



Enclosure 4: National Guard Bureau





NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON
WASHINGTON DC 20301-1636

MAR 06 2023

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

SUBJECT: National Guard Sexual Assault Prevention and Response Program Fiscal Year 2022
Review

The National Guard Sexual Assault Prevention and Response Program review is attached for inclusion in the Department of Defense Annual Report on Sexual Assault in the Military.

This review details the integrative efforts employed to achieve the strategic and operational initiatives of the National Guard's Sexual Assault Prevention and Response Program. The increased collaboration and greater sense of community intensified our determination toward eliminating these unacceptable behaviors within our organization.

Fiscal Year 2022 highlights include:

- Implementing Tier 1, Tier 2, Tier 3 Independent Review Commission and National Guard Prevention Task Force recommendations.
- Increasing the fulltime National Guard Sexual Assault Prevention and Response staffing in the States to increase victim support and strengthen community partnerships.
- Establishing a dedicated integrated primary prevention workforce in the States to reduce harmful behaviors.
- Creating a Sexual Harassment Operational Planning Team to review sexual harassment policy and processes.
- Expanding the Site Assessment and Assistance Visit process.

The point of contact for this action is Major General Wendy B. Wenke, National Guard Bureau Manpower and Personnel Directorate, at 703-604-9540.

A handwritten signature in blue ink, reading "Daniel R. Hokanson", is positioned above the printed name and title.

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

Attachment:
As stated

FY 2022 Annual Report on Sexual Assault in the Military Executive Summary: National Guard Bureau

“Always Ready, Always There” encapsulates the essence of the National Guard of the States, Territories, and the District of Columbia (hereafter referred to as “States”). As our National Guard Service members continue to be an integral part of addressing the challenges facing the Joint Force and our communities where we live, our National Guard Bureau (NGB) and National Guard leadership are no less committed to its most valued asset – its People! The Chief of the National Guard Bureau (CNGB) is unwavering in his commitment to make a positive difference for our National Guard family of Soldiers and Airmen and their families, and civilian employees using an integrated approach to battling sexual assault, sexual harassment, allegations of retaliation, and other derisive behaviors within our ranks. The Sexual Assault Prevention Task Force (SAPTF) and Suicide Prevention Task Force (SPFT) mandated by the CNGB in Fiscal Year 2021 (FY21) continued its contributions during Fiscal Year 2022 (FY22), as did the General Officer Steering Committee (GOSC) led by the Vice Chief of the National Guard Bureau. The SAPTF’s and SPFT’s immediate focus in FY22 was to progress with development of the GOSC approved recommendations with a corresponding plan of action and milestones (POAM) for the lines of effort with the intent on improving prevention efforts, training, and accountability. Concurrently, NGB and the National Guard focused on the Independent Review Commission (IRC) recommendations and the implementation plan as directed by the Secretary of Defense. The NGB and the National Guard of the States are determined to complete and implement these recommendations in a manner that prompts every National Guard member to step forward and take action to prevent sexual assault, domestic violence, sexual harassment, retaliation, and other activities and attitudes that erode our core values and persona of our force.

This FY22 summary of sexual assaults occurring within the National Guard shows a trend that is not acceptable and demands increased collaboration and cooperation within the NGB, the Services, The Adjutants General (TAGs) of the States and Commanding General of the District of Columbia NG (hereafter referred to as TAGs), and our community partners. In FY21 and FY22 reports increased by 11.04 and 21.59 percent, respectively. The National Guard attributes these rises in percentage on two primary factors, the return of pre-pandemic operational execution in FY22, and increased comfort and confidence in the reporting services. Of the 856 sexual assaults reported in FY22, 295 sexual assaults occurred within FY22. The remaining 561 incidents occurred in prior years. The National Guard will continue to focus on reducing barriers that might delay reporting, identifying risk factors, assessing program implementation, and providing resources to the States to change or eliminate the underlying causes resulting in these sexual assaults.

This report details the FY22 strategic initiatives of the NGB and the operational initiatives of the National Guard’s Sexual Assault Prevention and Response (SAPR) Program. It highlights the progress made in initiating, completing and implementing IRC and SAPTF recommendations, establishing an integrated prevention program, enhancing communication efforts with our counterparts both within the Department of Defense (DoD)

and local communities, embracing a joint approach to victim advocacy and training, identifying high-risk markers, improving the National Guard's response capability, and improving investigative capabilities.

Goal 1 – Prevention

The National Guard prepared a POAM to implement the Under Secretary of Defense Guidance for Implementing Tier 1, Tier 2, Tier 3 Recommendations of the “Independent Review Commission on Sexual Assault in the Military.” In addition, the CNGB directed a GOSC-led SAPTF and SPTF to develop actionable items to reduce sexual harassment, sexual assault and harmful behaviors in the National Guard. Listed below is a summary of the progress made by NGB on these recommendations during FY22.

- Three IRC recommendations completed:
 - ✓ Recommendation 2.6.b: Review and Update all Policies that Restrict Data Collection on Important Populations of Service members.
 - ✓ Recommendation 2.7.a: Establish a Comprehensive National Guard Primary Prevention Strategy.
 - ✓ Recommendation 4.2.e: Amplify Victim's Rights and Services in the Post-Trial Period.

- Four IRC Recommendations are pending final review and publication:
 - ✓ Recommendation 3.8: Publish the Nature and Results of All Disciplinary Actions Related to Sexual Misconduct and Disseminate to Troops.
 - ✓ Recommendation 4.3.a: Implement the No Wrong Door Approach to Sexual Harassment, Sexual Assault and Domestic Abuse Across the Military Services.
 - ✓ Recommendation 4.3.d: Maximize Adherence to Survivor Preference on Reporting Status, Survivor Preference in Expedited Transfer.
 - ✓ Recommendation C1: DoD Should Immediately Make Sexual Harassment Victims Eligible for SAPR Services and Undertake a Review of All Policies and Structures Tasked with Addressing Elements of the Military's Sexual Harassment Response. (Interim Guidance)

- Three SAPTF Recommendations completed:
 - ✓ Recommendation 3: Provide Leaders with Tools to Ensure Appropriate Response to Sexual Assault, Sexual Harassment, and Retaliation (Leader's Handbook).
 - ✓ Recommendation 7: Train National Guard SAPR Professionals on Memorandums of Understanding (MOUs) and Memorandums of Agreement (MOAs) to Support Development of Engagement Plan for Community Partnerships.
 - ✓ Recommendation 14: Establish a Program for Alcohol Planning Guidance.

- Completed two SPTF Recommendations.
 - ✓ Recommendation 1: Create Organizational Efficiencies to Improve Resource Collaboration and Remove Programmatic Silos by establishing a staffing model to support collocation of support agencies at the State level
 - ✓ Recommendation 19: Incorporate lethal means safety training and practices into existing prevention efforts. Lethal means safety training was incorporated into all pre command courses and Project SafeGuard was initiated along with a year long public messaging campaign.

Goal 2 – Victim Assistance and Advocacy

- Executed the strategy to improve manpower and resource shortfalls resulting in an increase in fulltime Sexual Assault Response Coordinator (SARC) and SAPR Victim Advocate (VA) positions within the National Guard SAPR programs at State level.
- Hosted Annual Refresher Training for fulltime State Sexual Assault Response Coordinators (SARCs) and SAPR Victim Advocates (VAs) and provided four webinars focused on the DoD Sexual Assault Prevention and Response Office (SAPRO) Men’s campaign.
- Developed and published the National Guard Joint Initial SAPR Course and gained National Organization for Victim Assistance (NOVA) approval for use in training of fulltime National Guard SARCs and SAPR VAs.
- Monitored and tracked world-wide and Southwest Border deployments to help ensure deploying SARCs received required screenings and training to achieve certification.
- Implemented a tracking method for all Brigade, Wing, and Battalion fulltime and collateral duty SARCs and SAPR VAs training.
- Implemented a process to conduct thorough background investigations on all appointed SARCs and SAPR VAs.
- Consolidated the existing Army National Guard (ARNG) and Air National Guard (ANG) Regional Leads into one branch for a joint regional approach.
- Implemented the SAPR Advisory Committee Charter providing the State SAPR Programs a platform to voice questions and assist with policy development.

Goal 3 – Investigation

- NGB Office of Complex Investigations (NGB OCI) restructured the organization to add two mid-level investigator supervisors to facilitate the delivery of timely guidance and feedback to investigators.
- NGB OCI initiated the revision of their CNGB Instruction, Manual, and standard operating procedures to document organizational changes.
- J1-SAPR created two Directive Type Memoranda to implement the National Guard's use of the Department of Defense DD Form 3114, "*Uniform Command Disposition Report*" and the NGB Form 912, "*Section 540K Declination Letter*."

Goal 4 – Accountability

- J1-SAPR integrated a review of accountability actions into the State Site Assessment and Assistance Visit (SAAV) process.
- Through information sharing with NGB OCI, J1-SAPR personnel reviewed the cases referred to and substantiated by NGB OCI and validated that administrative action was taken against the subject. This information was presented to State SAPR Professionals and senior leaders to ensure their visibility on any trends or lack of action occurring within the State.
- The Vice Chief of the National Guard Bureau (VCNGB) initiated a Sexual Harassment Operational Planning Team (OPT) to review sexual harassment policy and processes. The Sexual Harassment OPT has three lines of effort: (1) Sexual Harassment Investigators, (2) Sexual Harassment and Sexual Assault Due Process, (3) Streamlining of Sexual Harassment Data, Policies, and Programs.
- Published a CNGB memorandum, "Publication of Accountability Actions Taken in Sexual Assault, Domestic Sexual Abuse, and Sexual Harassment Cases" to comply with the IRC recommendation to publicize disciplinary actions on a website accessible to National Guard members.

Goal 5 – Assessment

- Continued to provide the States with quarterly Health of the Force Scorecards with key programmatic metrics.
- Expanded the SAAV process and employed J1-SAPR assessment teams to execute 18 visits in FY22.
- Coordinated with all 90 ANG Wings to ensure completion of their annual SAPR By-Law inspections and served as the Defense Sexual Assault Advocate Certification

Program (D-SAACP) certified SAPR subject matter expert in 70 ANG By-Law Inspections.

- Conducted 42 Continual Evaluations and four Unit Effectiveness Inspections at the Wings during FY22.

The NGB and National Guard of the States remain steadfast in our commitment to improve the integrated efforts in support of every Service member and member of our National Guard community to ensure they have a safe environment in which to work, and are treated with dignity, respect and compassion.

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 Efforts to Address Approved Independent Review Commission (IRC) Recommendations and the Prevention Plan of Action (PPoA): Identify major actions completed or underway to address the approved recommendations of the IRC Lines of Effort listed below.

- a. **Line of Effort 2: Prevention – Specifically address actions undertaken during FY 2022 to address the IRC prevention recommendations, the initiatives required under the Secretary of Defense’s Immediate Actions Memorandum and follow-on guidance from the Under Secretary of Defense for Personnel and Readiness, as well as the 2019-2023 PPoA. Address your efforts under each of the requirements listed below:**
- **Immediate Action 1. Assess Compliance with Sexual Assault and Harassment Policies and Integrated Violence Prevention Efforts**
 - **Immediate Action 2. Conduct Evaluation at High Risk Installations**
 - **Immediate Action 3. Establish a Violence Prevention Workforce**
 - **2019-2023 Prevention Plan of Action (Phase III Execution and Phase IV Evaluation)**
- b. **Line of Effort 3: Climate and Culture**

(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) / 2019-2023 DoD Prevention Plan of Action (April 2019) / Secretary of Defense (SecDef) Memorandum, “Immediate Actions to Counter Sexual Assault and Harassment and the Establishment of a 90-Day Independent Review Commission on Sexual Assault in the Military,” (February 26, 2021) / OUSD(P&R) Memorandum, “Implementation of Immediate Actions to Counter Sexual Assault and Harassment in the Military,” (March 22, 2021) / SecDef Memorandum, “Department of Defense Actions and Implementation Guidance to Address Sexual Assault and Sexual Harassment in the Military,” (July 2, 2021) / SecDef Memorandum, “Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military: Independent Review Commission Recommendation-Implementation Roadmap,” (September 22, 2021))

NGB made significant shifts in scope and ownership of sexual assault primary prevention activities in FY21 to include synchronizing primary prevention efforts and capabilities under the responsibility of the NGB Manpower and Personnel Warrior Resilience and Fitness Division, establishing a SAPTF to develop recommendations to meet the goals of its Prevention Plan of Action, and forming a GOSC to review the recommendations of the SAPTF. The GOSC approved 19 SAPTF recommendations and selected nine of them for completion within FY22. On 5 January 2022, a SAPTF Implementation Working Group composed of one member from each of the SAPR regions across the States conducted their kick-off meeting and met regularly throughout FY22 to develop a plan to complete and implement the nine recommendations. The SAPTF Working Group developed its POAM to complete and implement the GOSC approved primary prevention of sexual assault recommendations and incorporated the recommendations established by the IRC. There was at least one IRC objective recommendation in synchrony with each of the approved SAPTF recommendations. NGB and SAPR professionals from the States took an integrated approach and worked collaboratively to accomplish and implement the recommendations within the specified timelines set by the SAPTF and DoD.

NGB completed or initiated the following actions during FY22 to address the approved IRC prevention recommendations, initiatives required under the Secretary of Defense Immediate Actions Memorandum and follow-on guidance from the Under Secretary of Defense for Personnel and Readiness, as well as the 2019-2023 Prevention Plan of Action and SAPTF approved recommendations:

Line of Effort 2: *Prevention.*

Immediate Action 1. *Assess Compliance with Sexual Assault and Harassment Policies and Integrated Violence Prevention Efforts.*

NGB assessed compliance through the third quarter FY21 and determined the underlying shortfall was the National Guard's lack of a dedicated prevention workforce for integrated violence prevention efforts. In FY22 as part of the overall IRC effort, the NGB, in collaboration with the Office of Force Resiliency, developed a National Guard Prevention Workforce. This was a ground-breaking effort as National Guard lacked a prevention program, including a dedicated workforce. NGB developed a phased prevention workforce plan with initial roll-out of Phase 1 in May 2022 including 30 States and the District of Columbia. Phase 2 will encompass the remaining 23 States/Territories in FY23.

NGB also published an Integrated Primary Prevention Strategy and Framework to provide much needed guidance to senior leaders and Prevention Workforce personnel in the field. In addition, NGB updated existing policy to reflect IRC recommendations and developed new training to augment the Service-specific SARC and SAPR VA training provided to new hires. The training provides NG specific policy and procedures not resident in the Service provided training.

The sexual harassment assessments identified the lack of a case-tracking platform because of differing procedural processes for filing a Title 32 U.S.C. versus a Title 10 U.S.C. complaint, the lack of a standard practice for notification of complaints, and a lack of understanding of available resources across the States. The National Guard Diversity, Equity, and Inclusion Directorate manages the sexual harassment complaint process. In FY22, the Directorate identified the requirements for a standardized database to track sexual harassment complaints with anticipated implementation within Fiscal Year 2023 (FY23). J1-SAPR developed interim guidance for sexual harassment complainants to receive limited SAPR services. The anticipated implementation of this guidance is within FY23. NGB established a Sexual Harassment OPT to review sexual harassment policy and processes to streamline efforts where possible. This review included all the CNGB SAPR policy and processes, and the development of a POAM to update all documents as needed.

Lastly, National Guard sexual assault assessments showed a lack of knowledge by the State SARCs to write and execute MOUs and MOAs. The National Guard General Counsel assisted in addressing this deficiency by providing training to all incoming SARCs and SAPR VAs on how to prepare and use MOUs and MOAs. As further assistance, a template is being staffed for dissemination to the States. The assessment also identified the difference in investigative processes between National Guard members in a Title 32 U.S.C. status versus members serving in a Title 10 U.S.C. status. The primary difference is the absence of a Military Criminal Investigative Organization within the National Guard, and the lack of consistency in the definition of sexual assault across Federal and State entities.

Immediate Action 2. *Conduct Evaluation at High-Risk Installations.*

The National Guard had two States selected for an On-Site Installation Evaluation (OSIE). Based on the results of the FY21 force-wide climate survey, one State displaying a positive climate was identified as having one of the highest protective factors across the National Guard. The indicators of a positive climate included a cohesive environment, motivation to improve prevention, and a positive work environment. The OSIE observed that the State always put Soldiers and Airmen's welfare first. This State's leadership throughout the organization showed that a Soldiers wellbeing was part of the mission and not a secondary effort. The evaluation of the second State selected exposed that personnel responsible for prevention were unable to meet the needs statewide, their annual prevention programming was not evaluated, and the leaders lacked the abilities to promote a protective and healthy environment. This State developed a POAM to track their compliance of program shortfalls through completion. The J1-SAPR Compliance and Accountability Team conducted a face-to-face site assisted assessment visit in May 2022 to review the findings and document progress in completing the OSIE requirements for program compliance. This State corrected all findings of the OSIE within FY22.

Immediate Action 3. *Establish a Violence Prevention Workforce:*

IRC Recommendation 2.2. *Establish a dedicated primary prevention workforce.*

The National Guard successfully took the first of many steps to establish an Integrated Primary Prevention Workforce. NGB completed plans of action and milestones and established benchmarks to monitor efforts. These products were reviewed and approved by the Office of the Secretary of Defense (Personnel and Readiness). NGB also conducted a workforce study to establish initial projections for new personnel. These original projections were later confirmed by an Office of the Secretary of Defense workforce study. NGB created 19 new position descriptions for the 650 plus new prevention workforce positions slated to start at all levels of the organization by Fiscal Year 2025. These positions range from General Schedule (GS) 09 developmental positions and GS 11 positions at the Brigade and Wing level to a GS 14 Deputy Branch Chief position at NGB. These positions also meet the requirements as proposed by the Prevention Workforce Model, DoD SPARX, and best practices defined by the Centers for Disease Control and Prevention and scientific literature. NGB published the position descriptions in May 2022 which allowed the States to begin hiring. In addition to these efforts, the NGB established policy in support of DoD Instruction 6400.09, “DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm” and an NGB strategy in line with the Prevention Plan of Action 2.0, 2022 – 2024.

2019-2023 Prevention Plan of Action (*Phase III Execution and Phase IV Evaluation*).

J1-SAPR provided a Phase III Interim Report in FY21 based on the current Prevention Plan of Action and completed Phase I: Self-Assessment and Phase II POAM and Logic Model Development. During Phase III, NGB focused on executing prevention activities outlined in the POAM, updated the Prevention Plan of Action to Prevention Plan of Action 2.0, and migrated from a sexual assault specific prevention plan of action to an integrated prevention plan of action. The National Guard participated in a manpower study to determine the National Guard prevention workforce requirement and attended working groups building a SPARX Leadership Action Guidebook and DoD SPARX training curricula.

