

Reporting Options: Restricted / Unrestricted Reporting

Sexual Assault is the most under reported crime in our society and in the military. While the Department of Defense prefers complete reporting of sexual assaults to activate both victims' services and law enforcement actions, it recognizes that some victims desire only medical and support services and no command or law enforcement involvement. The Department believes its first priority is for victims to be protected, treated with dignity and respect, and to receive the medical treatment, care and counseling that they deserve. Under DoD's Confidentiality Policy, sexual assault victims are offered two reporting options- Restricted reporting and Unrestricted reporting.

Understanding DoD's Confidentiality Policy

DoD's Confidentiality policy permits victims of sexual assault to report the crime to specified individuals who can then ensure the victim receives medical care, treatment and counseling without notifying command or law enforcement officials. Covered individuals include the Sexual Assault Response Coordinator (SARC); Victim Advocates (VA); healthcare providers; and chaplains. For purposes of public safety and command responsibility, the SARC will notify the installation commander that an assault has occurred and provide details that will not identify the victim. (See Directive-Type Memorandum, Confidentiality Policy for Victims of Sexual Assault (JTF-SAPR-009), for complete details).

This policy provides victims some personal space and time, and increased control over the release and management of their personal information. This hopefully empowers them to seek relevant information and support to make more informed decisions about participating in the criminal investigation. Jurisdictions with similar policies have found that confidentiality actually leads to increased reporting rates. Even if the victim chooses not to pursue an official investigation, this additional reporting avenue gives commanders a clearer picture of the sexual violence within their command, and enhances a commander's ability to provide an environment which is safe and contributes to the well-being and mission-readiness of all of its members.

Restricted Reporting

This option is recommended for victims of sexual assault who wish to confidentially disclose the crime to specifically identified individuals and receive medical treatment and counseling without triggering the official investigative process. Service members who are sexually assaulted and desire restricted reporting under this policy must report the assault to a Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), a healthcare provider or chaplain. This policy on restricted reporting is in addition to the current protections afforded privileged communications with a chaplain, and does not alter or affect those protections.

Healthcare providers will initiate the appropriate care and treatment, and report the sexual assault to the SARC in lieu of reporting the assault to law enforcement or the command. Upon notification of a reported sexual assault, the SARC will immediately

assign a VA to the victim. The assigned Victim Advocate will provide accurate information on the process of restricted vice unrestricted reporting.

At the victim's discretion/request an appropriately trained healthcare provider shall conduct a sexual assault forensic examination (SAFE), which may include the collection of evidence. In the absence of a DoD provider, the service member will be referred to an appropriate civilian facility for the SAFE.

Who May Make A Restricted Report

Restricted reporting is available at this time only to military personnel of the Armed Forces and the Coast Guard. Military personnel include members on active duty and members of the Reserve component (Reserve and National Guard) provided they are performing federal duty (active duty training or inactive duty training and members of the National Guard in Federal (Title 10) status). Members of the Reserve Component not performing Federal duty are not eligible. Retired members of any component are not eligible. Dependents are not eligible. DoD civilian employees are not eligible. Restricted reports may be made any time on or after 14 June 2005.

Example Restricted Reporting

- Service Member Smith arrives at the base medical emergency room and reports she has been sexually assaulted. Healthcare providers immediately notify the SARC and begin any appropriate emergency medical treatment.
- The SARC assigns a VA to assist Service Member Smith. The VA meets Service Member Smith at the hospital and explains the Unrestricted/Restricted Reporting options and the processes associated with each, to include applicable pros/cons.
- Service Member Smith elects the Restricted Reporting option.
- Service Member Smith is asked if she would like a forensic examination, and she agrees.
- The VA advises the Healthcare Provider that Service Member Smith has elected the Restricted Reporting option and would like a SAFE.
- Forensic evidence of the assault is collected and preserved in a non-personally identifying manner.
- The Healthcare Provider determines and schedules follow-up medical treatment as appropriate.
- The VA advises the SARC that Service Member Smith has elected the Restricted Reporting option.
- Within 24 hours of Service Member Smith's restricted report, the SARC will inform the Installation Commander that an assault has occurred, and provide the Commander with non-identifying personal information/details related to the sexual assault allegation. This information includes: rank;

gender; age; race; service; date; time and/or location. Information is disclosed in a manner that preserves the victim's anonymity. Careful consideration of which details to include is of particular significance at installations or other locations where there are a limited number of minority females or female officers assigned.

