



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

September 30, 2014

Incorporating Change 1, effective October 7, 2014

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
DIRECTOR, OPERATIONAL TEST AND EVALUATION
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Directive-type Memorandum (DTM) 14-007 – “Sexual Assault Incident Response Oversight (SAIRO) Report”

References: See Attachment 1

Purpose. In accordance with Secretary of Defense Memorandum (Reference (a)) and the authority in DoD Directive 5124.02 (Reference (b)), this DTM:

- Provides general or flag officer (G/FO) level commanders with oversight within 8 calendar days over the local response to an Unrestricted Report or an independent investigation (see Glossary) of sexual assault to assure victim care, visibility, and transparency to senior leaders and system accountability.
- Provides guidance on how to:
 - Detail the actions taken or in progress to provide the necessary care and support to the adult victim of the sexual assault;
 - Record whether the allegation of sexual assault has been referred to the Military Criminal Investigative Organization (MCIO); and

- Record whether the initial notification of the serious incident has taken place.
- Is effective September 30, 2014; it must be incorporated into DoD Instruction (DoDI) 6495.02 (Reference (c)). This DTM will expire effective September 30, 2015.

Applicability. This DTM applies to:

- OSD, the Military Departments (including the Coast Guard when it is operating as a Service in the Navy), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense.
- National Guard and Reserve Component members when performing active service, as defined in section 101(d)(3) of Title 10, United States Code (U.S.C.) (Reference (d)), and inactive duty training.

Definitions. See Glossary.

Policy. It is DoD policy that:

- A SAIRO Report is required when the assigned immediate commander receives: notification of an Unrestricted Report from a sexual assault response coordinator (SARC) or notification of an independent investigation from the MCIO.
- The SAIRO report will be prepared and submitted by the assigned immediate commander (see Attachment 3) with input from the SARC and the MCIO. The SARC will be solely responsible for providing all victim information required by the SAIRO report to the commander.
- The MCIO must be immediately contacted in accordance with DoDI 5505.18 (Reference (e)).
- The victim must be offered healthcare (medical and mental health), victim advocacy, and a Special Victim's Counsel or Victims Legal Counsel. If requested by the victim, healthcare and advocacy must be provided as authorized under the Sexual Assault Prevention and Response (SAPR) Program in accordance with Reference (c) and DoD Directive 6495.01 (Reference (f)).
- For the purposes of the SAIRO, to avoid the unintended consequence of victims being reluctant to report because they do not want the first G/FO and

the O-6 in their chain to identify them as a sexual assault victim, the SAIRO report will not include victim personally identifiable information (PII), victim photographs, or additional incident information that could reasonably lead to personal identification of the victim or the subject for both Unrestricted Reports and independent investigations.

- Information regarding the SAIRO Report will only be released to personnel with an official need to know in accordance with section 522a of Title 5, U.S.C. (Reference (g)) or as authorized by law.
- In the first 8 calendar days of an Unrestricted Report (information provided by the SARC) or an independent investigation (information provided by the MCIO), some information may not be available to complete the SAIRO Report. There is no follow-up report required. The SAIRO report is a one-time reporting requirement.

Responsibilities. See Attachment 2.

Procedures. See Attachment 3.

Releasability. **Cleared for public release.** This DTM is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.


Jessica L. Wright
Under Secretary of Defense for
Personnel and Readiness

Attachments:

As stated

cc:

Chief of the National Guard Bureau

ATTACHMENT 1

REFERENCES

- (a) Secretary of Defense Memorandum, "Sexual Assault Prevention and Response," August 14, 2013
- (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (c) DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," March 28, 2013, as amended
- (d) Title 10, United States Code
- (e) DoD Instruction 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," January 25, 2013, as amended
- (f) DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, as amended
- (g) Section 522a of Title 5, United States Code (commonly known as "the Privacy Act of 1974")
- (h) Title 32, United States Code
- (i) DoD Directive 6400.1, "Family Advocacy Program (FAP)," August 23, 2004
- (j) DoD Instruction 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," August 21, 2007, as amended
- (k) DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003

ATTACHMENT 2

RESPONSIBILITIES

1. DIRECTOR, SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE (SAPRO). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), through the Director, DoD Human Resources Activity, the Director, SAPRO:

- a. Monitors the implementation of this DTM by the Military Departments.
- b. If necessary, recommends updates to the SAIRO report policy to the USD(P&R).