Line of Effort 3: *Climate and Culture.*

IRC Recommendation 3.3.c. *Hold Service member appropriately accountable who engage in cyber harassment and other forms of technology-facilitated sexual harassment and sexual assault*

- **Completed:** The CNGB provided case synopses and Outcomes Report in accordance with the Under Secretary of Defense (Personnel and Readiness) Memorandum, “Guidance for Implementing Tier 1 Recommendations of the

Independent Review Commission on Sexual Assault in the Military” dated 13 October 2021.

IRC Recommendation 3.8. *The Services should publish the nature and results of all disciplinary actions related to sexual assault misconduct and disseminate this information to troops periodically; and **SAPTF Recommendation #9.** Report outcomes of actions taken against Guard perpetrators.*

- **Initiated:** A CNGB memorandum, “Publication of Accountability Actions Taken in Sexual Assault, Domestic Sexual Abuse and Sexual Harassment Cases” is currently being staffed for signature and subsequent dissemination to the States. This memorandum identifies TAGs of the States responsible for publicizing disciplinary actions taken against National Guard members associated with substantiated allegations of sexual assault, domestic abuse, or sexual harassment every 60 days. The medium used must be a website accessible to National Guard members. The summary of disciplinary actions taken will not include any information which might identify the subject, victim, victim rank, or unit information. This action will demonstrate the National Guard’s commitment to holding offenders accountable and maintaining good order and discipline. The anticipated publication date is within FY23.

NGB continues to strive towards completion of initiated actions, while continuing the development of new actions as time and resources permit. Listed below are additional IRC, SAPTF, and SPTF recommendations on prevention actions that were initiated or completed during FY22.

SPTF Recommendations.

- **Recommendation 1:** *Create Organizational Efficiencies to Improve Resource Collaboration and Remove Programmatic Silo’s.*
Completed
- **Recommendation 19:** *Incorporate lethal means safety training and practices into existing prevention efforts.*
Completed

IRC Recommendation 2.1 b. *Develop and hold leaders appropriately accountable for prevention.*

- **Initiated.** Pending Service guidance, NGB is reviewing and revising policies to encourage early intervention, such as victim’s first disclosure of inappropriate unprofessional behavior and promoting a “no wrong door” approach for commanders. NGB created and distributed a Leader’s Handbook which introduces primary prevention to leaders and provides recommendations to reduce the risk of sexual assault and sexual harassment.

IRC Recommendation 2.3 *Implement community-level prevention strategies unique to Service member environments; and SAPTF Recommendation #15 Create formal partnership with National organizations.*

- **Initiated.** Created a list of National organizations and points of contact for future partnerships to leverage civilian programming as appropriate as it relates to advocacy for sexual assault victims. This is an ongoing effort.

IRC Recommendation 2.3 b. *Under Secretary of Defense (Personnel and Readiness) should identify a non-clinical Office of the Secretary of Defense-level Office of Primary Responsibility for alcohol policy and develop relevant policy guidance and oversight; and*

SAPTF Recommendation 14. *Establish a program for alcohol planning guidance, including talking points for consideration and risk assessment options, regarding alcohol consumption to support safe and responsible alcohol use at National Guard events.*

- **Completed.** In an effort to reduce the association of alcohol use and sexual assaults, NGB created a Command Policy Memorandum template for National Guard units to use and post in public areas within their unit location. The policy provides guidelines on “Alcohol Use During On and Off Duty Hours”, to include during drill weekends, annual training, State active duty, and other sanctioned military events. The memorandum offers guidance and recommendations for Commanders to consider on how to mitigate the risk of alcohol use during unit functions. The policy was approved in July 2022 and distributed to the States.

IRC Recommendation 2.5 a. *Services and NGB should institute a pilot program to link Service members with resources and support.*

- **Initiated.** NGB is developing an Integrated Primary Prevention Toolkit to provide a suite of tools to assist the National Guard’s Integrated Prevention Workforce in addressing risks of adverse outcomes for National Guard Service members. The Prevention Workforce will be able to access relevant information related to risk factors, as well as resources to tailor efforts to their respective populations from a single space. This is an ongoing effort.

IRC Recommendation 2.6 b. *Services and NGB will continually review and update all policies that unnecessarily restrict data collection on important populations of Service members.*

- **Completed.** This action is an ongoing effort.

IRC Recommendation 2.7 a. *NGB should develop ARNG and ANG prevention strategies aligned with DoD’s Prevention Plan of Action based on National Guard’s unique construct and missions.*

- **Completed.**

IRC Recommendation 2.7 b. *Under Secretary of Defense (Personnel and Readiness) should submit a legislative proposal providing authorization and funding for the NGB to conduct recurring National Guard unit inspections and staff assistance visits for prevention oversight and assistance.*

- **Completed.**

SAPTF Recommendation #5. *Develop training to build prevention skills for leaders at all levels.*

- **Initiated.** NGB is developing an executive level prevention course which will include enhanced training on the use of Defense Organizational Climate Survey. NGB is evaluating and revising first line supervisor training to incorporate necessary prevention skill building and is developing a self-paced SPARX course.

SAPTF Recommendation #6. *Establish a single NGB (not Service driven) prevention training strategy.*

- **Initiated.** Will align ARNG and ANG with a joint prevention training program for the State prevention workforce to complete as they onboard. NGB is currently using Office of the Secretary of Defense guidelines, pending receipt of Service guidance.

SAPTF Recommendation #10. *Incorporate risk assessment for sexual assault and sexual harassment into tactical risk assessment process.*

- **Initiated.** NGB is integrating tactical response components into policy and developing Tactical Risk Assessment Training for sexual assault and sexual harassment. Buddy Aid training presented at the SAPR Supplemental Course is an operational approach for performing first aid on sexual assault victims. This training focuses on treating the trauma of the assault and is intended to bridge the gap between encountering the victim and getting them to a SARC or SAPR VA.

SAPTF Recommendation #17. *Expand the use of Army's Unit Risk Inventory (URI) to ANG.*

- **Initiated.** NGB is exploring the use of a modified Unit Risk Inventory for ANG units and incorporating training on use of the tool. NGB is currently conducting a pilot program and is receiving positive feedback.

1.2 Future Plans: Identify any major leadership-approved initiatives your Military Service/NGB is undertaking in support of prevention. Identify key considerations or obstacles that are currently affecting the implementation of prevention initiatives.

The leadership approved future plans in support of Prevention include:

- Creating a SAPR Prevention Leadership Award to give recognition of positive messaging and engaged leadership and promote increased motivation to follow these examples or provide examples of what positive messaging can look like.
- Modifying the delivery method of annual SAPR training requirements and capitalizing more on interactive activities that focus on smaller segments that can fully engage the participants. This manner of training spread over time has proven to be a more effective way to improve knowledge and skills.
- Enhancing leadership training at all levels on use of the Defense Organizational Climate Survey and emphasizing the need for first line supervisor prevention skill building. This training will be designed to increase leader understanding of how to execute the survey, interpret results, provide out briefs to units, and additional data to manage climate. The intent is to also improve collaboration between Equal Opportunity and Inclusion personnel, such State Equal Employment Managers, Equal Opportunity Advisors, and Equal Opportunity leaders, with their SARCs to support their command's ability to interpret the survey's results.
- Establishing a Joint NGB prevention training strategy that is evidence based and standard across the States for maximum effectiveness.
- Improving and expanding data collection of NG formal and informal sexual harassment complaints intended to provide NGB and TAGs with more detailed data on sexual harassment to inform prevention and response efforts and maximize existing resources.
- Incorporating risk assessment for sexual assault and sexual harassment into Tactical Risk Assessment processes to include developing a risk assessment metrics based on forthcoming risk and protective factors from DoD, integrating tactical response components into policy, and developing Tactical Risk Assessment Training for sexual assault and sexual harassment.
- Creating a mechanism to review Call Signs among unit leadership to eliminate inappropriate Call Signs that do not support good order and discipline and negatively impacts command climate.

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/NGB in FY 2022. As applicable, include significant updates to regulations, policies, procedures, and/or processes (e.g., Safe-to-Report policy); Sexual Assault Response Coordinator (SARC) and Sexual Assault Prevention and Response Victim Advocate (SAPR VA) training and how the effectiveness of this training is

evaluated; manpower and resource capabilities and/or shortfalls; SAPR personnel certifications/continuing education/background checks; resources/products to support victims, retaliation reporters, and responders; victim medical and mental health services; sexual assault victim and retaliation reporter care; gender-responsive outreach and care; collaboration with civilian and military victim response organizations and academic experts (e.g., warm handoffs of Service members requiring assistance); SAPR training improvements for the force (e.g., junior officer (O1-O2), mid-level enlisted (E4-E6), and junior enlisted training on appropriate actions to report and respond to sexual assault). 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 or when addressed in your responses to questions 2.2 through 2.12 below. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 2 – Victim Assistance & Advocacy, p. 7 / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response: Program Procedures,” (November 10, 2021) / DoDI 6495.02, Volume 2, “Sexual Assault Prevention and Response: Education and Training,” (April 9, 2021)) / National Defense Authorization Act (NDAA) for FY2011, Section 1631

The National Guard remains focused on providing quality services and support to all eligible victims of sexual assault and retaliation based on a report of sexual assault or the perception of a sexual assault. In support of the SAPR professionals in the States, NGB focused on updating policy and procedures, improving management of the screening and credentialing process for newly hired or selected individuals to fill a SARC or SAPR VA position within the non-federalized National Guard force, and working with the States on manpower and resource capabilities to hire additional personnel to support the SAPR program.

Manpower and Resource Capabilities and Shortfalls.

Despite increases in fulltime SAPR positions, the National Guard State SAPR programs have operated at less than required manning levels since inception. Funding received because of the IRC recommendations created the potential for significant improvement in the National Guard’s response capability in designated locations and was instrumental in moving the Guard towards a fully staffed and executed program. However, this increase only covers 30 percent of the required fulltime staffing requirements for the National Guard. Select Brigades across the States received funding to add fulltime SARCs and SAPR VAs to improve their response capability. NGB selected States based on National Guard population, geographic disbursement, and State size. These 192 authorized SAPR positions will be phased across the States with final execution in Fiscal Year 2025. NGB plans to program the remaining 70 percent of the Brigade and Wing SARCs from Fiscal Year 2025 through Fiscal Year 2029. Additionally, IRC funding will also support the hiring of an individual within the Prevention workforce at the NGB level. NGB used the Program Objective Management process and coordinated with Headquarters, Air Force to obtain funding for 10 fulltime SAPR VAs at the ANG Wings. This is a significant addition for the National Guard as it will be the first time ANG Wings will have a fulltime SAPR VA. This new staffing will support improved response and reduce the burden on Wing SARCs as the sole responder for ANG members.

SARC and SAPR VA Training

J1-SAPR continuously evaluates the initial SAPR training received by its fulltime SARCs and SAPR VAs to determine effectiveness of Service-specific curriculum for our National Guard force. We saw gaps within the curriculum that did not address National Guard specific programs and laws. In response, last year NGB implementation of a 40-hour Joint Supplemental Course to augment the Service-specific SARC and SAPR VA training received by National Guard fulltime new hires. This course provides consistent, relevant, and current information on National Guard specific policy and procedures and other gaps identified in the program. The course was well received by the new hires, as well as existing fulltime SARCs and SAPR VAs. J1-SAPR included a new component to the Supplemental SAPR Course in FY22 which included an overview of terminology and definitions related to the Lesbian, Gay, Bisexual, Transgender, Queer, and “others” community and also explored effective advocacy for this group. J1-SAPR coordinated with a community-based nonprofit to provide this training.

Upon further review of the training requirements for the fulltime Title 5 U.S.C. National Guard SAPR Professionals, CNGB directed the creation of a National Guard Joint Initial SAPR Course for new hires filling fulltime SARC and SAPR VA positions. The basis of this course was the original National Guard Initial SAPR training developed when the program began. This course contains the core competencies required by DoD SAPRO and includes National Guard specific policy, procedures, and information focused on increasing cross-service response, and maximizing limited State resources for improved victim care and outreach. The National Guard Joint Initial SAPR Course was developed with the support of a working group and received NOVA approval to meet the training requirement for D-SAACP certification. J1-SAPR hosted the first National Guard Joint Initial SAPR Course in FY22. Learners completed Daily Feedback Surveys, which the J1-SAPR Training Branch used to make improvements to the course. Learners also took a pre-test and post-test to measure knowledge gains. This course uses adult learning strategies including small group discussion, hands-on learning activities, and having learners draw from their own experiences. Title 32 U.S.C. ARNG personnel selected as SARCs and SAPR VAs will continue to enroll in their Service-specific Sexual Harassment/Assault Response and Prevention (SHARP) courses to meet the designation of the skill identifier and the requirements for deployment.

J1-SAPR hosted the FY22 Annual Refresher Training for over 200 full-time SARCs and SAPR VAs. This two-day event provided policy and procedural updates, presentations by subject matter experts, and opportunities to network with other SAPR Professionals from across the States and to earn continuing education units. Topics discussed during the training included the preparation of MOUs and MOAs by the NGB Office of General Counsel, privacy and confidentiality best practices by DoD SAPRO, implementation of IRC recommendations by J1-SAPR Division Chief and NG Special Victims' Counsel (SVC) Deputy Program Manager, and Military Sexual Trauma Services for National Guard members by Veterans Health Administration and Veterans Benefits Administration staff. To assess the effectiveness of the training and to gather ways to enhance the training in

future years, the J1-SAPR Training Branch prepared feedback forms and asked the participants to provide their input throughout the training day.

Over the course of FY22, J1-SAPR provided four webinars to highlight the DoD SAPRO Men's Campaign. This training focused on victim advocacy for male survivors of sexual assault and introduced materials from the Men's Campaign to encourage use at the State level. The training also included information to address advocacy considerations specific to transgender and gay men. The National Guard also partnered with NOVA and provided a webinar on the National Guard SAPR program and community collaboration. The webinar had over 300 attendees for the live event which was recorded and made available on the NOVA website. The National Guard also provided similar training at the 45th Annual NOVA conference to increase awareness of the National Guard program and improve community collaboration with civilian victim service agencies.

Additional J1-SAPR training program highlights include:

- **Sexual Assault Awareness Prevention Month Activities.** Assisting with the Sexual Assault Awareness Prevention Month daily activities conducted at the Herbert R. Temple Jr. Army National Guard Readiness Center and the Air National Guard Readiness Center on Joint Base Andrews and sending resources to the States on how to execute awareness activities and present bulletins that raise awareness, provide prevention techniques and publicize available resources for the prevention of sexual assault.
- **SPARX Knowledge Training Program.** Utilizing all National Guard allotted DoD SPARX slots and filling unclaimed slots from other services to train SAPR Professionals on the strategies and concepts of the DoD SPARX Knowledge Training Program.
- **Pre-Command SAPR Training.** Presenting SAPR Program information at three ARNG Brigade and Battalion Pre-Command Course offerings to provide future Commanders with an overview of their roles and responsibilities and command team response to a sexual assault. The training also included an overview of the NGB SAPR Division, a discussion on the use of SAPR data and trends, command prevention efforts, and program assessment. J1-SAPR also provided a discussion on SAPR deployment training planning to include an explanation of the timeline and requirements to get their SARCs and SAPR VAs suitability screened and trained.
- **Commanders Development Course SAPR Training.** Presenting SAPR Program information at three ANG Commanders Development Courses, which includes Squadron and Group Commanders.
- **Chief Master Sergeant Orientation Course SAPR Training.** Presenting information at the quarterly Chief Master Sergeant Orientation Course to inform the future leaders of the ANG Noncommissioned Officers Corps about the latest sexual

assault prevention techniques and how to implement them among the units. The training was scenario based and facilitated by members from J1-SAPR, Suicide Prevention, Equal Opportunity, and Behavioral Health.

- **NGB Joint Action Officer Course SAPR Training.** Presenting information on the SAPR Program at the NGB Joint Action Officer Course in the Herbert R. Temple Jr. Army National Guard Readiness Center.
- **DSAID Webinar Training.** Presenting monthly DSAID Webinar for National Guard SAPR Professionals requiring DSAID access. Topics covered a range of common DSAID issues faced by the field and provided SAPR Professionals with continuing education units opportunities.
- **Sexual Assault and Sexual Harassment Retaliation Training.** Enforcing annual Sexual Assault and Sexual Harassment Retaliation training for Army Leaders in compliance with Headquarters, Department of Army Executive Order 110-22.

Operational Level Improvements

- **On-line Portal.** The National Guard established an online portal to capture and track all required certifications, trainings, and systems access for National Guard SAPR Professionals. This portal streamlines document submission and shows state compliance with program requirements. This information is used, in part, to provide state leadership a monthly state scorecard, highlighting strengths and areas for improvement.
- **Updated Screening Process.** J1-SAPR significantly updated the process to complete and track background screenings. This included creating new forms, an online tracking system, and cross-checks to ensure all D-SAACP certified personnel are compliant with DoD requirements, to include ARNG members deploying as SARCs or SAPR VAs. This is an ongoing process.
- **Joint Regional Approach.** To manage and assist the SAPR Professionals within the States, NGB had organized the States into regions, where Service-specific managers within J1-SAPR provided guidance, information and support within each region. During FY22, J1-SAPR reapportioned the States into new regions and designated one Regional Lead to manage a region using a joint approach. This joint approach will better reflect the program's structure at the State level and is designed to foster collaboration across both elements of the National Guard. NGB is also adding four additional civilian region lead positions for improved program continuity. This restructuring will allow region leads the ability to work with SARCs to improve DSAID data integrity, improve prescreening for deploying SARCs and SAPR VAs to reduce derogatory findings, and offer a 24/7 headquarters response to the field.

- **Improved Communication with the States.** J1-SAPR took a number of actions during FY22 to improve the communication, cooperation, and collaboration with the SAPR professionals located within the States.
 - ✓ Published the updated Charter for the Sexual Assault Prevention and Response Advisory Committee (SAPRAC) in FY22. This effort reestablished the committee's mission to serve as a channel of communication for SAPR professionals within the States to advise NGB of trends and obstacles affecting the delivery and execution of the National Guard SAPR program. Regularly scheduled meetings were reinstated between the Executive Committee of the SAPRAC and J1-SAPR.
 - ✓ Continued the use of the Monthly Regional Teleconferences. These teleconferences were used to distribute information to the States and to encourage dialogue among SAPR Professionals within the States and with NGB to discuss questions or concerns involving policy, processes, initiatives, and strategies.
 - ✓ Monthly Voluntary Joint Questions and Collaborations meeting. Hosted by J1-SAPR, this teleconference offered an opportunity for SAPR Professionals within the States to ask questions, provide best practices, and engage in conversations pertinent to the National Guard SAPR Program.
 - ✓ Created a new Joint Fulltime State Employee Roster. NGB replaced an existing Master SARC Roster spreadsheet with a new Joint Fulltime State Employee Roster for use with the On-line Portal. The new format of this roster provides the State SAPR Professionals and servicing community, such as Special Victims Counsel with updated information every 24 hours.

