



DEPARTMENT OF THE NAVY
COMMANDING OFFICER
U.S. NAVAL STATION GUANTANAMO BAY CUBA
PSC 1005 BOX 25 FPO AA 34009-0100

NSGBINST 1752.4E CH-1
N00
23 Jan 2025

NSGB INSTRUCTION 1752.4E CHANGE TRANSMITTAL I

From: Commanding Officer, U.S. Naval Station, Guantanamo Bay, Cuba

Subj: SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM

Ref: (a) DoD Directive 6495.01
(b) DoD Instruction 6495.02
(c) SECNAVINST 1752.4C
(d) OPNAVINST 1752.1C
(e) CNICINST 1752.4
(f) CNRSEINST 1752.1C

Encl: (1) Department of Defense Initial Information for Victims and Witnesses of Crime
(DD 2701 WVAP)
(2) Victim Reporting Preference Statement (DD 2910)

1. Purpose. To establish policy and assign responsibilities for the operation of U.S. Naval Station, Guantanamo Bay, Cuba (NSGB) Sexual Assault Prevention and Response (SAPR) Program pursuant to references (a) through (f).

2. Cancellation. NSGBINST 1752.4E

3. Background. Sexual assault is a criminal act incompatible with Navy core values, high standards of professionalism, and personal discipline. The Navy's focus on prevention and response includes effective education and training, a 24-hours and seven days per week (24/7) response capability to ensure victim support, worldwide reporting procedures, and appropriate accountability. Commanders, supervisors, and managers at all levels are responsible for the effective implementation of the SAPR program and policy.

4. Definitions. Terms used within this instruction are defined in references (a) through (f).

5. Scope and Applicability. This instruction applies to all activities onboard NSGB.

6. Policy

a. Sexual assault is a criminal act absolutely incompatible with Department of the Navy core values, high standards of professionalism, and personal discipline.

b. All unrestricted reports of sexual assault are to be swiftly investigated by sensitive, trained professionals who will ensure the victim's rights are respected and protected. It is emphasized that victim assistance and confidentiality are essential in handling all sexual assault cases.

c. The ultimate goal of the NSGB SAPR Program is to eliminate sexual assault incidents by providing a culture of prevention, education, training, response capacity, victim support, reporting procedures, accountability, and a safe installation environment.

d. All sexual assault victims will be treated with fairness and respect. All victims will have access to appropriate protection, advocacy, medical care, support, counseling, and provision of their rights. Access to information is limited to authorized personnel only.

e. All service members and civilian employees will ensure a sensitive, coordinated, and effective response to sexual assault incidents and management of sexual assault cases.

f. All service members and family members should know what constitutes sexual assault, understand that sexual assault is a criminal offense, know the full range of reporting options open to them, and know the military and civilian resources available to assist them.

g. An active sexual assault prevention and risk reduction education and training program must be developed, implemented and continually improved. At a minimum, it will include the following.

(1) Newly reporting military personnel will be made aware of sexual assault policy and prevention programs.

(2) Personnel will attend sexual assault awareness or risk reduction training through base indoctrination, instructor training, Common Military Training (CMT), Resident Advisor Training (RA), Unaccompanied Housing Training (UH), or other training forums as prescribed by the Commanding Officer (CO).

(3) Security personnel must receive specialized training in sexual assault awareness or risk reduction and victim sensitivity in responding to the initial report made by a victim of sexual assault. This training will also be available to Naval Criminal Investigative Service (NCIS) personnel. Sexual assault awareness or risk reduction and victim sensitivity training is of the utmost importance to the entire investigative process and particularly important to the emotional impact the investigation will have on the victim. Law enforcement is encouraged to continuously obtain training from appropriate sources on victim sensitivity in responding to the initial report made by the victim and awareness or risk reduction to sexual assault.

h. All victims are to be assured of their right to privacy and each case must be handled with confidentiality.

(1) Fleet and Family Support Center (FFSC) counselors and Healthcare Personnel will initiate appropriate care and treatment of sexual assault victims and will immediately activate the Sexual Assault Response Coordinator (SARC) or SAPR Victim Advocate (VA).

(2) All entities involved in the handling of victim response or case investigation will guard the victim's right to confidentiality and privacy by strictly limiting the "need to know" personnel regardless of whether the report is restricted or unrestricted.

(3) In cases where a victim has made a restricted report and then a third party report of the sexual assault occurs, the case may be investigated, but the primary victim's report remains restricted.

i. CO's and entities responding to a sexual assault (NCIS, FFSC, Healthcare Personnel, Victim's Legal Counsel, etc.) will provide available information to the installation SARC as requested for updates.

j. A team of the Department of Defense (DoD) Sexual Assault Advocate Certification Program (DSAACP) certified SAPR VAs will be identified to facilitate care and provide referrals and non-clinical

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support to adult victims of sexual assault. SAPR VAs must be a service member or a credentialed civilian. In addition to the SAPR VA responsibilities listed in references (d) and (f):

(1) SAPR VAs must comply with DoD Sexual Assault Advocate Certification requirements through the National Association of Victim Advocacy, to include the submission of DD 2950.

(2) SAPR VAs meet with and are directly accountable to the installation SARC in their role as SAPR VAs. The installation SARC maintains files on all SAPR VAs ensuring each SAPR VA is appropriately trained, certified, and knowledgeable at that specific installation.

7. Reporting Options

a. Every victim who reports a sexual assault will be offered services. However, per reference (d), reporting options are as follows.

(1) Unrestricted reporting

(a) Unrestricted Reporting utilizes standard reporting methods of chain of command per reference (a). It can be used by victims who desire possible command assistance regarding safety or assignment. Notifications include NCIS, Command SARC, SAPR VA and other supportive services. Referral for medical care is done (as needed or desired). Sexual assault message (OPREP 3 NAVY BLUE or NAVY UNIT SITREP) must be sent by the Command within one hour of report or incident to the CO.

(b) Under unrestricted reporting, victims can receive medical treatment, advocacy, forensic evidence collection, information, support, and counseling. Victims can also request an expedited transfer and Military Protective Order (MPO) or Civilian Protection Order (CPO).