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

- a. Establish Service procedures to implement the SAIRO report requirement within 60 calendar days of this DTM's effective date.
- b. Within 90 calendar days of this DTM's effective date, provide to the USD(P&R) a copy of the Service policy guidance and procedures that implement the SAIRO report.

3. CHIEF, NATIONAL GUARD BUREAU (NGB). The Chief, NGB:

- a. In coordination with the Secretaries of the Army and the Air Force, DoD SAPRO and the State Adjutants General, establishes and implements the requirement in this DTM of a SAIRO report for National Guard members on duty pursuant to Title 32, U.S.C. (Reference (h)).
- b. Provides to the USD(P&R) a copy of the NGB policy guidance and procedures that implement the SAIRO report

ATTACHMENT 3SAIRO REPORT STANDARDS AND INFORMATION

1. The SAIRO Report will be prepared and submitted by the assigned immediate commander with input from the SARC and the MCIO. For SAIRO Reports triggered by Unrestricted Reports, the SARC will be responsible for providing all victim information and the MCIO will provide the incident data and investigation information. For SAIRO Reports triggered by an independent investigation, the MCIO will be responsible for providing the available information, and no information will be requested from the SARC. The Table below identifies the commanders that have the responsibility for preparing and submitting the SAIRO report.

Table. SAIRO Reporting Responsibility

| Victim | Subject | Unit | Responsibility for Preparing & Submitting SAIRO | Report Length | Trigger for 8-day Time Frame |
|---|----------------|--------------------|--|---|--|
| Service member | Service member | Both in same unit | Victim's immediate commander | Full report | DD Form 2910, "Victim Reporting Preference Statement" signed |
| Service member | Service member | In different units | Victim's immediate commander | Full report | DD Form 2910 signed |
| Service member | Civilian | n/a | Victim's immediate commander | Full report | DD Form 2910 signed |
| Civilian who is eligible for SAPR services | Service Member | n/a | Subject's immediate commander | Abbreviated report containing: "Incident Data" in paragraph 5a and "Investigation" in paragraph 5e in this attachment | DD Form 2910 signed |
| Civilian who is not eligible for SAPR services | Service Member | n/a | Subject's immediate commander | Abbreviated report containing: "Incident Data" in paragraph 5a and "Investigation" in paragraph 5e in this attachment | MCIO notifies immediate commander |

2. The SAIRO report will be provided to:

a. The installation commander, if such incidents occurred on or in the vicinity of a military installation.

b. The first officer in the grade of O-6 and the first G/FO in the chain of command of the victim, if the victim is a Service member.

c. The first officer in the grade of O-6 and the first G/FO in the chain of command of the subject, if the subject is a Service member.

d. If the first officer in the grade of O-6 or the first G/FO in the chain of command designated to receive the SAIRO report is the alleged subject, the SAIRO will be provided to the next higher commander.

3. The SAIRO report:

a. Will not delay:

(1) Immediate reporting to the appropriate MCIO.

(2) Immediate operational reporting through operational reporting channels. The SAIRO report is not meant to replace Service requirements for a serious incident report or operational reporting.

b. Is required for all Unrestricted Reports of sexual assault incidents, including incidents (being reported at the present time) that occurred before the enlistment or commissioning of the Service member victim, with the understanding that some subject information may not be accessible or available.

c. Is not prepared for sexual assaults involving Family Advocacy Program cases, consistent with DoD Directive 6400.1 (Reference (i)) and DoDI 6400.06 (Reference (j)), that occurred during or ~~prior to~~ before military ~~S~~service.

4. The SAIRO report must follow these standards:

a. Time Requirement. The SAIRO report must be submitted in accordance with section 2 of this attachment within 8 calendar days by the immediate commander.

