



## Enclosure 4: National Guard Bureau





## NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

**MAR 07 2024**

### MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

SUBJECT: National Guard Sexual Assault Prevention and Response Program Fiscal Year 2023  
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. While there remains significant work to do, NGB is proud of the work done in Fiscal Year 2023 to realize the first decrease of sexual assaults in the last 13 years.

Fiscal Year 2023 highlights include:

- Implemented the two-week National Guard Joint Initial Sexual Assault Prevention and Response Course for newly hired full-time personnel.
- Established a Training Operational Planning Team to develop comprehensive training focused on investigator development.
- Conducted bi-monthly Special Victims' Counsel Program leadership meetings targeted to improve communication on policy and program updates.
- Expanded the Staff Assessment and Assistance Visit process and employed National Guard Bureau assessment teams to execute 18 visits in Fiscal Year 2023.
- Included Integrated Primary Prevention Workforce funding requests through the Fiscal Year 2026 to 2030 Program Objective Memorandum cycle.

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

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

Attachment:  
As stated

## **Fiscal Year 2023 Annual Report on Sexual Assault in the Military Executive Summary: National Guard Bureau**

The Chief of the National Guard Bureau (CNGB) is committed to combatting sexual assault and harassment in line with one of his top priorities, “People.” The strength of our organization is only as strong as the commitment we all have to each member of our community. This community is comprised of our Service members and their family members, our civilian and contract employees, our partners within each of the States, Territories, and the District of Columbia (hereinafter referred to as the “States”), and the Services and organizations within the Department of Defense. Our National Guard Service members recognize this battle against sexual violence requires a coordinated effort. The CNGB, The Adjutants General, and the Commanding General of the District of Columbia (hereinafter referred to as “TAGs”), and their staffs are undeterred from their commitment to remove the elements of sexual assault, sexual harassment, domestic abuse, retaliatory behaviors, and other harmful actions from our military force. The Vice Chief of National Guard Bureau continues to lead a General Officer Steering Committee to address the Independent Review Commission (IRC) of Sexual Assault in the Military and the implementation guidelines for Secretary of Defense approved recommendations. The NGB and the National Guard of the States made significant advancements in the Sexual Assault Prevention and Response (SAPR) Program and ultimately in the National Guard’s ability to maintain readiness to be “Always Ready, Always There.”

The Fiscal Year 2023 (FY23) summary of sexual assaults occurring within the National Guard shows a positive trend with a decrease of 49 reports from Fiscal Year 2022 (FY22). Of the 833 sexual assaults reported in FY23, 300 sexual assaults occurred in FY23 while the remaining 533 incidents occurred in prior years.

This report highlights NGB FY23 strategic and operational initiatives at the NGB and State level. The accomplishments highlighted in this report include continuing to complete and implement Sexual Assault Prevention Task Force and IRC approved recommendations, staffing the Integrated Primary Prevention Program, increased communication, and collaboration with our partners, including community organizations, elements within the Department of Defense, and the other Government agencies such as the Department of Veterans Affairs.

### **Goal 1 – Prevention**

The National Guard continues to implement the approved National Guard Sexual Assault Prevention Task Force and approved IRC recommendations based on the plan of action and milestones developed in FY22.

- Approved IRC Recommendations completed:
  - Approved Recommendation 4.3.a: Implement the “No Wrong Door Approach to Sexual Harassment, Sexual Assault and Domestic Abuse Across the Military Services.”

- Cross-cutting Recommendation 1: 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.
- Approved IRC Recommendations pending final review and publication:
  - Approved IRC Recommendation 3.8: Publish the Nature and Result of All Disciplinary Actions Related to Sexual Misconduct and Disseminate to Troops.

## **Goal 2 – Victim Assistance and Advocacy**

- Developed the National Guard Fiscal Year 2024 (FY24) Joint Annual SAPR Training, “In the Boots of a Survivor,” in support of a Sexual Assault Prevention Task Force Recommendation which uses an interactive, scenario-based, small group discussion approach to operationalize the fight against sexual assault.
- Hosted the Annual Refresher Training for 218 full-time Lead Sexual Assault Response Coordinators (SARCs), Brigade and Wing SARCs, and SAPR Victim Advocates (VAs)
- Implemented five 2-week National Guard Joint Initial SAPR Courses for 149 newly hired full-time SAPR personnel.
- Developed the Air National Guard (ANG) Wing SAPR Volunteer Victim Advocate 40 Hour Course to train collateral duty Wing SAPR Volunteer Victim Advocates.
- Monitored and tracked world-wide and Southwest Border deployments to help ensure deploying SARCs received required screenings and training to achieve certification.
- Developed three Training Support Packages to support the approved IRC recommendations of Safe to Report, Limited SAPR Services for Sexual Harassment Complainants, and No Wrong Door policy.
- Hosted monthly Defense Sexual Assault Incident Database (DSAID) virtual trainings and emailed Senior Leader-reviewed data to the States to support SAPR data integrity.

## **Goal 3 – Investigation**

- Added a legal advisor to each NGB Office of Complex Investigation (NGB-OCI) team for investigator support.
- Began revising the NGB-OCI Report of Investigation Reconsideration policy to provide clarity in standards of review with the goal of developing a fully informed

report, within the scope of the investigation and reconsideration policy, which is supported by the evidence.

- Established a Training Operational Planning Team to develop a comprehensive training program that focuses on the continuum of investigator development, beginning at the novice level and ending with a highly proficient investigator.
- Began developing a case management database that allows information sharing and data consistency across the NGB SAPR enterprise.

#### **Goal 4 – Accountability**

- The National Guard Special Victims' Counsel (NG-SVC) Program conducted bi-monthly leadership meetings with targeted discussions regarding policy or program updates.
- The NG-SVC Program continues to work with the Client Information System developers to implement National Guard specific changes into the system.

#### **Goal 5 – Assessment**

- Continued to provide the States with quarterly Health of the Force Scorecards detailing key programmatic metrics.
- Expanded the Staff Assessment and Assistance Visit (SAAV) process and employed NGB SAPR assessment teams to execute 18 visits in FY23.
- Coordinated with all 90 ANG Wings to complete 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 FY23.

#### **Goal 6: Core Functions (Communication and Policy)**

- Included Integrated Primary Prevention Workforce funding requests through the Fiscal Year 2026 to 2030 Program Objective Memorandum cycle.
- Established a bi-weekly call schedule with State Human Resource Officers to review vacancies, job postings, and current hiring status of integrated prevention workforce.

**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 Strategic Summary:** Summarize your efforts to achieve the Prevention 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 2023. As applicable, include significant updates to regulations, policies, procedures, and/or processes; training and credentialing of prevention professionals (e.g., continuing education and professional development), how the effectiveness of prevention training is being evaluated (e.g., monitoring outputs/outcomes); prevention resource capabilities and/or shortfalls; and ongoing prevention collaboration efforts, capabilities, and activities. 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 1.2 through 1.4 below. **(Prevention Plan of Action 2.0 (May 27, 2022) / Secretary of Defense (SecDef) Memorandum, “Actions to Address and Prevent Sexual Harassment and Sexual Assault in the Military,” (September 1, 2022) / Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) Memorandum, “Actions to Address and Prevent Sexual Assault in the Military,” (April 26, 2023) / 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) / 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))**

The NGB Manpower and Personnel Directorate (NGB-J1) has oversight of the NGB Integrated Primary Prevention Workforce, Warrior Resilience and Fitness Division, Integrated Primary Prevention Branch. The National Guard made great strides in Integrated Primary Prevention Workforce hiring at the Strategic (NGB), Operational (Joint Force Headquarters), and Tactical (Brigade and Wing) levels. NGB developed implementation guidance and participated in hiring fairs to support recruiting and hiring actions.

During FY23 NGB focused on building the prevention infrastructure, the first essential piece in implementing primary prevention across the National Guard. As of September 30, 2023, NGB has hired 296 Integrated Primary Prevention Workforce members.

On October 12, 2022, NGB published an “Integrated Primary Prevention Strategy/Framework” to provide direction on the National Guard integrated prevention system designed to increase readiness of all Soldiers, Airmen, Civilians, and their Families. National Guard IRC Implementation Guidance, Change 1 was published January 18, 2023, to support the States in hiring their prevention workforce, using the updated position descriptions and revised funding codes.

NGB held three Integrated Primary Prevention Workforce training events which included presenters from the Office of Secretary Defense and experts in prevention research. The first event was a virtual symposium in November 2022 (190 attendees) from across the NG and other Services. The subsequent events were two in-person Integrated Primary Prevention symposiums in March 2023 (250 attendees) and August 2023 (more than 300 attendees). The November 2022 virtual symposium focused on requirements to establish a sound Integrated Primary Prevention infrastructure. The March 2023 symposium emphasized the need for collaboration and processes for integration to effectively meet Service member needs. The August 2023 NG Prevention System symposium included Integrated Primary Prevention Workforce and program specialists from resilience, suicide prevention, and drug demand reduction to foster collaboration across functional areas.

NGB hosts monthly “deep dives” for all NG Integrated Primary Prevention Personnel to support the workforce as they build an integrated prevention system. The intent is to increase knowledge, but also to maintain a connection with the field to ensure the workforce is fully supported.

Two hundred and seven members of the NG prevention team completed the 80-hour SPARX Primary Prevention of Violence training and 163 were credentialed as of 30 September 2023.

The National Guard will evaluate the effectiveness of prevention training by requiring each State to submit a Comprehensive Integrated Prevention Plan. This plan will identify multiple prevention activities, including recommended Integrated Primary Prevention training across the State enterprise. Each Comprehensive Integrated Prevention Plan will establish a continuous evaluation plan which will be used to evaluate Integrated Primary Prevention training.

NGB engaged in an ongoing study with the Institute of Defense Analysis to select and evaluate innovative State prevention activities. These assessments typically employ a pre-and post-design using existing evidence-based measures and process assessments. Many state initiatives evaluated by the Institute of Defense Analysis provide outcome data which can be used to inform the development of future prevention training at the strategic (NGB) level.