(2) Restricted Reporting

(a) Service members and military dependents over the age of 18 years old may open a restricted report of sexual assault if he or she discloses to a representative of one of the following groups: the installation SARC, a designated or healthcare personnel. Healthcare personnel who receive a restricted report will immediately contact a SARC or SAPR VA to ensure that the victim is offered SAPR services and that the Victim Reporting Preference Statement (VRPS), DD Form 2910 is completed. Restricted reporting allows victims to disclose an incident of sexual assault to specified individuals.

(b) Restricted Reporting is intended to give a victim time and increased control over the release of personal information and to afford victim support and assistance to make informed decisions.

(c) Under restricted reporting, victims can receive medical treatment, advocacy, forensic evidence collection, information, support, and counseling.

8. Eligibility

a. Members of the following groups must be provided the full scope of SAPR services and support, including Restricted and Unrestricted Reporting options:

(1) Service members on active duty and who have been sexually assaulted, regardless of when or where the sexual assault took place, including those who were victims of sexual assault prior to enlistment or commissioning.

(2) Military dependents 18 years of age and older, who are eligible for treatment in the Military Healthcare System (MHS), and who were sexually assaulted by someone other than a spouse or intimate partner.

b. National Guard (NG) and Reserve Component (RC) members who are sexually assaulted while performing active service and inactive duty training are eligible for the full scope of SAPR services. If reporting a sexual assault that occurred prior to or while not performing active service or inactive training, NG and RC members will be eligible to receive limited SAPR support services from a SARC, a SAPR Victim Advocate (SAPR VA), and a victims' legal counsel (VLC), and are eligible to file a restricted or unrestricted report.

(1) Dependents of NG and RC members who are 18 years of age and older and eligible for treatment in the military health care system are eligible to receive full SAPR services. This includes spouses of Reservists if they meet the applicability criteria in the policy. Military dependents can make a Restricted Report or an Unrestricted Report and receive services from a SAPR VA or SARC.

c. The following non-military individuals who are victims of sexual assault are eligible for limited emergency care medical services at a medical treatment facility at no cost to them. They are only eligible to file an unrestricted report. They will be offered limited SAPR services to be defined as the assistance of a SARC and a SAPR VA while undergoing emergency care Outside the Continental United States (OCONUS). These limited medical and SAPR services must be provided to.

(1) DoD civilian employees and their family dependents 18 years of age and older when they are stationed or performing duties OCONUS and eligible for treatment in the MHS at military installations or facilities OCONUS.

(2) U.S. citizen DoD contractor personnel when they are authorized to accompany the Military Services in a contingency operation OCONUS and their U.S. citizen employees.

d. The Family Advocacy Program (FAP) covers Service members and adult military dependent victims who are sexually assaulted by a spouse or intimate partner and military dependent sexual assault victims who are under 18 years of age. The installation SARC will coordinate with the Family Advocacy Representative when a victim discloses a sexual assault that has occurred within a domestic relationship or involves child abuse.

9. Action

a. Installation Commanding Officer must:

(1) Ensure implementation of a comprehensive, coordinated SAPR program to support personnel and tenant commands, with the following components:

(a) Sexual assault awareness and prevention education.

(b) Victim response, advocacy, support, care, and case management.

(c) Data collection and reporting.

(d) Offender accountability.

(2) Ensure designation of:

(a) A DSAACP certified trained FFSC staff member as the Installation SARC to provide overall management of the SAPR program and to implement and administer program components. The CO will provide a written letter of designation.

(3) Ensure maximum coordination among all involved entities (e.g., NCIS, security, Healthcare Personnel, FFSC, Chaplains, and other military and civilian agencies) in the prevention of and response to sexual assault.

(4) Publish installation SAPR instructions, protocols, and Memorandums of Understandings, as needed for program implementation and use of community services.

(5) Ensure service members and their family members have access to a well-coordinated, highly responsive victim advocate program and counseling, provide a 24 hour watch bill with trained SAPR VAs. Trained SAPR VAs report to the SARC for SAPR VA duties.

(6) Chair the Sexual Assault Case Management Group (CMG) and invite members, as needed.

(7) Provide the safest possible emotional and physical installation environment.

b. All Commanding Officers and Officers in Charge (including Tenant Commands) must:

(1) Designate at one Administrative Unit Victim Advocate (AUVA) to coordinate and implement command awareness and prevention education training, maintain current information on available victim support services, and provide oversight of command compliance with SAPR program requirements including collection and maintenance of sexual assault data. Ensure the AUVA receives required training and maintains ongoing collaboration with the SARC.

(2) Collaborate with the SARC and other involved agencies to obtain and maintain required data on sexual assault incidents to meet command incident reporting requirements.

(3) Report incidents of sexual assault to the SARC or SAPR Victim Advocate immediately. Ensure completion of all incident reporting requirements.

(4) Ensure victim support when an incident occurs involving a victim assigned to the command and ensure the victim receives monthly status updates regarding their case.

(5) Ensure command-wide compliance with annual mandatory sexual assault awareness and prevention education CMT requirements.

(6) Provide the safest possible emotional and physical command environment.

c. FFSC Director must:

(1) Designate a DSAACP certified trained FFSC staff member to serve as the SARC. Designate an FFSC staff member to serve as the acting SARC as needed. Provide oversight management of the SARC.

(2) Ensure the scope of FFSC services includes crisis intervention, safety planning, reporting, counseling and or referrals for sexual assault victims.

d. Installation Sexual Assault Response Coordinator must:

(1) Plan, implement, and administer provisions of the SAPR program. Ensure SAPR services and resources are made available to all eligible persons.

(2) Provide the installation commander and the immediate commander of the victim (if a civilian victim, then the immediate commander of the alleged offender) with information regarding an Unrestricted Report within 24 hours of an Unrestricted Report of sexual assault. This notification may be extended to 48 hours after the Unrestricted Report of the incident if there are extenuating circumstances in the deployed environments.

(3) Develop written protocols, as needed, addressing procedures and services to ensure effective responses to sexual assault including guidelines for identification, crisis intervention, after hour response, treatment, and referral of cases.

