



Enclosure 4: National Guard Bureau Report





NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON
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MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

SUBJECT: National Guard Sexual Assault Prevention and Response Program Fiscal
Year 2020 Review

The National Guard is committed to a multi-dimensional approach to preventing sexual harassment and assault, while creating a culture intolerant of these destructive behaviors. Despite continued efforts to combat sexual assault, sexual harassment, and retaliatory behaviors, FY20 reports rose 4.45 percent from prior years. We know more work needs to be done.

The attached report highlights the National Guard's commitment to a climate of respect and empowers leaders at all levels to protect our most valuable asset – our people. FY20 highlights include:

- Finalization of the National Guard consolidated SAPR office, providing a new synchronized prevention strategy
- Publication of four new SAPR issuances, directly addressing National Guard specific issues not covered within existing Service guidance
- Deployment of enhanced compliance metrics emphasizing continuous evaluation while providing senior leaders, at all levels, visibility into the health of the force

National Guard SAPR initiatives for FY21 include the creation of a Sexual Assault Task Force, development of an Integrated Prevention Strategy resulting in a comprehensive leader/commander handbook, engagement plan, policy reform, changes in law, and other items enhancing prevention efforts for the National Guard.

The point of contact for this report is Major General Eric K. Little, Director of Manpower and Personnel, (703) 604-9540.

A handwritten signature in blue ink, appearing to read "Dan Hokanson", is positioned above the printed name and title.

Daniel R. Hokanson
General, U.S. Army
Chief, National Guard Bureau

Attachment:
As stated

FY 2020 Annual Report on Sexual Assault in the Military Executive Summary: National Guard Bureau

The National Guard Bureau (NGB), in collaboration with The Adjutants General of the fifty states, three territories, and the Commanding General of the District of Columbia National Guard (hereafter referred to as “the States”), is committed to providing a comprehensive sexual assault prevention program to stop sexual assault. In fiscal year 2020 (FY20) we took deliberate steps to strengthen response efforts within each state and implemented the Sexual Assault Prevention and Response (SAPR) five lines of effort: prevention, accountability, investigation, victim advocacy support, and assessment. We will continue our efforts to enhance prevention efforts to create and sustain a climate intolerant of destructive behaviors. We have a steadfast devotion to nurture and protect the men and women who serve.

In FY20, the National Guard received 634 sexual assault reports, which reflects a 4.45 percent increase compared with FY19. This increase is smaller than the average over the past five years (9.91 percent per year), however the continued increase in sexual assault reports over the years is very troubling and shows that the NGB’s sexual assault prevention strategies have yet to achieve our intended results. These numbers include civilian perpetrators on military service members. During FY20, National Guard leadership re-examined these strategies in an effort to reduce prevalence and prevent sexual assault.

This report details the FY20 operational initiatives of the National Guard’s SAPR program and progress in preventing and responding to the crimes of sexual assault. Highlights of the National Guard’s initiatives and progress include:

- Finalized consolidation of the Army National Guard Sexual Harassment/Assault Response and Prevention (SHARP) program and the Air National Guard SAPR program within the NGB Manpower and Personnel J-1 office. The consolidation provides unified resourcing, process development and strategic communication to the field. The joint effort synchronized the NGB prevention strategy to execute our five lines of effort.
- Five Lines of Effort (LOE):
 - Prevention
 - Victim Advocacy Support
 - Investigations
 - Accountability
 - Assessment
- **LOE #1 Prevention-** Successfully implemented NGB Prevention Plan of Action (PPOA) Phase II (June 2020). Developed a holistic prevention strategy to address the unique needs of our National Guard population. These products were a culmination of the diligent work and cooperation between the NGB, the Centers for Disease Control and Prevention (CDC), Violence Prevention Technical Assistance

Center (VPTAC) team, and DoD SAPRO subject matter experts. The prevention strategy focuses on several main themes to include changing norms on sexual assault prevention as everyone's responsibility, focusing on a joint-system perspective to assist the National Guard achieve its strategies, and clear communication that includes the civilian sector.

- **LOE #2 Victim Advocacy Support** - Enhanced cross-Service joint response capabilities. With the consolidation of the SAPR programs, lines of communication with the field were strengthened through Joint Service monthly teleconferences, stressing the importance of shared information with a joint perspective. Initiated Senior Regional Special Victims' Counsel (RSVC) training sessions to enhance understanding of NG specific processes of the RSVC program to include training on federal and state courts martial proceedings and development of a NG SVC scope of representation for victims of domestic violence.
- **LOE #3 Investigations** – In FY20 NGB leadership identified the lack of a Military Criminal Investigative capability within NGB as a major issue within program and as such will push to explore opportunities to expand our organic administrative investigation capability through the NGB Office of Complex Investigations (NGB-OCI).
- **LOE #4 Accountability** – Published CNGB 0401.01 “National Guard Special Victims’ Counsel Procedural Guidance” providing operational guidance on the NG SVC program. Increased regional training opportunities (virtual) and debuted NG SVC scope of representation for victims of domestic violence.
- **LOE #5 Assessment** – Published CNGBI 1300.01 “National Guard Sexual Assault Prevention and Response Program”, providing specific NG guidance on programs, processes and requirements of the program. Debuted NGB Form 1300 to provide direction for collection of DSAID data for Subject Case Disposition. In addition, initiated SAPR program metrics reflecting health of the program within a dashboard for leadership visibility and action.

National Guard is committed to a strong and compassionate response to sexual assault. We will continue to work with our local and federal partners to eradicate sexual assault within our ranks.

1. Goal 1—Prevention: “institutionalize evidenced-based, informed prevention practice and policies across the Department so that all Military Service members are treated with dignity and respect, and have the knowledge, tools, and support needed to prevent sexual assaults.”

1.1 Prevention Plan of Action (PPoA) Implementation Efforts: Summarize the major PPoA activities completed in FY 2020 to include completion of Phase II. Discuss efforts underway to meet PPoA “short-term” objectives (to be completed by May 2021), and include successes and major prevention activities from the period under review. (Office of the Under Secretary of Defense for Personnel and Readiness

(OUSD(P&R)) Memorandum, “Execution of the Department of Defense Sexual Assault Prevention Plan of Action,” (April 26, 2019) / DoD Prevention Plan of Action 2019-2023 (April 2019)

The National Guard aligned with the Military Services to focus on prevention efforts around the Prevention Plan of Action core elements to meet the needs of our Service members. These elements include building a prevention workforce, empowering leaders to create climates that foster trust and encourage help-seeking behavior, expanding our prevention partnerships, using evidence-based strategies, and gathering evaluation data to show program impacts.

NGB-J1-SAPR began the Prevention Plan of Action Phase II after finalizing the results of Phase I, and capturing the recommendations and action steps identified in response to the Self-Assessment results. The strengths identified through the self-assessment included NGB’s leadership dedication, motivated staff, and collaborative relationships. The gaps within the existing prevention system identified by the NGB-J1- SAPR team included a lack of funding and designated prevention positions to meet the sexual assault prevention program mission for the National Guard.

Work first began on the Logic Model preparation with the creation of working sessions facilitated by the CDC, VPTAC team with the NGB-J1-SAPR team and DoD SAPRO subject matter experts. The areas discussed within the working sessions included scope, leadership guidance and direction, assumptions, timeframe for all Phase II deliverables, and sketching out one objective or row of the Logic Model. The NGB-J1-SAPR team identified the following priority actions to address in their Prevention Plan of Action, Plan of Action and Milestones:

- Develop, disseminate, and communicate an approved prevention strategy based on National Guard population and limitations for the states.
- Secure various professional development opportunities.
- Ensure access to the most up to date nation-wide information, resources, research, and news in prevention.

The NGB-J1-SAPR team continued to work with VPTAC and DoD SAPRO advisors to help create the prevention strategy using the working sessions to generate ideas about how prevention could best work in the National Guard context and within their communities. Research shows that interventions, activities, and applications must influence more than targeted individuals and focus at the community level, supporting the importance of community involvement in preventing sexual assault.

Various SAPR stakeholders provided assumptions and needs for a realistic NGB Prevention Plan of Action that aligned with DoD SAPROs prevention objectives during Phase II. Some of the assumptions presented included:

- Changing the norms around who was responsible for prevention to mean everyone has a role now.
- Providing clear communication around which prevention actions require more resources to achieve them.
- Focusing on a Joint-system model at the State level rather than a Service-specific model.

A key piece of the logic model developed by NGB-J1-SAPR focused on engaging with existing civilian resources at the State level, while limiting activities within the National Guard to areas not already covered within our Service member's lives. Effective primary prevention of harm requires frequent and strategic dosages of messaging and intervention. The National Guard recognizes, however, that the uniquely civilian force may not require the delivery of all these doses within the uniformed environment. It quite possible that our National Guard members are achieving the multiple dosages needed for effectiveness through existing congressionally funded initiatives within their civilian life. The National Guard's Prevention strategy will serve as a guide to identify, monitor, and supplement existing preventative work.

The National Guard will focus its efforts within sexual assault prevention strategies from a joint perspective within the States, as opposed to adapting or using the strategies to accommodate a Service-specific approach. This approach will assist the National Guard in achieving the objectives of the National Guard strategies. Additionally, non-combat setting is best for accomplishing primary prevention, making resources within the civilian environment more leverage-worthy for the National Guard Prevention Plan of Action.

The following efforts are underway to complete the Prevention Plan of Action short term objectives:

- Identifying existing tools for creating and evaluating comprehensive and feasible approaches to prevention.
- Engaging with DoD SAPRO to examine educational materials and tools to help leadership understand, reinforce, and effectively oversee the prevention system and process.
- Developing a process to track and analyze existing activities at the Joint Force Headquarters within each State.
- Rolling out strategic communication/education materials on policy changes and updates through the Annual Refresher Training.
- Identifying areas of alignment with opportunities for shared funding.
- Identifying skills and abilities necessary for prevention professionals in NGB.

One major preventative success at the strategic level came from the process chosen for the development of the Prevention Plan of Action. Upon the recommendation of VPTAC and DoD SAPRO, the NGB began strategic planning with the development of a Logic Model and

concluded it with a Plan of Actions and Milestones. The NGB chose this order of development to ensure that the strategies attached to National Guard Prevention Plan of Action would yield the desired outcomes within the unique Title 32 environment. Beginning with a logic model resulted in creating a strategy fully tailored to the National Guard's strengths and limitations. The completion of Phase II of the Prevention Plan of Action delivered to DoD SAPRO in June 2020 was a major tasking for NGB-J1-SAPR in FY20. This executable plan outlines NG's primary prevention activities at the operational and tactical level to reduce sexual assault in a measurable and systematic method.

1.2 COVID-19 Impact: Discuss the impact of the COVID-19 pandemic on sexual assault prevention efforts (if any). If there was an impact, what adjustments were made to advance prevention efforts as a result of the COVID-19 pandemic?