### **Prevention resource capabilities and/or shortfalls.**

The National Guard is challenged by limited training days available for its traditional, part-time members. Integrated Primary Prevention personnel must identify available opportunities to implement the prevention activities. The National Guard is resourced to hire 481 Integrated Primary Prevention personnel in FY24.

**Ongoing prevention collaboration efforts, capabilities, and activities.** NGB currently has Memorandums of Understanding in place with 6 nation-wide civilian organizations supporting prevention activities. State Integrated Primary Prevention Workforce are working to identify civilian partners that support the Integrated Prevention System and determine additional Memorandums of Understanding that may be needed. NGB has existing working relationships with research organizations across the Department of Defense, including Uniformed Services University and Army Medical Research Development Command.

Ongoing activities include establishing prevention infrastructure, collaboration and building relationships, Force Wide Climate Assessment, needs assessment development, and identification of top risk and protective factors. NGB developed the Integrated Primary Prevention Tool, a suite of analytics tools hosted on the DoD's advanced analytics cloud platform, ADVANA, to serve as a resource for NGB policy development and prevention efforts. It contains the Risk Scorecard, Enterprise Tool, as well as the following legacy dashboards: the Community Health and Readiness dashboard, the Substance Abuse and Prevention dashboard, and the Suicide Event and Risk dashboard.

The IPP Tool, produces a Risk Scorecard which provides a comparative analysis of risk and protective factors at the State and unit level for the four domains of violence outlined in DoDI 6400.09 (self-directed harm, sexual assault, domestic abuse, and harassment). The Risk Scorecard identifies evidence-based risk and protective factors for each form of violence and provides supplemental resources to prioritize prevention efforts. The Enterprise Tool provides risk and protective factors at the national and regional level, in addition to data available in the Risk Scorecard for each State. It also provides longitudinal risk exposure scores over time.

### **1.2 Efforts to Address Approved Independent Review Commission (IRC)**

**Recommendations:** Briefly highlight major actions completed or underway in FY 2023 to address the approved IRC recommendations in Line of Effort 2: Prevention and Line of Effort 3: Climate and Culture (e.g., actions to establish the primary prevention workforce and enhanced climate assessment process). There is no requirement for your Military Service/NGB to discuss all approved IRC actions under this section, as DoD SAPRO will include a high-level status summary with the Annual Report. Note: Please don't provide any pre-decisional or unfunded activities in your response. (See the requirements listed in question 1.1)

**Line of Effort 2: Prevention.**

NGB engaged in three mutually supporting efforts to achieve a fully Integrated Primary Prevention System. These efforts include establishing a prevention system infrastructure, developing a program focused on prevention training, and conducting a continuous program evaluation.

**Line of Effort 3: Climate and Culture. (for example, actions to establish the primary prevention workforce and enhanced climate assessment process).**

NGB closely monitored and continues to monitor Integrated Primary Prevention Workforce hiring, training, and credentialing to establish a fully trained primary prevention workforce. NGB is engaging in efforts to properly resource States and identify opportunities to train leaders to enhance climate assessment processes.

**1.3 Leader Responsibilities: How is your Military Service/NGB training leaders (e.g., through Professional Military Education and/or leader development opportunities) on their responsibilities and competencies under DoDI 6400.11, “DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders,” and partnering with prevention professionals to overcome barriers to readiness and enhance protective factors in their units? (DoDI 6400.11, “Department of Defense (DoD) Integrated Primary Prevention Policy for Prevention Workforce and Leaders,” (December 20, 2022))**

Professional Military Education is developed by the Army and the Air Force for use by National Guard leaders. To address National Guard equities based on its unique structure, NGB develops supplemental training to augment the Service-specific Professional Military Education to inform National Guard leaders about their role in prevention within the National Guard environment.

**1.4 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.**

NGB is approved to host Integrated Primary Prevention Symposiums in the future. These symposiums will include participants across the Department of Defense and will provide comprehensive prevention training for the National Guard Integrated Primary Prevention Workforce.

**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 2023. As applicable, include significant updates to regulations, policies, procedures; SARC and SAPR VA training and how training effectiveness is evaluated; Case Management Group (both monthly and quarterly) and High-Risk Response Team training for personnel who attend these meetings; manpower and resource capabilities and/or shortfalls; SAPR personnel certification and training; resources/products to support victims, retaliation reporters, and responders (e.g., medical and mental health services, local civilian service agencies, and the Safe Helpline); and SAPR training improvements for Service members. 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 2.15 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,” (September 6, 2022) / 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 / SecDef Memorandum, “Actions to Address and Prevent Sexual Harassment and Sexual Assault in the Military,” (September 1, 2022)

Victim assistance and advocacy for National Guard victims of sexual assault and retaliation based on a report of sexual assault remained a top priority for the National Guard during FY23. NGB focused on supporting the States and SAPR professionals by restructuring elements of the NGB SAPR program, updating policy and procedures, improving management of full-time personnel information, and developing and providing training for the SAPR professionals in the States.

The structural organization of the NGB-J1 SAPR Division Victim Assistance and Advocacy Branch continued to evolve during FY23 to provide the best support possible to the SAPR professionals in the States. The most significant changes in FY23 included:

- Transitioning the Service-specific, field-facing Regional Program Managers who provide support to SAPR personnel within their assigned region to Joint Service subject matter experts. This decision to broaden the knowledge base of each Regional Program Manager to be able to address both Army and Air Force specific questions enhanced the response rate of getting vital program information to the SAPR personnel in the States.
- Reorganizing the States into eight regions as opposed to four regions. This transition will result in an increase of Regional Program Managers to eight and new Position Descriptions.

The NGB-J1 SAPR Division, Victim Assistance and Advocacy Branch continues to support SAPR personnel in States using Monthly teleconferences, Questions and

Collaborations teleconferences, and ad hoc teleconferences to discuss new information, policies, and procedures. The benefits derived include:

- Increased case visibility, streamlined case tracking, and case validation using weekly case reports from Defense Sexual Assault Incident Database.
- Increased visibility of sexual harassment complainants and increased visibility of SAPR personnel workload through monthly reporting.
- Increased visibility of collateral misconduct issues in cases as a result of the Safe to Report guidance and coordination.

Victim Assistance and Advocacy Branch staff also provide Staff Assessment and Assistance Visit follow-ups to Maryland and Washington for increased program continuity and to provide in person support. They also visited the Southwest Border mission for increased visibility and operation coordination. To enhance the relationship between the States and the NGB SAPR Program, NGB hosted visits from 16 States to discuss their SAPR programs: Arizona, California, Connecticut, Florida, Georgia, Iowa, Maryland, Montana, Michigan, New York, Pennsylvania, Oregon, Rhode Island, Utah, Virginia, and Washington.

### **Policy and Procedural Updates**

As directed by the Office of the Secretary of Defense, NGB continues to establish new policy, procedures, and guidance based on requirements from the approved IRC recommendations. The NGB-J1 SAPR Division reviewed existing policy, procedures, and guidance to identify any updates and revisions applicable to National Guard Service members in a non-Federalized status United States Code (U.S.C.) Title 32 and State Active Duty).

#### **New CNGB Issuances and memorandums signed and published during FY23:**

CNGB Memorandum, April 25, 2023, *“Direct Reporting Structure and Operational Supervision of National Guard Sexual Assault Prevention and Response Personnel.”*

- Intent: Remove SARCs and SAPR VAs from the command reporting structure.

CNGB Memorandum, 24 February 2023, *“Use of Section 540K Declination Letter for Sexual Assault Victims with Third Party or Command-Initiated Investigations.”*

- Intent: To offer an opportunity for a sexual assault victim third party or command directed investigation to decline participation in the law enforcement agency investigation.

CNGB Directive-Type Memorandum 1300, December 6, 2022, *“Safe-to-Report Policy for National Guard Service Member Victims of Sexual Assault.”*

- Intent: Requires Commanders to assess alleged collateral misconduct against aggravating and mitigating circumstances of sexual assault cases. This action is required regardless of who received the report of alleged sexual assault from the victim, or which authorities, military or civilian, are conducting the investigation, prosecution, or other disciplinary action.

CNGB Directive-Type Memorandum 1300.01, November 29, 2022, *“Limited Sexual Assault Prevention and Response Services for Sexual Harassment Complainants.”*

- Intent: SARCs and SAPR VAs will provide limited SAPR services to non-Federalized NG Service members who file a formal or informal sexual harassment complaint, or who believe they were subjected to sexual harassment.

CNGB Directive Type Memorandum 1300.02. October 17, 2022, *“National Guard Use of Department of Defense DD Form 3114 “Uniform Command Disposition Report” for Reporting Sexual Assault Information.”*

- Intent: Provides policy and procedures for using Department of Defense (DoD), DD Form 3114, “Department of Defense Uniform Command Disposition Report,” to submit relevant sexual assault case information.

CNGB Directive Type Memorandum 1300.03, November 29, 2022, *“No Wrong Door and Warm Handoff Policy for National Guard Service Member Victims of Sexual Assault.”*

- Intent: Provides policy that individuals who seek information about SAPR services from any NG organization or NG entity will receive full assistance as practical, and never be denied or inappropriately delayed in receiving care and support.

NGB Form 912, December 2022, *“Section 540K Declination Letter”*

- Intent: This letter provides a victim of sexual assault with the opportunity to determine her or his desired level or declination of participation in an investigation initiated following a third-party report or by command after the victim disclosed the sexual assault to a supervisor, not knowing she or he would contact law enforcement.

CNGB Manual 1300.01A, November 1, 2022, *“Department of Defense Sexual Assault Advocate Certification Program and Systems Access Requirements”*

- Intent: Provides procedural guidance for SAPR personnel to obtain and maintain D-SAACP certification, and to access to required SAPR program victim support and reporting systems.