(4) Serve as a point of contact and subject matter expert for all issues related to sexual assault and the SAPR program, including crisis intervention, victim assistance, educational programs, and support services. Ensure that SAPR services and resources are made available to all eligible personnel and commands.

(5) Provide required case management services including tracking all cases from initial report to final disposition. Serve as the point of contact to coordinate and track victim care.

(6) Perform required record management tasks, including maintaining and uploading case documentation into the Defense Sexual Assault Incident Database (DSAID) and assigning Restricted Reporting Case Numbers whenever forensic evidence is collected for a restricted report.

(a) Inform the victim that the DD Form 2910 will be uploaded to DSAID and maintained for 50 years in unrestricted reports.

(b) Inform the victim that the DD Form 2910 will be retained in hard copy for five years in restricted reports; however, at the request of a service member who files a restricted report of sexual assault, the DD Form 2910 must be retained for 50 years.

(7) Coordinate and manage effective victim advocacy services.

(a) Recruit, coordinate, maintain, and manage a cadre of trained SAPR VAs who offer immediate response, support, assistance, referrals, and information to sexual assault victims. Provide supervisory oversight for all VA's. Assign VA's to cases and provide continual collateral contact and consultation on all cases.

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(b) Ensure provision of 24/7 days a week VA response and/or availability. NSGB will advertise the DoD Safe Helpline (877) 995-5247 phone number, the SAPR VA on call number, the civilian VA cell number, and the SARC cell number.

(c) Maintain a watch bill and a recall system for SAPR Victim Advocates, including a list of trained VAs with specific duty dates and times. Maintain a comprehensive roster of current VAs and AUVAs.

(d) Provide referrals for victim support services as appropriate.

(8) Provide ongoing consultation, assistance, and updates to the ICO, commands, and other involved persons regarding sexual assault issues and response. Screen and approve all SAPR VAs. Provide guidance on the selection of AUVA.

(9) Coordinate or conduct sexual assault awareness and prevention education and training per training requirements.

(a) Schedule, conduct, or coordinate training for all SAPR VAs, AUVAs, and members of the CMG.

(b) Ensure SAPR VAs complete an initial training of 40 hours and refresher training as prescribed by policy. Ensure SAPR VAs are certified through the Department of Defense Sexual Assault Advocate Certification Program (D-SAACP).

(c) Conduct and coordinate sexual assault awareness and prevention training programs for commands, first responders, and other involved persons. Coordinate and ensure provision of community education regarding sexual assault prevention and response.

(d) Publicize SAPR program initiatives and services. Ensure broadest dissemination of information regarding restricted and unrestricted reporting options.

(e) Maintain documentation of trainings including materials, schedules, agenda, records, and rosters. AUVAs will maintain SAPR training rosters for members within their commands.

(10) The Installation SARC will be the co-chair of the CMG to provide case reviews and system oversight coordination. Ensure appropriate attendance and meeting schedules. Maintain committee membership rosters and committee meeting minutes.

(11) Maintain and make available to commands or others, as needed, a comprehensive library of current SAPR training materials, instructor or student guides, policy implementation directives, videos, and resource materials.

f. Officers in Charge and Department Heads involved in SAPR Operations, e.g., NCIS, Base Security, FFSC, Legal, Medical, and Chaplains must:

(1) Implement and support the operation of the SAPR Program per references (b) and (c) and their respective governing instructions. Establish procedures for responding to sexual assault incidents, including appropriate response actions, notifications and reporting, service provision, and ensuring victims are aware of the availability of victim advocate services.

(2) Collaborate with other SAPR related military and community partners for an effective, coordinated response.

(3) Obtain annual training for all personnel involved in responding to incidents of sexual assault per requirements.

(4) Report incidents of sexual assault to the SARC or duty SAPR Victim Advocate immediately (when not precluded from doing so by professional privilege).

g. Command VA and Unit VAs must:

(1) Respond to calls from the victim, security, Naval Hospital, SARC, quarterdeck, chain of command, or other official source. When necessary, respond in person to the victim within one hour of initial notification to provide emotional support and assistance. VAs are only to respond to safe areas.

(2) Provide emotional support, information and referral, crisis intervention, and accompaniment to the victim(s) throughout the entire investigation, medical, legal, and post-assault period as requested by the victim(s).

(3) Provide information and feedback on case to the SARC within 24 hours of the initial report and regularly thereafter for statistical reporting and case management requirements.

(4) Keep the victim informed of all parties involved in the case and their roles and responsibilities.

(5) Intervene, when necessary, and only at the request of the victim, with various levels of the chain of command on behalf of the victim.

(6) Attend CMG meetings when assigned to a case being presented.

(7) Complete 40 hours of initial training and refresher training as required by policy.

h. Security must:

(1) Provide initial response to all sexual assault calls that are called into the security department. Personnel responding to the call must secure the area while providing support and comfort to the victim until NCIS arrives on the scene.

(2) Immediately notify the Installation SARC upon receipt of notification of sexual assault.

(3) Immediately notify NCIS of all cases of alleged sexual assault.

(4) Collect necessary information and evidence and secure the crime scene when requested by NCIS.

(5) Request transportation to or from hospital if a victim is in need of immediate medical attention.

(6) Pursue and apprehend suspect(s), when appropriate.

(7) If a victim reports sexual assault and the perpetrator being identified is the victim's spouse and current or former intimate partner, or if the victim is under the age of 18, make the necessary referral to FAP.

(8) Inform the victim of their rights by giving them the Initial Information for Victims and Witnesses of Crime (DD Form 2701).

(9) Attend CMG meetings when involved with and working on a specific case.

i. NCIS and Army Criminal Investigation Division must:

(1) Interview the victim and collect necessary information and evidence and secure the crime scene. However, in consideration for the victim, and as reasonable under the circumstances, delay the detailed interview of the victim until a SAPR VA has arrived and the victim has had an opportunity to speak with the SAPR VA.

(2) Inform the victim of the investigative process and of victim's rights and give the Initial Information for DD Form 2701.