Tactical Level Resources

Fulltime SAPR Professionals were provided with various resources, products, and support during FY22 to support victims, retaliation reporters, and responders. Provided below is a synopsis of these resources.

- **Expanded Restricted Reporting Job Aid.** National Guard SAPR Professionals received an Expanded Restricted Reporting job aid to improve their understanding of the new process. The SARCs used this as a tool to train commanders on the new process.
- **State Sexual Assault Response Team Liaison Appointment Memorandum Template.** J1-SAPR provided an approved memorandum template to the SAPR Professionals within the States to facilitate a SARC's membership and participation in their State and local Sexual Assault Response Teams. The intent of providing the approved memorandum template was to encourage SARCs to engage with

their local and state agencies and to define clear boundaries between civilian agencies and a National Guard entity.

- **Retaliation Reporting Training.** The NGB Inspector General office created training on retaliation reporting as part of the NG Initial Joint SAPR Course. Additionally, the revision of CNGB Manual 1300.03, “*National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault*” will include a new retaliation reporting process for SAPR Professionals who experience retaliation from a Lead SARC or senior leadership. This new process was developed as a recommendation by the SAPTF and will include resources for civilian and uniform SARCs.
- **TriCare Benefits and Healthcare for Victims.** Members of the National Guard who are sexually assaulted while serving in a military status are eligible for a Line of Duty determination, which is required to obtain TriCare benefits for medical and mental health services. The ANG process is efficient for Restricted Reports and the processing time is typically under 2 weeks. However, members of the ARNG are experiencing challenges in obtaining mental health care, due to a requirement to have a physical examination. The member must refuse a physical examination in writing before being approved to see a mental health provider. National Guard members not in a duty status at the time of the assault are not eligible for an LOD and rely on their own personal medical insurance to access medical and mental health care. In cases where the National Guard member does not possess health insurance, the SARCs work to identify free or low-cost services within the community. This situation presents a challenge for the SARCs as free mental health care services are difficult to locate and limits the ability of the National Guard victim to access much needed care and support toward their recovery.
- **Veterans Affairs Military Sexual Trauma Resources.** The National Guard continues to participate in the “Joint Executive Committee Sexual Trauma Working Group” to help create a better understanding of the challenges faced by National Guard victims when seeking care through the Veterans Affairs. This includes identifying barriers such as when a National Guard member who is sexually assaulted during basic training and is separated from the Service prior to performing active-duty is denied eligibility for Military Sexual Trauma services. Most of the States still have not received the required training from Veterans Affairs on the eligibility requirements for National Guard members to receive Veterans Affairs Military Sexual Trauma services which is causing confusion. Without clear Federal and State guidance on the services available to National Guard members who were sexually assaulted, National Guard members are hindered from receiving the care needed for their recovery.
- **State Legislative Initiatives.** Described below are some of the local or State legislative involvement and changes affecting SAPR Program initiatives, victim care, investigations, and accountability.

- ✓ Designated the State Bureau of Criminal Apprehension as the investigative agency for unrestricted reports when it is military on military.
- ✓ Revised statutes on sexual assault to mirror the Uniform Code of Military Justice (UCMJ) and include statutes listing sexual harassment as a separate offense.
- ✓ Designated November as Military Sexual Trauma Awareness Month.
- ✓ Implemented their State Code of Military Justice.
- ✓ Passed a law to allow coordination between Civilian Protective Orders and Military Protective Orders (MPOs) so survivors only need to file one, and they are enforceable on and off the military installation.
- ✓ Increased the requirement to maintain Sexual Assault Forensic Exams for 20 years, which simplified and improved local MOUs for Sexual Assault Forensic Exam (SAFE) coverage. Also created an MOU with the State Police to use their Campus Sexual Assault Investigative Team for all Title 32 U.S.C. sexual assault investigations, which streamlined the process and improved services overall.
- ✓ Tracking a bill that extends the reporting timeframe for individuals “mentally incapacitated” at the time of the crime and broadens language of sexual battery to encompass more of a person’s anatomy.
- ✓ Tracking a bill introduced to create harsher penalties for alleged subjects who assaulted an individual who was intoxicated.
- ✓ A State completed a report on military sexual assault that result in the creation of a Governor’s Advisory Committee on Military Sexual Trauma.
- ✓ A State created a new law extending Lautenberg-type protections to civilian jurisdictions by prohibiting carrying of weapons after conviction of domestic violence incident.
- ✓ Modernized consent laws to define consent as “a freely given, reversible agreement specific to the conduct at issue...freely given means agreement to cooperation in the act was positively expressed by word or action.” Also included a provision for the trauma response of freezing, such as a state of immobility, and lack of consent.

Policy and Procedural Updates

Throughout 2022, the National Guard updated existing policy and created new guidance in support to recent changes in SAPR policy. Many of the new policies, procedures, and guidance originated from the IRC recommendations and were tasked by or through the Office of the Secretary of Defense directly to the CNGB to address the requirements applicable to National Guard members in a non-Federalized status (Title 32 U.S.C. and State Active Duty). This necessitated discussion and coordination with the Army SHARP Program Office, Air Force SAPR Program Office, and The Office of General Council to deconflict inconsistencies on SAPR policy and procedural implementation between Service-specific guidance and NGB guidance focused on the non-Federalized National Guard and their unique construct and missions. This discussion and resolution will improve the National Guard's ability to publish required policies and procedures in a more responsive fashion and remain compliant with policy and procedural implementation timelines.

NGB developed the following guidance in response to new policy as directed by the Secretary of Defense or based on updates to DoD SAPR Instructions.

- ***CNGB Directive Type Memorandum “Safe to Report Policy.”*** This memorandum prescribes policy and procedures for the identification and treatment of alleged minor and non-minor collateral misconduct by Service member victims of sexual assault and complies with Under Secretary of Defense Memorandum, 25 October 2021, “Safe to Report Policy for Service Member Victims of Sexual Assault. Implementation of this memorandum was delayed to deconflict the National Guard’s policy applicability and intent with the policies developed by Headquarters, Department of Army and Headquarters, Air Force. Anticipated publication within FY23.
- ***CNGB Memorandum and NGB Form 912 “Use of Section 540K Declination Letter for Sexual Assault Victims with Third Party or Command Initiated Investigations.”*** The development of a National Guard specific 540K Declination letter highlights the commitment of the CNGB to empower victims and honor their choices. Civilian law enforcement agencies have the investigative authority in over 95% of all National Guard sexual assaults. National Guard SARCs navigate a patchwork of state criminal codes, police jurisdictions, and prosecuting attorneys. Very few civilian jurisdictions have a formal process to record a victim’s desire to not participate in an investigation. The 540K Declination letter will allow commanders to document their due diligence in notifying the appropriate law enforcement agency and capturing the wishes of the victim to not participate. Anticipated publication within FY23.
- ***Updated CNGB Manual 1300.01, “Department of Defense Sexual Assault Advocate Certification Program and Systems Access Requirements”*** Anticipated publication within FY23.

- **Updated CNGB Manual 1300.04, “National Guard Expedited Transfer Program for Unrestricted Reports of Sexual Assault”** Anticipated publication within FY23
- **Updated CNGB Manual 1300.02, “National Guard Sexual Assault Incident Notification and Reporting Requirements.”** Anticipated publication within FY23
- **Developing CNGB Manual 1300.XX, “National Guard Sexual Assault Prevention and Response Quarterly and Monthly Case Management Group Meetings.”** Anticipated publication within FY23
- **Updated CNGB Manual 1300.03, “National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault.”** Anticipated publication within FY23
- **Updated CNGB Instruction 1300.01 “National Guard Sexual Assault Prevention and Response Program.”** Anticipated publication within FY23

NG SVC Resources

NG SVC personnel include judge advocates, resource managers, and paralegals located across the States. The NG SVC Program provides policy updates and training opportunities, which encompassed receiving training as well as providing training to “others,” and administering guidance to NG SVC personnel during FY22. The SVC Program employed specialized trained judge advocates and paralegals to provide legal representation to eligible clients who were victims of sexual assault and domestic violence. NG Special Victims’ Counsels (SVCs) entered into attorney-client relationships to advocate for their client’s interests within the National Guard, DoD, and State military forums. Additionally, all Senior Regional SVCs provided supervision and periodic training sessions with each SVC located in their Region to address specific practice topics to enable SVCs to address specific client issues more effectively.

2.2 SARC and SAPR VA Suspension, Revocation, and Reinstatement: Without providing personally identifiable information, how many SARCs and SAPR VAs in your Military Service/NGB 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), sections 3.6 & 3.7, p. 11-15)

The National Guard suspended the certification of three SARCs and seven SAPR VAs; and revoked the certification of two SAPR VAs during FY22.

	Suspension	Revocation	Reinstatement
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Joint Force Headquarters – State Fulltime SARC	1	0	0
ARNG Collateral Duty SARC	1	0	0
ARNG Collateral Duty SAPR VAs	4	2	0
ANG Fulltime SARC	1	0	0
ANG Volunteer SAPR VAs	3	0	0

During FY22, NGB revised the CNGB Manual 1300.01A, “Defense Sexual Assault Advocate Certification Program and System Access Requirements.” The expected publication of this manual is within FY23 and will provide updates to the required assignment eligibility and suitability screening guidelines for applicants applying for full-time, volunteer, and collateral duty SAPR positions. It also increases the focus on the required activities the applicant, Commander, supervisor, or appointing authority complete specific to the screening process. Additionally, the J1-SAPR Victim Assistance and Advocacy Branch improved their oversight of the screening process to ensure the National Guard selects high quality individuals to serve as SAPR professionals.

2.3 Sexual Assault Forensic Exam (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 the Victim Services matrices). As related to reports of sexual assault, were there any issues at medical treatment facilities with the availability of supplies for testing and treatment for sexually transmitted infections and diseases, including HIV, and testing for pregnancy? (NDAA for FY 2006, section 596 / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 8)

National Guard members in a non-Federalized or non-duty status and their eligible adult family members rely on civilian medical providers at civilian healthcare facilities to conduct SAFE exams. National Guard SAPR professionals within each State work to establish MOUs with their local, regional, and State civilian medical facilities to ensure our National Guard members and their adult dependents receive timely access to medical care, SAFE kits, and other available resources. Laboratory testing of SAFE kits is dependent upon each State.

Some National Guard members deployed or attending training outside of their home State encountered issues in receiving a SAFE and rape crisis services in States with mandatory reporting requirements at the SAFE examination site. National Guard servicing SARCs responded quickly to victims who reported issues in obtaining a SAFE or the appropriate

medical care related to a sexual assault and mitigated the situation to ensure the victim received the requested services.

2.4 Military Protective Orders: How many Military Protective Orders (MPOs) were issued as a result of an Unrestricted Report? Were any victim requests for an MPO denied? If so, what was the reason? How many MPOs were violated by the alleged offender? Indicate if the victim(s) and the alleged offender(s) were provided with copies of the DD Form 2873, “Military Protective Order,” as required. (NDA for FY 2010, section 567 / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 5, para 8)

The DSAID data shows that National Guard Commanders issued 43 MPOs in FY22. This is an 18 percent decrease from the 53 MPOs issued in FY21. The DSAID data also shows one MPO violation. National Guard Commanders issuing MPOs provided copies of the DD Form 2873 to the victims and subjects. Additionally, Commanders also assisted victims in requesting six Civilian Protective Orders and 37 No-Contact Orders in FY22 with one No Contact Order violation.

MPO Requested	48
MPOs Issued	43
MPO Violation	1
Civilian Protective Orders Requested	6
Civilian Protective Order Violation	0
Informal No Contact Orders	37
Informal No Contact Order Violations	1

Due to the limitations of authority and enforcement of MPOs based upon military status and jurisdiction, National Guard members are encouraged to pursue a Civilian Protective Order or No Contact Order with local civilian authorities for added coverage. National Guard commanders can only enforce an MPO under the following circumstances:

- Both recipient and protected individual are in a covered military status such as Traditional Title 32 U.S.C., Active Guard/Reserve Title 32 U.S.C., Active Duty for Operational Support Title 10 U.S.C.
- Both individuals are physically on a military installation.

2.5 Appropriate Care in Deployed Environments: What steps did your Military Service/NGB take in FY 2022 to ensure trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of a reported sexual assault in a deployed unit, location, or environment? (NDA for FY 2011, section 1631)

National Guard units notified of a deployment, such as to the Southwest Border, coordinate with their Military Service Headquarters to plan for their preparation, deployment, and redeployment to home station.

For ARNG deployments, Commanders and J1-SAPR participated in the quarterly Multi-Component Joint Assessment meetings hosted by First Army in Leavenworth, Kansas.

- Information specific to J1-SAPR actions included anticipated increases in SAPR Professionals appointments, suitability screenings, training requirements, and D-SAACP certification applications. Actions taken as a follow-up to this meeting include coordinating with States' National Guard Joint Force Headquarters SARC's on a weekly basis to obtain status updates on appointees, suitability screenings, and required training coordination until each unit identified for deployment has met all SHARP deployment requirements for ARNG uniform SARC's and SAPR VAs. J1-SAPR coordinated with Headquarters, Department of Army and ensured all ARNG personnel identified as deploying SARC's and SAPR VAs take precedence in registering for the SHARP courses.

- Commanders of deploying units received information to confirm their understanding of mobilization requirements, such as selecting SARC's and SAPR VAs and the mandatory processes to certify personnel within the SHARP program for deployment.

Additionally, each fiscal year, the J1-SAPR prioritizes resources from the funding Management Decision Package to the States for units who are deploying. This funding ensures that appointed personnel can be mobilized on Active Duty for Operational Support orders and have the necessary funding for their travel and lodging to attend the initial SHARP training to obtain D-SAACP certification.

Commanders of the deploying units coordinate with their Service Headquarters to ensure appropriate supplies and transportation resources will be available to provide an appropriate and timely response for all cases of reported sexual assault in a deployed unit, location, or environment. If a member of the National Guard is assaulted during a deployment and the victim desires continued SAPR services, NGB coordinates case transfers in DSAID. National Guard SAPR Professionals are responsible for initiating the Line of Duty for the victim to obtain TriCare coverage for ongoing medical or mental health care.

2.6 Victim Expedited Transfer Request Oversight in Monthly Case Management Group (CMG): Provide the number and CMG-documented circumstances of ALL Expedited Transfers taking longer than 30 calendar days (i.e., tracking of the number of days between the approval date of a victim's request for Expedited Transfer and the date the victim physically departs the losing station (Permanent Change of Station), or the date the victim changes duty assignment location (Permanent Change of Assignment)). Were High-Risk Response Teams initiated when circumstances indicated that the transfer delay appreciably increased risk of harm to the victim? (Deputy Secretary of Defense (DSD) Memo, "Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention

and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 9, para 2b(4))

The National Guard received 19 expedited transfer requests in FY22. Two of the requests were rescinded by the victims who no longer needed or wanted the transfer. All remaining 17 requests were approved within 30 days from submission mitigating the need to initiate a High-Risk Response Team. Fourteen of the expedited transfers were identified as “Local” with the servicing SARC remaining the same. Only three requests involved a “permanent change of station” requiring the transfer to a new servicing SARC.

2.7 Expedited Transfer Victim Mandatory Intake Meeting: How is your Military Service/NGB verifying the occurrence of the mandatory “intake” meetings between the sexual assault victim and the gaining SARC upon arrival at the new installation for ALL Expedited Transfers?* Through your verification, were there any instances noted where these meetings did not occur? What actions were taken to correct these occurrences? *Please note that the revised DD Form 2910, Victim Reporting Preference Statement,” states that victim consent is no longer needed for the automatic transfer of the case to the gaining SARC in Expedited Transfers. (DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 5, para 6a(4))

J1-SAPR verifies the occurrence of the mandatory “intake” meetings between the sexual assault victim and the gaining SARC upon arrival at the new installation by checking entries in DSAID and conducting an annual survey on the compliance of the Expedited Transfer procedures. Irregularities discovered through the data review or staff adherence to procedures are examined in more detail to determine the cause of the irregularity and the subsequent actions required to minimize a repeat occurrence. Actions may include an individualized training session or refresher training provided during Annual Refresher Training or discussed during the Monthly Regional Teleconferences conducted by J1-SAPR with State SAPR Professionals.

There were three instances when this initial meeting did not occur because the Active Duty SARC did not transfer the DSAID case and did not notify the SARC when the National Guard victim was returning to their home state. NGB J1 SAPR is providing quarterly training to all basic training locations and tech schools. Materials have been incorporated into initial Active Component courses to improve warm hand offs and notifications.

2.8 Quarterly CMG Meetings: How is your Military Service/NGB verifying the occurrence of the mandatory of Quarterly CMG Meetings (that are required in addition to the monthly CMG meetings)? Through your verification, were there any instances noted where these meetings did not occur? What actions, if any, were

taken to correct these occurrences? How is your Military Service/NGB verifying that the Quarterly CMG Chair is reviewing the meeting notes and tracking the progress to correct systematic issues? (DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 9)

The National Guard implemented the conduct of the Quarterly CMG Meetings during FY22 and highlighted the requirement on the Monthly Regional Teleconferences and during the FY22 Annual Refresher Training as part of the policy updates. The majority of the States conducted the Quarterly CMGs based on SARC discussion and surveys, however, DSAID currently does not offer the capability to track these meetings within the database. Based on DSAID current capabilities, it would require a review of every CMG meeting minutes for each State to gain an accurate account of the States conducting the Quarterly CMG meetings.

The draft CNGB Manual 1300.XX “National Guard Sexual Assault Prevention and Response Quarterly and Monthly Case Management Group Meetings” developed by J1-SAPR is under final review prior to its entry into the formal staffing process for the approving authority’s signature. The anticipated publication date is within FY23.

2.9 Expanded Eligibility for Restricted Reporting and the Catch a Serial Offender (CATCH) Program: How is your Military Service/NGB verifying that ALL SARCs and SAPR VAs have been trained on and are familiar with the expanded eligibility for Restricted Reporting (e.g., ability for victims to make a restricted report even if the assault is disclosed through their chain of command, but not personally to law enforcement) and the CATCH Program (i.e., ability for victims who made an Unrestricted Report to utilize the CATCH Program when the name of the subject was not disclosed or discovered during an investigation)? What actions, if any, were taken to correct any identified issues in training your SARCs and SAPR VAs? (DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 4)

NGB verified attendance of all SAPR professionals who participated in National Guard-specific training, such as the Annual Refresher Training and the Joint Supplemental Course, as well as attendance at the monthly Regional Teleconferences. During FY22, these venues were used to disseminate the expanded eligibility for Restricted Reporting and the Catch a Serial Offender (CATCH) program. As an aid in understanding the process, J1-SAPR created an “Expanded Restricted Reporting Flowchart” for the SAPR professionals to use. Additionally, Lead SARCs and Wing SARCs in the States documented training conducted with the collateral duty and volunteer SAPR VAs.