The COVID-19 pandemic affected two primary efforts in the National Guard sexual assault prevention program. The first being Sexual Assault Awareness and Prevention Month (SAAPM) activities scheduled in April, a signature event with the most visibility with Service members. The NGB and National Guard within the States placed many planned SAAPM in-person events on hold and eventually cancelled them. One significant event was an effort coordinated early in FY20 between NGB and members from the VPTAC team on a project to provide technical assistance to select NG-JFHQs-State locations. The vision was to pair the VPTAC teams with several National Guard sites to observe their conduct of FY20 SAAPM activities. The goal was to capture current practices to evaluate the NG's ability to focus on "prevention" rather than awareness, and to identify barriers within the SAAPM program. The NGB planned to use the summary of information provided by the VPTAC team to gain insight on how to tailor their support to the field for SAAPM 2021, and to share lessons learned with all the States. As a result of the cancellation of SAAPM activities, the NGB and VPTAC team reassessed their plan and provided small group coaching on planning virtual prevention activities through 2021 at the September 2020 Annual National Guard Sexual Assault Response Coordinator and Victim Advocate Coordinator Refresher Training.

The COVID-19 pandemic also affected the Virginia National Guard's "Risk Reduction Time-Out" Getting to Outcomes pilot. The Virginia National Guard SAPR team adapted the pilot, a suicide prevention training activity, to include addressing SAPR issues. This project consists of interactive training and a series of commander led "Time-Out huddles" on various issues designed to reinforce holistic resilience, and bystander intervention. This DoD pilot of the RAND Corporation's Getting To Outcomes process was paused because of the Virginia National Guard response to the pandemic in the Spring of FY20. The Getting to Outcomes team, however, resumed the pilot activities late in FY20 and are moving forward into Step 6 of the process at the start of FY21, only slight behind the original timeline.

1.3 Future Plans: Based on the approach provided in your Military Service's Plan of Action and Milestones (POAM), identify major leadership approved initiatives or activities your Military Service is undertaking. Identify key considerations or obstacles that might affect implementation of the PPOA. (OUSD(P&R) Memorandum,

**“Execution of the Department of Defense Sexual Assault Prevention Plan of Action,”
(April 26, 2019) / DoD Prevention Plan of Action 2019-2023 (April 2019))**

The NGB identified the major leadership approved initiatives within short term, intermediate term, and long-term goals. The short term initiatives include:

- Kick-off of a National Guard Sexual Assault Task Force to identify ways to better serve the field and develop concrete prevention tools for leaders
- Develop SAPR course curriculum to address NG-specific gaps in training
- Equipping leadership with tools to identify, hire, and train prevention professionals and oversee effective prevention activities.
- Developing tools to help leaders understand and communicate the prevention process, and to better inform their decision-making processes.
- Continue revising policies to develop environments where sexual assault is less likely to occur.
- Determining prevention resourcing needs.

The NGB leadership approved intermediate term initiatives include:

- Incorporating prevention professional development requirements into policies to ensure consistent training and competence of prevention professionals.
- Developing methods to integrate emerging issues, such as men's victimization and retaliation prevention, into a comprehensive strategy.
- Developing and executing methods to address negative perceptions to engagement in sexual assault prevention activities.
- Refinement and validation of metrics
- Correcting evaluation gaps in prevention programs and dissemination of the results to support continuous quality improvement.

The NGB leadership approved long term initiatives include:

- Long-term process improvement to ensure leaders at all levels have the appropriate tools to combat sexual harassment and sexual assault

The key considerations and potential obstacles that might affect the National Guard's implementation of the Prevention Plan of Action fall with funding and manpower. The National Guard will seek to contract this workload to allow for a quicker execution.

2. Goal 2—Victim Assistance & Advocacy: “deliver consistent and effective advocacy and care for all military Service members or their adult dependents, such that it empowers them to report assaults, promotes recovery, facilitates dignified and respectful treatment, and restores military readiness.”

2.1 Strategic Summary: Summarize your efforts to achieve the Victim Assistance & Advocacy goal. In this strategic summary, include significant updates and/or force-wide changes and/or initiatives begun or completed by your Military Service in FY 2020. As applicable, include significant updates on SARC and SAPR VA training; victim medical and mental health services; manpower and resource capabilities and/or shortfalls; certifications (e.g., implementation of Tier III background checks for SAPR personnel); victim care in deployed environments; response services for men who report sexual assault; collaboration with civilian victim response organizations; and SAPR training for the force (e.g., junior officer (O1-O2) and mid-level enlisted (E4-E6) leader training on appropriate actions to address SAPR). There is no need to repeat prior Annual Report submissions or address each of the examples above if these processes have remained largely the same as in previous years. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 2 – Victim Assistance & Advocacy, p. 7 / DoD Plan to Prevent and Respond to Sexual Assault of Military Men (October 2016))

The National Guard Special Victims' Counsel (NG SVC) Program Management Office provides functional and policy oversight to Special Victims' Counsel located across the 54 States. The NG SVC Program employs judge advocates and paralegals with specialized training for legal representation to eligible clients who are victims of sexual assault. Special Victims' Counsel enter into attorney-client relationships to advocate for their client's interests within National Guard, DoD, and State forums. The NG SVC Program published the Chief of the National Guard Bureau Manual (CNGBM) 0401.01, NG SVC Procedural Guidance, dated 23 March 2020, which provides specific information and guidance on the management and operation of the NG SVC Program. Additionally, all Senior Regional Special Victims' Counsel initiated periodic training sessions geared to address more specific practice topics to enable SVCs to better address specific client issues.

NGB-J1-SAPR continued to enhance cross-Service joint response capabilities to include relocation of Regional Program managers and support personnel to a centralized location. NGB-J1-SAPR introduced Joint Service Monthly teleconferences with SAPR professionals in the States to provide updates on cross-training and informed communication. These teleconferences also served to emphasize the unified efforts and cooperation necessary to accomplish the numerous responsibilities and requirements of the States' SAPR programs. NGB-J1-SAPR also saw an increase in manpower, with the authorization and hiring of a full time civilian position, a Joint Staff Victim Assistance Branch Chief/ANG SAPR Program manager. In keeping with the integrated approach, members of NGB-J1-SAPR participated in the Headquarters Air Force Integrated Resilience Office Training Action Group to develop new curriculum for SAPR annual training. The Air National Guard 195th Wing participated in piloting the new training curriculum. A highlight for the year was the cross-Service Annual Refresher training for all National Guard full-time SAPR personnel that included a presentation specific on joint policy and procedural updates that addressed the non-Federalized National Guard needs. NGB-J1-SAPR also enhanced and re-classified the SARC position descriptions located within the wing throughout the Air National Guard to strengthen the network of support and care for victims, as well as reinforcing inter-service communication.

The NGB also made updates to their Chief of the National Guard Bureau Instruction 1300.01, dated 26 June 2020, "Sexual Assault Prevention and Response Program" to include adherence to the updated Defense Sexual Assault Advocate Certification Program (D-SAACP) requirements identified in the Department of Defense Instruction 6495.03, 28 February 2020, "Defense Sexual Assault Advocate Certification Program (D-SAACP)." A draft Chief of the National Guard Bureau Manual (CNGBM) 1300.01A, "National Guard Implementation of the Department of Defense Sexual Assault Advocate Certification Program" is in the final review phase prior to formal coordination with an anticipated publication date within the 2nd Quarter of FY21.

2.2 COVID-19 Impact: Describe any victim assistance and advocacy-related challenges (if any) your Military Service may have encountered due to the COVID-19 pandemic (e.g., SARC and SAPR VA certification and continuing education; victim access to services; and sexual assault reporting issues) and how such challenges were addressed. Describe in detail how your SARCs/SAPR VAs provided advocacy telephonically and had victims complete DD Form 2910, "Victim Reporting Preference Statement;" DD Form 2910-1, "Replacement of Lost DD Form 2910;" and/or DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases" electronically for submission. Also, describe any challenges. Did a Sexual Assault Medical Forensic Examiner assist in providing the victim a DD Form 2910 prior to a Sexual Assault Forensic Exam (SAFE)? Were there any issues in providing telephonic advocacy while the victim was at a healthcare facility awaiting a SAFE? Describe efforts to publicize SAPR resources or encourage reporting/help seeking during the national pandemic.

Due to the disparate geographical proximity of NG SVCs to their clients, NG SVCs must travel in order to appropriately represent and meet the needs of their clients. COVID-19 and the associated DoD travel restrictions put in place in response to the pandemic led to postponement of investigations, adjudication proceedings, and client meetings. SVCs responded through use of teleconference, video conference, and other remote communication platforms. This resulted in creating great uncertainty for clients. While travel restrictions were adjusted to allow for limited travel as an exception to policy, this travel posture and use of remote communication methods will continue into FY 21.

National Guard SAPR programs across the States experienced extensive limitations to the delivery of direct care for victims of sexual assault as well as other SAPR program responsibilities because of COVID-19 restrictions.

24/7 Response Capability: Many SARCs migrated to telework, while some SARCs with health concerns, reduced their availability to respond in-person to victims of assault. When in-person response was not possible, the SARC and volunteer victim advocates completed the initial intake using video calling features, with the victim's consent. This approach allowed the victim to receive a written and verbal explanation of reporting options and resources. This increased need for and use of technology provided the capability of the SAPR professional to connect with the victim to complete the DD Form 2910, "Victim

Reporting Preference Statement,” as well as a retaliation reporter’s completion of the DD Form 2910-2, “Retaliation Reporting Statement for Unrestricted Sexual Assault Cases.”

Medical Treatment and Sexual Assault Forensic Exams:

Due to the primary reliance on civilian medical resources to provide medical assistance and sexual assault forensic examinations to non-Federalized National Guard members, COVID-19 restrictions hampered the victim’s ability to obtain assistance in some cases.

The COVID-19 protocols established within each of the States determined the effect on the victim based on locality.

Safety Assessments: The increased operational tempo of the National Guard because of COVID-19, along with the limitations on movement, required National Guard SAPR and professionals to increase their frequency for check-ins with the victims to evaluate stress and safety. The National Guard SAPR professionals completed the check-ins using telephonic means and other virtual capabilities to conduct these safety assessments, as well as establishing and implementing the High Risk Response Team to assess risk factors.

Case Management Group: The Adjutants General, or designated alternate and Wing Commanders, convened monthly Case Management Group meetings using teleconference means or other NGB approved communication channels in lieu of in-person meetings. Additional safeguards set in place helped to ensure only authorized personnel attended the meeting to protect the victim’s privacy to the greatest extent possible.

Publicizing SAPR Program Resources: National Guard locations throughout the States updated contact information, email signature lines, and websites to include SAPR contact information in a telework environment to include cell phone numbers for SAPR professionals and support services, as well as providing additional information for the DoD Safe Helpline and Safe HelpRoom.