(1) If the victim files an Unrestricted Report through a DD Form 2910, the 8-day timeframe begins when an Unrestricted Report is made to a SARC or SAPR victim advocate (VA) and the SARC or SAPR VA fills out a DD Form 2910 for the Unrestricted Report. The SARC will contact the immediate commander within 24 hours, or 48 hours if there are extenuating circumstances in deployed environments. This requirement does not affect the pre-existing requirement for the SARC to contact the installation commander in accordance with Reference (c).

(2) If the victim elects to convert his or her Restricted Report to an Unrestricted Report via DD Form 2910, a SAIRO report must be submitted within 8 calendar days of the conversion on the DD Form 2910.

(3) If an independent investigation is started, then the requirement for the SAIRO report and the trigger for the 8-day timeframe begin when the MCIO notifies the immediate commander of the subject.

b. When Required. A SAIRO report is required when an adult sexual assault is reported involving a Service member victim or a Service member subject. This requirement only applies to Unrestricted Reports made to a SARC or SAPR VA and to independent investigations initiated by the MCIO.

c. Format. The SAIRO report will follow the written format identified in this attachment to ensure uniformity across the Military Services, which is essential in joint environments. In addition, the Military Services may require a commander briefing.

d. Need to Know. The information contained in the SAIRO report will be limited to personnel with an official need to know.

e. SAIRO Reporting Responsibility

(1) Within 8 calendar days of the Unrestricted Report or notification to the commander of the independent investigation of an adult sexual assault involving a Service member victim and a Service member subject, the immediate commander will be responsible for preparing and submitting the SAIRO report in accordance with the procedures in this DTM.

(a) If the Service member victim and a Service member subject are in the same unit, the immediate commander will prepare and submit a written SAIRO report.

(b) If the Service member victim and a Service member subject are in different units, the victim's immediate commander will prepare and submit a written SAIRO report.

(c) If the immediate commander is the alleged perpetrator, the next higher commander in the chain of command will prepare and submit a written SAIRO report.

(2) Within 8 calendar days of the Unrestricted Report of an adult sexual assault involving a Service member victim and a non-Service member subject, the victim's immediate commander will be responsible for preparing and submitting the SAIRO report.

(3) Within 8 calendar days of the notification to the commander of the independent investigation or an Unrestricted Report of an adult sexual assault involving a civilian victim who is eligible for SAPR services in accordance with Reference (c) and a Service member subject, the immediate commander of the subject will be responsible for preparing and submitting the abbreviated SAIRO report containing available information, with the understanding that some victim or subject information may not be accessible. The abbreviated SAIRO report will include "Incident Data" in paragraph ~~1b(1)5a~~ and "Investigation" in paragraph ~~1b(5)5e~~ in this attachment.

(4) Within 8 calendar days of the notification to the commander of the independent investigation of an adult sexual assault involving a civilian victim who is **not** eligible for SAPR ~~S~~services in accordance with Reference (c) and a Service member subject, the immediate commander of the subject will be responsible for preparing and submitting the abbreviated SAIRO report containing available information, with the understanding that some victim or subject information may not be accessible. The abbreviated SAIRO report will include “Incident Data” in paragraph ~~1b(1)5a~~ and “Investigation” in paragraph ~~1b(5)5e~~ in this attachment.

(5) If the subject is the victim’s immediate commander, the SAIRO report will be prepared and submitted by the first O-6 in the victim’s chain of command. However, if the subject is the victim’s immediate commander and the first O-6 in the chain, then the SAIRO report will be prepared and submitted by the first G/FO in the victim’s chain of command.

5. The following information is required:

a. Incident Data. Incident data will be obtained from the MCIO. Incident data cannot be acquired through a command-directed investigation, which is prohibited for sexual assaults in accordance with Reference (c). The immediate commander preparing the SAIRO report will provide preliminary information of the incident, at a minimum including:

(1) Victim gender, duty status, Service affiliation, assigned unit, grade, and current geographic area where the victim is stationed and lives. If not a Service member or DoD civilian employee, indicate if the victim is a military dependent, DoD contractor, foreign national, or non-government civilian. Do not include PII. The SARC will report non-PII concerning sexual assault incidents (without information that could reasonably lead to personal identification of the victim or the subject). For example, depending on the size of the location or the gender make-up of the unit, the SARC may not be able to include victim gender, rank, or grade.

