

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: Responsibilities of the Secretaries of the Military Departments

Enclosure 2 of 6495.02, volume 1, is updated to add the following:

6. Secretaries of the Military Departments. The Secretaries of the Military Departments shall:

ba. In accordance with this Instruction:

(1) Require commanders at every level to receive training so they can explain to their subordinates:

(a) 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) 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.

(2) Commanders shall:

(a) Be provided scenarios to facilitate discussion of appropriate behavior, to include mitigating potential resentment of peers towards victims, bystanders, or witnesses who report a sexual assault.

(b) Receive training to be able to 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).

(c) Receive training so they also can explain how to prevent retaliation, reprisal, ostracism, and maltreatment in a unit after a report of an alleged sexual assault.

bb. Direct:

(1) Installation and senior commanders to publicize, by all means available, how to report a sexual assault allegation and how to seek assistance for a sexual assault, including associated reports of retaliation at their locations. This effort shall include publicizing the availability of resources outside a victim's immediate chain of command (i.e., installation SARCs, SAPR VAs, and the DoD Safe Helpline). Information regarding sexual assault reports and associated reports of retaliation will only be disclosed to personnel with an official need to know or as authorized by law.

(2) Officer and enlisted leaders (including first-line supervisors) to encourage reporting of sexual assault in accordance with DoD policy, as well as reporting of allegations of retaliation in accordance with Department of Defense and Military Service guidance.

(3) That officers, enlisted leaders, and military law enforcement, to include MCIOs, investigators, and SARCs and SAPR VAs, receive updated information on the changes to eligibility for Restricted Reporting in this policy, including:

(a) That victims may elect to make a Restricted report of sexual assault at all times, EXCEPT IN cases where the victim:

1. Personally reported the incident to law enforcement (including MCIOs); or

2. Previously filed an Unrestricted Report with a signed DD Form 2910 for the same incident.
 - (b) That a victim can file a Restricted Report EVEN IF:
 1. The allegation has been inadvertently or previously disclosed to command by the victim, suspect, or third party;
 2. The matter has been reported to law enforcement, to include MCIOs, by anyone other than the victim; or
 3. An investigation is initiated, in progress, or closed.
 - (c) A victim's election to make a Restricted Report does not preclude command or the MCIO from conducting an investigation of sexual assault. Information provided by the victim or obtained from the victim (including the sexual assault forensic examination), the SARC, SAPR VA, or healthcare will remain confidential and not be disclosed to military law enforcement (to include MCIOs) or command, unless an exception to Restricted Reporting applies in accordance with Enclosure 4 of this volume.

DoDI 6495.02, volume 1, paragraph 4. POLICY, revised as follows:

Posting of Reporting Options for Sexual Assault and Retaliation Stemming from a Report of Sexual Assault.

- ad. Installation commanders, and commanders in comparable locations, will direct that **“Reporting Options for Adult Victims of Sexual Assault”** are posted in high-traffic locations (including dining facilities), and posted information will include:
 - (1) Location and phone numbers/emails for the local SARCs and SAPR VAs.
 - (2) Location and phone numbers/emails to contact the Special Victims' Counsel/Victims' Legal Counsel Program (SVC/VLC)
 - (3) Process for reporting to an individual outside the chain of command of the Service member, to explicitly include contact information for the DoD Safe Helpline or a SARC and other personnel outside their chain of command.
 - (4) Information for the DoD Safe Helpline for crisis intervention, 24/7 worldwide.
 - (5) Information for the Catch a Serial Offender Program
 - (6) Information regarding services furnished by the Secretary of Veterans Affairs to survivors of sexual trauma (this should also be posted in areas where sexual assault prevention staff normally post notices or information).
- ae. Installation commanders, and commanders in comparable locations, will direct that **“Reporting Options for Retaliation related to an Unrestricted Report of Adult Sexual Assault”** are posted in high-traffic locations, and posted information will include:
 - (1) “Reporting Options for Adult Victims of Sexual Assault” described above; however, not all Retaliation reporters will be eligible for an SVC/VLC.
 - (2) Information for the DoD Office of the Inspector General Hotline for Whistleblower Reprisal Complaints.
 - (3) Information about how individuals who believe they have been retaliated against related to a report of a sexual assault may report Retaliation allegations, including
 - (1) Adult Sexual Assault Victim, who has previously made an Unrestricted Report of sexual assault,
 - (2) Adult Sexual Assault Victim's adult family member (e.g., spouse, son, daughter),
 - (3) Witness,
 - (4) Bystander associated with a sexual report,
 - (5) SARC or SAPR VA on the case, or
 - (6) Responder.