



DEPARTMENT OF DEFENSE  
**SEXUAL ASSAULT PREVENTION  
AND RESPONSE OFFICE**



On November 11, 2021, a memorandum, “Updates to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” was issued, which implements key policy changes. Below are Frequently Asked Questions to aid in understanding the details of the policy updates. For a comprehensive list of policy changes, please visit [SAPR.mil](https://sapr.mil).

Frequently Asked Questions	
Topic	Question and Answer
CATCH	Q: Is there any update that allows the victim to authorize the SARC to provide subject information to the Military Criminal Investigation Organization (MCIO)? Is there a process for this?
	A: No, victim submissions are handled by the victims as they submit their entries anonymously to the CATCH database.
CMG	Q: Why do only commanders with open cases attend the Quarterly Case Management Group (CMG) meeting if the Quarterly CMG is to review trends and systemic issues? What if a case closes before the next Quarterly CMG? Could commanders provide SARCs with any feedback on challenges or systemic issues, and allow the SARC to present these at the Quarterly CMG to reduce the risk of potential breaches to client confidentiality?
	A: Any commander could be invited to attend the Quarterly CMG. The policy only sets the minimum standard; NGB could always expand the membership to the Quarterly CMGs. And yes, SARCs can always reach out to interested parties and compile a list of system-wide problems to discuss at the Quarterly CMG—there is nothing in policy that would discourage this.
CMG	Q: Is the CMG "accommodation" reference to allow the General Officer/ Flag Officer (GO/FO) to identify an authorized representative if they're unable to attend? Will there be a limit on the number of times the GO/FO can delegate this responsibility?
	A Yes, provided that the GO/FO is not the installation commander or the deputy installation chairing the multi-disciplinary CMG. There is no limit on the times that the attendance at the CMG can be delegated (except as provided for in DoDI 6495.02), but the stated purpose is travel or conflicting operational requirements -- it can't just be that it's inconvenient to attend. However, please note that the GO/FO cannot delegate providing the update to the victim within 72 hours of the CMG meeting.
DD Forms	Q: Will DoD SAPRO or OSD be clarifying retention and disposal rules for hard copies of the DD 2910?

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	A: SAPRO only directs the electronic retention of forms (2910, 2910-1, 2910-2, and 2910-3) in the DSAID File Locker as the system of record. The retention of hard copies is governed by the Service/NGB regulations.
DD Forms	Q: How would a SAPR-eligible, non-DoD civilian send/receive a copy of the DD 2910-1 via secure email?
	A: The same way that the remote advocacy and reporting was handled during the COVID emergency. We defer to the Service/NGB internal procedures for this.
DD Forms	Q: Who is responsible for coordinating the return of property to the victim from MCIOs? Victim Witness Assistance Program (VWAP)? The Sexual Assault Response Coordinator (SARC)?
	<p>A: The SARC is responsible for helping the victim fill out the *NEW* DD Form 2910-3, "Return of Victim's Personal Property in Restricted Sexual Assault Cases Collected During a Sexual Assault Forensic Examination (SAFE)". The comprehensive procedures for it can be found at:  <a href="http://www.sapr.mil/sites/default/files/public/docs/policy/3_Procedures_for_10yr_Evidence_Retention_and_Release_of_Personal_Property_DSD_Memo_Topics_Reference_Copy.pdf">www.sapr.mil/sites/default/files/public/docs/policy/3_Procedures_for_10yr_Evidence_Retention_and_Release_of_Personal_Property_DSD_Memo_Topics_Reference_Copy.pdf</a>.</p> <p>But in sum, upon receipt of the victim's signed DD Form 2910-3, the SARC will contact the installation MCIO supervisory agent (or the MCIO's designated SAPR agent), provide the Restricted Report Case Number (RRCN) of the appropriate SAFE Kit, and request the kit be located. The installation MCIO supervisory agent will locate the SAFE Kit and arrange for it to be sent to the installation, if stored elsewhere, using appropriate security measures. Once the relevant SAFE Kit is at the victim's location, the MCIO supervisory agent and the SARC will arrange for the victim to meet with the evidence custodian to retrieve the personal property in question. The SARC/SAPR VA will instruct the victim to bring the original (signed in person or digitally) signed DD Form 2910-3 with her/him to the meeting with the evidence custodian. If the victim has lost the form, the victim will request a copy from the SARC, who will provide a replacement.</p>
DD Forms	Q: Could Safe Helpline list current military sexual trauma (MST) staff by state? Turnover of MST coordinators creates challenges in finding current contact information to give victims.
	<p>A: A link to the Department of Veterans Affairs website that has a list of the MST coordinators by state can be found at:  <a href="http://www.benefits.va.gov/benefits/mstcoordinators.asp">www.benefits.va.gov/benefits/mstcoordinators.asp</a>.</p> <p>We have also posted the link at: <a href="http://www.sapr.mil/latest-policy-updates">www.sapr.mil/latest-policy-updates</a></p>
Expanded Eligibility for RR	Q: What is the intent behind giving Service members the option of restricted reporting if they have already reported the sexual assault to command or a mandated reporter?