SAPR Training: The Air National Guard saw the conduct of only three of the four Air National Guard 80 hour SARC courses scheduled, which created a gap for spring training and delayed the opportunity for new Wing SARCs to receive training. The impact of the spring cancellations carried over to the summer courses resulting in a greater demand and limited availability of seats. Several Wing SARCs did not receive seats in any of the courses, while alternate Wing SARCs did not receive training from January 2020 through October 2020. Additionally, COVID-19 hindered the ability of Wing SARCs to facilitate the 40-hour Volunteer Victim Advocate course, while making modifications for a virtual platform. COVID-19 adaptations were included in the revised Volunteer Victim Advocate course facilitation guide and accompanying training materials released in the summer of 2020.

Annual SARC and Victim Advocate Coordinator Training: COVID-19 severely affected the Annual SARC and Victim Advocate Coordinator Refresher Training for full time National Guard SAPR professionals because of the limitations on travel. As the COVID-19 environment evolved, so did the venue and execution of the Annual Refresher training. The

NB-J1-SAPR considered several courses of actions, prior to selecting to transition to a fully virtual platform to conduct the training. This was the first event of its kind delivered under these conditions emanating from the Temple Army National Guard Readiness Center. Through the tremendous efforts and collaboration of a team of individuals from both NGB-J1-SAPR and the National Guard Joint Command, Control, Communications and Computers, the platform was set up to accommodate the audience as well as the presenters, most connecting from remote locations. In addition to the platform and pre-checks of the system, the agenda required a number of revisions to adapt to the new venue to replace speakers who could not adjust to the new schedule or venue. As a testament to the detailed planning, coordination, and collaboration, the annual refresher training received outstanding reviews, especially for its execution with minimal interruptions to members of the audience spanning over the States.

2.3 Victim Assistance and Advocacy Oversight: Describe how your Military Service provides oversight for the Victim Assistance and Advocacy goal (e.g., command inspections to ensure the availability of trained SAPR personnel and other first responders; staff assistance visits; case management group review of unrestricted sexual assault and related retaliation reports; assessment of initial and follow-on advocate training; and feedback mechanisms). (DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (May 24, 2017), Encl 2, para 6I & ai(4) / DoD Sexual Assault Prevention and Response Strategic Plan “Task List,” (December 1, 2016), Goal 2 – Victim Assistance and Advocacy, Objective 2.1, Task #7, p. 3)

The NGB uses Regional Managers within NGB-J1-SAPR to provide oversight of NG SAPR personnel training and screening requirements. The ongoing assessment includes a review and analysis of brigade, battalion, and equivalent sized unit SAPR personnel rosters to ensure compliance with the appropriate background checks, screening requirements, Service-specific initial training completion, and D-SAACP certification. NGB-J1-SAPR, at the request of The Adjutants General of the States, provided subject matter experts to participate in staff assistance visits to offer policy and procedural guidance. A new assessment tool to assist The Adjutants General with a snapshot of the status of their SAPR program is the “Health of the Force” report. This report provides information specific to a State to assist the SAPR personnel and leadership identify strengths and areas of improvement throughout the program. Items identified include Case Management Group meeting compliance, Defense Sexual Assault Incident Database metrics, and annual training compliance. The National Guard SAPR program also participated in the bi-annual DoD Safe Helpline audit to ensure the contact information for all SAPR personnel and first responders is current for victims to access assistance. Additionally, NGB-J1-SAPR conducted a separate internal quality check for responder phone verification. The National Guard continuously reviews 24-hour notifications and eight-day reports to monitor the accuracy of reported data and to assess continuity of care. Additionally, the National Guard tracks expedited transfer reports and maintains liaison with the field to provide consultation as needed.

The reporting of retaliation and the prevention of retaliation within the National Guard experience challenges because of characteristics or factors unique to the non-Federalized National Guard community. These factors include longer tours of duty at a location, stationary promotion opportunities, low leadership turn-over, and familial networks within units. NGB-J1-SAPR began to identify best practices in accordance with DoD policy for investigating retaliation with minimal internal touchpoints to help SAPR professionals to provide better support to the retaliation reporter. This is an ongoing project.

2.4 SARCs and SAPR VA Suspension, Revocation, and Reinstatement: Without providing personally identifiable information, how many SARCs and SAPR VAs in your Military Service received a suspension? A revocation? A reinstatement? (Identify how many SARCs and SAPR VAs for each category) (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 2 – Victim Assistance & Advocacy, Objective 2.1, p. 8 / DoDI 6495.03, “Defense Sexual Assault Advocate Certification Program (D-SAACP),” (February 28, 2020), Section 3.6 & 3.7, p. 11-15)

The National Guard suspended two SARCs and two Volunteer Victim Advocates, and revoked the certifications of two SARCs and three volunteer victim advocates during FY20.

2.5 SAFE Kits: Was the medical care of any Service member hindered due to the lack of a SAFE kit, timely access to appropriate laboratory testing resources, or other resources? If yes, explain and also address how many times this occurred and what actions were taken to mitigate the issue? (Note: This answer should be consistent with the number reported in blocks A and C of the Victim Services matrices). (NDAA for FY 2006, section 596 / DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (May 24, 2017), para 4I and Encl 2, para 6n)

There is no change from FY19. The National Guard does not have military treatment facilities and relies on civilian medical providers for SAFE exams for National Guard members in a non-Federalized or non-duty status. The National Guard ensures victims receive timely access to medical care, SAFE kits, and other resources based on Memorandums of Understanding with civilian medical facilities. During the past fiscal year, the NG did not receive reports of a hindrance in medical care due to a lack of SAFE kits or timely access to appropriate laboratory testing resources or other resources.

2.6 Military Protective Orders: How many Military Protective Orders (MPOs) were issued as a result of an Unrestricted Report (include the number of MPOs issued and the number violated)? Indicate if the victim(s) and the alleged offender(s) were provided with copies of the DD Form 2873, “Military Protective Order,” as required. (DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (May 24, 2017), Encl 5, para 7)

National Guard commanders issued 38 Military Protective Orders in FY20, with one violation of the Military Protective Orders issued. Each of the victims and each of the alleged offenders received a copy of the DD Form 2873.

The National Guard Judge Advocate Office also provided guidance on issuing “Informal” No-Contact Orders (NCOs), which commanders use generally in matters not rising to a criminal investigation and offer another means for a command to offer protection.

2.7 Future Plans: Describe your leadership-approved future plans (if any) to further improve the achievement of the Victim Assistance and Advocacy goal.

The NGB-J1-SAPR is currently developing supplemental training with specific modules focused on Title 32 equities for SARCs and SAPR Victim Advocates (VAs) to augment the foundational Service-specific training for its SAPR personnel. The service foundation training does not cover the nuances of the National Guard.

The NGB-J1-SAPR anticipates increased staffing in FY21 with the fill of a full time civilian position, Joint Staff Victim Assistance Branch Chief/ARNG SAPR Program Manager. The National Guard will continue to enhance inter-service training with a strategic plan to increase manpower in FY 23-27 with the introduction of GS 11 positions at the Wing level.

The National Guard SVC Program, through its Senior Regional SVCs, plan to continue to provide more specific training and mentorship to SVCs on practice topics that target those areas particular interest to the SVCs and their respective clients.

3. Goal 3—Investigation: “sustain a high level of competence in the investigation of adult sexual assault using investigative resources to yield timely results.”

3.1 Strategic Summary: Summarize your efforts for achieving the Investigation goal. In this strategic summary, include significant updates and/or force-wide changes and/or initiatives begun or completed by your Military Service in FY 2020. As applicable, include significant updates made to your Military Services’ Special Victim Investigation and Prosecution Capability for Military Criminal Investigative Organizations; investigative resources and manpower capabilities (e.g., defense investigators and digital forensic examiners); training for military criminal investigators (e.g., the Catch a Serial Offender (CATCH) Program), law enforcement personnel, and/or first responders; policy and regulation updates; case quality reviews; retaliation investigations; and information sharing within DoD and other organizations (e.g., federal and/or local civilian law enforcement). There is no need to repeat prior Annual Report submissions or address each of the examples above if these processes have remained largely the same as in previous years. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 3 – Investigation, p. 9 / NDAA for FY 2020, section 540J)

Although the National Guard does not have Military Criminal Investigative capability, we partner with local law enforcement to provide investigative service for our sexual assault cases. In cases of unrestricted reports of sexual assault when local law enforcement

organizations did not investigate or the investigation was deficient NGB Office of Complex Investigation (OCI) provides a centrally managed administrative investigative capability to the States. The OCI investigators have either a law enforcement or legal background and receive specialized training in investigating sexual assault cases as well as annual refresher training.

Although the National Guard did not make any enhancements to the National Guard Special Victim Investigation and Prosecution capability for MCIOs, we did identify a significant gap in OCI capacity and will pursue enhancements to this program in FY21.

3.2 COVID-19 Impact: Describe any investigation-related challenges (if any) your Military Service may have encountered due to the COVID-19 pandemic (e.g., personnel training and delays or inability to conduct sexual assault victim and witness interviews) and how such challenges were addressed.

Due to the disparate geographical proximity of National Guard SVCs to their clients, National Guard SVCs must travel in order to appropriately represent and meet the needs of their clients. COVID-19 and the associated DoD travel restrictions put in place led to postponement of investigations, adjudication proceedings, and client meetings. SVCs responded through use of teleconference, video conference, and other remote communication platforms. This resulted in creating great uncertainty for clients. Despite adjusted travel restrictions to allow for limited travel as an exception to policy, this travel posture and use of remote communication methods will continue into FY 21.

COVID-19 had a significant negative impact on the operations of NGB-OCI. DoD and state restrictions prevented NGB-OCI investigators from traveling or being able to conduct investigations for five months. Consequently, there is currently a backlog of cases and NGB leadership will be investigating ways to expand the OCI capability and enhance their procedures.

3.3 Evidence Processing Challenges: Describe any evidence processing challenges at the Defense Forensic Science Center (e.g., shipping delays and turnaround time for processing of SAFE kits and other evidence) and actions taken to address or mitigate these challenges. Additionally, did COVID-19 impact on any evidence processing delays and/or evidence deterioration within the SAFE kit (e.g., packaging the SAFE kit box in plastic caused deterioration of evidence samples due to moisture/mold)? If yes, how were these issues addressed? (Joint Chiefs of Staff Strategic Direction to the Joint Force on SAPR (May 7, 2012), p. 11)

Not applicable – When under Title 32 of the United States Code, National Guard members are under the command and control of their governor, and typically do not fall under the jurisdiction of an MCIO. Further, NGB-OCI does not collect, process, or maintain physical evidence such as SAFE kits, as part of its administrative investigations.

3.4 Future Plans: Describe your leadership-approved future plans (if any) to further improve the achievement of the Investigation goal.

