

**ENCLOSURE 4:**  
**NATIONAL GUARD BUREAU**





**NATIONAL GUARD BUREAU**  
1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

APR 26 2013

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND  
READINESS

SUBJECT: 2012 National Guard Bureau Sexual Assault Prevention and Response Program  
Review for Department of Defense (DoD) Sexual Assault Prevention and Response  
Office Annual Report to Congress

As requested in your memorandum dated October 12, 2012, attached is the National Guard program review for the DoD Annual Report on Sexual Assault in the Military.

The annual report contains positive indicators regarding National Guard prevention and response programs in place for Title 32 program operations. Victims are coming forward because they perceive that commanders and subordinate leaders have created a climate where sexual assault reports are taken seriously and victims receive support and care.

The National Guard has a moral obligation to keep our men and women safe from those who would attack their dignity and their honor. With that said, it is often difficult to investigate the crime of sexual assault when military criminal investigative organizations do not have the jurisdiction to investigate non-Title 10 crimes. Furthermore, DoD guidance states that command directed investigations should not be used to investigate sexual assault, which DoD defines broader than many civilian codes, resulting in reports which may not be fully investigated by civilian law enforcement. As a solution to that, the National Guard Bureau created the Office of Complex Administrative Investigations in April 2012 to assist The Adjutants General (TAG) in responding to sexual assault reports occurring in non-Federal status. Now, there is a centrally managed roster of investigators trained at the Criminal Investigation Division Special Victim Unit Course at Fort Leonard Wood, Missouri. These investigators are assigned at the request of TAGs, and findings are reviewed by the National Guard Bureau for sufficiency before results are turned over to TAGs for action. This new resource assists States when there is no Uniformed Code of Military Justice jurisdiction or involvement by civilian law enforcement.

Should you need additional information, your point of contact is Brigadier General Marianne E. Watson, Director of Manpower and Personnel, at (703) 604-9540.

A handwritten signature in cursive script, reading "Frank J. Grass", is positioned above the typed name.

Frank J. Grass  
General, USA  
Chief, National Guard Bureau

Attachment:  
As stated

## **Fiscal Year (FY) 2012 Sexual Assault Prevention and Response (SAPR) Program Review National Guard Bureau**

### **Executive Summary**

The National Guard (NG) is committed to eliminating sexual assault incidents by instituting long-term goals that focus on increasing understanding of sexual assault; training Service members to use safe bystander intervention techniques to stop offenders from committing assaults; providing victim centered support to increase confidence in reporting; using trained sexual assault investigators for conducting Title 32 investigations; and holding perpetrators of sexual crimes accountable.

In efforts to meet these enduring goals, NG focused program initiatives on unit and leadership prevention training, review of first responder (SARC/VA) curriculum development, training sexual assault investigators, and implementing the Defense Sexual Assault Incident Database (DSAID) for Title 32 case tracking, and reporting and data analysis to recognize trends.

During FY12, the NG's prevention and response efforts continued to focus on completing annual prevention training for all Service members, with specific attention to including leadership through a second Sexual Assault Prevention and Response (SAPR) Leadership Summit, and through Army National Guard (ARNG) and Air National Guard (ANG) prevention training modules developed specifically for leadership. The intent for leadership training is to make sure they understand their roles and responsibilities regarding the care and treatment of sexual assault victims and awareness of the appropriate options and steps for investigating unrestricted reports of sexual assault.

It is important that the NG SAPR program is represented, recognized and understood at the Department of Defense (DoD) SAPR Office (SAPRO) and active duty Services for its unique and distinct status as a state operated program. The involvement with DoD SAPRO working groups establishes communication channels and partnerships with the Departments of the Air Force, Army, and Navy and other national programs associated with SAPR. NG works to ensure the DoD SAPR program is implemented to every extent possible for Service Members in a state Title 32 status and for victims to have the best trained first responders available.

NG participated in DoD and Service level working groups to meet FY12 National Defense Authorization Act (NDAA) and Service specific program requirements for Sexual Assault Response Coordinator (SARC) and SAPR Victim Advocate (SAPR VA) initial training. Through participation on DoD working groups, NG SARC/VA course

work meets national VA credentialing standards adopted by the Defense Sexual Assault Advocate Credentialing Program (D-SAAC-P). The curriculum was reviewed by the National Advocate Credentialing Program (NACP) and was found to meet pre-credentialing standards. All SARCs and VAs are now in the process of making application to NACP to meet the credentialing requirements to be completed by the end of FY13. Improving training and standardizing curriculum during FY12 to credential SARCs and VAs has increased the professionalism of our first responders, NG's goal to increase victim confidence in reporting moves forward by improving the professionalism of responders.

The ***Joint Chiefs of Staff Strategic Direction to the Joint Force on SAPR*** Memorandum provides NGB with a framework for measuring the Five Lines of Effort (LOEs) for prevention, investigation, accountability, victim advocacy, and assessment for program policy guidance in Title 32 situations under the governor's authority. Specific NG Title 32 policy guidance was developed throughout the FY to provide state guidance for DoD Directive Type Memoranda (DTMs) issued regarding meeting unrestricted reporting requests for expedited transfer while in Title 32 status.

The DoD Safe Helpline helps serve as an additional tool for the victim advocacy LOE. The new resource was well received by NG Service members and serves as a valuable tool for NG members in communities where they often do not have active duty installations to provide care and counseling that is available when the NG member is on active duty orders. NG Senior Leadership helped publicize the availability of the Safe Helpline through videotaped public service announcements (PSAs) during FY12.

NG's program made great strides during FY12 to address the LOEs for investigation and accountability. By reviewing the legal options available to commanders to hold offenders accountable for their crimes, NGB-SAPR determined more options were necessary due to the lack of Uniform Code of Military Justice (UCMJ) jurisdiction in Title 32 situations. By authority from the Chief, National Guard Bureau (CNGB), a new resource for specialized investigators trained in sexual assault investigations from the NGB-Judge Advocate (NGB-JA) became available to The Adjutant Generals (TAGs).

NG was included in the DoD SAPRO development of DSAID. This new system implemented in FY12 allows NG Title 32 cases to be tracked and documented within a secure case management database for the first time. DSAID allows NG SAPR program managers to provide data analysis and tracking of unrestricted report cases and provide data analysis to NG leadership to further meet the LOE for assessment. With future updates and improvements to the system, greater analysis is possible that

will help NG leadership be better informed to implement greater command risk reduction efforts. All SARCs were trained by DoD SAPRO on the use of DSAID during FY12, and began using the system in May 2012.

NG SAPR is also utilizing other means of assessment through NG Staff Assistance Visits (SAVs), use of the chartered SAPR Advisory Council (SAPRAC), and forming of a NGB level SAPR/SHARP Committee that involves stakeholders outside the immediate SAPR program staff members, to include Psychological Health (PH), Chaplains, NGB-Equal Opportunity (EO), Counterdrug Substance Abuse Program, and Legislative Liaison (LL), Public Affairs, among others.

Further Service specific program oversight and assessment is planned during FY13 by ARNG and ANG and by NG Senior Leaders for overall program progress and evaluation through the CNGB's participation in the quarterly Joint Chiefs of Staff (JCS) Joint Executive Council (JEC) for SAPR. This involvement will only serve to continue improvement of program guidelines and program standards to ensure every NG Service member is treated with dignity and respect, and that its leaders instill a climate intolerant of sexual assault.

As a member of the Joint Chiefs of Staff, the CNGB has been tasked by the Undersecretary of Defense, Personnel and Readiness, USD-P&R to provide a NG Title 32 program review for the DoD SAPR Annual Report to Congress that is separate from the parent Services' annual report. This program review is designed to address the overall combined efforts for the Joint National Guard, speak to the Title 32 program operations, and answer the USD-P&R request. The ARNG and ANG also provide Service specific responses to Army and Air Force to address responses in their annual reports and there are no material differences between the ARNG/ANG input and the NGB program reports.

## 1. Program Overview

**1.1. Please provide a general overview of your SAPR program. This overview should include information such as:**

- **Authorizing regulations and/or instructions and dates of publication.**
- **General organizational structure of your SAPR program and personnel (e.g., Installation Sexual Assault Response Coordinator [SARC] and SAPR Victim Advocate [VA] structure, mid-level program management [if any], and program management) as well as a brief description of how this structure changes in deployed and joint environments.**
- **Other personnel involved and their roles in your SAPR program.**
- **Other (Please explain):**

The NG SAPR program provides sexual assault victim response and prevention training

when NG Service members are in Title 32 status under the authority of TAG and the governor. There are 54 state programs that fall under the National Guard Bureau's (NGB) oversight. The NG follows Department of Defense Directive (DoDD) 6495.01 (23 Jan 12), and DOD Instruction (DoDI) 6495.02 (13 Nov 08), as the overall program authorities, directive, and instruction. These apply to NG members who are sexually assaulted when in "active service," as defined in paragraph 2.2 of DoDI 6495.02, reference (101) (d) (3) of Chapter 47 of the Title 10 Code. The DoD guidance is not applicable when the NG Service member is on a State Active Duty (SAD) mission. However, the SARCs and SAPR VAs provide referrals and resources from state and local sexual assault coalitions if a Service member is sexually assaulted as a civilian or while on a SAD mission.

Title 32 status SAPR requirements for prevention and response resources are available to ARNG and ANG Service members when they are on active duty or full time NG duty. SAPR resources are in place in the 54 states for response during Inactive Duty Training (IDT), Annual Training (AT), Active Duty Operational Support (ADOS) Active Guard Reserve (AGR), or when performing active duty (Title 10) for less than 30 days. Additionally, SARCs and SAPR VAs are available for support during drill weekends if the member was sexually assaulted as a civilian, and readiness is compromised when the individual attends drill. Army and Air Force Title 10 Service specific training requirements are accomplished while ARNG and ANG are in Title 32 status to comply with all active duty SAPR and Army Sexual Harassment/Assault Response and Prevention (SHARP) training.

DoD SAPRO DTMs on Retention of Records and Expedited Transfer Requests for Unrestricted Reports of Sexual Assault are applicable during active service. Specific Title 32 guidance for meeting expedited transfer requests was published during FY12 in Chief, National Guard Bureau Instruction (CNGBI) 1303.01, (6 Aug 12).

When ARNG soldiers are on Title 10 orders, they fall under Army Regulation (AR) 600-20 CH8, 20 Sep 12, and HQDA SHARP EXORD 221-2012, 23 Jun 12. These regulations provide ARNG guidance on program execution requirements for prevention and response when there is not an applicable CNGBI for Title 32 operations. The Army authorities specify ARNG manning requirements at the Joint Force Headquarters (JFHQ), Brigade, and Battalion levels for SARC/SHARPs and SAPR VA/SHARPS. ANG Airmen follow Air Force Instruction (AFI) 36-6001, 14 Oct 10, which applies to ANG members when in federal service. The AF considers the ANG a major command (MAJCOM) that is a reserve component of the Air Force. AFI 36-6001, (14 Oct 12) is the authority for program execution requirements for the ANG.

The organizational structure for the NGB program is divided by functions. NGBSAPR handles policy, SARC initial and refresher training responsibilities, data tracking and reporting, and represents NG interests with DoD SAPRO. ARNG-G1 SHARP and ANG/A1 SAPR handle their Service specific program execution, and respond to Service specific issues with the parent Service. The NGB-SAPR Program Chief works closely with the ARNG-G1 SHARP Program Manager, and the ANG/A1/S SAPR Program Manager to provide guidance and program oversight, and coordinates initial Title 32 program manager training for the 54 Joint Force Headquarters-State (JFHQ-State) and 90 ANG Wings.

Each state has a primary SARC located at the JFHQ-State who serves as the state program manager answering to TAG. This individual also satisfies the FY12 NDAA requirement for a full time SARC/SHARP at the brigade or equivalent level. This individual is usually a full time, dual status military technician at the GS-11 level, who is hired by TAG/Human Resource Office (HRO) and trained IAW DoD SARC training standards by NGB-SAPR. The JFHQ-State SARC functions as the installation (state) SARC. TAG of each state has the option of hiring either a member of the ARNG or ANG to serve in the capacity of SARC for the state. The JFHQ-State SARC may also be in a non dual status civilian technician position (employment in the technician position is not dependent on member being in the NG) that does not have Title 32 military responsibilities. Those positions are low in number because the non dual status civilian positions are limited in the states. Some states have appointed AGR members as the SARC, but those individuals usually have collateral duties in addition to their SARC responsibilities. The JFHQ-State SARC serves as the state SAPR program manager and is responsible for reporting all ARNG/ANG state sexual assault reports to TAG.

Per directive in AR 600-20 and HQDA SHARP EXORD 221-2012, all brigade units are required to have one SARC/SHARP Specialist and one SAPR VA/SHARP Specialist and each battalion is required to have two SAPR VA/SHARP Specialists. Many units choose to have additional VAs trained at lower (i.e. company) level units based on geographical dispersion or training requirements.

ARNG SAPR VA/SHARP Specialists are located at all subordinate state units and locations and the comprehensive list is maintained by the JFHQ-State SARC/SHARP. In a T32 drilling status or M-Day, or traditional status, these individuals at the brigade level and below are in a collateral duty, in addition to the Soldier's primary Military Occupational Specialty (MOS) specific duties. The ANG SARC is a full time GS-12 military technician with SARC duties included with other duties the position description. The AFI 36-6001 dictates that the SARC be the rank of at least a captain or a GS-12

civilian position, reporting to the Vice Wing Commander. NGB-SAPR trains the ANG SARC to ensure communication and reporting responsibilities for the entire state SAPR program are utilized and Wing commanders coordinate response and reporting with TAGs and the JFHQ-State program manager. ANG SAPR works hand-in-hand with the Wing SARC and State SARC to provide victim services to Air Guardsmen who have been violated, advising leadership, and training to Airmen as part of the efforts to prevent sexual assault.

The ANG has a minimum of two SAPR VAs at each ANG Wing in the state. The JFHQ-State SARC maintains a list of all ARNG and ANG VAs for the state, and coordinates a joint response capability with the ANG SARC if a sexual assault occurs and the victim needs a cross-Service SAPR VA.

When deployed, the ARNG SARC/SHARPs are located at the brigade. If the JFHQ-State SARC/SHARP deploys with his/her assigned unit, TAG will appoint an alternate JFHQ-State SARC to receive training, and assume duties to cover while the other SARC is deployed.

In a deployed environment, the Airmen or Wings fall under the active duty component and sexual assaults are reported through Title 10 channels. If a victim elects to have a case transferred to an ANG/State SARC, the case will transfer and the ANG will be notified that an incident occurred on active duty.

NGB-SAPR works very closely with the NGB-JAG on policy, legal review of policy, and legal updates for SARC training. Additionally both ARNG and ANG work closely with the NGB-Surgeon General (SG) to assist in determination of Line of Duty (LOD) benefits for sexual assault and coordination of mental health services at the state levels. As part of the overall NGB efforts to address sexual violence prevention, the SAPR and SHARP offices work closely with NGB-EO to coordinate efforts in the states between the State Equal Employment Managers (SEEMS) and SARCs for prevention of sexual assault, sexual harassment, and hazing. Additionally, financial management, manpower, and the chaplains are closely involved in program operation at both the state and headquarters levels.

## **2. Institutionalize Prevention Strategies in the Military Community**

**2.1. Under the Department’s adopted “Spectrum of Prevention,” and its six components, describe the policies, procedures, and initiatives implemented or advanced during FY12 to prevent sexual assault. For the purposes of this report, prevention is defined as those policies, procedures, and initiatives designed to stop the crime before it occurs. If “awareness” activities are discussed here, please describe the aspects of the awareness activities that meet this definition**



**of prevention.**

**2.1.1. Identify your efforts to promote prevention.**

In an effort to promote awareness for the states' senior leaders and effect change within each command, NG SAPR held a second SAPR Leadership Summit in the National Capital Region on 15-16 November 2011. Both state and Wing SARCs attended with nearly 200 state senior leaders. The Summit goals were meant to provide a greater understanding of sexual assault prevention and to ensure NG leaders understand their roles and responsibilities regarding the care and treatment of sexual assault victims. Leaders also learned their roles and responsibilities in investigating and reporting allegations of sexual assaults in Title 32 status.

The Chief, of the National Guard Bureau (CNGB), General Craig R. McKinley, opened the Summit by addressing the audience about his commitment to change the culture that allows sexual assault to exist in the military. The NG specific Summit provided a forum to initiate change in state organizational practices and to create an opportunity for discussion with the senior leaders about holding unit commanders accountable for conducting the required prevention programming. This follow-through emphasized commitment and attention to unit level sexual assault prevention training, established a climate that promotes readiness and retention, and influences culture change.

The leaders gained knowledge about how they can effect change through influencing policy and changing organizational practices within their own area of responsibility. They had the opportunity to hear from Mrs. Mary Lauterbach, mother of deceased Marine corporal, Maria Lauterbach, who was murdered after disclosing that she had been raped. The message conveyed to leadership was that leaders should take all reports of sexual assault as being credible whether or not the Service member has been a model military member, since those who commit sexual assaults choose victims who are less likely to be believed by leadership, and offenders target those who are most vulnerable. The Director of DoD SAPRO, Maj Gen Mary Kay Hertog, spoke about the overall DoD SAPRO initiatives for better training for sexual assault investigators and the importance of holding offenders accountable for their crimes to send the message that sexual assault is not tolerated in the military.