CNGB Manual 1300.02A, January 19, 2023, “*National Guard Sexual Assault Incident Notification and Reporting Requirements.*”

- Intent: Provides procedural guidance to complete a 24-Hour notification, an 8-Day Incident Report, and a Commander’s Critical Information Requirement report as required for Unrestricted Reports, Restricted Reports, and Independent Investigations of sexual assault involving non-Federalized National Guard Service members, eligible civilians, and adult dependents.

CNGB Manual 1300.04A, November 18, 2022, “*National Guard Expedited Transfer Program for Unrestricted Reports of Sexual Assault.*”

- Intent: Provides procedural guidance to process a temporary or permanent Expedited Transfer requested by an eligible National Guard Service member who filed an official Unrestricted Report of sexual assault, or on behalf of their eligible adult dependent who filed an official of sexual assault.

### **National Guard SAPR Training**

NGB-J1 SAPR Training Branch continued to monitor the publication or release of new policies, procedures, and guidelines emanating from Department of Defense to ensure NGB-J1 SAPR training provided the current information to National Guard SAPR personnel. Updates to the Joint Initial SAPR Course are critical to ensure all newly employed full-time SARCs and SAPR VAs receive the required training to meet the Defense Sexual Assault Advocate Certification Program requirements. The Joint Initial SAPR Course contains the core competencies required by the Department of Defense Sexual Assault Prevention and Response Office 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.

During FY23, NGB-J1 SAPR Division successfully hosted one virtual Joint Initial SAPR Course and four in-person courses for a total of 149 SAPR personnel. The course included Daily Feedback Surveys to identify areas of improvement to the course and pre- and post-tests to measure knowledge gains. Based on adult learning strategies, the course structure included small group discussion, hands-on learning activities, and presenting opportunities for the learners to 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 courses to meet the designation of the skill identifier and the requirements for deployment.

NGB-J1 SAPR Division also hosted the FY23 SAPR Annual Refresher Training for over 200 full-time SARCs and SAPR VAs. This three-day event provided policy and procedural updates, presentations by subject matter experts, and opportunities to network with other SAPR personnel from across the States and to earn continuing education units. NGB partnered with the Department of Justice Office on Victims of Crime Training and Technical Assistance Center to host a nationally recognized subject

matter expert in the neurobiology of trauma. The participants of the refresher training used daily electronic feedback forms to assess the effectiveness of the training and to gather ways to enhance the training in future years.

The NGB-J1 SAPR Division Training Branch engaged in developing curriculum to meet new requirements and to meet recommendations by the Sexual Assault Prevention Task Force. These initiatives include:

- **ANG-specific Volunteer Victim Advocate Curriculum.** Developed the Air National Guard (ANG) Wing SAPR Volunteer Victim Advocate 40-Hour Course and gained National Organization for Victim Assistance approval to use the course to train collateral duty Wing SAPR Volunteer Victim Advocates.
- **New Policy Training.** Developed three Training Support Packages to support the implementation of the following policies: “No Wrong Door and Warm Handoff Policy” (CNGB DTM 1300.03), “Safe-to-Report Policy” (CNGB DTM 1300.00), and “Limited SAPR Services for Sexual Harassment Complainants Policy” (CNGB DTM 1300.01). Information regarding these important new policies was integrated into the National Guard Joint Initial SAPR Course.
- **National Guard FY24 Joint Sexual Assault Prevention and Response Training.** In support of “Sexual Assault Prevention Task Force Recommendation #4, ‘Modify Delivery Method of Annual Sexual Assault Prevention and Response and Sexual Harassment/Assault Response and Prevention training,’” NGB SAPR Training Branch engaged in a collaborative effort to develop the National Guard FY24 Joint Annual SAPR Training, “In the Boots of a Survivor.” This training uses an interactive, scenario-based, small group discussion approach to operationalize the fight against sexual assault.
- **Implemented the National Guard Joint Initial SAPR Course.** The training staff conducted five 2-week National Guard Joint Initial SAPR Courses for 149 newly hired, full-time SAPR personnel.
- Monitored and tracked National Guard Title 10 U.S.C. world-wide and Southwest Border deployments to help ensure deploying SARCs received required screenings and training to achieve certification.
- Continued to support SAPR data integrity by hosting monthly virtual trainings for DSAID related topics, including basic and advanced skills.

The NGB-J1 SAPR Division Victim Assistance and Advocacy Branch along with the Training Branch continued to support the following SAPR training:

- **Pre-Command SAPR Training.** Addressed 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-J1 SAPR Division, a discussion on the use of SAPR data and trends, command prevention efforts, and program assessment. NGB-J1 SAPR Division also provided a discussion on planning SAPR deployment training 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.** Presented SAPR Program information at three ANG Commanders Development Courses, which includes Squadron and Group Commanders.
- **Quarterly Chief Master Sergeant Orientation Course SAPR Training.** Informed 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 NGB-J1 SAPR Division, Suicide Prevention, Equal Opportunity, and Behavioral Health.
- **NGB United Newcomers Orientation Course SAPR Training.** Informed attendees at the NGB Joint Action Officer Course in the Herbert R. Temple Jr. Army National Guard Readiness Center on the NG SAPR Program.
- **DSAID Webinar Training.** Hosted monthly virtual trainings for DSAID related topics, including basic and advanced skills to support SAPR data integrity.

**2.2 Professionalizing and Strengthening the Sexual Assault Response Workforce: Describe the actions taken by your Military Service/NGB in FY 2023 to reduce the reliance upon collateral duty personnel (if used) and how your staffing approach will provide SARCs and SAPR VAs with greater independence from the military command structure and expanded skill sets to better support victim recovery. (SecDef Memorandum, “Actions to Address and Prevent Sexual Harassment and Sexual Assault in the Military,” (September 1, 2022))**

**Reduced Reliance on Collateral Duty SAPR Personnel in the National Guard.**

The National Guard received only 30 percent of the required funding to execute the hiring of additional full-time SARCs and Victim Advocates. One hundred percent funding is needed for the National Guard to hire the required full-time staff to replace collateral duty personnel.

The NGB-J1-SAPR Division undertook a robust training regimen for all full-time SAPR personnel. All new employees hired to fill positions as a SARC or SAPR Victim Advocate must attend the 40-Hour National Guard Joint Initial SAPR Course.

After completing this required initial training, the SARCs and SAPR Victim Advocates enter into a mentorship program with their Wing, Brigade, and State SAPR staff. The NGB-J1 SAPR Division offers a “*Questions and Collaborations*” teleconference every two weeks for all SAPR personnel in the States as part of this mentorship program and fields questions to engage in discussion on matters related to the National Guard SAPR program.

**Removal of SARCs and SAPR VAs from the Command Structure.**

In accordance with the Secretary of Defense Memorandum, "Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military," September 22, 2021, NGB published a CNGB Memorandum, "Direct Reporting Structure and Operational Supervision of National Guard Sexual Assault Prevention and Response Personnel," April 25, 2023. This memorandum addressed removing SAPR personnel in States from the command reporting structure.

TAGs serve as the higher-level or senior rater for the State Lead SARC. The State Lead SARCs rate and administratively supervise all full-time Brigade and Wing SARCs and Victim Advocates. TAGs should establish policy and responsibilities consistent with the memorandum and the attachments. The attachments provide:

- Overall guidelines on the rating and operational supervisory responsibilities of SAPR personnel.
- Developmental course requirements and responsibilities for the State Lead SARCs, Brigade and Wing SARCs, and SAPR VAs.

**2.3 Standardized Forms for Monthly Case Management Group (CMG), Quarterly CMG, and High-Risk Response Team Oversight and Management:** Describe how your Military Service/NGB is implementing the use of the following forms at the subject meetings to ensure consistent support to Service members making Unrestricted reports of adult sexual assault and associated retaliation allegations: Department of Defense Form (DD Form) 2910-5, "Monthly CMG Meeting Notes for the Sexual Assault Prevention and Response (SAPR) Program;" DD Form 2910-6, "Quarterly CMG Meeting Notes for the SAPR Program;" and DD Form 2910-7, "High-Risk Response Team Meeting Notes for the SAPR Program." How are you verifying their use? (OUSD(P&R) Memorandum, "Actions to Address and Prevent Sexual Assault in the Military," (April 26, 2023))

Upon release of the Department of Defense Form (DD Form) 2910-5, "Monthly CMG Meeting Notes for the Sexual Assault Prevention and Response (SAPR) Program;" DD Form 2910-6, "Quarterly CMG Meeting Notes for the SAPR Program;" and DD Form 2910-7, "High-Risk Response Team Meeting Notes for the SAPR Program;" NGB immediately disseminated the forms and information on their use to the SAPR personnel within the States. The NGB-J1 SAPR Division Victim Advocacy and Assistance Branch discussed the forms, their use, and maintenance during Monthly Teleconferences with the States to verify their proper use and to discuss any concerns on the National Guard's compliance.

The NGB Joint Initial SAPR Course was updated to ensure all newly assigned SARCs would receive the current information on how to complete the forms and store them safely until DSAID could accept forms. The NGB-J1 SAPR Division Compliance and Accountability Branch revised their checklists used during their Site Assessment/Assistance Visits and By-Law inspections to verify the use of the DD Forms 2910-5, -6, and -7.

The in-progress CNGB Manual 1300.05, "Case Management Group Meetings," anticipated publication in FY24, will be updated to include the requirements and use of the DD Forms 2910-5, 6, and 7.

**2.4 Convalescent Leave for Sexual Assault Victims: Describe how your Military Service/NGB is implementing the policy to allow commanders and Military Treatment Facility directors to grant convalescent leave to Service members for their treatment and recuperation from an alleged sexual assault based on a recommendation of a medical healthcare provider or sexual assault forensic examiner. (Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs Memorandum, "Clarification of Convalescent Leave Policy for Service Members Recovering from Sexual Assault," (October 20, 2022))**

Convalescent leave for National Guard Service members on active duty under Title 10 U.S.C. orders over 30 days will adhere to their Service-specific policy and procedures.

Convalescent leave for National Guard Service members on Active, Guard, and Reserve duty under Title 32 U.S.C. orders over 30 days will adhere to Service-specific policy and procedures and follow Human Resources Office guidelines.

