



SECRETARY OF THE ARMY  
WASHINGTON

MEMORANDUM FOR SEE DISTRIBUTION

24 FEB 2015

SUBJECT: Army Directive 2015-10 (Sexual Assault Incident Response Oversight Report)

1. References:

a. National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66, section 1743, 127 Stat. 672, 979-980.

b. The Privacy Act of 1974, 5 U.S. Code section 522a.

c. Department of Defense (DoD) Directive 6495.01 (Sexual Assault Prevention and Response (SAPR) Program), January 23, 2012, Incorporating Change 1, Effective April 30, 2013.

d. DoD Instruction 6495.02 (Sexual Assault Prevention and Response (SAPR) Program Procedures), March 28, 2013, Incorporating Change 1, Effective February 12, 2014.

e. Under Secretary of Defense Directive-Type Memorandum 14-007 (Sexual Assault Incident Response Oversight (SAIRO) Report), September 30, 2014, Incorporating Change 1, Effective October 7, 2014.

f. Army Regulation 600-20 (Army Command Policy), 6 November 2014.

2. The SAIRO report provides general officer-level commanders with oversight within 8 calendar days over the local response to an unrestricted report or independent investigation of a sexual assault to ensure victim care, visibility and transparency to senior leaders and system accountability.

3. Effective immediately, the immediate commander will prepare the SAIRO report within 8 calendar days of the unrestricted report of an adult sexual assault involving a victim or subject who is a servicemember. The report will include input from the assigned Sexual Assault Response Coordinator (SARC), U.S. Army Criminal Investigation Command or other military criminal investigative organization, legal, medical and/or other appropriate agencies. Specific instructions for preparing the report and its content are at the enclosure. The SAIRO report will be provided to:

a. the installation commander if the incident occurred on or in the vicinity of a military installation.

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b. the first officer in the grade of O-6 and first general officer in the victim's chain of command.

c. the first officer in the grade of O-6 and first general officer in the subject's chain of command (if the subject is a member of the Armed Forces).

d. the next higher commander if the first officer in the grade of O-6 or first general officer in the chain of command designated to receive the SAIRO report is the alleged subject.

4. The SAIRO report is not prepared for restricted reports or for sexual assault incidents perpetrated by a spouse or intimate partner. In those cases, the Family Advocacy Program will provide services to the victim.

5. The SAIRO report will not delay immediate reporting of the incident to Criminal Investigation Command or another military criminal investigative organization as appropriate.

6. The SAIRO report is required for sexual assault incidents that are being reported now, but occurred before the enlistment or commissioning of the servicemember, with the understanding that some subject information may not be accessible.

a. If the victim and subject are servicemembers in the same unit, the immediate commanding officer will submit a written SAIRO report.

b. If the victim and subject are servicemembers in different units, the victim's immediate commander will submit a written SAIRO report.

c. If the unrestricted report involves a servicemember victim and a civilian subject, the victim's immediate commander will submit a written SAIRO report.

d. If the report involves a civilian victim and servicemember subject, the immediate commander of the subject will submit the SAIRO report containing available information, with the understanding that some victim or subject information may not be accessible.

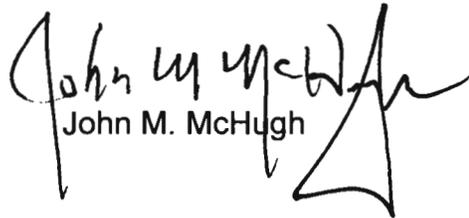
7. To avoid the unintended consequence of victims being reluctant to report because they do not want the first O-6 and general officer in their chain of command to identify them as a sexual assault victim, the SAIRO report will not include the victim's personally identifiable information, victim photographs or additional incident information that could reasonably lead to personal identification of the victim or subject. Information regarding unrestricted reports will be released only to personnel with an official need to know in

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accordance with the Privacy Act or as authorized by law. It is understood that some information may not be available or accessible within the first 8 days. The SAIRO report is a one-time reporting requirement.

8. This policy applies to the Active Army, Army National Guard/Army National Guard of the United States and U.S. Army Reserve.

9. The provisions of this directive are effective immediately. The Deputy Chief of Staff, G-1 is the proponent for this policy. This policy will remain in effect until it is superseded by DoD policy or subsequent Army policy, or rescinded by this office.



