



DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE

Prevent. Assist. Restore.



DEPUTY SECRETARY OF DEFENSE MEMORANDUM, “UPDATES TO DEPARTMENT OF DEFENSE POLICIES TO ENHANCE SUPPORT FOR ADULT SEXUAL ASSAULT VICTIMS” FREQUENTLY ASKED QUESTIONS

AS OF APRIL 2025

New Responsibilities for Commanders

- What does “victim’s immediate commander” mean for Brigade/Battalion/Commanding Officer (BDE/BN/CO)?
 - The victim’s immediate commander is the individual who lawfully exercises authority over subordinates by virtue of rank or assignment.
- Is a commander now required to notify the Offices of Special Trial Counsel (OSTC) of an Unrestricted Report in addition to the Military Criminal Investigative Organization (MCIO)?
 - Yes. When notified of a sexual assault report, retaliation report, or any other covered offense, commanders now have to immediately notify the appropriate MCIO and the OSTC.
- The High-Risk Response Team (HRRT) eliminates the attendance of the suspect’s commander when the victim’s safety involves self-harm and the suspect is not the cause. How does this work when the commander is the same for both the suspect and the victim? Is this HRRT commander attendance elevated to the next higher commander?
 - No. When the victim’s commander is the same as the suspect’s commander, that commander (for both) is invited to the HRRT.
- Can/should company level commanders attend Case Management Group (CMG) meetings?
 - Only officials with a need to know should attend the CMG.

Law Enforcement Victim Exception

- If a Service member (who is not law enforcement (LE) personnel) tell their friend (who is LE personnel) that they were sexually assaulted, is the non-LE soldier still eligible to file a Restricted Report?
 - No. The disclosure by a non-LE soldier to LE is an official report to LE and the non-LE Service member is no longer eligible for a Restricted Report. The purpose of the “Law Enforcement Sexual Assault Victim Disclosure Exception” is to remove a barrier specifically for LE victims to report and be eligible for Restricted Reporting to obtain services. It was an exception directed at LE personnel, so they could have “personal conversations” with other LE personnel without triggering the duty to report the matter as a crime. It is a very narrow exception. Other non-LE Service members cannot have personal conversations with LE personnel and maintain the option for Restricted Reporting. As stated above, that personal conversation would result in a crime report and an MCIO investigation.
- Are LE officers required to report after they are off duty?
 - The focus of the “Law Enforcement Sexual Assault Victim Disclosure Exception” is on the distinction between “personal” and “professional” conversations, not “on-duty” vs. “off-duty” statuses because military LE are never technically off-duty.
- Does the “Law Enforcement Sexual Assault Victim Disclosure Exception” apply when a victim (who has a family member who is LE) has a personal conversation with another LE member that is not their immediate family member (i.e., spouse’s best friend, an LE friend)?

- No. This is a very narrow exception. It only applies to the LE family member victim having a personal conversation with the LE member who is the family of the victim.
- Does the “Law Enforcement Sexual Assault Victim Disclosure Exception” include crimes committed during the sexual assault, such as Article 128 (Assault), or is it just for Article 120 (Sexual Assault)?
 - The purpose of the LE exception is to remove the barrier for the LE victim to disclose the sexual assault in a personal conversation with an LE friend and hopefully that friend could assist the LE in accessing the needed services. The crime would have to be part of the sexual assault incident, as Article 128 assault could potentially be. However, this would have to be assessed on a case-by-case basis.
- LE personnel are not required to initiate an official investigation if they learn of a sexual assault from a disclosure in a personal conversation with an LE victim; however, are they prohibited from doing so? Could a member of LE officially report a sexual assault even if the victim does not indicate they want that?
 - The “Law Enforcement Sexual Assault Victim Disclosure Exception” appears in DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense.” Page 20 states, “The LE personnel who are not a victim’s supervisor or in a victim’s chain of command receiving such a sexual assault incident disclosure: (a) Must ask the sexual assault victim if they want the information to remain private. If the LE victim wants the information to remain private, then the LE personnel receiving such a sexual assault incident disclosure will assume a non-LE personnel role and no official LE reporting or MCIO notification is required, unless disclosure is required by law or safety concerns exist. (b) Will encourage the victim to report the incident to a SARC or SAPR VA to be informed of reporting options, victim’s rights, and available services, to include eligibility for an SVC, VLC, or VC.” Consequently, they are directed to “assume a non-LE personnel role and no official LE reporting or MCIO notification is required, unless disclosure is required by law or safety concerns exist.”
- Are security forces still mandatory reporters if they are off duty during training?
 - The focus of the “Law Enforcement Sexual Assault Victim Disclosure Exception” is on the distinction between “personal” and “professional” conversations, not on “on-duty” or “off-duty” statuses.