NGB is determining the proper guidance to allow Commanders to grant the equivalent of "Convalescent Leave" for non-Federalized drill-status National Guard Service members consistent with the IRC recommendation to allow "survivors flexibility to take non-chargeable time off for seeking services or time for recovery from sexual assault."

**2.5 Safe-to-Report Policy: Describe how your Military Service/NGB is implementing the Safe-to-Report policy which prescribes the handling of alleged minor and non-minor collateral misconduct by Service member victims of an alleged sexual assault. (OUSD(P&R) Memorandum, "Safe-to-Report Policy for Service Member Victims of Sexual Assault," (October 25, 2022))**

NGB published CNGB Directive-Type Memorandum 1300.00, "Safe-to-Report Policy for National Guard Service Member Victims of Sexual Assault" on December 6, 2022. The memorandum established interim guidance on the Safe-to-Report Policy and included responsibilities, determination procedures, and documenting and reporting procedures. The reporting procedures provided detailed information to capture the information required to track incidents of minor collateral misconduct involving National Guard Service member sexual assault victims subject to the Safe-to-Report Policy.

TAGs are responsible for completing Safe-to-Report Determination and Disposition Memorandums and providing them to the Lead SARC for record keeping and routing to the servicing SARC, Office of the Staff Judge Advocate, and NGB SAPR Division.

The State Office of Staff Judge Advocate reviews decisions made by Commanders after consulting with their unit-level Staff Judge Advocate regarding collateral misconduct, in accordance with the Directive-Type Memorandum, and advise TAGs on any recommended revisions.

Commanders consult with their servicing Staff Judge Advocate and higher-level Staff Judge Advocate if appropriate or preferred and use their discretion to assess and make a final determination of whether the alleged collateral misconduct by a victim of sexual assault is minor or non-minor after considering all aggravating and mitigating factors.

Servicing Staff Judge Advocates will advise the State Office of Staff Judge Advocate within three duty days of any decisions made by Commanders.

NGB developed a Training Support Package for National Guard SAPR personnel to use when conducting required training on the Safe-to-Report policy. This Training Support Package included a PowerPoint Presentation, a detailed Facilitator's Guide, and a learning aid. Information about this new policy was also disseminated during the Monthly Regional Teleconferences for the State SAPR personnel's situational awareness and was incorporated in the Annual Refresher Training agenda.

**2.6 SARC Access to the Commander:** Describe how your Military Service/NGB is ensuring that SARCs have direct and unimpeded access to the installation commander and the immediate commander of the Service Member victim and alleged Service member offender. (DoDI 6495.02, Volume 1, "Sexual Assault Prevention and Response (SAPR): Program Procedures," (September 6, 2022), para 4h, p. 5)

CNGB Instruction 1300.01 was released on 26 June 2020. The guidance states TAGs will grant direct contact and unimpeded access to the National Guard Joint Force Headquarters-State SARC to discuss the State SAPR program. The policy also states Commanders will grant direct contact and unimpeded access to SARCs to discuss matters of the command's SAPR program and incidents of sexual assault. This requirement is validated during all National Guard SAAVs and By-Law inspections.

**2.7 SARC and SAPR VA DoD Sexual Assault Advocate Certification (D-SAACP) Suspension, Revocation, and/or Reinstatement:** Without providing personally identifiable information, how many SARCs and SAPR VAs in your Military Service/NGB had their D-SAACP suspended, revoked, and/or reinstated? (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, "D-SAACP," (February 28, 2020), sections 3.6 & 3.7, p. 11-15)

The National Guard suspended the D-SAACP certification of three SAPR VAs and revoked no D-SAACP certifications during FY23.

**2.8 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," (September 6, 2022), Encl 8 / DoDI 6310.09, "Health Care Management for Patients Associated with a Sexual Assault," (May 7, 2019), Section 3: Standards)

National Guard Service 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 Memorandums of Understanding with their local, regional, and State civilian medical facilities and appropriate clinics to ensure our National Guard Service members and their adult dependents receive timely access to medical care, SAFE kits, and other available resources. Laboratory testing of SAFE kits is determined by each State.

**2.9 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. (NDAA for FY 2010, section 567 / DoDI 6495.02, Volume 1, "Sexual Assault Prevention and Response (SAPR): Program Procedures," (September 6, 2022), Encl 5, para 8)**

DSAID data shows National Guard Commanders issued 66 MPOs in FY23 with no violations. This total number includes four MPOs issued directly by the Commander. This is a 53.5 percent increase from the 43 MPOs issued in FY22. National Guard Commanders issuing MPOs provided a copy of the DD Form 2873 to each victim and subject. The DSAID Data also showed that Commanders assisted victims in requesting three Civilian Protective Orders with no violations.

MPO Requested	62
MPOs Issued	66
MPOs Denied	0
MPO Violation	0
Civilian Protective Orders Requested	3
Civilian Protective Order Violation	0

Due to the limitations of authority and enforcement of MPOs based on military status and jurisdiction, National Guard Service members are encouraged to pursue a Civilian Protective Order or a No Contact Order with local civilian authorities. 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., or Active Duty for Operational Support Title 10 U.S.C.
- Both individuals are physically on a military installation.

**2.10 Appropriate Care in Deployed Environments: What steps did your Military Service/NGB take in FY 2023 to ensure trained personnel, appropriate supplies, and transportation resources are accessible to deployed units to provide an appropriate and timely response in any case of a reported sexual assault in a deployed unit, location, or environment? (NDAA for FY 2011, section 1631 / DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR): Program Procedures,” (September 6, 2022), para 4i)**

The National Guard did not alter the steps taken in previous years to ensure appropriate care and resources were available in deployed environments to respond to a reported case of sexual assault. This included the Southwest Border mission which continued to require the training and certification of individuals as Sexual Harassment/Assault and Response personnel to cover the deployment of National Guard Service members. The National Guard provided trained and certified Sexual Harassment/Assault Response and Prevention personnel at all the pre-mobilization events.

**2.11 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)). (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,” (September 6, 2022), Encl 9, para 2b (4))**

The National Guard received 15 expedited transfer requests in FY23. Of these requests, 14 were ARNG and 1 was ANG. Commanders approved all requests within five calendar days and transferred Service members within 30 calendar days of approval. Of the total approved requests, 13 were local transfers, while two requests were for a permanent change of station.

**2.12 SAPR-Related Inquiry Catch a Serial Offender (CATCH) Entries Utilizing a DD Form 2910-4: How is your Military Service/NGB verifying that all SAPR personnel have been trained on the expanded eligibility for those that do not file an official sexual assault report to submit a CATCH entry via a SAPR-Related Inquiry utilizing a DD Form 2910-4, “CATCH Explanation and Notification Form for SAPR-Related Inquiry CATCH Entries?” (USD(P&R) Memorandum, “Updated Catch a Serial Offender Procedures and New DD Form 2910-4,” (June 14, 2023))**

The NGB-J1 SAPR Division conducted training on the changes to the CATCH program immediately upon release of DD Form 2910-4 to the National Guard SAPR personnel in the States. This training included information on the expanded eligibility for victims to

submit a CATCH entry by completing a DD Form 2910-4 and filing a SAPR-Related inquiry, even if the victim chose not to file an official sexual assault report. The primary methods used to provide this training included the Monthly Teleconference, and other virtual training and discussion opportunities. Computer Based Training certificates for those SAPR Personnel who have CATCH access is maintained on file at the NGB-J1 SAPR Division.

This new information was also included in the two-week National Guard Joint Initial SAPR Course. This course is required for all newly hired fulltime SARC's and SAPR VAs.

**2.13 “No Wrong Door” Policy: Describe how your Military Service/NGB is implementing the “No Wrong Door Policy,” which requires SARC's and SAPR VAs to be trained to ensure that those seeking assistance receive an in-person or virtual “warm handoff” to the appropriate provider. How are your SAPR personnel and leaders being made aware of and/or trained on the policy? Describe the actions being taken (if any) to evaluate the success of the policy. (IRC Recommendation 4.3a)**

The CNGB Directive-Type Memorandum 1300.03, “No Wrong Door and Warm Handoff Policy for National Guard Service Member Victims of Sexual Assault” was published on 29 November 2022. The NGB-J1 SAPR Division Training Branch developed a Training Support Package for National Guard SAPR Professionals located in the States to use when delivering the required training on the “No Wrong Door” policy. It included a PowerPoint presentation, a detailed Facilitator’s Guide, and a learning aid.

The “No Wrong Door” policy and strategies and tips for effective warm handoffs were included during the two-week National Guard Joint Initial SAPR Course curriculum. NGB disseminated information about this new policy during the Monthly Regional Teleconferences for the State SAPR professionals’ situational awareness and incorporated the training into the Annual Refresher Training agenda.

Throughout the year, the NGB-J1 SAPR Division conducted SAAVs, Unit Effectiveness Inspections, and By-Law inspections. During these inspections, the inspectors validated whether the State executed the “No Wrong Door Policy.”

**2.14 Efforts to Address Approved Independent Review Commission (IRC) Recommendations: Briefly highlight major actions completed or underway in FY 2023 to address the approved IRC recommendations in Line of Effort 4: Victim Care and Support. There is no requirement for your Military Service/NGB to discuss all approved IRC actions under this section, as DoD SAPRO will include a high-level status summary with the Annual Report. Note: Please don’t provide any pre-decisional or unfunded activities in your response. (See the requirements listed in question 1.1)**

**Approved IRC Recommendation 4.3.d Maximize adherence to survivor preference on reporting status, survivor preference in expedited transfer. Increase victim agency**

and control of the response process by maximizing adherence to survivor preference on reporting status, and centering survivor preferences in expedited transfers.

The Offices of Primary Responsibility for this recommendation include NGB-J1 SAPR Division and National Guard SVC; the Offices of Coordinating Responsibilities include Office of the NGB General Council, Army National Guard Personnel and Air National Guard Manpower and Personnel.

