



# DIRECTORATE OF PREVENTION, RESILIENCE AND READINESS



**SHARP**  
SEXUAL HARASSMENT/ASSAULT  
RESPONSE AND PREVENTION

## FACTSHEET

### Expanded Eligibility to File Restricted Reports

Available at [www.sapr.mil/policy](http://www.sapr.mil/policy).

**TOPIC: Expanded Eligibility to File Restricted Reports and Process for Victims to Decline to Participate in Investigations**

**Enclosure 4 of DoDI 6495.02, Volume 1, as follows:**

#### Expanded Eligibility to File Restricted Reports:

- (6) Victims covered by this instruction are eligible to file a Restricted Report, providing they did not personally report the sexual assault incident to law enforcement (including MCIOs), unless the Law Enforcement Sexual Assault Victim Disclosure Exception in DoDI 5505.18 (Reference (ac)) applies; and they did not previously elect to make an Unrestricted Report with a SARC or SAPR VA by signing a DD Form 2910 on the same sexual assault incident. Victims covered by this instruction are eligible to file Restricted Reports even if:
- (a) They disclosed the sexual assault incident to their commander or to personnel in the chain of command;
  - (b) There is an ongoing MCIO investigation into the sexual assault incident initiated by a third party and not due to the victim's disclosure to law enforcement; or
  - (c) The MCIO investigation into the sexual assault incident has been closed.

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#### Clarification: What does "personally report the sexual assault incident to law enforcement" mean?

##### Scenarios:

1. Victim approaches law enforcement and tells them they want to report a sexual assault.
  - a. Victim is **NO LONGER ELIGIBLE** to file a Restricted Report, even if the victim doesn't follow through and actually sign a statement for law enforcement.
2. Victim tells a friend they were thinking of going to law enforcement to report their sexual assault. Friend of the sexual assault victim approaches law enforcement and tells law enforcement their friend wants to report.
  - a. Victim **IS STILL ELIGIBLE** to file a Restricted Report because the victim did not personally report.

# FACTSHEET

## Expanded Eligibility to File Restricted Reports

3. Victim previously filed a Restricted Report and is subsequently approached BY law enforcement about an open investigation. The investigation was initiated on a third-party report.
  - a. Victim **RETAINS** the Restricted Report.
  - b. If the victim underwent a forensic examination, that SAFE Kit is protected as part of the Restricted Report, and the MCIOs cannot seize it as evidence.
  - c. MCIOs need to ask whether the victim wants to participate in the investigation, and if the victim does not, then the MCIOs will encourage the victim to consult with a Special Victims' Counsel before offering them a Section 540K Declination Letter to fill out to formally document their decision.
  
4. Victim previously filed a Restricted Report and is subsequently approached BY law enforcement about an open investigation. Victim decides to participate in the investigation and gives a formal statement to the MCIO.
  - a. Victim **RETAINS** the Restricted Report. There is never an "automatic unrestricting" of a Restricted Report that was previously filed on a DD Form 2910. The SARC may ask the victim if they want to convert, but if the victim doesn't want to re-sign the 2910, the Restricted Report stays in place.
  - b. This will appear in DSAID as an "open with limited" and a Restricted Report.