Restricted Reporting for Civilian Employees

- When DoD Civilian employees report a sexual assault by a Service member through the DD Form 2910-8, can they receive limited services at the military treatment facility (MTF), i.e. a Sexual Assault Forensic Exam (SAFE)?
 - The authority to report a sexual assault through a DD Form 2910-8 does not confer medical entitlement to which the DoD Civilian employee is not otherwise entitled to by law or DoD regulation.
- If a DoD Civilian wants to make a delayed report regarding a sexual assault that happened while they were active duty, is that still done through the DD Form 2910-8?
 - Yes. That reporting would now be done through the DD Form 2910-8. Former or retired Service members are not eligible to file a DD Form 2910 with the SAPR Program. The DoD Civilian employee veteran can also report through a Military Sexual Trauma Coordinator at the Department of Veterans Affairs (VA) and receive information about eligibility for healthcare (medical and mental health) and disability claims.

Five New Forms

- If a current DoD Civilian employee makes a report that he/she was allegedly sexually assaulted in the past by a Service member, is the delayed report entered into DSAID even if the alleged suspect has since died or retired?
 - Yes. Due to the suspect's status at the time of the sexual assault incident, the case would be added to DSAID.
- Can you clarify whether a DSAID case and a DD Form 2910 would be completed in a case where a DoD Civilian employee alleges a report of sexual assault by another DoD Civilian employee?
 - This is dependent on the suspect's status at the time of the incident. If the suspect was a Service member at the time of the alleged offense, then a case would be opened in DSAID.
- What is the "supplement" for the DD Form 2910-7?
 - The DD Form 2910-7 is used for the first meeting of the High-Risk Response Team (HRRT). The "supplement" is located at the end of the DD Form 2910-7 and is used for every meeting following the first HRRT, to include the final meeting. However, for the final HRRT, not only do you fill out a "supplement" to document the final meeting, but also the CMG Chair, the CMG Co-Chair, and the HRRT Chair need to sign the original DD Form 2910-7 from the first meeting. See: <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2910-7.pdf>
- For DoD Civilian employees serving in the National Guard or Reserve Component on a part-time basis, will they have to fill out the DD Form 2910 only when they are on active duty status or on drill weekends, but if not on active duty status or drill weekends then they fill out the DD Form 2910-8?
 - DoD Civilian employees who are also Reservists or members of the National Guard need to fill out a DD Form 2910 because they may be eligible for additional services that they may not otherwise be eligible for as a DoD Civilian employee. They can file their DD Form 2910 at any time, they do not have to wait for their drill weekend. DoDI 6495.02, vol. 1: "If reporting a sexual assault that occurred prior to or while not performing active service or inactive training, NG and Reserve members will be eligible to receive timely access to SAPR advocacy services from a Sexual Assault Response Coordinator or a SAPR Victim Advocate, and the appropriate non-medical referrals, if requested, in accordance with section 584(a) of the NDAA for FY 2012, as amended by Section 1724 of the NDAA for FY 2014. They also have access to a Special Victims' Counsel, Victims' Legal Counsel, or Victims' Counsel (SVC/VLC/VC) in accordance with section 1044e of 10 US Code and are eligible to file a Restricted or Unrestricted Report."
- If a DoD Civilian employee files a DD Form 2910-8 with an unknown or civilian suspect, is Office of Special Trial Counsel (OSTC) notification still required?
 - Yes. DoDI 6495.02, vol. 1 states, "If a DoD civilian employee files an Unrestricted Report, law enforcement shall be notified. In addition, the victim's commander, or civilian supervisor, and the OSTC concerned will be notified of the sexual assault report."
- Are notifications to command required for DoD civilian employees who make Unrestricted Reports?
 - Yes. If a DoD Civilian employee files an Unrestricted Report, law enforcement shall be notified. In addition, the victim's commander or civilian supervisor and

