



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

OCT 23 2008

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS
ASSISTANT SECRETARY OF THE ARMY (M&RA)
ASSISTANT SECRETARY OF THE NAVY (M&RA)
ASSISTANT SECRETARY OF THE AIR FORCE (M&RA)
DEPUTY COMMANDANT OF THE MARINE CORPS

SUBJECT: Modification of Line of Duty Requirement for Members of the Reserve Component Who are Sexually Assaulted During Active Service

- References: (a) DoD Directive 6495.01, "Sexual Assault Prevention and Response Program," October 6, 2005
(b) DoD Instruction 6495.02, "Sexual Assault Prevention and Response Program Procedures," June 23, 2006
(c) DoD Instruction 1241.2, "Reserve Component Incapacitation System Management," May 30, 2001

DoD sexual assault prevention and response (SAPR) policy contained in DoD Directive 6495.01, "Sexual Assault Prevention and Response Program," October 6, 2005, and DoD Instruction 6495.02, "Sexual Assault Prevention and Response Program Procedures," June 23, 2006, gives sexual assault victims the right to access confidential care and treatment by making a Restricted Report. Both the DoD Directive and Instruction have been recently revised in part to incorporate ongoing policy improvements to the SAPR program. One of these improvements relates to the requirement that members in the Reserve component require a line of duty (LOD) determination to access care and treatment if they report being sexually assaulted when they are no longer in an active duty status. Prior to the revision of DoD Instruction 6495.02, the requirement for a LOD and the procedures associated with the LOD did not allow for Restricted Reporting. As a result of the revision to DoD Instruction 6495.02, a LOD is still required but processes have been developed to ensure the member can still file a Restricted Report and obtain access to care and treatment.

In light of the recent revisions to the Directive and Instruction, I am requesting the Military Departments review their LOD policies and procedures to ensure that they are consistent with DoD Directive 6495.01 and DoD Instruction 6495.02. A report regarding what, if any, changes are necessary is due to me within sixty days of the date of this memorandum. In addition, I am requesting the Military Departments identify individuals and positions authorized to receive covered communications for the purpose of processing LODs in accordance with DoD Instruction 6495.02. These reports are due to me within 30 days of the date of this memorandum. My POC for these actions is Kaye Whitley, Director, Sexual Assault Prevention and Response Office, 703-696-9422.


David S. C. Chu