(3) Contact the SAPR VA and the installation SARC if security has not already done so, or if the notification to NCIS did not come through security. Allow a trained SAPR VA to accompany the victim through any appropriate steps in the investigative process, including the initial interview.

(4) Gather all factual information to present to the command and legal authority.

(5) Provide liaison with the Staff Judge Advocate, the SARC and the command. Ensure that the installation SARC is apprised of any incident involving sexual assault.

(6) Provide appropriate updated information to the installation SARC and attend all CMG meetings.

j. Staff Judge Advocate must:

(1) Recommend appropriate legal action for all relevant personnel.

(2) Provide legal referral for all parties.

(3) Ensure victims are protected during the legal process.

(4) Offer SAPR services to victim, if none offered to them prior to their involvement with legal.

(5) Provide available administrative judicial information on sexual assaults to the SARC for statistical reporting requirements.

(6) Attend CMG meetings.

k. FFSC must:

(1) Provide space, administrative support, and human resources management to the installation SARC to execute the SAPR program per reference (a).

(2) Offer counseling services to the victim after the initial crisis, making appropriate referrals when needed.

(3) Provide one clinical counselor to serve as the Mental Health Representative for the CMG meetings.

l. Chaplains must:

(1) Provide crisis intervention, assist the victim in reporting sexual assault as applicable, and make appropriate referrals when requested.

(2) Ensure pastoral care is available to both victim and perpetrator.

(3) Attend CMG meetings.

m. Naval Hospital must:

(1) Contact a SARC or SAPR VA in all cases prior to beginning non-emergency treatment.

(2) Initiate and conduct Sexual Assault Forensic Exams (SAFEs) for any victim of sexual assault when warranted and requested by a victim of sexual assault.

(3) Ensure that all SAFEs are conducted by trained Sexual Assault Nurse Examiners (SANE) when available.

(4) Provide medical treatment as requested following the SAFE, or in lieu of the SAFE if one was not performed.

n. Command Watch Standers must:

(1) When receiving a call concerning sexual assault, first determine if the caller is in danger or needs emergency assistance.

(a) If yes, proceed as with any emergency call.

(b) If no, then they should identify them self as a reporting party and explain to the caller that any information received will be documented and reported to command leadership and NCIS as an "unrestricted" sexual assault report. If this is not what the caller wants to do, then the caller should be transferred to one of the following 24/7 response resources for further assistance and an explanation of his/her reporting options:

1. SAPR UVA (757) 324-9250
2. CIV VA (757) 339-0054
3. SARC (757) 339-7702
4. DoD Safe Helpline (877) 995-5247

o. Sexual Assault CMG Section:

(1) Chaired by the installation CO and meets monthly to review all open unrestricted cases.

(2) Membership includes: permanent standing members; SARC, Military Criminal Investigation Organization, Installation CO, Legal, FFSC Counselor (mental health representative), and those directed involved in the cases to be reviewed, such as the designated Victim Advocate and Commander.

(3) Performs the following functions per reference (d).

(a) Reviews all open unrestricted SAPR cases, ensuring victim privacy to the maximum extent possible. Facilitate effective system response and address any gaps or impediments to effective victim care, support, and response.

(b) Ensures requirements and services necessary to comprehensively and confidentially address each open case. Ensure all resources and services are being provided in a timely manner. Monitor case status and identify and remove barriers that impede case resolution.


(c) If there are no cases with a given month, the CMG will still meet to ensure training, processes and procedures are complete for the system coordination.

(d) CO from victim's command must provide a monthly update regarding the current status of any ongoing investigation, medical, legal, or command proceedings until the final disposition. This update must occur within 72 hours of last CMG.

10. Notification. In addition to Command Leadership, NCIS and the SARC must be notified of all UNRESTRICTED sexual assault reports.

11. Records Management. Records created as a result of this instruction, regardless of media or format, must be managed per Secretary of the Navy Manual 5210.8F of March 2019.

12. Review Responsibility. Per OPNAVINST 5215.17A, the SARC will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 10 years after effective date unless reissued or canceled prior to the 10-year anniversary date, or an extension has been granted.



M. R. STEPHEN

Releasability and Distribution:

This instruction is cleared for public release and it's available via NSGB public share drive.



LEGAL REPRESENTATION

If you are the victim of sexual assault, certain related offenses, or domestic violence, you may be eligible for assistance from a specialized military attorney, in addition to services provided by a Sexual Assault Response Coordinator, a Victim Advocate, and/or Family Advocacy.

OVERVIEW of VICTIM RIGHTS*

As a crime victim, you have the right to:

- Be treated with fairness/respect for your dignity and privacy
- Be reasonably protected from the accused, including protective orders. Reasonable, accurate and timely notice of hearings/confinement events.
- Be present at public hearings/proceedings unless your testimony would be materially altered by your presence.
- Be reasonably heard at certain hearings.
- Confer with the U.S. government prosecutor.
- Legal assistance from a military legal assistance attorney, if eligible, or from a private attorney at your own expense.
- Receive restitution as provided by law.
- Proceedings free from unreasonable delay.
- Express your views to the commander or convening authority as to case disposition.
- Receive a medical forensic exam at no cost.
- Be timely informed of plea, separation-in-lieu-of-trial, or non-prosecution agreements.
- Interviews requests from the Accused's attorney must be scheduled through your counsel and your counsel can be present during the interview.

Additional rights involving covered (e.g. sexual assault (SA)) offenses:

- Consult a Special Victims Counsel (SVC), Victims' Counsel (VC) or Victims' Legal Counsel (VLC).
- Be informed of policies for collection and preservation of SA evidence.
- Be informed of any result of a SA evidence collection kit, including DNA profile match, toxicology report, or other information collected as part of a medical forensic exam, if such disclosure would not impede or compromise an ongoing investigation.
- Have a SA evidence collection kit or its probative contents preserved, at no-charge.
- Notification of SA evidence destruction.
- Express preference for military or civilian prosecution for incidents occurring in U.S.
- Notice to civilian authorities of your prosecution preference and their corresponding response, if known.

