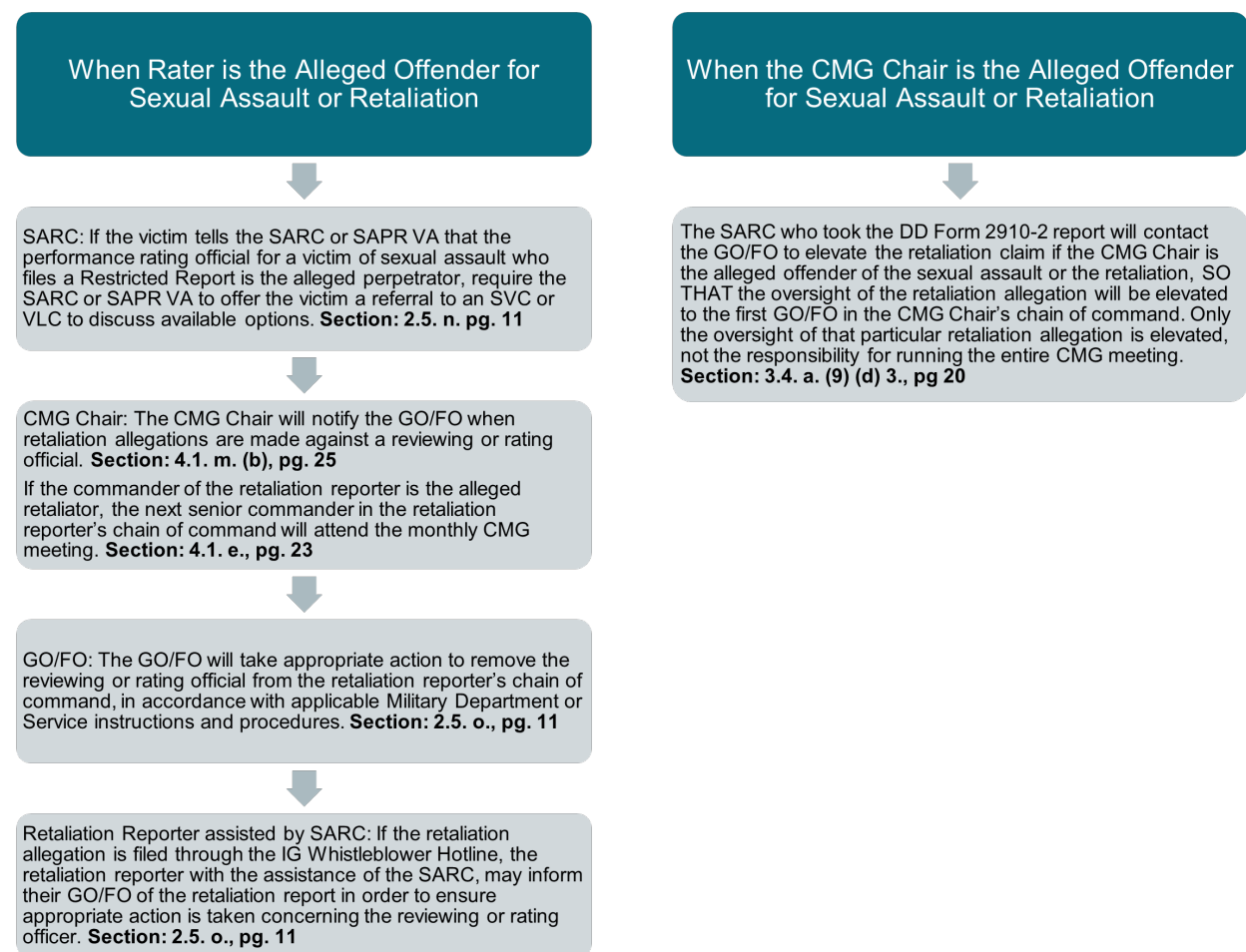
Notification/Consultation Responsibilities for the SARC, Commander, and CMG Chair for Retaliation Allegations