John M. McHugh

Encl

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## **STANDARDS AND INFORMATION FOR THE SEXUAL ASSAULT INCIDENT RESPONSE OVERSIGHT REPORT**

### **Procedures**

The immediate commander will prepare the Sexual Assault Incident Response Oversight (SAIRO) report in accordance with the guidance in this enclosure, with input from the assigned Sexual Assault Response Coordinator (SARC) and U.S. Army Criminal Investigation Command (or other military criminal investigative organization (MCIO)). The SAIRO report must follow these standards:

1. Time Requirement. The assigned commander must submit the SAIRO report within 8 calendar days of an unrestricted report of sexual assault. The 8-day timeframe begins once an unrestricted report is made to a SARC or Sexual Assault Prevention and Response (SAPR) Victim Advocate (VA), and the SARC or SAPR VA fills out a DD Form 2910 (Victim Reporting Preference Statement) for the unrestricted report. If an independent investigation occurs (and the DD Form 2910 is not filed), the 8-day requirement starts when Criminal Investigation Command or another MCIO contacts the immediate commander.

a. The SARC will contact the immediate commander within 24 hours (or 48 hours under extenuating circumstances in deployed environments). This requirement does not affect the preexisting requirement for the SARC to contact the installation commander in accordance with Army Regulation 600-20.

b. If the victim files a restricted report and then converts to an unrestricted report, the trigger for the 8-day timeframe begins when the SARC files the unrestricted DD Form 2910.

c. If an independent investigation is started, 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.

2. When Required. A SAIRO report is required when an adult sexual assault is reported involving a victim or subject who is a servicemember. This requirement only applies to unrestricted reports made to a SARC or SAPR VA and to independent investigations initiated by an MCIO.

3. Format. The SAIRO report will follow the written format laid out in this enclosure to ensure uniformity across the Military Services, which is essential in joint environments. In addition, commanders may require a briefing as necessary.

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

5. Reporting Responsibilities

a. Within 8 calendar days of the unrestricted report or notification to the commander that an independent investigation is underway of an adult sexual assault involving a victim and subject who are servicemembers, the immediate commanding officer will submit a written SAIRO report.

(1) If the victim and subject are servicemembers in the same unit, the immediate commander will prepare and submit the report.

(2) If the victim and subject are servicemembers in different units, the victim's immediate commander will prepare and submit the report.

(3) If the immediate commander is the alleged subject, the next higher commander in the chain of command will prepare and submit the report.

b. If the sexual assault victim is a servicemember and the subject is a civilian, the victim's immediate commander will prepare and submit the SAIRO report within 8 calendar days of the unrestricted report.

c. If the sexual assault victim is a civilian who is eligible for Sexual Harassment/Assault Response and Prevention (SHARP) services in accordance with DoD Instruction 6495.02 and the subject is a servicemember, the immediate commanding officer of the subject will submit an abbreviated SAIRO report within 8 calendar days of an unrestricted report or notification to the commander of an independent investigation.

d. If the subject is the victim's immediate commander, the first O-6 in the victim's chain of command will submit the SAIRO report. However, if the subject is the victim's immediate commander and the O-6 in the chain, then the first general officer in the victim's chain of command will submit the report.

## SAIRO Reporting Responsibilities

Victim	Subject	Unit	Responsibility for Preparing and Submitting SAIRO	Report Length	Trigger for 8-Day Timeframe
Servicemember	Servicemember	Both in same unit	Victim's immediate commander	Full report	Signed DD Form 2910
Servicemember	Servicemember	In different units	Victim's immediate commander	Full report	Signed DD Form 2910
Servicemember	Civilian	n/a	Victim's immediate commander	Full report	Signed DD Form 2910
Civilian who is eligible for SAPR services	Servicemember	n/a	Subject's immediate commander	Abbreviated report containing "Incident Data" and "Investigation" information outlined in this enclosure	Signed DD Form 2910
Civilian who is not eligible for SAPR services	Servicemember	n/a	Subject's immediate commander	Abbreviated report containing "Incident Data" and "Investigation" information outlined in this enclosure	MCIO notifies immediate commander

### Required Information

The information required will be obtained from the SARC, MCIO, legal, medical and/or other appropriate agencies. Information will not be acquired through a command-directed preliminary investigation. (DoD Instruction 6495.02 prohibits command-directed investigations for sexual assaults.) Provide preliminary information about the incident that includes, at a minimum:

#### 1. Incident Data.

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

b. Subject gender, duty status, Service affiliation, assigned unit, rank or grade and current geographic area where the subject is stationed and lives. If the subject is not a servicemember or DoD civilian employee, indicate whether the subject is a military dependent, DoD contractor, foreign national or nongovernment civilian. Do not include PII. The SARC will report non-PII concerning sexual assault incidents (without

information that could reasonably lead to identification of the victim or the subject). For example, depending on the size of the location or the gender makeup of the unit, the SARC may not be able to include subject gender, rank or grade.

