

# **DOD SEXUAL ASSAULT PREVENTION AND RESPONSE**

## **INFORMATION PAPER: DOD INSTRUCTION 6495.02**

**SUBJECT: Reissued DoD Instruction 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures”**

### **Background**

Department of Defense (DoD) policy on sexual assault prevention and response (SAPR) was first issued in October of 2005, via DoD SAPR Directive 6495.01 with the detailed procedures established in June 2006 via SAPR Instruction 6495.02. On March 28, 2013, the SAPR Instruction was updated and reissued with a range of new policies and procedures as well as training mandates and safety measures. These procedures took into account recommendations from survivors and advocacy groups, as well as the military services, National Guard Bureau, military investigators, DoD Office of General Counsel, and DoD Health Affairs. This update also incorporates recommendations from the Government Accountability Office, the Inspector General, and the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS), as well as requirements from National Defense Authorization Act (NDAA) Fiscal Years 2009, 2011, 2012, and 2013.

### **Summary**

The comprehensive update to SAPR Instruction 6495.02 includes official procedures for:

#### **Program Improvements**

- Directs the creation, implementation, and maintenance of the Defense Sexual Assault Incident Database (DSAID). (NDAA FY 09)
- Codifies the expedited transfer policy that allows for the expedited transfer of victims who report a sexual assault to their commander. (NDAA FY 12)
- Codifies the document retention policy for sexual assault victims, which increases availability of the DD Form 2910, where the victim elects a Restricted or Unrestricted Report, and the DD Form 2911, the forensic examination report. Both DD forms in Unrestricted Reports will be retained for 50 years. In Restricted Reports, the forms will be retained for 5 years, unless victims request their retention for 50 years. (NDAA FY 12 & 13)
- Appoints a general or flag officer (G/FO) or a Senior Executive Service (SES) civilian in DoD as the Director, Sexual Assault Prevention and Response Office (SAPRO). Assigns an officer from each of the Armed Forces in the grade of O-4 or above to SAPRO for a minimum tour length of 18 months. (NDAA FY 11 & 12)
- Establishes a DoD-wide certification program to ensure all sexual assault victims are offered the assistance of a Sexual Assault Response Coordinator (SARC) or SAPR Victim Advocate (VA) who has obtained this certification. (NDAA FY 12)
- Directs DoD SAPRO to establish, oversee, and maintain the DoD Safe Helpline, as the universal hotline to provide crisis intervention. (DTF-SAMS recommendation)

### Oversight of the SAPR Program

- Establishes the Director, SAPRO, as the single point of authority, accountability, and oversight for the DoD SAPR program. (NDAA FY 11)
- Requires SAPRO with the Under Secretary of Defense for Personnel and Readiness (USD P&R) to update the Deputy Secretary of Defense (DEPSECDEF) on SAPR policies on a semi-annual schedule.
- Directs DoD SAPRO to develop strategic program guidance, joint planning objectives, and standard terminology in support of DoD SAPR policies. (DTF-SAMS recommendation)
- Directs the SAPR Integrated Product Team (IPT) to serve as the implementation and oversight arm of the DoD SAPR Program. (DTF-SAMS recommendation)

### Reporting Options and Sexual Assault Reporting Procedures

- Assures there is clear understanding of the SAPR program, reporting options, exceptions to the Restricted Reporting policy and Military Rule of Evidence (MRE) 514 privilege for all Service members. (DTF-SAMS Recommendation, NDAA FY 11 & 12, Executive Order 13593)

### Commander and Management SAPR Procedures

- Direct Commanders to meet with the SARC within 30 days of taking command for one-on-one SAPR training. The training shall include a trends brief for unit and area of responsibility and the confidentiality requirements in Restricted Reporting. (Best Practice)
- Mandates that Commanders require each Service member who reports a sexual assault be given the opportunity to consult with legal assistance counsel (not prosecution), and in cases where the victim may have been involved in collateral misconduct, to consult with defense counsel. The DD Form 2701, which details victims' rights, shall be distributed to the victim in Unrestricted Reports cases by DoD law enforcement agents. (NDAA FY 12)
- Directs Commanders to inform sexual assault victims of the option to request a Military Protective Order. (NDAA FY 09)

### SARC and SAPR VA Procedures

- Mandates that SARCs provide a response that is gender-responsive, culturally-competent, and recovery-oriented. Directs SARCs to explain to the victim that the services of the SARC and SAPR VA are optional and these services may be declined, in whole or in part, at any time. (DTF-SAMS recommendation)

### Healthcare Provider Procedures

- Directs the Surgeons General of the Military Departments to require that The National Protocol for Sexual Assault Medical Forensic Examinations is used to establish minimum standards for forensic examination of victims of sexual assault (Source: DOJ Office on Violence Against Women) and will implement processes and provide sexual assault patients with *priority treatment as emergency cases*. (GAO Report requiring department-level guidance on the provision of care to victims of sexual assault)
- Mandates that Healthcare personnel be trained to safeguard the Restricted Reporting option. (GAO Report)

### Case Management Group (CMG) Review for Unrestricted Reports of Sexual Assault

- Requires the CMG chair to request a high-risk safety assessment be conducted by trained personnel of each sexual assault victim at each CMG meeting. If victim is assessed to be in a high-risk situation, the CMG chair will immediately stand up a multi-disciplinary high-risk response team to continually monitor the victim's safety, by assessing danger and developing a plan to manage the situation. (As a response to Lauterbach IG Report, not a formal recommendation)

### Enhanced SAPR Training Requirements for DoD Personnel

- Establishes standardized training on SAPR for: Annual SAPR Training, Accessions Training, Professional Military Education (PME), Pre- and Post-Deployment Training, Pre-Command Training, G/FO and SES Personnel Training, Military Recruiters, Training for Civilians who Supervise Military
  - Additional specialized SAPR requirements are detailed for the following responders: SARCs, SAPR VAs, Healthcare personnel assigned to a Military Treatment Facility (MTF), Healthcare providers assigned to an MTF, DoD law enforcement, with special requirements for MCIOs, Judge advocates, Legal assistance attorneys, and Chaplains. (GAO Report requiring DoD to take steps to improve SARC, VA, and healthcare first responders' compliance with the department's requirements for annual refresher training)