



## Enclosure 4: National Guard Bureau





## NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

MAR 06 2020

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND  
READINESS

SUBJECT: National Guard Sexual Assault Prevention and Response Program Fiscal Year 2019  
Review

I have attached the National Guard Sexual Assault Prevention and Response (SAPR) Program review for inclusion in the Department of Defense Annual Report on Sexual Assault in the Military.

This report details National Guard efforts to enhance SAPR Program initiatives according to the five goals, overarching tenets, and Secretary of Defense Initiatives for Title 32 Service members.

The point of contact for this action is Major General Dawne Deskins, Director of Manpower and Personnel, National Guard Bureau Joint Staff, at 703-604-9540.

A handwritten signature in black ink, appearing to read "J. Langyel", is positioned above the typed name.

Joseph L. Langyel  
General, U.S. Air Force  
Chief, National Guard Bureau

Attachment:  
As stated

## FY 2019 Annual Report on Sexual Assault in the Military Executive Summary: National Guard Bureau

The National Guard Bureau (NGB) Sexual Assault Prevention and Response (SAPR) and Sexual Harassment/Assault Response and Prevention (SHARP) Offices began Fiscal Year 2019 (FY19) receiving the Chief of the National Guard Bureau (CNGB) memorandum, 01 October 2018, “Internal National Guard Bureau Organizational Design Decision—Tranche 1.” This memorandum provided guidance on the consolidation of the Army National Guard, Air National Guard, and NGB, Manpower and Personnel, SAPR (NGB-J1-SAPR) Offices to align with the National Defense Strategy and the Secretary of Defense’s reform line of effort. A subsequent CNGB memorandum, 13 June 2019, “Internal National Guard Bureau Organizational Design Decision—Tranche 1, Sexual Assault Prevention and Response Program,” further defined the responsibilities of the lead authority and requirements on completing the merger. The consolidation of the three offices into NGB-J1-SAPR resulted in increased opportunities to collaborate, partner, and synchronize efforts to develop strong joint and service-specific policies and processes, and to design a shared plan of action based on the unique organizational needs of the National Guard.

The National Guard increased its level of participation in prevention efforts. NGB-J1-SAPR Office members attended Department of Defense Sexual Assault Prevention and Response Office (DoD SAPRO) prevention focused working groups, symposiums, and meetings. In view of its reorganization, the NGB-J1-SAPR Office worked closely with DoD SAPRO and external prevention experts to define the scope of its Prevention Plan of Action (PPoA) Self-Assessment. This assessment identified a number of mission failing gaps with the National Guard prevention system. Foremost is the lack of dedicated funding to fill a validated prevention position and dedicated team to lead the prevention program for the National Guard. In general, the NGB lacks the personnel and infrastructure to develop and implement a comprehensive prevention approach with individuals in temporary staff positions and by individuals performing tasks as an additional duty. Without dedicated staff, all prevention efforts will continue to operate in isolation and without sustainability. According to prevention science, readiness for sustainment is one of the major contributors to the success of prevention activities. Despite the lack of sustainment resources, the NGB made efforts to assist National Guard practitioners across the 54 States, Territories, and the District of Columbia (hereafter referred to as the States) in keeping their mandated prevention efforts in alignment with DoD best practices. The NGB-J1-SAPR Office also provided training and coaching to the full-time Sexual Assault Response Coordinators (SARCs) in the States and Territories on how to shift the focus toward “Prevention” in preparation for the annual Sexual Assault Awareness and Prevention Month. The National Guard began participating in DoD SAPRO’s pilot process for building prevention activities, Getting to Outcomes® in March of 2019. The North Carolina Joint Force Headquarters launched the first pilot and then transferred it to the Virginia Joint Force Headquarters in June 2019. The experience within these two high-performing National Guard Joint Force Headquarters—State SAPR programs will yield important insight on National Guard-centric needs within the Getting to Outcomes® process. The Air National Guard is committed to maintaining an enhanced

readiness posture through cross-organizational collaboration that addresses individual, family, and community concerns to grow a more resilient force. The Air Force has a similar version of Getting to Outcomes® and the Air National Guard began piloting this program in 2018, with 17 wings completing their first year in 2018 and a total of 35 wings now participating. The Air Force version of Getting to Outcomes® assists the Wing Community Action Team in developing their Community Action Plan as required in accordance with Air Force Instruction 90-5001, 25 January 2019, "Integrated Resilience." The Community Action Board approves the completed plan, which is a comprehensive, integrated, and coordinated plan to address resilience and violence prevention issues that impact a wing.

A hallmark of the National Guard victim assistance and advocacy program, as a joint reserve component, is the cross-Service joint response capabilities by trained and certified SAPR personnel and other responders. The FY19 National Guard Annual Sexual Assault Response Coordinator and Victim Advocate Coordinator Refresher Training provided updated information on completing forms, establishing memorandums of understanding, staff assistance visits, and conducting case management group meetings. The National Guard Special Victims' Counsel (NG SVC) Program Management Office continued to provide functional and policy oversight to the Special Victims' Counsel across the States. The NG SVC Program also enhanced organizational structure and processes, including the role of Senior Regional Special Victims' Counsel, to better meet client needs and identify representation trends within their respective regions of operation. Since FY15, the NG SVC Program consistently worked with the Army National Guard and Air National Guard to gain inclusion into the Army and Air Force Program Objective Memorandum initiatives. The NG SVC Program is currently included in the Army Program Objective Memorandum, Installation Program Evaluation Group for Operation and Maintenance, and is included in the Army Program Objective Memorandum process for FY21-25. The NG SVC Program is submitting funding requirements through the Army National Guard and Air National Guard to request inclusion in the Army and Air Force Program Objective Memorandum cycle for FY22-26. The NGB Office of Complex Investigations (NGB OCI), although not a military criminal investigative organization, continued to assist The Adjutants General and the Commanding General of the States, as an administrative investigative capability. Due to its workload, this office continued to pursue permanent staffing to provide continuity in investigative operations. As part of its accountability effort, the National Guard developed and implemented its plan of action and met its milestones to educate SARCs on the Catch a Serial Offender (CATCH) Program.

Although the National Guard is committed to providing each of its members a safe environment, free from negative behaviors, sexual assault, and retaliation, this past year revealed that State senior leaders struggle to use our systems to accomplish this commitment. The consolidation of our programs was necessary for eliminating redundancies and conflicting messaging imposed by two separate programs operating within the States. Under the new organizational structure, the NGB-J1-SAPR Office will harness collaboration, partnership, and synchronized efforts. The SAPR Program intends to leverage these strengths, which are in close alignment with both prevention and response science, as the keys to developing strong policies and processes, and to design

a shared plan of action based on the organizational needs of the National Guard. Ultimately, the new infrastructure will optimize systems to increase transparent communication, improve the ability to detect concerns, and provide follow through. Within the coming year, we aim to provide the field with one plan, a consistent messaging, and comprehensive objectives that support the joint environment and make good on the promise of safety we gave to our Guard members.

**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) Self Assessment: Provide a summary of your Military Service’s PPoA Self-Assessment findings. Include in the description the scope of your Self-Assessment prevention activities. (Secretary of Defense (SecDef) Memorandum, *Actions to Address and Prevent Sexual Assault in the Military* (May 1, 2019) / 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))**

### **Summary of Self-Assessment findings**

The NGB-J1-SAPR Office reorganized into a joint entity under the Internal National Guard Bureau Organizational Design Decision-Tranche 1, 13 June 2019, “Sexual Assault Prevention and Response Program Memorandum.” The memorandum directed combining the former NGB-J1-SAPR, Army National Guard SHARP, and Air National Guard SAPR staffs. The approach taken in completing the PPoA self-assessment in the current office was by assessing each previously independent staff component as it functioned prior to the merger. The results revealed minor variations between the components; however, the overall major findings were consistent. The National Guard’s Warrior Resilience & Fitness Division, which has oversight of the Suicide Prevention, and Substance Abuse and Misuse programs, participated as observers to the assessment.

The NGB identified substantial mission failing gaps within the prevention system, including lack of dedicated funding to fill validated positions to design, develop, implement, and evaluate a prevention strategy, as well as authorization and funding for a dedicated team to lead the prevention program for the National Guard.

