

Topics from 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," signed November 10, 2021. Available at www.sapr.mil/policy.

TOPIC: SAPR Quarterly Case Management (CMG) Meetings and Monthly Case Management for Sexual Assault Reports and Associated Retaliation Reports

Enclosure 9, of DoDI 6495.02, volume 1, is revised as follows:

Enclosure 9. SAPR Quarterly Case Management (CMG) meetings and monthly case management for sexual assault reports and associated retaliation reports.

Monthly SAPR Case Management Group Meetings

1. Case Management Group Meeting Purpose.

a. The SAPR CMG meetings have three separate and mutually supporting purposes:

- (1) Safety: To ensure the victim's safety and the safety of Retaliation reporters. Safety concerns encompass "harm from others" and "harm to self" (e.g., suicidal ideation);
- (2) Victim Services and Retaliation Reporter Referrals: To facilitate victim access to restorative services, Retaliation reporter referrals, and tracking of Unrestricted Reports and Retaliation related to Unrestricted Reports; and
- (3) SAPR System Coordination and Accountability: To direct effective response system coordination and ensure appropriate accountability.

Safety, Victim Services, and Retaliation Reporter Referrals.

- a. Improved Guidance to SARCs. The Secretaries of the Military Departments and the Chief of the National Guard Bureau shall prescribe procedures to guide SARCs' discussion of the status of victim services, existence of Retaliation issues, and safety concerns of each case before the CMG in accordance with this Enclosure.
- b. Improved Oversight of Victim Safety, Expedited Transfer Completion, and Adjudication of Retaliation Allegations. The CMG Chair conducts oversight of the monthly CMG activities, including:
 - (1) Ensuring personnel designated to conduct safety assessments of victims making both Restricted and Unrestricted reports have specialized training, to include assessment of suicidal ideation and risk of harm to self and to/from others. The Services have maximum flexibility to select which personnel conduct safety assessments according to location, mission, and available resources. If the selected personnel are licensed and credentialed to provide healthcare in a military treatment facility, they are not required to obtain additional training beyond what is needed to maintain licensure and credentialing. SARCs may conduct non-clinical safety assessments with victims and are authorized to recommend to the victim immediate victim referrals to mental health for a comprehensive clinical safety assessment if they identify concerns for self-harm. SARCs should consult with an appropriate legal authority in situations where victim risk for self-harm is a concern, but the victim declines a mental health referral.
 - (2) Directing the re-administration of safety assessments when: a new safety concern arises or an existing safety concern escalates; the victim files a complaint of

Retaliation; or the victim requests assistance with obtaining a Military or Civilian Protective Order.

- (3) Ensuring that the High-Risk Response Team (HRRT) is conducted in accordance with this Enclosure and provides the CMG Chair and lead SARC with the required updates that are documented in the CMG meeting minutes, which are entered into DSAID by the lead SARC. If there is a safety issue, the SARC will immediately refer to mental health for crisis support and the commander will assess the immediate safety risk, not waiting for the HRRT to be stood up. While there are no explicit criteria for standing up a HRRT, there will be heightened sensitivity by the CMG Chair where there is a Retaliation allegation or a second sexual assault for a victim while in the Service.
- (4) Tracking the number of days between the approval date of a victim's request for Expedited Transfer and the date the victim physically departs the losing station (Permanent Change of Station), or the date the victim changes duty assignment location (Permanent Change of Assignment). All Expedited Transfers taking longer than 30 calendar days must have documented circumstances for the delay in the CMG minutes, and be reported to the CMG Chair, who must review the circumstances of the delay. The CMG will direct a HRRT to be initiated when circumstances indicate that the transfer delay appreciably increases risk of harm to the victim.

PROCEDURAL CHANGES IN DSAID —

Monthly Case Management Group Meeting Responsibility in Expedited

Transfers: After the mandatory "Intake Meeting", the Gaining SARC will ask the victim whether they want to continue SAPR advocacy services.

1. **If the victim says YES to continued advocacy**: If the victim says yes, then the monthly CMGs will be held at the new location with relevant members from the old location calling in (e.g., MCIOs investigating the case at the old location would call in to the CMG meeting at the new location – the responsibility cannot be delegated).
2. **If the victim says NO to continued advocacy**: If the victim says no and there is an ongoing investigation or legal proceeding at the old location, then the SARC will transfer the case in DSAID back to the Losing SARC and the monthly CMGs will be held at the old location with the victim's new commander calling in to the CMG meeting at the old location.