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	<p>A: The intent behind this is covered in depth at: <a href="http://www.sapr.mil/sites/default/files/public/docs/policy/8_Expanded_Eligibility_to_File_RR_and_Process_for_Victims_to_Decline_to_Participate_DSD_Memo_Topics_16Dec2021_Reference_Copy.pdf">www.sapr.mil/sites/default/files/public/docs/policy/8_Expanded_Eligibility_to_File_RR_and_Process_for_Victims_to_Decline_to_Participate_DSD_Memo_Topics_16Dec2021_Reference_Copy.pdf</a></p> <p>In short, even though the Restricted Report does not directly impact the status of the ongoing investigation, the Restricted Report does provide the victim a level of privacy. As a result of the filing of the Restricted Report, the victim's commander, once he or she knows of the Restricted Report status of the victim, will not ask the SARC/SAPR VA any details about the Restricted Report, nor will the commander seek to speak to the victim about the reported sexual assault incident, unless an exception to Restricted Reporting.</p>
Expanded Eligibility for RR	<p>Q: Why do victims retain eligibility for a restricted report after the investigation has closed?</p> <p>A: To receive SAPR advocacy services that facilitate access to medical and mental health care, SVC/VLC, and a safety assessment. In addition, after filing the Restricted Report, victims receive a copy of the completed DD Form 2910, which they can use with the Department of Veterans Affairs as documentation of their sexual assault report, such as when seeking healthcare services or filing a disability claim.</p>
Expanded Eligibility for RR	<p>Q: If a victim with an Unrestricted Report, who did not disclose the subject's identity, or did not know the identity, now wants to put an entry in CATCH, will this need to be documented in DSAID as a referral? Will CATCH be added as a unique referral?</p> <p>A: Providing information on CATCH to a victim is not deemed a "referral" and is not required to be documented in DSAID as such. The victim's desire to participate in CATCH is annotated only in the DD Form 2910. However, if for some reason, the SARC DID want to document the CATCH notification in DSAID as a referral, they could select "other" under the "type of referral support" and then type in CATCH Program and the date of the referral to CATCH.</p>
Expanded Eligibility for RR	<p>Q: Can a subject name only be entered into CATCH and not added to DSAID?</p> <p>A: Each system has its own procedures that must be followed. Suspect names in Unrestricted Cases are entered into DSAID. If known, victims should be encouraged to enter the suspect name in the CATCH system, if the suspect name is not known to law enforcement, but this is not required in CATCH.</p>
Expanded Eligibility for RR	<p>Q: Is the DD 2910 going to be updated to capture CATCH participation for both UR and RR?</p> <p>A: Yes, the DD Form 2910 has already been updated to include this information on a new page #3. See updated 2910 at: <a href="http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2910.pdf">www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2910.pdf</a>.</p>