- NGB - J1 SAPR completed the update of CNGB Manual “*National Guard Expedited Transfer Program for Unrestricted Reports of Sexual Assault.*”
- Received funding for Special Victims’ Counsel
- Still require the Army and Air The Judge Advocate Generals to support Title 5 attorneys as Special Victims’ Advocates

**Approved IRC Recommendation 4.1.b Eliminate Collateral Duty SARCs and SAPR VAs**

**(National Guard Sexual Assault Prevention Task Force Recommendation 18).**

Eliminate collateral duty for SARCs and SAPR VAs, with exceptions for ships, submarines, and isolated installations.

The Office of Primary Responsibility for this recommendation is the NGB-J 1 SAPR Division; Offices of Coordinating Responsibilities: Army National Guard Personnel, and Air National Guard Manpower and Personnel.

- Brigades and Wings funded at 30 percent (80 of 264 ARNG Brigades resourced and 32 of 90 Wings resourced).
- 70 percent Program Objective Memorandum dependent.
- 100 percent of FY23 hired (110 personnel).
- 72 percent of FY24 hired (59 personnel).

**2.15 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 the NGB Victim Assistance and Advocacy Branch include:

- Updating all existing CNGB Issuances in FY24 to ensure they comply with applicable Department of Defense and Secretary of Defense requirements.
- Updating the Position Description of all full-time State Lead SARCs, SARCs, and VAs to reflect the new requirements, which include providing victim advocacy for sexual harassment victims, and offering CATCH resources to SAPR-related inquiry victims.

- Establish a working group with strategic partners and SAPR personnel throughout the States to research the feasibility or desire to pursue a military specialty code for SAPR.
- Establish a working group to research and codify the professional development of all National Guard SAPR personnel to promote excellence and proficiency in victim advocacy and assistance, and to retain talent.

### **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 2023. As applicable, include significant updates made to regulations, policies, procedures, and/or processes; investigative resources (e.g., crime scene processing and use of federal crime databases); manpower capabilities and/or transformation efforts; training for military criminal investigators, law enforcement personnel, and/or first responders (e.g., updates on CATCH Program training); and the Special Victim Investigation and Prosecution Capability for Military Criminal Investigative Organizations (e.g., investigator and prosecutor coordination). 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 3.3 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)

In the absence of a Military Criminal Investigative Organization to investigate alleged sexual assaults against non-Federalized and non-duty status National Guard Service members, their family members, and eligible employed civilians, the National Guard relies upon civilian law enforcement agencies to conduct investigations.

NGB-OCI provides an administrative investigation capability to investigate allegations of sexual assault in the States at the request of the respective TAG. This capacity is vital when the local or State law enforcement agency declines to do a criminal investigation. NGB-OCI made the following significant updates during FY23.

#### **Force Structure**

- Added a legal advisor to each investigation team for support which includes developing investigation plans, issue-spotting, and evidence analysis to improve quality and gain efficiencies in investigation process and Report of Investigation development.

#### **Operational Policy and Procedures**

- Initiated revision of Report of Investigation Reconsideration policy to clarify the standards of review with the goal of developing a fully informed report of investigation within the scope of the investigation and reconsideration policy supported by the evidence contained therein.

### **Training**

- Established a Training Operational Planning Team to develop a comprehensive training program to focus on the continuum of investigator development from the novice level to a highly proficient Investigator. The program addresses core competencies such as trauma-informed interview techniques, effective writing, and evidence analysis, with the overall goal of creating an elite administrative investigator corps.

### **Data and Information Management**

- Initiated development of a case management database that permits appropriate access to all stakeholders in the NGB-J1 SAPR enterprise to promote information sharing and consistency of data across the enterprise and enable operational data-driven decisions and strategic planning using both real-time and historical data.
- Started review of current information management policies to include Freedom of Information Act or Privacy Act, and Official Use to ensure appropriate release of applicable information consistent with all applicable laws and policies.

**3.2 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. How is your Military Service/NGB verifying that SAFE kits are being retained for a minimum of 10 years? **(Joint Chiefs of Staff Strategic Direction to the Joint Force on SAPR (May 7, 2012), p. 11 / DoDI 6495.02, Volume 1, "Sexual Assault Prevention and Response (SAPR): Program Procedures," (September 6, 2022), Encl 8 / DoDI 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," (September 6, 2022), para 3.5a)**

Not applicable to the National Guard due to the absence of a Military Criminal Investigative Organization to investigate sexual assault allegations. Although NGB-OCI may conduct administrative investigations on sexual assault allegations against National Guard Service members, their family members, and eligible employed civilians, it does not collect physical evidence, process SAFE kits, or use the Defense Forensic Science Center.

As it relates to non-Federalized National Guard sexual assault victims, the Defense Forensic Center does not process physical evidence collected by civilian law enforcement agencies and civilian healthcare facilities or centers. The processing and maintenance of this physical evidence follows the procedures and guidelines of the

specific State with jurisdiction of the physical evidence. As part of their effort to establish strong collaborations with relevant organizations with their State, National Guard SAPR Professionals work diligently throughout the year to establish MOUs and MOAs to afford victims of sexually based crimes with the necessary resources and support to aid in their recovery.

### **3.3 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:

#### **Force Structure**

- Add direct administrative support to each of the NGB-OCI investigation teams within the Sexual Assault Operations Division to alleviate the burden of required administrative tasks. Reducing this burden will allow the division leadership to concentrate efforts on guiding, mentoring, and advising investigators, and developing the means to increase quality and timeliness of investigations.
- Add an Information Technology and Data Management Specialist to the Administrative Division to ensure appropriate expertise is available to manage and fully leverage the capabilities of the new case management database to meet investigation mission information and data demands of NGB-OCI and other NGB stakeholders.
- Add a Planning, Programming, Budgeting, Execution Specialist to the Administrative Division to ensure NGB-OCI is properly resourced to meet mission demands.

#### **Strategy**

In response to IRC recommendation 1.2, NGB-OCI is exploring the expansion of its mission set to include the investigation of sexual harassment allegations. In addition to continuing strategic hiring and personnel placement initiatives for sexual assault investigations, NGB-OCI will look to develop a sexual harassment investigation workforce construct that will use a combination of U.S.C. Title 5 civilian and U.S.C. Title 10 military personnel to meet the demand for sexual harassment investigators.

#### **Training**

NGB-OCI will continue to develop a comprehensive training program that focuses on the continuum of investigator development starting at the novice level and

culminating with a highly proficient investigator. The training will continue to address core competencies, such as trauma-informed interview techniques, effective writing, and evidence analysis with the overall goal of creating an elite administrative investigator corps.

#### **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 2023. As applicable, include significant updates to regulations, policies, procedures, and/or processes; any new legal support resources, manpower capabilities (e.g. defense support services), 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. 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 on the civilian court system to hold non-Federalized National Guard Service members accountable for their actions in criminal matters, including sex-related offenses. National Guard Service members prosecuted through the civilian courts may receive adverse administrative action as a result of civilian criminal convictions. A significant note regarding non-Federalized National Guard Service members of the States is they do not fall under the jurisdiction of the UCMJ, nor do they fall under a UCMJ. The State National Guard adheres to the Code of Military Justice as decided by their State.

As an independent administrative investigation entity, NGB-OCI has no role in holding reported perpetrators accountable for their actions. However, in cases where civilian law enforcement declines to investigate or prosecute, a TAG may request NGB-OCI to investigate the sexual assault allegation. At the conclusion of an investigation, NGB-OCI prepares a Report of Investigation and submits it to the requesting TAG. Based on the advice of their legal staff, a TAG may dispose of the case in any appropriate manner.

The NG-SVC Program provides legal representation to eligible victims in response to allegations of sex related offenses, domestic violence, and sexual harassment by exception on a case-by-case basis when the sexual harassment has a National Guard. The designation of Sexual Harassment as a crime under the UCMJ (EO 14062 26JAN22) provides victims and leadership with an additional tool to address and combat sexual harassment. The most significant impact of this change is the increase in potential victims eligible for SVC services and the corresponding increase in the NG-SVC Program’s manpower. This expansion aligns the NG-SVC Program with the NGB-

J1 SAPR Division growth and simultaneously supports the IRC's recommendations to expand victims' access to services. The additional manpower includes the introduction of civilian SVCs and SVC paralegals to support continuity of services.

**4.2 Readying the Offices of Special Trial Counsel: Summarize the actions taken by your Military Service/NGB in FY 2023 to ensure the respective Offices of Special Trial Counsel are at full operational capability and ready to exercise its legal authorities on December 28, 2023. (SecDef Memorandum, "Actions to Address and Prevent Sexual Harassment and Sexual Assault in the Military," (September 1, 2022))**

The Offices of Special Trial Counsel are not applicable to non-Federalized National Guard Service members.

**4.3 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; training/certification updates (if any); and an update on ensuring the 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 includes a Program Management Office and operates in four geographical regions across the United States (East, West, Midwest, and South). All requests for SVC representation are routed to the Program Management Office for a determination of eligibility, conflict check, and assignment. The SVCs assigned to the regions provide services to all the assigned States within that region.

In response to the FY20 National Defense Authorization Act, the NG-SVC Program added retaliation training to the existing Sexual Harassment/Assault Response and Prevention training. During FY23, the NG-SVC Program noted an increase in reports of retaliation which resulted in an increase in the requests for SVC services. It is not uncommon that SVC representation encompasses cases of retaliation, with or without a corresponding report of sexual assault, domestic violence, or sexual harassment. This increased exposure to the prevalence and complexity of retaliation did not necessitate additional training but did inform discussions and best practices in response to specific or common situations.

Consistent with the FY20 mandate to not exceed, to the maximum extent possible, 25 cases per SVC at any time by December 2023, the NG-SVC Program monitored the caseload of each SVC and anticipated the increase in manpower. These efforts, coupled with the ability to cross-level assignments throughout regions, allowed the NG-SVC Program to achieve and remain in compliance with that caseload limit.