NOTE: All citations refer to Retaliation DoDI 6495.02 Vol. 3, “Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases”

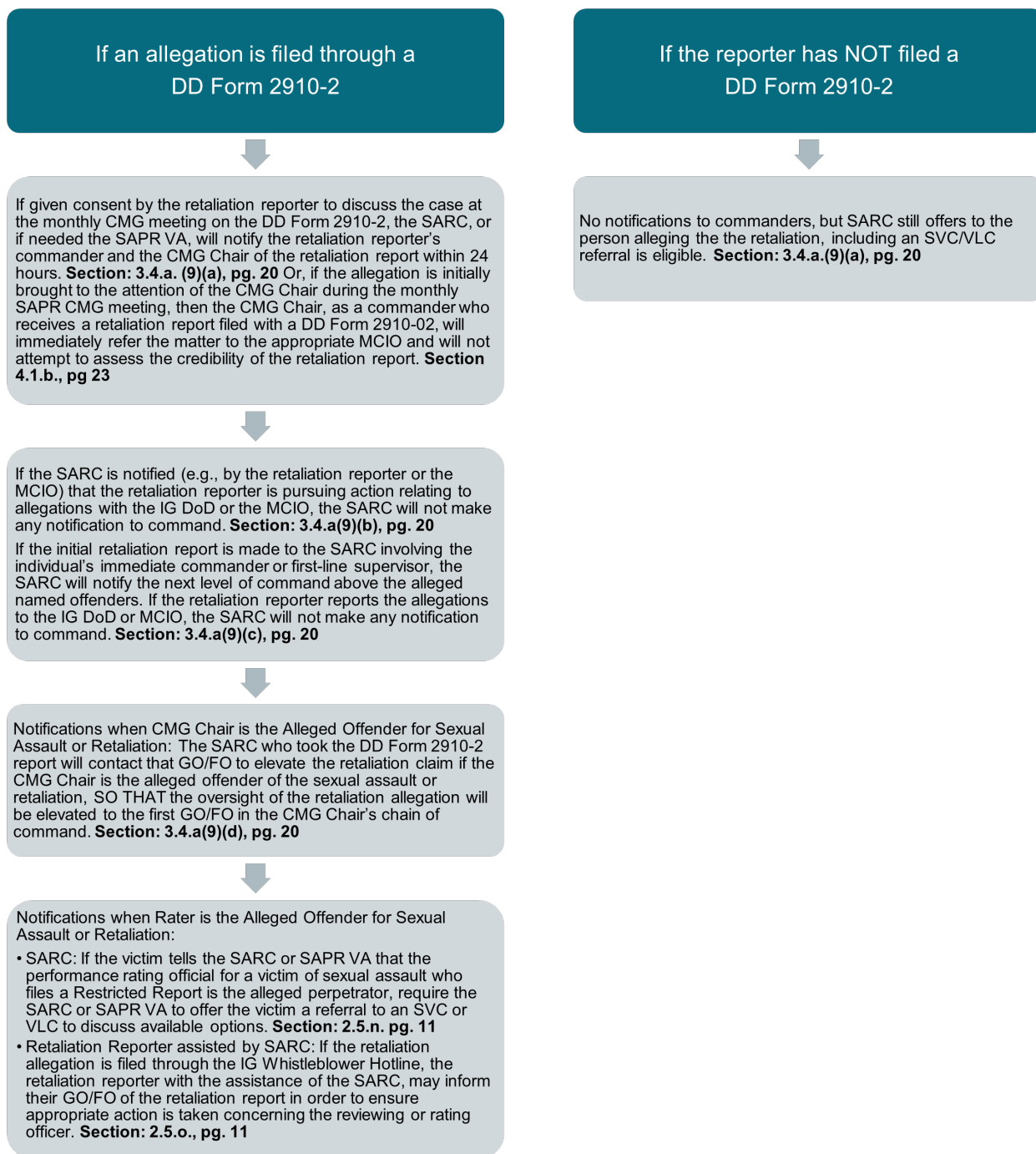
www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/649502_vol3.PDF

The DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases," is used to file a Retaliation report within the SAPR Program related to an existing Unrestricted Report. Persons eligible to file a DD Form 2910-2 include: Adult Sexual Assault Victim, who has previously made an Unrestricted Report of sexual assault; Adult Sexual Assault Victim's adult family member (e.g., spouse, son, daughter); Witness; Bystander (who intervened); SARC or SAPR VA on the case; Responder; and other party to the incident (i.e., friend, coworker, etc.). Retaliation reports can also be filed outside the SAPR Program, for example through the DoD IG as a Whistleblower Report of reprisal.

Conflict of Interest Notifications



SARC Notification/Consultation Responsibilities When Retaliation Allegation is Disclosed to the SARC



If an allegation is filed through a DD Form 2910-2, continued

Victim Advocacy Requirements when SARCs Discuss Victims or Retaliation Reporter's Information

- Information regarding a report of sexual assault and a report of retaliation related to sexual assault will only be disclosed to personnel with an official need to know or as authorized by law. **Section: 2.5., c., pg. 8**
- The SARC will consult with the local SJA if there are concerns about violating privileged communication, if applicable, with the retaliation reporter, prior to notifying the command. **Section: 3.4.a(8), pg. 20**

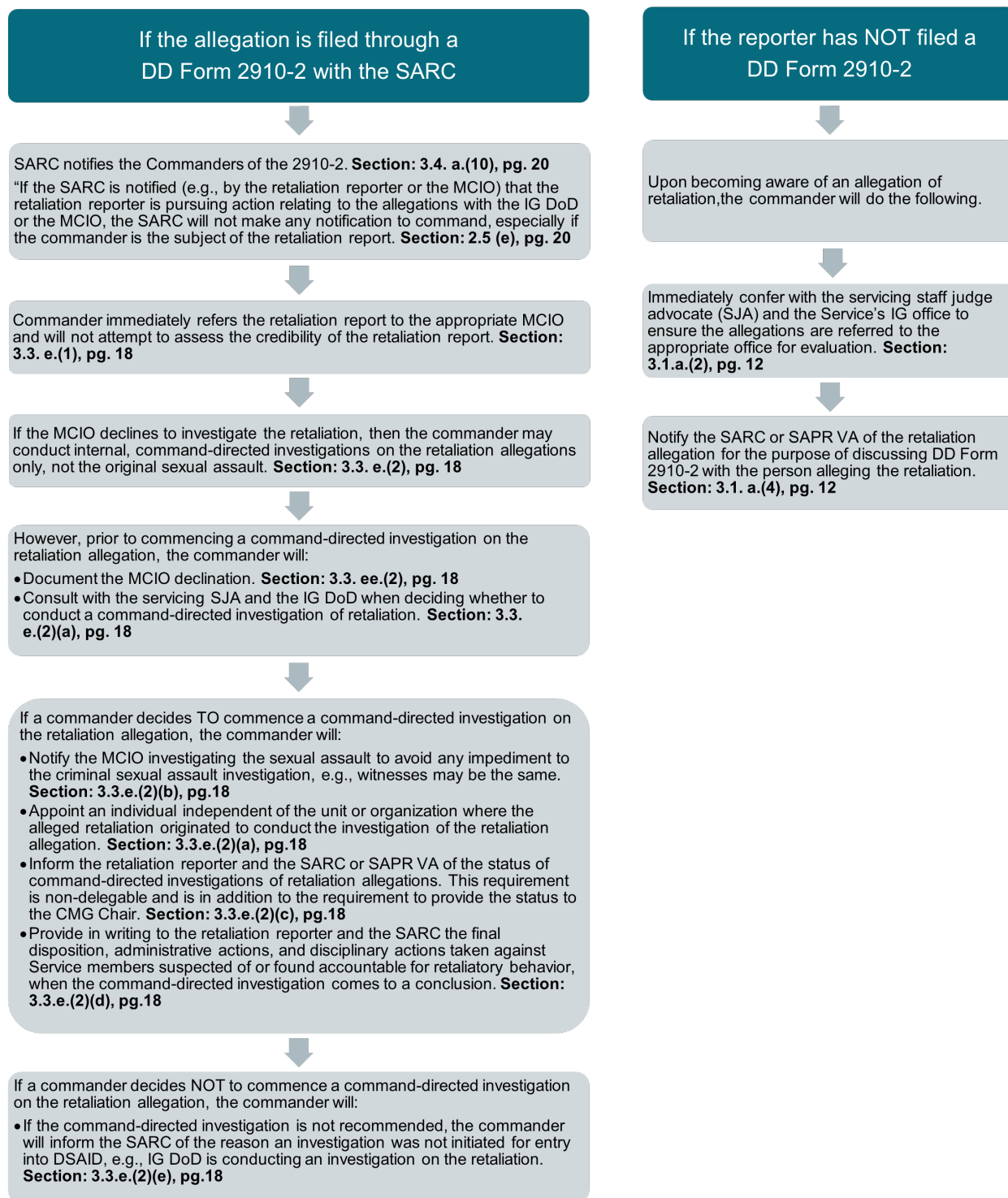
Notifications of GO/FO Reviews

- Notification provided on the 2910-2. **Section: 3.1.g.(3), pg. 14**
- GO/FO reviews notification must meet the following eligibility:
 - Service members report retaliation because they are being processed for an administrative separation within 1 year of the final disposition of the service member's sexual assault case (e.g., 1 year from the court-martial verdict or Convening Authority's decision not to refer to court-martial), have the right to request that the appropriate GO/FO in their chain of command review the separation. In cases involving retaliation allegations against one's chain of command, the Service member may request review outside of their chain of command. **Section: 3.4.a.(6)(a), pg. 19**