### **Description of the scope of NGB’s Self-Assessment prevention activities**

DoD SAPRO, in collaboration with a panel of DoD and external prevention experts, developed and validated a set of best practice prevention criteria depicting each element of the PPoA using the RAND/University of California, Los Angeles Appropriateness Method. Designated members within the NGB-J1-SAPR Office used the self-assessment criteria to independently rate each of the PPoA elements. The criteria were rated on a 5-point scale, ranging from 1 (*no attempt*) to 5 (*completely well done*). The designated members formed a team to define key primary prevention terms as they apply within the context of the National Guard, discuss criteria rating, and identify gaps and areas that

required more data. A member from the Centers for Disease Control, Violence Prevention Technical Assistance Center team, joined the discussion to act as the subject matter expert on primary prevention. Each representative from the NGB-J1-SAPR Office provided his or her rating and justification or source of evidence to the group. Evidence, defined broadly to include any supporting information to better understand the ratings, was largely experience-based from involvement in a SAPR or SHARP program, the National Guard, or specifically the NGB-J1-SAPR Office. Prior to submission to DoD SAPRO, the team redefined the ratings accordingly based on the justifications presented.

**1.2 Self-Assessment Elements:** For each Self-Assessment element (Human Resources, Collaborative Relationships, Infrastructure, Comprehensive Approach, Quality Implementation, and Continuous Evaluation) provide a brief summary and examples of key strengths and gaps. (SecDef Memorandum, *Actions to Address and Prevent Sexual Assault in the Military (May 1, 2019)* / 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 overall results of the self-assessment reflect the NGB-J1-SAPR Office's lack of dedicated funding and personnel to implement a prevention of sexual violence program within the National Guard. Provided below are the summaries of the self-assessment, including key strengths and gaps.

### **Human Resources**

- **Leadership** – defined as the CNGB, Directors of the Army National Guard and Air National Guard, Directorate Senior Leaders, and Division Chiefs (O6 level or higher).
  - Access to NGB-J1-SAPR Office staff working on prevention initiatives was readily available to NGB leadership to brief them as requested and to relay new information on prevention research, ideas, and strategies.
  - NGB leadership relied upon staff to plan prevention programs, policies, and practices. However, due to the lack of dedicated prevention personnel, planning meetings were infrequent. The Air National Guard staff utilized the additional duty members of the Prevention Action Group at the Air National Guard Readiness Center for prevention and resiliency efforts.
  - Although the NGB-J1-SAPR Office disseminated information on prevention initiatives, this assessment did not evaluate The Adjutants General implementation of prevention practices or evaluation of their execution within the States. However, leadership is supportive of and received updates on the efforts of the Army National Guard and Air National Guard participation in the RAND Corporation Getting to Outcomes<sup>®</sup> pilot to create standardized processes using an evidence-based program at the Virginia National Guard and the 18 Air National Guard Wings.
  
- **Prevention Workforce** – The NGB lacks dedicated funding to fill a validated prevention position to design, develop, implement, and evaluate a prevention

strategy, as well as authorization and funding for a dedicated team to lead the prevention program for the National Guard.

### **Collaborative Relationships**

- The NGB-J1-SAPR Office created a “Prevention Team” within the office comprised of members originally on the Joint, Army National Guard, and Air National Guard staffs to address primary prevention initiatives within the National Guard. Each member of the team worked this effort as an additional duty and met on a regular basis to stand up the prevention program structure
- The NGB-J1-SAPR “Prevention Team” developed working relationships with other entities such as the DoD SAPRO, NGB Warrior Resiliency and Fitness Division, and the Air National Guard Readiness Center’s Prevention Action Group. Occasionally, the team communicates with the NGB Warrior Resiliency and Fitness Division about projects both teams are working on independently toward a plan to create holistic prevention practices and policies.

### **Infrastructure**

- **Data** – The NGB-J1-SAPR Office created a leader storyboard, which shares data collected and distributed by DoD personnel. Some of this data includes information collected in the Workplace and Gender Relations Survey for the Reserve Components and the Defense Organizational Climate Survey. Various senior leaders within the National Guard Bureau receive this information for their situational awareness. Currently, the NGB-J1-SAPR Office does not have data collection methods in place to gather National Guard-specific prevention data.
- **Resources** – The NGB-J1-SAPR Office, including the Army National Guard and Air National Guard Directorates, lack dedicated funding for full-time prevention positions.
- **Policy**
  - The NGB-J1-SAPR Office reviewed and revised the existing SAPR Program policy in the past year. The basic policy statement is “to create a culture free from the sexual assault and retaliatory behavior associated with sexual assault, through primary prevention strategies, quick response for victim assistance and advocacy, appropriate investigative actions, and intensified accountability oversight that enhances the safety and well-being of all victims of sexual assault.” The SAPR Program policy also includes the responsibility of The Adjutants General and Commanding General of the States to “establish policy and procedures regarding the prevention of, and response to, sexual assault within the State NG consistent with applicable DoD, Service-specific, CNGB, Army National Guard and Air National Guard Issuances, and applicable State laws.” The Adjutants General and Commanding General of the States will also “Implement primary prevention strategies to establish healthy teams and develop work-life balances to achieve progress in reducing unwanted behaviors and eradicating sexual assault in the National Guard in accordance with DoD and NGB guidance and implementation plans.” Another item included in this policy, is the Wing SARCs responsibility to serve as the SAPR point of contact

for ongoing prevention, education, delivery of required training, and assessing the needs specific to the Air National Guard installation or wing in coordination with the National Guard Joint Force Headquarters-State SARC. This instruction is currently in the final stage of staffing pending the CNGB's signature.

- Recruiting within the National Guard relies primarily on the Service's regulations. The Army National Guard recently updated their National Guard Regulation 601-1, "Army National Guard Strength Maintenance Program," 01 January 2019. The Air National Guard adheres to Air Force Policy Directorate, 36-20, "Recruiting Programs and Accession of Air Force Military Personnel," and Air Force Manual 36-2032, "Military Recruiting and Accessions" were updated on 19 February 2019 and 27 September 2019, respectively.

### **Comprehensive Approach**

- Although NGB-J1-SAPR Office personnel discussed prevention activities with subject matter experts, due to a lack of funding for dedicated prevention personnel to develop this approach, NGB did not achieve this objective.

### **Quality Implementation & Continuous Evaluation**

- In general, the NGB lacks the infrastructure to develop and implement a comprehensive prevention approach. Individuals in temporary staff positions, such as active duty for operational support, or as an additional duty, work on this effort despite lacking the appropriate training in prevention.

**1.3 Future Plans: Based on your Military Service's Self-Assessment, summarize leadership-approved priority actions and next steps for sexual assault prevention, including any key considerations or barriers to achieving the priorities. Include a description of progress towards Phase II of the PPOA execution – plan of action and milestones and logic model development. (SecDef Memorandum, *Actions to Address and Prevent Sexual Assault in the Military* (May 1, 2019) / 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))**

Efforts are underway to secure funding for dedicated prevention positions through the FY 22-26 Program Objective Memorandum process to hire Prevention Specialists within the consolidated NGB-J1-SAPR Office. In the meantime, the NGB-J1-SAPR Office will continue to leverage available personnel to develop a strong prevention program. Until the allocation of funding for such positions is made and individuals are hired, the NGB-J1-SAPR Office will remain heavily reliant on personnel and financial support from DoD SAPRO. The NGB-J1-SAPR Office will continue to participate in the DoD SAPRO's efforts towards the Phase II execution of the PPOA and expand their collaborative working relationships to this end. The Air National Guard will continue to leverage Air Force Active Duty training, which focuses on evidenced-based skill building and behaviors, until such time that a Prevention Specialist is hired. In addition to collaboration with DoD SAPRO, NGB-SAPRO intends to remain in strategic partnership with the NGB Warrior Resilience

and Fitness program, the Army, the Air Force, and the Marine Corps. While the Marine Corps may seem an unconventional partner, they share an interest in establishing geographically based support and prevention networks, which could improve overall National Guard Member wellness.

**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 FY19. As applicable, include any initiatives employed with targeted subgroups (e.g., male victims) or specific locations (e.g., barracks). There is no need to repeat prior Annual Report submissions 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)

The NGB continued to emphasize the use of cross-Service joint response capabilities with trained and certified SAPR personnel and other responders, such as Special Victims’ Counsel and chaplains during this fiscal year. The NGB-J1-SAPR Office made no significant changes to the victim assistance and advocacy effort during FY19.

The NG SVC Program Management Office within the NGB, Office of the Chief Counsel, provided functional and policy oversight to Special Victims’ Counsel located across States. The program employed judge advocates and paralegals with specialized training to provide legal representation to eligible clients who were victims of sexual assault. Special Victims’ Counsel entered into attorney-client relationships to advocate for their client’s interests within National Guard, DoD, and State forums. The NG SVC Program continued to enhance organizational structure and processes, including the role of Senior Regional Special Victims’ Counsel, to better meet client needs and identify representation trends within their respective regions of operation.