CONTACT INFORMATION

If you need additional assistance, below are several key points of contact:

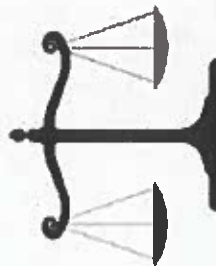
- General case information/support/rights violations (Victim/Witness Liaison):
- Status of the criminal investigation:
- Status of the prosecution (Legal Office):
- Legal Assistance office (if eligible):
- Special Victims' Counsel/Victims' Counsel/Victims' Legal Counsel (if eligible):
- Assistance with compensation for medical expenses or other expenses (State office for Crime Victim Compensation):
- Assistance with reprisal, retaliation, or ostracism (Inspector General's office):
- Family Advocacy Office:
- Victim Advocate:

* You have significant other rights as a victim throughout the court-martial process. For additional information, contact your Victim/Witness Liaison or Victims' Counsel/Special Victims' Counsel/Victims' Legal Counsel.

We will make our best efforts to ensure you are provided the rights described. You may seek the advice of your own attorney with respect to these rights.



INITIAL INFORMATION FOR VICTIMS & WITNESSES OF CRIME



DoD
Victim and Witness Assistance Program

INFORMATION for VICTIMS & WITNESSES of CRIME

This brochure was prepared to help you cope with problems and questions which often surface during a criminal investigation and provide you with essential points of contact. Your continued assistance through this difficult time is greatly appreciated.

A criminal investigation can be both complex and lengthy and may involve several agencies, some Federal and some local. You can request the status of the investigation by contacting the investigator handling the case. Their name is listed on the back of this pamphlet. It is important to keep the investigators and your Victim/Witness Liaison (VWL) informed of any changes to your address, email, or telephone number.

A VWL is a member of the Legal Office responsible for keeping victims and witnesses informed of the legal aspects of the case and helping victims secure services.

NOTE: The titles Special Victims Counsel (SVC), Victims' Counsel (VC), and Victims' Legal Counsel (VLC) are Military Department-specific and refer to the same judge advocate role with specialized expertise in representing victims of crime.

IF YOU ARE THREATENED OR HARASSED

If anyone threatens you or you feel that you are being harassed because of your cooperation with this investigation, contact the investigator or the VWL right away. It is a crime to threaten or harass a victim or witness.

If you believe additional measures are necessary to keep you safe, you may seek a civilian protective order, military protective order, or temporary shelter. Certain victims may request an expedited transfer, and dependents may request a personal safety move. Your VWL, Victim Advocate (VA), and the Family Advocacy Program (FAP) can assist you in safety planning and obtaining counseling. For further information, please call your VWL, VA, or FAP representative.

If you fear for your immediate safety, call 911, and/or notify law enforcement.

The EMOTIONAL IMPACT of CRIME

Many victims and witnesses to crime are emotionally affected by their experience. Although everyone reacts differently, many people report common reactions such as:

- Anger;
- Feelings of panic and/or anxiety;
- Nightmares and sleep pattern changes;
- Feelings of self-doubt, shame, or guilt;
- Reliving what happened;
- Depression, difficulty concentrating; and,
- Increased concern for personal & family safety.

Many people have these responses to crime. The VWL can assist you in finding appropriate support services.

The FINANCIAL IMPACT of CRIME

If you require time away from work to participate in the case or seek related services, a VWL can contact your employer or commander to discuss the importance of your presence.

If your property was stolen, we hope to recover it as part of our investigation. If your property was taken as part of an investigation, we will notify you and return it to you as quickly as possible once it is no longer needed as evidence.

State Victim Compensation Programs

Victim Compensation Programs help cover expenses for victims of violent crime who have suffered physical or psychological injury even if the case is brought in federal court. The State Crime Victim Compensation Program may be able to reimburse you for crime-related expenses such as medical care, mental health expenses, and lost wages due to crime-related injuries. To obtain further information, contact your VWL listed on the back of this brochure.

Restitution

If an individual is arrested and prosecuted in federal court, you may be eligible for restitution. Restitution is court-ordered payment to you as a victim of crime, generally for out-of-pocket costs. It is made by the offender for any out-of-pocket expenses resulting from the crime. Restitution cannot be ordered as a sentence in a military court-martial, but it can be used as a condition of a plea agreement to plead guilty to an offense, or as a condition of clemency or parole. Victims may be provided with relief if property loss or damage resulted from wrongful taking or willful damage by a Service member due to riotous, violent, or disorderly conduct. Contact your VWL for further information on available restitution.

Victims of Spousal or Child Abuse

If the offender is convicted or discharged for abusing you or your children, you may be eligible for transitional compensation benefits. Your VWL or FAP representative can assist you with obtaining additional information.

REPRISAL, RETALIATION, or OSTRACISM

Federal law prohibits military members, civilian employees, and contractors fromreprising, retaliating, or ostracizing individuals who report a crime or provide information relating to a criminal investigation. Prohibited actions may include taking, or threatening to take, an unfavorable personnel action; withholding, or threatening to withhold a favorable personnel action; or socially ostracizing you for making a protected communication. If you believe someone hasreprised, retaliated or ostracized you for reporting a crime or participating in a criminal investigation, contact your leadership or the Inspector General's office listed on the back of this form.

LEGAL ASSISTANCE

If you are eligible for legal assistance in accordance with 10 U.S.C. §§ 1044 1044e, and/or 1565b, you have the right to speak with a legal assistance attorney, at no cost. You may contact the legal assistance office listed on the back of this pamphlet for eligibility questions and assistance.

VICTIM REPORTING PREFERENCE STATEMENT

(Read Privacy Act Statement Before Completing This form.)

OMB No. 0704-0482
OMB Approval Expires:
20250331

The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Washington Headquarters Services, at write.mc-alex.esd.mbx.dd-dod-informationcollections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid Office of Management and Budget control number.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 932, Art. 132 Retaliation, 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 7013, Secretary of Army, 10 U.S.C. 8013, Secretary of the Navy, 10 U.S.C. 9013, Secretary of the Air Force, 32 U.S.C. 102, National Guard; DoD Directive 6495.01, (Sexual Assault Prevention and Response Program); Army Regulation 600-20 (Army Command Policy) Chapter 7, Office of the Chief of Naval Operations (OPNAV) Instruction 1752.1C, Sexual Assault Prevention and Response Program; Marine Corps Order 1752.5C, SAPR Program, Air Force Instruction 90-6001, SAPR Program, and E.O. 9397 (SSN), as amended.