**4.4 Trends in the Incidence, Disposition, and Prosecution of Sexual Assault: For your Military Service/NGB, based on analysis and assessment, what trends (if**

any) were identified in the incidence, disposition, and prosecution of sexual assault by units, commands, and installations during FY 2023? Please include trends related to prevalence of incidents, prosecution of incidents, and avoidance of incidents. (NDAA for Fiscal Year 2013, section 575)

Since the inception of NGB-OCI, 80 percent of the allegations investigated are among enlisted personnel in the grade of E-6 or below. Fifty percent of the reported perpetrators are senior in rank to the victims, and 50 percent of the alleged incidents took place during drill weekends.

The National Guard reports 440 unrestricted reports of sexual assault in FY23. Of those total reports, 293 cases had investigations opened, 48 cases had no investigations, and 99 cases had no investigation designation due to lack of data in DSAID. Of the 293 cases with open investigations, 91 investigations are complete. There were 10 substantiated cases with command action, 10 unsubstantiated cases with command action, and 71 cases pending dispositions. The National Guard coordinates with multiple Military Service sexual assault case investigative agencies 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.

The National Guard relies heavily on civilian local and State law enforcement for the criminal investigative process. In FY23, civilian law enforcement investigated 71 percent (209) of the cases. This requires significant coordination between Staff Judge Advocates, SARCs, and local and State law enforcement. The vast number of civilian jurisdictions and variances in criminal offenses often delay investigations and limit substantiated outcomes for National Guard sexual assault cases.

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 OCI to investigate when a civilian law enforcement agency unduly delays investigation or for other sufficient reasons. In FY23, NGB-OCI received 91 TAG requests.

**4.5 CATCH Program Awareness: Provide an update on any challenges to the CATCH Program and how Service members and their leaders are made aware of its availability, to include expanded eligibility for certain Unrestricted Reports (where the suspect's identity is unknown to law enforcement) and SAPR-related Inquiry CATCH entries via a DD Form 2910-4, "CATCH Explanation and Notification Form for SAPR-Related Inquiry CATCH Entries." (SecDef Memorandum, "Actions to Address and Prevent Sexual Assault in the Military," (May 1, 2019), p. 2 / USD(P&R) Memorandum, "Updated Catch a Serial Offender Procedures and New DD Form 2910-4," (June 14, 2023))**

Members of the National Guard did not express any challenges in gaining access to the CATCH database or in requesting a password in FY23. National Guard SARCs and VAs remained diligent in their responsibilities to inform victims of sexual assault about

the CATCH Program, including the expanded eligibility for Unrestricted Reports when the subject's identity is unknown and for SAPR-Related Inquiry CATCH entries.

NGB disseminates new information on CATCH policy and procedural changes and engages in discussions to answer specific questions or concerns on a routine basis during the monthly Joint Region SAPR Teleconferences and during the Annual Refresher Training for the National Guard SAPR personnel in the States. Following the release of Department of Defense Form 2910-4, NGB conducted CATCH training to discuss the form and the expanded eligibility for SAPR-Related Inquiries with National Guard SAPR personnel. Additionally, all new full-time National Guard SAPR employees must complete the National Guard SAPR Joint Course. This two-week course includes an informational session on CATCH and an activity session for learning how to complete the DD Form 2910-4.

Newly assigned SVCs receive CATCH training and updated training on expanded eligibility during their initial Air or Army certification courses. All newly hired SVCs are provided in person training during their initial in-processing into the NG-SVC Program and prior to representing any clients. In person training is also accomplished during the NG-SVC Program Annual Training. National Guard SVCs conduct minimum monthly case reviews with their supervisors where caseload, CATCH entries, recurring issues, and SVC Program updates are discussed, addressed, or reiterated.

**4.6 Submitting a CATCH Entry for Potential Discovery and Investigative Use: How is your Military Service/NGB verifying that commanders, SAPR personnel, MCIO investigators, and legal officers are being trained on the potential for a discovery request regarding a victim's CATCH entry, should the victim elect to participate in the investigation of their sexual assault incident? (USD(P&R) Memorandum, "Updated Catch a Serial Offender Procedures and New DD Form 2910-4," (June 14, 2023))**

NGB routinely monitors for any new information pertaining to SAPR program policies and procedures distributed by the Department of Defense, including the CATCH program. Existing NGB training is updated to inform all new SAPR personnel of the most current procedures. NGB uses virtual training events, teleconferences, and Annual Refresher Training to update all National Guard SAPR personnel on changes or updates to procedures within the SAPR program.

All incoming NG-SVC Program personnel must complete initial CATCH program procedures training, including notification of a match, as part of their in-processing requirements. Updates and changes to the CATCH program are provided to the NG-SVC Program personnel using internal monthly training notices. The NG-SVC Program hosts quarterly training to discuss and review updates and policy changes.

The NG-SVC Program also conducted bi-monthly NG-SVC leadership meetings that included targeted discussions regarding policy or program updates. All relevant issues

or concerns discussed at the leadership meeting were disseminated throughout the regions to inform the SVCs.

The NG-SVC Program continues to work with the Client Information System developers to implement National Guard specific changes into the system and proposes adding CATCH program overview and instructions as part of the required entries regarding case information. NG-SVC uses this system as the case management system to track all data.

NGB used their Staff Assessment and Assistance visits and By-Law Inspections conducted within the States to assess the policies of the respective Commander's execution of SAPR programmatic requirements. One of the required elements for validation is promoting the CATCH program and the proper use of the system. The Commander and SAPR team are asked a series of questions to ensure all eligible victims of sexual assault are offered access, as requested. NGB presents the findings to TAGs or the Wing Commanders for visibility and action as needed.

National Guard SARCs and VAs maintain a close relationship with strategic partners, including NG-SVCs, legal officers, and local investigators. During the quarterly Case Management Group meeting, strategic partners can communicate recent updates in policy, forthcoming requirements that may require action from allied partners, and crosstalk to encourage proficiency in the field.

**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 Approved Independent Review Commission (IRC) Recommendations:** Briefly highlight major actions completed or underway in FY 2023 to address the approved IRC recommendations in Line of Effort 1: Accountability. There is no requirement for your Military Service/NGB to discuss all approved IRC actions under this section, as DoD SAPRO will include a high-level status summary with the Annual Report. Note: Please don't provide any pre-decisional or unfunded activities in your response. (See the requirements listed in question 1.1)

**Approved IRC Recommendation 1.2: Independent, trained investigators for sexual harassment, mandatory initiation of involuntary separation for all substantiated complaints. Estimated Completion Date: September 30, 2024**

The NGB Sexual Harassment Operational Planning Team, established in FY22, continued to work on the following three lines of effort: Sexual Harassment Investigators,

sexual harassment and sexual assault due process, and streamlining sexual harassment data, policies, and programs. Members of the Operational Planning Team included NGB-J1 as the office of primary responsibility and the following as Offices of Coordinating Responsibility: Diversity, Equity, and Inclusion, NGB SAPR Division, General Council, NGB-OCI, Army National Guard Personnel, and Air National Guard Manpower and Personnel. This effort is 60 percent complete with a definite plan for the anticipated number of independent, trained investigators identified for the five NGB entities listed above as Offices of Coordinating Responsibility. The expected completion date is 30 September 2024.

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

NGB is currently developing a forward-facing website to publicize disciplinary actions taken against National Guard Service members associated with substantiated allegations of sexual assault, domestic sexual abuse, or sexual harassment regardless of their duty status at the time of the incident.

**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 2023. 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 5.5 below. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 5 – Assessment, p. 10)**

NGB SAPR Division continued to use the same assessment tools as in previous years to provide State leadership with a snapshot of the health of their force and the status of their SAPR program.

- **Health of the Force Scorecards.** Quarterly updates provided to senior leadership within each of the States delivers a snapshot of key program metrics by Service, such as sexual assault cases totals by year, victim gender, victim pay grade, expedited transfer requests, and case totals by investigative State and agency.

NGB-J1 SAPR Division conducted the assessments identified below to ensure SAPR and Sexual Harassment/Assault Response and Prevention program implementation

aligned with policies, regulations, and instructions. The assessment visits and inspections are currently supported by Active Duty for Operational Support National Guard Service members pending validation of resources included in the FY25 Program Objective Memorandum.

- **Staff Assistance and Assessment Visits.** NGB conducted 18 Staff Assessment and Assistance Visits during FY23. The visits conducted in FY23 concluded the second year of the initial three-year cycle.
- **SAPR By-Law inspections.** NGB completed all 90 annual SAPR By-Law inspections.
- **Continual Evaluations and Unit Effectiveness Inspections.** NGB conducted 65 ANG Continual Evaluations and nine Unit Effectiveness Inspections at the Wings during FY23.

**5.2 Strategies to Support the 2023 Force-wide Climate Assessment: Provide a short summary of the strategy and outreach activities your Military Service/NGB used to encourage Service member participation in the 2023 Force-wide climate assessments (i.e., the *Workplace Gender Relations Survey of Military Members (WGR)* and the *Defense Organizational Climate Survey (DEOCS)*. (OUSD(P&R) Memorandum, “Actions to Address and Prevent Sexual Assault in the Military,” (April 26, 2023))**

In accordance with the Under Secretary of Defense Directive, the Workplace Gender Relations Survey of Military Members and the Defense Organizational Climate Survey window spanned from August 1, 2023 through November 30, 2023 with the requirement to open the surveys no later than October 30, 2023 to meet the close-out deadline of November 30, 2023. In preparation for the release of the surveys, National Guard Commanders appointed responsible members within their organization to serve as Action Officers. These individuals included members of Equal Opportunity, SAPR, and Integrated Primary Prevention programs.

The National Guard SAPR Team conducted a webinar for all full-time National Guard SAPR personnel within the States July 24, 2023 to discuss implementation strategies for the Force-wide climate assessments. Each of the States took responsibility to initiate the 2023 Force-wide Climate Assessment by October 31, 2023. Concurrent with the release of the surveys, NGB distributed a Workplace Gender Relations Survey of Military Members and the Defense Organizational Climate Survey Toolkit to the full-time SAPR personnel in the States to aid them in outreach.