**2.2 Metrics for Assessing Victim Assistance and Advocacy:** What metrics or assessment processes are being used to address the effectiveness of victim assistance and advocacy efforts intended to deliver consistent care for all Service members and/or their adult dependents? Are these metrics identifying any trends and/or indicators on the effectiveness of your SARCs and SAPR VAs in providing a “quality response” to Service members (and others eligible for SAPR services)? (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 did not implement any additional metrics to those used in FY18 to assess the effectiveness of victim assistance and advocacy efforts intended to deliver consistent care for all Service members and their adult dependents.

**2.3 SARCs and SAPR VA Suspension, Revocation, and Reinstatement:** 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),” (September 10, 2015), Encl 3, para 3)

The Army National Guard suspended one SAPR Victim Advocate’s certification and revoked one SAPR Victim Advocate’s certification.

**2.4 Medical Support:** How many Service members who reported a sexual assault had their medical care hindered due to a lack of Sexual Assault Forensic Examination (SAFE) kits, timely access to appropriate laboratory testing resources, or other resources? (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)

There was no change to the response from FY18. The National Guard did not receive any indications from any National Guard member who reported a sexual assault of any difficulty in receiving appropriate care.

**2.5 Military Protective Orders:** How many Military Protective Orders were issued as a result of an Unrestricted Report (include the number issued and number violated)? What new steps (if any) were taken in the last year to improve protections? (DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (May 24, 2017), Encl 5, para 7)

Army National Guard commanders issued 20 Military Protective Orders. There were no violations of the Military Protective Orders.

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

The NGB leadership recently approved an organizational structure for the newly consolidated NGB-J1-SAPR Office. This structure will include a branch chief at the General Schedule 14 level for Victim Assistance and Advocacy to establish a reliable and consistent reach back process for the field to receive information from the subject matter experts that is synchronized and consistent throughout the National Guard. The NGB-J1-SAPR Office Victim Assistance and Advocacy branch will consist of representation from both the Army National Guard and Air National Guard.

**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 FY19. As applicable, include enhancements made to your Military Services’ Special Victim Investigation and Prosecution Capability for Military Criminal Investigative Organizations. Additionally, as applicable, comment on new training

enhancements for military criminal investigators, law enforcement personnel, or first responders on sexual assault investigations and preservation of evidence. Also, consider including any new or updated efforts to collaborate and/or share military protective orders and/or conviction information with civilian law enforcement. There is no need to repeat prior Annual Report submissions 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)

As National Guard members are under the command and control of the governor pursuant to Title 32 of the United States Code, and typically do not fall under the jurisdiction of a military criminal investigative organization, the National Guard did not make any enhancements to the National Guard Special Victim Investigation and Prosecution Capability for Military Criminal Investigative Organizations.

Although the NGB OCI is not a military criminal investigative organization or law enforcement organization, NGB OCI provides a centrally managed administrative investigative capability to the States in cases of unrestricted reports of sexual assault when law enforcement organizations did not investigate or sufficiently investigate the report. To ensure a high level of competence in the investigation of adult sexual assault, NGB OCI uses the following metrics: timeliness of investigations (time from The Adjutant General request to completion of the OCI investigation) and the ratio of number of substantiated cases to number of cases where the state took action.

**3.2 Evidence Processing Challenges: Has your Military Service had any challenges with evidence being processed at the Defense Forensic Science Center (e.g., turnaround time for processing of Sexual Assault Forensic Examination (SAFE) kits and other evidence). How did you address these challenges? (Joint Chiefs of Staff Strategic Direction to the Joint Force on SAPR (May 7, 2012), p. 11)**

Not applicable — Under 32 United States Code, National Guard members are under the command and control of the governor, and typically do not fall under the jurisdiction of a military criminal investigation organization. Further, NGB OCI does not collect, process, or maintain physical evidence, such as SAFE kits, as part of its administrative investigation.

**3.3 (NGB only) GAO Report: Coordination with Office of Complex Investigations (OCI): Describe NGB's efforts to comply with the cited GAO report, specifically the recommendation to include a requirement in its guidance to collect and maintain supporting documentation as part of its case files that verifies whether and how (1) the National Guard nexus exists for verifying how state National Guard officials determined that sexual assault case acceptance criteria have been met, and (2) the allegation has been referred to the appropriate military criminal investigative organization or civilian law enforcement organization prior to opening an OCI investigation into a sexual assault allegation. (Government Accountability Office**

**Report, GAO-19-109 (December 2018), Office of Complex Investigations Should Update Policies to Require Additional Documentation for Sexual Assault Cases)**

In response to the recommendation made by the Government Accountability Office Report, GAO-19-109, NGB OCI developed a case criteria certification memorandum by which State National Guard officials verify the existence of the case selection criteria and provide supporting documentation. NGB OCI completed revision of its standard operating procedures, published on 28 January 2019. NGB OCI informed the State National Guards of the revised criteria and accompanying certification documentation requirement on 08 March 2019. The remaining corrective actions are currently in process.

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

The NGB OCI continues to pursue permanent staffing to provide continuity in investigative operations.

**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 2019. As applicable, include enhancements made to the SAPR training provided to those who are 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. There is no need to repeat prior Annual Report submissions 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 NGB made no significant updates toward the accountability goal during FY19.

**4.2 Metrics for Assessing Effectiveness: Provide the metrics your Military Service employs to assess the effectiveness of your Special Victims’ Counsel (SVC) / Victims’ Legal Counsel (VLC) program. Discuss this years metrics’ outcomes and efforts to enhance SVC / VLC program effectiveness. Please update your Military Service’s efforts to fund the SVC / VLC program in the POM process. (section 532 of the NDAA for FY 2016 / section 573 of the NDAA for FY 2013 / SecDef Memorandum, Improving Victim Legal Support, (August 14, 2013) p. 1)**

The NG SVC Program Management Office requires Special Victims’ Counsel to contact 100 percent of the eligible victims of sexual assault who request Special Victims’ Counsel services within 48 hours of their request. The NG SVC Program monitors the quantity and nature of services that clients request of their respective Special Victims’ Counsel, as well as the types of investigative actions and administrative proceedings in which they participate, to better tailor training and use of NG SVC Program resources. The NG SVC

Program centrally assigns all cases from the Program Management Office and monitors the frequency and number of cases assigned per Special Victims' Counsel to ensure each Special Victims' Counsel is able to manage his or her caseload effectively.

### **Efforts to Enhance SVC Program Effectiveness**

The NG SVC Program implemented Senior Regional Special Victims' Counsel positions into the organizational structure in FY18. Senior Regional Special Victims' Counsel are experienced mid-level leaders that are responsible for managing the Special Victims' Counsel assigned to their respective regions; providing mentorship, guidance and timely support to the Special Victims' Counsel in those regions. The NG SVC Program continued to expand the role and responsibilities of Senior Regional Special Victims' Counsel in FY19 to provide more effective and frequent training to the Special Victims' Counsel in their region on program developments, local victim resources, and representational trends in their areas of operation.

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

The NG SVC Program affords all NG SVC clients the opportunity to provide anonymous feedback at the conclusion of Special Victims' Counsel representation. All feedback provided by NG SVC clients are transmitted directly to NG SVC Program leadership to assess effectiveness of program services, identify barriers to representation, and identify areas of practice which may require improvement.

### **Efforts to Fund the SVC Program in the Program Objective Memorandum Process**

Created in FY14, the NG SVC Program consistently worked with both the Army National Guard and Air National Guard to gain inclusion into the Army and Air Force Program Objective Memorandum initiatives beginning in FY15. The NG SVC Program is currently included in the Army Program Objective Memorandum Installation Program Evaluation Group (II Peg) for Organization and Maintenance. The NG SVC Program is also included in the Army Program Objective Memorandum process for FY21-25. The NG SVC Program is actively submitting funding requirements through the Army National Guard and Air National Guard to request inclusion in the Army and Air Force Program Objective Memorandum cycle for FY22-26.

**4.3 Victim's Preference for Prosecution: Describe your Military Service's process to ensure documentation and tracking of the victim's preference for prosecution by a court-martial or a civilian court with jurisdiction over the alleged offense. (DoD IG**

**Report 2019-064 (March 20, 2019), Audit of DoD Efforts to Consult with Victims of Sexual Assault Committed by Military Personnel in the United States Regarding the Victim's Preference for Prosecution)**

The greatest number of sexual assaults committed against National Guard members fall within a civilian law enforcement jurisdiction. With the inconsistencies among the States' Code of Military Justice, the NGB did not create specific guidance regarding this process to remove the chance for providing confusing or contradictory information until there is a consensus among all State Codes of Military Justice pertaining to sexual assault and retaliation based on a sexual assault.