Another layer of the spectrum of sexual assault prevention is through fostering coalitions and networks. Because the nature of the NG within the state structure is community based, the Title 32 SAPR program continually works through community connections, and sexual assault and domestic violence coalitions, and builds on growing networks of resources with both the active duty military and civilian resources. Since over 80 percent of NG members are in a civilian status the majority of the time, they may be sexually assaulted while in a non duty status. The NG SARC often is the first source of support help to the traditional NG member. In order to assist the survivor who was sexually assaulted while in civilian status, and to ensure readiness during inactive duty training and annual trainings, the SARCs must network with their civilian resources to provide referrals to those who do not qualify for government or military funded counseling or medical care.

To target sexual assault prevention at the local level, many states held leadership training about sexual assault. The states utilized many of the same nationally recognized subject matter experts who provided senior leadership training at the NGB-SAPR Leadership Summits during FY11 and FY12. Smaller events were held within the states to reach more Soldiers and Airmen through specialized speakers and presentations. Many states also held showings of the documentary *The Invisible War* for in an effort to educate state leaders about how some military victims of sexual assault have experienced retaliation and reprisal as the result of reporting the sexual assaults.

In an effort to strengthen individual knowledge and skills needed to learn to prevent sexual assault during FY12, the ARNG and ANG continued to work toward completing the required unit level sexual assault prevention training started in the previous year by their parent Services.

The ARNG continued to utilize the three tiered SHARP Annual Refresher Unit Training Model, which included a Leader's Training Module, Individual Training Module, and an Interactive Team Bound Training Module. The ARNG also trained 1,176 ARNG Personnel in the 80-Hr SHARP Course and an additional 694 in the 40-Hr SARC/VA course. These efforts strengthened individual knowledge and skills for many ARNG Soldiers by teaching intervention skills to prevent sexual assault.

During FY12, ANG completed the Headquarter Air Force (HAF) small group interactive Bystander Intervention Training (BIT). The extensive training focused on gender specific, and leadership training groups that taught skills to safely intervene when bystanders recognized the potential for a sexual assault being committed. Over 93% of ANG Airmen participated in the 90 minute interactive training. The only individuals who did not participate were those in Student Flight programs, individuals on medical leave and/or Airmen who did not attend drill weekend for a variety of reasons.

**2.1.2. Identify the ways you are changing organizational prevention-based practices.**

During FY12, the CNGB and the Directors of the ARNG and ANG (DARNG and DANG) were briefed regularly on the progress of unit level sexual assault prevention and response training within each state. Data was tracked monthly by each Service and progress reports were then published to TAGs and at senior leadership events. This process was meant to place greater effort on reaching the suspense for end of FY12 completion and to hold state leadership accountable for implementation of unit level sexual assault prevention training within each state unit and wing. Although there were many challenges to complete SHARP and BIT during the limited hours available for IDT and AT, the ARNG and ANG met their goals to train nearly 100% of available Soldiers and Airmen during the FY. This emphasis from top NG leadership placed responsibility on the state leadership and wings to work toward changing a climate within their command that could tolerate or excuse that might lead to an incident of sexual assault.

Since both ARNG SHARP and ANG BIT include leadership training modules, changing the NG organizational prevention practices means that leaders receive the same information that their Soldiers and Airmen receive on how to safely prevent sexual assaults.

In an additional effort to change organizational prevention-based practices for NG's domestic missions, briefings were provided at the annual Domestic Operations (DOMOPS) Conference in January 2012. Sexual assault prevention and response must be part of all considerations and preparations for every natural disaster mission the NG is called on to assist. Risk reduction for sexual assault must be part of every commander's preparation when the NG is mobilized for state active duty missions. The briefing to commanders at the DOMOPS conference detailed active prevention measures available to commanders in addition to response capability available from SARCs and VAs during domestic operations. This prevention practice at the command level for victim assistance was highlighted at the DOMOPS conference to help change organizational practices to improve SAPR preparation for DOMOPS.

**2.1.3. Describe the methods used to foster prevention-related coalitions and networks, to include prevention subject matter experts consulted and involved at the Service or Component level.**

The NG is state-based under the authority of TAG who reports to the state governor. Because of this structure, SARCs and VAs are trained to create Memoranda of Agreement (MOAs) and Understanding (MOUs) to foster relationships with coalitions and networks within their states. Because federal or active component resources may not be available to Service members sexually assaulted in Title 32 status, NG first responders depend on many local civilian resources and additional capability for response to sexual assault.

ANG SARCs are installation-based and will often work locally with civilian resources or co-located active duty AF installations to foster prevention related networks. In addition, both ARNG and ANG maintain networks with state and installation organizations to foster substance abuse prevention; EO for prevention of sexual harassment and hazing, and with Suicide Prevention programs for crisis prevention.

Meetings of the state level monthly Case Management Board (CMB)- including ARNG, ANG, and Joint personnel under TAG – are often used to develop relationships with subject matter experts (SMEs) from state and local law enforcement, state Attorney Generals, local and state-wide rape crisis centers, district attorney's offices, etc. Additionally, many states have scheduled nationally recognized prevention related SMEs, and DoD SAPRO speakers to address state leaders and commanders at special annual leadership meetings.

Some SMEs used at national, state, and unit level prevention trainings during FY12 were:

- Catharsis Productions; "Sex Signals"

- Dr. David Lisak, Ph.D., researcher
- Maj Gen Mary Kay Hertog, DoD SAPRO
- Dr. Gail Stern, Ph.D., Catharsis Productions
- 
- Mr. Russell Strand; U.S. Army Military Police School; Chief, Family Advocacy Law Enforcement Training
- Anne Munch, J.D.; Consultant to Military Services
- Dr. Alan Berkowitz, PhD; Consultant
- Teresa Scalzo, Esq., Navy Office of Judge Advocate General
- Ms. Claudia Bayliff, J.D., Legal Momentum Counsel
- Debby Tucker, National Coalition on Domestic and Sexual Violence
- James Russell, USAF Legal Operations Agency
- Dr. Sut Jhally, Media Works
- Lisa Gilmore, Center on Halstead
- Paul Buckingham, Mental Health Therapist, Goodfellow AFB
- Mrs. Mary Lauterbach, mother of deceased Marine Corporal, Maria Lauterbach

**2.1.4. List the prevention education, training initiatives, and programs you offer to responders, particularly those that impart individual skills associated with bystander intervention or appropriate risk reduction that does not blame victims. When describing the initiative, identify the target responder audience and the principal objectives of the initiative.**

NG SAPR conducted three 40-hour SARC training certification courses in FY12 for a total of 69 ARNG and ANG personnel at National Guard Professional Education Center (NG PEC). This initial SARC and SAPR VA training course meets pre-credentialing standards for SARCs and VAs set by DoD SAPRO standards and is specific to the NG. The training includes both Army and AF policies for Title 10 deployment and addresses the unique concerns of sexual assault incidents that occur during Title 32 status. The SARC/VA curriculum includes sexual assault prevention methods that detail bystander intervention techniques. Risk reduction methods address command responsibility to educate first responders about the differences between reducing risk of sexual assault through managing and controlling environmental risks rather than blaming victims for their own assault by focusing only on personal responsibility.

Many states conducted their own 40-hour Title 32 focused VA training during FY12. Prior to holding their own state VA trainings, JFHQ-State SARCs and Wing SARCs had to utilize the standardized training curriculum from NGB-SAPR that met DoD SAPRO's pre-credentialing standards. Throughout the FY, NGB-SAPR staff provided oversight and assisted JFHQ-State SARCs in training their VAs in their home state. An additional 799 VAs were trained at state and regional trainings conducted by SARCs in California, Colorado, Georgia, Hawaii, Iowa, Idaho, Indiana, Louisiana, Michigan, Montana, Nebraska, Ohio, Puerto Rico, South Carolina, South Dakota, Utah, and Wisconsin.

NG sexual assault responders are primarily SARCs, VAs, and chaplains. Medical personnel in the NG usually do not commonly function as a responder for sexual assault

unless they are on Title 10 orders or deployed in a Title 10 status. Most NG sexual assault victims use civilian rather than military medical personnel for response when in a Title 32 status. Military medical treatment facilities usually are not available to them when in state rather than federal authority.

ANG Chaplains held training on sexual assault response for 21 Chaplains and 4 Chaplain Assistants in September 2012 to ensure they are referred to the appropriate support office for additional response coordination.

Annual 24-hour SARC refresher training was held in April 2012 in conjunction with other NG joint service support programs as part of the NG Professional Development Seminar. There were 170 JFHQ-State and ANG Wing SARCs in attendance for the required refresher training. Some blocks of training included were: “**Understanding Rape Trauma Dynamics,**” by Paul Buckingham, “**Recognizing Bias and Violence in LGBT,**” by Lisa Gilmore, and “**Beating the Blame Game – Confronting Victim Blaming,**” by Dr. Gail Stern. These training blocks addressed sexual assault prevention through bystander intervention training and addressing issues of victim blaming.

The second SAPR Leadership Summit in Nov 11 also included some first responders along with NG leadership. SARCs, some state level JAGs, and some state chaplains were part of the participants at the Summit. They gathered valuable information related to the bystander intervention method of preventing sexual assault from SMEs at the event and techniques for leadership to utilize to reduce the risk of sexual assaults within their command.

Within the ARNG, they follow the HQDA SHARP Initiative that includes a three tiered training model including a Leader’s Training Module, Individual Training Module and an Interactive Team Bound Training Module. These modules teach individual skills for bystander intervention to prevent sexual assault. In FY12, the ARNG achieved an 88 per cent SHARP Tier II Training completion rate in FY12.

Within the ANG, all first responders received the AF interactive, small group, gender specific BIT. Overall that training reached 93% of the ANG.

The first responders reached included:

361 - VAs; 9 AF/Office of Special Investigation Agents (AFOSI); 1045 Security Forces; 451 Surgeons General; 90 Judge Advocates; and 160 Chaplains.

The AF BIT curriculum teaches skills to recognize potential situations where a sexual assault could occur and teaches participants how to safely intervene to help stop offender behaviors.

#### **2.1.5. Identify your efforts to promote community education in the area of prevention (e.g., communications, social marketing, and media initiatives).**

The NG SAPR Leadership Summit in November 2011 and the Professional Development Seminar in April 2012, offered opportunities to promote SAPR social marketing and media initiatives via displays at both events. These promoted community education through marketing the DoD Safe Helpline information that provides 24/7

trained sexual assault response capability for military sexual assault survivors all over the world.

The Joint Services Support (JSS) ([www.jointservicesupport.org](http://www.jointservicesupport.org)) network and website continue to use professional development opportunities and trainings to publicize resources and its specific SAPR information pages and contacts for SARCs within the states and Wings.

Additionally, NG invited Ms. Bette Stebbins, DoD Senior Victim Assistance Advisor, to present to an audience of approximately 1000 NG Service members and program representatives at the April 2012 Professional Development Seminar. Ms. Stebbins spoke about the resources and skilled professionals who provide international assistance to military victims of sexual assault through texting, online, or phone capability. The DoD Safe Helpline Project was developed to ensure that any military sexual assault victim can reach confidential and trained crisis intervention at any time or place in the world. This presentation was able to promote community education to a wide audience within the NG community.

For the FY12 Sexual Assault Awareness Month (SAAM) Campaign, NG senior leadership created public service announcements to bring awareness to all Soldiers and Airmen about the availability of the resource for 24/7 sexual assault response from the DoD Safe Helpline. Gen Craig R. McKinley, CNGB, LTG William E. Ingram, DARNG, Lt Gen Harry M. Wyatt II, DANG, and the Senior Enlisted Leader, CMSgt Denise Jelinski-Hall all provided Public Service Announcement (PSA) videos that were distributed to state Public Affairs Offices (PAOs) for broadcast on installation public access systems. Additionally, the PSAs were broadcast on the Pentagon channel during April.

NG continued to use the DoD SAPRO NG specific campaign message and posters for “Hurts One. Affects All.” Campaign. Posters and training facilitator guides were available for download from the DoD [www.sapr.mil](http://www.sapr.mil) website.

Individual state level JFHQs and wing installations promote community education individually using state web pages, SAAM projects and activities, MOAs with local services, VA training with local services, utilizing their installation PAO, speaking at events such as Yellow Ribbon, and utilizing training items that market their contact information.

The ARNG SHARP Program supported the NG SAPR program through continued enhancement of existing partnerships and alliances between the ARNG Soldier Family Support Services, Substance Abuse Program, Suicide Prevention and Psychological Health.

ANG also utilized the DoD SAPR social marketing tools for continuation of the “Hurts One. Affects All.” campaign as well as distribution of the DoD Safe Helpline Materials to create consistency across the NG.

**2.1.6. Describe the ways that you are strengthening Service or Guard member knowledge and skills in the area of prevention (i.e., bystander intervention, risk reduction).**

1. Discussing the importance of the SAPR program at Leadership events - i.e. Joint Senior Leadership Conferences, and SAPR Leadership Summit
2. Ensuring we have qualified and trained SARCS and VAs to assist and deliver in BIT and SHARP Three Tiered Training
3. ANG provides pre-deployment Computer Based Training (CBT) per AF requirements
4. Pre/Post deployment briefings on SAPR resources and POCs at Yellow Ribbon Events
5. Tracking and providing briefings for first responder trainings per request by medical, mental health providers, chaplains, or other program stakeholders
6. Publishing sexual assault prevention methods and training requirements through partnerships with NG and state PAOs.

**2.1.7. Describe your Service or Component's current efforts or plans to provide SAPR training (policy and resources available) to all Service members at initial entrance into active service.**

The ARNG has recruit sustainment programs and the ANG has student flight programs that provide training to the new recruits prior to attending basic training from the active component. In an effort to ensure awareness of reporting options, policy, and resources for sexual assault response, the ARNG and ANG are working toward instituting initial SAPR and SHARP training for all new recruits. The ARNG is requiring Tier II unit level SHARP training at the recruit sustainment programs and many ANG student flight programs are incorporating SAPR information with new recruits during drill weekends prior to leaving for accessions training. More efforts are under development and future policy under development will require new recruit initial training prior to attendance at active duty basic training.

The ANG also updated ANGI 36-2602, "Air National Guard Recruiting and Retention Programs" in Feb 12." This guidance ensures that recruiters know the requirement to maintain high standards of conduct with all recruits and to ensure that only professional relationships exist with applicants. The guidance clearly and specifically forbids any attempt to develop or maintain an intimate personal relationship with an applicant or use grade or position to pressure applicants to gain sexual favors.

Additionally, ANG is working with SARCs at active duty Air Force Bases (AFBs) to ensure that all trainees, including ANG Airmen, receive initial SAPR training on resources, options, and policy guidance. Any complaints of suspected malpractice, misconduct, or irregularities must be investigated and reported to the Director of Staff (Does). The Wing command structure may initiate the investigation and they must notify their JFHQ-State to ensure proper investigations and legal guidance takes place. JFHQ must be kept informed on all aspects of each investigation and command action. Periodic reports from each state to higher headquarters must be accomplished in a timely manner as requested.

<p><b>2.1.8. Other</b></p>
<p>N/A</p>
<p><b>2.2. List all studies of sexual assault prevalence and/or prevention programming effectiveness supported or performed by your Service or Component.</b></p>
<p>NGB has not conducted research studies at the Title 32 level to evaluate the effectiveness of sexual assault prevalence and/or prevention programming effectiveness. However, the Defense Equal Opportunity Management Institute (DEOMI) began to include DoD SAPRO approved questions in command climate surveys for NG in FY12. These questions measure knowledge of reporting options, awareness of SAPR resources, and confidence in command when a victim of sexual assault decides to disclose sexual assault through an unrestricted report. NG will receive results of these climate surveys from DEOMI and will analyze trends and response results as one of the metrics for the NGB SAPR strategic initiative on command climate survey SAPR awareness results.</p> <p>The Defense Manpower Data Center's (DMDC) Gender Relations Survey of the Reserve Component was conducted during FY12, but results have not yet been published at the time of this report.</p>
<p><b>2.3. Describe any treatment or rehabilitation programs implemented by your Service or Component for those members who have been convicted of a sexual assault. Include any educational programs designed to change the behavior of those members issued non-judicial and/or administrative punishments for an offense related to a DoD report of sexual assault.</b></p>
<p>Convictions for sexual assault offenses among NG Service members must be through the civilian authorities or by the active component if the offense was committed on Title 10 status.</p> <p>Treatment or rehabilitation programs would have to be conducted by the Service's active component because Title 32 authority does not provide medical or rehabilitation programs. Directors of Psychological Health (DPH) at the state or Wing level could provide an initial assessment and referral service to assisting agencies for treatment.</p> <p>The state and Wing DPHs facilitate and provide education on recognition of psychological concerns or conditions and will assist Service members in navigating health care systems through referral management.</p>
<p><b>2.4. Describe any progress made in FY12 on prevention-related efforts identified by your last year's report.</b></p>
<p>NG was able to meet all of their goals identified last year for prevention related efforts targeted in the various levels of the Spectrum of Prevention. NG held both leadership and unit level training events at both national and state levels. New policy was issued by CNGB and ARNG, and ANG issued senior level memoranda for emphasis in meeting BIT requirements for both commanders and Wing level goals.</p>



In FY11, NG identified the need to fully implement unit level prevention training and target additional leadership education during FY12. The Services continued to emphasize the ARNG SHARP Tier II training and ANG BIT requirements that were to be completed by end of FY 12. ARNG and ANG reported monthly and quarterly progress reports to their Directors. Both Services met their goals and trained over 88 percent of available ARNG members and 93 percent of available ANG members on the prevention of sexual assault through bystander intervention methods.

