

Confiding in Another Person ALCOAST Change Notice Frequently Asked Questions (FAQs) and Answers:

1. How does this policy support me in my recovery?

The Coast Guard recognizes that a victim receiving support from a friend or family member is vital in the aftermath of a sexual assault. Expanding this policy to allow a victim to reach out to a trusted confidant without fear that the trusted confidant must report his/her disclosure allows support for the victim when most needed. This support may be the ability to talk about the event, time to process what happened to them, guidance toward the next steps in their time of need.

2. Is confiding in another the same thing as making a Restricted Report?

No. Confiding in another is neither a Restricted nor an Unrestricted Report of sexual assault. This policy allows a victim to speak to someone else. It ensures both reporting options are still available to them

3. Under what circumstances can my Restricted Report be converted to an Unrestricted Report?

There are exceptions to Restricted reporting that require disclosure and conversion to an Unrestricted Report. The servicing Sexual Assault Response Coordinator (SARC) will review and evaluate the Restricted Report information to determine whether an exception may apply. The SARC may consult with the servicing legal office to confirm. Circumstances include, but are not limited to, the following:

- The victim or other person(s) will otherwise remain in serious or imminent danger if the crime is not reported.
- Required for fitness for duty or disability determinations.
- The victim is incapacitated or otherwise unable to make a competent decision. In this situation, the SARC, Victim Advocate, or Health Care Provider (HCP) can disclose information to those individuals with an official need to know, or as required by law or regulation, to coordinate direct treatment or services for the victim.

4. Can I tell my spouse if she/he is in my chain of command and still maintain a Restricted Report option?

A spouse, who is a member of the same command, but is not senior in the chain of command, will not have a duty to report the assault to the command or CGIS.

5. Does the victim have the right to refuse to participate in an investigation?

A victim has the right to refuse to participate in an investigation. The victim may be asked to sign a statement declining law enforcement assistance or any further prosecutorial actions (e.g., Waiver of Prosecution Letter). Although the victim may decline to participate, CGIS and law enforcement may continue their investigation until all leads are brought to a logical conclusion, or the case is closed.

6. What is a Third Party Report of sexual assault?

A Third Party Report means someone other than the victim, who knows about the sexual assault, makes a report based upon their knowledge of the assault.

7. Why is Unrestricted reporting desired by the Coast Guard?

The Unrestricted reporting option is preferred because it provides for an immediate formal investigation by trained criminal investigators, and is the only option that may lead to offenders being held accountable for their actions. An Unrestricted Report also allows the victim a full range of protections, including but not limited to:

- Military Protective Order
- Immediate transfer or relocation, otherwise known as an “Expedited Transfer”
- Other law enforcement and command protective actions

8. Who are the “covered entities” that can take a Restricted Report without being mandated to disclose to the command or CGIS?

“Covered entities” are SARCs, Coast Guard, Public Health Service, and Department of Defense HCPs, VAs who are trained to take Restricted Reports. Servicing Victim Counsel (SVC) and chaplains are not trained to take reports of sexual assault; however, victim communication with chaplains and SVCs are privileged. A victim can always talk to an SVC and chaplain without their command or CGIS being notified.

9. If a victim confides in another who is not a “covered entity,” and then that person discloses that information to someone else, a Third Party, does the victim still have the opportunity to file a Restricted Report?

If a victim discloses the assault to a SARC, HCP, or VA and signs the Victim Preference Statement, CG- 6095, requesting a Restricted Report before the command or CGIS finds out about the assault from the Third Party, then the victim’s report can remain restricted. However, CGIS will be notified based upon the Third Party report and will initiate an investigation.

10. If anyone, including the individual whom the victim confided in, discloses the sexual assault information to a Third Party, including the command or CGIS, before the victim speaks with a SARC and signs a Victim Preference Statement, CG-6095, does the victim still have the opportunity to file a Restricted Report?

No. If a victim did not make a Restricted Report and did not sign the Victim Preference Statement, CG-6095, before the command or CGIS found out about the assault from the Third Party, then the victim cannot file a Restricted Report. An Unrestricted Report and investigation will be initiated based upon the Third Party report.

11. What are the benefits of the Confiding in Another Person policy?

Everyone reacts to and recovers from sexual assault trauma in different ways, so the benefits of Confiding in Another Person policy will impact each victim differently. However, for some victims, the disclosure may:

- Prevent the victim from being lonely and isolated;
- Help reduce stress and anxiety;
- Ensure the victim receives information about support options, including how to make a report of sexual assault or where to seek medical help.

Additionally, the confidant is not required to report the assault.

12. Does the confidant have absolute confidentiality?

No. While a confidant does not have a duty to disclose the assault to their command or CGIS, the communication is not privileged. The confidant may disclose the information, for these reasons or many others:

- If questioned during an investigation into the assault
- If the confidant believes the victim’s safety is in imminent danger.

The confidant will not be in trouble if they disclose the information

14. Are Coast Guard Academy Cadets Against Sexual Assault (CASA) members covered under this policy?

Yes. CASA group members must adhere to the same policy and guidelines as any CG member in whom a victim confides.