**4.4 Catch a Serial Offender (CATCH) Program: Describe your efforts to implement the CATCH Program, to include the plan of action and milestones for force education and response personnel training. (SecDef Memorandum, *Actions to Address and Prevent Sexual Assault in the Military*, (May 1, 2019) p. 2)**

At the inception of the CATCH Program, the NGB-J1-SAPR Office identified and verified all National Guard certified SARCs with access to the Defense Sexual Assault Incident Database. Subsequently, the Navy Criminal Investigative Services granted SARC access to all these individuals and one individual at the NGB-J1-SAPR Office level with administrative privileges.

In response to the Secretary of Defense Memorandum, dated May 1, 2019, the NGB-J1-SAPR Office developed the following plan of action and milestones for force education and response personnel training.

**CATCH Program Implementation**

| <b>Date</b> | <b>Steps of the Plan of Action</b>                                                                                                                                       |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25 Apr 19   | Initial guidance given to Air National Guard SARCs via teleconference                                                                                                    |
| 14 May 19   | Initial guidance sent to Army National Guard SARCs and SAPR Victim Advocates via email                                                                                   |
| 21 May 19   | Updated guidance sent to Army National Guard SARCs and SAPR Victim Advocates via email                                                                                   |
| 30 May 19   | Air National Guard SARCs briefed on the CATCH Program "go-live" date via teleconference                                                                                  |
| 13 Jun 19   | Discussed the CATCH Program with Army National Guard SARCs and SAPR Victim Advocates at monthly teleconference and reinforced the minimum every 30 day login requirement |

- 14 Jun 19 Sent the CATCH procedures, talking points, SARC CATCH slides, victim info sheet, and program procedures to the Army National Guard SARCs and SAPR Victim Advocates
- 17 Jun 19 Advised the Army National Guard SARCs and SAPR Victim Advocates that the CATCH Program would go live 19 Jun 2019
- 18 Jun 19 Informed Army National Guard SARCs and SAPR Victim Advocates that the CATCH Program was live, but awaiting new DD Form 2910 (Victim Reporting Preference Statement)
- 26 Jun 19 DoD published the DD Form 2910; NGB-J1 SAPR Office sent the form to all SARCs and SAPR Victim Advocates
- 18 Jul 19 Sent procedures, victim information sheet, and talking points to Army National Guard SARCs and SAPR Victim Advocates
- 26 Jul 19 Instructed Army National Guard SARCs and SAPR Victim Advocates to access accounts and reminded them to login every 30 days
- 20 Jul 19 The CATCH Program Training provided during FY19 National Guard Annual Sexual Assault Response Coordinator and Victim Advocate Coordinator Refresher Training
- 5 Aug 19 Sent the CATCH Program Public Affairs Guidance, Info Paper, CATCH 101 slides, and new DD Form 2910 to Army National Guard SARCs and SAPR Victim Advocates and Air National Guard SARCs; CATCH goes live
- 14 Aug 19 Discussed the CATCH Program with Army National Guard SARCs and SAPR Victim Advocates during the monthly teleconference
- 4 Sep 19 Participated in the CATCH Program meeting with DoD SAPRO and Navy Criminal Investigative Services at Quantico

**Force Education**

- 20 Sep 19 Air National Guard Wing SARCs provided talking points to their Wing in trainings, all calls, and staff meetings
- T CATCH Joint Knowledge Online training published as determined by DoD SAPRO

|      |                                                                                                                                        |
|------|----------------------------------------------------------------------------------------------------------------------------------------|
| T+1  | NGB-J1-SAPR Office required SARCs, SAPR Victim Advocates, and SVCs to complete the CATCH Program training using Joint Knowledge Online |
| T+30 | Suspense for SARCs and SAPR Victim Advocates to complete the Joint Knowledge Online training                                           |
| T+45 | Publish an update on the CATCH Program in the monthly teleconferences                                                                  |

**Response Personnel Training**

|              |                                                                                                                      |
|--------------|----------------------------------------------------------------------------------------------------------------------|
| 21-22 May 19 | All Air National Guard SARCs were required to view the webinar provided by Headquarters Air Force                    |
| 5 Aug 19     | Public Affairs Guidance approval regarding CATCH was pushed down to Air National Guard SARCs                         |
| 20 Sep 19    | Completion of required CATCH Program training of Volunteer Victim Advocates by Air National Guard SARCs              |
| On-Going     | CATCH Program briefing held for all new SARCs at Air University Air Force Sexual Assault Response Coordinator Course |

The NG SVC Program closely monitored the development of the CATCH Program and ensured that all program personnel received training on the availability and capability of this program as a potential resource for Special Victims' Counsel clients.

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

Within the recently approved organizational structure for the newly consolidated NGB-J1-SAPR Office includes a Branch Chief at the officer paygrade of O-5 for the Accountability Branch. The immediate goal is to improve data entry accuracy within DSAID, while ensuring disposition data is entered in a more timely manner for cases where the investigations have been completed. A longer-term goal is to guide commanders in requirements for sufficient investigations while educating them on appropriate disposition actions based upon subject status. The NGB-J1-SAPR Office Accountability branch will also consist of representation from both the Army National Guard and Air National Guard.

**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 2019. As applicable, include any**

**new training your Military Service has implemented for SARCs and SAPR VAs during the past year and how you measure the training's effectiveness. There is no need to repeat prior Annual Report submissions 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)**

**Defense Sexual Assault Incident Database (DSAID)**

During FY19, the NGB-J1-SAPR Office continued to conduct monthly DSAID quality reviews using the DSAID Quality Assurance tool to identify missing data and validation errors. In the third quarter of FY19, data analysts dedicated more attention on the location codes used by the SARCs and conducted a thorough review and identification of misaligned cases. Alongside this review, the NGB-J1-SAPR data analysts determined additional location codes to use to differentiate data across geographically separate locations of the National Guard Joint Force Headquarters–State and Wings more easily.

**FY19 National Guard Annual Sexual Assault Response Coordinator and Victim Advocate Coordinator Refresher Training**

The NGB-J1-SAPR Office conducted the FY19 National Guard Annual Sexual Assault Response Coordinator and Victim Advocate Coordinator Refresher Training in the third quarter to train all appointed SARCs and Victim Advocate Coordinators on SAPR programmatic topics. These topics included case management group meetings, staff assistance visits, DSAID, Office of People Analytics surveys, and memoranda of understandings. The attendees completed an assessment at the end of the training to capture recommended topics, presenters, and style of presentation for planning purposes for the FY20 National Guard Annual Sexual Assault Response Coordinator and Victim Advocate Coordinator Refresher Training.

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

The NGB-J1-SAPR Office is currently drafting a strategic plan to conduct assessments and provide feedback in the form of mitigation plans, strengths, weaknesses, opportunities and threats, and action plans to address areas for improvement for the States. Anticipated completion of the plan for implementation is the end of the third quarter of FY20. To accompany these initiatives, the NGB-J1-SAPR Office will implement the States' SAPR program report cards to show progress using key metrics for both NGB-J1-SAPR and The Adjutants General. The format and content of this product will continue to evolve with the development of the mitigation plan.

Additionally, within the recently approved organizational structure for the consolidated NGB-J1- SAPR Office includes a Branch Chief at the officer paygrade of O-5 for the Assessment Branch. The goal is to establish a formalized process for assessing SAPR

program performance, measuring metrics consistently, and communicating the outcomes to the States' SAPR programs.

Assessment-related initiatives for the next fiscal year include:

- Reviewing performance of the tactical-level SAPR programs and identifying National Guard Joint Force Headquarters-States or Wings that need assistance
- Collecting information from the SARCs on the effectiveness of the Army National Guard Sexual Harassment/Assault Response and Prevention Program, Air National Guard SAPR, and NGB-J1-SAPR Programs, and determining programmatic improvements necessary for the NGB-J1-SAPR Office
- Improving partnerships with external assessment agencies, such as the Office of People Analytics, to collect additional statistics and analyses on sexual assault incident information, and the attitudes and opinions of the National Guard community on a wide range of personnel issues
- Continuing to conduct quality assurance measures on National Guard DSAID entries to ensure data accuracy and compliance with DoD required reporting timeline

## **6. Core Functions: Communication and Policy: Provide a brief summary for new efforts taken in FY 2019 on the following:**

**6.1 General/Flag Officer Discussion on Career Impacts Due to Retaliation: How is your Military Service ensuring that sexual assault victims, uniformed witnesses, bystanders, and first responders involved in a sexual assault report are provided information on their right to discuss the career impacts with a General/Flag Officer if they believe those impacts were due to their report of retaliation or the assistance they provided to the retaliation reporter. (DoD Retaliation Prevention and Response Implementation Plan (January 2017), p. 13-14)**

Updates to the current Chief of the National Guard Bureau Instruction 1300.01, "National Guard Sexual Assault Prevention and Response (SAPR) Program" include the requirement for a General Officer discussion on career impacts due to retaliation." Anticipated approval and publication of the revised issuance is 30 March 2020.