Additionally, the need for continued prevention efforts and education of leadership was identified in last year's report. The second SAPR Leadership Summit in November 2011 was able to reach at least one member of leadership, or first responder, from all states/territories, and the District of Columbia.

Many of the ARNG SARC/SHARPs and ANG SARCs were able to participate in prevention focused active duty annual Army SHARP and/or an Air Force SARC workshop that included Reserve Component members. This was in addition to NGB Title 32 specific Professional Development Seminars where training was specific to their responsibilities while operating under TAG's authority. ANG had the distinction of having 29 SARCs present at their AF SARC Workshop, which made them the largest major command in attendance.

As a member of the Joint Chiefs of Staff (JCS), General Craig R. McKinley, CNGB, signed the thirty-two star document issued by the Chairman, JCS, titled Strategic Direction to the Joint Forces on SAPR, in May 2012. This historic document focused on five Lines of Effort (LOEs). One of the lines of effort was prevention. The metrics and standards for prevention of sexual assault included unit and leadership training, which were targeted by ARNG and ANG and at the Senior Leadership level during FY12.

## **2.5. Describe any plans for FY13 related to the prevention of sexual assault.**

The JFHQ-State and Wing SARC initial training curriculum meets the pre-credentialing requirements for D-SAAC-P. During FY13, NGB will have their curriculum again reviewed by DoD SAPRO to ensure all credentialing elements and training delivery methods represent best practices for Title 32 requirements. NG will accomplish this through inviting DoD SAPRO to observe and evaluate SARC training and request input for improvement. Additionally, NG's goal is to have all SARCs and SAPR VAs who are providing victim advocacy to sexual assault, meet credentialing requirements by the end of FY13.

Senior NG Leadership will be using every public speaking occasion possible to bring attention to prevention of sexual assault and utilize printed media to call attention to the problem of sexual assault and the need for continued training efforts on bystander intervention and environmental risk reduction by commanders.

NG is part of DoD SAPRO and Services working groups to develop training appropriate to the NG at pre-command courses and at entry level for new recruits.

NG plans to include nationally recognized subject matter experts (SMEs) to train TAGs, senior enlisted leaders, and other NG leaders at FY13 Senior Leadership Conferences. These SMEs design training to help leadership better understand sexual assault prevention by understanding behaviors exhibited by victims and offenders.

Creation of a SAPR/SHARP NGB level committee of stakeholders and first responders is an NGB-J1-SAPR FY13 strategic initiative. This national level working group's efforts will bring together the Services and programs involved in response, prevention, and investigation of sexual assault. The goal is to increase communication and efficiencies and to merge efforts among all the disciplines for training of prevention and response.

### **3. Increase the Climate of Victim Confidence Associated with Reporting**

#### **3.1. Provide major steps taken to publicize and encourage the use of both reporting options (Restricted and Unrestricted) by Service or Component members (e.g., local command initiatives that demonstrate the commander's role in creating a climate of confidence, explanation of available reporting options on installation websites, etc.).**

Both ARNG and ANG are addressing the challenge to increase victim confidence associated with reporting by meeting annual SHARP and BIT unit level training requirements. Both trainings address better understanding of the two reporting options and the possibilities of what each option offers. The DEOMI command climate surveys conducted in FY12 indicate that approximately 79 percent of those who have participated in the surveys have knowledge and awareness of both reporting options.

Since commanders are also required to participate in unit level training for SHARP and BIT, they also learn about the importance of victim reporting option choices. If command understands the difference between restricted and unrestricted reporting as well as the need to protect the desires of the victim/survivor, the commander will promote an environment that encourages victims to disclose sexual assaults.

Because the CNGB, the DARNG, DANG, and senior enlisted leaders released public service announcements during FY12 publicizing the availability of the DoD SAFE Helpline as a 24/7 trained crisis intervention resource across the world, that social marketing effort increased knowledge and awareness of sexual assault reporting options for many more NG Service members. All state PAOs and NG websites contain a front page link to the DoD Safe Helpline. Each state NG SAPR program was able to provide resources to their Soldiers and Airmen through PSAs, billboards, and specialized attention during SAAM events.

The ARNG worked closely with their initial entry program, or Recruit Sustainment Program (RSP), to provide updated curriculum which appropriately outlines the reporting options available to Soldiers.

**3.2. Discuss Unrestricted and Restricted Reporting process challenges encountered, as well as the solutions your Service or Component developed and implemented during FY12 within the context of:**

**3.2.1. Joint environments**

Through increased training and public service announcements, most NG Soldiers and Airmen are now aware of their options for restricted or unrestricted reporting to SARC, SAPR VAs, and Health Care Personnel (HCP).

Since the state Title 32 structure is joint, and under TAG as the senior commander, there are no process challenges for the ARNG and ANG when they are operating within that structure. However, the challenges that present themselves are due to the many different types of duty status in which NG members may serve. Medical or counseling care options for those recovering from a sexual assault are dependent on whether or not the member was assaulted while in a military duty status that entitles him or her to payment of bills for medical or counseling care. If the assault occurred when the Service member was not in a military duty status, but reported to a SARC or SAPR VA for support/assistance, the medical or counseling support can come only from civilian resources, even though the member's military readiness may be compromised as a result of the assault.

Certain state laws that require mandated reporting of sexual assaults to law enforcement do not usually present any complications for NG Service members to elect a restricted report since mandated reporting laws generally apply to medical personnel at hospitals, rather than to NG SARC and SAPR VAs. If state laws do require mandated sexual assault reporting by hospital personnel to civilian law enforcement, usually the police have no legal requirement to notify the victim's NG commander if the victim does not identify the assailant. The NG victim can still elect a restricted report with the military SARC to request SAPR VA assistance or referrals by the SARC to civilian rape crisis centers and counselors.

NGB has established JFHQ-State SARC positions in each state that serve as the central point of contact for the ARNG SHARP and ANG SAPR programs at the state level, and collateral duty ANG wing SARC offer support at each ANG wing installation. There are trained SAPR VAs throughout both ARNG and ANG who are available in the state joint environment to offer cross Service support, if the ARNG or ANG victim prefers VA support from outside his/her individual company or squadron. The JFHQ-State SARC and ANG SARC collaborate to assign the most appropriate SAPR VA, if more confidentiality is requested by the victim.

When ARNG and ANG members are on Title 10 orders for CONUS training, active duty installation SARC occasionally are unaware that NG members are afforded the same reporting options as active duty. Additionally, during FY12, several states that utilized the Army's 80-hour SHARP Mobile Training Teams (MTTs) indicated that several individual MTT trainers gave incorrect information that the NG was not afforded the restricted reporting option. This mistake was easily corrected through participation by the JFHQ-State SARC/SHARP at each 80 hour training and notification of HQDA

SHARP curriculum personnel about the needed curriculum update.

Additionally, ARNG SHARP and ANG SAPR program managers are working closely with their active duty counterparts to ensure that Department of Army (DA) SARC/SHARPs and Department of Air Force (DAF) SARCs are trained to understand that cases involving ARNG and ANG members on active duty orders are afforded the same reporting options as any other active duty member at their respective installations.

ANG members sometimes have deployment requests for SARC/EO personnel in joint deployed environments. The Air component has not combined the duties of SARC and EO Advisors (EOAs) because of potential challenges handling unrestricted and restricted sexual reports that can be a conflict of interest with a SARC and EO Specialist. As a result, the ANG is usually not able to fill this combined SARC/EO position in a deployed joint environment. There have been differences or confusion between ANG and ARNG since ARNG implemented the Army SHARP program, which combines sexual assault prevention with sexual harassment prevention. Within Title 32 operations, sexual harassment is reported to EOAs and/or the State Equal Employment Manager (SEEM) - a GS-12 technician position.

ARNG and ANG are working closely with NGB-EO to ensure both SARC/SHARPs and SEEMs educate victims and EO complainants to understand the differences between sexual harassment and sexual assault and how each are investigated. Victims of sexual assault may possibly have restricted reporting options violated, if EO personnel or SARC/SHARPs are not trained to define sexual assault, sexual harassment, and how each are handled prior to a victim/complainant's disclosure. Since EO personnel are not within the protected professions that can keep a restricted report confidential, it is important to ensure there is no conflict of interest or confusion about reporting options for sexual assault.

### **3.2.2. Combat Areas of Interest**

At this time, NGB SAPR does not have visibility of sexual assault reports involving NG Soldiers and Airmen when the assault is reported on orders, to an active duty SARC in a deployed environment. Both ARNG and ANG are working with their respective active duty counterparts to facilitate better SARC/SHARP and SARC training to ensure that victims are educated about the benefits and resources available within their states for continuing care after returning to Title 32 status. Consistent case transfer and Title 32 SARC notification does not happen regularly when a NG member is assaulted at active duty installations or in the deployed environment.

SARC notification and case transfer happens more often if the deployed SARC is a NG SARC or SARC/SHARP. The NG Service member is aware of the need to secure benefits for the Soldier/Airman through the LOD process when the member returns to Title 32 status. Although policy allows the victim to decide whether or not his/her case will be transferred to the home state or Wing SARC for continuing care, there is no established process or training at this time to require active duty SARCs to inform the victim of this option for continuing care.

The DSAID was implemented for NG and AF during FY12. Once all active duty Services are utilizing DSAID for case management and documentation, NG anticipates that case transfer should be more easily accomplished within the DoD system of record. Additionally, as more Service members gain trust that SARCs and SAPR VAs are trained to assist victims with continuing care, more victims may become better informed to understand that all SARCs, no matter whether they are active component or from a different Service, can keep cases confidential between SARCs and SAPR VAs.

### **3.2.3. Tracking victim services**

With DSAID implemented for Title 32 case tracking in May 2012, ARNG and ANG have a new system available for tracking NG victim services. ANG also uses DSAID for tracking ANG sexual assault cases that occur when the Service member was sexually assaulted while on active duty. The system allows for transfer of cases from one SARC to another in different locations and provides a system where the SARC can document referrals for resources.

Restricted reports are entered into DSAID without any Personal Identifying Information (PII). The SARC maintains a confidential record of the victim's identity without entering any identifying demographic information into the system of records. The new system presents no problems or challenges in maintaining a victim's right to a restricted or unrestricted reports. The DD Form 2910 documenting the victim's unrestricted report is uploaded by the SARC into DSAID to ensure long-term retention of records per DoD SAPRO requirements.

The ARNG utilizes the Army's Sexual Assault Data Management System (SADMS) for tracking victim services for assaults that involved an ARNG member on active duty orders.

There is no accurate or consistent mechanism for tracking ARNG or ANG victim services at this time for sexual assaults that occurred when Soldiers and Airmen are assaulted while on Title 10 active duty orders. NG anticipates that DSAID will be fully operational in FY13 for easier case and victim service tracking between the active and reserve components.

Right now, current procedures are not defined between the active components and NG on how to pass information back to the JFHQ-State SARCs for tracking of NG victims assaulted while deployed or at training on Title 10 orders.

The ARNG and ANG are working with the active duty Services to develop procedures to facilitate notification and contact of state NG SARCs to ensure continuity of care and tracking of services. During FY12, ARNG worked with HQDA to revise the SHARP training curriculum to train both ARNG and Active Component (AC) SARC/SHARPs on how to facilitate appropriate and sensitive case transfer between military components.

ARNG recommends that the active duty Army SARC/SHARPs be directed to develop procedures to gain victim's consent to notify state JFHQ-State SARCs, in the event the victim is an ARNG member. This will ensure continuity of care.

As ANG and active duty Air Force SARCs transitioned to use DSAID in FY12, they utilized the DSAID to track referrals for sexual assault victims, along with using the previous quarterly reporting process until all components complete the transition.

**3.2.4. Restricted Reporting in any environment (including known incidents, if any, where the confidentiality of the report was breached for any reason).**

To NGB-J1-SAPR's knowledge, there have been no incidents where restricted reporting was breached for any reason during FY12. Since DoDI 6495.02 was revised in November 2008 to require the Services to allow a confidential process for initiating line LOD requests for sexual assaults, the ARNG and ANG amended the process to allow SARCs to initiate restricted reporting LODs. The process now allows for victims to have LODs that cover counseling and medical costs for restricted reports of sexual assaults. The established process does not allow unit level visibility of the restricted LOD on the electronic module. The restricted LOD is approved by one trained ARNG and ANG LOD individual at the NGB level after the SARC initiates the restricted LOD with supporting medical documentation in the electronic LOD module. The ANG LOD process has recently been updated to include online electronic capability for filing the request as the ARNG system has had since 2009. This allows for a faster and more confidential capability within the ANG LOD process.

Additionally, concerns from FY11 indicated that some victims/survivors were concerned that by disclosing a sexual assault, they would potentially lose their security clearance because forms required statements that required any counseling sought had to be declared on the security form application or renewal. That issue was resolved during FY12 through coordination with the Undersecretary of Defense (Personnel & Readiness) by review of Question 21 on the security clearance form. It is now clear that seeking counseling for sexual assault incidents does not violate a Service member's access to a security clearance. Therefore, this is no longer a concern.

**3.2.5. Other (Please explain)**

N/A

**3.3. Describe efforts, policies, and/or programmatic changes undertaken to improve Service or Component member confidence and/or victim participation in the investigative and military justice processes.**

Sexual assaults that occur in Title 32 status during full time NG training exercises or duty are usually not investigated by military criminal investigative organizations (MCIOs) because the assault did not fall under UCMJ authority for prosecution. As a result, sexual assaults that occur in Title 32 status fall under state and local law authority. The military's definition for sexual assaults may be more stringent than the state statutes and civilian law enforcement in the past have sometimes declined prosecution. As a result, commanders previously have not had trained sexual assault investigators that can provide skilled best practice type investigations to hold perpetrators accountable. As a result, some victims have not had confidence that anything can be done to change offender behaviors if there have been no action taken by either military or civilian law

enforcement.

In an effort to resolve the trained sexual assault investigative resource problem, the CNGB signed CNGB Instruction (CNGBI) 0400.01 in August 2012, establishing a trained sexual assault investigator in each state. The new CNGBI created the NGB-JA Office of Complex Investigations (OCI) that provides an investigator upon request of TAG. These investigators attend the Army's Sexual Assault Investigators' School at Fort Leonard Wood for a two week extensive course on how to conduct a sensitive and complete investigation of a sexual assault report that occurred outside UCMJ authority/jurisdiction and which the civilian authorities have not elected to pursue. NGB-JA/OCI establishes a determination whether or not there is a NG nexus for the request and whether the request for investigation meets the criteria set in the instruction for investigation. After the nexus is determined, an investigator is assigned, and the OCI conducts interviews and completes a report for TAG that allows TAG to take administrative actions based on the investigation findings. A CNGBI Manual was also created to establish process expectations.

The end goal for the NGB-JA/OCI is to have a minimum of two investigators per state/territory/DC trained as a state resource. These specialized investigators will be assigned cases outside their state jurisdiction by the NGB-JA/OCI to ensure there is no perception of conflict of interest.

Through DoD SAPRO support to provide seats for NG investigators at the Fort Leonard Wood training school, and through financial support from the ARNG and ANG to cover travel/per diem expenses of the investigators conducting investigations outside their own state, the NG now has confidence that best practice sexual assault investigations will be available to states when Military Criminal Investigative Organizations (MCIOs) or civilian law enforcement will not investigate sexual assaults reported when Service members are not under UCMJ authority. NG believes that this new resource will encourage more victims to report and to have confidence that their assault will be properly investigated by people who have gone through specialized investigator training.

Additionally during FY12, CNGB published CNGBI 1303.01 Expedited Transfer of Military Service Members who File Unrestricted Reports of Sexual Assault guidance. This instruction was created to support the FY12 DoD SAPRO DTM that allows for victims to request to be moved to a different location or alternate drill training weekend from his/her alleged perpetrator. The CNGBI details the specific Title 32 process required to support expedited transfer requests. Additionally, SARCs are required to submit reports to NGB on a monthly basis that detail all requests for expedited transfer and the results of those requests. Those numbers are then shared with the respective active duty Service and submitted to DoD SAPRO for tracking.

This additional option to victims for expedited transfer was undertaken from the CNGB level to increase confidence and encourage more victim participation in the military and administrative justice process within the NG.

**3.3.1. Describe how you are addressing the number of victims that decline to participate in the military justice process each year.**

The military justice process is available to NG members who are assaulted when they are on active duty orders and under UCMJ authority. NG does not have visibility of how many NG members decline to participate in that process if the assault occurred on active duty. It is unknown how many NG members have declined to participate in any civilian criminal prosecutions for assaults that have occurred in Title 32 status reported in the states.

It is expected that the addition of trained investigators in the states will enable NGB to better measure how many victims in Title 32 status decline to participate in the administrative action process.

CNGBI 0400.01 that created the new investigative resource of the Office of Complex Investigations and the follow-on CNGBM that describes the process for investigations, allows SARCs to be present and supportive of the victim if/when the victim agrees to participate in the unrestricted report investigation. This is designed to establish trust in the administrative process with trained sexual assault investigators.