(2) Subject gender, duty status, Service affiliation, assigned unit, grade, and current geographic area where the subject is stationed and lives. If not a Service member or DoD civilian employee, indicate if ~~victim-subject~~ is a military dependent, DoD contractor, foreign national, or non-government civilian. Do not include PII. The SARC will report non-PII concerning sexual assault incidents (without information that could reasonably lead to personal identification of the victim or the subject). For example, depending on the size of the location or the gender make-up of the unit, the SARC may not be able to include subject gender or grade.

(3) Most serious sexual assault offense alleged in the investigation.

(4) Location where the alleged sexual assault offense occurred (e.g., indicate if on an installation). Provide additional details if available; e.g., in barracks, off-base housing, showers.

(5) Date and time of the alleged sexual assault offense.

(6) Date the victim was referred to the SARC or SAPR VA.

(7) If an Unrestricted Report was made to a SARC or SAPR VA, date when the DD Form 2910 was completed by the SARC or SAPR VA.

(8) Date the alleged sexual assault offense was reported to the MCIO, including the organization notified.

(9) If a Service member subject, whether the subject has been temporarily transferred or removed from an assigned billet, if applicable.

(10) Any other relevant information pertaining to the subject.

b. Advocacy Services Offered. SAPR advocacy services of a SARC and a SAPR VA will be offered if the victim is a Service member, adult military dependent, or otherwise eligible for SAPR services in accordance with Reference (c). The SARC will provide the immediate commander assigned to prepare the SAIRO report:

(1) Confirmation that the SARC entered information into the Defense Sexual Assault Incident Database (DSAID) within 48 hours, or 96 hours if in a deployed environment with connectivity issues, in accordance with Reference (c).

(2) If the victim accepted advocacy services, a description of any circumstances in the response that adversely affected the command's ability to address the victim's needs (e.g., timeliness; sensitivity; obstacles to care; coercion, retaliation, or reprisal, if any). The SARC will include any victim input provided with documented victim consent for disclosure of privileged communications. The SARC will confirm that the victim was informed of the ability to speak to a Special Victims' Counsel before providing consent for release of privileged information.

(3) A summary of the SAPR services offered.

(4) The date when the next Case Management Group (CMG) meeting is scheduled to provide oversight for this case. The installation commander or deputy installation commander will chair the CMG. The victim's immediate commander is a mandatory member, in accordance with Reference (c).

c. Victim's Immediate Commander Input. (For Service member victims only) Include additional comments by the victim's commander, if any.

d. Healthcare. Do not include PII or individually identifiable health information protected under DoD 6025.18-R (Reference (k)) when providing healthcare information. If the victim is a Service member or otherwise eligible for healthcare at a military treatment facility, provide the date when:

(1) The victim was offered medical care.

(2) The victim was offered mental health care.

(3) The victim was offered a sexual assault forensic examination (SAFE) at the appropriate location based on eligibility requirements. If a SAFE was not offered, explain why.

e. Investigation. The MCIO will provide the immediate commander assigned to prepare the SAIRO report:

(1) The MCIO case file number. If there is no MCIO case number, indicate why and include the investigating jurisdiction notified and the date of the notification. Information from civilian law enforcement may not be available.

(2) Confirmation that the victim has been provided a copy of DD Form 2701, "Initial Information for Victims and Witnesses of Crime."

f. Safety. If the victim is a Service member or an adult military dependent, the SARC will provide the immediate commander assigned to prepare the SAIRO report:

(1) The date the safety assessment of the victim was conducted.

(2) Report on whether there was a need to assemble a High-Risk Response Team in accordance with Reference (c).

(3) The date the victim was given information regarding military protective orders (MPOs) and civilian protective orders (CPOs).

(4) A report on whether MPOs or CPOs were issued and whether they were issued in accordance with Reference (c).

(5) If the event(s) happened in a deployed environment, a description of the safety measures taken for the victim.

g. Expedited Transfers. If the victim is a Service member, the SARC will provide the immediate commander assigned to prepare the SAIRO report:

(1) The date the victim was given information regarding expedited transfers.

