



DEPUTY SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-4000

December 16, 2011
Incorporating Change 2, December 7, 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
DIRECTOR, COST ASSESSMENT AND PROGRAM
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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
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ASSISTANT SECRETARIES OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Directive-Type Memorandum (DTM) 11-062 – “Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault”

References:

- (a) DoD Instruction 6495.02, “Sexual Assault Prevention and Response Program Procedures,” November 13, 2008
- (b) DoD Directive 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” November 7, 2008
- (c) DoD 8910.1-M, “DoD Procedures for Management of Information Requirements,” June 30, 1998
- (d) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (e) DoD Directive 5106.01, “Inspector General of the Department of Defense,” April 13, 2006
- (f) DoD Directive 5100.87, “Department of Defense Human Resources Activity (DoDHRA),” February 19, 2008

Purpose. This DTM:

- Establishes DoD policy on the retention of certain sexual assault records pertaining to service members who report being victims of sexual assault.

- Is effective upon its publication to the DoD Issuances Website; it shall be incorporated into DoD Instruction 6495.02 (Reference (a)). This DTM shall expire effective June 16, 2013.

Applicability. This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereinafter referred to collectively as the “DoD Components”).

Policy. It is DoD policy that:

- The DoD will have two separate retention schedules for records of service members who report that they are victims of sexual assault, based on whether the service member filed a Restricted or Unrestricted Report as defined in DoD Directive 6495.01 (Reference (b)). The DoD has agreed on the following retention periods through collaboration between IG, DoD and the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) through the Sexual Assault Prevention and Response Office (SAPRO).
- For Unrestricted Reports:
 - The Military Criminal Investigative Organizations (MCIOs) will include DD Form 2911, “DoD Sexual Assault Forensic Examination (SAFE) Report,” in their sexual assault investigative reports. 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. Final disposition of SAFE Kits will be conducted in coordination with the Staff Judge Advocate or other legal advisor concerned, consistent with Service regulations.
 - The Sexual Assault Response Coordinator (SARC) will enter the DD Form 2910, “Victim Reporting Preference Statement,” in the Defense Sexual Assault Incident Database (DSAID) or the DSAID-interface Military Service data system as an electronic record, where it will be retained for 50 years from the date the victim signed the DD Form 2910.
- For Restricted Reports a separate record retention system designed to honor and respect the service member’s desire for confidentiality shall 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.
 - 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.

Responsibilities. See Attachment.

Information Collection Requirements. The DD Forms 2910 and 2911 referred to in this Directive are exempt from licensing requirements in accordance with paragraph C.4.4.7. of DoD 8910.1-M (Reference (c)).

Releasability. UNLIMITED. This DTM is approved for public release and is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

A handwritten signature in black ink, appearing to read "Robert S. Cat". The signature is written in a cursive style with a large, sweeping initial "R".

Attachment:
As stated

ATTACHMENT
RESPONSIBILITIES

1. USD(P&R). In accordance with DoD Directive 5124.02 (Reference (d)), the USD(P&R) shall develop policy, procedures, and conduct oversight for the DoD SAPRO.

2. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY (DoDHRA). The Director of DoDHRA, under the authority, direction, and control of USD(P&R), shall provide operational support to the USD(P&R) as outlined in DoD Directive 5100.87 (Reference (f)).

3. DIRECTOR, SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE (SAPRO). The Director, SAPRO, under the authority, direction, and control of the USD(P&R) through the Director, DoDHRA, shall:

a. Provide recommendations to the USD(P&R) regarding DoD sexual assault prevention, response, and oversight matters.

b. Oversee the Military Departments' record retention practices pertaining to sexual assault records covered by this policy, particularly as they relate to DD Forms 2910 and 2911, with the exception of documentation in the MCIO's investigative report.

c. Coordinate with the IG, DoD, revisions to policy pertaining to sexual assault records of service members, as appropriate.

4. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments shall:

a. For Unrestricted Reports:

(1) Implement and monitor compliance with the requirement to input the DD Form 2910 in the DSAID or the DSAID-interface Military Service data system as an electronic record.

(2) Implement and monitor compliance with the requirement for DSAID to maintain the electronic record for 50 years from the date the victim signed the DD Form 2910.

(3) Require MCIOs to include the DD Form 2911 in their archived investigative reports. Those investigative reports, including the DD Form 2911, will be retained for 50 years from the date the sexual assault investigation was closed.

(a) If creating electronic records, the DD Form 2911 shall be uploaded as part of the sexual assault investigative record.

(b) If the investigation was referred to another agency, the MCIO shall obtain disposition and final investigative reports and retain them for 50 years.

b. For Restricted Reports:

(1) Implement and monitor compliance with the requirement to retain a hard copy of the DD Form 2910 for 5 years from date the victim signed the form electing the Restricted Report, which is consistent with DoD guidance for the storage of PII.

(2) Ensure the SAFE Kit, which includes the DD Form 2911, is retained for 5 years from the date the victim signs the DD Form 2910 in a location designated by the Military Service concerned.

(3) Implement and monitor compliance with the requirement to contact the service member when 1 year has elapsed from the date the service member signed the form electing the Restricted Report option in accordance with Reference (a).

(a) At the time of this contact, the SARC will inquire whether the victim wishes to change his or her reporting option to Unrestricted.

(b) If the victim does not change 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 will then be destroyed. The SARC will emphasize to the victim that his or her privacy will be respected and he or she 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.

(c) The victim will be advised again to keep a copy of the DD Form 2910 and the DD Form 2911 in his or her 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.

5. IG, DoD. The IG, DoD, shall implement policy and procedures for and perform oversight of MCIO sexual assault investigations pursuant to DoD Directive 5106.01 (Reference (e)).

GLOSSARY

ABBREVIATIONS AND ACRONYMS

DD Form	Department of Defense Form
DoDHRA	Department of Defense Human Resources Activity
DSAID	Defense Sexual Assault Incident Database
DTM	Directive-Type Memorandum
IG, DoD	Inspector General of the Department of Defense
MCIO	Military Criminal Investigative Organization
PII	personally identifiable information
SAFE	Sexual Assault Forensic Examination
SAPRO	Sexual Assault Prevention and Response Office
SARC	Sexual Assault Response Coordinator
USD(P&R)	Under Secretary of Defense for Personnel and Readiness