the Office of Special Trial Counsel (OSTC) concerned will be notified of the sexual assault report.

Increased Oversight of CMG/QCMG/HRRT

- How are components without access to DSAID supposed to maintain and provide the CMG, QCMG, and HRRT forms?
 - Please see DoDI 6495.02, vol. 1, Appendix to Enclosure 4 and corresponding DD Form 2910-8. DoD Civilian employees who report experiencing adult sexual assault shall be offered the assistance of a SARC and a SAPR VA to assist with filing a Restricted or Unrestricted Report, immediate crisis intervention, and referrals to available resources. There is no requirement for a monthly SAPR CMG meeting on “services provided to DoD civilian employees who file a DD Form 2910-8.”

Convalescent Leave for Restricted Reporting

- What is convalescent leave?
 - Convalescent leave is a period of non-chargeable leave granted to Service members under medical care, which is part of the treatment prescribed for recuperation and convalescence. It is also referred to as “sick leave.”
- Can Service members who experience sexual assault be granted convalescent leave after completing a SAFE even if they do not have an identified medical condition and just want a few days to rest and recover?
 - A Service member’s commanding officer or the director of a military medical treatment facility may grant convalescent leave to a member who is diagnosed with a medical condition and is determined not yet fit for duty because of that condition. The Service member’s medical or behavioral health care provider may determine such Service member’s fitness for duty and recommend convalescent leave to provide for the convalescence from their medical condition.
 - Sick in quarters status is a period of authorized absence where the Service member is excused from duty for medical treatment or medically directed self-treatment in home, barracks, or other non-hospital facilities (e.g., hotel, motel, occupying beds in dispensaries).
 - If a Service member develops symptoms or has concerns about returning to duty, they should visit their primary care provider, or any follow-up care identified by the Emergency Department to discuss their concerns with that health care provider.
- Do I need to request convalescent leave to go to regular medical and mental health appointments or to go see my SARC?
 - Please see DoDI 1327.06 for convalescent leave procedures.
- Is there a limit to the amount of convalescent leave that I can request?
 - As per DoDI 1327.06, convalescent leave shall not exceed 30 days with respect to a medical condition of a Service member. In granting convalescent leave, care must be taken to limit the duration to the minimum that is essential in relation to the diagnosis, prognosis, and probable final disposition of the Service member, and tailored to the Service member’s specific medical needs rather than based on a predetermined formula. Convalescent leave that exceeds 30 days shall be controlled at the level designated by the Secretary concerned, but not below the grade of O-5 or the civilian equivalent.
- Is there a requirement for the DD Form 2910 to be signed in order for a victim to receive convalescent leave from a military treatment facility (MTF)?