- (5) Confirming that all Retaliation allegations reviewed at the CMG employ the new Department of Defense (DD) Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases."
- (6) Ensuring that at every CMG, members strictly adhere to existing procedures to discuss, track, and appropriately refer Retaliation reports made by sexual assault victims and others (e.g., SARCs, witnesses) in accordance with this Enclosure.
- (7) Ensuring that reprisal allegations reviewed at the CMG follow the process established to obtain updates from the DoD IG as follows:

- (a) The SARCs will ask the Retaliation reporter to provide a copy of the DD Form 2910-2 to the DoD IG, which documents the victim's consent to have the status of the reprisal case discussed at the CMG meetings. If the Retaliation reporter does not provide a copy of the form to the DoD IG, the SARC will provide it in the initial update request.
- (b) SARCs shall request status updates regarding reprisal cases being investigated by the DoD IG every 3 months until the DoD IG reprisal investigation is closed.
- (c) SARCs will email <SAPR-Reprisal@dodig.mil> to request status updates.
- (d) If the SARC does not receive an update, the SARC will contact his or her Service Headquarters SAPR Office, who in turn will contact the DoD Sexual Assault Prevention and Response Office (SAPRO). DoD SAPRO will facilitate contact with the DoD IG Whistleblower Reprisal Investigations Directorate.
- (e) The DoD IG has agreed to provide status updates indicating whether the case is open or closed.
- (f) The DoD IG has agreed to contact the SARC when the reprisal investigation is closed.
- (8) Notifying the victim's commanding GO/FO or commander (whichever is applicable) if apprised that the suspect is the Rater/Reporting Senior/Reviewing Officer of the victim of an alleged sexual assault and/or Retaliation complaint. Upon notification, the GO/FO or commander will, if required, take appropriate action in accordance with Service instructions and procedures.
- (9) Requiring MCIO updates in existing investigations, but not SARC updates, where the victim has filed a Restricted Report (e.g., in situations where the victim disclosed the sexual assault to command or a third party reported the matter to law enforcement).
- c. GO/FO CMG Participation. CMGs must make accommodations for operational requirements and travel commitments of GO/FOs, in an effort to better represent the needs of victims.
 - (1) SAPR policy requires a GO/FO to attend the CMG when he or she is the immediate commander of a victim of sexual assault (e.g., when a victim serves on the GO/FO's staff). To facilitate CMG attendance and representation of the victim, GO/FOs with conflicting operational requirements and travel commitments may designate a military staff member at the O-6 level (or above, as appropriate) with prior commander experience as their alternate to participate at the CMG (hereinafter GO/FO Representative). The GO/FO may designate the GO/FO Representative to represent him or her, EXCEPT in cases where the GO/FO Representative is the alleged sexual assault offender or the subject of the Retaliation complaint.
 - (2) Such designations will be provided to the CMG Chair in writing and will require the designated representative to closely follow the progress of victims and their cases. The written designation will be documented in the CMG meeting minutes. The designation of an alternate does not absolve GO/FOs of their responsibility to provide updates to the victim within 72 hours of the CMG's completion.
- d. CMG Chair Authority of Tenant Commands. In those instances where the installation commander does not possess administrative or operational authority over a tenant commander, the tenant commander is required to adhere to the CMG policy mandates

established in this Enclosure and Service policy. Specifically, a tenant commander is charged to address systemic issues brought to his/her attention related to the care and support of a Service member or adult dependent sexual assault victim within his/her command. In addition, the tenant commander is required to address any allegations of Retaliation, reprisal, ostracism, or maltreatment experienced by the victim, victim's family members, witnesses, bystanders (who intervened), SARCs and SAPR VAs, or responders within his/her command, and the tenant commander shall report to the CMG Chair on status updates until the victim's case is closed, or until the Retaliation allegation has been appropriately addressed.

4. SAPR Quarterly CMG Meetings: System Coordination and Accountability

- a. SAPR Quarterly CMG Meeting Topics: The CMG Chair will schedule quarterly discussions at the CMG meetings on the following topics: system coordination challenges among CMG members; timely victim access to medical, mental health, advocacy, legal, spiritual, and other services within the installation and through established agreements with external civilian agencies; HRRT and other organizational responses to victim safety issues; Retaliation allegation reporting and other associated data; timeliness of moves after Expedited Transfer approvals; resource sharing in joint environments; tenant commander concerns; and reporting and service access trends for the installation. *This is a separate discussion from individual case management oversight and no information directly related to Unrestricted Reports and/or specific victims will be discussed to protect victim privacy.*
- b. SAPR Quarterly CMG Meeting Membership: The CMG members required to attend the quarterly discussions include the CMG Chair and co-chair, all SARCs assigned to the installation, commanders of victims with open cases, Staff Judge Advocates, and senior representatives from the following: installation MCIOs, DoD law enforcement agencies, medical and mental healthcare providers, chaplains, installation personnel trained to do a safety assessment, Victim Witness Assistance Personnel, and Special Victims Counsel and/or Victims Legal Counsel.
- c. SAPR Quarterly CMG Meeting Duties for Chair and Co-Chair: The CMG Co-Chair (i.e., the lead installation SARC) will record the minutes of the quarterly meeting, including all action items assigned by the CMG Chair to address or improve system response. The CMG Chair will review minutes and action items at the next quarterly meeting to drive progress and conduct oversight on any open system coordination and accountability issues.