In total, the States’ National Guard SAPR Teams engaged in 79 separate outreach endeavors which included, but were not limited to, the following activities:

- Emails from TAG, with a message attached, regarding the surveys.
- Leadership video releases.

- Social Media Posts.
- Base-wide email distribution and “Bright Signs”
- Posted Flyers and information about the surveys in heavy traffic areas.
- “Let your voice be heard.”
- Luncheon Events.
- Live teleconferences in support of completing the surveys.
- Teleconferences.
- Planning meetings and briefings.
- Council briefings and Stand Up briefings.
- Newsletters.

**5.3 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 2023, and describe how 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 and following their Service-specific guidelines.

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

**5.4 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 to prevent sexual assault? (NDAA for FY 2011, section 1602)**

Unit Commanders, with the support of their appointed and trained SAPR professionals, make safety assessments for Service members under their command. NGB is developing risk assessment tools and guidance to implement the Sexual Assault Prevention Task Force Recommendation #10, “*Incorporate Risk Assessment for Sexual Assault and Sexual Harassment into Tactical Risk Assessment Processes.*” This process will augment the existing risk assessment by focusing on preventing sexual assault and harassment. NGB is developing risk assessment metrics that are based on risk and protective factors provided by Department of Defense Sexual Assault Prevention and Response Office.

The Department of the Army Form 2977 and the Air Force Form 4391 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.

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

NGB, in coordination with the States, is hiring dedicated sexual assault/harassment primary prevention positions that are devoted to ensuring the safety of Service members through public health surveillance and implementation of evidence-based programs, policies, and practices.

**5.5 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 in FY24 include continuing to conduct assessments on National Guard SAPR Programs to ensure the State programs aligns with CNGB Instructions, CNGB Manuals, and guidelines, as well as applicable Department of Defense and Secretary of Defense requirements. These assessments will include:

- SAAVs. NGB-J1 SAPR Division scheduled 18 SAAVs for FY24 which will complete the initial review of all States.
- ANG By-Law Coordination. NGB-J1 SAPR Division will continue to coordinate with ANG Wing SARCs 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 in FY24.

**6. Core Functions (Communication and Policy): Provide a brief summary for new efforts taken in Fiscal Year 2023 on the following:**

**6.1 Employing Tracking Mechanisms Which Identify Prevention, Sexual Assault Response, and Military Justice Workforces and Staffing Levels: How is your Military Service/NGB ensuring sustained progress in the hiring of positions established to address sexual assault in the military? Are position designator codes being used for these positions to facilitate timely and accurate tracking of workforce staffing levels? (OUSD(P&R) Memorandum, "Actions to Address and Prevent Sexual Assault in the Military," (April 26, 2023))**

NGB included Integrated Primary Prevention Workforce funding requests through the Fiscal Years 2026 to 2030 Program Objective Memorandum cycle to sustain progress in hiring of personnel to meet National Guard requirements to address sexual assault in the military.

To maintain visibility of the program, review vacancies, track job postings, and current hiring status, NGB established a bi-weekly call schedule with State Human Resources in the States. NGB used monthly reports to verify the availability of funds in the correct line of accounting to hire prevention personnel into positions identified with the correct position description. Using position designator codes helped ensure NGB received prompt and accurate tracking of workforce staffing levels.

## **7. Analytics Discussion**

**7.1 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.**

**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 Fiscal Year 2008) (**Metric #11**)
- The number of sexual assault investigations completed by the MCIO in the fiscal year 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 fiscal year (**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 FY23. The FY23 final reporting data extracted from DSAID on November 15, 2023, and validated for use, establishes the basis of the figures in this report. NGB removed some sexual assault cases reported in FY23 from analysis due to 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)**

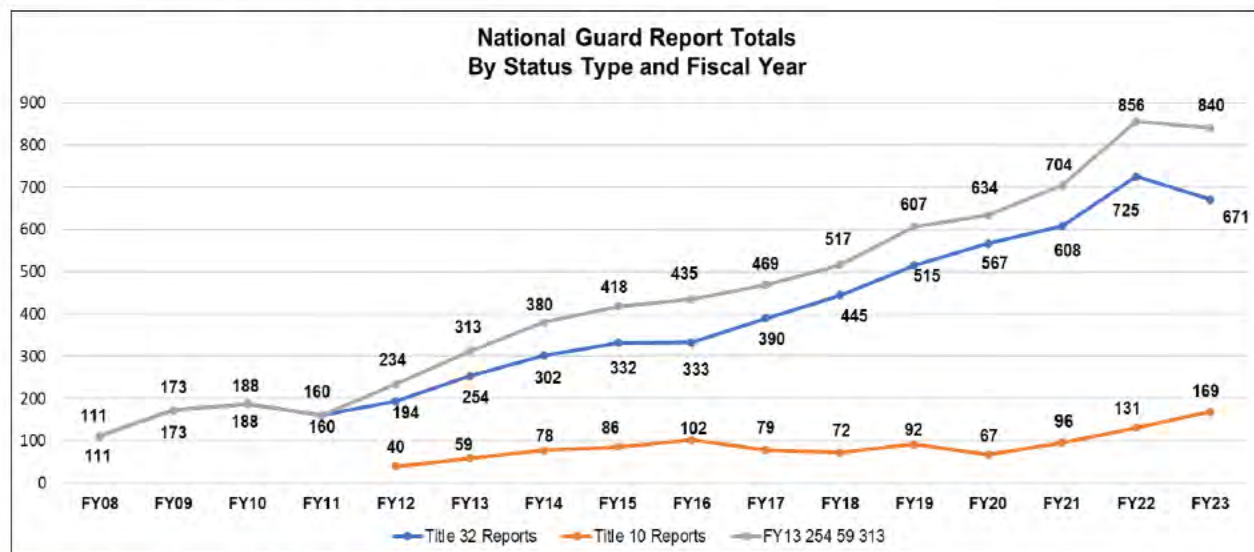


Figure 1. National Guard Report Totals by Status and Fiscal Year

The National Guard received 840 sexual assault reports in FY23, a minimal decrease of 1.87 percent after a record number of reports in FY22. In FY22 the program saw a 21.59 percent increase in the number of reports from FY21, and a rise of 11.04 percent in FY21 from FY20. National Guard Service members on Title 10 U.S.C. orders reporting sexual assault increased from 131 sexual assault reports in FY22 compared to 169 reports in FY23, a 29.01 percent increase. This increase may reflect the continued use of National Guard Service members placed in Title 10 U.S.C. status. This rise in Title 10 U.S.C. reports for FY23 is consistent with the increase in number of reports from 96 reports in FY21 to 131 reports in FY22, a 36.46 percent increase.

**Title 32 Status Guard Service members.** In FY23, reports filed involving Title 32 U.S.C. status National Guard Service members decreased to 671 from the 725 reports filed in FY22, a 7.45 percent decrease. However, the 671 reports continue to illustrate an overall growth in the number of reports involving Title 32 National Guard Service members over the last five years. The number of reports filed involving Title 32 U.S.C status National Guard members rose from 515 in FY19 to 671 in FY23, an increase of 30.29 percent.

**Title 10 Status National Guard Service members.** The total number of reports filed involving Title 10 U.S.C. status National Guard Service members rose from 131 reports in FY22 to 169 in FY23, a 29.01 percent increase. This rise is consistent with the 26.72 percent increase in Title 10 U.S.C reports seen from FY21 to FY22. The number of reports involving Title 10 National Guard Service members in FY21 and FY20 were 96 and 67, respectively.

### ARNG Report Totals (Figure 2)

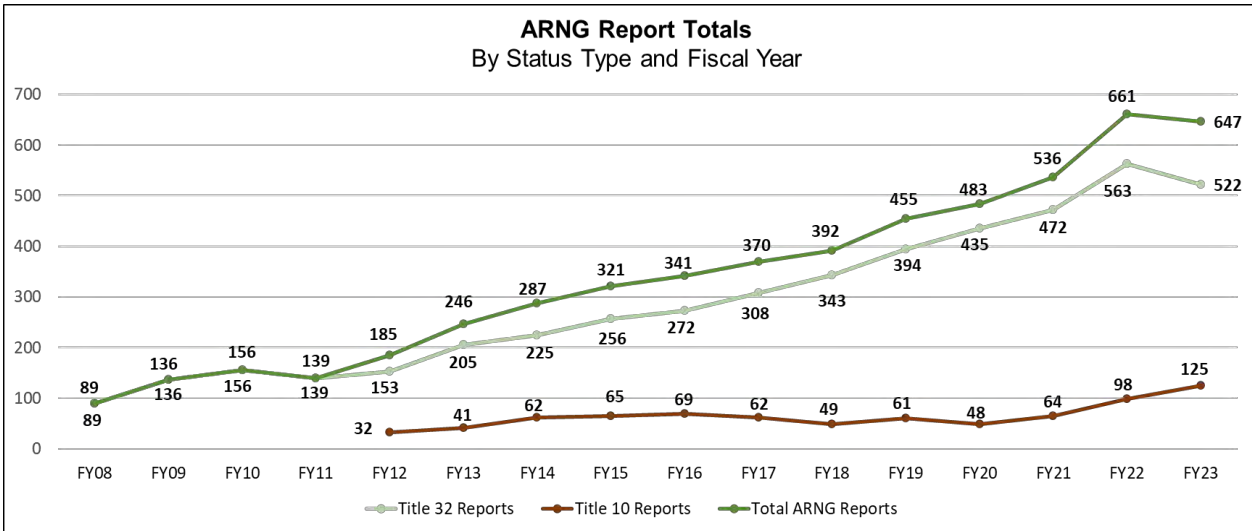


Figure 2. ARNG Report Totals by Status and Fiscal Year

The ARNG reports followed a similar pattern as the total National Guard reports. Reports decreased from 661 in FY22 to 647 in FY23, a 2.12 percent decrease. While reports from FY21 to FY22 increased by 23.32 percent, overall, in the past five years from FY19 to FY23, reports have increased by 29.68 percent.

