

142. DD Form 2910⁴ warns service members reporting allegations of sexual assault that they could be subject to adverse action for collateral misconduct.

- A. What is the intent of warning service members on DD Form 2910 that they could be subject to adverse action for collateral misconduct?
- B. What practical effect on reporting does this warning usually have (or seem to have)?

DOD	<p>Answer A: The DD Form 2910 is currently under revision. The alluded to text will be revised to be a general statement about the availability of attorneys to assist sexual assault victims. It will include information about the availability defense attorneys to advise and assist the victim in the event there is evidence that the victim committed misconduct around the time of the sexual assault allegation (for example, underage drinking). It will also include notice of the availability of the Special Victims Counsel, who will be the victim’s own attorney not the government's attorney, and who will provide the victim with legal advice and representation.</p> <p>Answer B: The DD Form 2910 is completed at a time when the Service member has been through a very traumatic experience and been subject to numerous rounds of questions. We do not gather this information and it would be imprudent to speculate on the potential effects.</p>
USA	<p>DD Form 2910 is currently being staffed for revision. The Army intends to recommend a revision of the cited language regarding victim collateral misconduct.</p> <p>The intent of the cited language is to ensure the victim is fully informed of all the consequences of the election to make a restricted or unrestricted report.</p> <p>SARCs and Victim Advocates report anecdotally that the cited language results in many questions from victims and has elicited a negative reaction from some victims.</p>
USAF	<p>Answer A: What is the intent of warning service members on DD Form 2910 that they could be subject to adverse action for collateral misconduct?</p> <p>The DD Form 2910 is a Department of Defense product. Therefore, DoD would be the appropriate level to discuss the intent behind the language in the form. Commanders are responsible for addressing misconduct in a manner that is consistent and appropriate to the circumstances.</p> <p>DoDI 6495.02, encl. 5 states that: "Commanders and supervisors should take appropriate action for the victim’s alleged collateral misconduct (if warranted), responding appropriately in order</p>

⁴ Form 2910 states, “My Commanding Officer may take appropriate punishment action if there is evidence I committed misconduct around the time of the sexual assault. However, my Commanding Officer is to take into account the sexual assault investigation and circumstances when considering how to address my misconduct.”

	<p>to encourage sexual assault reporting and continued cooperation, while avoiding those actions that may further traumatize the victim. Ultimately, victim cooperation should significantly enhance timely and effective investigations, as well as the appropriate disposition of sexual assaults."</p> <p>Answer B: What practical effect on reporting does this warning usually have (or seem to have)?</p> <p>- At this time, the Air Force has not been presented with any evidence regarding the effect on reporting the warning may have.</p>
USN	<p>Answer A: DOD SAPRO is the appropriate responding organization for this question.</p> <p>Answer B: This data is not collected by the Navy.</p>
USMC	<p>Answer A: DOD SAPRO is the appropriate responding organization for this question.</p> <p>Answer B: The Marine Corps does not track this data.</p>
USCG	DD Form 2910 is not used in the Coast Guard SAPR program.