- No. A Service member's commanding officer or the director of an MTF may grant convalescent leave to a Service member who is diagnosed with a medical condition and is determined not yet fit for duty as a result of that condition.
- If the Service member is assigned to an MTF and they want to make a Restricted Report but do not want their commanding officer to know about a convalescent leave recommendation by their healthcare provider, is there another way to have that recommendation approved?
 - The Service member should reach out to their Special Victims' Counsel/Victims' Legal Counsel/Victims' Counsel (SVC/VLC/VC) if they are concerned about a healthcare provider's convalescent leave recommendation being viewed by their direct chain of command.
- Does the convalescent leave policy apply to Expedited Transfers?
 - Convalescent leave recommendations made by healthcare providers and Service member requests for Expedited Transfer are separate.
- What is the criteria for an MTF director or commander to grant convalescent leave? Is there a memo template?
 - The criterion for convalescent leave is found in DoDI 1327.06, "Leave and Liberty Policy and Procedures."
- Any suggestions on what to do if a convalescent leave request is denied?
 - Commanders and MTF directors exercise their discretion when approving requests for leave, including convalescent leave.
- Is convalescent leave a benefit for active duty victims within the SAPR program?
 - Convalescent leave is a non-chargeable leave status available to Service members upon approval by their commander or MTF director. The criterion for convalescent leave is found in DoDI 1327.06, "Leave and Liberty Policy and Procedures."
- Does the convalescent leave guidance cover what a Reservist can do if they were sexually assaulted on a duty weekend but are not on orders? Would they get training weekends off and receive pay and points for those weekends? How many weekends could they be off if they are entitled to being off?
 - Convalescent leave policy is established in DoDI 1327.06, "Leave and Liberty Policy and Procedures," and applies to eligible Reservists.

Safe-to-Report Policy and the Role of the Offices of Special Trial Counsel (OSTCs)

- Is there a flow chart for minor collateral misconduct and non-minor collateral misconduct? If not, is there a guide that would fall into the middle? Does the commander have complete discretion?
 - As set out by policy and law, OSTCs have exclusive authority over "covered offenses," including sexual assault, and may exercise authority over "related offenses," including collateral misconduct allegedly committed by a Service member sexual assault victim. When OSTCs exercise authority over a Service member victim's alleged collateral misconduct, the OSTC must determine that such alleged collateral misconduct is "non-minor," utilizing the analytical framework, criteria, and standards established in the Safe-to-Report Policy in Enclosure 5 of DoDI 6495.02, vol. 1, before court-martial charges alleging collateral misconduct by a victim are preferred or referred. When an OSTC does not exercise authority over the alleged collateral misconduct, or when they defer, the commander will determine whether the Service member victim's alleged collateral misconduct is "minor" or "non-minor" utilizing the analytical framework, criteria, and standards established in the Safe-to-Report

Policy in Enclosure 5 of DoDI 6495.02, vol. 1. Commanders shall consult with the serving Staff Judge Advocate Office when making these determinations.

Implementing a No Wrong Door Approach

- Does the lack of requirements to provide another service to a DoD Civilian employee conflict with the No Wrong Door policy?
 - No. You do not have the requirement to provide SAPR services to all DoD Civilian employees, but it does not prevent you from making sure that the DoD Civilian employee victim gets to the appropriate SAPR Program to make their report. The No Wrong Door policy does not mean that you have to provide everyone who comes to your door with all available services. It means that a person seeking services from an organization will be assisted either by direct support or a warm handoff with the goal of obtaining timely care or advocacy.

Updates to the SAPR Program (ETPs, SAPRTEC, OVC, DSAID)