2.10 Eligibility to File a “Section 540K Declination Letter” and Requesting the Return of Personal Property Utilizing a DD Form 2910-3, “Return of Victim’s Personal Property in Restricted Reporting Sexual Assault Cases Collected During a SAFE:” How is your Military Service/NGB verifying that ALL SARCs and SAPR VAs have been trained on and are familiar with the eligibility of a victim to file a “Section 540K Declination Letter” and request the return of personal property, utilizing a DD Form 2910-3, relinquished as part of the SAFE and after filing a Restricted Report? What actions, if any, were taken to correct any identified issues in training your SARCs and SAPR VAs? **(DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), para 4ab(4) & Encl 4, para 1d)**

National Guard member victims whose cases do not fall under the purview of an MCIO or the UCMJ do not have the option to sign a Section 540K Declination Letter or to complete a DD Form 2910-3 to request the return of personal property in restricted reporting sexual assault cases collected during a sexual assault forensic exam.

The eligibility of National Guard members in a non-Federalized status to file a Section 540K Declination Letter or to request the return of personal property using DD Form 2910-3, “Return of Victim’s Personal Property in Restricted Reporting Sexual Assault Cases Collected During a SAFE” is a rare circumstance. National Guard members, unless on Title 10 U.S.C. orders, typically will not have access to a military treatment facility.

This information was disseminated during the Monthly Regional Teleconferences for the State SAPR Professionals’ situational awareness and was incorporated in the revised Annual Refresher Training and National Guard Joint Initial SAPR Course. Additionally, as stated previously, J1-SAPR created a National Guard specific Section 540K Declination Letter (NGB Form 912) and corresponding guidance in a CNGB Memorandum. This form will serve the intent and purposes of the Section 540K Declination letter and allow commanders to document their due diligence in notifying the appropriate law enforcement agency and record the victim’s desire to not participate in an investigation.

2.11 Efforts to Address Approved Independent Review Commission (IRC) Recommendations: Identify major actions completed or underway to address the approved recommendations of IRC Line of Effort 4: Victim Care and Support. Focus response on IRC efforts undertaken during FY 2022. **(See the requirements listed in question 1.1)**

The status of approved IRC and SAPTF Recommendations initiated or completed is provided as follows:

IRC Recommendation 4.1 a. *Remove Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs) from Command Structure.*

- **Initiated.** NGB is developing an implementation plan to provide to the States to remove SARC and SAPR VAs from their command structure. A CNGB Memorandum outlining the new reporting structure is expected to be published within FY23. Position descriptions for the GS-13s were developed and distributed to the States for hiring. Some States hired the Lead SARC position and began the transition of Wing SARC to fall under the supervision of the State SAPR Officer.

IRC Recommendation 4.1 b. *Eliminate collateral duty SARC and SAPR VAs.*

- **Initiated.** Office of the Secretary of Defense funded 30 percent fulltime resources at selected ARNG Brigades and ANG Wing. Until 100% funding is received collateral duty personnel will continue to be utilized to ensure coverage. Selecting and hiring the SAPR Professionals is ongoing. The National Guard will continue to request the 70 percent shortfall through programming actions.

IRC Recommendation 4.2 a. *Increase access and visibility of civilian community-based care;* and **SAPTF Recommendation 7.** *Train National Guard SAPR Personnel on MOUs and MOAs to support development of engagement plan for community partnerships.*

- **IRC - Initiated.** NGB in collaboration with the States is developing an interactive resource map to increase visibility of and access to community-based care by allowing users to select their State for resources in and outside their area. The anticipated completion date is within FY23.
- **SAPTF - Completed.** J1-SAPR created a training module on the development of MOUs and MOAs. This training was presented to the fulltime SAPR Professionals during the FY22 Annual Refresher Training. The development of MOUs and MOAs will serve to formalize the partnerships with civilian resources to provide care and services to National Guard members impacted by a sexual assault. The IRC recommendation is also being implemented in the form of NG reliance on civilian partnerships to care for NG members especially since not all sexual assaults impacting NG members occur in the line of duty nor are there military medical assets nearby to National Guard units.

IRC Recommendation 4.3 a. *No Wrong Door and Warm Handoffs*

- **Initiated.** NGB developed a Directive-Type Memorandum, “No Wrong Door and Warm Handoff Policy for National Guard Service Member Victims of Sexual Assault” to establish interim policy for Service members reporting or seeking assistance for a sex-related victimization, and the associated warm handoff policy and procedures. The anticipated publication date is within FY23.

IRC Recommendation 4.3 b. *Institute a “Commander’s Package” from the SAPR VA with recommendations for victim care;* and **SAPTF Recommendation #3.** *Provide Leaders with tools (Leader Handbook).*

- **Completed.** The NGB developed the “Leader’s Handbook, Sexual Assault: Prevention and Response” with assistance from SAPR professionals from the States to achieve this recommendation. The handbook consists of eight sections organized to guide the reader through the processes in support of a victim from initial report, and provides valuable resources, such as templates for the required reports associated with a sexual assault. This handbook was approved June 2022 and distributed to the States. Additionally, the National Guard provided two Service members to work with DoD SAPRO and the Library of Congress to provide input on National Guard nuances in the development of a Commanders Package.

IRC Recommendation 4.3 d. *Increase victim agency by maximizing survivor preference on reporting status and ET*

- **Initiated.** Expanded Restricted Reporting evolved from this recommendation and changes to the Expedited Transfer policy and procedures. Updates to CNGBM 1300.04, “National Guard Expedited Transfer Program for Members with Unrestricted Reports of Sexual Assault” will provide State personnel with the current expedited transfer process.

IRC Cross Cutting Recommendation 1. *Provide Limited SAPR Services for Sexual Harassment Complainants.*

- **Initiated.** NGB prepared a Directive-Type Memorandum to establish interim guidance for National Guard SAPR professionals to provide limited services to non-Federalized NG Service members who file a formal or informal sexual harassment complaint or believe they were subjected to sexual harassment. NGB will also provide SVC services to SH complainants. In addition to being a Task Force recommendation, this memorandum will satisfy the IRC recommendation C1. The anticipated publication date is within FY23.

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

The leadership approved future plans for Victim Advocacy and Assistance include the following:

- Offering free live monthly webinars that will provide continuing education units for NG SAPR Professionals. These webinars will assist collateral duty SAPR VAs in meeting the eight hours of in person training required to renew their D-SAACP certification.
- Continuing to work with the Defense Health Agency to provide training for NG SAPR Professionals on the Line of Duty process and working to improve certain aspects of the process to reduce barriers to obtaining care. NGB will continue to support the Joint Executive Committee Sexual Trauma Working Group and share

the challenges National Guard members encounter in obtaining care through the Veterans Administration.

- Establishing a dedicated phone number for NG SAPR Professionals experiencing retaliation.
- Coordinating with NGB Office of Diversity, Equity, and Inclusion to establish state hotlines for sexual harassment complaints.

SVC Program Future Plans.

The NG SVC Program's future plans include using its Headquarters and Senior Regional SVCs to continue its training on specific topics and its mentorship program for the Regional SVCs. The practice topics will target areas of particular interest to the Regional SVCs and their respective clients.

Additionally, the NG SVC Program plans to expand its capacity by adding approximately 40 additional positions. These positions will include 19 Army and 13 Air Force Title 5 U.S.C. Civilians, and eight ANG Active Guard/Reserve members. The anticipated filling of these positions will begin on or about Spring FY23 to meet the statutory maximum case load requirements, and balance and distribute the caseloads among Regional SVCs more efficiently. These additional positions will allow Regional SVCs to advocate better for their clients and increase their focus on providing client assistance and counsel.

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/NGB in FY 2022. As applicable, include significant updates made to regulations, policies, procedures, and/or processes; investigative resources (e.g., crime scene processing, evidence accountability, and hotlines) and manpower capabilities; training for military criminal investigators, law enforcement personnel, and/or first responders (e.g., new equipment training, interview techniques, and the CATCH Program) and how the effectiveness of this training is evaluated; Special Victim Investigation and Prosecution Capability for Military Criminal Investigative Organizations (e.g., investigator and prosecutor coordination); case timeliness and quality reviews; sexual assault-related 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 or when addressed in your responses to questions 3.2 through 3.6 below. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 3 – Investigation, p. 9 / NDAA for FY 2020, section 540J)

Unique to the National Guard, NGB OCI is an administrative investigation capability that investigates allegations of sexual assault in the States at the request of the respective TAGs to fill the gap that results when the local or state law enforcement agency declines to do a criminal investigation. NGB OCI made the following significant updates during FY22.

Strategy

- Restructured the organization to add two mid-level investigator supervisors. This mid-level leadership construct will facilitate the delivery of timely guidance and feedback to investigators on performance and quality of work product with the objective of reducing report of investigation production times and improving quality of reports. NGB OCI also instituted the use of an Investigation Data Request Sheet for the requesting State to complete. Prior to implementing the use of the Investigation Data Request Sheet, investigators spent a significant amount of time requesting and coordinating the receipt of the required data and information before an investigation could be initiated. The objective of the Data Sheet is to reduce the amount of time between a state request for investigation and the start of that investigation.

Operational Policy and Procedures

- Initiated the revision of its CNGB Manual and Instruction, and Standard Operating Procedures to document organizational changes and to ensure availability of clear, concise internal and external guidance on NGB OCI operational policies and procedures.

Initiatives completed by J1-SAPR included preparing:

- A Directive Type Memorandum to provide interim policy and procedures on the use of the Department of Defense DD Form 3114 “*Uniform Command Disposition Report.*” The DD Form 3114 will replace the National Guard’s use of the NGB Form 97, “*National Guard Bureau State Report of Disciplinary or Administrative Action,*” and will allow the National Guard to align with the Services as it applies to submitting relevant sexual assault case information. The publication of the Directive Type Memorandum will occur in FY23.
- An NGB memorandum to implement the use of the NGB Form 912, “Section 540K Declination Letter,” currently in staffing for signature and publication. This form will give eligible National Guard sexual assault victims the option to declare their declination to participate in a law enforcement agency investigation initiated because of a third-party report or by the command. It will also give the National Guard Commander the basis to document the victim’s decision as a matter of record as required by policy and law. Publication of the memorandum and NGB Form 912 will occur in FY23.

3.2 Expanded Eligibility for Restricted Reporting and the CATCH Program: How is your Military Service/NGB verifying that ALL MCIO investigators and military law enforcement personnel have been trained on and are familiar with the expanded eligibility for Restricted Reporting (e.g., ability for victims to make a restricted report even if the assault is disclosed through their chain of command, but not personally to law enforcement) and the CATCH Program (i.e., ability for victims who made an Unrestricted Report to utilize the CATCH Program when the name of the subject was not disclosed or discovered during an investigation)? What actions, if any, were taken to correct any identified issues in training your MCIO investigators and military law enforcement personnel? (DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 4)

The National Guard participates in the CATCH Program but does not have an MCIO or military law enforcement personnel to train. However, the National Guard Bureau SAPR Training Branch conducted training on the CATCH Program for SAPR Professionals within the States during their Annual Refresher Training. Training on updates to the CATCH Program was also provided to NG SVCs for their situational awareness.

Although NGB OCI conducts administrative investigations of sexual assault after an applicable criminal investigative agency declines to investigate and where the subject was identified and disclosed, this training on the expanded eligibility for Restricted Reporting is not applicable as NGB OCI investigates only Unrestricted Reports.

3.3 Requests for “Section 540K Declination Letter” and Requesting the Return of Personal Property Utilizing a DD Form 2910-3, “Return of Victim’s Personal Property in Restricted Reporting Sexual Assault Cases Collected During a SAFE:” Provide the number of “Section 540K Declination Letter” requests that your Military Service/NGB received in FY 2022. If provided, include a summary of the reason(s) for the request (no more than the top three reasons are sufficient). Also, did any investigations continue (despite there being a “Section 540K Declination Letter” from the victim) and what was/were the reason(s) why? How many requests did your Military Service/NGB receive, utilizing the DD Form 2910-3, for the return of personal property? (DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), para 4ab(4) & Encl 4, para 1d)

Not applicable to the non-Federalized National Guard.

The National Guard does not have an MCIO or operate military treatment facilities capable of offering a SAFE to National Guard victims of sexual assault. Additionally,

although NGB OCI provides an administrative investigative capability, it does not use the Section 540K Declination Letter if a victim declines to participate in an investigation.

3.4 Eligibility to File a “Section 540K Declination Letter” and Requesting the Return of Personal Property Utilizing a DD Form 2910-3, “Return of Victim’s Personal Property in Restricted Reporting Sexual Assault Cases Collected During a SAFE:”

How is your Military Service/NGB verifying that ALL MCIO investigators and military law enforcement personnel have been trained on and are familiar with the eligibility of a victim to file a “Section 540K Declination Letter” and request the return of personal property, utilizing a DD Form 2910-3, relinquished as part of the SAFE and after filing a Restricted Report? What actions, if any, were taken to correct any identified issues in training your MCIO investigators and law enforcement personnel? (DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), para 4ab(4) & Encl 4, para 1d)

Not applicable to the National Guard.

The National Guard does not have an MCIO or operate military treatment facilities and rely on civilian hospitals to conduct a SAFE.

Additionally, NGB OCI investigators, who only investigate unrestricted reports of sexual assault, do not use the Section 540K Declination Letter if a victim decides not to participate in an investigation and does not have subpoena authority or the capability to collect physical evidence.

3.5 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. (Joint Chiefs of Staff Strategic Direction to the Joint Force on SAPR (May 7, 2012), p. 11)

Not applicable to the National Guard. NGB OCI does not collect physical evidence and does not use the Defense Forensic Science Center.

Physical evidence collected by civilian law enforcement agencies and healthcare facilities is processed in accordance with State, Territory, and the District of Columbia procedures. NG SAPR Professionals work to create MOUs and MOAs with all civilian law enforcement agencies and SAFE providers to align responses with DoD standards of care for sexual assault victims.

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

NGB leadership approved future plans for implementation include the following:

Policy

- NGB OCI will initiate the development of an investigative data management capability to provide appropriate level access among all of the stakeholders in the NGB-SAPR enterprise to facilitate a collaborative information sharing environment with an objective of facilitating data driven policy.

Strategy

- In response to the recommendations of the IRC on Sexual Assault in the Military, NGB OCI will expand its mission set to include investigation of sexual harassment allegations. In addition to continuing strategic hiring and personnel placement initiatives for sexual assault investigations, NGB OCI will explore an innovative sexual harassment investigation workforce to provide a professional, flexible workforce capable of responding rapidly to fluctuations in demand for investigators.

Training

- To develop a professional workforce with minimal disruption to the operational investigation mission, NGB OCI will explore investigation training resource alternatives.

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/NGB in FY 2022. As applicable, include significant updates to regulations, policies, procedures, and/or processes; any new legal support resources, manpower capabilities, and/or redesign of services provided to victims/clients; and training and certification (as required) 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 how the effectiveness of this training is evaluated. 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 or when addressed in your responses to questions 4.2 through 4.9 below. **(DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 4 – Accountability, p. 9)**

The National Guard relies primarily upon the civilian court system to hold National Guard members who are alleged subjects of a report of sexual assault accountable for their actions. State Staff Judge Advocates coordinate with their civilian counterparts to gather case information on National Guard members prosecuted through the civilian courts to inform the Chair of the Case Management Group on the dispositions of these cases. In

cases when a local or state law enforcement agency declines to investigate TAG may request NGB OCI to conduct an administrative investigation of a sexual assault. During FY22, NGB OCI and J1-SAPR set up a process of information sharing to allow the Compliance and Accountability Branch to review the cases referred to and substantiated by NGB OCI and validate what administrative action was taken against the subject. These accountability action reviews were integrated into the J1-SAPR SAAV process. This information was presented to State SAPR Professionals and senior leaders to give them visibility on any trends or lack of action occurring within their State.

The Vice Chief of the National Guard directed the formation of a Sexual Harassment OPT to review National Guard sexual harassment policy and processes. This OPT is currently working on three lines of effort: (1) Sexual Harassment Investigators, (2) Sexual Harassment and Sexual Assault Due Process, and (3) Streamlining Sexual Harassment Data, Policies, and Program. Participants in the OPT include NGB Manpower and Personnel office, J1-SAPR, J1 Warrior Resilience and Fitness Division, NGB Office of Diversity, Equity, and Inclusion, NGB OCI, and NG SVC Program office.

The National Guard SVC Program provides legal representation to eligible victims in response to an allegation of sexual assault or domestic violence. NG SVC representation is divided into four Regions across the States – East, West, Midwest, and South. During FY22, each region gained a paralegal to assist the Senior Regional SVC with administrative tasks and SVCs with supporting victims of sexual assault. The most significant impact from this action was that SVCs essentially increased their manpower to advocate for their clients in military justice and administrative proceedings, and to help enforce victim rights.

4.2 Effectiveness of the Special Victims' Counsel (SVC)/Victims' Legal Counsel (VLC) Program: Describe any enhancements your Military Service/NGB has made to the SVC/VLC program; how your Military Service/NGB provides support to victims/clients in remote/deployed locations; training/certification updates (if any); and the progress toward ensuring SVC/VLC case load does not exceed, to the extent practicable, 25 cases at any time. (NDAA for FY 2020, section 541 / 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 four geographical regions – East, West, Midwest, and South. Each region provides services to its assigned State, Territory, or the District of Columbia (CNGBM 0401.01, Encl A, Para 1). When an NG SVC receives a request for SVC representation, the NG SVC Program Office will perform a conflict check and assign the matter to an SVC. Once assigned, the SVC will establish contact with the 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 standard NG SVC Scope of Representation permits SVCs to assist clients with adverse actions arising out of reprisal or retaliation. That Scope of Representation was

expanded to include domestic violence. All new SVCs are trained to review the Scope of Representation with their clients to ensure the client understands the range and limits of NG SVC services.

NG SVC centrally assigns all cases from the NG SVC Program Management Office and monitors the frequency and ratio of cases assigned per SVC. This process ensures each SVC is able to manage their caseload effectively, which is limited to 25 caseloads per each SVC. Additionally, each geographical region has a Senior Regional SVC who reviews the caseload periodically with each SVC. NG SVC plans to expand the Program by adding approximately 40 additional positions to include 19 ARNG T5 civilians, 13 ANG T5 civilians, and eight ANG Active Guard/Reserve positions on or about Spring FY23. This increase will meet the statutory maximum case load requirements and better balance and distribute caseloads among Regional SVCs, which in turn allows Regional SVCs to better advocate for their clients and provide more focused assistance and counsel.