**3.4. List initiatives and programs implemented to reduce the stigma and overcome barriers associated with reporting sexual assault (e.g., thinking the report will not be kept confidential, being afraid of retaliation or reprisal, thinking nothing will be done about the report, and any other barrier to reporting identified through research).**

By actively publishing the DoD Safe Helpline resource through PSAs by NGB senior leadership, greater confidence is built within NG Service members for the ability to keep sexual assault reports confidential. The DoD Safe Helpline allows total confidentiality if the victim/survivor does not want anyone in the state notified of the report.

Because the NG SAPR and SHARP programs are state-based and the JFHQ-State and Wing SARCs work closely together, victims are able to be assisted by a SARC outside their Service to gain greater confidentiality and alleviate concerns of stigma.

The ARNG is currently taking part in the Army's anti-stigma campaign and has assigned an ARNG officer to serve as a member on the taskforce.

The small group, gender and rank segregated BIT conducted by ANG, provides the opportunity for smaller educational settings, allowing for better anti-stigma messaging. Additionally, SARCs have utilized training messages created by Dr. Gail Stern, author of "Beat the Blame Game," that challenges the beliefs that provide cover for people who perpetrate sexual violence. This portion of BIT training breaks down the beliefs of where victim blaming comes from, the arguments that are used, and teaches SARCs how to respond to those arguments. This exercise helps people to challenge their own beliefs and learn how to challenge the beliefs of others. Dr. Stern presented this training



to both JFHQ-State SARC and Wing SARC at the annual refresher training workshop for SARC in April 2012.

These cumulative, specific efforts and options for education, additional resources, and investigations from NGB-JA/OCI are designed to reduce stigma and communicate to NG Service members that they are safe from reprisal, retaliation, and violations of confidentiality. All efforts are meant to encourage climate change within individual commands and to increase confidence in the reporting systems.

**3.5. Describe any progress made in FY12 on reporting-related efforts identified in last year's report.**

The number of reported sexual assaults increased during FY12 from previous FYs. This increase in reports may indicate more confidence from victims to come forward after receiving unit level training through ARNG SHARP Tiered training and ANG BIT training. By ensuring all unit level training is completed, victims have a better perception of command that the reports will be handled and treated as valid.

There was also an increase in execution of funding resources by the JFHQ-State and ANG Wings. This funding was often used to provide additional unit/squadron level dynamic training and resources intended to keep NG members engaged and aware of reporting options to trained SARC and SAPR VAs.

**3.6. Describe any plans for FY13 to increase the climate of confidence associated with reporting.**

FY13 training initiatives are designed to increase the confidence NG Service members have for reporting sexual assaults to leadership. Additional training to top leadership about sexual assault trauma, victim blaming, and offender characteristics and manipulating behaviors, will help leadership understand their obligations to instill the need for cultural change within their Area of Responsibility (AOR) that demonstrates sensitive, supportive treatment of victims and accountability for offender actions. Additionally, the NG is fully engaged with DoD SAPRO, Army, and Air Force to provide input and specific training materials for pre-command training that is required by a 25 Sep 12 SECDEF Memorandum. By focusing on the improvement of officer and enlisted leader training, NG and the Services will be able to better create environments that establish a reduced risk of sexual assault, and change climates that tolerate attitudes that would allow sexual assault to occur with no accountability.

Additionally, the ARNG and ANG will continue to monitor required leadership training at the unit and wing level to ensure that all leaders have met SHARP and BIT requirements.

As more state TAGs begin to utilize the NGB investigative resource, during FY13, NG anticipates that greater confidence in reporting will result.

D-SAACP program certification requirements will add credibility to the NG program and

SARC and SAPR VA skill sets during FY13.

#### **4. Improve Sexual Assault Response**

##### **4.1. Describe the policies, procedures, and initiatives implemented or advanced during FY12 to respond to, or improve the response to, allegations of sexual assault.**

SARCs and SAPR VAs provide the majority of response to allegations of sexual assault for NG victims who are sexually assaulted when in Title 32 status in the state. In an effort to always ensure the best initial and refresher training is available for SARCs, NG hired a training developer during third quarter FY12. This employee has extensive SARC and VA experience and has focused specifically on updating SARC and SAPR VA training curriculum to guarantee that all initial and refresher training meet D-SAACP requirements. When SARCs hold their first in-state SAPR VA training for their own VAs, NGB training staff provides oversight and assistance within the state to ensure that all invited SMEs and trainers are training to DoD standards for response to victims of sexual assault. This procedure for oversight is necessary when new state level SARCs are holding their first SAPR VAs trainings.

Additionally, JFHQ-State SARCs are required to attend and provide oversight at Army 80-hour SARC/SHARP trainings conducted by MTTs that come to their states. This participation by the SARC can ensure accurate Title 32 state information is included in the Title 10 specific SHARP training.

During FY12, NGB-J1-SAPR provided professional development refresher training for SARCs that included advanced training on response. The continuing education training included information from military and non-government SMEs on reducing and eliminating victim blaming behaviors, recognizing bias that may prevent the best practice response, and understanding sexual violence as part of intimate partner violence.

At the second SAPR Leadership Summit in November 2011, specific SME trainers presented on how the language used by first responders, and how assaults are reported or described can contribute to victim blaming and negate effective response from chaplains, JAG, law enforcement, and SARCs. The leadership summit was extremely well received and achieved a 95% approval rate in the evaluation responses.

With the development and publication of the CNGBI detailing procedures for handling Expedited Transfer Requests of Unrestricted Reports on Sexual Assault, the NG allowed for additional improvement on handling responses to sexual assault in Title 32 status. This policy allows for victims to request transfers or a change in drill weekends after submitting an unrestricted report of sexual assault.

Additionally, the social media publicity associated with Sexual Assault Awareness Month and the DoD Safe Helpline availability has improved response capabilities throughout the NG.

As part of the initiative to better track and document cases in Title 32 status, the NG held six regional day long trainings for JFHQ-State SARCs, ANG Wing SARCs, and their alternates and assistants during March and April 2012 on use of DSAID.

**4.2. List the number of new SARCs (include Deployable) and SAPR VAs (include Deployable) trained; the types of training received, which must include refresher training, and if the training was received prior to deployment.**

**4.2.1. SARCs (include Deployable)**

During FY 12, NGB-J1-SAPR provided 40 hours of initial SARC training to 79 JFHQ-State SARCs, ANG Wing SARCs, alternates and deploying ARNG SARCs at three separate training events. All NGB-J1-SAPR initial SARC training is conducted prior to deployment.

ANG SARCS are currently being deployed only to augment AF SARC shortfalls.

**4.2.1.1. List the *total* number of SARCs your Service or Component had at the end of FY12.**

JFHQ-State SARC positions included 54 primary dual status military technician SARCs and their 28 alternates/assistants for a total of 82 at the JFHQ-State level. ANG Wings have 90 primary SARCs and many Wings have alternates for a total of Wing SARCs for a total of 172 ANG SARCS.

**4.2.1.2. List the number of SARCs that were trained for the first time in FY12 (i.e., list the number of *new* SARCs your Service or Component had in FY12).**

SARC Initial Training Numbers Total for NGB: 69

Primary JFHQ-State SARCs: 14

Alternate/assistant JFHQ-State SARCs: 17

Primary ANG Wing SARCs: 25

Alternate Wing SARCs: 13

In the ARNG, Soldiers who are selected to serve either as a SARC/SHARP or VA/SHARP Specialist receive an initial 80-hour SHARP Specialist Training. Those numbers are included in the active components' overall SARC/SHAPR training numbers for FY12

**4.2.1.3. List the number of SARCs that received training that would allow them to operate in a deployed environment in FY12.**

Both ARNG and ANG SARCS receive NGB Initial SARC training prior to deploying.  
Total : 249 (79 Initial SARC and 170 Refresher SARC)

ANG SARC training also allows them to serve in a deployed environment, if selected for deployment as a SARC. However, since ANG SARC duties are collateral to their Wing Executive Support Officer (WESO) technician position, they do not deploy with active

duty AF specifically as a SARC. ANG Wing SARCs may be considered to fill a full time deployed AF SARC position based on their training as an ANG SARC. There are 172 trained ANG SARCs available for deployment with AF.

**4.2.1.4. Identify the number of new SARC positions slated for FY13.**

There are no new additional SARC positions slated for FY 13 in the NG.

**4.2.2. SAPR VAs (include Deployable)**

In FY 12 the ANG had 382 SAPR VAs and the ARNG had 2300 VA/SHARP personnel.

**4.2.2.1. List the number of personnel trained in FY12.**

79 (SARC) Initial 40-Hr SARC Course  
799 (VAs) Initial 40-Hr Victim Advocate Course (ANG SAPR VA 105 and ARNG SAPR VA 694)  
1271 ARNG VA/SHARP Specialist – 80 hour HQDA SHARP MTT course  
170 SARC Refresher (ANG: 8 JFHQ-State, 2 Alt JFHQ-State, 71 Wing, 18 Alt Wing  
ARNG: 46 JFHQ-State, 25 At JFHQ-State)  
38 VA Refresher (ANG: 13 SAPR VAs, ARNG 25 VA/SHARP)

**4.2.2.2. How many trained to allow them to operate in deployable environment.**

The total is 2357 personnel.

**4.2.2.3. List the number of assigned VA positions planned for FY13.**

The number of required collateral duty for VAs for the ARNG and ANG are dictated within AR 600-20, Chapter 8 and AFI 36-6001. ARNG is required to have a minimum of 2 SAPR VA/SHARPs at each battalion, and ANG requires a minimum of 2 VAs at each ANG Wing. ANG VAs are volunteers and require the standardized AF VA training and supervisory permission to serve in the role. All ANG VAs are recruited, interviewed, and selected by the ANG SARC and must complete a favorable background check and credentialing requirements before being assigned to a case.

**4.2.3. Describe your efforts to comply with the FY12 NDAA requirement for a full-time SARC and full-time VA at the brigade/battalion or equivalent level.**

Since 2008, there has been a full time dual status military technician, non-dual civilian technician, or an Active Guard Reserve (AGR) military member serving as a full-time SARC at each JFHQ-State. NGB-JAG, in coordination with OSD Office of General Counsel (OGC) determined the JFHQ-State is the equivalent to the brigade for Title 32 NG personnel under TAG as the senior commander.

The JFHQ-State SARC position is resourced from existing technician allocations to the states and no new allocations are authorized through manpower or funding for technicians. The positions that have been in place since 2008 through previous resources provided by the ARNG meet the FY12 NDAA requirements for full-time SARCs. A new technician position description for a full-time SAPR VA at the JFHQ-State is in being classified at this time. In order to fill those full time SAPR VA positions at the state level, states need to utilize existing technician allocations since no new

funding or manpower resources are authorized by either ARNG or ANG. During FY12, technician manpower allocations were cut for both ARNG and ANG.

**4.3. List the number of personnel who received sexual assault training:**

**4.3.1. Commanders (i.e., Pre-command, Flag and General Officer)**

Approximately 128 NG leaders attended the second SAPR Leadership Summit in November 2011. Those included 82 field grade officers, 28 senior enlisted, 3 chief warrant officers, 16 state level general officers, 6 NGB general officers, and 3 senior enlisted. There were also 109 SARC's attendance and many NGB staff representing a variety of support programs in the NG for a total of 251 people.

During the FY12, the ANG quarterly data report included a total of 794 commanders trained in ANG BIT classes.

**4.3.2. Criminal investigators**

National Guard has CID units in four states and active duty OSI units co-located at some AF/ANG installations. The active component CID/OSI has oversight and authority for case assignment in those states and installations. Investigative resources are usually limited to civilian law enforcement or MCIOs when the incident occurred on Title 10 orders. Training is conducted by the AC for investigators.

During FY12, NGB had 10 sexual assault investigators trained at the Fort Leonard Wood school for sexual assault investigations. Those individuals will act as the initial cadre available for TAG requested sexual assault investigations.

During FY12, the ANG quarterly data report included a total of 9 criminal investigators trained in ANG BIT classes.

**4.3.3. Law enforcement**

During FY12 ANG trained a total of 1045 security forces in BIT classes.

**4.3.4. Medical personnel**

During FY12 ANG trained a total of 451 medical personnel in BIT classes.

**4.3.5. Judge Advocates (include Trial Counsel, Legal Assistance Attorneys, and Defense Counsel broken down by each categories)**

During FY12 ANG trained a total of 451 Judge Advocates in BIT classes. The classes were not specific to legal procedures for sexual assault, so the categories were not broken out.

**4.3.6. Victim Witness Assistance personnel**

N/A to Title 32 resources. Victim Witness Assistance personnel are specific assets to active duty Judge Advocates.

#### **4.3.7. Chaplains**

The ANG Chaplains held a SAPR update brief to approximately 30 ANG chaplains during FY 12. An additional 160 ANG Chaplains were trained during BIT classes.

#### **4.4. Describe any outcome metrics your Service or Component has developed to measure the impact or effectiveness of the training provided to the personnel specified in the sections above (i.e., SARCs, VAs, commanders, criminal investigators, law enforcement, medical personnel, judge advocates, Victim Witness Assistance personnel, and chaplains).**

NGB-SAPR and SHARP program offices have oversight only for the JFHQ-State SARCs and ANG Wing SARCs trained by NGB-SAPR. All training oversight of the others listed is handled by that profession. All initial SARC trainings are evaluated for effectiveness by surveying participants after each block of training.

SARC data management training effectiveness is tracked for accuracy of sexual assault data input to DSAID by Service program managers and the number of days between incident notification and opening case in DSAID.

Additionally unit level training is documented and tracked by both ARNG and ANG. SARCs and their SAPR VAs usually are assigned the responsibility for conducting training in their units/squadrons. NGB-SAPR also tracks and reports the number of required state level monthly Case Management Board meetings by requiring submission of the agenda and minutes from the meetings. This information is reported to NG Senior Leaders on a quarterly basis.

#### **4.5. Describe efforts to provide trained personnel, supplies, and transportation to deployed units in order to provide appropriate and timely response to reported cases of sexual assault.**

During deployment, NG SARCs and VAs are under active component control and receive supplies and transportation from the Army and AF. Assistance and support are provided by NGB to the deployed SARC upon request if needed.

#### **4.5.1. Provide information regarding any existing gaps in supply inventory, as well as the shortage of supplies, trained personnel, and transportation resources to support deployed units in responding to allegations of sexual assault.**

N/A to Title 32 situations.

#### **4.5.2. List the number of victims, if any, whose care was hindered due to lack of available Sexual Assault Forensic Examination (SAFE) kits or other needed supplies, and describe the measures your Service or Component took to remedy the situation at those locations.**

NGB is not aware of any victim care that was hindered due to lack of available SAFE kits or other needed supplies. This information would come from the active component.

National Guard victims of sexual assault would receive a forensic examination at civilian medical facilities if the assault occurred in a Title 32 status where military medical treatment facilities were not available to the victim.

**4.5.3. List the number of victims, if any, whose care was hindered due to the lack of timely access to appropriate laboratory testing resources and describe the measures you took to remedy the situation.**

NGB is not aware of any victim care that was hindered due to lack of timely access to appropriate laboratory testing resources. This information, SAFE kits, and other supplies would come from the active component.

**4.6. Describe sexual assault-related healthcare initiatives undertaken by your Service or Component in FY12:**

**4.6.1. Describe any mental health treatment programs implemented by your Service or Component to decrease the short- or long-term impact of sexual assault on victims.**

The JFHQ-State DPHs and the Wing DPHs have worked actively with SARCs to provide immediate mental health assessment when SARCs make survivor referrals to them. Military rule of evidence protects mental health privileged communication for sexual assault disclosure; the DPHs can keep the disclosure confidential and refer the survivor to SARCs for restricted reporting resources and victim advocacy without notification of law enforcement or commanders. This privileged communication allows victim/survivors to heal through short-term mental health care and allows DPHs to provide crisis intervention. This immediate care helps decrease long-term impact from sexual assault and encourages more victims to report.

**4.6.2. Describe any initiatives to develop protocols for initial and follow-up treatment for victims of sexual assault that is gender-responsive, culturally-competent, and recovery-oriented.**

JFHQ-State DPHs and Wing DPHs conduct recovery-oriented bio-psychosocial assessments and refer victims of sexual assault to appropriate helping agencies. A Standard Operating Procedure (SOP) was developed to guide the Wing DPH in assisting the Service member in navigating the complex system of care through referral management.

**4.7. Describe your procedures and efforts for providing resource referrals to victims, including any challenges faced.**

Depending on the victim's wishes and whether the assault happened on active duty, or in Title 32 status, a variety of resources are available to assist victims. If the victim was on active duty and elects an unrestricted report, the commander can refer to the active duty MCIO for investigation. The SARC/VA can also assist the victim with referrals to Military Trauma Treatment Centers at the Department of Veteran Affairs, for counseling resources if the victim has a DD Form 214. If the assault occurred during Title 32 duty status or on active duty, the SARC can initiate a LOD request for coverage of counseling and/or medical care. The LOD resource is available for either an unrestricted or restricted report when the assault occurred during active service. However, many NG victims report sexual assault to a SARC or SAPR VA when the assault occurred in a civilian status, so NG SARCs must be well trained and knowledgeable about their state's anti-sexual violence coalitions, local rape crisis centers and counseling resources, and military chaplains so additional referrals are always available if an LOD is not possible. Additionally, SARCs work closely with their

state or Wing DPHs to provide assessments and care as needed.

