



## Reporting and Legal Issues: Sexual Assault

### Reporting a Sexual Assault

The US Military has developed a system to provide support and resources to service members who have been sexually violated.

### Sexual Assault Response Coordinator

To help assault survivors, each branch has Sexual Assault Response Coordinators (SARC) to coordinate sexual assault victim care. SARCs are available 24/7 every day of the year. You don't need an appointment or referral to contact a SARC. If you have the number, call your local SARC. Or call Military OneSource to be connected to a SARC.

Your SARC can help you decide whether to report your incident. SARCs make sure you and other sexual assault victims get appropriate and responsive care. They'll address any concerns you have about your health or well-being. And, if you decide to report, the SARC will help you from the initial report through disposition of any legal case.

Your SARC may ask some general questions about the incident to make sure you get medical and emotional help. **All communication with the SARC is confidential. Visits to the SARC will not affect your commissioning or PQ status.**

### Victim Advocate

If you want, the SARC will also assign you a Victim Advocate (VA). Victim Advocates provide support, liaison services and care. They provide crisis intervention, and they help victims get necessary services, referrals, and ongoing non-clinical support. The VA provides information on available options and resources so you can make informed decisions about medical and mental health care and about reporting the assault. At your request, your VA can also go with you to investigative interviews, medical examinations and follow-up appointments. However, your VA does not make decisions or speak for you. They won't interfere with the medical, investigative, or judicial processes.



**Visit  
Military  
One  
Source  
to find a  
SARC  
near  
you.**



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### Reporting Options

The military offers victims two different options for reporting an assault: Restricted and Unrestricted. These options address privacy concerns while making sure you receive medical care and counseling.

### Unrestricted Reporting

Unrestricted Reporting is a complete report of a sexual assault to military and legal authorities that activates victims' services, including medical treatment and counseling. Unrestricted Reporting also notifies chain of command and triggers an official investigation. The Unrestricted Reporting process can be started by chain of command, law enforcement, a SARC, or even healthcare providers. When they receive a report of sexual assault, the SARC will immediately assign a VA. At the victim's request, a healthcare provider will conduct a sexual assault forensic examination (SAFE), which may involve collecting evidence. Access to details about the incident will be given only to those personnel with a legitimate need to know, such as the VA, chain of command, medical personnel, and law enforcement. Currently military retirees, dependents, and other civilian victims may only use Unrestricted Reporting.

### Restricted Reporting

Some victims want to avoid command or law enforcement involvement. Restricted Reporting was created in 2005 to allow victims to confidentially disclose details of their assault *without* triggering an official investigation or notifying chain of command. Like Unrestricted option, Restricted Reporting includes confidential medical treatment and counseling for the victim.

If they choose the Restricted Report option, service members must report the assault to a SARC, a VA, a healthcare provider, or a chaplain. Generally, the SARC, the assigned VA, and healthcare providers will not disclose confidential communications from a Restricted Report. But the SARC must report general information about the incident to command within 24 hours. If the victim reports the sexual assault to a healthcare provider, the provider will offer appropriate treatment, and report the assault to the SARC instead of law enforcement or command. When they receive a report of sexual assault, the SARC will assign a VA to the victim. At the victim's request, a healthcare provider will conduct a sexual assault forensic examination (SAFE), which may involve collecting evidence.

Restricted reporting does have disadvantages. You cannot be protected from your attacker if the military is unaware you need protection. Only health care professionals, chaplains, SARCs, and VAs have a duty to maintain confidentiality. Others, including friends, may have to report the assault. **NOTE: Making a 'Restricted' report does not prevent victims from later filing an 'Unrestricted' report for the same incident.**



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Advantages of Restricted Reporting	Disadvantages of Restricted Reporting
<ul style="list-style-type: none"> <li>• Victim gets appropriate medical treatment, advocacy, and counseling.</li> <li>• Victim has time to consider reporting options and to begin the healing process.</li> <li>• Victim can make more informed decisions about participating in the criminal investigation.</li> <li>• Victim controls the release and management of personal information.</li> <li>• Victim decides if and when to move forward with initiating an investigation.</li> </ul>	<ul style="list-style-type: none"> <li>• Attacker goes unpunished, able to assault other victims.</li> <li>• Victim cannot get a military protective order.</li> <li>• Victim may face continued contact with the attacker.</li> <li>• Crime scene evidence will be lost. And the official investigation will likely encounter significant obstacles, if the victim switch to an unrestricted report.</li> <li>• Victim cannot evoke the collateral misconduct provision of the Department's sexual assault policy.</li> <li>• Victim will not be able to discuss the assault with anyone without obligating them to report the crime. The only exceptions are chaplains, healthcare providers, or the victim's VA or SARC.</li> </ul>



### Delayed reports

Reporting soon after the incident helps ensure all possible evidence is collected and preserved, in case you choose to pursue legal action. Timely reporting also provides the best chance to gather accurate testimony if there were any witnesses. But victims can report a sexual assault at any time. The investigation will be the same, no matter how much time has passed. Some people believe late reporting is useless after a certain period of time has passed. But even late reporting can impact other investigations involving the same attacker, and may help identify and prosecute a criminal.

If you aren't sure whether to report an assault, you should discuss your concerns about reporting with a professional counselor. You can also speak to an OSI (Office of Special Investigations) or legal representative to ask about investigative or legal processes.



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### **Collateral Misconduct**

Some victims worry about reporting sexual assault because they were involved in illegal conduct at the time of the assault, such as underage drinking or fraternization. This conduct may be considered collateral misconduct by the military. Unit commanders have the option to delay disciplinary action for collateral misconduct until after the sexual assault case is resolved, although deferring discipline is not required. When choosing disciplinary actions for a victim's collateral misconduct, commanders and supervisors consider the impact on the victim. They will not choose disciplinary action that further traumatizes the victim or discourages others from reporting sexual assault.

If you file a Restricted Report, beware that disciplinary action will not be deferred. That's because there is no case in process.

### **Legal investigation process**

Investigations can be stressful for victims of sexual assault. The process from investigation to courts martial or other punishment can take months or years. During an investigation, victims may be asked difficult and personal questions.

In unrestricted reporting, victims are assigned a Victim Witness Liaison (VWL). The VWL helps victims through the legal investigation process. The VWL will explain the victim's rights and keep the victim updated on the legal proceedings for the case. The VA works with the VWL to provide victims with information about where to get emergency medical care, social service support, and mental health treatment.

At least once a month, command should update victims on the investigation, until final disposition of the case. "Final disposition" means the conclusion of any judicial, non-judicial, and administrative actions (including separation actions and "no action" decisions).

### **Work Transfers and Administrative Separation**

Survivors may wish to apply for work transfers, or even for separation from the service. This option can be especially important if survivors live or work near their attacker(s). Another option for some survivors is "no contact orders." Service members who live off post may also file for restraining orders from civilian courts.

These decisions can be difficult, and some may interpret a transfer or separation as punishing the victim for reporting. But a transfer or separation may be the only way for a victim to stay safe and emotionally healthy.