NG SVC developed and implemented specialized training for all new NG SVC personnel to supplement the SVC certification training provided by the active component Army and Air Force's SVC programs. While all NG SVC personnel are certified by the Judge Advocate General of the Army or the Judge Advocate General of the Air Force, the NG SVC Program training prepares the SVC to address representation issues unique to the National Guard in support of clients who might otherwise be ineligible for SVC or VLC services under active component program guidelines.

4.3 Trends in the Incidence, Disposition, and Prosecution of Sexual Assault: What trends has your Military Service/NGB identified in the incidence, disposition, and prosecution of sexual assault by units, commands, and installations during FY 2022? Please include trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents. (NDAA for FY 2013, section 575)

The National Guard received 505 unrestricted reports of sexual assault in FY22. Of those total reports, 311 cases had investigations opened, 29 cases with no investigations. Of the 311 cases with open investigations, 106 investigations are complete. Of the 106 complete investigations there are 11 substantiated cases with command action and 11 unsubstantiated cases. Command action was taken in two of the unsubstantiated cases. Eighty-four of the completed investigations are pending final case dispositions. The National Guard coordinates with multiple Military Criminal Investigative Offices to include the Army Criminal Investigative Division, Air Force Office of Special Investigations, and Naval Criminal Investigative Service, as well as NGB OCI for administrative investigations. There were 165 cases with no investigation designation due to lack of data in DSAID which prevents substantitative trend analysis. The National Guard Bureau is developing policy to require the use of the DD 3114 Uniform Command Disposition Report form to close all DSAID cases. This policy and increased oversight will improve case disposition information and support data analysis to identify trends.

The National Guard relies heavily on civilian local and State law enforcement for the criminal investigative process. This requires significant coordination between Staff Judge

Advocates, SARCs, and local and State law enforcement. Depending on the reported offense, differences in the criminal elements in UCMJ Article 120 and State criminal codes create a gap in local law enforcement investigations. Civilian law enforcement will not investigate if there is no equivalent criminal charge in State law. If TAGs determine, after referral to the applicable MCIO or local law enforcement, that further investigation of an Unrestricted Report of sexual assault is necessary, NGB OCI is available to assist TAGs by providing an administrative investigation into the allegation of sexual assault. TAGs may request an NGB OCI administrative investigation if civilian law enforcement declines to open a criminal investigation or may request an exception to policy to allow NGB OCI to investigate when a civilian law enforcement agency unduly delays investigation, or for other sufficient reasons.

4.4 CATCH Program: Describe any challenges faced by victims and/or SARCs with the CATCH Program (e.g., accessing the CATCH website or providing victim notification after a “match” was identified). Also, provide an update on how Service members are made aware of the CATCH program. (SecDef Memorandum, “Actions to Address and Prevent Sexual Assault in the Military,” (May 1, 2019), p. 2)

National Guard victims did not express any challenges in requesting CATCH passwords or accessing the CATCH website during FY22. National Guard SARCs and SAPR VAs continue to inform victims of sexual assault of the CATCH program option during the filing process on the DD Form 2910. J1-SAPR routinely provides updates to program changes during the Annual Refresher Training and during the monthly Regional Teleconferences to ensure timely dissemination of new information, as well as addressing questions or concerns regarding the program. The J1-SAPR Compliance and Accountability Branch continued to distribute the monthly updates received from DoD SAPRO to the field. This information included updates on the program, tables showing total entries per Service, and a variety of charts to help inform and keep SARCs and SAPR VAs apprised of National Guard-specific and DoD-wide CATCH data and trends.

NG SVC continued to closely monitor the development of the CATCH Program. NG SVC regularly provided updated materials to personnel and advises personnel on the availability and capability of the CATCH Program as a potential resource for their clients.

4.5 Expanded Eligibility for Restricted Reporting and the CATCH Program: How is your Military Service/NGB verifying that ALL legal officers have been trained on and are familiar with the expanded eligibility for Restricted Reporting (e.g., ability for victims to make a restricted report even if the assault is disclosed through their chain of command, but not personally to law enforcement) and the CATCH Program (i.e., ability for victims who made an Unrestricted Report to utilize the CATCH Program when the name of the subject was not disclosed or discovered during an investigation)? What actions, if any, were taken to correct any identified issues in training your legal officers? (DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume

1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 4)

Newly assigned NG SVCs who completed either the Air or Army Special Victims Certification Course within FY22 received the updated training on the extended eligibility at that time. Additionally, newly hired SVCs must complete orientation, which includes a refresher with training scenarios where restricted and unrestricted reports are discussed. The NG SVC conducted its Annual Legal Training Course for FY22 and provided updated information relevant to victims’ rights and representation of clients. During that training, J1- SAPR assisted in providing information on the CATCH program and specifically addressed the new changes to eligibility and summarized the differences between Restricted Reporting and Unrestricted Reporting. J1-SAPR also provided this training to the National Guard Directors of Psychological Health and Staff Judge Advocates.

4.6 Eligibility to File a “Section 540K Declination Letter” and Requesting the Return of Personal Property with a DD Form 2910-3, “Return of Victim’s Personal Property in Restricted Reporting Sexual Assault Cases Collected During a SAFE:” How is your Military Service/NGB verifying that ALL legal officers have been trained on and are familiar with the eligibility of a victim to file a “Section 540K Declination Letter” and request the return of personal property, utilizing a DD Form 2910-3, relinquished as part of the SAFE and after filing a Restricted Report? What actions, if any, were taken to correct any identified issues in training your legal officers? (DSD Memo, “Update to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations,” (November 10, 2021) / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), para 4ab(4) & Encl 4, para 1d)

During the FY22 Annual Legal Training Course, NG SVC included a discussion of DD Form 2910-3 and “Section 540K Declination Letter.” A copy of the DD Form 2910-3 was distributed through email to the entire formation along with other updated forms and procedures during FY22. Information pertaining to “Section 540K Declination Letter” was also distributed to the entire formation on multiple occasions during FY22 through email.

4.7 UCMJ Article 93a (Prohibited Activities with Military Recruit or Trainee by Person in Position of Special Trust) Investigations and Convictions: Provide the number of personnel investigated for and convicted of UCMJ Art. 93a, specifically those who engaged in prohibited sexual activity with such specially protected junior members of the armed forces. (Article 93a, UCMJ)

Article 93a, UCMJ is not applicable to non-Federalized National Guard.

4.8 Efforts to Address Independent Review Commission (IRC) Recommendations: Identify major actions completed or underway to address the recommendations of IRC Line of Effort 1: Accountability. Focus response on IRC efforts undertaken during FY 2022. (See the requirements listed in question 1.1)

IRC Recommendation 1.2 *“Independent, trained investigators for sexual harassment and mandatory initiation of involuntary separation for all substantiated complaints.”* The National Guard does not fall under the UCMJ for this action.

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

J1-SAPR leadership approved future plans include the following:

- Continuing to participate in the CATCH program and ensuring all SARCs have access to the system. Title 32 U.S.C. National Guard members are typically ineligible for an MCIO investigation of a sexual assault. The National Guard relies on coordination with civilian law enforcement agencies to achieve the accountability goal.

The NG SVC Program’s leadership approved future plans include:

- Increasing training opportunities and manpower to offer additional training opportunities on both Federal and State Courts Martial proceedings to enhance the SVC’s ability to represent their clients in these situations. During FY23, the NG SVC Program also plans to increase the number of SVCs to decrease the total case load per SVC and increase the number of paralegals to supply additional regional support to SVCs.
- Continuing to authorize NG SVC personnel to attend, and often speak at, a wide variety of military and civilian trainings, events, and conferences throughout each fiscal year.

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/NGB in FY 2022. As applicable, include significant updates to regulations, policies, procedures, and/or processes and initiatives to ensure the quality, reliability, validity, and secure retention of sexual assault and retaliation data collected in the Defense Sexual Assault Incident Database (DSAID), to include SARC, SAPR VA, and Military Service-level legal officer DSAID 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 or when addressed in your responses to questions 5.2 through 5.4 below. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 5 – Assessment, p. 10)

Health of the Force Scorecard.

J1-SAPR continues to provide quarterly issuances of key programmatic metrics in the form of Health of the Force Scorecards to each of the States. Through data pulls of various systems of record, the scorecards provide visibility on SAPR Professionals manning, service member annual training completion, SAPR budget execution, and sexual assault case management data. This process was expanded in FY22 to include historic case closure data to grant visibility on cases that may be eligible for closure to assist in SARC program management.

Site Assessment and Assistance Visits (SAAVs).

J1-SAPR expanded the SAAV process which began in FY21. Members of the J1-SAPR Assessment team executed 18 site visits in FY22, scheduled another 18 visits for FY23, and set expectations for 18 more SAAVs in Fiscal Year 2024. This scheduling will result in a tri-annual rotation across the States. Two of the visits conducted in FY22 were in coordination with the NGB Business Transformation Office or NGB OCI. Of the two FY22 and two FY21 SAAVs conducted in conjunction with NGB Business Transformation Office, members of the assessment team continued engagement with State Leadership and local program stakeholders to conduct monthly In-Process Reviews to advance action plans toward their proper resolution based on the SAAV findings. J1-SAPR adopted an adjusted version of this process, working with J1-SAPR's Victim Advocacy and Assistance Branch personnel to provide continued follow-up and resolution to items identified during the SAAV process.

J1-SAPR enhanced the SAAV process through routine coordination with NGB OCI to identify investigations conducted and identify corresponding command action taken by State leadership in instances of substantiated cases of Sexual Assault. The Assessment team additionally utilized consolidated data as part of the OSIE to identify high risk and protective factors within the States. This information is shared to increase senior leader knowledge of State NG cultural trends and their potential SAPR impacts within their State.

ANG By-Law Coordination.

J1-SAPR coordinated with all 90 ANG Wings to have the J1-SAPR Compliance Inspector serve as the D-SAACP certified individual to support Wing Inspectors General in the conduct of the SAPR By-Law Process. The Compliance inspector additionally serves as a subject matter expert to provide greater insight to the Inspector General personnel regarding SAPR processes, requirements, and Wing SARCs compliance with them. J1-SAPR also conducted 42 Continual Evaluations and four Unit Effectiveness Inspections at the Wings.

5.2 Adequacy of SAPR Activities at Training Commands: Describe sexual assault prevention and response training delivered during Basic Military Training and Advanced Military Training or equivalent (e.g., military occupational specialty training). What is your Military Service's/NGB's assessment of the adequacy of

SAPR activities carried out by training commands during FY 2022, and describe the means by which you assessed such activities? (NDAA for FY 2013, section 575)

National Guard Service members primarily receive their Basic Military Training and Advanced Military Training at active component training facilities using their Service-specific curriculum.

Each State National Guard has an Army Regional Training Institute missioned by the Department of Army to train specific courses or sets of courses developed to meet the Army and Army National Guard requirements. The courses include Military Occupational Skills qualification training and professional military education or functional training. The training facilities follow Army requirements to assess SAPR activities.

5.3 Ensuring Safe and Secure Living Environment: How does your Military Service/NGB assess the adequacy of measures undertaken at military installations and by units to ensure the safest and most secure living and working environments with regard to preventing sexual assault? (NDAA for FY 2011, section 1602)

Unit Commanders, with the support of their appointed and trained SAPR professionals, make the safety assessments for their Service members under their command. NGB is developing risk assessment tools and guidance to implement the SAPTF Recommendation #10, "*Incorporate Risk Assessment for Sexual Assault and Sexual Harassment into Tactical Risk Assessment Processes.*" This specific process will augment the existing risk assessment by adding a focus on preventing sexual assault and harassment. NGB is developing risk assessment metrics that are based on risk and protective factors provided by DoD SAPRO.

The Department of the Army Form 2977 and the Air Force Form 4391 are being modeled in the design of a form that will identify and assess the risk of sexual assault and help a leader organize and implement mitigating factors of that risk for any given operation or training event.

Additionally, the SAAVs and By-Law inspections conducted within the States assess the policies of the respective commanders regarding the security of their subordinates. J1-SAPR presents the findings to TAG or the Wing Commander for visibility and action as needed.

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

NGB leadership approved future plans for implementation include the following:

- Continuing to conduct assessments to ensure SAPR program implementation aligns with policies, regulations, and instructions, such as the conduct of the monthly Case Management Group meetings. These assessments will include:

- ✓ SAAVs. J1-SAPR coordinated with State's National Guard Joint Force Headquarters' SARC's to schedule 18 SAAVs for FY23 and communicated the intent to conduct an additional 18 in Fiscal Year 2024. The schedule will complete the initial rotation of States.
- ✓ ANG By-Law Coordination. J1-SAPR will continue to coordinate with ANG Wing SARC's and Inspectors General to schedule or gain visibility on pre-existing By-Law inspection for the Compliance Inspectors participation. It is anticipated that all 90 Wings will complete the By-Law inspection within FY23.

6. Core Functions (Communication and Policy): Provide a brief summary for new efforts taken in FY 2022 on the following:

6.1 COVID-19 Impact: Discuss any continuing impacts the COVID-19 pandemic is having on your Military Service's/NGB's efforts in any of the five SAPR goals (e.g., prevention efforts, in-person training, SAFE/evidence processing). If there is a continuing impact, what adjustments and communication efforts were made in FY 2022 to ensure the advancement of your SAPR efforts?

J1-SAPR. COVID -19 continued to have minimal effect on in-person training or SAAVs conducted throughout the National Guard. Personnel traveling adhered to the guidelines at the time of their travel, had proof of vaccination, and kept the appropriate safety and distancing procedures in place at each location visited. J1-SAPR continued to mitigate potential or perceived impacts to training due to COVID-19 restrictions by either rescheduling the event, changing to a larger venue to allow for the appropriate number of personnel in attendance, or providing virtual training.

National Guard SVC Program. Judge advocates serving as SVCs in the NG SVC program are spread across the States. Due to the disparate geographical proximity of SVCs to their clients, NG SVCs must travel to represent and meet the needs of their clients appropriately. The early travel restrictions put in place by DoD in response to the pandemic led to postponing investigations, adjudicating proceedings, and client meetings. Although DoD eased restrictions within FY22, the threats posed by the COVID-19 pandemic persisted. SVCs continued to use teleconference, video conference, and other remote communication platforms to reach and represent their clients.

State SAPR Programs. The COVID-19 impact varied across the States' SAPR programs. Some of the significant effects include:

- Rebuilding community connections, as some resources changed and some no longer exist.
- Finding time to provide robust SAPR education and prevention activities on drill weekends as schedules are filled with mission training requirements that could not be accomplished virtually during COVID-19.

- Focusing more on SAPR services during Annual Training to offset the lack of training in previous year.
- Continuing to use the virtual case in-take procedures, based on victim's increased comfort and preference.
- Overcoming challenges during in-take for individuals in remote locations or without internet capabilities.
- Overcoming the hesitancy to engage in large group events or public speaking.
- Increasing the number of training events conducted or attended using virtual capabilities.
- Continuing to use virtual means to conduct Case Management Group meetings, which improves management of attendees who are not local.
- Impeding the ability to get victims transported to healthcare facilities and to obtain appropriate care.

6.2 Survey Results: If not addressed in previous responses, describe your leadership-approved policy changes (if any) being initiated as a result of the findings from the FY 2021 Workplace and Gender Relations Surveys of Active Duty and Reserve Component Members and the FY2022 Defense Organizational Climate Surveys.

The National Guard will continue to implement its current approved strategy, policy, and procedural changes within FY23. These changes focus on the recommendations provided by the IRC and NG SAPTF. These recommendations encompass a broad range of objectives within all four goals: Prevention, Victim Advocacy and Assistance, Investigation, and Accountability.

7. National Defense Authorization Act (NDAA) Requirements and Government Accountability Office (GAO) Recommendations:

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. Military Service's should also refer to GAO Report, GAO 22 103973, "DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Prevention and Response Efforts," (March 2022) and provide their updates based on the recommendations in that report.

After reviewing the designated NDAA and GAO section:

If action(s) has/have been implemented, provide the completion date and a short narrative (300 words or less) describing the action taken (e.g., Completed: January 15, 2022. Requirement added to AR 600 20, Army Command Policy).

If the action(s) has/have not been implemented, provide the projected completion date only without narrative (e.g., Projected Completion Date: January 15, 2023).

7.1 (Army) NDAA for FY 2014, section 1721: Tracking of compliance of commanding officers in conducting organizational climate assessments for purposes of preventing and responding to sexual assaults. (Government Accountability Office (GAO) Report, GAO-22-103973, “DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Prevention and Response Efforts,” (March 2022), Recommendation 6)

Not Applicable to the National Guard.

7.2 (Marine Corps & Air Force) NDAA for FY 2015, section 508: Required consideration of certain elements of command climate in performance appraisals of commanding officers. (GAO Report, GAO-22-103973, “DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Prevention and Response Efforts,” (March 2022), Recommendations 7 (Marine Corps) & 8 (Air Force))

Not Applicable to the National Guard.

7.3 (Army) NDAA for FY 2012, section 582(a): Consideration of application for permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault or related offense. (GAO Report, GAO-22-103973, “DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Prevention and Response Efforts,” (March 2022), Recommendation 10)

Not Applicable to the National Guard.

7.4 (Navy) NDAA for FY 2014, section 1741(a)-(c): Enhanced protections for prospective members and new members of the Armed Forces during entry-level processing and training. (GAO Report, GAO-22-103973, “DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Prevention and Response Efforts,” (March 2022), Recommendation 11)

Not Applicable to the National Guard.

7.5 (Navy & Marine Corps) NDAA for FY 2014, section 1745(a)-(c): Inclusion and command review of information on sex-related offenses in personnel service records of members of the Armed Forces. (GAO Report, GAO-22-103973, “DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Prevention and Response Efforts,” (March 2022), Recommendation 12)

Not Applicable to the National Guard.

7.6 (Army, Navy, & Air Force) NDAA for FY 2018, section 535(a)-(b): Sexual assault prevention and response training for all individuals enlisted in the Armed Forces under a delayed entry program. (GAO Report, GAO-22-103973, “DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Prevention and Response Efforts,” (March 2022), Recommendations 13 (Army), 14 (Navy), & 15 (Air Force))

Not Applicable to the National Guard.

7.7 (Army, Navy, & Air Force) NDAA for FY 2019, section 545(a)-(c): Development of resource guides regarding sexual assault for the military service academies. (GAO Report, GAO-22-103973, “DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Prevention and Response Efforts,” (March 2022), Recommendations 16 (Army), 17 (Navy), & 18 (Air Force))

Not Applicable to the National Guard

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. The discussion shall include information on Unrestricted Reports; Restricted Reports; conversions of Restricted Reports to Unrestricted Reports; service referrals for victims alleging sexual assault; reports of retaliation; and case synopses of completed sexual assault and related retaliation 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, if any, 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 (e.g., information on completed sexual assault-related retaliation cases)

The Analytics Discussion section contains data on sexual assaults reported to the NGB within FY22. The FY22 final reporting data extracted from DSAID on 01 November 2022, and validated for use, establishes the basis of this discussion. NGB removed some sexual assault cases reported in FY22 from the analysis because of missing basic information or incorrect case entry. This report includes graphs and charts to display National Guard Joint data, as well as ARNG and ANG specific data, as available.