At the direction of the Chief National Guard Bureau, on 01 November 2020, NGB-OCI became a standalone investigative entity under the NGB Joint Staff. In FY21, the Army Program Objective Memorandum (POM) process officially recognized NGB-OCI as a Program of Record. As a result of this process, the Army granted five temporary, civilian positions. NGB-OCI continues to work with the Air Force and the Air National Guard in the POM process to secure their support for additional sexual assault investigations. In addition, NGB will initiate a working group in FY21 to explore options to enhance the capability of the Office of Complex Investigations with a permanent structure, resourcing and review/revise policy.

4. Goal 4—Accountability: “maintain a high competence in holding alleged offenders appropriately accountable.”

4.1 Strategic Summary: Summarize your efforts to achieve the Accountability goal. In this strategic summary, include significant updates and/or force-wide changes begun or completed by your Military Service in FY 2020. As applicable, include significant updates on any new legal support resources or manpower capabilities; training of personnel affiliated with the Special Victim Investigation and Prosecution Capability program (paralegals, trial counsel, and victim-witness assistance personnel) for responding to allegations of sexual assault; and policy and regulation updates. There is no need to repeat prior Annual Report submissions or address each of the examples above if these processes have remained largely the same as in previous years. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 4 – Accountability, p. 9)

The National Guard Special Victims' Counsel (NG SVC) Program Management Office within the National Guard Bureau, General Counsel, provides functional and policy oversight to Special Victims' Counsel located across the 54 states, territories, and the District of Columbia. The Program employs judge advocates and paralegals with specialized training to provide legal representation to eligible clients who are victims of sexual assault. Special Victims' Counsel enter into attorney-client relationships to advocate for their client's interests within National Guard, DoD, and State forums. The NG SVC Program published the CNGBM 0401.01, NG SVC Procedural Guidance, dated 23 March 2020, which provides specific information and guidance on the management and operation of the NG SVC Program. All Senior Regional Special Victims' Counsel have initiated periodic regional training sessions geared to address more specific practice topics to enable SVCs to better address specific client issues. The NG SVC Program plans to increase training opportunities in both federal and state courts martial proceedings and initiate development of a NG SVC scope of representation for victims of domestic violence in anticipation of expansion of NG SVC services to eligible victims of domestic violence.

4.2 COVID-19 Impact: Describe any accountability-related challenges (if any) your Military Service may have encountered due to the COVID-19 pandemic (e.g., personnel training; delayed client meetings with sexual assault victims; trial delays; and witness preparation delays) and how such challenges were addressed.

Due to the disparate geographical proximity of NG SVCs to their clients, NG SVCs must travel in order to appropriately represent and meet the needs of their clients. COVID-19 and the associated DoD travel restrictions put in place in response to the pandemic led to postponement of investigations, adjudication proceedings, and client meetings. SVCs responded through use of teleconference, video conference, and other remote communication platforms. This resulted in creating great uncertainty for clients. This travel posture and use of remote communication methods will continue into FY 21 despite adjustments to travel restrictions to allow for limited travel as an exception to policy.

4.3 Effectiveness of the Special Victims' Counsel (SVC)/Victims' Legal Counsel (VLC) Program: Describe any enhancements your Military Service has made to the SVC/VLC program; how case load management is being accomplished for sexual assault and domestic violence victims; and the feedback mechanism(s) and metrics used to determine the success of the program. Are SVCs/VLCs assigned at every installation in your Military Service? If not, is one made available to the victim within the NDAA-required timeframe of 72 hours? Are SVCs/VLCs assisting sexual assault victims with their retaliation allegations? Also, describe methods to inform/train SVCs/VLCs on the new DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases." Additionally, describe efforts to sustain SVC/VLC service to victims during the COVID-19 pandemic. (NDAA for FY 2020, sections 541, 542, & 548 / NDAA for FY 2016, section 532 / NDAA for FY 2013, section 573 / SecDef Memorandum, "Improving Victim Legal Support," (August 14, 2013), p. 1)

The NG SVC Program is comprised of a Program Management Office and eight geographical regions. Each region provides services to its assigned state, territory, or the District of Columbia. (CNGBM 0401.01, Encl A. Para 1)

Once the NG SVC Program receives a request for NG SVC representation, the NG SVC Program office will perform a conflict check and assign an NG SVC. Once assigned, the NG SVC will establish contact with requesting service member within 48 hours of assignment. The requesting service member will also have the option of establishing contact with the assigned NG SVC. (CNGBM 0401.01, Encl E, Para 2)

The NG SVC Program provides in its standard scope of representation that NG SVCs may assist clients with adverse actions arising out of reprisal or retaliation. All new NG SVCs receive training to review the scope of representation with their clients to ensure the client understands the range and limits of NG SVC services.

The NG SVC Program centrally assigns all cases from the NG SVC Program Management Office and monitors the frequency and ratio of cases assigned per Special Victims' Counsel to ensure each Special Victims' Counsel is able to manage his or her caseload effectively, which means limiting caseloads to 25 cases per SVC. In addition, The NG SVC Program is participating in the FY23-27 Program Objective Memorandum for both the Army and Air Force to secure funding for additional manpower to meet the target average caseload of 25 cases per NG SVC.

The NG SVC Program developed and implemented specialized training for all new program personnel to supplement the SVC certification training provided by the Army and Air Forces Special Victims' Counsel programs. While the Judge Advocate General of the Army or the Judge Advocate General of the Air Force certify all NG SVC personnel, the NG SVC Program training prepares Special Victims' Counsel to address representation issues unique to the National Guard in support of clients whom might otherwise be ineligible for SVC or VLC services under Active Component program guidelines.

4.4 Victim Notification: How is your Military Service ensuring that the victim of an alleged sexual assault by another member of the Armed Forces is receiving notification of each significant event in the military justice process that relates to the investigation, prosecution, and confinement of the alleged perpetrator? (NDAA for FY 2020, section 538)

NG SVCs are required to maintain reasonable communication with their clients and inform them of all proceedings and events in their case. (CNGBM 0401.01, Encl B, Para 3a)

NG SVCs are also required to provide prompt notification of representation to all other interested parties, including defense counsel, trial counsel, unit commanders, SARCs, Victim Advocates, and investigators (when applicable). The notification advises that the client is represented and that all communications relating to representation should be directed to the assigned SVC. (CNGBM 0401.01, Encl C, Para 1j)

Finally, NG SVCs are required to attend Case Management Group meetings during the review of a client's case to discuss case status and ascertain any updates to the client's case. (CNGBM 0401.01, Encl C, Para 1k)

4.5 Victim/Witness Assistance Program (VWAP): Has there been an increase in VWAP personnel? If so, how are the additional personnel being utilized? (NDAA for FY 2020, section 540)

The NG SVC Program does not play a role in providing victim witness assistance program services.

4.6 CATCH Program: Provide an update on your Military Service's implementation of the CATCH Program to include any challenges faced by victims and SARCs. Also, describe your efforts to promote awareness of the program. (SecDef Memorandum, "Actions to Address and Prevent Sexual Assault in the Military," (May 1, 2019), p. 2)

The NG SVC Program closely monitored the development of the Catch a Serial Offender (CATCH) Program and briefed all NG SVCs on the availability and capability of CATCH Program as a potential resource for those clients that file a Restricted report.

The NGB-J1-SAPR fully implemented the CATCH program at all levels, beginning with the preliminary guidance for SAPR personnel to awareness and training throughout the force. The NG completed its initial implementation of policy guidance, training, and CATCH system

access for National Guard SARCs by the end of FY19. Force training continued from September through October 2019 to ensure a Joint Service approach for ARNG and ANG to receive CATCH program slick sheets provided by DoD SAPRO, NGB Public Affairs guidance, and CATCH 101 slides for inclusion in Annual SAPR training for the ARNG and the Commander's SAPR Talking Points for the ANG. Ongoing training incorporated CATCH program highlights for leadership and into all foundational training for SAPR personnel, to include Volunteer Victim Advocates. Commands and leaders through the NG received ongoing guidance through revised NGB policies, information papers, and new SAPR presentation CATCH slides for use at the Chief and Commander's Course. The NGB-J1-SAPR dedicated one point of contact at the NGB headquarters level to monitor all CATCH system access, while regional analysts and program managers assisted with ensuring compliance for all prerequisites for SAPR personnel access to the system. The NGB-J1-SAPR continuously monitors the implementation of the CATCH program and dedicates time each month to the Joint Service SAPR Regional calls to address CATCH for both response and Force Training. The NGB-J1-SAPR Annual SARC Refresher training integrated CATCH procedural and policy guidance with interactive format to maintain a pulse for effectiveness and address any tactical level challenges due to COVID-19.

4.7 Future Plans: Describe your leadership-approved future plans (if any) to further improve the achievement of the Accountability goal.

NGB expanded the SAPR division with the addition of a Compliance, Accountability and Assessment Branch. This new branch will ensure policy and procedural alignment in accordance with DoD, Service-specific, and CNGB policy guidance. NGB-J1-SAPR and NGB-IG are also collaborating to enhance tactical level guidance and compliance with development of inter-office communications for Staff Assistance Visits, Continuous Evaluation, service specific evaluation processes, Command Checklist, SARC self-assessments, and overall health of the force. This branch will also include coordination with the Office of Complex Investigations and General Counsel regarding program assessments and Staff Assistance Visits; as well as Legal Officer expertise, metrics tracking, reviewing memorandums of understanding and memorandums of agreement, positions of significant trust and authority process, CATCH Program, and Retaliation Reporting.

As NGB-J1-SAPR adopts the prevention plan of action, this office will develop new training to incorporate evidence-based prevention activities in accordance with scientific recommendations.

The NG SVC Program plans to increase training opportunities in both federal and state courts martial proceedings and initiate development of a NG SVC scope of representation for victims of domestic violence in anticipation of expansion of NG SVC services to eligible victims of domestic violence.

5. Goal 5—Assessment: “effectively measure, analyze, assess, and report SAPR Program progress to improve effectiveness.”

5.1 Strategic Summary: Summarize your efforts for achieving the Assessment goal. In this strategic summary, include significant updates and/or force-wide changes

begun or completed by your Military Service in FY 2020. As applicable, include significant updates on efforts to fulfill your oversight responsibilities, to include the use of internal inspection programs; initiatives to ensure the quality, reliability, validity, and secure retention of data collected in the Defense Sexual Assault Incident Database (DSAID); and SARC and SAPR VA training. There is no need to repeat prior Annual Report submissions or address each of the examples above if these processes have remained largely the same as in previous years. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 5 – Assessment, p. 10)

During FY20, the NGB-J1-SAPR performed monthly quality reviews for analysis of DSAID data entry. The Joint Service monthly teleconferences also included DSAID updates, additional guidance to the SARC for missing data fields, as well as distribution and creation of location codes. The NGB-J1-SAPR also created and published NGB form 1300 to improve information collected in DSAID for Subject Case Disposition. Additional, the NGB Annual Refresher training for SARCs included modules for DSAID with virtual data entry practice.

5.2 COVID-19 Impact: Describe any assessment-related challenges (if any) your Military Service may have encountered due to the COVID-19 pandemic (e.g., personnel training and entry of reports into DSAID) and how such challenges were addressed.

