

Section 540K Declination to Participate in the Investigation Letter

(Section 540K Declination Letter)ⁱ

In investigations that are initiated upon third party reports or by command when a victim disclosed her/his sexual assault to a supervisor, not realizing the supervisor would contact criminal investigators, the MCIOs will contact the victim as soon as possible after speaking to the reporter and, to the extent practicable, before contacting other potential witnesses, to determine the victim's desired level of participation and to protect victim privacy. If the victim declines to participate in the investigation, this Section 540K Letter can be used.

MCIO Case Number:	
Sexual Assault Response Coordinator (SARC) or Victim Advocate name: (if applicable)	Special Victims' Counsel/Victims' Legal Counsel/private attorney name: (if applicable)
Victim's Installation location:	MCIO Unit location:
MCIO name:	Nature of allegation:
I, (full victim name):	DoD ID number:

Please initial:

_____ 1) I have been informed of my rights as a crime victim under the Victim/Witness Assistance Program, including my right to consult a counselor or victim advocate. I am aware that a counselor or victim advocate will provide me information that may assist me in deciding whether to participate in the criminal investigation.

_____ 2) I have been offered the opportunity to consult with a Sexual Assault Response Coordinator (SARC)/ Sexual Assault Prevention and Response (SAPR) victim advocate (VA) or other person(s) of my choosing before making the following decision.

_____ 3) I have been informed that it is recommended that I speak to a Special Victims' Counsel (SVC)/Victims' Legal Counsel(VLC)/private attorney to discuss potential implications of requesting that the investigation be terminated, including loss of evidence and investigative leads.

_____ 4) I understand that I have the option of requesting to reopen the investigation. However, I also understand that by requesting the termination of the investigation the passage of time may result in the loss of evidence and the ability to conduct a thorough investigation, limiting the investigator's ability to successfully resume the investigative process.

_____ 5) No person is influencing or coercing me to submit the Section 540K Declination Letter.

_____ 5.a) No person is promising me anything if I drop this case.

_____ 5.b) No person is retaliating against me because there is an open sexual assault investigation.

_____ 5.c) I am not in fear for my safety.

_____ 5.d) I make this decision freely and voluntarily.

_____ 6) **At this time, I have decided not to provide additional information, or to participate in the investigation and prosecution of the suspect. - I understand that the investigation may be closed. If the investigation does continue, the chances that the suspect will be brought to justice are greatly reduced without my assistance.**

_____ 7) I have been informed that even though I have decided not to participate in the investigation I can still submit an entry into the "Catch a Serial Offender Program" and the CATCH Program has been explained to me. I can go to www.sapr.mil/catch for additional information and ask a SARC, SAPR VA, or SVC/VLC.

_____ 7.a) I would like to participate in the CATCH Program: (select one) Yes _____ No _____

_____ 7.b) If yes to 7.a., the MCIO has facilitated contact with my SARC: (select one) Yes _____ No _____

Victim's Signature	
Victim's Printed Name	
Date	
Witnessed By (signature)	
Witnessed by (printed name)	
Witnessed by (Title)	
Date	

ⁱ Section 540K of the National Defense Authorization Act for Fiscal Year 2020 (Public Law Number 116-92).