

DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE



Safe-to-Report Policy

Sexual assault is a crime that harms our warfighters and erodes mission readiness. DoD encourages reporting so victims can access the resources they need to recover. However, a victim's collateral misconduct may impede sexual assault reporting due to fear of punishment. The Safe-to-Report Policy establishes protections and mandatory procedures to address alleged collateral misconduct by Service member victims of sexual assault.

Collateral misconduct is defined as some form of misconduct at or near the time of the sexual assault, or at or near the time of the victim reporting the sexual assault to authorities. It can also occur after the sexual assault or after the report has been made.

Collateral misconduct will often be discovered as a direct result of the sexual assault report or an investigation or prosecution. Discipline for the matter depends on whether the collateral misconduct is determined to be "minor" or "non-minor."

If the collateral misconduct is minor, the Safe-to-Report Policy protections apply and the victim will not be disciplined.

If the collateral misconduct is non-minor, the Safe-to-Report Policy protections do not apply and the victim may be subject to disciplinary action.

The following are examples of collateral misconduct that generally should be treated as minor for purposes of the Safe-to-Report policy:

- The victim was drinking underage at the time of the alleged sexual assault
- The victim was engaged in a unprofessional relationship with the suspect that, at the time of the alleged sexual assault, violated law, regulation, or policy
- The victim was in violation of lawful orders establishing curfews, off-limit locations, school standards, barracks/dormitory/berthing policies, or similar matters at the time of the alleged sexual assault

The Safe-to-Report Policy does not preclude the commander from taking non-disciplinary action, such as referrals to substance abuse screening or temporarily suspending access to critical positions, such as those in the personnel reliability program.

The Safe-to-Report Policy applies:

- To all members of the military, including Reservists and cadets and midshipmen at the Military Service Academies
- Regardless of who the victim discloses the sexual assault to
- Regardless of whether the investigation and/or prosecution is handled by military or civilian authorities

Each Military Service and the National Guard Bureau have Service-specific Safe-to-Report policies. The Office of Special Trial Counsel (OSTC) assesses the alleged collateral misconduct first. When the OSTC does not exercise authority over the alleged collateral misconduct, or when OSTC defers, the victim's commander will make the assessment. The OSTC and the commander are both required to use the Safe-to-Report Policy.

For more information about Safe-to-Report Policy, visit sapr.mil/policy.

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For confidential victim assistance, call or visit the DoD Safe Helpline at 877-995-5247 or safehelpline.org.