PRINCIPAL PURPOSE(S): Information will be used to document elements of the sexual assault response and/or reporting process and comply with procedures set up to effectively manage the Sexual Assault Prevention and Response Program.

ROUTINE USE(S): Applicable Routine Use(s) are: To permit the disclosure of records of closed cases of unrestricted reports to the Department of Veterans Affairs (DVA) for purpose of providing mental and medical care to former Service members, to determine the eligibility for or entitlement to benefits, and to facilitate collaborative research activities between the DoD and DVA. Additional routine uses are listed in the applicable system of records notice, DHRA 06, Defense Sexual Assault Incident Database (DSAID), at <https://dpsid.defense.gov/Privacy/SORNs/index/DOD-wide-SORN-Article-View/Article/579559/dhra-06-dod>.

DSAID CONTROL NUMBER

RR- _____

UU- _____

RU- _____

Post Transfer- _____

1. REPORTING PROCESS AND OPTIONS DISCUSSED WITH THE SAPR VA OR SARC

A. 1. (full name) _____ (SSN) _____ and (DoD Identification Number) _____

B. ELIGIBILITY WAS EXPLAINED AND THE FOLLOWING INFORMATION WAS PROVIDED, PLEASE INITIAL BELOW

- (1) The services, protective orders, and reporting options that are available.
- (2) If my case is prosecuted in a civilian jurisdiction there will be different procedures, e.g. SAFE kit retention.
- (3) Eligibility for a Special Victims' Counsel or Victims' Legal Counsel (SVC/VLC) who will be my attorney and not the government's attorney, and who will provide me with legal advice and representation.
- (4) The SARC/SAPR VA has informed me of available support services, to include mental health providers, and chaplain resources.
- (5) Please initial here if this sexual assault occurred PRIOR TO ENTRY into military service (includes both as child or adult).
- (6)(a) Is this your home installation? ☐ Yes ☐ No
- (b) If not, here is the contact information for your local SARC (name/phone number) _____
(information can be found on the Safe Helpline under "responders near me" at <https://safeshelpline.org/responders-search>)
- (7) In accordance with DoD policy, if reporting a sexual assault that occurred prior to or while not performing active or inactive training, National Guard and Reserve Component members are eligible to receive SAPR advocacy support services from a SARC and SAPR VA and are eligible to file both a Restricted or Unrestricted Report.
- (a) Are you a National Guard member? ☐ Yes ☐ No
- (b) If so, what status are you on? ☐ Title 10 or ☐ Title 32
- (c) If a National Guard victim does not wish to speak to their local SARC, they can email the National Guard Bureau (NGB) headquarters at ng.ncr.ngb.mbx.j1-sapr-prms@army.mil. This email box is encrypted and monitored by 8 Regional Program Managers and two Branch Chiefs (All of which are D-SAACP Credentialed). Even though the email has an Army address, this Mailbox is a Joint Mailbox as NGB handles both Army Guard and Air Guard situations; the email is located on an Army network for convenience only.
- (d) SARCs conducting the DD Form 2910 intake should contact the NGB mailbox at ng.ncr.ngb.mbx.j1-sapr-prms@army.mil to facilitate a warm hand-off to the home National Guard SARC, if this is desired by the victim. The SARC can also contact the mailbox to start the Line of Duty (LOD) determination process, since regardless of mobilization status, LOD's for National Guard victims must be processed by NGB.

C. UNRESTRICTED REPORTING – REPORTING A CRIME WHICH IS INVESTIGATED (Initial)

- (1) Law enforcement and my command will be notified that I am a victim of a sexual assault. Military Criminal Investigative Organization (MCIO) investigator (e.g., CID, NCIS, AFOSI) or the appropriate civilian law enforcement agency will investigate. I can receive medical treatment, support services, counseling, and a Sexual Assault Forensic Examination (SAFE) if indicated. A Case Management Group will track my Unrestricted Report and provide a status report. In a UCMJ case, I will be provided a DD Form 2701 (which contains important information about my rights as a victim) from law enforcement or MCIO. I should retain the DD Form 2701.
- (2) Through a separate form, I may request an Expedited Transfer (temporary or permanent) from my installation or to a different location within my installation.
- (3) I may request a Military Protective Order (MPO), and if issued against a service member, my commander will provide me a copy of DD Form 2873.
- (4) I also have the option of requesting a Civilian Protection Order (CPO) from a civilian court.
- (5) If the crime is prosecuted under the Uniform Code of Military Justice (UCMJ), any communications with my SARC or SAPR VA, for the purpose of facilitating advice or assistance, are confidential under the Victim-Victim Advocate Privilege unless an exception applies under the UCMJ.

D. RESTRICTED REPORTING – CONFIDENTIALLY REPORTING A CRIME WHICH IS NOT INVESTIGATED (Initial)

- (1) I may confidentially receive medical/mental health treatment, advocacy, and legal services. Law enforcement and my command will NOT be notified and the crime will NOT be investigated. No action will be taken against the suspect(s).
- (2) I understand that there are exceptions to Restricted Reporting (see page 2) and they have been explained to me. If an exception applies, the details of my assault may be disclosed.
- (3) I understand that state laws, local laws or international agreements may limit some or all DoD's Restricted Reporting protections. In the (state, city/county) of _____, civilian medical authorities must report the sexual assault when a victim reports or undergoes a SAFE.
- (4) I may choose to have a SAFE.
- (5) Evidence collected from my SAFE will be stored for 10 years from the date I sign this form, if the SAFE was conducted at a Military Treatment Facility. The DD Form 2911 will be retained for 50 years. Evidence collected by a civilian medical facility will be stored per established Memorandum of Understanding (MOU) with DoD or per state or local laws. I will be contacted in 1 year by my SARC to discuss my options as they relate to this evidence.
- (6) For public safety reasons, the SARC will provide assault information that does not reveal my identity or the suspect's to the installation commander.
- (7) Expedited transfers and protective orders against the subject will NOT be available to me if I choose Restricted Reporting. I still have the option for SVC/VLC.
- (8) Communications with chaplains and SVC/VLCs are protected by law, if those communications were conducted for the appropriate purpose.
- (9) I may change my Restricted Report to an Unrestricted Report, at any time. However, delays in changing my report from Restricted to Unrestricted could impact the investigation and judicial process.

