



DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE



Law Enforcement Sexual Assault Victim Disclosure Exception

Sexual assault is a crime that harms our Service members and DoD community. DoD encourages reporting to help victims access the resources they need to recover. Adult sexual assault victims who disclose directly to Law Enforcement (LE) personnel that they have been sexually assaulted are not eligible for Restricted Reporting. DoD policy requires disclosures to LE to be provided to a Military Criminal Investigative Organization (MCIO) for investigation. In most cases, a military victim may discuss the incident of sexual assault with a friend or co-worker without jeopardizing the Restricted Report. However, making a Restricted Report common knowledge is not recommended.

But what happens when a victim who works in LE discloses the sexual assault to a friend or co-worker who also works in LE?

The “Law Enforcement Sexual Assault Victim Disclosure Exception” was established to allow LE victims to disclose they are a victim of sexual assault to other LE friends or colleagues to facilitate access to services.

- LE personnel may disclose their sexual assault to other LE personnel in a “personal conversation” without triggering notification to command and the initiation of an investigation.
- This is a very narrow exception for the purpose of encouraging help seeking for LE victims.
- The exception also authorizes an LE victim to retain eligibility for Restricted Reporting.

What is a “personal conversation”?

A personal conversation between LE personnel is one in which the victim makes it clear he/she wants to talk about the sexual assault without making a crime report.

However, there are some considerations:

- Both individuals should take steps to be clear about the desire of the victim to make a report or not. If the LE victim indicates that he/she wants to report the sexual assault, then the conversation becomes a “professional conversation,” triggering notification to command and the MCIO.
- The exception does not apply to conversations between the LE victim and his/her supervisor (or someone LE victim’s chain of command). If the LE victim discloses the sexual assault to his/her LE supervisor, the disclosure becomes a report of sexual assault.

Extends to Adult Family Members

In addition to the LE victim, the exception extends to “personal conversations” where the LE personnel’s adult family member confides being a sexual assault victim to their LE family member (e.g., an adult daughter tells her LE mother that she was sexually assaulted).

Does Not Extend to Non-LE Friends

A victim who is not LE cannot disclose a sexual assault to a friend or co-worker who works in LE. Any disclosure to LE personnel becomes a sexual assault report and would result in notification to command and the MCIO.

For more information about the Law Enforcement Victim Disclosure Exception, visit www.sapr.mil/latest-policy-updates.

For the authorizing policy, review DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense.”

For more information, please visit sapr.mil.

For confidential victim assistance, call or visit the DoD Safe Helpline at 877-995-5247 or safehelpline.org.