- Are all of these changes effective immediately, or should we wait for Service-specific updates to policy prior to implementing these changes?
 - The DSD Memo, “Updates to Department of Defense Policies to Enhance Support for Adult Sexual Assault Victims,” was published July 19, 2024, and is effective immediately. The updates to DoDI 6495.02 volumes 1 and 3, IG DoDI 5505.18, and DD Form 2910-8 were published on July 26, 2024.
- Are SARCs and SAPR VAs required to tell commanders about every retaliation report, or just those that have a safety issue involved?
 - Yes. The SARC is required to report to the commander all retaliation reports, regardless of the existence of safety issues. Then commanders have their own ensuing reporting duties. DoDI 6495.02 Volume 3, “Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases,” requires that both the Military Criminal Investigative Organization (MCIO) and the Office of Special Trial Counsel (OSTC) be notified of every report of retaliation.
- Now that DoD Civilian employees can report, are they required to take SAPR training in person or will they continue to take training online?
 - DoD Civilian employee SAPR training is the purview of the Military Services and the DoD components.
- Is there a requirement for civilian defense agencies and field activities to have a SAPR program for civilian employees?
 - There is no requirement at this time for defense agencies and DoD components who do not have a SAPR Program currently to develop one. The authorization for the eligibility for Restricted Reporting for DoD Civilian employees is only for the components that already have a SAPR Program. However, the SAPR DoDI 6495.02, vol. 1, does state that “organizations that do not have a SAPR Program may enter into a written support agreement with another DoD component to enable their own civilian employees to make a Restricted or Unrestricted Report of adult sexual assault, and receive limited SAPR services from the supporting organization, subject to the availability of resources and funds.”
- The new policy gives the impression that based off a victim’s input, the commanding officer may transfer the suspect via permanent change of station (PCS) or Expedited Transfer. Would this create possible disposition challenges by permanently moving the suspect under the purview of a different commanding officer?
 - When consistent with applicable policy, commanders have discretion to temporarily reassign or removed from a position of authority or from an

assignment a Service member accused of sexual assault. This reassignment or removal must be taken not as a punitive measure, but solely for the purpose of maintaining good order and discipline within the member's unit.

- What is the process to update DSAID?
 - SAPRO facilitates changes to DSAID. To make suggestions for improvements or enhancements to DSAID, please contact your Service DSAID program manager.
- If the case involves DoD Civilian employee victim and a civilian suspect on post and the victim elects a Restricted Report, who holds the Restricted SAFE Kit?
 - The SAFE Kit, if one is conducted, as well as any other evidence, would be held by the law enforcement agency who has jurisdiction and is conducting the investigation.
- If DoD Civilian employees are now eligible to complete a DD Form 2910-8, are veterans now also eligible?
 - Former or retired Service members are not eligible to file a DD Form 2910-8 with the SAPR Program. However, they can report through a Military Sexual Trauma Coordinator at the Department of Veterans Affairs and may receive information about available healthcare and disability claims processes.

Updates to CATCH

- Will DoD Civilian employees have to go to their specific Service to submit a CATCH entry, or will they have to go to the Service where the suspect works?
 - DoD civilian employees will submit a CATCH entry with their own component's SAPR Program.
- For Unrestricted Reports that make a CATCH entry where they do not know a suspect's name, is there a way that a CATCH match could potentially provide information that may be helpful for a Military Criminal Investigative Organization (MCIO) investigation?
 - The DoD will take any information provided by someone making an entry; however, the top five most helpful pieces of information are: suspect's name, suspect's phone number, suspect's social media username(s) and platforms, suspect's rank, and date and location of the offense. Victims can also upload a photo of the suspect.
- Does the Family Advocacy Program (FAP) have access to CATCH?
 - Yes. Restricted Reporting "sexual assault" domestic violence victims in FAP are now eligible to submit entries in the CATCH Program.
- Is a DoD Civilian employee victim still eligible to file a "SAPR-Related Inquiry (SRI) CATCH Entry" if the suspect was a Service member at the time of the sexual assault, but is no longer in the military at the time of the SRI CATCH Entry request?
 - Yes, as long as the suspect was a Service member at the time of the alleged offense.
- Are veterans eligible to submit a CATCH Entry?
 - Yes, if they filed a Restricted Report or certain Unrestricted Reports (where the identity of the suspect was unknown to law enforcement). If they did not file a report before leaving the Service, then they can make a "SAPR-Related Inquiry (SRI) CATCH Entry" through a SARC or SAPR VA with a DD Form 2910-4.

Additional Victim-Related Questions

- Will DoD Civilian employees be offered a job transfer after reporting sexual assault? What referrals are available through the workplace violence prevention and response program? Are cases that have a DoD Civilian employee who signed a DD Form 2910-8 discussed at the monthly CMG?