DD FORM 2910, NOV 2021

PREVIOUS EDITION IS OBSOLETE.

CUI when filled

Controlled by: OUSD(P&R)

CUI Category: PRVCY

LDC: FEDCON

POC: osd.pentagon.ousd-p-r.mbx.forms@mail.mil

Page 1 of 3

Enclosure (2)

EXCEPTIONS TO RESTRICTED REPORTING

There are exceptions to Restricted Reporting. This means that sometimes circumstances require that your Restricted Report of sexual assault must be disclosed. The following persons or organizations may be told about your sexual assault report for the following reasons:

1. Command officials or law enforcement when you provide written authorization.
2. Command officials or law enforcement to prevent or lessen a serious and imminent threat. This may be a threat to the health or safety of you or another person. Multiple reports involving the same alleged suspect may also meet this criterion.
3. Disability Evaluation Boards, Medical Evaluation Boards, and participating officials. The report may be disclosed to these parties when it is required for fitness for duty or disability retirement determinations. Disclosure is limited to only that information necessary to make a determination for disability.
4. SARC, SAPR VA or healthcare personnel when required for the direct supervision of victim services.
5. Military or civilian courts when ordered, or if disclosure is required by Federal or state statute. Before disclosing any information, SARCs, SAPR VAs and healthcare personnel will first consult with the servicing legal office. The legal office will determine if any of the above exceptions apply, if there is a duty to disclose the information, and who will make the disclosure when required.

E. The exceptions to Restricted Reporting have been explained to me. ☐ Yes ☐ No

F. OTHER IMPORTANT CONSIDERATIONS FOR UNRESTRICTED AND RESTRICTED REPORTS (Initial)

(1) If I do not sign this form, the SARC or SAPR VA will not inform investigators, commanders, or others about my sexual assault.

(2) I have the right to decline any or all SAPR advocacy services. I may also ask for a different SAPR VA, if one is available.

(3) I have been advised to keep a signed and dated copy of this form for my records. This form may be used in other matters before other agencies (e.g., Department of Veterans Affairs) or for other lawful purposes. **Restricted Reports:** By signing this form I am giving consent that for Restricted Reports, when applicable, this form will be stored electronically in DSAID for 50 years. **Unrestricted Reports:** By signing this form I am giving consent that for Unrestricted Reports, this form will be stored electronically in DSAID for 50 years. For Unrestricted Reports, access to it will be limited to persons with an official need to know.

(4) I understand that if I experience retaliation from supervisors or peers, I can report to the SARC or SAPR-VA through DD form 2910-2 (If I filed an Unrestricted Report). I can also report it to SVC/LCs, my commander, law enforcement, Victim Witness Assistance Program, EO or EEO personnel, or the Inspector General.

(5) I understand that I can also request a defense counsel to advise and assist me in the event that there is evidence that I committed misconduct around the time of the sexual assault report (e.g., underage drinking).

(6) For information on the Catch a Serial Offender (CATCH) Program, eligibility to participate, and notification procedures after a "match" in the CATCH system – go to page 3.

(7) For information about legal resources from civilian legal services organizations please go to <https://www.va.gov/ogc/legalservices.asp>.

2. CHOOSE A REPORTING OPTION (Initial either A. or B.)

A. I elect Unrestricted Reporting. I have decided to report that I am a victim of sexual assault and I understand that my command, law enforcement, and other military authorities will be notified.

B. I elect Restricted Reporting. I have decided to confidentially report that I am a victim of sexual assault. Law enforcement or other military authorities will NOT be notified unless one of the exceptions applies. I understand the information I provide will NOT start an investigation or be used to hold the alleged offender(s) appropriately accountable. I understand that I can convert to Unrestricted Reporting at any time.

RESTRICTED REPORT CASE NUMBER:

3.A. SIGNATURE OF VICTIM	B. DATE (YYYYMMDD)	4.A. SIGNATURE OF SARC/SAPR VA	B. DATE (YYYYMMDD)
COVID NOTES			
<input type="checkbox"/> COVID RESPONSE			

5. CONVERSION: I have reconsidered my previous selection of Restricted Reporting and am now choosing to make an Unrestricted Report.

A. SIGNATURE OF VICTIM	B. DATE (YYYYMMDD)	C. SIGNATURE OF SARC/SAPR VA	D. DATE (YYYYMMDD)
COVID NOTES			
<input type="checkbox"/> COVID RESPONSE			

6. My reason for converting my Restricted Report to an Unrestricted Reporting is: ☐ CATCH Program ☐ Other, please explain:

7.A. ☐ Yes ☐ No I filed a previous CATCH entry.

7.B. ☐ (For SARCs only, if victim replied "yes" to 7.A.) I not only made the conversion from RR to UR in DSAID, but I confirm that I also made the update in the CATCH website.

7.C. SIGNATURE OF SARC	7.D. DATE (YYYYMMDD)
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8. VICTIM CONSENTED TO TRANSFER OF (RR/UR) CASE TO ANOTHER SARC. NOT APPLICABLE FOR EXPEDITED TRANSFERS: (X and complete as applicable)

☐ Yes ☐ No If yes: Date (YYYYMMDD) _____ Transfer Location: _____ Victim Initials _____

9. VICTIM CONTACTED AT 1-YEAR MARK OF THE RESTRICTED REPORT: (X and complete as applicable)

☐ Yes ☐ No If yes: Date (YYYYMMDD) _____ If not, document how the SARC attempted to locate the victim. Phone/Email: _____

10. VICTIM REQUESTED A SECOND COPY OF THE DD FORM 2910: (X and complete as applicable)

☐ Yes ☐ No If yes: Date (YYYYMMDD) _____

11. VICTIM REQUESTED A COPY OF THE FORENSIC EXAMINATION DOCUMENTATION: (X and complete as applicable)

☐ Yes ☐ No If yes: Date (YYYYMMDD) _____

Please proceed to page 3 – to provide sexual assault victims with information regarding Veterans Affairs services and the Catch a Serial Offender Program.