Included under the policy section of the updated Instruction is the following statement: "Victim rights. Sexual assault victims, uniformed witnesses, bystanders, and first responders involved in a sexual assault report have the right to discuss potential military career impacts with a general officer, if they believe there was retaliation for a report IAW reference j." (Reference j is the "DoD Retaliation Prevention and Response Implementation Plan," January 2017, p. 13-14.)

**6.2 Retaliation Educational Materials: What educational materials have been developed for retaliation reporters to familiarize them with retaliation processes and procedures? (DoD Retaliation Prevention and Response Implementation Plan (January 2017), Task Number 3.4, p. 19)**

The NGB-J1-SAPR Office developed an initial PowerPoint presentation to help educate SARCs and SAPR Victim Advocates to familiarize them with the retaliation processes and procedures. NGB-J1-SAPR Office made this material available for use in the field to help familiarize the general National Guard population. Anticipated timeline to release additional education materials is within the third quarter of FY20.

**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 and a short narrative (150 words or less) describing the action taken. For example: “Completed January 15, 2019. Requirement added to AR 600-20, Army Command Policy.”

- If the requirement(s) has/have not been implemented, provide the projected completion date and a short narrative (150 words or less) on the status. For example: “Projected completion date is October 2019. Addition of the policy to AR 600-20, Army Command Policy, is currently pending legal review.”

**7.1 FY 2019 SEC. 545. Development of Resource Guides Regarding Sexual Assault for the Military Service Academies**

This is not applicable to the National Guard.

**7.2 FY 2018, SEC. 520. Consideration of Additional Medical Evidence by Boards for the Correction of Military Records and Liberal Consideration of Evidence Relating to Post-Traumatic Stress Disorder or Traumatic Brain Injury**

Boards for the Correction of Military Records are the responsibility of the Secretaries of the Military Departments; as such, the amendments to Title 10 United States Code § 1552 and § 1553 do not apply directly to the National Guard Bureau.

**7.3 FY 2018, SEC. 521. Public Availability of Information Related to Disposition of Claims Regarding Discharge or Release of Members of the Armed Forces When the Claims Involve Sexual Assault**

Boards for the Correction of Military Records are the responsibility of the Secretaries of the Military Departments; as such, the amendment to Title 10 United States Code § 1552 does not apply directly to the National Guard Bureau.

**7.4 FY 2018, SEC. 522. Confidential Review of Characterization of Terms of Discharge of Members Who Are Victims of Sex Related Offenses**

Boards for the Correction of Military Records are the responsibility of the Secretaries of the Military Departments; as such, the amendments to Chapter 79, Title 10 United States Code § 1554b, do not apply directly to the National Guard Bureau.

**7.5 FY 2018, SEC. 523. Training Requirements for Members of Boards for the Correction of Military Records and Personnel Who Investigate Claims of Retaliation**

Boards for the Correction of Military Records are the responsibility of the Secretaries of the Military Departments; as such, this requirement does not apply to the National Guard Bureau.

**7.6 FY 2017, SEC. 533. Availability of Certain Correction of Military Records and Discharge Review Board Information Through the Internet**

Boards for the Correction of Military Records are the responsibility of the Secretaries of the military departments; as such, the amendment to United States Code 10 § 1552 does not apply directly to the National Guard Bureau.

**7.7 FY 2017 SEC. 542. Effective Prosecution and Defense in Courts-Martial and Pilot Programs on Professional Military Justice Development for Judge Advocates**

National Guard Judge Advocates do not prosecute or defend non-federalized National Guard members in Courts-Martial convened under the Uniform Code of Military Justice. However, they both prosecute and defend criminal actions under the applicable State Code of Military Justice. National Guard Judge Advocates may receive similar military justice training opportunities as active component Judge Advocates.

**7.8 FY 2017, SEC. 547. Notification to Complainants of Resolution of Investigations into Retaliation**

The Chief of the National Guard Bureau Manual 1300.03, 18 November 2019, "National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault" includes the following responsibilities:

- For the purposes of discussion in the Case Management Group Meeting: "The commander of the subject of a retaliation report shall provide a written case status with all disposition data, including any administrative or judicial action taken in response to the retaliation investigation, to the National Guard Joint Force Headquarters-State or wing SARC."
- For the purpose of discussion with the reporter following the Case Management Group meeting: "The commander will provide an update on the status of the retaliation case to the reporter."

**7.9 FY 2015, SEC. 508. Required Consideration of Certain Elements of Command Climate in Performance Appraisals of Commanding Officers**

The Army National Guard and Air National Guard adhere to their respective Service-specific issuances as it pertains to appraisals of commanding officers and command climate.

**7.10 FY 2014, SEC. 1721. Tracking of Compliance of Commanding Officers in Conducting Organizational Climate Assessments for Purposes of Preventing and Responding to Sexual Assaults**

In accordance with the Chief of the National Guard Bureau Instruction 1300.01, 16 July 2016, "Sexual Assault Prevention and Response Program," Enclosure A – Responsibilities, The Adjutants General of the States and the Commanding General of the District of Columbia National Guard will: "Verify that commanders conduct a command climate assessment within 120 days of assuming command and annually thereafter IAW reference s." (Reference s is the Chief of the National Guard Bureau Memorandum, 19 November 2013, "National Guard Command Climate Assessment Policy.")

**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 the Defense Sexual Assault Incident Database (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 figures in this report are based on FY19 final reporting data extracted from DSAID on 27 November 2019 and validated for use on 12 December 2019. Some sexual assault cases reported in FY19 were removed from this analysis because basic information is missing, a National Guard nexus did not exist, or the case was not entered correctly.

This report includes graphs and charts that display National Guard data from a joint perspective, as well as Army National Guard- and Air National Guard-specific figures (as available) for the metrics requested. The National Guard saw a significant increase in sexual assault reports this year (Figure 1). In FY19, reports increased by 17 percent to 607, the greatest percentage increase in reports the Guard has seen in the past five years. Army National Guard (ARNG) reports increased 16 percent to 455 (Figure 2) and Air National Guard (ANG) reports increased 22 percent to 152 (Figure 3). With reports increasing each year, the National Guard infers that survivors are more comfortable with and have better access to SAPR services and resources to help them either begin or continue recovery. While this is a positive trend for sexual assault response and awareness efforts, the National Guard will increase attention on preventing sexual violence by addressing key risk factors that impact the Guard population.

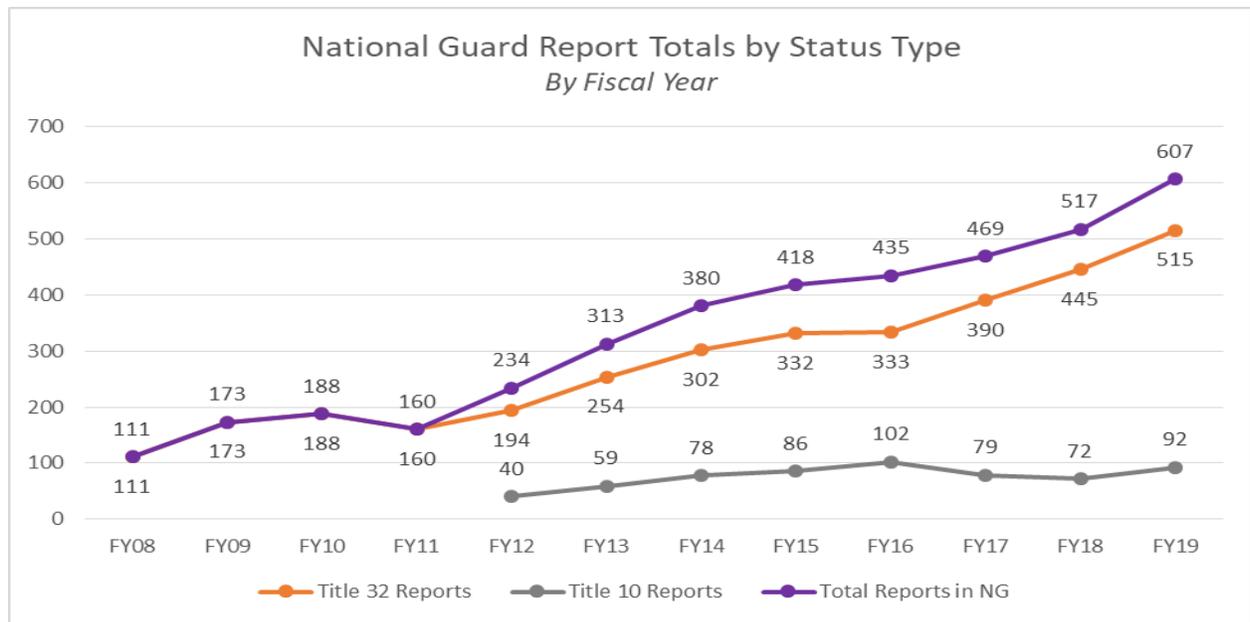


Figure 1. National Guard Report Totals by Status Type (Army National Guard and Air National Guard Combined)