National Guard Report Totals (Figure 1)

The National Guard received 856 sexual assault reports in FY22, an increase of 21.59 percent from FY21; the largest percentage increase recorded over the history of the program. In the previous FYs, the program saw an increase in the number of reports by 11.04 percent in FY21, and a rise of 4.26 percent in FY20. National Guard members on Title 10 U.S.C. orders reporting sexual assault increased by 36.46 percent, from 96 sexual assault reports in FY21 to 131 reports in FY22. This increase may be reflective of the continued larger number of National Guard members placed in Title 10 U.S.C. status in FY22 in comparison to prior FYs. This rise in reports for FY22 is consistent with the increase in the number of reports from 67 reports in FY20 to 96 reports in FY21, a 43.28 percent increase.

In FY22, the National Guard returned to pre-pandemic operational execution and witnessed the continued increase in physical contact as work, drills, meetings, and other activities occurred in person. These factors may have contributed to the sustained upward trend in sexual assault reports. The combination of these factors contributed to the percentage increase of sexual assault reports between FY21 and FY22. Additionally, the greater comfort level a sexual assault victim may have had with their VA and better access to SAPR services and resources may have attributed to the upward trend of increased reports in recent years. They continue to illuminate the need for victim services and sexual violence prevention.

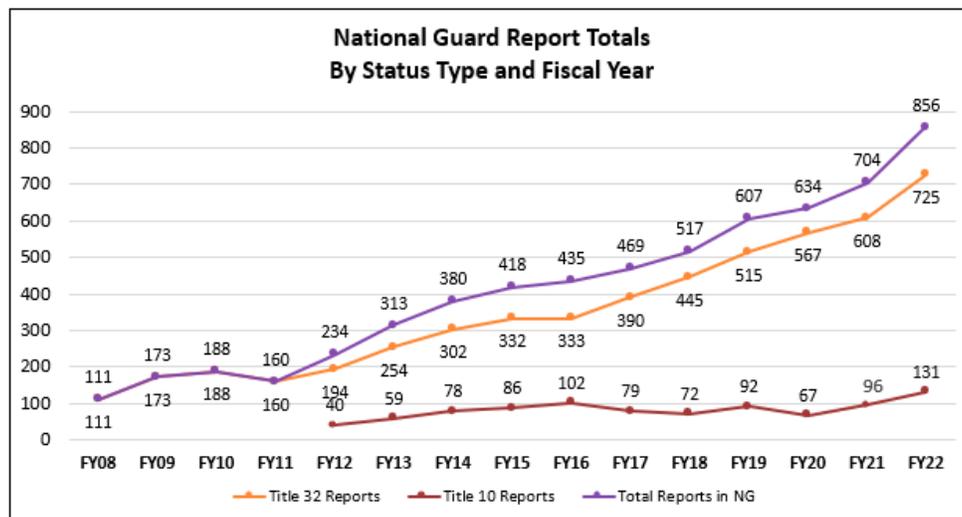


Figure 1. National Guard Report Totals by Status Type and Fiscal Year

Title 32 Status Guard Members. In FY22, reports filed involving Title 32 U.S.C. status National Guard members increased to 725 from the 608 reports filed in FY21, a 19.24 percent rise from FY21. This increase is significantly higher than the previous steady growth in the number of reports involving Title 32 Guard members over the last five years, such as the 7.23 percent rise in FY21 from FY20. This increase in reporting may be partially attributed to the enhanced knowledge of and access to SAPR services within the National Guard.

- Title 10 Status Guard Members.** The total number of reports filed involving Title 10 U.S.C. status National Guard members rose from 96 reports in FY21 to 131 reports in FY22, a 26.72 percent increase in reports. However, this is a decrease from the 43.28 percent increase seen in FY21 reporting from FY20. The number of reports involving Title 10 National Guard members in FY 20 and FY 19, were 67 and 92, respectively.

ARNG Report Totals (Figure 2)

The ARNG reports followed a similar pattern as the National Guard report totals. FY22 saw an increase of reports to 661 from 536 in FY21, reflecting a 23.32 percent rise. While reports increased by 16.14 percent in FY21, reports only rose to 10.97 percent between FY20 to FY19.

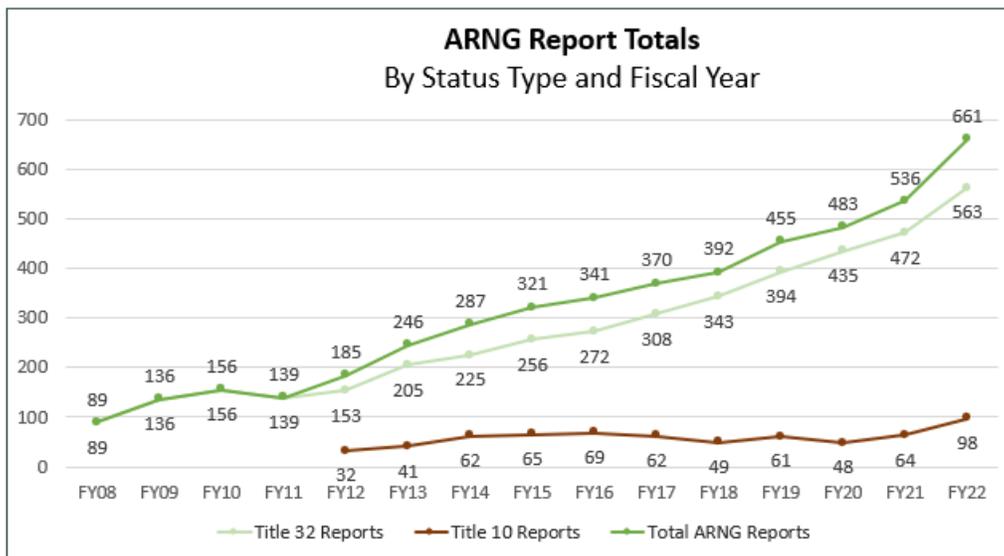


Figure 2. ARNG Report Totals by Status Type and Fiscal Year

ANG Report Totals (Figure 3)

The ANG reports also followed a similar pattern as the National Guard total reports and continued to reflect an increase in annual reporting numbers, which rose to 195 in FY22 from 168 in FY21, showing an increase of 16.07 percent. Previously, the FY21 reports rose by 11.25 percent, while reports decreased marginally by 0.01 percent in FY20.

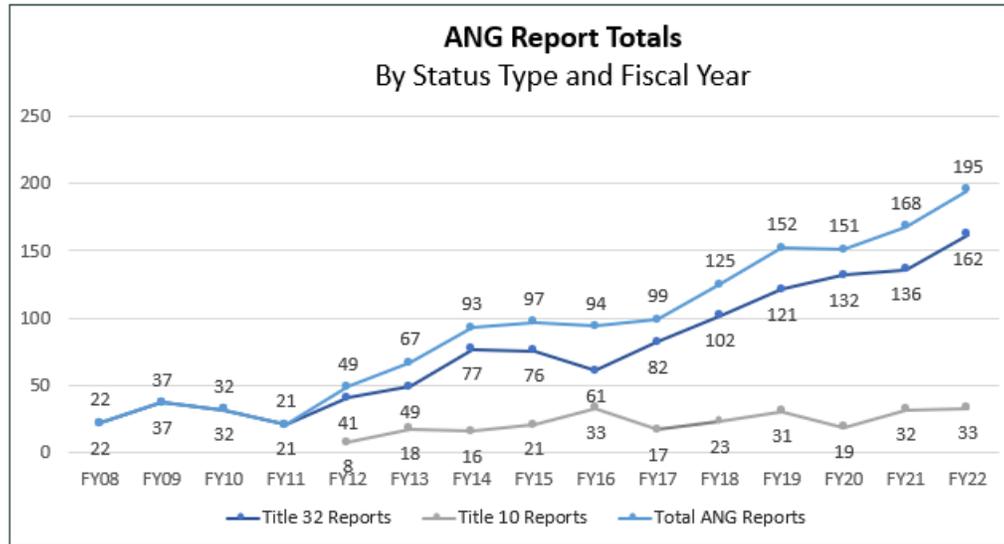


Figure 3. ANG Report Totals by Status Type and Fiscal Year

Year Incident Occurred	Sexual Assault Incidents Reported in FY22
FY22	295
FY21	89
FY20	49
FY19	38
FY18	21
FY17	11
FY16	11
FY15	7
FY14	5
FY13	8
FY12	7
FY11	4
FY10	3
FY09	12
FY08	4
Prior to FY08	45
Unknown Incident Date	247
TOTAL	856

Figure 4. Sexual Assault incidents based on Fiscal Year reported in FY22

Sexual Assault Incidents Reported in FY22 (Figure 4)

In FY22, of the total 856 sexual assaults reported in FY22, only 295 of the sexual assault report incidents actually occurred in FY22. There were 89 sexual assaults reported that occurred in FY21, while 247 reports of sexual assault were recorded with “unknown incident dates.” These reports with an “unknown incident date” could be the result of “open with limited” cases which include third party reports, and gaps in the data available at the time the report is entered into DSAID. The number of reports with “unknown incident dates” in FY22 are comparable to the number of reports recorded in FY21.

Total Number of Sexual Assaults (Unrestricted Reports and Restricted Reports) over time, FY13 – FY22 (Metric 11) (Figure 5)

The National Guard saw 505 Unrestricted Reports of sexual assault involving National Guard members filed in FY22. This is a 7.21 percent increase over the 471 reports filed in FY21. Of the 505 Unrestricted Reports, 448 involved Title 32 U.S.C. status National Guard members and 57 involved Title 10 U.S.C. status National Guard members. The number of Restricted Reports in FY22 increased to 351 reports in comparison to the 233 reports filed in FY21, a 50.6 percent rise. Of the FY22 Restricted Reports, 277 involved Title 32 U.S.C. National Guard members and 74 involved Title 10 U.S.C. National Guard members.

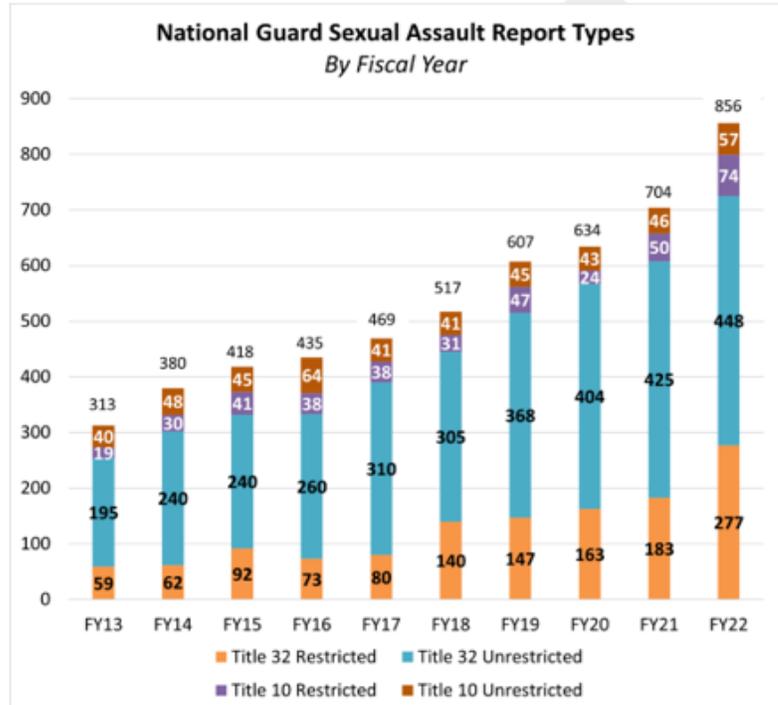


Figure 5. National Guard Sexual Assault Report Types by Fiscal Year

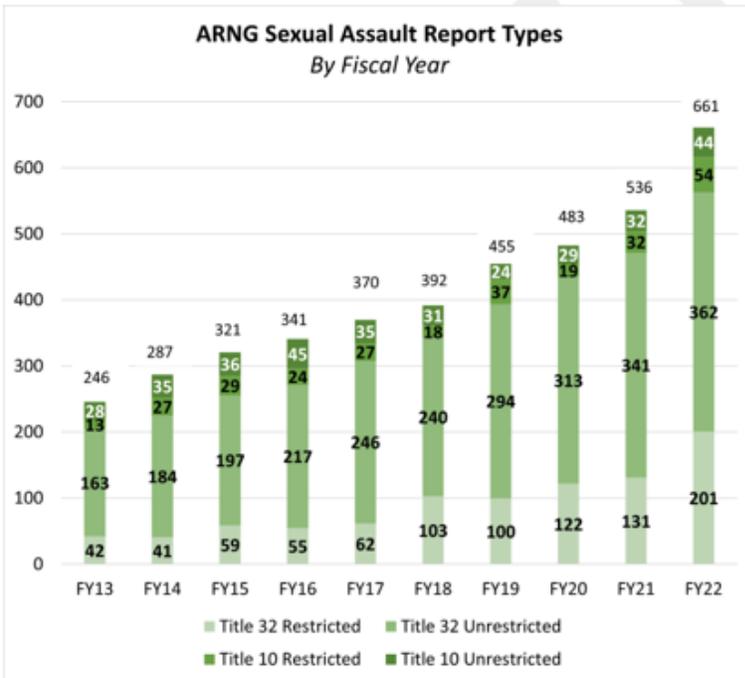


Figure 6. ARNG Sexual Assault Report Types by Fiscal Year

Total Number of ARNG Sexual Assaults (Unrestricted Reports and Restricted Reports) over time, FY13 – FY22 (Figure 6)

The ARNG saw 406 Unrestricted Reports involving National Guard members filed in FY22. This is an 8.84 percent increase from 373 in FY21. Of the 406 Unrestricted Reports, 362 involved Title 32 U.S.C. status National Guard members and 44 involved Title 10 U.S.C. status National Guard members. The number of Restricted Reports in FY22 rose to 255 reports in comparison to the 163 reports filed in FY21. This is a 56.4 percent increase over the past fiscal year. Of the FY22 Restricted Reports, 201 involved Title 32 U.S.C. National Guard members and 54 involved Title 10 U.S.C. National Guard members.

Total Number of ANG Sexual Assaults (Unrestricted Reports and Restricted Reports) over time, FY13 – FY22 (Figure 7)

The ANG saw 99 Unrestricted Reports involving National Guard members filed in FY22. This is a one percent increase from the 98 reports filed in FY21. Of the 99 Unrestricted Reports, 86 involved Title 32 U.S.C. status National Guard members and 13 involved Title 10 U.S.C. status National Guard members. The number of Restricted Reports in FY22 increased to 96 reports in comparison to the 72 reports filed in FY21. This is a 33 percent increase over the past fiscal year. Of the FY22 Restricted Reports, 76 involved Title 32 U.S.C. National Guard members and 20 involved Title 10 U.S.C. National Guard members.

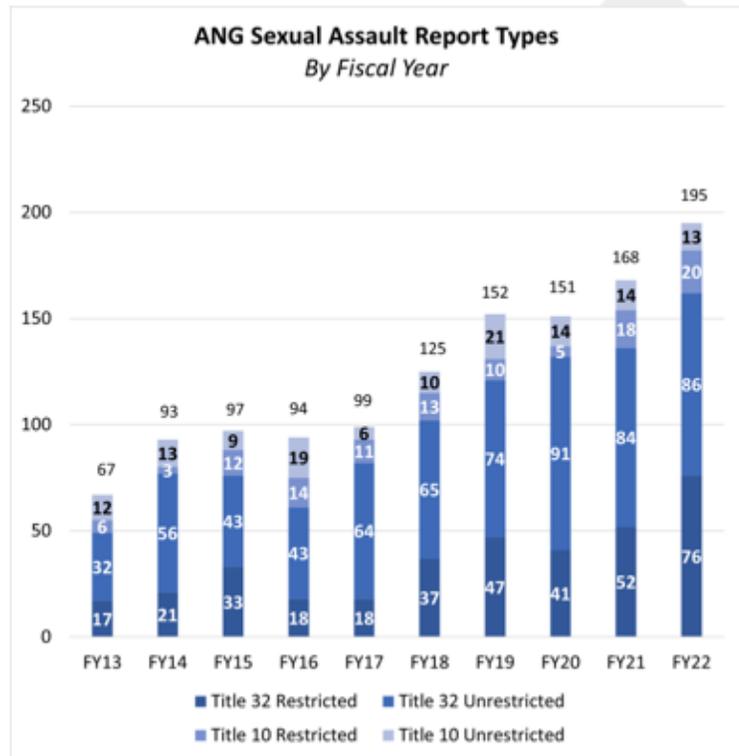


Figure 7. ANG Sexual Assault Report Types by Fiscal Year

Case synopses by Type of Report, Gender, and Type of Report and Gender (Figures 8, 9 and 10)

	Cases by Type of Report					
	Restricted			Unrestricted		
	ARNG	ANG	Total	ARNG	ANG	Total
FY20	142	46	188	355	105	460
FY21	163	70	233	373	98	471
FY22	255	96	351	406	99	505

Figure 8. Cases by Type of Report

	Cases by Gender								
	Female Victim			Male Victim			Unknown		
	ARNG	ANG	Total	ARNG	ANG	Total	ARNG	ANG	Total
FY20	360	117	477	58	23	81	79	11	90
FY21	374	130	504	72	15	87	90	23	113
FY22	478	129	607	79	30	109	104	36	140

Figure 9. Cases by Gender by ARNG and ANG

Cases by Gender and Type												
	Female Victim						Male Victim					
	Restricted			Unrestricted			Restricted			Unrestricted		
	ARNG	ANG	Total	ARNG	ANG	Total	ARNG	ANG	Total	ARNG	ANG	Total
FY20	103	40	143	257	77	334	23	5	28	35	18	53
FY21	111	57	168	263	73	336	21	5	26	51	10	61
FY22	179	61	240	299	68	367	30	17	47	49	13	62

Figure 10. Cases by Gender and Type of Report

- Male Reporting.** The National Guard continued to pursue awareness efforts targeted at male survivors in an effort to increase sexual assault reporting for this population. In FY22, 109 reports involved male victims. This is an increase of 25.29 percent from FY21 and accounts for 12.73 percent of the total reports for all of the National Guard in FY22. Of those 109 reports, 79 involved ARNG male victims (11.95 percent of total ARNG reports) and 30 involved ANG male victims (15.38 percent of total ANG reports).