12. Department of Veterans Affairs Information	
Pls. Initial:	
<p>A. I was advised that as a current Service member, I am eligible for Department of Veterans Affairs (VA) services for military sexual trauma (MST). Information on VA's MST-related services for current and former Service Members is available at http://www.mentalhealth.va.gov/mst/.</p> <p>B. Read below to get information on how the VA can help you with medical and mental health care and, if you are interested in filing a disability claim.</p> <p>(1) Medical and mental health care: I was advised that every VA health care facility has a Veterans Health Administration (VHA) MST Coordinator who can assist me in accessing MST-related medical and mental health care, and information is available at: http://www.mentalhealth.va.gov/msthome/vha-mst-coordinators.asp.</p> <p>(2) Benefits and Disability claims: I was advised that for help with disability claims related to MST, I can contact the Veterans Benefits Administration (VBA) MST Outreach Coordinator at my local VBA Regional Office, and information is available at: www.benefits.va.gov/benefits/mstcoordinators.asp.</p> <p>C. I am retiring or separating from the Armed Forces: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(1) If yes, I have been provided the name and contact information of the VHA MST Coordinator nearest to my residence to get MEDICAL/MENTAL HEALTH care information, see below: (List of VHA MST Coordinators by state is available at: http://www.mentalhealth.va.gov/msthome/vha-mst-coordinators.asp. VHA Website only provides the name and phone number of POC.</p> <p style="text-align: right;">(name of MST Coordinator)</p> <p style="text-align: right;">(phone)</p> <p>(2) If yes, I have been provided the name and contact information of the VBA MST Coordinator nearest to my residence to get BENEFITS/DISABILITY CLAIMS information, see below: (List of VBA MST Coordinators by state is available at: http://www.benefits.va.gov/benefits/mstcoordinators.asp. VBA Website only provides the name and the email of the POC.</p> <p style="text-align: right;">(name of MST Coordinator)</p> <p style="text-align: right;">(email),</p>	
13. Sexual Violence and Support Experiences Study	
<p>The Department of Defense is extremely interested in making sure that we provide you the best support we can. I understand that I can learn more about how to provide confidential feedback about my experiences with the military response system and the support I receive by visiting www.SAPR.mil/SYSES. Participation is my choice. This study was recommended by the 2019 Sexual Assault Accountability and Investigation Task Force.</p>	
14. Confirmation That Victim Did Not Previously Submit A Catch Entry On This Same Suspect For This Same Sexual Assault	
<p>A. I confirm that I have not submitted <u>another</u> CATCH entry on this same suspect for this same sexual assault through a CATCH SRI Entry using DD Form 2910-4. (You may have approached a SARC and did <u>not</u> want to officially report the sexual assault, but <u>did</u> want to submit a CATCH entry).</p> <p>B. I confirm that I have not submitted <u>another</u> CATCH entry on this same suspect for this same sexual assault, when I previously reported my sexual assault and filled out a DD Form 2910.</p>	
15. Information regarding the Catch a Serial Offender (CATCH) Program:	
<p>A. I have been informed about and elect: <input type="checkbox"/> To participate in the CATCH Program. <input type="checkbox"/> Not to participate in the CATCH Program.</p> <p>B. I have been informed that additional information on the CATCH program can be found at www.SAPR.mil/CATCH</p> <p>C. As a participant in the CATCH Program, I agree to provide the following contact information:</p> <p>Phone/Email: _____ Phone/Email: _____</p> <p>D. Type of sexual assault report I filed:</p> <p>I filed a Restricted Report RR DSAID Control Number: _____</p> <p>I filed an Unrestricted Report (but law enforcement does not know the name of the suspect) UR DSAID Control Number: _____</p> <p>Corresponding MCIO case number (if available in DSAID): _____</p>	
16. Notification of victim after a "MATCH" in the Catch a Serial Offender (CATCH) system:	
<p>A. I originally filed a <u>Restricted Report</u>, after a "MATCH" in the CATCH database, I have decided to:</p> <p>(1) <u>Convert my report to an Unrestricted Report (UR)</u> by re-signing the DD Form 2910</p> <p>(Victim Initials) _____ Signature _____ Date _____</p> <p>(2) Decline to convert to UR, but agreed to be contacted again if another "MATCH":</p> <p>(SARC Name) _____ (SARC Initials) _____ Date _____</p> <p>(3) Decline to convert to UR and also Opt Out of the CATCH program:</p> <p>(SARC Name) _____ (SARC Initials) _____ Date _____</p> <p>B. I originally filed an <u>Unrestricted Report (UR)</u>, after a "MATCH" in the CATCH database I have decided to:</p> <p>(1) <u>Participate in the investigation:</u> (Victim Initials) _____ Signature _____ Date _____</p> <p>(2) Decline to participate in the investigation, but agreed to be contacted again if another "MATCH":</p> <p>(SARC Name) _____ (SARC Initials) _____ Date _____</p> <p>(3) Decline to participate in the investigation and also Opt Out of the CATCH program:</p> <p>(SARC Name) _____ (SARC Initials) _____ Date _____</p> <p>C. After a "MATCH" in the CATCH database, SARC unable to contact victim after these three attempts:</p> <p>(1) (SARC Name) _____ (SARC Initials) _____ Date _____</p> <p>(2) (SARC Name) _____ (SARC Initials) _____ Date _____</p> <p>(3) (SARC Name) _____ (SARC Initials) _____ Date _____</p>	
17. The victim requested a copy of their CATCH entry (unrelated to being notified of a "Match")	
<p>(SARC Signature) _____ Date _____</p>	