



DEPARTMENT OF THE ARMY

HEADQUARTERS, 8TH ARMY

UNIT #15236

APO AP 96205-5236

REPLY TO
ATTENTION OF

EACG

MAR 01 2012

MEMORANDUM FOR All 8th Army Assigned Soldiers and Family Members

SUBJECT: 8th Army Command Policy Letter #55 – Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault

1. References:

a. Department of Defense (DoD) Directive-Type Memorandum (DTM) 11-062, Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault, 16 December 2011.

b. DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, 23 January 2012.

c. DoD Instruction 6495.02, Sexual Assault Prevention and Response Procedures, 23 June 2006 (incorporating Change 1, 13 November 2008).

d. AR 600-20, Army Command Policy, 18 March 2008 (incorporating Rapid Action Revision 004, 4 August 2011).

e. Army Regulation (AR) 614-200, Enlisted Assignments and Utilization Management, 26 February 2009 (incorporating Rapid Action Revision 002, 11 October 2011).

2. It is 8th Army policy that there will be two separate retention schedules for records of Soldiers who report that they are victims of sexual assault, based on whether the Soldier filed a Restricted or Unrestricted Report.

3. In accordance with AR 600-20, page 70, paragraph 8-4d, unrestricted reporting allows a Soldier, who is sexually assaulted, and desires medical treatment, counseling, and an official investigation of his/her allegation to use their chain of command, law enforcement, Sexual Assault Response Coordinators (SARC), or Unit Victim Advocates (UVA). Upon notification of a reported sexual assault, the SARC will immediately notify a victim advocate. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, 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.

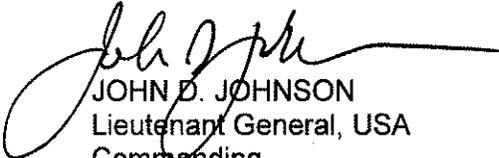
4. In accordance with AR 600-20, page 70, paragraph 8-4c, restricted reporting allows a Soldier, who is the sexual assault victim, on a confidential basis, to disclose the detail of his/her assault to specifically identified individuals and receive medical treatment and counseling without triggering the official investigative process. Those specifically identified individuals include Sexual Assault Response Coordinators, Unit Victim Advocates, Chaplains, or healthcare providers.

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5. For unrestricted reporting, Criminal Investigation Division (CID)/Military Police Investigation (MPI) will include DD Form 2911, "DoD Sexual Assault Forensic Examination (SAFE) Report," in their sexual assault investigative reports if the victims select to have the SAFE done. The sexual assault investigative reports, including the DD Form 2911, will be retained for 50 years from the date the sexual assault investigation was closed. If creating an electronic record, the DD Form 2911 will be uploaded as part of the sexual assault investigative record. If the investigation was referred to another agency, CID/MPI will obtain disposition and final investigative reports and retain them for 50 years. Final disposition of SAFE Kits will be conducted in coordination with the 8th Army Staff Judge Advocate consistent with service regulations.
6. For Restricted Reporting, a separate record retention system designed to honor and respect the Soldier's desire for confidentiality will be used. The SAFE Kit, which includes the DD Form 2911, will be retained for 5 years in a location designated by the Military Service concerned. The 5-year time frame will start from the date the victim signed the DD Form 2910, Victim Reporting Preferences Statement. The SARC will retain a hard copy of the DD Form 2910 for 5 years from the date of the Restricted Report, consistent with DoD guidance for the storage of personally identifiable information (PII). The 5-year time frame for the DD Form 2910 will start from the date the victim signed the DD Form 2910.
7. Commanders must ensure that their SARCs comply with the requirement to contact the Soldier when 1 year has elapsed from the date the Soldier signed the form electing the Restricted Report option. At the time of contact, the SARC will inquire whether the victim wishes to change his or her reporting option to Unrestricted. The victim will again be notified 30 days before the SAFE Kit is destroyed so they will have the opportunity to change their reporting option to Unrestricted.
8. If the victim does not wish to change their reporting option to Unrestricted Reporting, the SARC will explain to the victim that the SAFE Kit, DD Form 2911, and the DD Form 2910 will be retained for a total of 5 years from the time the victim signed the DD Form 2910 electing the Restricted Report and then will be destroyed. The SARC will emphasize to the victim that his or her privacy will be respected and that they will not be contacted again. The SARC will stress it is the victim's responsibility from that point forward, if the victim wishes to change from a Restricted to an Unrestricted Report, to affirmatively contact a SARC before the 5-year retention period elapses.
9. The victim will be advised again to keep a copy of the DD Form 2910 and the DD Form 2911 in their personal permanent records as these forms may be used by the victim in other matters with other agencies (e.g., Department of Veterans Affairs) or for any other lawful purpose.
10. The provisions of this policy are effective immediately.

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11. Proponent. The 8th Army G1 Sexual Harassment/Assault Response and Prevention (SHARP) Program Office is the proponent for this policy. The point of contact is MAJ Adrian Hughley and CPT Don McPhail at DSN 724-6072.



JOHN D. JOHNSON
Lieutenant General, USA
Commanding