Victim and Subject Demographics (Figures 11 and 12)

The majority of National Guard victims fell within the E1-E5 pay grade range over the past three fiscal years. In FY22, 61.88 percent of ARNG victims and 52.31 percent of ANG victims were within the E1-E5 range. The majority of National Guard subjects fell within the same E1-E5 pay grade range over the past three fiscal years. In FY22, 61.11 percent of ARNG subjects and 62.5 percent of ANG subjects fell within the E1-E5 range. The National Guard continues to focus prevention efforts at the E1-E5 range with buy-in and participation from senior leadership.

Cases By Victim Pay Grade						
	E1 – E5		E6 – E9		Officers	
	ARNG	ANG	ARNG	ANG	ARNG	ANG
FY20	315	100	48	30	23	6
FY21	337	80	57	34	20	15
FY22	409	102	68	37	44	9

Figure 11. Sexual Assault Cases by Victim Pay grade

Cases By Subject Pay Grade						
	E1 – E5		E6 – E9		Officers	
	ARNG	ANG	ARNG	ANG	ARNG	ANG
FY20	93	20	55	17	14	1
FY21	99	18	52	9	9	3
FY22	110	19	51	12	17	1

Figure 12. Sexual Assault Cases by Subject Pay grade

Restricted Reporting Information (Figure 13) The reasons for filing a restricted sexual assault report in FY22 varied for the 351 restricted reports. The most common reason was a “desire to avoid retelling their story,” at 18.23 percent of restricted reports. The next highest was “other” at 15.67 percent and “declined to specify a reason” at 13.96 percent.

Reason for Filing Report as Restricted (FY12 – FY22)	ARNG	ANG	Total
Declined to specify a reason	257	89	346
Other	253	83	336
Desire to avoid retelling story	190	71	261
Feared some kind of retaliation from the offender or the offender's friends	104	29	133
Feared being the target of gossip or his/her reputation being damaged in the eyes of commander or unit members	86	36	122
Was concerned that reporting would negatively impact career	79	27	106
Did not want law enforcement involvement	74	40	114
Thought he/she would not be believed	51	13	64
Did not want to hurt the offender's career	41	20	61
Thought he/she would be blamed or labeled a troublemaker	29	10	39
Did not want to engage military justice system	21	18	39
Thought the matter was not important enough to report to law enforcement	23	9	32
Feared he/she or friends would be punished for collateral offense, such as underage drinking or curfew violation	12	4	16
Was concerned that reporting would prevent finishing training or completing an operational mission	9	7	16
Was concerned that reporting would delay returning home from a deployment	4	0	4
Was concerned that reporting would result in being sent home from a deployment early	1	1	2

Figure 13. Reasons for Filing a Restricted Report

Sex of Those Who Made Restricted Reports in FY22		
	Count	Percent
Male	47	13%
Female	240	68%
Relevant Data Not Available	64	18%
Total	351	100%

Figure 14. Sex of Those Who Made Restricted Reports

Restricted Reporting Demographic Information (Figures 14 – 16)

In FY22, there were 351 total Restricted Reports of sexual assault. Figures 14 through 16 show that victims who filed a Restricted Report were primarily female, 24 or younger, and grades E1-E4.

Age of Those at Time of Incident Who Made Restricted Reports in FY22		
	Count	Percent
0-17	20	6%
18-20	105	30%
21-24	108	31%
25-34	84	24%
35-49	33	9%
50 and Older	1	0.28%
Total	351	100%

Figure 15. Age of Those who made Restricted Reports at the Time of Incident

Grade of Those at Time of Report who made Restricted Reports in FY22		
	Count	Percent
E1-E4	148	42%
E5-E9	97	28%
WO1-WO5	4	1%
O1-O3	19	5%
O4-O10	10	3%
Relevant Data Not Available	73	21%
Total	351	100%

Figure 16. Grade of Those in Restricted Reports at Time of Report

Conversion of Restricted Reports to Unrestricted Reports. Of the 351 Restricted Reports filed in FY22, 44 of the reports were converted to Unrestricted Reports within FY22, equating to 3.5 percent of all National Guard reports. ARNG victims converted 33 reports, while ANG victims converted 11 reports. This is a significant increase of 76 percent from restricted reports converted in FY21.

Synopses of Offense Types and Top Five Assault Locations. (Figures 17 and 18)

The most common sexual assault offense type among the National Guard in FY22 was abusive sexual contact, which accounted for 19 percent of Unrestricted Report totals. The majority of assaults occurred at a private residence and accounted for 44 percent of all Unrestricted Reports in FY22. The National Guard faces unique challenges when it comes to sexual assault prevention due to geographical dispersion of National Guard members across the States.

Offense Type Unrestricted Reports	Service Member Victim	Non-Service Member Victims	Total Victims	Percent of Total Unrestricted Reports
Abusive Sexual Contact (Art. 120)	90	8	98	19%
Sexual Assault (Art. 120)	58	5	63	12%
Rape (Art. 120)	63	14	77	15%
Aggravated Sexual Contact (Art. 120)	20	6	26	5%
Attempts to Commit Offenses (Art. 80)	5	0	5	1%
Forcible Sodomy (Art. 125)	4	1	5	1%
Aggravated Sexual Assault (Art. 120)	2	0	2	0%

Figure 17. Offense Types of Unrestricted Reports

Location Assault Occurred FY22 (Top 5 only)			
Victim Affiliation	ARNG	ANG	Total
Residence	168	59	227
Hotel / Motel	105	29	134
Government / Public Building	68	14	82
Unknown	32	10	42
Bar / Night Club / Officer Club / NCO Club	18	13	31

Figure 18. Top Five Locations for assaults

Investigative Metrics (Non-Metric #6) (Figures 19 and 20)

The National Guard closed 242 investigations in FY22. These investigations include cases that were opened in FY22 as well as previous FYs. The National Guard’s primary investigative agency remains Civilian Local Law Enforcement, resulting in consistent investigative closure delays. The mean investigative length for Civilian Local Law Enforcement was 210 days, compared to Air Force Office of Special Investigations, which was the shortest at a mean of 103 days.

NGB OCI completed 53 administrative investigations into unrestricted reports of sexual assault at the request of The Adjutants General and the Commanding General of the District of Columbia. An additional 18 OCI investigations were requested and remain open from FY22. 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 the Adjutants General determined the evidence gathered was insufficient to make determinations regarding good order and discipline.

Investigations Completed by Investigative Agency in FY 2022			
Investigative Agency	Investigations Closed	Median Investigative Length (Days)	Mean Investigative Length (Days)
Air Force Office of Special Investigations	36	72	103
Army Criminal Investigative Division	54	149	194
Civilian Law Enforcement	99	128	210
NGB OCI	53	178	197
TOTAL	242	119	188

Figure 19. Non-Metric #6. Investigations Completed in FY22

Outcomes For All Agency Investigations Completed in FY 22	
Substantiated	33
Unsubstantiated	27
Pending Dispositions	182
TOTAL	242

Figure 20. Outcomes for Investigations Completed in FY22

Command Action (Non-Metric #1) (Figure 21)

The National Guard saw 33 cases with Command Action taken against military subjects in FY22. Civilian Local Law Enforcement maintains jurisdiction on the majority of National Guard sexual assault cases, greatly limiting command action. National Guard members are eligible to report any sexual assault incident that meets the elements of Article 20 in the UCMJ. However, most States criminal codes do not align with the UCMJ. This creates situations where a SAPR report is taken, but civilian law enforcement is unable to investigate or file charges. This could be a reason for the “unknown” column regarding most serious crime investigated as civilian Local Law Enforcement may not always convey the charges. Also, OCI investigations do not have criminal authority and any investigation initiated solely by OCI would result in an “unknown” crime investigated if substantiated findings were discovered

Command Action For Military Subjects in FY 2022					
	Most Serious Crime Investigated (MCIO/OCI/LLE)				
	All Crimes	Penetrative Crimes	Sexual Contact Crimes	Prosecuted by State Law	Unknown
Administrative Discharge	6	3	2	0	1
Administrative Discharge, Non-Sexual Assault Offense	1	1	0	0	0
Courts-Martial Charge Preferred	4	1	3	0	0
No Action Taken	4	3	0	1	0
Non-Judicial Punishment	5	0	3	0	2
Non-Judicial Punishment, Non-Sexual Assault Offense	2	1	1	0	0
Other Adverse Administrative Actions	6	1	4	1	0
Other Adverse Administrative Actions, Non-Sexual Assault Offense	5	1	1	1	2
TOTAL	33	11	14	3	5

Figure 21. Non-Metric #1. Command Action in FY22

Notifying Command

Of the incidents of sexual assaults reported by National Guard members in FY22, SARCs notified command within 24 hours of the report for 77.69 percent of cases; this is an increase from 74.86 percent in FY21, as well as from the 73.82 percent reported in FY20. As mentioned elsewhere in this section, the continued return to normal operations post-COVID-19 pandemic has facilitated more accessibility and availability of SARCs and increased administrative barriers to swift reporting.

Summary Referral Data (Total reports) (Figures 22, 23, and 24)

The National Guard saw 1,763 referrals in FY22 (**Figure 22**), which is a significant increase of 23.03 percent over the 1,433 referrals in FY21. The continued increase in referrals illustrates 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 FY22. All referral sources saw increases from FY21 to FY22. The highest volume of referrals in FY22 was to mental health resources; with 457 referrals, mental health resources represent 25.92 percent of all referrals made in FY22. Victim advocate referrals increased from 273 in FY21 to 344 in FY22, most likely due to the continued increases of in-person work and services. The largest percent increase in referrals was for medical referrals, increasing by a significant 56.04 percent, which may be due to increased awareness and engagement with medical agencies within the local communities.

The ARNG referrals (**Figure 23**) totaled 1,175 in FY22, which is an increase of 17.62 percent over 999 referrals in FY21. Referrals to mental health resources also show the highest volume of referrals in FY22 with 298 referrals representing 25.36 percent of all ARNG referrals during FY22. The highest percentage increase was of chaplain/spiritual support referrals, which increased by 91.3 percent between FY 21 and FY22.

The ANG referrals (**Figure 24**) totaled 588 in FY22, an increase of 13.73 percent over 517 referrals in FY21. Similar to the ARNG, mental health referrals represent the highest volume of referrals in FY22 for the ANG with 159 referrals representing 27.04 percent of all ANG referrals during FY21. The highest percentage increase was of Victim Advocate referrals, which significantly increased by 71.93 percent between FY 21 and FY22. The ANG saw a significant decrease in medical referrals, dropping from 75 in FY21 to 41 in FY22.