Some challenges for the NG can fall within initiation of LODs for continuing care. If the assault occurred on active duty and was reported to an active duty SARC, there may sometimes be problems if the active duty SARC did not create a case record or document the incident through a DD Form 2910. It becomes more difficult to initiate an LOD for cases that occurred on active duty when the victim did not receive a copy of the DD Form 2910 or there is no documentation of any type of medical or counseling care while on active duty orders. Failure to transfer cases can create delays in treatment or payment for counseling care if/when the victim reports the assault again after returning to Title 32 status.

ANG reported a FY12 case challenge for an ANG member who was assaulted at an AFB while on orders. When the case went to court, the victim was pressured to release her Department of Veteran Affairs record to the Judge for review, and because of that pressure, the victim has not returned to the Veterans Affairs for care.

**4.8. Describe your Service efforts or plans thus far to establish a special victim capability within your Service, comprised of specially trained investigators, judge advocates, and victim-witness assistance personnel. (Not applicable to NGB) But submitted for the SA Investigator information per DoD SAPRO guidance**

During FY12, the CNGB requested a review by the NGB SAPR team and NGB-JA Office of the Chief Counsel of FY10 and FY11 unrestricted sexual assault reports. The purpose of the review was to determine how states are investigating unrestricted sexual assaults within the state laws or state military code of justice. The results of the review were then examined and it was determined that because of the limited access to active duty MCIOs and civilian law enforcement's reluctance to investigate sexual assaults that may not fit into the state's felony sex crimes, there was a need for NG specialized sexual assault investigators to provide TAGs with investigators who are specially trained to interview and investigate reported sexual assaults that do not fall under UCMJ jurisdiction or that are declined by civilian law enforcement.

With the need established through review, the CNGB stood up a specialized office through NGB-JA, called the Office of Complex Investigations (OCI). DoD SAPRO agreed to provide training seats for NGB-JA/OCI selected NG Service members at the school established at Fort Leonard Wood for specialized sexual assault investigators, and NG was able to get 10 investigators trained during FY12. Additional seats at the school will be available during FY13 for additional training opportunities. NGB-JA/OCI published CNGBI 0400.01 in August 12 with an accompanying manual that details guidance for TAG request for use of the specialized investigators.

The new resource does not meet the technical description for special victim capability to include victim witness-assistance personnel and specific judge advocates because those are resources applicable only to federal active duty situations. However, with specialized sexual assault investigators now available to TAGs for sexual assaults that are not investigated by MCIO or civilian law enforcement, NG believes that victims who elect unrestricted reports of sexual assaults in state status, are afforded much better opportunities for thorough and sensitive investigations that did not exist in the NG prior



to FY12.

**4.9. Describe your Service or Component's efforts or plans thus far to implement a process for a member of a reserve component who is a victim of sexual assault (committed while on active duty) to be retained on active duty until the line of duty determination is complete.**

NGB-J1-SAPR added this guidance to the NGB-SAPR 40-hour SARC and SAPR VA training to ensure that SARCs and SAPR VAs are aware of their responsibility to bring this to attention to victims who report during Title 32 status that they had previously been sexually assaulted when on Title 10, active duty orders. They will be informed of the counseling and medical resources that are available to them while the LOD determination is made. Additionally, a block of training will be added to the annual SARC refresher training in order to ensure all SARCs know of the availability of this option for victims.

ANG established policy guidelines IAW MEDCON Policy changes on 15 Aug 12. The policy states that members with a LOD condition may request to be retained on orders for up to 30 days with approval from the member's home station unit commander and the orders issuing authority if the Airman has incurred or aggravated an injury, illness, or disease in the line of duty. Note: The purpose of this extension is to allow more time to process the LOD and obtain additional medical documentation needed for MEDCON, if applicable. (Medical documentation may not be necessary for this initial "pre-MEDCON" extension.)

In addition, an Airman may be eligible for MEDCON orders when an injury, illness, or disease is incurred or aggravated while serving on orders and that condition renders the Airman unable to perform military duties. MEDCON eligibility requires a LOD determination and a finding by a credentialed military health care provider that the Airman has an unresolved health condition requiring treatment and renders him/her unable to meet retention or mobility standards IAW AFI 48-123, Medical Examinations and Standards, Chapters 5 and 13.

**4.10. Describe any progress made in FY12 on response-related efforts identified in last year's report.**

In an effort to improve response-related efforts identified in last year's report, the NGB Joint SAPR and SHARP team conducted four FY12 Staff SAVs to states/territories that were either in transition between SARCs, or had specifically requested NGB-SAPR team visits. During those visits, the team met with the state's Joint, ARNG, and ANG leaderships to provide an overview of SAPR/SHARP program policy requirements, and to answer specific questions concerning operations and policy. Additional SAV objectives were to:

- a. Assist new JFHQ-State and Wing SARCs on steps to set up program and provide checklists for program development.
- b. Define requirements for a CMG at the state level under the joint umbrella to maximize state resources and personnel.
- c. Present updates on NGB and DoD SAPR goals and initiatives.
- d. Prepare state leadership for a possible increase in reported sexual assaults after SAPR training is received and the program is better developed in the state.

In the states where NGB-J1-SAPR initiated the SAV, there were some initial perceptions that the SAV was an inspection as opposed to an assistance visit designed to support and guide the state. However, with emphasis on assistance and focus on providing additional information to leadership and the SARCs, there was a willingness to take SAV team's recommendations and proactively move forward with program development through transitions.

The SAVs were beneficial in bringing an individual state's attention to issues of concern in states where there had been transitions or lag in program development. One state noticed a decrease in the number of sexual assaults being reported by ANG members. The Wing SARC shared a comment of concern that was anonymously reported in a safety survey, indicating a possible change for the worse in climate and culture where wing members no longer had confidence that they were safe from reprisal if reporting an assault. By sharing this concern at the SAV, the state's senior leadership was made aware and able to initiate change through training and directly addressing the concern through a memorandum stating support of the SAPR program and reporting process. Statistically, SA reports tend to increase with improved education and training such as BIT, so it is important to be aware that when a state's report numbers decrease or they have no cases reported, leadership must be made aware of concerns expressed in surveys that incidents may be going unreported due to changes in climate.

Overall, the SAV team found the visits were productive and SARCs appeared to have a clear understanding of tasks and actions that were needed to move their program forward. The team conducted out briefs in each state for Joint, ARNG, and ANG leadership. Those leaders shared that they felt the visit led to a greater understanding of SAPR program development requirements.

Some ANG SAVs were conducted by other Wing SARCs to assist new SARCs in utilizing tools like the self-inspection checklist. 67 Wings had Unit Compliance Inspections (UCIs) and only two units failed due to transitions in SARC, and inability to locate records. The previous SARC in one instance has returned and a SAV is scheduled for FY13 to evaluate progress. The other unit corrected the deficiency.

**4.11. Describe any plans for FY13 to improve sexual assault response.**

- Continue to conduct SAVs to states in transition or states requesting them
- ANG will continue to monitor the results of UCIs
- NGB-EO is developing a statement for State Equal Employment Managers (SEEMs) to be read to complainants/victims that details the differences between sexual harassment reporting and mandated command investigations and sexual assault and the reporting options available. This "preamble" to meeting with military members who may be victims of sexual assault or sexual harassment complainants

is intended to provide less confusion for Service members and to ensure that their restricted reporting rights are not violated.

- New pre-command training will be provided to all commanders and senior NCOs per SecDef memorandum
- Implementation of new AF unit training on SAPR for FY13
- Development of NGB level SAPR/SHARP Committee to coordinate value-added working relationships with colleagues in EO, SG, JAG, Chaplains, PAO, etc.

**4.12. Other (Please explain)**

N/A

**5. Improve System Accountability**

**5.1. Provide a description of how you execute oversight of your SAPR program. Please include a synopsis of the formal processes, participants, etc. that support oversight of the program.**

Beginning in FY 11, the NGB J1/G1/A1 leadership defined SAPR and Army SHARP program functions and responsibilities for Joint, ARNG, and ANG policy, manpower and personnel divisions. NGB-J1-SAPR provides policy and DoD level interaction, oversight of DSAID use and implementation, and also conducts SARC training. The NGB-G1 and NGB/A1 determined that individual Service program execution responsibilities fall to their offices for field level execution and interaction, and reports for their individual parent Service program offices. With this organizational structure, program oversight depends on the responsibility or role being monitored.

NGB-G1 has responsibility for the SHARP program function within the NGB/G1-HRS-P office. Oversight for field level program execution implementation of the SHARP program falls to ARNG. Responses to sexual harassment complaints continue to go to the EOAs and SEEMs within the state Title 32 structure under TAG.

The active duty Army and AF have additional program oversight responsibilities conducted by their respective IGs. ANG Wings are scheduled for UCIs by their MAJCOM IGs and only two Wings out of sixty-seven failed to meet compliance inspection standards. There were no DA IG ARNG SHARP state program inspections done during FY12. ANG SAPR, in the NGB/A1S offices has primary involvement and responsibility for oversight of the ANG SAPR interaction, and program execution at ANG Wings. The NGB/A1 represents ANG on the AF Executive Steering Group (ESG) for program oversight.

NGB has a SAPR Advisory Council (SAPRAC) in place that is chartered by the CNGB, falls under the J1-Functional Advisory Council (FAC), and meet two times each year to discuss program oversight information and regional issues faced by JFHQ-State SARCs. The SAPRAC consists of two JFHQ-State SARC representatives from seven different regions.

The NGB-J1, Director of Manpower and Personnel, serves as the NG representative to

the DoD SAPRO Integrated Product Team (IPT), which meets approximately every six weeks. The IPT includes SAPR senior leaders for all Services, who represent program oversight for their respective Service. NGB-J1 coordinates and informs NGB-G1 and NGB/A1 of overall SAPR updates and issues.

The CNGB serves as a member of the Joint Chiefs of Staff, and participates on the Joint Executive Council (JEC) that receives quarterly SAPR metrics briefings as required by the Joint Chiefs of Staff (JCS) Strategic Direction to the Joint Force on SAPR. The JEC has oversight of the progress for the Five LOE metrics.

SAVs are conducted by NGB-SAPR team members when states request a program review. The process is initiated from either the state or NGB level based on the purpose of the visit. The J1/G1/A1 SAPR/SHARP team brief the state leadership on the program requirements, provide detailed interaction with the state SARCs, and then provide an out-brief to the state leadership on recommended changes or issues needed to move the SAPR program forward.

**5.2. Describe the oversight activities that have taken place during FY12 with the methods or approaches you use to perform oversight, including but not limited to the documentation and outcomes of:**

**5.2.1. Program management reviews**

FY12 SHARP implementation oversight included the three tiers of SHARP training to include leadership, individual, and self study online training for all ARNG members. ARNG also provided oversight to active duty Army for tracking and documenting the 80-hour SHARP training of NG Soldiers. ARNG detailed training changes needed to SHARP curriculum developers and MTTs during FY12 to ensure Title 32 state operational guidance was included in the 80 hour training. However, the SHARP office was not able to update the curriculum to provide specific Title 32 operations, or ensure all MTTs were trained to understand the Title 32 specific information. The oversight to delivery of MTT 80 hour curriculum then fell to the JFHQ-State SARC for accuracy and clarification of any questions specific to Title 32.

The JFHQ-State SARC provides oversight to the ARNG SHARP program at the state level, to include SAPR VA monitoring and oversight of case management. The JFHQ-State SARC coordinates with the ANG Wing SARC to assist with ANG program requirements. The JFHQ-State SARC provides overall state reports to TAG, and Assistant TAG for ARNG.

ANG SARCs at the Wing level are responsible for ensuring their program is being executed per AFI 36-6001 for Title 32 situations, as the current AFI applies to the ANG when they are in federal service. It does not cover specific guidance when in state status. ANG SARCs and VAs coordinate with the JFHQ-State SARC for potential sexual assault response capability across the state. The formal processes for training and reports go through the NGB-A1S office.

Army SHARP conducted SHARP implementation oversight using a “Red Team” that visited installations for review of the status of SHARP implementation in the field. The ARNG SHARP Program Manager participated in some of the visits to installations. At this time there are no final published results of the oversight findings for the “Red Team” and implementation results specifically for ARNG when in Title 32 status.

NGB-J1-SAPR is tasked to provide a SAPR program status report to CNGB for each state’s annual progress in implementing all program guidance, training, and submission of data to NGB-SAPR. The metrics for training progress and other program updates or concerns were reported to CNGB on a quarterly basis during FY12. These measures serve as a measure of state program development and implementation to provide SAPR program oversight. Methods included monitoring the data elements submitted on a monthly basis, and compiling the quarterly data, which included reporting of SAPR/SHARP/BIT training numbers; approval and oversight of state conducted VA trainings; monthly case review meeting agenda, and review of non-confidential minutes; documentation of completion of annual VA refresher training; participation in monthly SARC conference calls for training updates; and completion of annual SARC refresher training requirements.

This compilation of state and Wing program progress was then briefed to the CNGB, the Director of the NGB Joint Staff, and the DARNG and DANG. It is important to recognize that the ultimate authority for state Title 32 program development and oversight falls to TAG. NGB provides guidance and program oversight to the states and through collaboration, works for change. However, NGB no authority to compel them to make changes because final authority lies with the state governor in Title 32 situations.

Four staff assistance visits to states and territories were conducted during FY12 for joint policy and training assistance. These visits included program oversight briefings to key senior leadership and program development and management meetings with JFHQ-State SARCS. The SAPR team used checklists and self-assessments as methods for review and evaluation of program development. A final out brief and evaluation was provided to state leadership to report program effectiveness, suggestions for possible improvements, as well as any identified best practices.

### **5.2.2. Inspector General (IG) inspections of the program**

The AF MAJCOM IGs conduct UCIs at the ANG Wings within their specific MAJCOM. ANG had 67 UCIs conducted during FY12 and only two wings failed the inspections. Corrective actions are now in place at these Wings and SARC transitions have been completed. The tool used for UCIs is included in the AF 36-6001 functional inspection guide.

Additionally, the AF IG conducted a 24/7 Hotline Exercise and Review for ANG SARC telephone contact information during September 2012. The method of oversight was to conduct phone calls to ANG SARCS initially, and then to the JFHQ-State SARCS as a

secondary activity. The outcomes indicated that the SARC cell phones should not be listed as a "hotline" and that there were delays in returning calls to the IG. There was a 75 per cent SARC contact response overall for both the state and wings SARCs either immediately or by callback. Faster response is definitely needed and a centralized response system must be in place to ensure response capability, as is available through the DoD Safe Helpline. NGB IG assisted AF IG in conducting this audit.

There were no DAIG inspections of the ARNG SHARP program during FY12.

**5.2.3. Identify the number of victim inquiries referred by SAPRO to your headquarters and the number of victim inquiries resolved in FY12.**

ANG received one referral from DoD SAPRO and this issue was resolved at the program manager level.

**5.2.4. Other (Please explain)**

N/A

**5.3. Describe any standards or metrics you have established to assess and manage your SAPR program. If you have begun assessing your SAPR program using the standards or metrics established, please describe your assessment findings thus far.**

NGB-SAPR FY12 metrics included tracking and reporting to the CNGB the requirement for monthly case review management meetings; progress of unit level ARNG SHARP three tier training, and ANG BIT requirements. All unit level training progress was expected to reach over 90% of available Service members in order to show acceptable progress. Both ARNG and ANG met those standards at the end of FY12 for the unit level training by achieving meeting 97 and 93 percent of unit personnel trained. ANG's BIT leadership module was included in the 93% trained. ARNG SHARP Tier I leadership training is continuing in FY13 to meet the required metrics.

In FY12, the ARNG developed manning metrics to evaluate how successful states have been in identifying, training, credentialing, and conducting mandatory background checks for all individuals identified to serve as SARC/SHARP and VA/SHARP personnel.

ANG measures included the following initiatives:

- Institutionalize Prevention Strategies in Military Command: Awaiting the results of the latest DMDC survey for the Reserve Component due in FY13.
- Increase Climate of Victim Confidence Associated with Reporting: Reporting more than doubled from last year from 21 in FY11 to 46 in FY12 illustrating increased confidence in the SAPR program.
- Improve Sexual Assault Response: No measures developed in FY12, but will be implemented in FY13.
- Improve System Accountability: DSAID used to report all cases in FY 12.

- Improve Knowledge and Understanding of SAPR: 93% of Air Guardsmen received Bystander Intervention Training in FY 12, which was a 57% increase from FY 11 of 36% training rate.

**5.4. Describe steps taken to address recommendations from the following external oversight bodies:**

**5.4.1. Government Accountability Office**

The GAO report titled "Oversight and Better Collaboration Needed for Sexual Assault Investigations and Adjudications," was specific to the active component, and sexual assault investigations and adjudications under the UCMJ did not examine the NG Title 32 SAPR program. Since investigations and adjudication of Title 32 sexual assault reports fall under individual state laws, the GAO report did not provide specific recommendations.

**5.4.2. DoD, Military Service or Component IG**

ANG Wings go through UCIs by the AF Major Command (MAJCOM) IG. Standards are evaluated based on the AF 36-6001 SAPR program checklist. Individual Wings are meeting compliance standards and passing inspection with only two failures during FY12. Metrics for the UCI are defined in AFI 36-6001, but some requirements are not interpreted in the Title 32 situation exactly as they are for the active component since resources and manning are not identical. For those wings that fall short, they are required to submit a corrective action plan to meet the deficiency. Those plans are reviewed by the ANG SAPR Program Manager to determine effectiveness.