 - Service members who believe that there were adverse impacts to their military career because they reported retaliation, have the right to discuss those career impacts with a GO/FO. In cases involving retaliation allegations against one's chain of command, the Service member may request review outside of their chain of command. **Section: 3.4.a.(6)(b), pg. 19**

If the SARC or SAPR VA cannot link the Retaliation DD Form 2910-2 form to the DSAID Control Number from an Unrestricted Report's DD Form 2910:

- The SARC and SAPR VA will contact the Service headquarters DSAID Program Manager for assistance and to check for cross-Service cases. If it is available, the Service headquarters will provide the requested Unrestricted Report DSAID control number. **Section: 3.4.b.(3)(a), pg. 21**
- If the Service headquarters DSAID Program Manager cannot directly link the retaliation report to an Unrestricted Report, the report will not be entered into DSAID. **Section: 3.4.b.(3)(b), pg. 21**
- The SARC or SAPR VA must inform the investigative entity that a link to an Unrestricted Report could not be established and therefore no further updates to the SARC or SAPR VA are necessary since the retaliation will not be tracked in the SAPR Program for the purposes of DSAID, CMG tracking, and congressional SAPR annual reporting requirements. **Section: 3.4.b.(3)(b), pg. 21**
- This notification by the SARC is essential because the investigation body will continue to appropriately investigate the retaliation report, but not as part of the SAPR Program, so the investigative body has to ensure the notifications are going to the retaliation reporter and to the DoD program tracking the status of the retaliation investigation. **Section: 3.4.b.(3)(b), pg. 21**

Commander Notification/Consultation Responsibilities When Retaliation Allegation is Received by Commander



CMG Chair Notification/Consultation Responsibilities When Retaliation Allegation is Reviewed at CMG Meeting