The National Guard experienced challenges similar to the other DoD branches of service with limited DoD approved technology and equipment to work remotely. The National Guard updated software for the remote work environment, though several approved platforms and connection settings were intermittent or non-functioning at various intervals. Some SARCs lacked the ability to upload documents to DSAID in a telework environment. The COVID-19 shift to telework created a home working environment without scanning equipment and intermittent network and email access challenges.

5.3 Future Plans: Describe your leadership-approved future plans (if any) to further improve the achievement of the Assessment goal.

NGB expanded the SAPR division with the addition of a Compliance, Accountability and Assessment Branch. This new branch will ensure policy and procedural alignment in accordance with DoD, Service-specific, and CNGB policy guidance. NGB-J1-SAPR and NGB-IG are also collaborating to enhance tactical level guidance and compliance with development of inter-office communications for Staff Assisted Visits, Continuous Evaluation, service specific evaluation processes, Command Checklist, SARC self-assessments, and overall health of the force. This branch will also include coordination with the Office of Complex Investigations and General Counsel regarding program assessments and Staff Assisted Visits; as well as Legal Officer expertise, metrics tracking, reviewing memorandums of understanding and memorandums of agreement, positions of significant trust and authority process, CATCH Program, and Retaliation Reporting.

6. Core Functions (Communication and Policy): Provide a brief summary for new efforts taken in FY 2020 on the following:

6.1 Monthly Case Management Group Procedures: Provide an update on your Military Service’s implementation of the revisions to the monthly Case Management Group (CMG) Policy (e.g., tracking of the number of days between an expedited transfer request and the actual transfer date; specialized training for those conducting sexual assault safety assessments; and implementation of the DD Form 2910-2, “Retaliation Reporting Statement for Unrestricted Sexual Assault Cases”)? Did the COVID-19 pandemic impact your ability to conduct CMG meetings, and if it did, how did you mitigate the impact? (OUSD-PR Memorandum, “Revisions to the Monthly Case Management Group Meetings for Adult Sexual Assault Cases” (November 13, 2019))

The NG issued an updated CNGB Instruction 1300.01 to provide additional guidance and clarification for the CMG process and requirements. CNBG Instruction 13001.01 outlined that The Adjutants Generals (TAGs) establish and chair the monthly multi-disciplinary case management group meeting to review all Unrestricted Reports of sexual assaults occurring within the State. The National Guard JFHQs-State Sexual Assault Response Coordinators (SARCs) serve as the co-chair of the monthly State CMG meeting. ANG Wing SARCs participate in the monthly National Guard JFHQs-State CMG meeting in addition to serving as the co-chair of the Wing CMG meeting. Due to COVID-19 travel and social distancing restrictions, CMG format transitioned to a virtual platform, using approved secure lines of communication to continue the monthly meetings. NGB-J1-SAPR also continues with quality DSAID assurance checks, conducted frequently, to ensure that CMG attendance, meeting minutes, and case review occur IAW with DoD and CNGB guidance.

The NGB SAPR maintained oversight for all requests for Expedited Transfers, ensuring that SARC and Commanders met the 72-hour timeline for approval as outlined in DoD policy. Additionally, NGB-J1-SAPR Regional Program Managers and Analysts liaised with the SARCs across the States to address procedural concerns. SARCs are also responsible for reporting expedited transfer metrics in DSAID, along with noting transfer requests and accompanying considerations in the Case Management notes section of DSAID. Notably, the National Guard utilized a different process for handling expedited transfer requests for Title 32 members, as each State and Territory has de-centralized personnel centers, requiring additional communication channels for those requesting an out-of-state transfer. While the National Guard monitored compliance with the 72-hour command approval timeframe for expedited transfers previously, an established means to track the timeline between command approval for expedited transfers and the departure of a victim to another location occurred in FY20.

The NGB issued an updated CNGB Manual 1300.03A in FY20 that incorporated DoD updates for retaliation reporting and inclusion of the COVID-19 updated DD Form 2910-2.

6.2 Revised Expedited Transfer Procedures: How is your Military Service ensuring that upon approval of an expedited transfer the losing SARC is facilitating the scheduling of an “intake meeting” with the gaining SARC? What steps has your

Military Service taken to ensure the gaining SARC meets with 100% of incoming expedited transfer victims? The SAPR policy regarding expedited transfers was expanded to allow the transfer of a Service member whose adult military dependent makes an allegation of sexual assault that was not domestic abuse-related. How many of these types of expedited transfers were granted? How many were denied? Of those requests that were granted, was the Service member transferred at the same time as the adult dependent, and if not, please describe the circumstances (e.g., a Service member was deployed or in specialized training and was transferred upon his/her return to the installation). Overall, how did the COVID-19 pandemic impact the expedited transfer process, and how did your Military Service adjust its processes to accommodate these transfer requests? (OUSD-PR Memorandum, "Revisions to the Sexual Assault Prevention and Response Program's Expedited Transfer Policy," (February 10, 2020), p. 3-5)

The NGB-J1-SAPR Regional Managers monitor the requests for expedited transferred within their region. They ensure the SARCS adhere to the procedures as written in CNGB Manual 1300.04, "National Guard Expedited Transfer Program For Members with Unrestricted Reports of Sexual Assault." The National Guard did not receive and expedited transfer requests on behalf of an adult military dependent. There was no evidence of hindrance in this program because of COVID-19.

NG SVCs may counsel their individual clients on availability of an expedited transfer and potential pros and cons of such a transfer on their particular case. However, NG SVCs do not have access to or visibility on the overall administration of the expedited transfer process.

6.3 Retaliation Training Definition: How is your Military Service ensuring the DoD SAPRO retaliation definition has been incorporated into annual SAPR training? (OUSD-PR Memorandum, "Defense Sexual Assault Incident Database Updates Involving the Replacement of Lost Forms, Retaliation Reporting, and Electronic File Locker," (October 15, 2019), p. 9)

National Guard units utilize their Service-specific annual SAPR training to meet their annual SAPR training requirement. However, during the NG SARC and SAPR VA Annual Refresher Training, guest speakers from offices of the NGB-OCI, SVC, and IG reinforced the DoD SAPRO definition.

6.4 Retaliation Reporting Form: Describe how your Military Service ensures that SARCs, SAPR VAs, and potential retaliation reporters (victims, witnesses, bystanders, responders, and family members) are aware of the new DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases?" (OUSD-PR Memorandum, "Defense Sexual Assault Incident Database Updates Involving the Replacement of Lost Forms, Retaliation Reporting, and Electronic File Locker" (October 15, 2019), p. 2)

CNGB Manual 1300.03A, 26 August 2020, “National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault” establishes the requirement to complete the DD Form 2910-2, “Retaliation Reporting Statement for Unrestricted Sexual Assault Cases.” NGB-J1-SAPR Regional Managers discussed this requirement with the full-time SAPR Professionals within the States during the Regional Joint Monthly Teleconferences.

NG SVCs may assist clients with adverse actions arising out of reprisal or retaliation in accordance with the standard NG SVC scope of legal representation. NG SVCs do not require a formal report or form to assist a client with issues arising out of reprisal or retaliation and, therefore do not have access to or visibility on the processing of DD Form 2910-2.

7. National Defense Authorization Act (NDAA) Requirements:

Provide your Military Service’s status on the NDAA sections listed below. There are unique requirements embedded within each NDAA section’s language, so referring to the entire section is necessary.

After reviewing the designated NDAA section:

- If the requirement(s) has/have been implemented, provide the completion date (e.g., Completed, January 15, 2020).
- If the requirement(s) has/have not been implemented, provide the projected completion date (e.g., Projected completion date: January, 2021).

7.1 NDAA for FY 2020, section 525. Training of Members of Boards for Correction of Military Records and Discharge Review Boards on Sexual Trauma, Intimate Partner Violence, Spousal Abuse, and Related Matters

Not applicable to NG.

7.2 NDAA for FY 2020, section 540. Increase in Investigative Personnel and Victim Witness Assistance Program (VWAP) Liaisons (Note: See related questions 3.1 and 4.5)

Not applicable to NG.

7.3 NDAA for FY 2020, section 541. Improvement of Certain Special Victims’ Counsel Authorities. (Note: See related question 4.3)

Section (a) Completed October 2016

Section (g) Projected completion date October 2023

7.4 NDAA for FY 2020, section 542. Availability of Special Victims’ Counsel at Military Installations (Note: See related question 4.3)

Section (a) Completed October 2016

Section (b) Not applicable to the NG

7.5 NDAA for FY 2020, section 550A. Policies and Procedures on Registration at Military Installations of Civilian Protective Orders Applicable to Members of the Armed Forces Assigned to Such Installations and Certain Other Individuals

Projected Completion Date December 2021

8. Analytics Discussion

8.1 Military Services & NGB*: Provide an analytic discussion (1,500 words or less) of your Statistical Report of reported sexual assault cases from DSAID. Required elements included on this template are information on Unrestricted Reports; Restricted Reports; service referrals for victims alleging sexual assault; and case synopses of completed investigations.

***NGB should provide comments based on its available information and data.**

This section must briefly address each of the following:

- Notable changes in the data over time
- Insight or suspected reasons for noted changes, or lack of change, in data
- The application of insights from data analyses for programmatic planning, oversight, and/or research
- Total number of Sexual Assaults (Restricted Reports and Unrestricted Reports) over time (since FY 2008) **(Metric #11)**
- The number of sexual assault investigations completed by the MCIO in the FY and the corresponding mean and median investigation length. Case open date can be in any year, but the close date must be by the end of the FY **(Non-Metric #6)**
- The number of subjects with victims who declined to participate in the military justice process **(Metric #7)**
- Command action for military subjects under DoD legal authority (to be captured using the most serious crime investigated, comparing penetration to contact crimes) **(Non-Metric #1)**
- Sexual assault court-martial outcomes (to be captured using the most serious crime charged, comparing penetration to contact crimes) **(Non-Metric #2)**
- Summary of referral data – Unrestricted and Restricted Reports - either referrals received from other sources or referrals made to other sources (e.g., medical/mental health, command, criminal investigation/security services, legal, civilian, or VA authorities, etc.)
- Any other information relating to sexual assault case data

The Analytics Discussion section contains data on sexual assaults reported to the NGB that involve at least one member of the National Guard either as the victim or as one or more of the subjects. The FY20 final reporting data extracted from DSAID on 01 December 2020,

and validated for use on 14 December 2020, establish the basis of the figures in this report. NGB-J1-SAPR removed some sexual assault cases reported in FY20 from this analysis because of missing basic information, lack of a National Guard connection, or incorrect case entry. This report includes graphs and charts that display National Guard joint data, as well as ARNG- and ANG-specific data as available.

The National Guard saw a small increase in sexual assault reports this year to 634, which reflects a 4.45 percent increase when compared with FY19. This increase is smaller than 9.91 percent, which is the average increase over the past five years. It is also much smaller than the increase from FY18 to FY19, which was 17.41 percent. While the total National Guard reports increased, the number of reports involving Title 10 Guard members decreased from 92 in FY19 to 67 in FY20.