- The Installation Commander may notify the Criminal Investigators. However, no criminal investigation will be initiated unless originated from another source or the victim elects to come forward via unrestricted reporting. The Installation Commander identifies trends and takes appropriate measures (i.e. increased security patrols, enhanced education and training, enhanced environmental and safety measures) to prevent further sexual assaults.
- The SARC maintains information regarding the number of sexual assaults for both unrestricted and restricted reports. Restricted report numbers will be included in the annual report. The SARC will also capture trends and perform trend analysis. SARC awareness of trends will be a first line of defense against a potential serial assailant. The SARC can at any time return to Service Member Smith to ask if she is willing to reconsider her restricted reporting decision given the potential of a serial offender.
- The VA maintains communication and contact with the victim as needed for continued victim support.

Considerations when Electing a Restricted Reporting Decision

Benefits

- You receive appropriate medical treatment, advocacy, and counseling.
- Provides some personal space and time to consider your options and to begin the healing process.
- Empowers you to seek relevant information and support to make more informed decisions about participating in the criminal investigation.
- You control the release and management of your personal information.
- You decide whether and when to move forward with initiating an investigation.

Limitations

- Your assailant remains unpunished and capable of assaulting other victims.
- You cannot receive a military protective order.
- You will continue to have contact with your assailant, if he/she is in your organization or billeted with you.

- Evidence from the crime scene where the assault occurred will be lost, and the official investigation, should you switch to an unrestricted report, will likely encounter significant obstacles.
- You will not be able to discuss the assault with anyone, to include your friends, without imposing an obligation on them to report the crime. The only exceptions would be chaplains, designated healthcare providers, your assigned victim advocate, and the sexual assault response coordinator.
- You will be ineligible to invoke the collateral misconduct provision of the Department's sexual assault policy in the event that your command learns that you had been engaged in some form of misconduct at the time you were assaulted.

Unrestricted Reporting

This option is recommended for victims of sexual assault who desire medical treatment, counseling and an official investigation of the crime. When selecting unrestricted reporting, you should use current reporting channels, e.g. chain of command, law enforcement or report the incident to the Sexual Assault Response Coordinator (SARC), or request healthcare providers to notify law enforcement. Upon notification of a reported sexual assault, the SARC will immediately assign a Victim Advocate (VA). At the victim's discretion/request, the healthcare provider shall conduct a sexual assault forensic examination (SAFE), which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

Unrestricted Reporting Example

- Service Member Smith arrives at the base medical emergency room and reports she has been sexually assaulted. Healthcare providers immediately notify the Sexual Assault Response Coordinator (SARC) and begin administration of any emergency medical treatment as appropriate.
- The SARC assigns a Victim Advocate (VA) to assist Service Member Smith. The VA meets Service Member Smith at the hospital, explains the Unrestricted/Restricted Reporting options and processes associated with each to include applicable pros/cons.
- Service Member Smith elects the Unrestricted Reporting option.
- The VA immediately notifies the appropriate Criminal Investigative Service and the victim's unit commander.
- Criminal Investigators arrive and begin the investigation.
- Service Member Smith is asked if she would like a SAFE, and she agrees.
- The VA advises the Healthcare Provider that Service Member Smith has elected the Unrestricted Reporting option and would like a SAFE.

- Forensic evidence of the assault is collected by healthcare providers, and at its conclusion, criminal investigators take chain of custody.
- The Healthcare Provider determines and schedules follow-up medical treatment as appropriate.
- The VA advises the SARC that Service Member Smith has elected the Unrestricted Reporting option.
- In addition to any current existing channels of notification, within 24 hours of Service Member Smith's Unrestricted report, the SARC will inform the Installation Commander that an assault has occurred, and provide the Commander with the details of the assault.
- The SARC maintains information regarding the number of sexual assaults for both unrestricted and restricted reports. Restricted report numbers will be included in the annual report. The SARC will also capture trends and perform trend analysis.
- The VA maintains communications and contact with victim