- Please see DoDI 6495.02, Enclosure 4. SARCs should consult with their respective human resources offices for information regarding civilian employment.
- Why must a victim file a Restricted Report for a Sexual Assault Forensic Exam (SAFE) Kit? Why would a SAPR-Related Inquiry (SRI) Entry be sufficient for a SAFE Kit?
 - A victim has to officially report the sexual assault either through a DD Form 2910 in the SAPR Program or directly to law enforcement. Evidence cannot be collected and retained without an official report.
- Is there a direct hire authority for the Sexual Assault Response Workforce (SARW)?
 - On August 12, 2024, the Department authorized the use of direct hiring authority for hiring of the SARW personnel. This authority remains in effect until September 30, 2027, unless terminated earlier in writing.
- What is Section 536?
 - Section 536 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016 preempts state laws that require disclosure of personally identifiable information (PII) of the adult sexual assault victim or suspect to local or state law enforcement, except when reporting is necessary to prevent or mitigate a serious and imminent threat to the health and safety of an individual.

Updates to the Expedited Transfer (ET) Process

- Is there any oversight of approved requests for ETs where the move takes longer than 30 days?
 - Yes. At the monthly Case Management Group (CMG) meeting and at the Quarterly Case Management Group (QCMG) meeting.
 - At the CMG: The CMG Chair will:
 - Require the Lead SARC and SARC provide an update of the status of each ET request and Military Protective Order (MPO)
 - Track the number of days between the approval date of a victim's request for ET and the date the victim physically departs the losing station (PCS) or the date the victim changes duty assignment location (PCA)
 - All ETs 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 Chair 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.
 - At the QCMG the QCMG Chair will review the timeliness of moves after ET approvals
- How does ET work for the suspect, particularly if they have a spouse who works, kids enrolled in EFMP, etc.?
 - There are no ETs for suspects. However, when consistent with applicable policy commanders have discretion to temporarily reassign or remove from a position of authority or from an assignment a Service member who is accused of misconduct. Such actions, if taken, must not be taken as a punitive measure, but solely for the purpose of maintaining good order and discipline within the member's unit.
- How will it work if the victim would prefer the subject to transfer?

- A victim can request or express his or her preference that a subject be transferred for consideration by the commander, but the commander is not required to accommodate the victim's preference or request to transfer a subject.
- Can dependents now ask for ETs themselves without going through a sponsor?
 - No.
- Is ET decided using victim preference?
 - The commander has to ask for and consider the victim's preference but is not bound by it.

Use of the Victim's Commander's Package (VCP)

- Where can I find the template?
 - We anticipate that the VCP will be published by Summer 2025 as a Supplement to the DD Form 2910, so it can then also be uploaded into DSAID.
- What is the VCP? Is it the same as the 30-day checklist?
 - No. The "Commander's 30-Day Checklist for Unrestricted Reports" is different from the requirement to review the VCP.
 - The "Commander's 30-Day Checklist for Unrestricted Reports" is for the benefit of commanders to guide them through requirements when there is a sexual assault in their unit. The 30-Day checklist is in the SAPR Policy Toolkit for Command Teams, on www.sapr.milsapr.mil/toolkit. This 30-day checklist may be expanded by the Military Services to meet Service-specific requirements and procedures.
 - The VCP is provided to the commander, but it is for the benefit of the victim, so that the commander understands the victim's immediate needs. The VCP is developed within 24 hours of the Unrestricted Report, and contains recommendations provided to the victim's commander for the adult sexual assault victim's immediate and ongoing care, to include any known safety concerns or retaliation allegations/concerns.
- In a case where the SARC and commander cannot come to an agreement on the VCP, should the installation commander be skipped and go directly to the General Officer/Flag Officer (GO/FO)?
 - No. If the installation commander and the SARC cannot come to an agreement, the commander must indicate disapproval, and the package will then be forwarded to next GO/FO in the chain of command for review and appropriate action.
- Is the VCP required for all Unrestricted Reports or just for victims with safety concerns?
 - It is required for all Unrestricted Reports.