(2) A report on whether or not the victim requested an expedited transfer and, if so, its processing status, including the date it was received.

h. Legal Services. If the victim is eligible in accordance with Service eligibility requirements, the SARC will provide the immediate commander assigned to prepare the SAIRO report:

(1) The date when the victim was informed of his or her Military Service's Special Victims' Counsel or Victim's Legal Counsel program.

(2) Confirmation that the victim was notified that a Special Victims' Counsel or Victim's Legal Counsel is the victim's attorney, not the prosecution, and will provide him or her with legal advice and representation.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

| | |
|----------|--|
| CMG | Case Management Group |
| CPO | civilian protective order |
| DoDI | Department of Defense instruction |
| DSAID | Defense Sexual Assault Incident Database |
| DTM | Directive-type Memorandum |
| G/FO | general or flag officer |
| MCIO | military criminal investigative organization |
| MPO | military protective order |
| NGB | National Guard Bureau |
| PII | personally identifiable information |
| SAFE | sexual assault forensic examination |
| SAIRO | Sexual Assault Incident Response Oversight |
| SAPR | Sexual Assault Prevention and Response |
| SAPRO | Sexual Assault Prevention and Response Office |
| SARC | sexual assault response coordinator |
| U.S.C. | United States Code |
| USD(P&R) | Under Secretary of Defense for Personnel and Readiness |
| VA | victim advocate |

PART II. DEFINITIONS

CMG. Defined in Reference (c).

DSAID. Defined in Reference (e).

expedited transfer. A temporary or permanent transfer from an assigned command or installation, or to a different location within an assigned command or installation, that may be

requested by a Service member who has filed an Unrestricted Report of sexual assault. A Service member initiates the transfer request and submits the request to their commander. A presumption exists in favor of transferring a Service member who initiated the transfer request following a credible report of a sexual assault. The commander must approve or disapprove a Service member's request for a permanent change of station, permanent change of assignment, or unit transfer within 72 hours from receipt of the Service member's request, in accordance with Reference (c). A commander may also consider potential transfer of the subject instead of the Service member requesting the transfer.

High-Risk Response Team. A multi-disciplinary team established by the CMG chair to continually monitor a victim's safety by assessing danger and developing a plan to manage the situation in cases where a victim is assessed to be in a high-risk situation. The High-Risk Response Team is chaired by the victim's commander and, at a minimum, includes the subject's commander; the victim's SARC and SAPR VA; a representative from the MCIO; the judge advocate; the Victim Witness Assistance Program personnel assigned to the case; the victim's healthcare provider or mental health and counseling services provider; and the personnel who conducted the safety assessment. The High-Risk Response Team makes its first report to the installation commander, CMG chair, and CMG co-chair within 24 hours of being activated. Briefings occur at least once a week while the victim is on high-risk status.

independent investigation. A criminal investigation initiated by the MCIOs, not initiated through an Unrestricted Report made to a SARC or SAPR VA and the SARC or SAPR VA filling out a DD Form 2910.

MCIOs. The U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

safety assessment. An assessment performed by personnel appointed by the CMG chair to determine if a sexual assault victim is in immediate danger of harm. The safety assessment will evaluate the following areas from the perspective of the victim, including, but not limited to: concerns for the victim's safety; the subject's access to the victim and any concern of stalking; previous or existing relationship or friendship between the subject and the victim, the victim's spouse, or victim's children; a threat, attempt, or plan by the victim or subject to commit suicide; the use, threat, or access of a subject to a weapon; serious injury sustained by the victim; the subject's history of law enforcement involvement regarding domestic abuse, assault, or other criminal behavior; a CPO or MPO against the subject, or violation of such an order; history of drug or alcohol abuse by either the subject or victim; the demonstration by the subject of erratic or obsessive behavior, rage, agitation, or instability; and flight risk of the subject.

sexual assault. Defined in Reference (f).

SAFE Kit. Defined in Reference (f).

subject. The alleged offender in a criminal investigation.

Unrestricted Report. Defined in Reference (f).