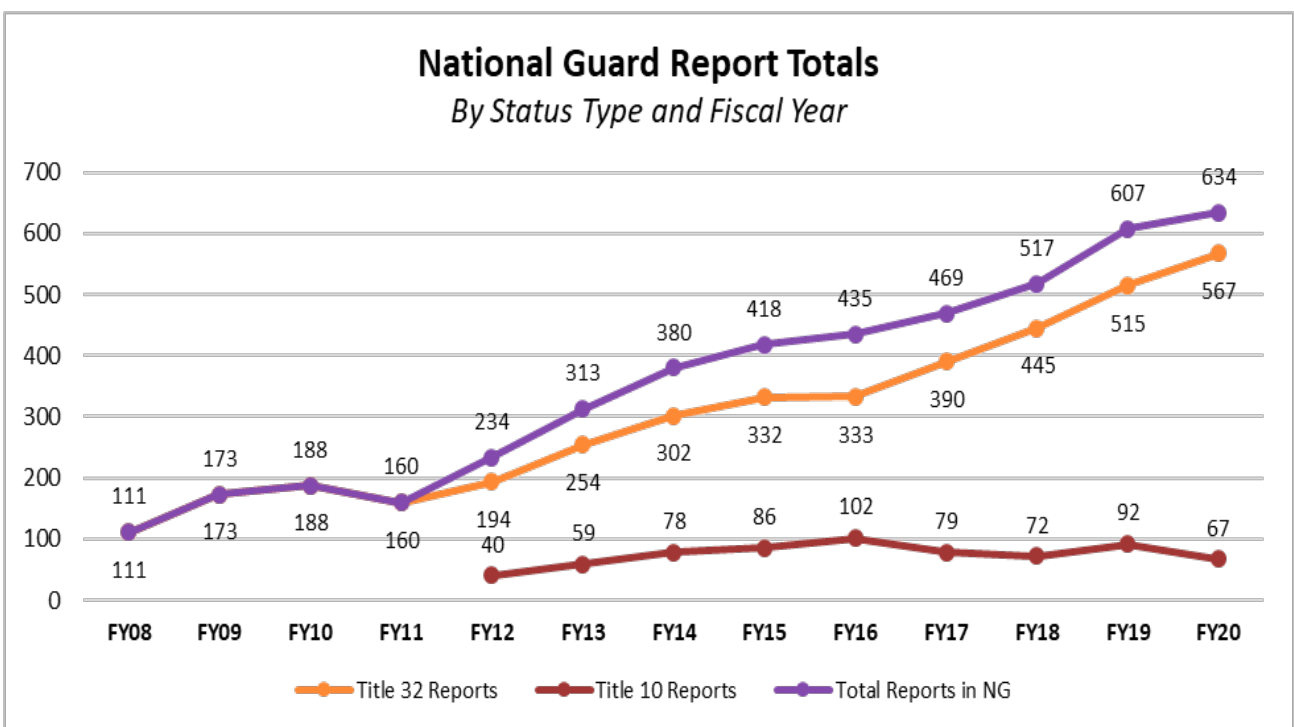


Figure 1. National Guard Report Totals by Status Type and Fiscal Year.

The ARNG reports followed a similar pattern. In FY20, ARNG reports increased to 483, reflecting a 6.15 percent increase when compared with FY19. This increase is smaller than 9.72 percent, which is the average increase over the last five years. It is also much smaller than the increase from FY18 to FY19, which was 16.07 percent.

The number of ANG reports increased by an average of 10.88 percent over the last five years. However, from FY19 to FY20, ANG reports held steady, changing from 152 to 151.

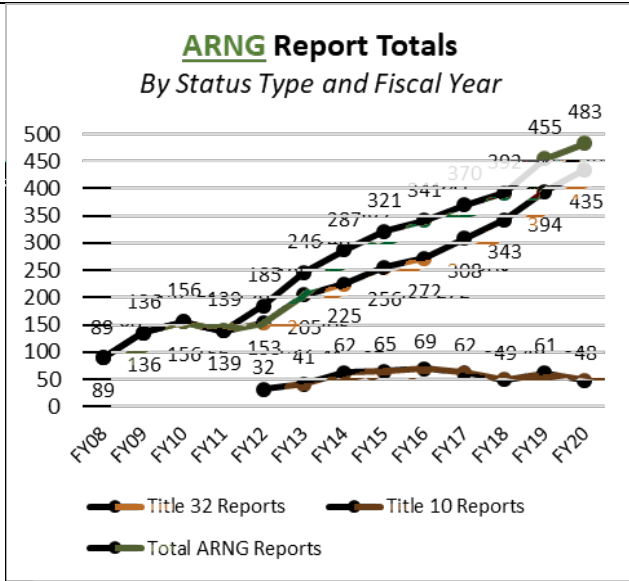


Figure 2. ARNG Report Totals by Status Type and Fiscal Year.

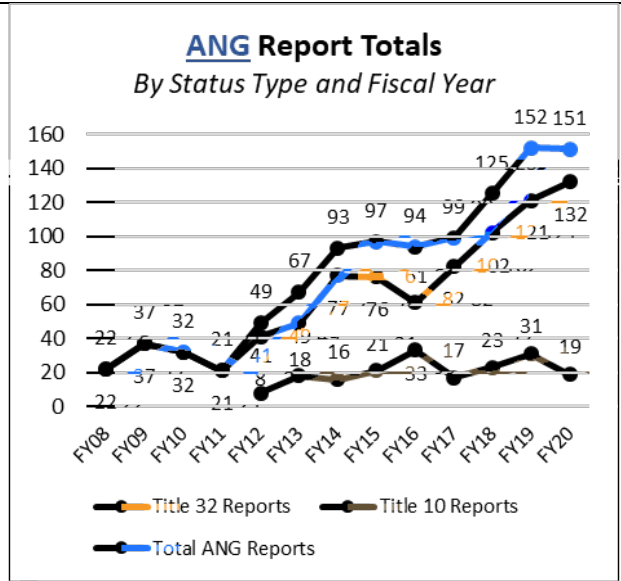


Figure 3. ANG Report Totals by Status Type and Fiscal Year.

It is important to note the impact of key events during FY20 that shaped sexual assault incidents and reporting. During FY20, as discussed elsewhere in this report, the COVID-19 virus caused an unprecedented global pandemic. This drove a need to telework, which created administrative turmoil as well as reduced physical contact as work, drills, meetings, and other activities moved to the virtual space. Later in FY20, increased civil unrest led to NG deployments, which caused more administrative confusion as SARCs and VAs were unable to respond as effectively during deployment. Although the number of total reports increased in FY20, the gain was not as strong as the trend in recent years would suggest, most likely due to these factors.

The upward trend of increased reports in recent years may be partially attributed to the sexual assault victim’s increased comfort with the Victim Advocates and access to SAPR services and resources. They illuminate the need for victim services and sexual violence prevention. The National Guard will increase attention on sexual violence prevention by addressing key risk factors that impact the Guard population, as discussed elsewhere in this report.

Metric #11 – Total Restricted Reports (RR) and Total Unrestricted Reports (UR), FY13–FY20 (Figure 4)

In FY20, the National Guard saw 447 unrestricted reports involving National Guard members filed. This is an 8.23 percent increase from 413 in FY19. Of the FY20 unrestricted reports, 404 involved Title 32 Guard members and 43 involved Title 10 Guard members.

In FY20, the National Guard saw 187 restricted reports involving National Guard members filed. This is a 3.61 percent decrease from 194 in FY19. Of the FY20 restricted reports, 163 involved Title 32 Guard members and 24 involved Title 10 Guard members.

Additionally, 34 reports of sexual assault filed in FY20 were converted from restricted to unrestricted in the same fiscal year (5.36 percent of all National Guard reports). This is a decrease from 41 converted reports in FY19. Of the 34 converted reports in FY20, ARNG victims converted 22 reports and ANG victims converted 12 reports.

The ratio of restricted to unrestricted reports for FY20 was 2.39 unrestricted reports for each restricted report. This is a higher ratio than the 2.13 unrestricted reports for each restricted report FY19. This may reflect an increase in the levels of comfort, safety, and trust of the SAPR services and support resources in the National Guard.

There were 67 reports (both restricted and unrestricted) filed involving Title 10 Guard members in FY20. This is a 27.17 percent decrease from 92 in FY19. This decrease reverses the trend of increase that occurred over the last three years; the number of reports involving Title 10 Guard members was 79, 72, and 92 across FY17, FY18, and FY19, respectively. The decrease in restricted reports involving Title 10 Guard members from 47 in FY19 to 24 in FY20 accounts almost entirely for this trend. As discussed in the previous section, the pandemic, increased civil unrest in FY20, or numerous other factors may be the cause for this decrease in reports.

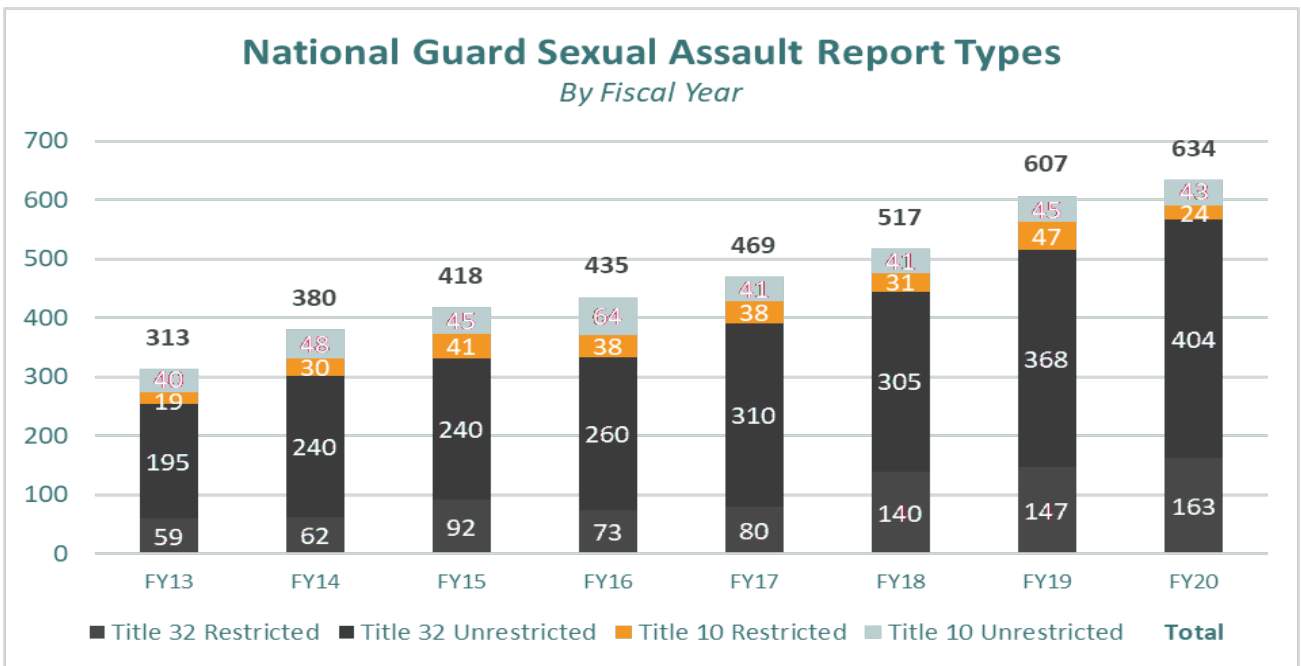


Figure 4. National Guard Sexual Assault Report Types and Fiscal Year.