The Army IG included some states in an IG inspection during initial implementation of SHARP in 2009. A response to findings was provided to Army in Jul 10.

**5.4.3. Defense Task Force on Sexual Assault in the Military Services**

The December 2009 Defense Task Force on Sexual Assault in the Military Services (DTFSAMS) report to Congress included several recommendations for DoD SAPRO and the NG program. Recommendation number four addressed inclusion of a general officer from the NG as a member of SAPR advisory groups. This recommendation is complete and the NGB-J1, Director of Manpower and Personnel represents National Guard program interests and input to SAPRO. Additionally all Working Integrated Product Teams (WIPTs) for special projects or tasks include NG SAPR representatives.

Additional recommendations from the DTFAMS are in the process of implementation. It is required by Army and Air Force to ensure that all VAs are trained prior to deployment and with the FY12 NDAA requirement for certification of all SARCs and SAPR VAs, standardized training is in the process of being implemented by the NG to ensure all DTFAMS recommendations for VAs meet national VA standards. The NGB SARC/VA initial training requirement meets FY12 pre-credentialing requirements and all SARCs/VAs who respond to sexual assault must meet those requirements by end of FY13.

The DTFsAMs report recommended a separate reserve component task force review. That review is under development by DoD SAPRO and NGB is coordinating with SAPRO for the review sometime in FY13, if funding allows. Metrics, standards, and locations will be developed and coordinated between NG and SAPRO.

#### **5.4.4. Other (Please explain)**

ANG specific Input on Metrics:

Headquarter AF (HAF) allocated \$2.8M to ANG SAPR for operating costs and continues to advocate for Military Personnel (MILPERs) funding and manpower;

- ANG SAPR is consistent with HAF terminology used to describe the SAPR program, and is the same as used by the US Navy program.

#### **Prevention**

- DoD Prevention Strategy is used as a reference for all prevention activities in ANG.
- 2,114 SAPR BIT classes were conducted for first responders in FY12 to include VAs, OSI, Security Forces, Surgeon General, JA and Health Care providers.
- ANG SARCs had the most attendees of any other MAJCOM for the annual AF SAPR Workshop.
- ANG SARCs are routinely engaged with local organizations to support Victims in the ANG community. Fostering networks with civilian coalitions allows ANG to meet support and mission requirements. ANG SARCs attend monthly State Coalition meetings and work with the local police, rape crisis centers, District Attorneys and Department of Veteran Affairs to respond to cases involving victims in Title 32 status at the time of the incident or subjects who assaulted civilians.

#### **Response to Victims**

ANG permits SARC/VA privileged communication per Presidential Executive Order, for cases that occurred on active duty status. However, SARC/VA privileged communication with victims in Title 32 status depends on whether or not victim advocates are granted privileged communication according to individual state laws. In order to ensure state laws are met, some states require additional training, beyond NG SARC/VA training, if the state is to grant victim advocate privileged communication. This additional state requirement adds additional funding requirements that have not been budgeted.

- SAPR services are available to victims regardless of status. 24/7 response capability may come through military or SARC/VA facilitation of services with local civilian resources based on whether or not the incident occurred during a duty status or within military or civilian jurisdiction.
- Confidential restricted reporting is available to all members regardless of the status or when the sexual assault occurred.
- ANG is largely dependent on local community for SAFEs and accessibility varies from state to state.
- ANG SARCs have been advised to publicized the use the DoD Safe Helpline among



all ANG Service members to ensure 24/7 support to ANG victims.

**Accountability**

- DSAID was utilized as the official record for sexual assault data reporting in FY 12.
- Complex Investigations Office established and OSI takes all cases if the ANG member was in Title 10 status.
- Command Directed Investigations (CDIs) are not advised for sexual assault reports, but because local law enforcement may not proceed in lesser crimes in the UCMJ, CDIs may be advised for other offenses in an effort to achieve administrative justice.

Additional NG Metrics:

Metrics for Tracking Training:

ARNG and ANG use two data systems to track AF BIT, ANG Pre-deployment training, and ARNG SHARP three tiered training. Training documentation is input into the AF Advanced Distributed Learning System (ADLS), or ARNG's Distributed Training Management System (DTMS). Wing SARCs input data into ADLS. The ARNG unit Training Coordinator tracks the SHARP training in DTMS.

Metrics for tracking Sexual Assault Incidents and Reporting:

A standard operating procedures (SOP) directive for reporting sexual assaults to NGB/ARNG/ANG was established in 2010. In March 2012, NG held six DSAID trainings for NG JFHQ-State and ANG Wing SARCs on the use of DSAID for documenting and tracking Title 32 ARNG sexual assaults and Title 10 and Title 32 ANG sexual assaults. ARNG Title 10 sexual assault reports are tracked in the Army's Sexual SADMS. DSAID was available for full use by SARCs in May 2012.

The SOP requires SARCs to provide a verbal notification to NGB within 24 hours of being notified of an incident and provide the DSAID victim case identification number to the Service program manager. The SARC then follows Service specific procedures for notifying state and wing leadership depending on whether or not the report is restricted or unrestricted. Data entry of demographic information and missing data is monitored by NGB-SAPR program managers.

**5.5. Provide a summary of your research and data collection activities.**

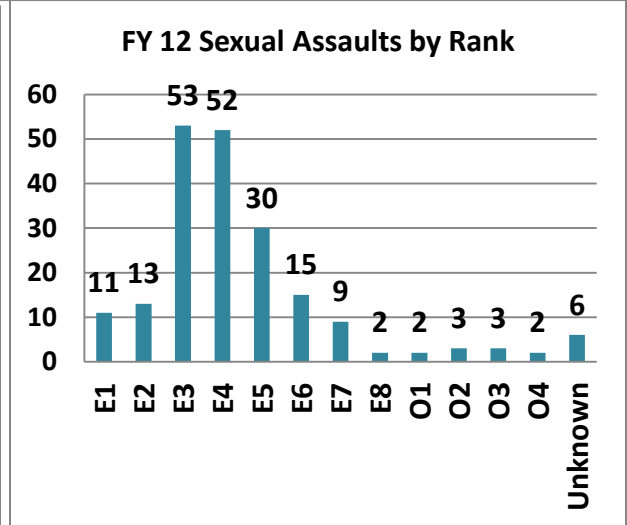
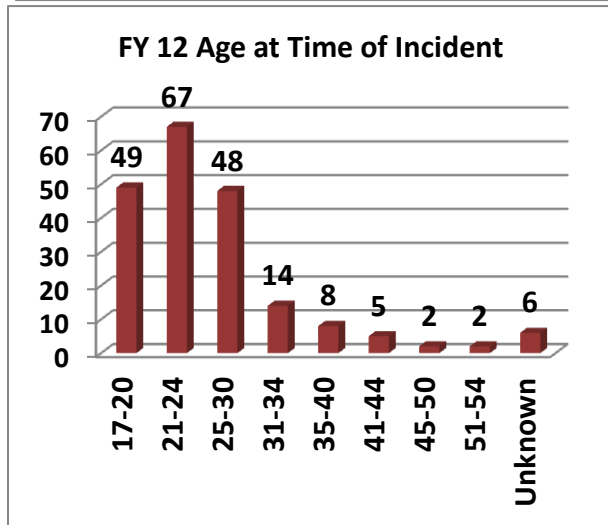
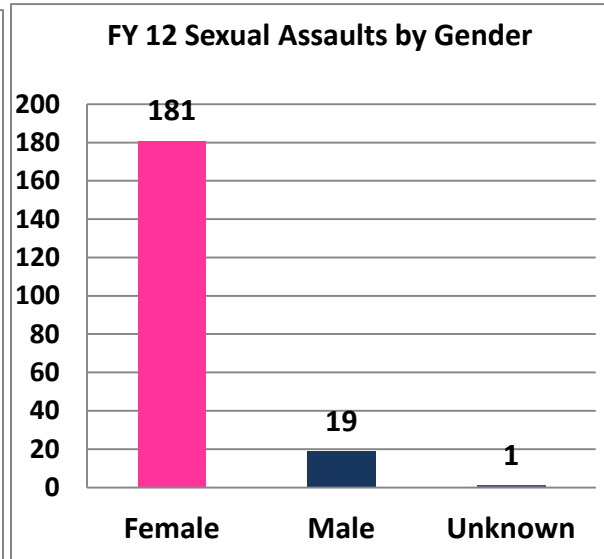
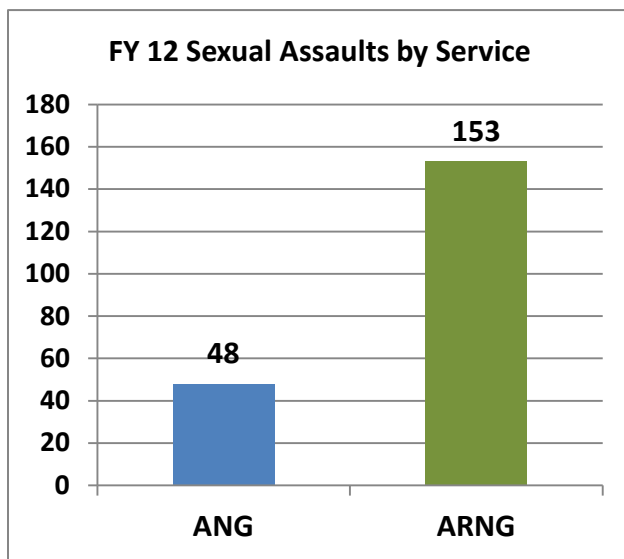
**5.5.1. Describe the research and data collection activities that have taken place during FY12.**

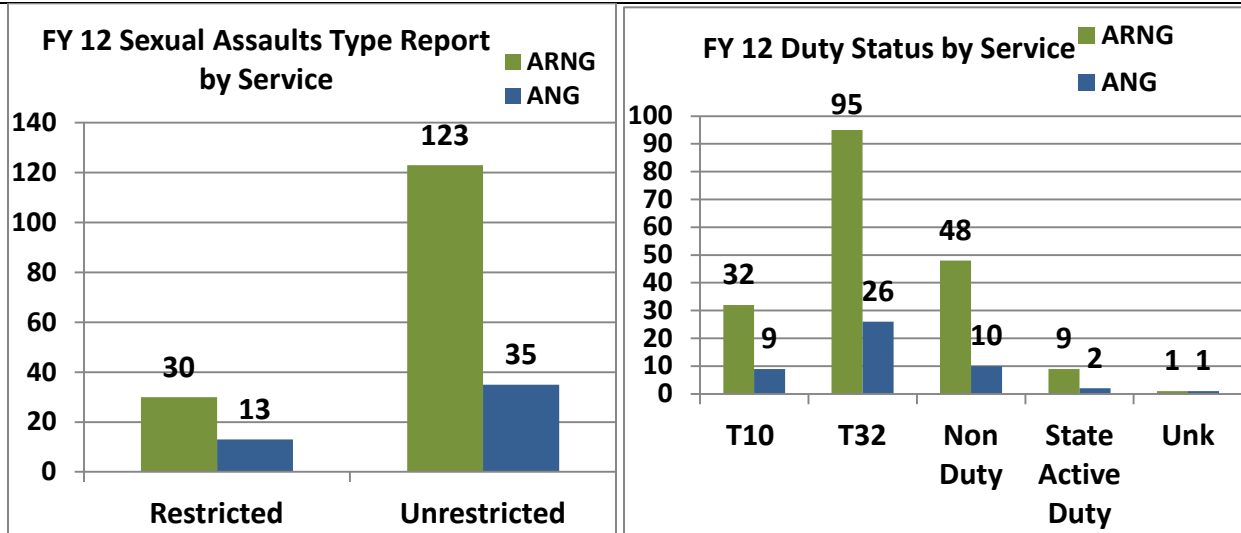
There was no NG research conducted during FY12 for the SAPR program.

Data collection included tracking and reporting demographic data of sexual assaults reported to JFHQ-State and Wing SARCs on Title 32 status. Sexual assault incidents may have occurred while the victim was on active duty orders, but if the assault was reported on Title 32 status, the NG tracked those numbers and demographic information.

This information has not been reported to congress previously based on the interpretation that the law specifically applies to reporting sexual assaults that occur while on active duty orders. Through NG's use of DSAID to track and document sexual assaults, all unrestricted report Title 32 sexual assault victim case data is now available through DSAID.

The following sexual assault data collection for victim demographics was reported to NG leadership during FY12:





□

**5.5.2. Describe your efforts to incorporate findings from Defense Equal Opportunity Climate Surveys (DEOCS) or other organizational climate assessments into SAPR programming in FY12.**

NG received the first of the DEOCS climate assessment during FY12. These initial reports will serve as a baseline measurement and provide a tool to begin assessment for change in organizational climate across the NG. The initial reports indicated that:

- Reserves demonstrate the same patterns as the whole DoD for all of the SAPR Climate factors.
  - Reserves had slightly more positive perceptions of leadership support, perceived barriers to reporting sexual assault less frequently, and had a stronger likelihood of engaging in bystander intervention to prevent sexual assault compared to the rest of the DoD.
  - A lower percentage of Reserves answered the knowledge of sexual assault reporting options question correctly compared to the rest of the DoD (79% vs. 81%).
- FY13 DEOCS survey results will be monitored for change and will recommend changes to leadership as may be indicated from follow-on climate assessment reports.

**5.5.3. Describe any empirical research or evaluation project initiated or executed in FY12 to inform or improve SAPR programming, including highlights of available findings.**

NG awaits the results of the 2012 DMDC survey on Gender Relations within the Reserve Component.

**5.5.4. Describe your Service or Component’s efforts or plans thus far to require commanders to conduct an organizational climate assessment within 120 days of assuming command and annually thereafter.**

Commanders within the ARNG and ANG are required to conduct climate assessments within 120 days of assuming command and on an annual basis, or as needed.

<b>5.5.5. Other (Please explain)</b>
None.
<b>5.6. Describe your efforts to align your SAPR program with the Joint Chiefs of Staff Strategic Direction to the Joint Force on SAPR (dated May 7, 2012).</b>
As a member on the Joint Chiefs of Staff, the CNGB signed the Strategic Direction to the Joint Force on SAPR and immediately distributed the document to all TAGs and Senior Enlisted Leaders in the 54 states/territories/DC. Although many of the five LOEs in the document specifically reference metrics and initiatives that are applicable to the active component's resources for MCIOs for investigation and offender accountability through the UCMJ authority and judicial process, the NG is developing strategic initiatives and metrics, and CNGBI on SAPR with specified LOEs in accordance with the Strategic Direction to the Joint Force on Sexual Assault Prevention and Response.
<b>5.7. Describe and provide documentation of your Service or Component's implementation of Directive-Type Memorandum 11-063, the expedited transfer policy established in December 2011 for Service members making an Unrestricted Report of sexual assault, including your Service's efforts to ensure Service member awareness and understanding of the policy and any challenges your Service has faced in implementing the policy (documentation should be included as an appendix to your report).</b>
The CNGB published CNGBI 1303.01, 06 Aug 12, Expedited Transfer of Military Service Members who file Unrestricted Reports of Sexual Assault. This instruction was distributed to all state and Wing JAGs and TAGs. Since the NG differs from the active component, and may have limited capability to transfer from one installation to another within a state, the initial DTM 11-063 guidance included recommendations for options where a NG Service member could potentially be offered expedited movement from either a different unit or allowance to drill on different duty weekends and annual training. If the Service member is a traditional Soldier or Airman, and is not a full-time NG member, then this option serves the intent of DTM on expedited transfer requests. If the member is a Title 32 AGR, it may be more difficult to meet the intent of the CNGBI and DTM because the positions are Title 32 and not federal positions, and in order to complete a request for an expedited transfer, an entirely new AGR position within the Soldier/Airman's occupational specialty would have to become available at a different location. However, even within those limitations, there were no requests for expedited transfer denied during FY12.
<b>5.7.1. List the number of expedited transfers requested and denied in FY12.</b>
The total number of requests made during FY12 was:  ANG – two requests made, none denied. ARNG –five requests made, none denied
<b>5.8. Describe what measures have been taken by your Service to ensure that Service members protected by a military protective order are informed in a timely</b>

**manner of the member's option to request transfer from the command of assignment.**

Soldiers and Airmen who are sexually assaulted in a Title 32 status usually do not utilize military protective orders (MPOs) without also requesting civilian protective orders (CPOs). Because much of the ARNG and ANG is community based rather than installation based, MPOs may not provide the level of protection a Soldier or Airman needs.

SARCs and VAs are trained to inform and assist victims who may request both MPOs and CPOs. They work with command and civilian law enforcement as needed to provide guidance and opportunities to request transfer or levels of protection. Victims are asked if they would like to transfer or want protection orders. When the case is verbally reported to the NG Service program manager, SARCs are asked whether or not the victim is requesting any additional military or civilian protection, and that data is also documented in case management detail in DSAID.

**5.9. Describe what steps have been taken to improve the collection of sexual assault data, particularly how your Service has prepared to use (or have existing data systems to interface with) the Defense Sexual Assault Incident Database.**

With DSAID being available for the first time during FY12, NG worked closely with DoD SAPRO to train all available JFHQ-State and Wing SARCs on how to input and collect data. Six regional one-day trainings were held throughout the country to provide hands-on system training. Classes were kept within the range of 20-30 SARCs to ensure individual attention was made available to answer all questions. Before system access was granted, all SARCs had to provide documentation of background checks and complete training on use of DSAID.

