



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS CHIEF OF THE NATIONAL GUARD BUREAU

SUBJECT: Revisions to the Monthly Case Management Group Meetings for Adult Sexual Assault Cases

The policy requiring monthly Sexual Assault Prevention and Response (SAPR) Case Management Group (CMG) meetings has been in place since 2006, and has aided our efforts to provide a well-synchronized response to Service members. Certain changes are now needed to facilitate oversight and system accountability, and to acknowledge the operational requirements of commanders. The following changes are updates and clarifications to current CMG policy in DoD Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures*, incorporating Change 3, May 24, 2017.

The SAPR CMG meetings have three separate and mutually supporting purposes: to ensure victim safety, to facilitate victim access to restorative services, and to direct response system coordination and appropriate accountability. CMGs may also, at times, require input from General or Flag Officers (GO/FOs) who have significant operational responsibilities, limiting their availability. Updates to these CMG provisions are explained in greater detail below:

- **Improved Guidance to Sexual Assault Response Coordinators (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 Enclosure 9 of DoDI 6495.02.
- **Improved Oversight of Victim Safety, Expedited Transfer Completion, and Adjudication of Retaliation Allegations.** The CMG Chair conducts oversight of the monthly CMG activities, including:
 - 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 others. The Services will 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 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 they decline a mental health referral.

- 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.
- Ensuring that the High-Risk Response Team (HRRT) provides the CMG Chair (or installation commander, if not the CMG Chair) and the lead SARC with updates at least once a week, and that those HRRT updates are documented in the CMG meeting minutes, which are entered into the Defense Sexual Assault Incident Database by the lead SARC.
- 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 impacts risk of harm to the victim.
- Confirming that all retaliation reports reviewed at the CMG employ the new Department of Defense (DD) Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases."
- Ensuring that at every CMG, members strictly adhere to existing procedures to discuss, track, and appropriately refer retaliation allegations made by sexual assault victims and others (e.g., SARCs, witnesses) in accordance with Enclosure 9 of DoDI 6495.02.
- Ensuring that reprisal allegations reviewed at the CMG follow the process established to obtain updates from the DoD Office of Inspector General (OIG) as follows:
 - The SARCs will ask the retaliation reporter to provide a copy of the DD Form 2910-2 to the OIG, 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 OIG, the SARC will provide it in the initial update request.
 - SARCs shall request status updates regarding reprisal cases being investigated by the OIG every 3 months until the IG reprisal investigation is closed.
 - SARCs will email <SAPR-Reprisal@dodig.mil> to request status updates.
 - If the SARC does not receive an update, the SARC will contact their Service SAPR Headquarters, who in turn will contact the Sexual Assault Prevention


and Response Office (SAPRO). SAPRO will facilitate contact with the DoD OIG Whistleblower Reprisal Investigations Directorate.

- The DoD OIG has agreed to provide status updates indicating whether the case is open or closed.
- The DoD OIG has agreed to contact the SARC when the reprisal investigation is closed.
- Notifying the victim's Commanding General/Commanding Officer (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 Commanding General/Commanding Officer will, if required, take appropriate action in accordance with Service instructions and procedures.
- **Improved System Coordination and Accountability.**
 - 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 Enclosure 9 of DoDI 6495.02. 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 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.
 - 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.
 - 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 Military Criminal Investigative Organizations, 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.

- 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.
- **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.
 - Current 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 with prior Commanding Officer experience as their alternate to participate at the CMG. The GO/FO may designate a staff member at the O-6 level to represent him or her, EXCEPT in cases where the O-6 is the alleged offender or the subject of the retaliation complaint.
 - 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.

Our CMG efforts must be focused on providing an environment where victims can safely recover, access restorative care, and continue their service to our Nation. I appreciate your steadfast commitment to Service members who report sexual assault, and look forward to working with you on this issue.


James N. Stewart
Assistant Secretary of Defense for Manpower
and Reserve Affairs, Performing the Duties
of the Under Secretary of Defense for
Personnel and Readiness

cc:
Chairman of the Joint Chiefs of Staff
Chiefs of the Military Services
Commandant of the Coast Guard