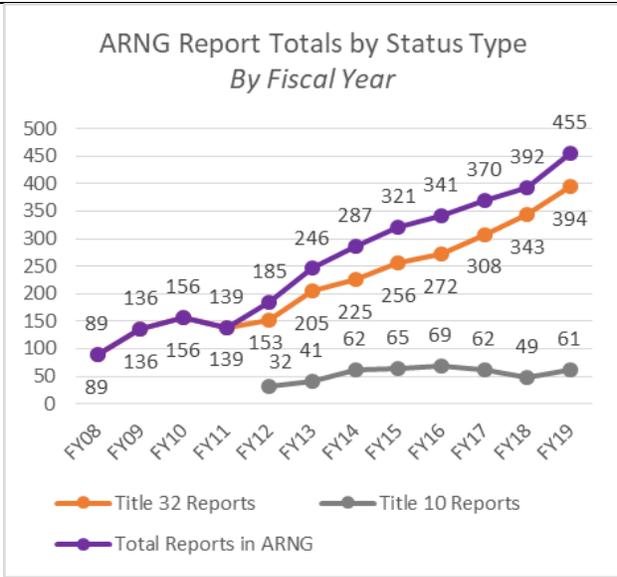


Figure 2. Army National Guard Report Totals by Status Type

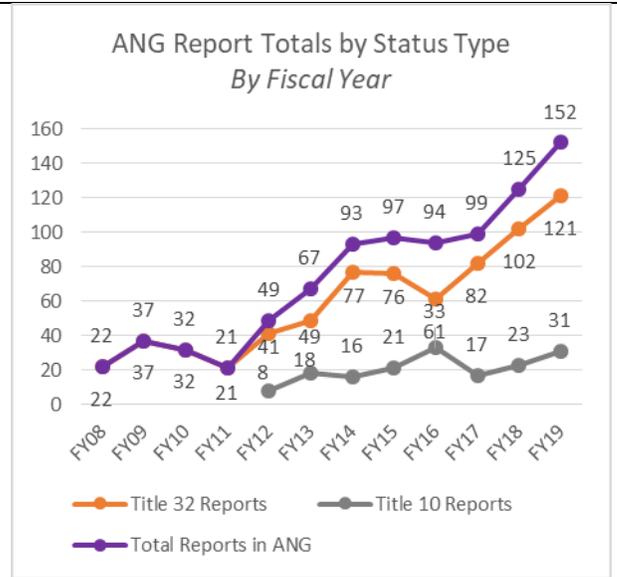


Figure 3. Air National Guard Report Totals by Status Type

**Metric #11 — Total Restricted Reports (RR) and Total Unrestricted Reports (UR), FY13-FY19 (Figure 4)**

In FY19, 194 restricted reports involving National Guard members were filed, of which 47 involved Title 10 Guard members and 147 involved Title 32 Guard members. The National Guard saw a significant increase in the number of Title 10 restricted reports – 25 percent of total National Guard restricted reports, compared to 18 percent in FY18.

Additionally, 41 reports of sexual assault filed in FY19 were converted from restricted to unrestricted in the same fiscal year (7 percent of all National Guard report types). This is a slight increase from 5 percent of all report types in FY18. This will be a trend for the National Guard to continue to monitor as the CATCH program becomes more robust.

Of the 413 unrestricted reports involving National Guard members in FY19, 45 reports (11 percent of total reports) were involving Federalized National Guard members in a Title 10 status who reported the incident to a National Guard SARC. The remaining 368 reports (89 percent of the total) involve non-federalized, or Title 32, National Guard members as either the victim or subject of a sexual assault.

Both the Army National Guard and the Air National Guard saw a slight increase in the proportion of unrestricted sexual assault reports filed in FY19 compared to last fiscal year (Figures 5 & 6). This is a positive trend for the National Guard and indicative of increased trust in the military and civilian justice processes.

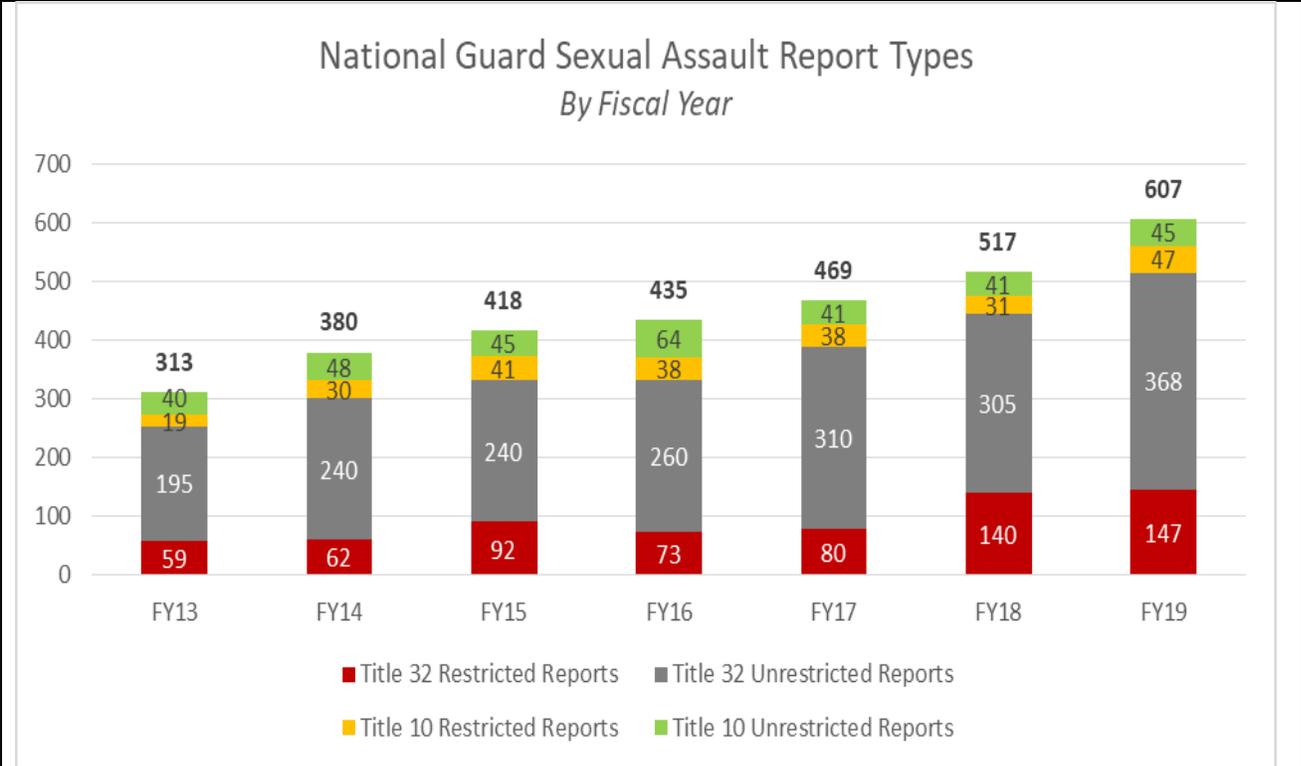


Figure 4. National Guard Sexual Assault Report Types (Army National Guard and Air National Guard Combined)