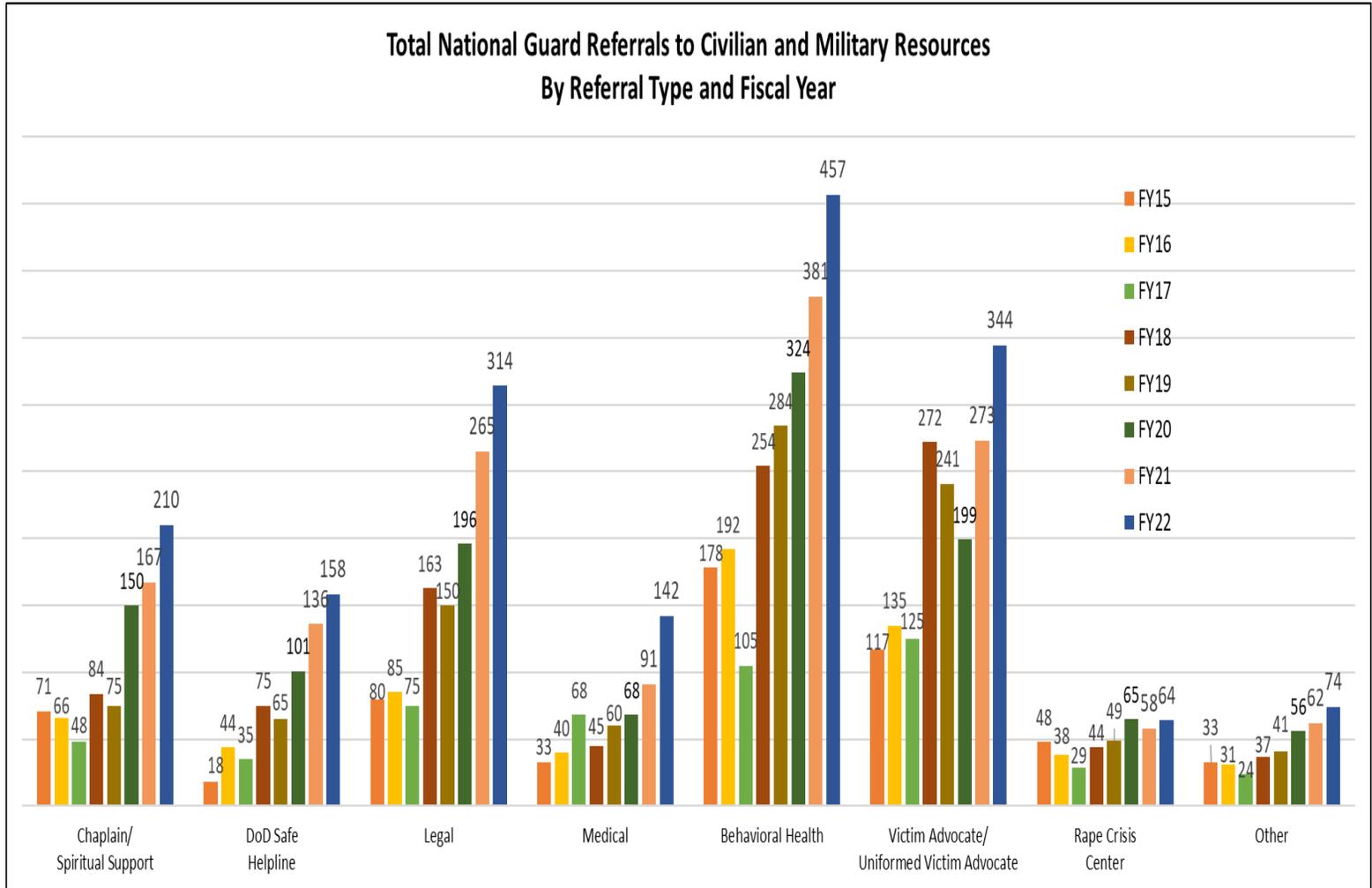


Figure 22. National Guard Referral Types by Fiscal Year

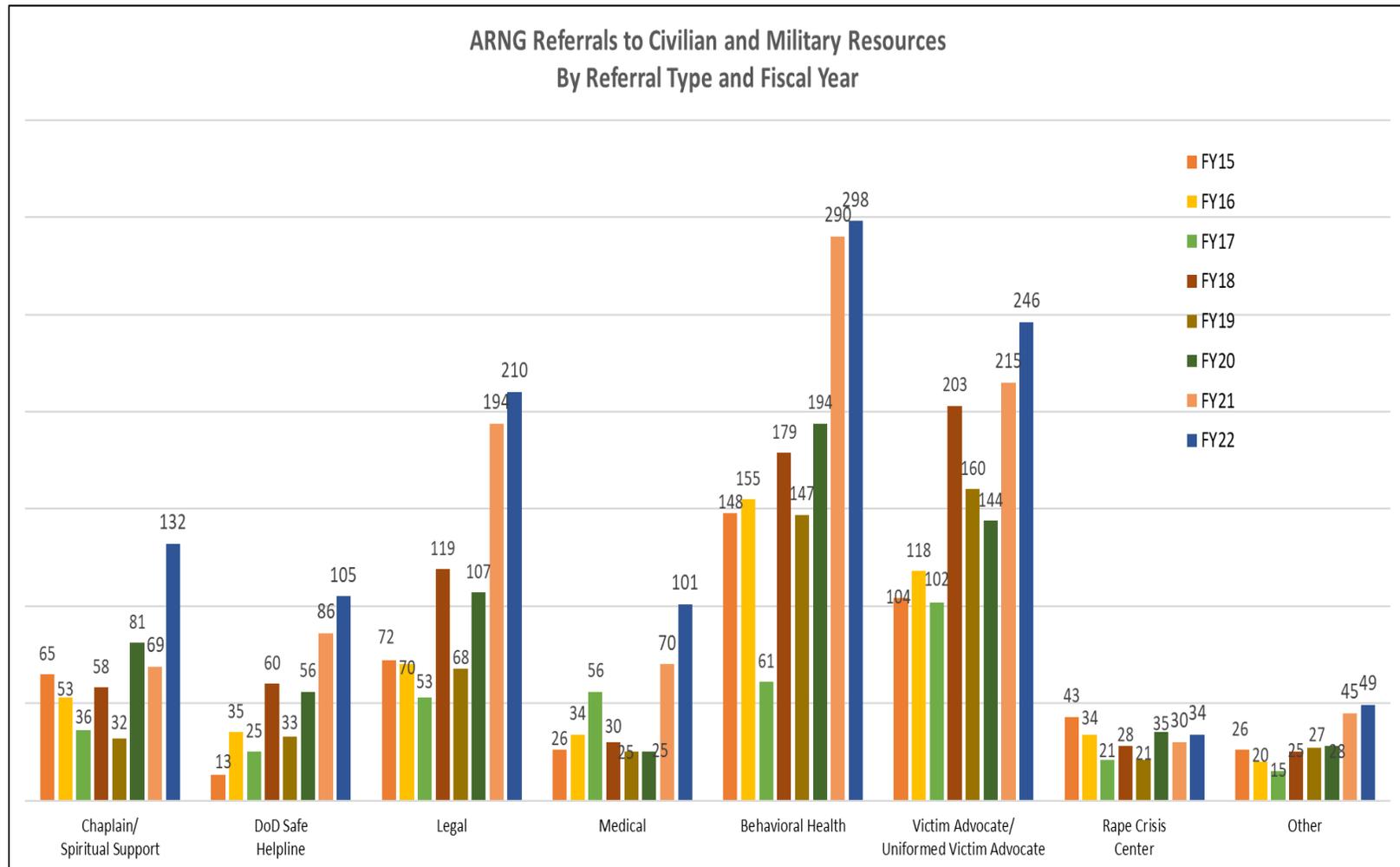


Figure 23. ARNG Referral Types by Fiscal Year

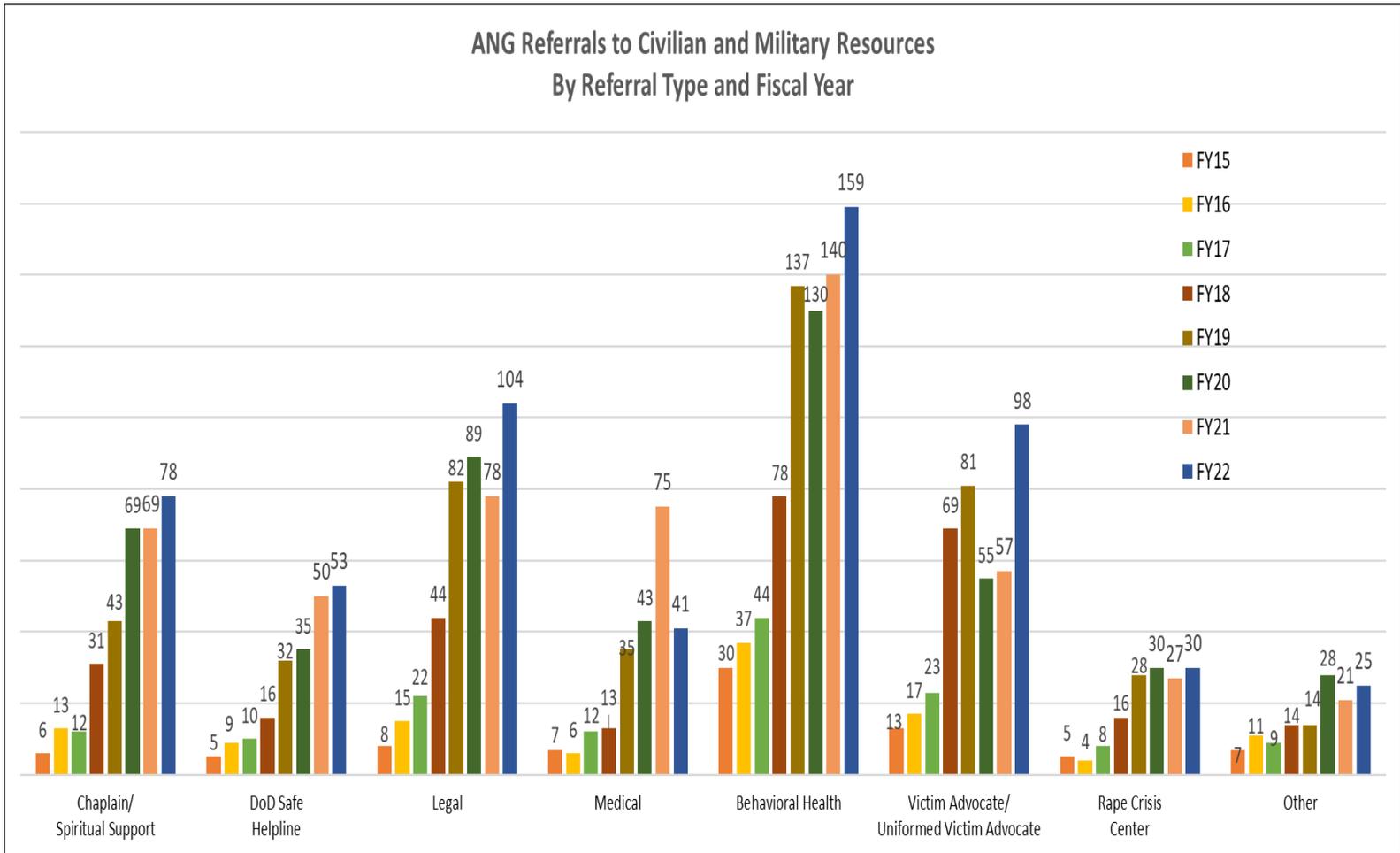


Figure 24. ANG Referral Types by Fiscal Year

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 Title 10, U.S.C., and 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)**
- Sexual assault court-martial outcomes (to be captured using the most serious crime charged, comparing penetration to contact crimes) **(Non-Metric #2)**

8.2 Personnel Support: Complete the following table with your numbers as of the end of FY 2022. 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 federal government civilian personnel
- Only include filled positions
- Indicate the number of full-time and part-time personnel (i.e., collateral duty 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, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (November 10, 2021), Encl 2, para 6)

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.	2	0
Dedicated Headquarters-Level Professionals	Include policy, advocacy, and prevention professionals who support the headquarters-level SAPR program offices at each Military Service/NGB (<i>not including program managers, who are counted in their own category</i>).	27	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 and are certified under the	0	297

	nationally-accredited DoD Sexual Assault Advocate Certification Program (D-SAACP).		
Civilian SARCs	See above.	138	0
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, and are certified under the nationally-accredited D-SAACP.	0	1968
Civilian SAPR-VAs	See above.	47	0
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.	41	2
Sexual Assault – Specific Investigators	Military Criminal Investigation Office investigators who specialize in sexual assault cases.	27	0
Sexual Assault Medical Forensic Examiners	Medical providers that have completed the DoD Sexual Assault Medical Forensic Examiner Course at Fort Sam Houston, or equivalent.	0	0

NATIONAL GUARD FY22 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY	
<p>A. FY22 REPORTS OF SEXUAL ASSAULT (rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy, and attempts to commit these offenses) BY or AGAINST Service Members. Note: The data on this page is raw, uninvestigated information about allegations received during FY22. These Reports may not be fully investigated by the end of the fiscal year. This data is drawn from Defense Sexual Assault Database (DSAD) based on Service affiliation of the Sexual Assault Response Coordinator (SARC) who currently manages the Victim case.</p>	FY22 Totals
# FY22 Unrestricted Reports (one Victim per report)	505
# Service Member Victims	394
# Non-Service Member Victims in allegations against Service Member Subject	35
# Relevant Data Not Available	76
# Unrestricted Reports in the following categories	505
# Service Member on Service Member	173
# Service Member on Non-Service Member	21
# Non-Service Member on Service Member	26
# Unidentified Subject on Service Member	12
# Relevant Data Not Available	273
# Unrestricted Reports of sexual assault occurring	505
# On military installation	131
# Off military installation	177
# Unidentified location	197
# Victim in Unrestricted Reports Referred for Investigation	505
# Victims in investigations initiated during FY22	311
# Victims with Investigations pending completion at end of 30-SEP-2022	197
# Victims with Completed Investigations at end of 30-SEP-2022	96
# Victims with Investigative Data Forthcoming	8
# Victims where investigation could not be opened by DoD or Civilian Law Enforcement	29
# Victims - Alleged perpetrator not subject to the UCMJ	6
# Victims - Crime was beyond statute of limitations	0
# Victims - Unrestricted Reports for Matters Occurring Prior to Military Service	1
# Victims - Other	22
# All Restricted Reports received in FY22 (one Victim per report)	395
# Converted from Restricted Report to Unrestricted Report* (report made this year and converted this year)	44
# Restricted Reports Remaining Restricted at end of FY22	351

B. DETAILS OF UNRESTRICTED REPORTS FOR FY22	FY22 Totals	FY22 Totals for Service Member
Length of time between sexual assault and Unrestricted Report	505	394
# Reports made within 3 days of sexual assault	84	71
# Reports made within 4 to 10 days after sexual assault	43	34
# Reports made within 11 to 30 days after sexual assault	40	38
# Reports made within 31 to 365 days after sexual assault	110	94
# Reports made longer than 365 days after sexual assault	105	86
# Relevant Data Not Available	123	71
Time of sexual assault	505	394
# Midnight to 6 am	104	94
# 6 am to 6 pm	89	75
# 6 pm to midnight	144	127
# Unknown	43	27
# Relevant Data Not Available	125	71
Day of sexual assault	505	394
# Sunday	44	40
# Monday	44	39
# Tuesday	39	27
# Wednesday	51	45
# Thursday	44	38
# Friday	62	48
# Saturday	98	86
# Relevant Data Not Available	123	71

C. UNRESTRICTED REPORTS OF SEXUAL ASSAULTS BY OR AGAINST SERVICE MEMBERS (VICTIM AND SUBJECT GENDER)	Male on Female	Male on Male	Female on Male	Female on Female	Unknown on Male	Unknown on Female	Multiple Mixed Gender Assault	Relevant Data Not Available	FY22 Totals
	163	23	8	10	0	2	14	285	505
# Service Member on Service Member	127	15	6	9	0	1	10	5	173
# Service Member on Non-Service Member	16	3	0	1	0	0	1	0	21
# Non-Service Member on Service Member	16	4	1	0	0	0	2	3	26
# Unidentified Subject on Service Member	1	0	1	0	0	1	1	8	12
# Relevant Data Not Available	3	1	0	0	0	0	0	269	273

FY22 UNRESTRICTED REPORTS OF SEXUAL ASSAULT BY MATTER INVESTIGATED TYPE (May not reflect what crimes can be charged upon completion of investigation)

<i>UNRESTRICTED REPORTS MADE IN FY22</i>											
D. UNRESTRICTED REPORTS OF SEXUAL ASSAULTS BY OR AGAINST SERVICE MEMBERS (MOST SERIOUS CRIME ALLEGED, AS CATEGORIZED BY THE MILITARY CRIMINAL INVESTIGATIVE ORGANIZATION)	<i>Penetrating Offenses</i>				<i>Contact Offenses</i>				Attempts to Commit Offenses (Art 80)	Offense Code Data Not Available	FY22 Totals
	Rape (Art 120)	Aggravated Sexual Assault (Oct07-Jun12)	Sexual Assault (After Jun12) (Art. 120)	Forcible sodomy (Art 125)	Aggravated Sexual Contact (Art 120)	Abusive Sexual Contact (Art120)	Wrongful Sexual Contact (0ct07-Jun12) (Art. 120)	Indecent Assault (Art 134) (Pre-FY08)			
D1.	77	2	63	5	26	98	0	1	5	228	505
# Service Member on Service Member	28	1	27	1	11	53	0	0	2	50	173
# Service Member on Non-Service Member	3	0	2	1	3	6	0	0	0	6	21
# Non-Service Member on Service Member	7	0	4	2	1	3	0	0	0	9	26
# Unidentified Subject on Service Member	2	1	2	0	0	3	0	0	0	4	12
# Relevant Data Not Available	37	0	28	1	11	33	0	1	3	159	273
D2.											
TOTAL Service Member Victims in FY22 Reports	63	2	58	4	20	90	0	1	5	151	394
# Service Member Victims: Female	55	1	54	3	17	75	0	0	5	127	337
# Service Member Victims: Male	8	1	4	1	3	15	0	1	0	24	57
# Relevant Data Not Available	0	0	0	0	0	0	0	0	0	0	0
TIME OF INCIDENT BY OFFENSE TYPE FOR UNRESTRICTED REPORTS OF SEXUAL ASSAULT MADE IN FY22											
D3. Time of sexual assault	77	2	63	5	26	98	0	1	5	228	505
# Midnight to 6am	36	1	13	2	5	24	0	0	1	22	104
#6am to 6pm	7	1	19	0	10	31	0	0	0	21	89
# 6pm to midnight	27	0	28	3	9	34	0	1	2	40	144
# Unknown	7	0	3	0	2	9	0	0	2	20	43
# Relevant Data Not Available	0	0	0	0	0	0	0	0	0	125	125
D4. Day of sexual assault	77	2	63	5	26	98	0	1	5	228	505
# Sunday	9	1	7	0	5	7	0	0	0	15	44
# Monday	7	0	7	2	1	16	0	0	1	10	44
# Tuesday	10	0	8	0	3	9	0	0	2	7	39
# Wednesday	10	0	11	0	2	15	0	0	0	13	51
# Thursday	9	0	6	1	2	15	0	0	0	11	44
# Friday	12	0	8	1	7	8	0	1	1	24	62
# Saturday	20	1	16	1	6	28	0	0	1	25	98
# Relevant Data Not Available	0	0	0	0	0	0	0	0	0	123	123

ARMY FY20 RESTRICTED REPORTS OF SEXUAL ASSAULT	
A. FY22 RESTRICTED REPORTS OF SEXUAL ASSAULT	FY22 Totals
# TOTAL Victims initially making Restricted Reports	395
# Service Member Victims making Restricted Reports	317
# Non-Service Member Victims making Restricted Report involving a Service Member Subject	4
# Relevant Data Not Available	71
# Total Victims who reported and converted from Restricted Report to Unrestricted Report in the FY22*	44
# Service Member Victims who converted from Restricted Report to Unrestricted Report in FY20	37
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY20	0
# Relevant Data Not Available	7
# Total Victim reports remaining Restricted	351
# Service Member Victim reports remaining Restricted	280
# Non-Service Member Victim reports remaining Restricted	7
# Relevant Data Not Available	64
# Remaining Restricted Reports involving Service Members in the following categories	351
# Service Member on Service Member	169
# Non-Service Member on Service Member	40
# Service Member on Non-Service Member (entitled to a RR by DoD Policy)	4
# Unidentified Subject on Service Member	0
# Relevant Data Not Available	135
B. INCIDENT DETAILS	FY22 Totals
# Reported sexual assaults occurring	351
# On military installation	73
# Off military installation	109
# Unidentified location	13
# Relevant Data Not Available	156
Length of time between sexual assault and Restricted Report	351
# Reports made within 3 days of sexual assault	16
# Reports made within 4 to 10 days after sexual assault	9
# Reports made within 11 to 30 days after sexual assault	9
# Reports made within 31 to 365 days after sexual assault	49
# Reports made longer than 365 days after sexual assault	144
# Relevant Data Not Available	124
Time of sexual assault incident	351
# Midnight to 6 am	52
# 6 am to 6 pm	50
# 6 pm to midnight	131
# Unknown	43
# Relevant Data Not Available	75
Day of sexual assault incident	351
# Sunday	37
# Monday	21
# Tuesday	20
# Wednesday	25
# Thursday	27
# Friday	37
# Saturday	60
# Relevant Data Not Available	124

C. RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION	FY22 Totals
# Service Member Victims	280
# Army Victims	205
# Navy Victims	0
# Marines Victims	0
# Air Force Victims	75
# Coast Guard Victims	0
# Relevant Data Not Available	0
D. DEMOGRAPHICS FOR FY20 RESTRICTED REPORTS OF SEXUAL ASSAULT	FY22 Totals
Gender of Victims	351
# Male	47
# Female	240
# Relevant Data Not Available	64
Age of Victims at the Time of Incident	351
# 0-15	14
# 16-19	60
# 20-24	159
# 25-34	84
# 35-49	33
# 50-64	1
# 65 and older	0
# Relevant Data Not Available	0
Grade of Service Member Victims	280
# E1-E4	148
# E5-E9	97
# WO1-WO5	4
# O1-O3	19
# O4-O10	10
# Cadet/Midshipman	1
# Academy Prep School Student	1
# Relevant Data Not Available	0
Status of Service Member Victims	280
# Active Duty	17
# Reserve	5
# National Guard (Activated - Title 10)	74
# National Guard (Title 32)	127
# Relevant Data Not Available	57
Victim Type	351
# Service Member	280
# Non-Service Member	7
# Relevant Data Not Available	64
E. RESTRICTED REPORTING FOR A SEXUAL ASSAULT THAT OCCURRED PRIOR TO JOINING SERVICE	FY22 Totals
# Service Member Victims making a Restricted Report for Incidents Occurring Prior to Military Service	15
# Service Member Making A Restricted Report for an Incident that Occurred Prior to Age 18	9
# Service Member Making a Restricted Report for an Incident that Occurred After Age 18	5
# Service Member Choosing Not to Specify	0
# Relevant Data Not Available	1
F. RESTRICTED REPORTS CONVERSION DATA (DSAID USE ONLY)	FY22 Totals
Mean # of Days Taken to Change to Unrestricted	51.7
Standard Deviation of the Mean For Days Taken to Change to Unrestricted	57.98
Mode # of Days Taken to Change to Unrestricted	1
G. TOTAL VICTIMS WHO REPORTED IN PRIOR YEARS AND CONVERTED FROM RESTRICTED REPORT TO UNRESTRICTED REPORT IN THE FY22	FY22 Totals
Total Victims who reported in prior years and converted from Restricted Report to Unrestricted Report in the FY22	27
# Service Member Victims who converted from Restricted Report to Unrestricted Report in FY22	27
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY22	0
# Relevant Data Not Available	0
* The Restricted Reports are reports that converted to Unrestricted Reports are counted in the total number of Unrestricted Reports listed in Worksheet 1a, Section A.	

CIVILIAN DATA	
D. UNRESTRICTED REPORTS FROM NON-SERVICE MEMBERS (e.g., DOD CIVILIANS, DEPENDENTS, CONTRACTORS, ETC)	FY22 Totals
D1. # Non-Service Members in the following categories:	35
# Non-Service Member on Non-Service Member	0
# Unidentified Subject or Undisclosed Affiliation on Non-Service Member	0
# Relevant Data Not Available	14
D2. Gender of Non-Service Members	35
# Male	5
# Female	30
# Relevant Data Not Available	0
D3. Age of Non-Service Members at the Time of Incident	35
# 0-15	0
# 16-19	2
# 20-24	5
# 25-34	6
# 35-49	2
# 50-64	1
# 65 and older	0
# Relevant Data Not Available	19
D4. Non-Service Member Type	35
# DoD Civilian	16
# DoD Contractor	1
# Other US Government Civilian	1
# US Civilian	17
# Foreign National	0
# Foreign Military	0
# Relevant Data Not Available	0
D5. # Support service referrals for Non-Service Members in the following categories	FY22 Totals
# Support service referrals for Victims in the following categories	35
# Medical	4
# Mental Health	17
# Legal	9
# Chaplain/Spiritual Support	8
# Victim Advocate/Uniformed Victim Advocate	10
# DoD Safe Helpline	4
# Other	4
# Rape Crisis Center	5
# Other (Blank)	14
# Cases where SAFEs were conducted	3
# Cases where SAFE kits were not offered	8
# Cases where SAFE kits or other needed supplies were not available at time of Victim's exam	1

E. FY20 RESTRICTED REPORTS OF SEXUAL ASSAULT FROM NON-SERVICE MEMBERS	FY22 Totals
E1. # Non-Service Member Victims making Restricted Report	7
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY20	0
# Non-Service Member Victim reports remaining Restricted	7
# Restricted Reports from Non-Service Member Victims in the following categories:	7
# Non-Service Member on Non-Service Member (entitled to a RR by DoD Policy)	3
# Unidentified Subject or Undisclosed Affiliation on Non-Service Member	0
# Relevant Data Not Available	0
E2. Gender of Non-Service Member Victims	7
# Male	0
# Female	7
# Relevant Data Not Available	0
E3. Age of Non-Service Member Victims at the Time of Incident	7
# 0-15	0
# 16-19	1
# 20-24	3
# 25-34	2
# 35-49	1
# 50-64	0
# 65 and older	0
# Relevant Data Not Available	0
E4. VICTIM Type	7
# Non-Service Member	7
# Relevant Data Not Available	0
E5. # Support service referrals for Non-Service Member Victims in the following categories	FY22 Totals
# Medical	0
# Mental Health	6
# Legal	1
# Chaplain/Spiritual Support	0
# Victim Advocate/Uniformed Victim Advocate	4
# DoD Safe Helpline	1
# Other	0
# Rape Crisis Center	1
# Other (Blank)	1
# Cases where SAFEs were conducted	0
# Cases where SAFE kits were not offered	4
# Cases where SAFE kits or other needed supplies were not available at time of Victim's exam	0