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Expanded Eligibility for RR	Q: If a victim discloses an incident to command, and elects the Restricted Reporting option, how will the command notification of law enforcement be documented in DSAID? If law enforcement does not open a case, how will the notification be documented? Restricted reports in DSAID do not capture law enforcement notification.
	A: If DoD law enforcement opens an investigation, it will be reflected in DSAID as an "open with limited". If there is no law enforcement case, then there will be no documentation in DSAID of law enforcement action.
540K	Q: Do victims with an UR or RR case need to sign a 540K Declination if they don't want to participate in the investigation? If they don't elect to have an SVC, who is responsible to explain and get the 540K declination signed?
	<p>"Sec. 540K Declination Letters" are covered in detail under:  <a href="http://www.sapr.mil/sites/default/files/public/docs/policy/8_Expanded_Eligibility_to_File_RR_and_Process_for_Victims_to_Decline_to_Participate_DSD_Memo_Topics_16Dec2021_Reference_Copy.pdf">www.sapr.mil/sites/default/files/public/docs/policy/8_Expanded_Eligibility_to_File_RR_and_Process_for_Victims_to_Decline_to_Participate_DSD_Memo_Topics_16Dec2021_Reference_Copy.pdf</a></p> <p>In short, in MCIO investigations that are initiated upon third-party reports or by command an individual identified as a victim may submit a "Section 540K Declination to Participate in the MCIO Investigation" letter ("Section 540K Declination Letter") to document his or her decision not to participate in the investigation, and the reason for declining, should they so desire--it doesn't matter whether they filed a Restricted or Unrestricted report.</p> <p>If the victim does not or declines to consult with an SVC/VLC or private counsel and informs the assigned MCIO investigator that s/he does not want to participate in the investigation, the MCIO investigator will give the victim a "Section 540K Declination Letter" form and repeat the recommendation that the victim meet with an SVC/VLC for assistance with filling out the letter, and the implications associated with doing so. The MCIO investigator will also ask the victim if:</p> <ol style="list-style-type: none"> <li>(1) Anyone is influencing or coercing the victim to decline to participate in the investigation.</li> <li>(2) Anyone is threatening or retaliating against the victim because of the open sexual assault investigation.</li> <li>(3) He or she has any safety concerns related to the investigation of the sexual assault incident.</li> </ol>
CMG Responsibility in	Q: What is the Monthly Case Management Group Meetings responsibility regarding Expedited Transfers?

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Expedited Transfers	<p>A: The Monthly Case Management Group Meeting responsibility in Expedited Transfers is to track them: 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 High-Risk Response Team (HRRT) to be initiated when circumstances indicate that the transfer delay appreciably increases risk of harm to the victim.</p> <p>After the mandatory "Intake Meeting" the Gaining SARC will ask the victim whether they want to continue SAPR advocacy services.</p> <p>If the victim says <b>YES</b> 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).</p> <p>If the victim says <b>NO</b> 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 if the victim wants updates.</p>
Restricted Reports Corresponding to Open/Closed Investigations	<p>Q: How does the DSD Memo expand eligibility for Restricted Reporting?</p> <p>A: The DSD Memo expanded eligibility to Restricted Reporting. Sexual assault victims are eligible to file Restricted Reports even if: (1) they disclosed the sexual assault incident to their commander or to personnel in the chain of command, or (2) there is an ongoing MCIO investigation into the sexual assault incident initiated by a third party and not due to the victim's disclosure to law enforcement, or (3) the MCIO investigation into the sexual assault incident has been <u>closed</u>. Consequently, there may be more Restricted Reports that correspond to open or closed investigations. There will be no attempt to link Restricted Reports to investigations, as this would necessitate that the SARC conduct an "investigative interview" with the victim and ask them the facts of the case. The goal of the SAPR Program has always been to encourage reporting and to protect victim privacy, where possible. In addition, privileged communications with SARCs and victim advocates must be protected so they can invoke MRE 514, if needed.</p>
Restricted Reports	<p>Q: When will a commander know of a Restricted Report? We notify the installation commander without PII, so how will they ever know? I read through the new DoDI update this morning and the notification did not change.</p>

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	A: You are correct: The SARC's process has not been changed – when a Restricted Report is filed with a 2910, the SARC will notify the commander without providing any PII. If the commander has follow-up questions, the SARC cannot provide any PII or confirm the victim's identity.
Unrestricted Reports	Q: So, if MCIO opens an investigation that then requires us to open a corresponding (open with limited) unrestricted DSAID case? All open unrestricted cases are reviewed at CMG and then the commander is required to update the victim on the status of the case. So in those cases, the commander will still speak with the victim because they have no knowledge of the restricted report, yes?
	<p>A: These are two separate issues. At the CMG two types of cases are discussed:</p> <ol style="list-style-type: none"> <li>1. Open with limited: The MCIO provides the update only, because the victim has not filed an Unrestricted Report through a DD Form 2910. The Victim's commander does not provide the victim an update if the victim has filed a Restricted Report, because the victim has indicated that s/he wants privacy.</li> <li>2. Unrestricted Reports filed through a DD Form 2910: SARC and all relevant parties provide updates. Victim's commander provides the victim an update within 72 hours.</li> </ol>