NGB policy is to verbally notify a NGB-SAPR program manager within 24 hours of the state or Wing SARC's notification by command or victim of a reported incident. ARNG and ANG T32 cases are reported within DSAID while T10 ARNG cases are reported in SADMS. ANG Title 10 cases are input into DSAID per HAF guidance. There is no AF system interfaces required for ANG cases.

DA SHARP includes ARNG Soldier data for identification and tracking of sex offenders in the ARNG. Data will be run against the Lexis Nexis.

**5.10. Describe your Service's efforts to improve investigations and prosecutions for sexual assault cases.**

In an effort to improve investigations and prosecutions of sexual assault cases within the NG, CNGB signed CNGB Instruction (CNGBI) 0400.01 in August 2012, establishing a trained sexual assault investigator in each state. The new CNGBI created the NGB-JA/OCI that provides an investigator upon request of TAG. These investigators attend the Army's Sexual Assault Investigators' School at Fort Leonard Wood for a two week extensive course on how to conduct a sensitive and complete investigation of a sexual assault report that occurred outside UCMJ authority/jurisdiction, and which the civilian

authorities have not elected to pursue. NGB-JA/OCI determines whether or not there is a NG nexus for the request and whether the request for investigation meets the criteria set in the instruction for investigation. After the nexus is determined, an investigator is assigned, and the OCI conducts interviews and completes a report for TAG that allows TAG to take administrative actions based on the investigation findings. A CNGBI Manual was also created to establish process expectations.

The end goal for the NGB-JA/OCI is to have a minimum of two investigators per state/territory/DC trained as a state resource. These specialized investigators will be assigned cases outside their state jurisdiction by the NGB-JA/OCI to ensure there is no perception of conflict of interest.

Through DoD SAPRO support to provide seats for NG investigators at the Fort Leonard Wood training school, and through financial support from the ARNG and ANG to cover travel/per diem expenses of the investigators conducting investigations outside their own state, the NG now has confidence that best practice sexual assault investigations will be available to states when MCIOs or civilian law enforcement will not investigate sexual assaults reported when Service members are not under UCMJ authority.

NG believes that this new resource will encourage more victims to report and to have confidence that their assault will be properly investigated by people who have gone through specialized investigator training.

Current procedures for training active duty Army SARC/SHARPs and AF SARCs are not defined in regulatory guidance about the process on continuing care of Title 32 members who are sexually assaulted while on active duty orders. This process should be developed through warm-hand offs to Title 32 ARNG and ANG SARCs. As a result, when a NG victim returns to Title 32 status, NG SARCs often are not notified of the need for continuing care, or of potentially being called to testify against their offender when tried under UCMJ authority by the active duty. If cases are not regularly transferred, the victim is not prepared to return for testimony since Title 32 does not have Victim Witness Assistance Personnel (VWAP) within Title 32 JAG offices. This problem exists for both Army and AF and occurred during FY12 when victims were called back for criminal justice proceedings.

Additionally, Title 32 state or installation JAGs work with SARCs to maintain working relationships with local police and the civilian district attorney's offices if a case is prosecuted through the civilian courts to improve prosecutions of sexual assaults involving NG members.

**5.10.1. Describe your Service's implementation of the Secretary of Defense-directed requirement to elevate disposition authority for the most serious sexual assault offenses (rape, sexual assault, forcible sodomy, and attempts to commit these offenses) to a Special Court Martial Convening Authority who is an officer at the O6 (Colonel or Navy Captain) level; include any challenges your Service has faced in implementing this requirement and your solutions for overcoming these challenges.**

Because the most serious sexual assault offenses of rape, forcible sodomy, and attempts to commit these offenses would have to be tried under the UCMJ or under civilian law enforcement authority, within Title 32 state situations there would be no case disposition authority by a Special Courts Martial Convening Authority. Those very serious sexual assault offenses would not be handled within Title 32 command structure. Disposition of those cases would have to fall under the active duty or under civilian law enforcement if the serious sexual assault case, such as rape, was tried in a civilian court.

However, if there was a report of a serious sexual assault that happened while the Soldier or Airman was on active duty orders, NG leadership would be required to refer the case to CID or OSI for investigation and potential judicial process under UCMJ. If the report of serious assault occurred on Title 32 status, civilian law enforcement would be called for investigation and potential trial.

When the NGB-JA/OCI is involved in a trained sexual assault investigation where CID/OSI or civilian law enforcement declines to investigate, final administrative action falls after the investigation falls to TAG authority – an O-8.

**5.11. Describe the policies, procedures, and processes implemented to monitor sexual assault cases in which the victim is a deployed member of the Armed Forces and the assailant is a foreign national.**

When a NG member is on Title 10 orders, the Service members falls under the authority of the active component and the active duty SARC.

NG encourages and recommends to the AC SARC or Army SARC/SHARP to transfer cases involving a member of the NG to the state or Wing NG SARC via DSAID or SADMS.

NG recommends detailed training of active duty SARCs to include an understanding that follow-on care for sexual assault of NG members is possible through informed understanding of the victim for the possibility of continuity of care when he/she returns to Title 32 status, or by remaining on active duty orders to complete the Line of Duty process for coverage of medical/mental health care.

SARCs or Army SARC/SHARPs should explain the options for confidentiality that continue when care is transferred from one SARC to another, whether on Title 10 or Title 32 orders. The SARC should then explain that the case records can be transferred confidentially via DSAID or SADMS. This process is applicable whether the victim was assaulted by a foreign national or by another military member.

If the victim elects not to have the case transferred from an active duty SARC to a Title 32 SARC, the case record should be maintained in accordance with the records retention guidelines for all sexual assault cases.

**5.12. Describe and provide documentation of your Service or Component's implementation of Directive-Type Memorandum 11-062, which covers document retention in Restricted and Unrestricted reports of sexual assault; include a description of any challenges your Service has faced in implementing this policy.**

The DTM 11-062 on document retention for both restricted and unrestricted reports of sexual assault is applicable to cases that occur on Title 32 status. The requirement was distributed to all NG SARCs and state JAGs and the requirement is part of the new training for all SARCs. For unrestricted reports, the DD Form 2910, Victim Reporting

Preference form, is uploaded and maintained within DSAID. This process and requirement will be detailed in the reissuance of the DoDI 6495.02, new instructions from the Services, and in new policy guidance from a CNGBI.

Over a longer period of time, NGB anticipates challenges with maintaining long-term storage capability that can remain secure and confidential within each state and through transition among SARCs. However, NG does not foresee any immediate issues and will work with DoD SAPRO and the active component to seek input for long-term resolution of these challenges.

**5.12.1. Describe your efforts or plans thus far to create a record of the outcome of disciplinary and administrative proceedings related to sexual assault and to centrally maintain copies of those records.**

Disciplinary and administrative proceedings related to unrestricted reports of sexual assault in state Title 32 status are maintained by either civilian or military legal authorities within the state. With the creation of the new NGB-JA Office of Complex Investigations, TAGs may request that NGB-J1/OCI provide a specialized investigation to assist TAG in making a determination for administrative actions when criminal proceedings are not possible in the case. Additionally, any administrative or disciplinary actions against the subject of the investigations will be recorded within DSAID by the SARC that has oversight of the victim unrestricted reporting case record.

**5.13. Describe the efforts to review adverse administrative actions and discharges taken against victims who filed an Unrestricted Report of sexual assault in FY12.**

NGB SAPR does not know of any state Title 32 cases where actions and discharges were taken against victims who filed an unrestricted report of sexual assault in FY12.

**5.14. Describe any progress made in FY12 on system accountability-related efforts identified in last year's report.**

In FY11's annual report, NGB-J1-SAPR identified DSAID as the primary tool to use for Title 32 accountability efforts. The Chief, of the NGB SAPR program serves as the NG representative on the DSAID Change Control Board (CCB). Through this monthly meeting of the CCB, NG can provide input to any future changes or improvements made to DSAID. Updates and input to tracking fields and DSAID system improvements were possible during FY12, and NG will have full capability for system accounting of Title 32 cases in the future. ARNG will continue to use the Army's SADMS for incidents that happen when the Soldier is on Title 10 orders. At present, any information about cases that occur while on active duty orders are only available to NG from the active component from statistical data included in the active component's annual report to congress. Once SADMS interface with DSAID is complete in the future, NG anticipates that Title 10 information from SADMS will be pushed to Title 32 ARNG SARCs who now have oversight of the case once the victim returns to Title 32 status. ARNG SHARP program managers continue to monitor progress for that capability with Army SADMS system managers.

Additionally, NG will continue to monitor whether or not Title 32 subject case disposition is being input into DSAID in an effort to examine how reports are being investigated in



Title 32 status. As stated previously, there are situations where local civilian authorities will not investigate a report of sexual assault and military criminal investigators are unable to investigate due to jurisdictional issues. NGB plans to gather more details on what the investigative results were for reported sexual assaults and determine how policy and oversight can improve the process to enhance system accountability.

**5.15. Describe any plans for FY13 to improve system accountability.**

In FY13, the NG will be ensuring that all SARCs/VAs pursue the D-SAAC-P credentialing requirements by the end of FY 13 in accordance with the FY12 NDAA requirements. These efforts are designed to improve system accountability for response capabilities and both ARNG and ANG required favorable completion of SARC and VA background checks prior to approval of credentialing applications.

Additionally ARNG and ANG are participating in the Army's and Air Force's development of pre-command training to provide input for Title 32 specific information. Considerations must include state operations and laws, so the training ensures commanders understand both Title 32 and Title 10 responsibilities when faced with sexual assault reports.

The NGB-JA/OCI and Senior Leaders will continue to emphasize holding offenders accountable through use of trained sexual assault investigators when MCIO or civilian law enforcement has no jurisdiction or authority. This resource will now enable TAGs to use the best practice resources available to them to ensure there is no perception of conflict of interest or undue command influence when administrative actions must be used.

**6. Improve Knowledge and Understanding of SAPR**

**6.1. Provide examples of your Service or Component efforts to leverage senior leadership and unit commander support of the SAPR program (e.g., Held briefings, attended summits) to raise Service and/or Guard member awareness of sexual assault matters.**

Through the CNGB's signature on the thirty-two star Joint Chiefs of Staff Strategic Direction for the Joint Force on SAPR memorandum in My 2012, NG has been able to leverage greater senior leadership and unit commander support of the SAPR program. The Strategic Direction document provides a solid plan to clearly define the needed attention to change through the Five Lines of Effort (LOEs). By listing actions for the Prevention, Investigation, Accountability, Victim Advocacy, and Assessment LOEs, senior leadership and unit commanders are offered specific areas of focus for assessment and action.

This document was used for discussion and brainstorming during FY12 during the SAPR team's staff assistance visits as a starting point for each program's review. Additionally, state and Wing SARCs are using the document for discussion at their

required monthly case management board meetings to involve other program stakeholders such as Yellow Ribbon, Family Programs, Chaplains, Surgeons General, JAG, Recruiting and Retention, Directors of Psychological Health, and Warrior Transition.

Many states have initiated organizational change at the JFHQ-State to combine the several Soldier/Airman assistance programs together within the Service member Family Services Directorate. This effort to link the programs together under one directorate that answer to TAGs, allows for greater sexual assault awareness, response, and collaboration.

**6.2. Describe the expansion or creation of SAPR communication and outreach activities in FY12, including target audiences and related goals.**

SAPR communication and outreach efforts were expanded during FY12 to include all NG Service members, particularly for awareness and knowledge of the DoD Safe Helpline resource for 24/7 confidential response and support. This was accomplished through PSAs run with the PA community in the NG. The target audience was designed to specifically reach new recruits about reporting options and support.

At the NGB level, strategic initiatives for SAPR included targeted stakeholders through NGB-J1 Directorate strategic planning meetings that involved representatives from NGB-G1/A1, the state, , and other NGB-J1 programs. NGB-J1-SAPR's strategic communication initiative for a NGB level SAPR/SHARP Committee was initiated in an effort to create better communication among the following program NGB stakeholders: G1/A1; JAG/OCI; Equal Opportunity; Counter Drug, Legislative Liaison, Chaplains, and Directors of Psychological Health.

**6.3. List the steps you have taken to increase public dissemination of available sexual assault resource (e.g., reporting channels, SARC and SAPR VA contact information, DoD Safe Helpline) information for Service members, eligible dependents and civilian personnel of the DoD.**

Within the state's organizational structure, ARNG and ANG representatives are responsible for disseminating their individual JFHQ-State and ANG SARC and VA contact information to Soldiers and Airmen. ARNG and ANG distribute SARC contact information to their active duty counterparts, and NG SAPR provides monthly updates to the DoD Safe Helpline personnel. Additionally within the states, the SARCs provide other programs with available sexual assault resource information through state-specific Family Programs, Directors of Psychological Health, and medical personnel. Many states have designed their own outreach materials and Sexual Assault Awareness posters that include contact information to reach state and Wing SARCs.

**6.4. Describe the measures of effectiveness for your outreach efforts and detail results.**

NG has not conducted any measures of effectiveness for outreach efforts due to staffing and funding limitations. However, through the reports now being generated from the DEOCS climate surveys; we anticipate that in the future we will better be able to evaluate awareness of reporting options, and awareness of sexual assault prevention methods.

Additionally, with the release of the 2012 DMDC survey on Gender Relations in the Reserve Component, we will be able to gauge progress and changes in confidence levels for reporting sexual assault from the 2008 survey results.

**6.5. List active partnerships with other federal agencies, non-federal agencies, and/or organizations and describe the goals, intended outcomes, and/or target audience of each partnership.**

NG partners with the active component for all of the military Services and their respective reserve components to share solutions and challenges for prevention and response to sexual assault. Additionally, there are relationship built with the Department of Veterans' Affairs and Department of Justice to ensure understanding and support of NG Soldiers and Airmen for treatment of military sexual trauma and through the Office of Victims of Crime (OVC). The goals in working with the Department of VA is to communicate needs, challenges, and understanding of sexual assault among NG members and veterans, but may be assaulted when not on an active duty status. OVC works closely with civilian victim advocacy groups and it is important that those advocates understand what resources may or may not be available through the government for NG members who are assaulted while not on active duty.

As part of the SARC and VA credentialing process, NG has worked with the National Organization of Victim Advocates and their National Advocate Credentialing Program representatives for review of the initial SARC and VA training curriculum to ensure it meets credentialing standards.

Within state operations, SARCs have ongoing relationships with State Domestic and Sexual Violence Coalitions and local rape crisis centers. The partnerships at that level are meant to facilitate the response to sexual assaults when and/or if they occur.

**6.6. List participation in congressional hearings, briefings, and congressional staff assistance meetings.**

There was no participation in congressional hearings, briefings, and congressional staff assistance meetings about the NG SAPR program during FY12.

**6.7. Describe any progress made in FY12 on stakeholder knowledge and understanding-related efforts identified in last year's report.**

The plans identified in last year's report to increase stakeholder knowledge about SAPR in the NG showed great progress in FY12. By presenting information on the DoD Safe Helpline resource to an audience of over 1000 NG stakeholders from Yellow Ribbon, Family Program Volunteers, Chaplains, and Transition Assistance Advisors at the April

2012 Professional Development Seminar, NG was able to take advantage of an opportunity to address a new resource with a varied audience.

The Chief of the NGB-J1 SAPR Program was able to address the ANG Wing Directors of Psychological Health (DPH) in FY12 at the ANG Training and Education Center (TEC) about understanding reporting options for sexual assault victims, confidentiality for DPHs, referrals for support to SARCs, and the DoD initiatives for reducing stigma from sexual assault.

**6.8. Describe any plans for FY13 to improve stakeholder knowledge and understanding of the SAPR program.**

FY13 plans to improve stakeholder knowledge and understanding of the SAPR program will continue to focus on senior leadership understanding and knowledge of program requirements, Title 32 investigation resources of trained sexual assault investigators from NGB-JA/OCI, command climate surveys, and implementation of pre-command training courses.

Through creation of the NGB level SAPR/SHARP Committee in FY13, there will be additional leverage from the NGB authorities for involvement and communication about SAPR among all stakeholders who are represented on the SAPR/SHARP Committee through established partnerships.

Additionally:

- SARCs will attend Army, AF, NGB and civilian conferences to continue to build on skills for the execution of their duties and maintain credentialing
- NGB will execute new ANG SAPR unit level training, and
- Will work with PAO for media outreach opportunities

**6.9. Other (Please explain)**

N/A

**7. Lessons Learned and Way Ahead**

**7.1. Provide a summary of the progress made and principal challenges confronted by your SAPR program in FY12.**

Our challenges during FY11 came as a result of implementing new Service specific program execution responsibility for trainings and operations with requirements from the active component for each Service. The Title 32 structure under the governor's control has limited resources for training hours during Inactive Duty Training (IDT). This limitation results in challenges in meeting the active components' training requirement for the Army's 80 hour SHARP training. In addition, the training is specific to Title 10 operational structure and does not include information about Title 32 operations for investigations and response to sexual harassment. This falls to the State Equal Employment Manager (SEEM) and Equal Opportunity Advisors (EOAs) when in Title 32 status.

