



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Collateral Misconduct in Sexual Assault Cases

This directive-type memorandum provides Department of Defense (DoD) guidance for addressing a victim's collateral misconduct that may be associated with a reported sexual assault. Each Military Service shall establish Service-specific guidance to ensure collateral misconduct is addressed in a manner that is consistent and appropriate to the circumstances, and at a time that encourages continued victim cooperation. Ultimately, victim cooperation should significantly enhance the command's ability to conduct timely and effective investigations, as well as the appropriate disposition of sexual assault cases.

One of the most significant barriers to the reporting of a sexual assault is the victim's fear of punishment for some of the victim's own actions leading up to or associated with the sexual assault incident. Many reported sexual assaults involve circumstances where the victim may have engaged in some form of misconduct (i.e., underage drinking or other related alcohol offenses, adultery, fraternization or other violations of certain regulations or orders). Such behavior may be considered collateral misconduct, and may be viewed as a contributing factor to the sexual assault.

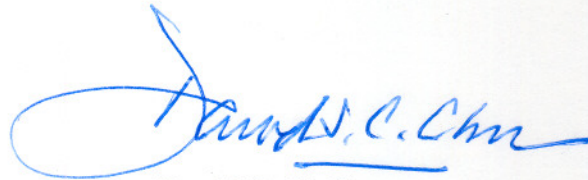
Unit commanders have authority to determine, in a timely manner, how to best dispose of alleged misconduct, to include making the decision to defer disciplinary actions regarding a victim's collateral misconduct until after the final disposition of the sexual assault case. Unit commanders should exercise that authority in appropriate cases. Additionally, for those sexual



assault cases for which the victim's collateral misconduct is deferred, Service reporting and processing requirements should take such deferrals into consideration and allow for the time deferred to be subtracted.

When considering what corrective actions may be appropriate for the victim's collateral misconduct, commanders and supervisors should keep in mind the critical importance of responding appropriately in order to encourage sexual assault reporting and continued cooperation, while avoiding those actions that may further traumatize the victim.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated into a DoD issuance within 180 days.

A handwritten signature in blue ink, appearing to read "David S. C. Chu", with a large, stylized flourish on the left side.

David S. C. Chu