In FY20, reports filed involving Title 32 Guard members reached 567 reports (both restricted and unrestricted). This is a 10.1 percent increase from 515 in FY19. This is consistent with a steady rise in reports involving Title 32 Guard members over the last four years. An increase in knowledge of and access to SAPR services may partially explain this increase in reporting.

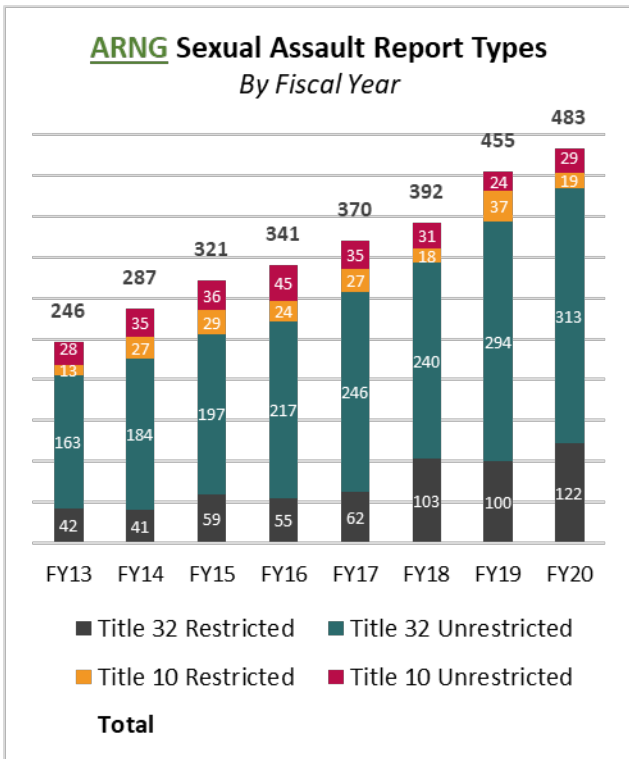


Figure 5. ARNG Sexual Assault Report Types and Fiscal Year.

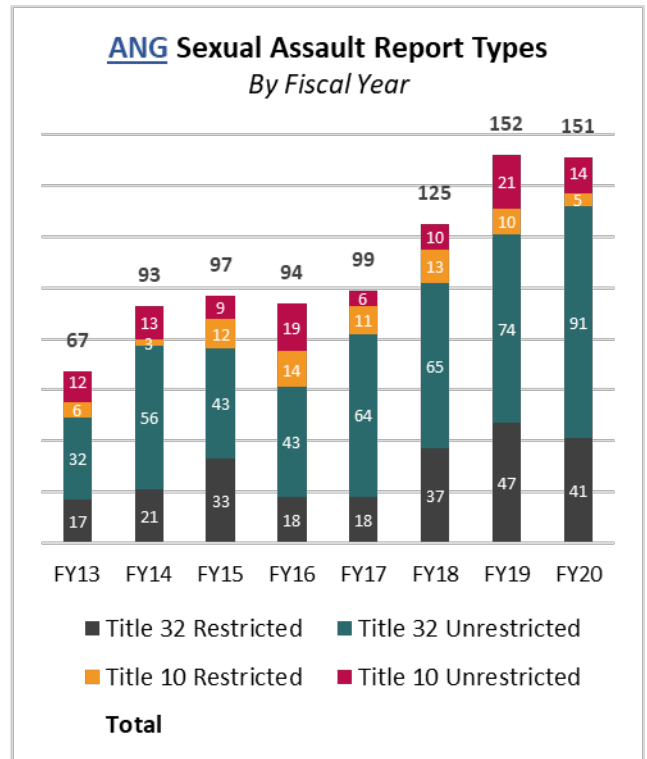


Figure 6. ANG Sexual Assault Report Types and Fiscal Year.

Summary Referral Data (UR and RR reports for Title 10 and Title 32 cases)

The National Guard saw 1,159 referrals in FY20, which is a significant increase of 20.1 percent over 965 in FY19. Referrals have been increasing at an average rate of 25.77 percent over the past five years, illustrating an increase in awareness and access to resources for survivors of sexual assault. The increase in referrals may also demonstrate successful SAPR policy changes and awareness initiatives. Please note that more than one referral may be made for each case at the request of the survivor.

The rising trend of mental health referrals continued in FY20. The highest volume of referrals in FY20 was to mental health resources; with 324 referrals, mental health resources represents 27.96 percent of all referrals made in FY20. The only referral source that decreased from FY19 to FY20 is victim advocates, dropping from 241 in FY19 to 199 in FY20. The decreased in-person meetings and increased use of virtual meetings because of the pandemic, as well as the increased civil unrest, may be the contributing factors for the reduced use of Victim Advocates. Additionally, many SARCs may have chosen to assist the victim personally, rather than referring the victim to a Victim Advocate due to the restrictions and potential obstacles caused by the COVID19 pandemic. The largest percent increase in referrals was to Chaplains and other spiritual support resources, which doubled from 75 in FY19 to 150 in FY20. In addition to a concerted effort by the Chaplain's Office to raise their profile, the Chaplains increased overall contacts with personnel due to the unique factors related to COVID and telework. Additionally, according to the Centers for Disease Control

and Prevention, behavioral health referrals, suicide ideations, and other mental health issues increased Nationally since the beginning of COVID-19 restrictions.

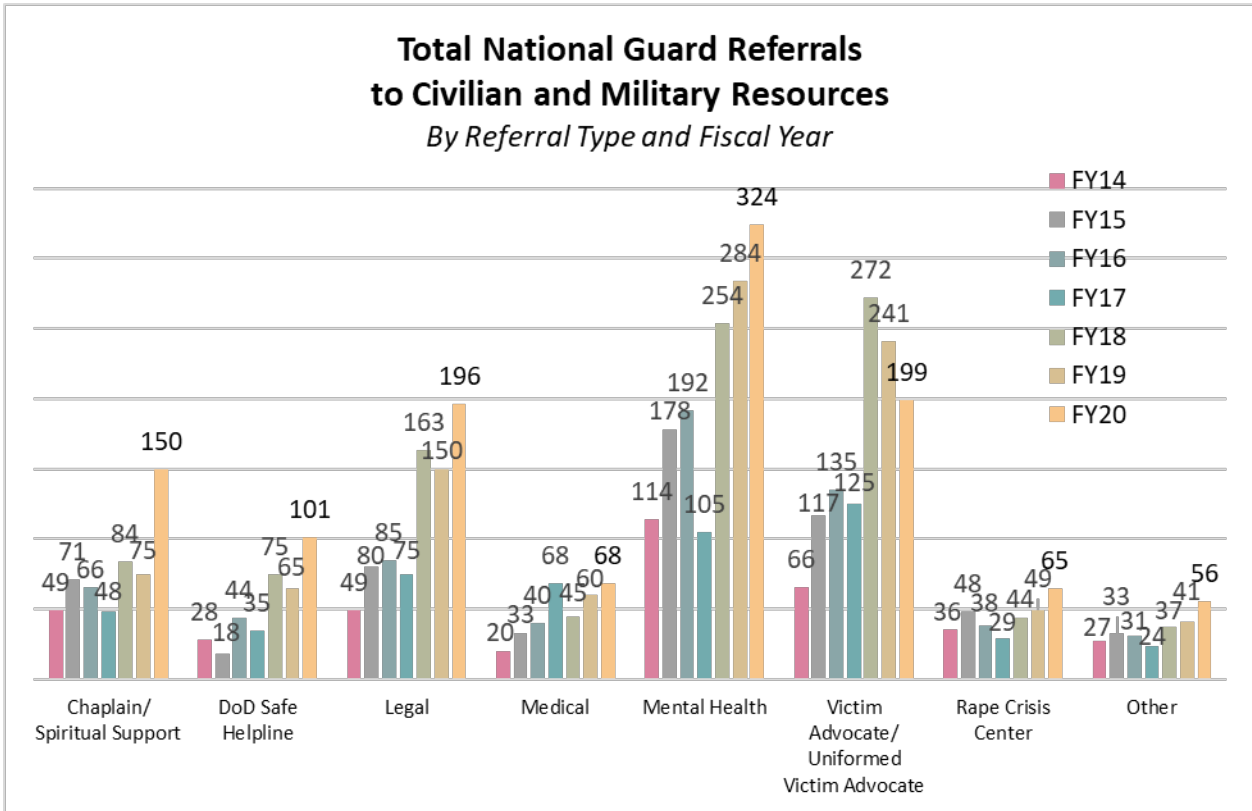


Figure 7. National Guard Referrals by Referral Type and Fiscal Year

The ARNG referrals totaled 670 in FY20, which is a significant increase of 30.6 percent over 513 referrals in FY19. Referrals increased at a rate similar to the total referral rate, as discussed above. Referrals to mental health resources also show the highest volume of referrals in FY20 with 194 referrals representing 28.96 percent of all ARNG referrals during FY20. The largest percentage increase in ARNG referrals in FY20 was to Chaplains and other spiritual support resources, though the effect is more pronounced; they increased 153.13 percent from 32 in FY19 to 81 in FY20. Referrals for Victim Advocates decreased from 160 in FY19 to 144 in FY20, reflecting the challenges for in-person services during the pandemic. Medical referrals stayed constant at 25 referrals in both FY19 and FY20.

The ANG referrals totaled 479 in FY20, an increase of 5.97 percent over 452 referrals in FY19. Mental health referrals represent the highest volume of referrals in FY20 with 130 referrals representing 27.14 percent of all ANG referrals during FY20. Mental health referrals decreased slightly, from 137 in FY19 to 130 in FY20. Victim Advocate referrals decreased more so, from 81 in FY19 to 55 in FY20. The highest percentage increase was the "Other" category, doubling from 14 in FY19 to 28 in FY20. This category consists of the DoD Safe Helpline, civilian rape crisis centers, and other community support services.