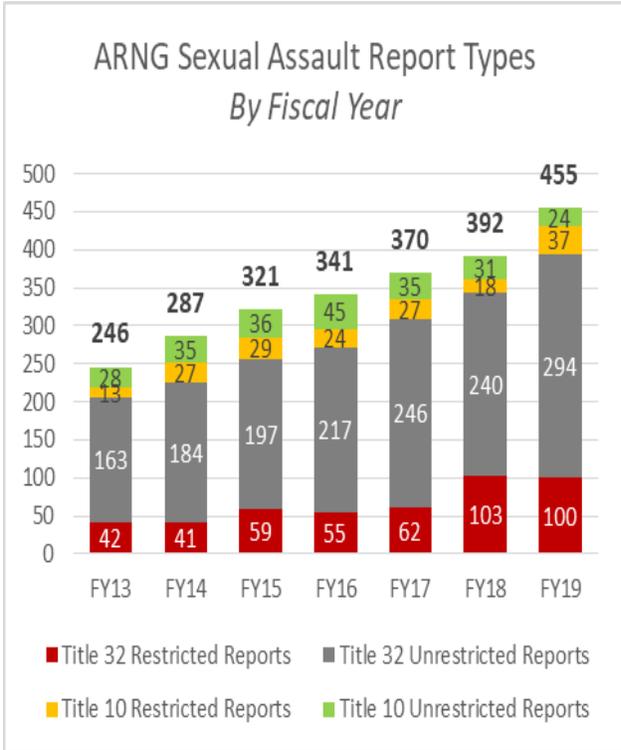


Figure 5. Army National Guard Sexual Assault Report Types

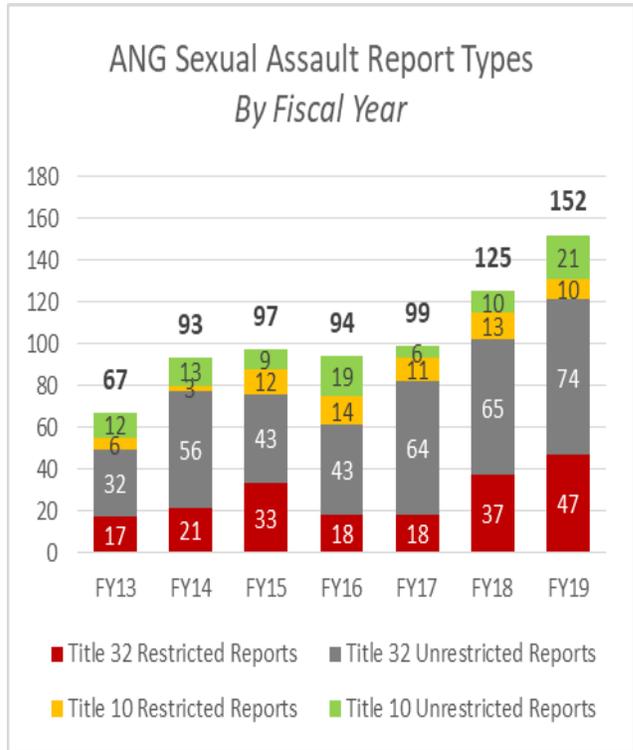


Figure 6. Air National Guard Sexual Assault Report Types

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

The National Guard saw a slight decrease in total referrals\* when compared with the number from FY18, but saw the highest number of mental health referrals compared to prior years.

The Air National Guard increased referrals by more than 60 percent in FY19, most notable were mental health referrals by 75 percent. The top joint National Guard referrals made in FY19 included mental health (284 referrals), Victim Advocate and Uniformed Victim Advocate (241 referrals), and legal (150 referrals), the total of which represents 70 percent of the referrals made.

Continuing a trend from FY18, requests for mental health services are on the rise for the National Guard overall. It is encouraging to see this trend persist as it shows attitudes toward seeking help for mental health-related disorders or conditions are improving.

\*Please note that more than one referral may be made for each case at the request of the survivor.