However, the ARNG has increased its efforts to promote communication and training opportunities with the active component. This has served to improve collaboration and foster an environment to address:

- Increased victims services for NG Soldiers while on Title 32 Status
- Continued dialogue on the implementation of the Title 32 SHARP Program with HQDA

The principal challenge for both ARNG and ANG during FY12 was the NDAA requirement for full-time SARC and VAs at the brigade or installation level. Both ARNG and ANG had cuts to technician manpower resources during FY12. There were no additional technician allocations from Army or AF to meet the manpower requirements. In an effort to meet the NDAA requirement for two full-time positions, the Office of the General Counsel worked with NGB-JA to interpret the NDAA to mean that NG needed to fill the position at the JFHQ-State level under TAG as the senior commander to meet the intent of the law. Since the JFHQ-State SARC was authorized since 2008, there was no need for additional requirements from either Army or AF. The ARNG made the determination that one of the ARNG technician allocations to the states could be used to meet the full-time VA position at the JFHQ-State under TAG. There are no additional allocations authorized, but the resource can be filled during FY13 using a new position description under development to hire a full-time SAPR VA.

ANG faces continual problems of no MILPERS funding or manpower allocations for full-time ANG Wing SARC for dedicated positions covering only response and training at the ANG Wings.

With that said the ARNG and ANG have done an amazing job and stepped up as always, to meet these active component requirements and were able to meet training goals for SARC/SHARPs and ANG's BIT requirements.

There continues to be case handoff concerns for continuity of victim services from the active duty SARC to the home state Title 32 ARNG or ANG SARC. Since this is not a regulatory requirement by DoD SAPRO or the active component, there are situations where victims are assaulted on Title 10 orders but there is no awareness or notification of the assault to home Title 32 SARC to provide continuity of care when the victim re-deploys from theater or an active duty installation. It is understood that notification of home state SARC is based on victim choice, but many victims are not being informed of that option for continuity of care. With the change in FY13 law to allow victims to stay on Title 10 orders for LOD initiation, we anticipate improvement for the continuity of care concern.

It is also important that the active duty commanders follow through with their responsibility to notify the victim's Title 32 commanders of case progress when the Title 10 subject is facing trial. There have been several situations where the Title 32 commander was not even notified that his/her Soldier/Airman had been sexually assaulted while on active duty orders. The Title 32 commander only became aware of

the assault when the victim was called back to testify against the subject on active duty.

**7.2. Summarize your plans for the next three years, including how these efforts will help your Service plan, resource, and make progress in your SAPR program.**

The ARNG and ANG will continue to execute individual Service programs while continually enhancing existing relationships that strengthen sustainable collaborations between programs that support Soldiers, Airmen, and family groups both at the national and state level. The events and programs include but are not limited to:

- April - Sexual Assault Awareness Month – recognition of NGB Exceptional SARC of the Year for each FY
- Annual NGB SARC Refresher Training Workshop
- Participation in Army and AF Conferences and training workshop and work groups
- State Staff Assistance Visits for states under transition or needing more program development support
- Provide briefings, as requested for stakeholder conferences and trainings
- Provide input on SHARP and AF Training Materials, Outlines and curriculum development for Title 32 ARNG and ANG specific program requirements and equities
- Participate in General Officer Briefings, Service Advisory Groups, DoD Working Integrated Product Teams (WIPTs)
- Ensure all states conduct and have scheduled on training calendars the required annual SAPR/SHARP annual trainings
- Establish additional NGB internal and external partnerships
- Promote communication and training opportunities with the active component to increase victim services for NG Soldiers/Airmen
- Continued dialogue on the implementation of the SHARP Program with HQDA within the Title 32 state structure
- ANG will continue to advocate for fulltime personnel to enhance response capability for victims, increase reporting, and allow more offenders to be held accountable.

**7.3. Other (Please explain)**

N/A



# CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-JA  
DISTRIBUTION: A

CNGBI 0400.01  
30 July 2012

CHIEF, NATIONAL GUARD BUREAU  
OFFICE OF COMPLEX ADMINISTRATIVE INVESTIGATIONS

Reference(s):

- a. DoD Directive 6495.01, 23 January 2012, "Sexual Assault Prevention and Response Program"
- b. Title 10 United States Code (U.S.C.)
- c. Title 32 U.S.C.

1. Purpose. This instruction institutes policy by which the Office of the Chief, National Guard Bureau (OCNGB) will establish an Office of Complex Administrative Investigations (OI) under the National Guard Bureau-Chief Counsel (NGB-JA/OI), to provide a capability to perform complex administrative investigations at the request of The Adjutants General (TAG) of the 54 States, Territories and the District of Columbia, or an investigation at the direction of the Chief, National Guard Bureau (CNGB). The requested investigations may include those regarding reports of sexual assault, as defined by reference a, made by and against members of the National Guard (NG).

2. Cancellation. None.

3. Applicability. This policy applies to all NG entities, the NGB (NGB Joint Staff, the Army National Guard (ARNG), and Air National Guard (ANG) directorates), all field activities of NGB, the NG of the States, Territories, and the District of Columbia. All requests by TAG for a complex administrative investigation, including those involving allegations of sexual assault against NG members while they are not in federal status, are covered by this instruction. Investigations regarding allegations of sexual assault against military members performing duty in a federal status under reference b will be investigated by a Military Criminal Investigative Organization (MCIO).

**UNCLASSIFIED**

4. Policy. It is NGB policy to assist TAGs, upon their request, to perform complex administrative investigations, with specially trained personnel, on alleged reports of sexual assault with a NG nexus, and for other matters on a case-by-case basis, including those affecting NG good order and discipline. NGB-JA will make the determination regarding whether or not an allegation has a sufficient NG nexus.

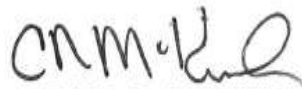
5. Definitions. For the purpose of this instruction, a complex administrative investigation involves factors that may cause a case to be more difficult than other investigations. Such factors may include, but are not limited to, federal and state jurisdictional issues, the need for specialized training of the investigating officer, and the desire for an independent investigator to ensure fairness and impartiality throughout the investigation.

6. Responsibilities. NGB-JA is delegated the authority to promulgate procedures implementing this policy, to appoint investigators to investigate complex matters at the request of TAGs, and to assess such requests to ensure a NGB complex administrative investigation is appropriate and necessary.

7. Summary. This is the initial publication of CNGBI 0400.01.

8. Releasability. This instruction is approved for public release; distribution is unlimited. NGB directorates, TAGs, the Commanding General of the District of Columbia, and Joint Force Headquarters-State may obtain copies of this instruction through [www.ngbpdc.ngb.army.mil](http://www.ngbpdc.ngb.army.mil).

9. Effective Date. This instruction is effective upon publication.

  
CRAIG R. MCKINLEY  
General, USAF  
Chief, National Guard Bureau

Enclosure(s):  
GL -- Glossary



## GLOSSARY

### ABBREVIATIONS AND ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
CNGB	Chief, National Guard Bureau
CNGBI	Chief, National Guard Bureau Instruction
DoDD	Department of Defense Directive
MCIO	Military Criminal Investigative Organization
NG	National Guard
NGB	National Guard Bureau
NGB-JA	National Guard Bureau-Chief Counsel
NGB-JA/OI	National Guard Bureau-Office of Complex Administrative Investigations
OCNGB	Office of the Chief, National Guard Bureau
TAG	The Adjutants General



# CHIEF NATIONAL GUARD BUREAU INSTRUCTION

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NGB-ZA  
DISTRIBUTION: A

CNGBI 1303.01  
06 August 2012

## EXPEDITED TRANSFER OF MILITARY SERVICE MEMBERS WHO FILE UNRESTRICTED REPORTS OF SEXUAL ASSAULT

Reference(s): See Enclosure A.

1. Purpose. This instruction establishes policy and procedures to expedite the transfer of National Guard Title 32 Service members who file an Unrestricted Report of sexual assault in accordance (IAW) with reference a.
2. Cancellation. None.
3. Applicability. This instruction applies to the National Guard Bureau (NGB) (the NGB Joint Staff, the Army National Guard (ARNG) and the Air National Guard (ANG) directorates), and the National Guard of the 54 States, Territories, and the District of Columbia.
4. Policy. It is NGB policy that:
  - a. Any threat to life or safety of a Service member shall be immediately reported to command and law enforcement authorities. A request to transfer the victim under these circumstances will be handled IAW established Service regulations. It is recognized that circumstances may also exist that warrant the transfer of a Service member who makes an Unrestricted Report of sexual assault, but may not otherwise meet established criteria affecting their immediate transfer. These Service members may request a transfer pursuant to the procedures set forth in this instruction.
  - b. Military Service members who file an Unrestricted Report of sexual assault shall be informed at the time of making the report, or as soon as practical, of the option to request a temporary or permanent transfer from their assigned command, or to a different location within their unit of assignment or Inactive Duty Training location.

**UNCLASSIFIED**

c. A presumption shall be established in favor of transferring a Service member who initiates a transfer request following a credible report of sexual assault. The commander, or the appropriate approving authority, shall determine whether or not the report is credible immediately upon receipt. The commander shall consider the advice of the supporting judge advocate, other concerned legal advisors, the Sexual Assault Response Coordinator (SARC), and the available objective evidence.

d. Service members shall initiate and submit the transfer request to their commander in writing. Victims shall be encouraged to include any and all of their concerns in the written request to aid the commander in understanding all of their needs to make an appropriate decision. The commander shall document the date and time the request was received.

e. Expedited transfers of Service members who file an Unrestricted Report shall be limited to sexual offenses defined in reference a and reference b, as well as the applicable state criminal code.

f. Every reasonable effort must be made to minimize disruption of the normal career progression of a Service member who seeks a transfer based on a credible report that he or she was the victim of sexual assault. The appropriate commander shall directly counsel the Service member to ensure that he or she is fully informed regarding reasonably foreseeable career impacts, the potential impact of the transfer or reassignment on the investigation and case disposition, the initiation of other adverse action against the alleged offender, and other possible consequences. Service members requesting the transfer shall be informed that they may have to return for the adjudication of the case.

g. Bonus and Special Pays. In accordance with reference c, paragraph 020203, E., if the Service member was paid a bonus or special pay for a period of enlistment under a written agreement and requests an expedited transfer due to sexual assault, every effort will be made to not require repayment of the unearned portion of that pay or benefit.

(1) The first general officer in the relevant chain of command has final authority and will make the decision on a case-by-case basis. Determination of repayment of an unpaid portion, full payment, or waiver, should be made based on whether the unearned portion is appropriate due to a personnel policy or management objective, equity or good conscience, or is in the best interest of the United States.

(2) The general officer should also determine whether or not the member should repay any remaining unpaid portion of a pay or benefit related to the member military specialty as the result of an expedited transfer request. Every effort should be made to consider the expedited transfer for sexual assault in the same way as a hardship, illness, or injury that precludes the member from fulfilling the service conditions specified in the written bonus agreement for the relevant military specialty.

h. Expedited transfer procedures will be established within available resources and authorities for members of the ARNG and ANG who make Unrestricted Reports of sexual assault. If the Service member so requests, the commander should allow for separate training on different weekends or times from the alleged offender or training with a different unit in the home drilling location to ensure the transfer places no undue burden on the Service member and his or her family. Potential transfer of the alleged offender instead of the Service member should also be considered. At a minimum, the alleged offender's access to the Service member who made the Unrestricted Report shall be appropriately restricted.

i. If the Service member is Title 32 Active Guard Reserve, the commander must approve or disapprove the Service member request for a permanent change of station (PCS), permanent change of assignment (PCA), or unit transfer within 72 hours of receipt. The decision to approve the request shall be immediately forwarded to the designated activity that processes PCS, PCA, or unit transfers.

j. If the commander disapproves the Service member request, the member shall be given the opportunity to request review by the first general officer in the Service member chain of command. The decision to approve or disapprove the request must be made by the general officer within 72 hours of submission. If the request is approved, orders will be expeditiously initiated and processed to complete the move.

k. Commanders shall make every reasonable effort to minimize disruption to the normal career progression of a Service member who reports that he or she is a victim of a sexual assault.

l. Service members who file Unrestricted or Restricted Reports of sexual assault shall be protected from reprisal or threat of reprisal.

5. Definitions. See glossary.

6. Responsibilities.

a. The Adjutants General (TAG) of the 54 States, Territories, and the District of Columbia shall:

(1) Require that Service members who make an Unrestricted Report of sexual assault be informed by the SARC, Victim Advocate, or the relevant commander at the time of making the report, or as soon as practical, of the option to request transfer from the current command to a different position or location within their assigned command.

(2) Require that a commander or the appropriate approving authority make a determination based on a credible report of sexual assault and provide his or her reasons and justification on the transfer of a Service member in writing.

b. The relevant commander shall consider:

(1) The Service member reason(s) for the request.

(2) Potential transfer of the alleged offender instead of the requesting Service member.

(3) Nature and circumstances of the offense.

(4) Whether a temporary transfer would meet the Service member needs and the unit operational needs.

(5) Training and duty status of the victim requesting the transfer.

(6) Availability of positions within other State units.

(7) Status of the investigation and potential impact on the investigation and future disposition of the offense, upon consultation with the investigating authority.

(8) Location of the alleged offender.

(9) Alleged offender status (Service member or civilian).

(10) Other pertinent circumstances or facts.

c. NGB-J1-SAPR shall:

(1) In coordination with ARNG and ANG, establish National Guard Title 32 procedures to implement this CNGBI within the 54 States, Territories, and the District of Columbia.

(2) Establish a documentation system to gather data on expedited transfer requests for reports to Chief, National Guard Bureau.

d. Joint Force Headquarters-State (JFHQ-State) and Wing SARCs shall:

(1) Ensure the victim has elected an Unrestricted Report for sexual assault by signing a DD Form 2910, "Victim Reporting Preference Statement," located at the DoD Forms Management Program website at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>, reference d. Provide the victim with a copy of the form for future reference.

(2) Inform the victim of the need to submit a written request for transfer to the commander to support understanding victim needs and an appropriate decision. If, after being fully informed of the possible ramifications of the transfer request, the victim elects not to proceed with his or her request, the victim will be required to submit a written withdrawal request.

(3) Meet with the Service member who has indicated a desire to transfer to discuss any related concerns. Concerns may include member status, position, possible training requirements and benefits, (i.e. bonuses, etc.) before initiating the transfer. This procedure will ensure the member is aware of any possible ramifications the transfer may pose and support an informed decision.


(4) Inform the victim that if he or she files a Restricted Report IAW reference a, and requests an expedited transfer, he or she must affirmatively change their reporting option to Unrestricted Reporting on the DD Form 2910.

(5) Track and document all requests for expedited transfers from Title 32 sexual assault victims and report them monthly to ARNG and ANG sexual assault prevention and response (SAPR) program managers, for further reporting to Army and Air Force.

7. Summary of Changes. This is the initial publication of CNGBI 1303.01.

8. Releasability. This instruction is approved for public release; distribution is unlimited. National Guard components, NGB directorates, TAGs, the Commanding General of the District of Columbia, and JFHQ-State may obtain copies of this instruction through [www.ngbpdc.ngb.army.mil](http://www.ngbpdc.ngb.army.mil).

9. Effective Date. This instruction is effective upon publication.

A handwritten signature in black ink, appearing to read 'C R MCKINLEY' with a stylized flourish at the end.

CRAIG R. MCKINLEY  
General, USAF  
Chief, National Guard Bureau

Enclosure(s):  
A -- References  
GL -- Glossary

ENCLOSURE A

REFERENCES

- a. DoD Directive 6495.01, January 23, 2012, "Sexual Assault Prevention and Response (SAPR) Program"
- b. Title 10, U.S.C., Chapter 47, The Uniform Code of Military Justice (UCMJ)
- c. DoD 7000.14-R, Volume 7A, Chapter 2, March 2011, "Repayment of Unearned Portion of Bonuses and Other Benefits"
- d. <<http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>>
- e. Title 32, U.S.C. § 502 (f)
- f. DoD Directive 5100.87, February 19, 2008, "Department of Defense Human Resources Activity (DoDHRA)"
- g. DoD Instruction 6495.02, June 23, 2006, "Sexual Assault Prevention and Response Program Procedures"
- h. Army Directive 2011-19, 3 Oct 11, "Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault"
- j. Directive Type Memorandum (DTM) 11-063, 6 Dec 11, subject: Expedited Transfer of Military Service Members Who File Unrestricted Reports of Sexual Assault



## GLOSSARY

### PART I. ABBREVIATIONS AND ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
IAW	In accordance with
JFHQ-State	Joint Force Headquarters State
NGB	National Guard Bureau
PCA	Permanent Change of Assignment
PCS	Permanent Change of Station
SARC	Sexual Assault Response Coordinator
SAPR	Sexual assault prevention and response
TAG	The Adjutant General

### PART II. DEFINITIONS

Credible Report -- Having reasonable grounds to believe that an offense constituting sexual assault has occurred.

DD 2910 -- Victim Reporting Preference Statement document that allows a victim of sexual assault the option to report the assault in a restricted or unrestricted manner. Only unrestricted reports qualify for expedited transfer options.

Unrestricted Report -- Defined in reference a.

Restricted Report -- Defined in reference a.

SAPR Victim Advocate -- A person who provides non-clinical crisis intervention, referral, and ongoing non-clinical support to adult sexual assault victims.

Sexual assault -- Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts as defined in reference a and reference b.

Title 32 Active Guard Reserve -- For the purpose of this CNGBI, Active Guard/Reserve refers to National Guard Service members serving on Full-Time National Guard Duty IAW reference e.