ARNG Referrals to Civilian and Military Resources
By Referral Type and Fiscal Year

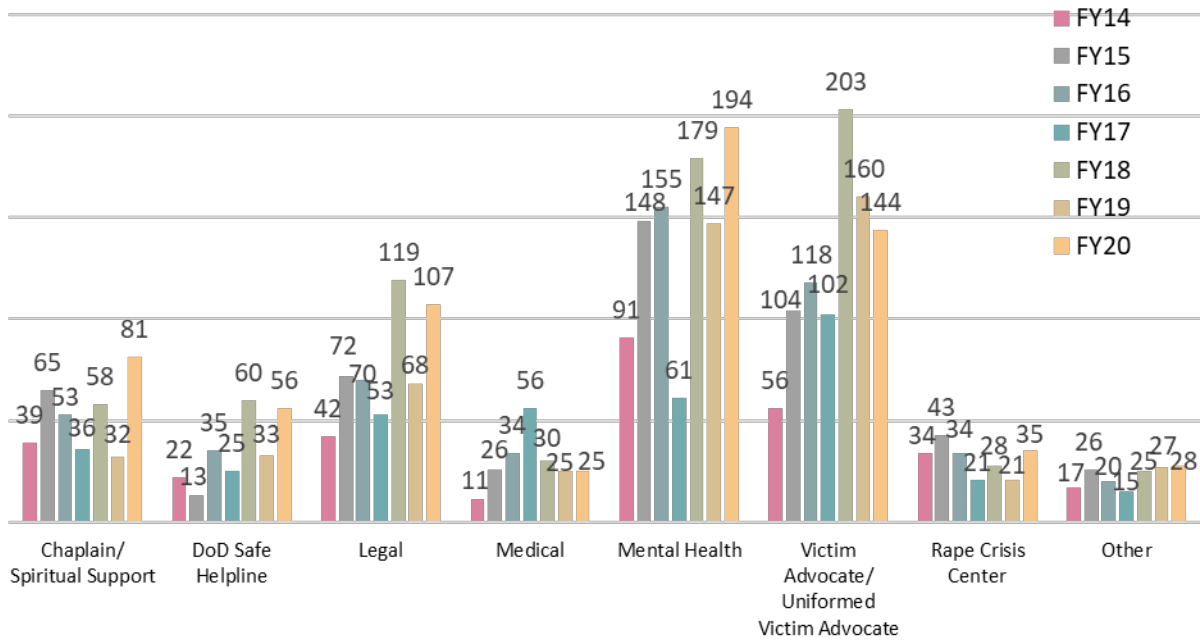


Figure 8. ARNG Referrals by Referral Type and Fiscal Year

ANG Referrals to Civilian and Military Resources
By Referral Type and Fiscal Year

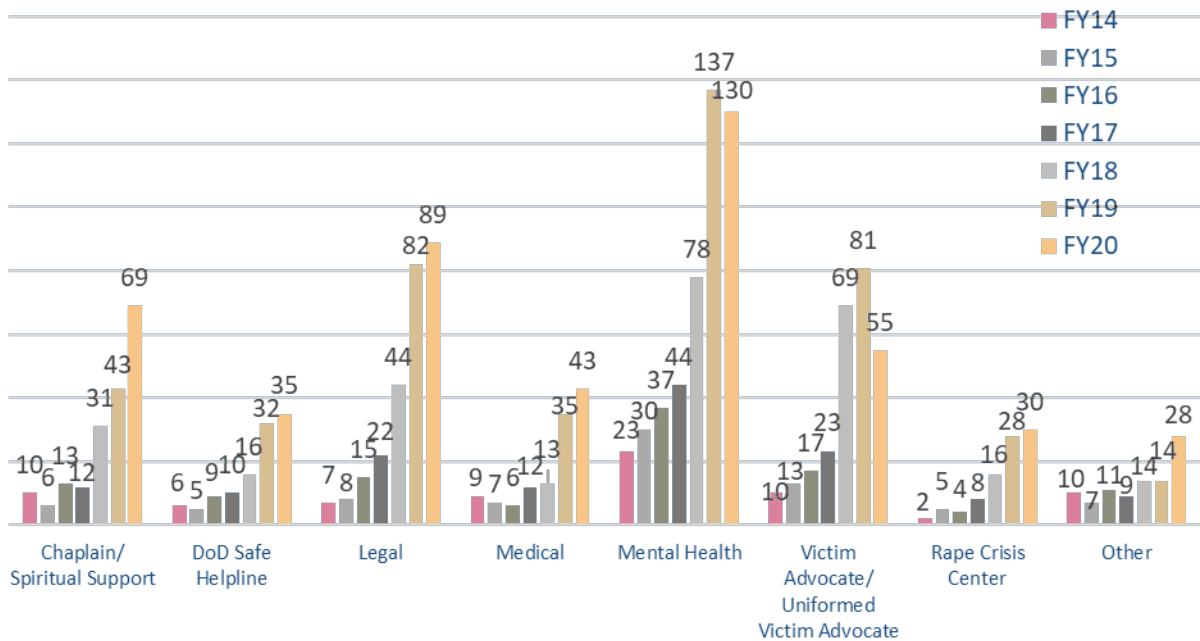


Figure 9. ANG Referrals by Referral Type and Fiscal Year

Expedited Transfer Requests

The National Guard received 11 expedited transfer requests in FY20 and processed them according to the CNGB Issuances. Of these requests, 9 were ARNG and 2 were ANG. National Guard Commanders approved 10 requests, with only one ANG request not approved. Of the total approved requests, 8 were local transfers and 2 were permanent changes of station.

Although the National Guard strived to approve all transfer requests, the number of positions available within locality and various statuses (traditional, Active Guard Reserve status, Title 32 technician) limits the opportunities for a commander to identify a suitable position for transfer.

Male Reporting, FY20

The National Guard continued to pursue awareness efforts targeted at male survivors in an effort to increase sexual assault reporting for this population. These efforts included increased push of awareness specific to this population and incorporating male guest speakers into training events to assist in reducing the stigma associated with male reporting. In FY20, 77 reports involved male victims. This represents 12.15 percent of the total reports for all of the National Guard.

Of those 77 reports, 54 involved ARNG male victims (11.18 percent of total ARNG reports) and 23 involved ANG male victims (15.23 percent of total ANG reports).

In reference to report types, 48 reports involving male victims were unrestricted in FY20, compared to 29 restricted reports. The ratio of unrestricted reports to restricted reports involving male victims is 1.66 unrestricted reports for each restricted report. This ratio is much narrower than 2.39, which is the ratio of total unrestricted reports to total restricted reports. Male victims were more likely to seek restricted reports than female victims. This may be due to the stigma surrounding sexual assault that pervades this population.

NGB-J1-SAPR continued to coordinate and collaborate with DoD SAPRO by participating in the Men's SAPR Working Group. One area of focus for this group in FY21 is the development of a DoD Men's SAPR Outreach Campaign. NGB-J1-SAPR will disseminate the planned products to the States, such as a branding theme, animated videos, and allied campaign materials, when available. Currently, videos and training modules on male victimization are included in NGB Commander toolkits. SARC's implement Service-specific training items for Title 32 Guard members and incorporate ensure male-specific content.

Notifying Command

Of the incidents of sexual assaults reported by National Guard members in FY20, SARC's notified command within 24 hours of the report for 73.82 percent of cases; this is a decrease from 97 percent in FY19. As mentioned elsewhere in this section, events in FY20 such as the pandemic and civil unrest decreased availability of SARC's and increased administrative barriers to swift reporting.

Non-Metric #6 — Sexual Assault Investigations completed by NGB Office of Complex Investigations in the Fiscal Year

NGB-OCI completed 99 administrative investigations into unrestricted reports of sexual assault at the request of The Adjutants General and the Commanding General of the District of Columbia. These reports involved members of the ARNG and the ANG in a Title 32 duty status, where civilian or military law enforcement either declined to investigate the allegation or failed to investigate the allegation sufficiently.

Not Applicable to the non-Federalized National Guard

Under the command and control of the Governor, non-Federalized National Guard members typically do not fall under the Title 10, United States Code, jurisdiction of a MCIO or the military judicial system. Therefore, quality data is not available for analyses or reporting for the following:

- The number of subjects with victims who declined to participate in the military justice process. (Metric #7)
- Command action for military subjects under DoD legal authority (to be captured using the most serious crime investigated, comparing penetration to contact crimes) (Non-Metric #1)
- Sexual assault court-martial outcomes (to be captured using the most serious crime charged, comparing penetration to contact crimes) (Non-Metric #2)
- The number of sexual assault investigations completed by the MCIO in the fiscal year (and the corresponding mean and median investigation length). (Non-Metric #6)

8.2 Complete the following table with your numbers as of the end of the fiscal year. Use the job/duty descriptions provided and the following inclusion criteria:

- Include all Reserve and Active Duty military personnel. Army and Air Force do not need to include their respective National Guard component information as it will be included in the National Guard Bureau’s response.
- Include civilian and contractor personnel, as applicable
- Only include filled positions
- Indicate the number of full-time and part-time personnel
- Provide the exact number of current personnel, whenever possible. If the number is an estimate, indicate how the estimate was reached and any other relevant information.

(DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (May 24, 2017), Encl 2, para 6ac)

Job/Duty Title	Description of Job/Duty	Full-Time	Part-Time
Program Managers	Capability in developing policy, or program management and execution; and completion of 40+ hours of Military Service-specific National	2	0

	Advocate Credentialing Program and approved SARC training.		
Dedicated Headquarters-Level Professionals	Include policy, advocacy, and prevention professionals who support the headquarters-level SAPR program offices at each Military Service/National Guard Bureau (<i>not including program managers, who are counted in their own category</i>).	18	0
Uniformed SARCs	Serve as the single point of contact at an installation or within a geographic area to oversee sexual assault awareness, prevention, and response training; coordinate medical treatment, including emergency care, for victims of sexual assault; and track the services provided to victims from the initial report through final disposition and resolution. Certified under the nationally-accredited DoD Sexual Assault Advocate Certification Program (D-SAACP).	8	213
Civilian SARCs	See above. (Title 5)	128	3
Uniformed SAPR-VAs	Provide non-clinical crisis intervention, referral, and ongoing non-clinical support to adult sexual assault victims; offer information on available options/resources to victims; coordinate liaison assistance with other organizations and agencies on victim care matters; and report directly to the SARC. Certified under the nationally-accredited D-SAACP.	3	1183
Civilian SAPR-VAs	See above.	44	5
Sexual Assault-Specific Legal	Legal personnel who specialize in sexual assault cases including prosecutors, Victim Witness Assistance Program personnel, paralegals, legal experts, and Special Victims' Counsel/Victims' Legal Counsel.	25	0
Sexual Assault – Specific Investigators	Military Criminal Investigation Office investigators who specialize in sexual assault cases. <i>* NGB NGB-OCI does not employ criminal investigators, but has 18 administrative investigators who have received specialized, sexual assault specific investigative training.</i>	0 *(18)	0

Sexual Assault Medical Forensic Examiners	Medical providers that have completed the DoD course at Fort Sam Houston, or equivalent.	NA	NA
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