- c. The most serious sexual assault offense alleged in the investigation.
- d. Location where the alleged sexual assault offense occurred (for example, indicate if on an installation). Provide additional details if available (for example, in barracks, off-base housing, showers, etc.).
- e. Date and time of the alleged sexual assault offense.
- f. Date the victim was referred to the SARC or SAPR VA.
- g. Date when the SARC or SAPR VA completed the DD Form 2910 for an unrestricted report.
- h. Date alleged sexual assault offense was reported to the MCIO, including the organization notified.
- i. If the subject is a servicemember, indicate whether the subject has been temporarily transferred or removed from an assigned billet and ordered to pretrial confinement or otherwise restricted, if applicable.
- j. Any other relevant information related to the subject.

2. Advocacy Services Offered. SHARP advocacy services of a SARC and SAPR VA will be offered if the victim is a servicemember, adult military dependent or otherwise eligible for SAPR services in accordance with DoD Directive 6495.01. The SARC will provide the immediate commander who is preparing the SAIRO report:

- a. confirmation that the SARC entered information into the Defense Sexual Assault Incident Database (DSAID) within 48 hours (96 hours if in a deployed environment with connectivity issues) in accordance with DoD Instruction 6495.02.
- b. a description of any circumstances in the response that adversely affected the command's ability to address the victim's needs if the victim accepted advocacy services (for example, timeliness; sensitivity; obstacles to care; and coercion, retaliation and/or reprisal, if any). The SARC will include any victim input provided with documented victim consent for disclosure of privileged communications. The SARC will also inform the victim that he or she can speak to a special victims counsel before providing consent for release of privileged information.
- c. a summary of the SAPR services offered.

d. the date when the next Sexual Assault Review Board meeting is scheduled to provide oversight for this case. Confirm that the installation commander or deputy installation commander will chair the Board and that the victim's commander will attend the meeting in accordance with DoD Instruction 6495.02.

3. Input of Victim's Commander. (For servicemember victims only) Include additional comments by the victim's commander, if any.

4. Healthcare. When providing healthcare information, do not include PII or individually identifiable health information protected under the Health Insurance Portability and Accountability Act of 1996. If the victim is a servicemember or otherwise eligible for healthcare at a military treatment facility, provide the date when the victim was offered:

a. medical care.

b. mental health care.

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

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

a. the MCIO case file number. If no MCIO case number is available, explain why and include the investigating jurisdiction notified and the date of the notification. Information from civilian law enforcement may not be available.

b. confirmation that the victim has a copy of the DD Form 2701 (Initial Information for Victims and Witnesses of Crime).

6. Safety. If the victim is a servicemember or an adult military dependent, the SARC will provide the immediate commander preparing and submitting the SAIRO report:

a. the date the safety assessment of the victim was conducted.

b. whether it was necessary to assemble a High-Risk Response Team in accordance with DoD Instruction 6495.02.

c. the date the victim was given information regarding military protective orders and civilian protective orders.

d. a report on whether the military or civilian protective orders were issued and whether they were issued in accordance with DoD Instruction 6495.02.

e. a description of the safety measures taken for the victim (of servicemembers, foreign servicemembers or local national subjects) if the event(s) happened outside the continental United States, including deployed environments.

7. Expedited Transfers. If the victim is a servicemember, the SARC will provide the immediate commander preparing and submitting the SAIRO report with:

a. the date the victim was given information regarding expedited transfers.

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

8. Legal Services. If the victim is eligible in accordance with Service eligibility requirements, the SARC will provide the immediate commander preparing and submitting the SAIRO report:

a. the date when the victim was informed of her or his Military Service's Special Victims' Counsel program.

b. confirmation that the victim was notified that a special victims' counsel is the victim's attorney, not the prosecution, and will provide the victim with legal advice and representation.