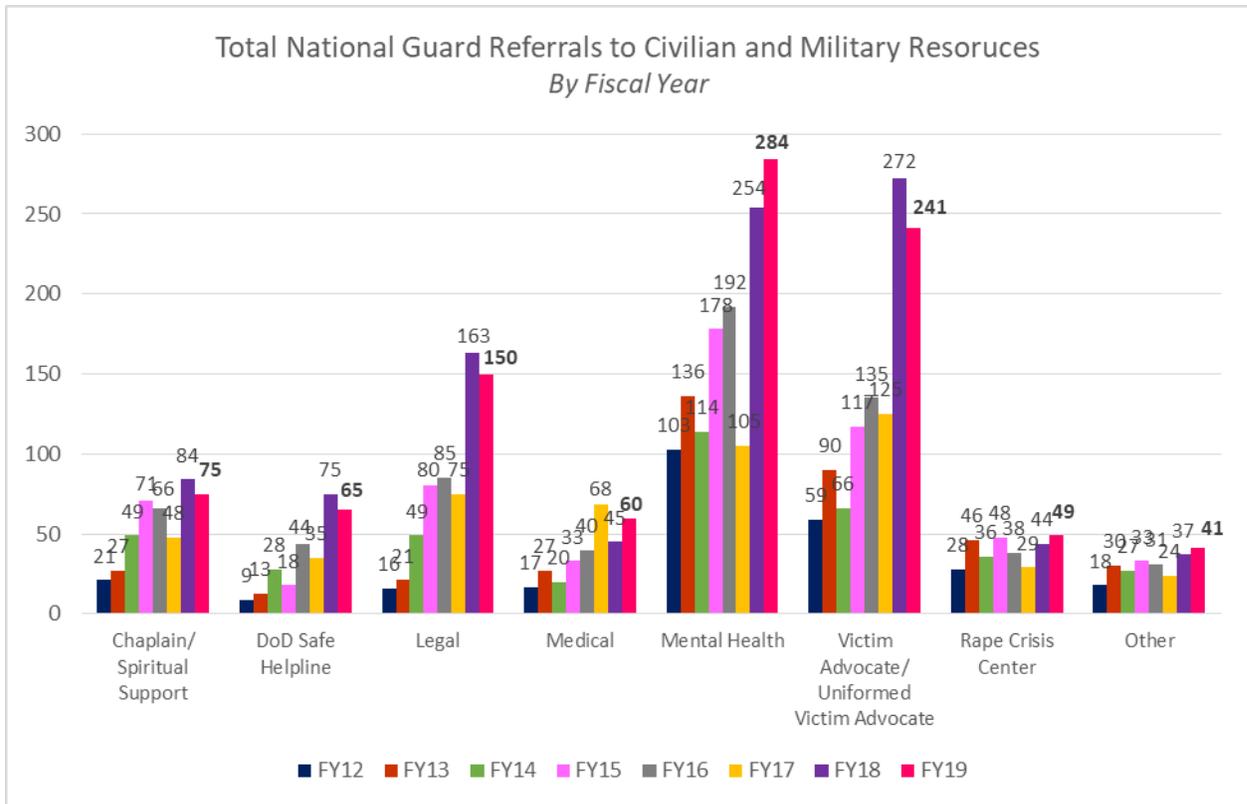


Figure 7. Total National Guard Referrals to Civilian and Military Resources

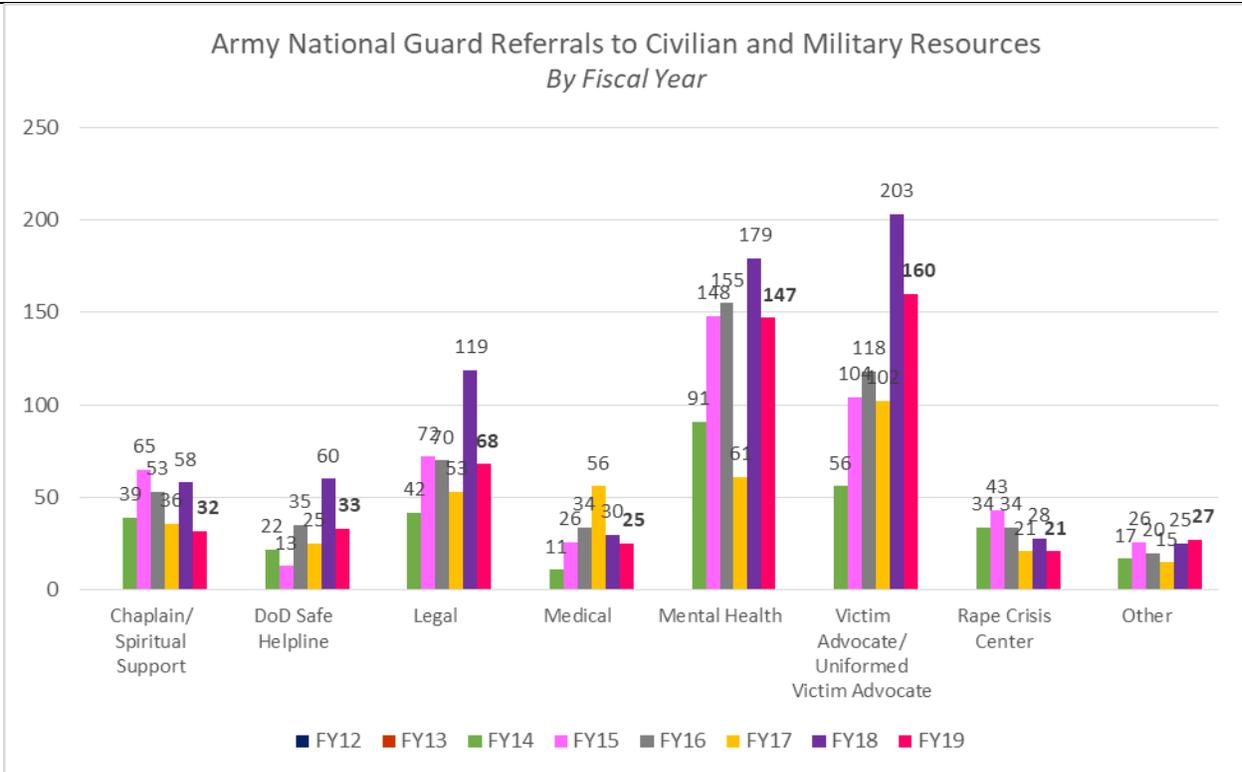


Figure 8. Army National Guard Referrals to Civilian and Military Resources

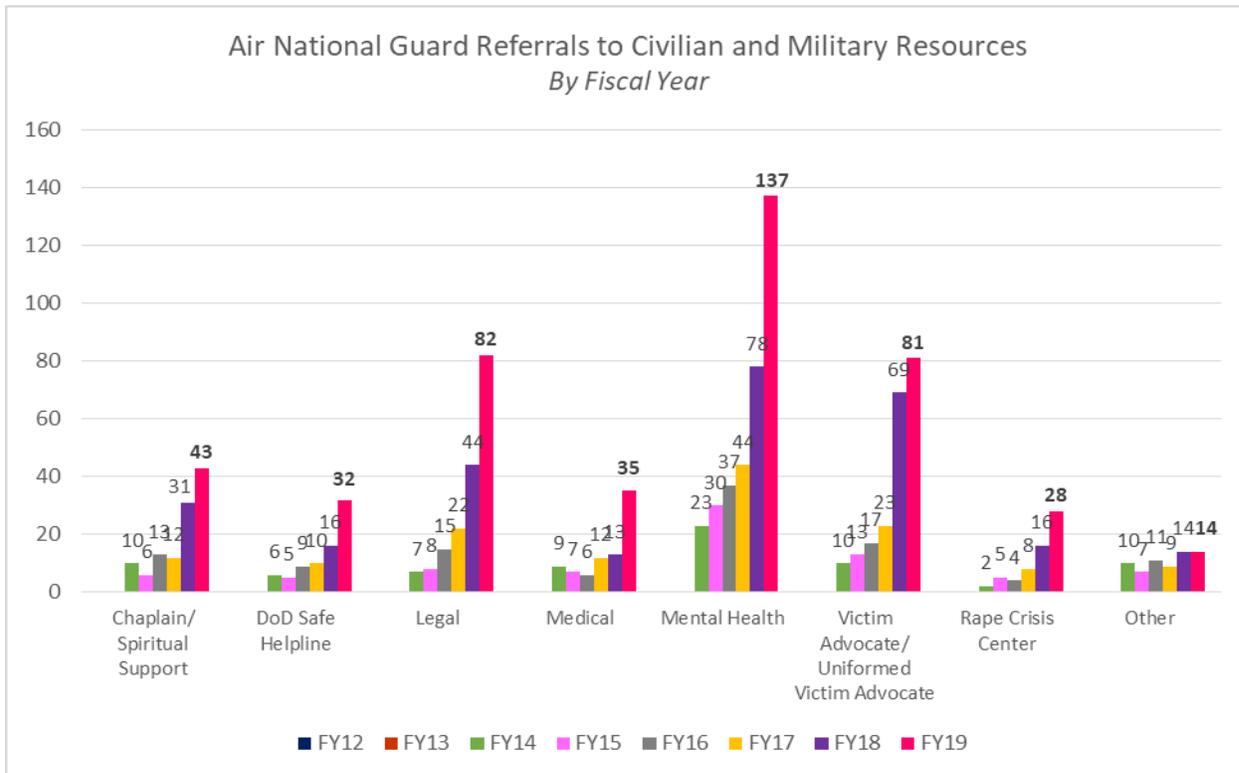


Figure 9. Air National Guard Referrals to Civilian and Military Resources

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

The Office of Complex Investigations completed 110 administrative investigations into unrestricted reports of sexual assault at the request of The Adjutants General and the Commanding General of the States. These reports involved members of the Army National Guard and the Air National Guard 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.

### **Male Reporting, FY15-FY19**

The National Guard continued to pursue awareness efforts targeted at male survivors to emphasize the support the SAPR program can provide, and ultimately increase sexual assault reporting for this population. In FY19, male reporting increased by 15 percent of both Title 10 and Title 32 sexual assault cases and remained at a similar proportion of reports as FY18. While it is encouraging to see an increase in overall reports, there is still a lot of work to do to reduce the stigma around reporting sexual assault for male victims.

Male survivors were more likely to file an unrestricted report of sexual assault in FY19 compared to previous years. The National Guard is hopeful this trend reflects improved attitudes toward, and awareness of, the civilian and military justice processes. Further, the National Guard will continue to collaborate with the DoD Men's SAPR Working Group to establish awareness initiatives and improve education of sexual assault reporting and services for male National Guard members.

### **Expedited Transfer Requests**

The National Guard received seven expedited transfer requests in FY19 and processed them according to the Chief of the National Guard Bureau Instruction 1303.01A. Commanders approved six requests and denied one request. Although the National Guard experienced an expedited transfer approval rate of 100 percent during the past five years, the number of available positions within a general locality limits the opportunities for the commander to identify a suitable position for a transfer. Of the six approved expedited transfer requests, five were local unit transfers or change of duty within the same unit, and one was an installation transfer.

### **Latency of Sexual Assault Reporting**

The National Guard tracks the length of time between the date the sexual assault incident occurred and the date the service member reported the sexual assault to a SARC. For Title 32 National Guard members reporting a sexual assault in FY19, just over two thirds reported it within a year of the incident, which is an increase from 50 percent in FY18. It is encouraging to see more survivors seeking SAPR services sooner in their journey to aid in recovery.

The remaining 33 percent of reports were primarily incidents that occurred earlier in military service, while only a few took place prior to joining the military.

**Notifying Command**

Of the incidents of sexual assault reported by current Title 32 members of the National Guard in FY19, SARC's notified the command with 24 hours of the report for 97 percent of cases.

**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 jurisdiction of a military criminal investigative organization or the military judicial system. Therefore, quality data is not available for analyses or reporting for the following:

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

**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, please 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 Advocate Credentialing Program and approved SARC training.                                                                                                                                                                                                                                                                     | <b>3</b>                 | <b>0</b>   |
| 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> ).                                                                                                                                                                                                                        | <b>13</b>                | <b>0</b>   |
| 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). | <b>2</b>                 | <b>372</b> |
| Civilian SARCs                             | See above.(Title 5 )                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>130</b>               | <b>0</b>   |
| 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.                                                                                                     | <b>1</b>                 | <b>932</b> |
| Civilian SAPR-VAs                          | See above.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>41</b>                | <b>3</b>   |
| 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.                                                                                                                                                                                                                                                             | <b>25</b>                | <b>4</b>   |
| Sexual Assault – Specific Investigators    | Military Criminal Investigation Office investigators who specialize in sexual assault cases.<br><i>* NGB OCI does not employ criminal investigators, but has 18 administrative investigators who have received specialized, sexual assault specific investigative training.</i>                                                                                                                                                                                        | <b>0</b><br><b>*(21)</b> | <b>0</b>   |

|                                                 |                                                                                          |            |            |
|-------------------------------------------------|------------------------------------------------------------------------------------------|------------|------------|
| Sexual Assault<br>Medical Forensic<br>Examiners | Medical providers that have completed the DoD course at Fort Sam Houston, or equivalent. | <b>N/A</b> | <b>N/A</b> |
|-------------------------------------------------|------------------------------------------------------------------------------------------|------------|------------|