### ANG Report Totals (Figure 3)

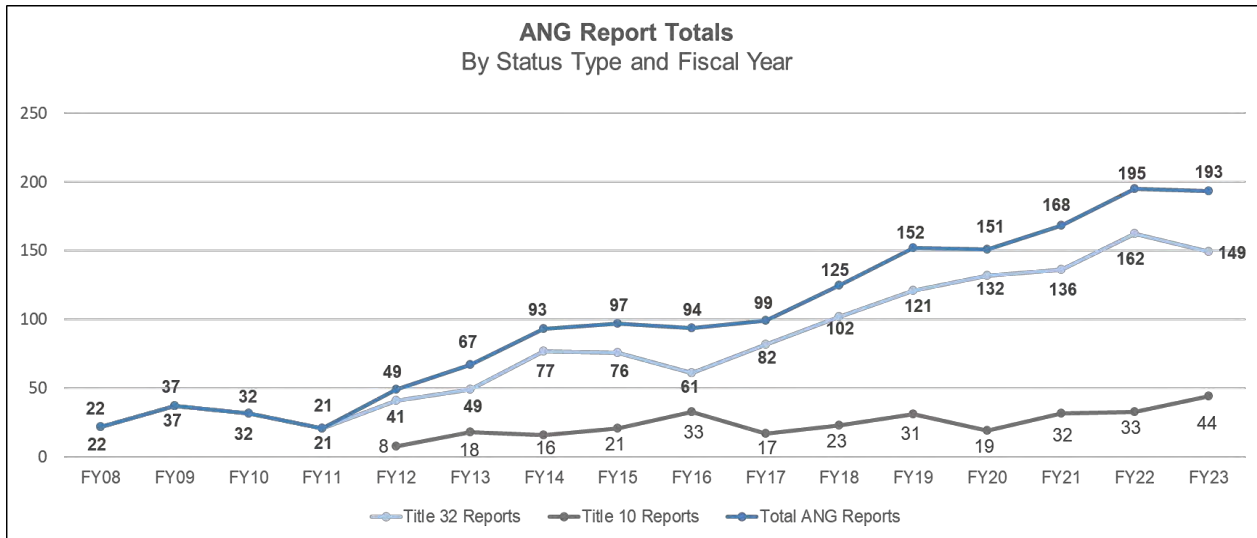


Figure 3. ANG Report Totals by Status and Fiscal Year

The ANG reports remained nearly static from FY22 compared to total National Guard reports. The number of ANG reports decreased only 0.01 percent from 195 in FY22 to 193 in FY23. While reports from FY21 to FY22 increased by 16.07 percent, in the past five years from FY19 to FY23, reports have increased by 27.63 percent.

Year Incident Occurred	Sexual Assault Incidents Reported in FY23
FY23	317
FY22	98
FY21	44
FY20	19
FY19	24
FY18	14
FY17	9
FY16	11
FY15	10
FY14	7
FY13	9
FY12	4
FY11	6
FY10	7
FY09	3
Prior to FY09	39
Unknown Incident Date	219
<b>TOTAL</b>	<b>840</b>

### Sexual Assault Incidents Reported in FY23 (Figure 4)

Of the 840 sexual assaults reported in FY23, 317 (37.73 percent) occurred in FY23. There were 98 (11.67 percent) sexual assaults reported in FY23 that occurred in FY22, while 219 (26.07 percent) sexual assaults reported had unknown incident dates. Reports made in the same fiscal year the sexual assault occurred increased by 7.46 percent, from 295 in FY22 to 317 in FY23. The reports with an “unknown incident date” may be the result of “open with limited cases,” which include third party reports, as well as gaps in the data available at the time the report is entered into DSAID. The number of reports with “unknown incident dates decreased in FY23, falling from 247 in FY22 to 219 in FY23, a decrease of 11.34 percent. This decrease may be the result of increased efforts by the NGB-J1 SAPR DSAID Analysts to ensure key data elements are captured.

### Total Number of Sexual Assaults (Restricted Reports and Unrestricted Reports) Over Time, FY13 to FY23 (Metric #11) (Figure 5)

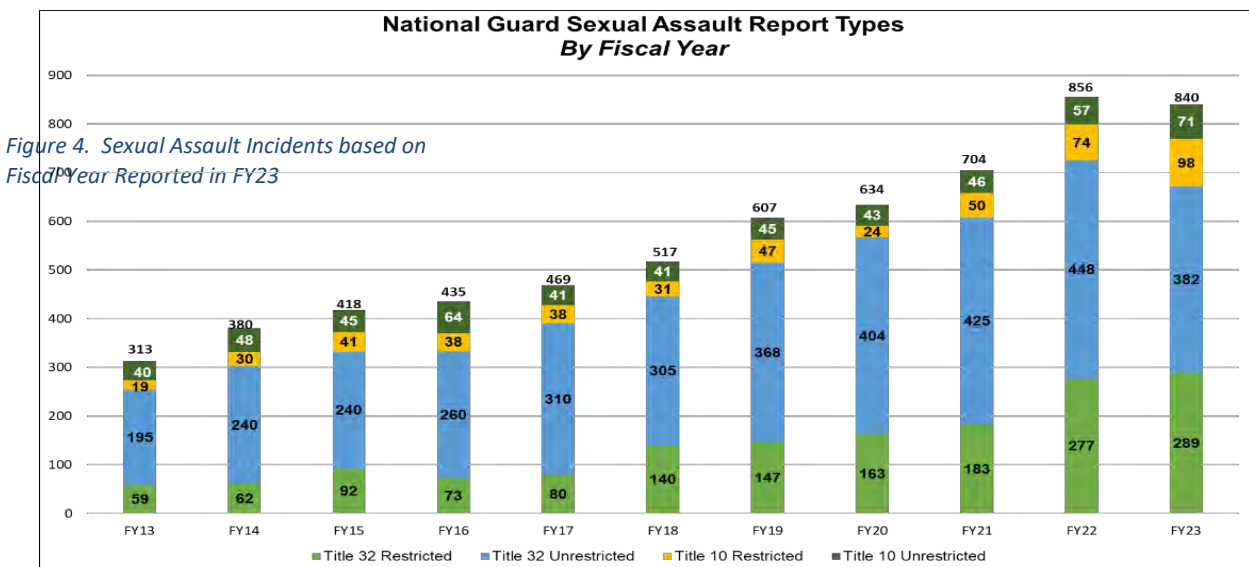


Figure 4. Sexual Assault Incidents based on Fiscal Year Reported in FY23

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

The National Guard saw 453 Unrestricted Reports involving National Guard Service members filed in FY23, 10.3 percent decrease from 505 in FY22. Of the 453 Unrestricted Reports, 425 involved Title 32 status National Guard Service members and 71 involved Title 10 status National Guard Service members. The number of Restricted Reports in FY23 increased to 387 reports compared to the 351 reports filed in FY22, a 10.26 percent increase. Of the FY23 Restricted Reports, 289 involved Title 32 National Guard Service members and 98 involved Title 10 National Guard Service members. The increase in Restricted Reports may be attributed to recent Department of Defense Sexual Assault Prevention and Response Office policies expanding reporting options for filing Restricted Reports.

## Total Number of ARNG Sexual Assaults (Restricted Reports and Unrestricted Reports) Over Time, FY13 to FY23 (Figure 6).

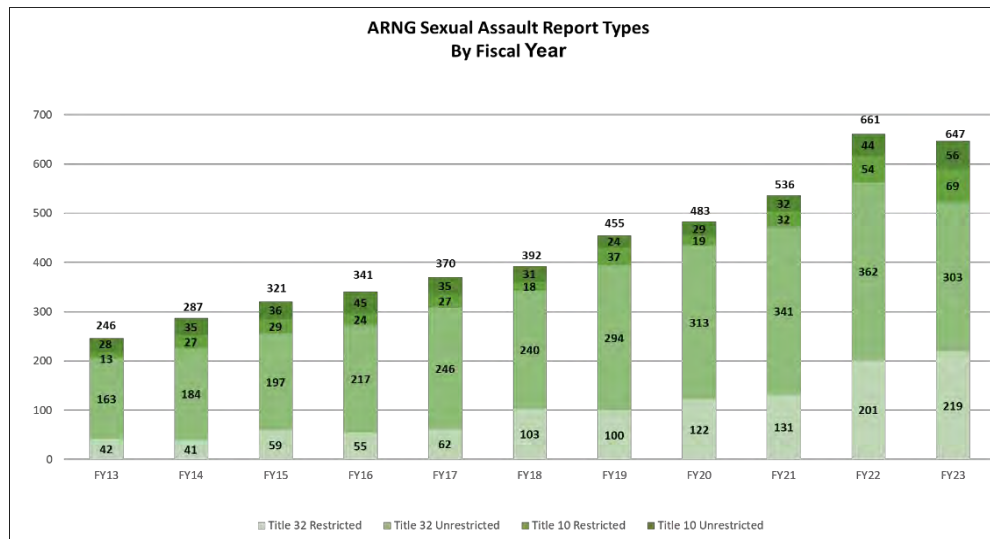


Figure 6. ARNG Sexual Assault Report Types and Fiscal Year

The ARNG saw 359 Unrestricted Reports involving National Guard Service members filed in FY23, an 11.58 percent decrease from 406 filed in FY22. Of the 359 Unrestricted Reports, 303

involved Title 32

U.S.C. status National Guard Service members and 56 involved Title 10 U.S.C. status National Guard Service members. The number of Restricted Reports in FY23 increased to 288 reports compared to the 255 filed in FY22, a 12.94 percent increase. Of the FY23 Restricted Reports, 219 involved Title 32 U.S.C. National Guard Service members and 69 involved Title 10 U.S.C. National Guard Service members.

## Total Number of ANG Sexual Assaults (Restricted Reports and Unrestricted Reports) Over Time, FY13 to FY23 (Figure 7).

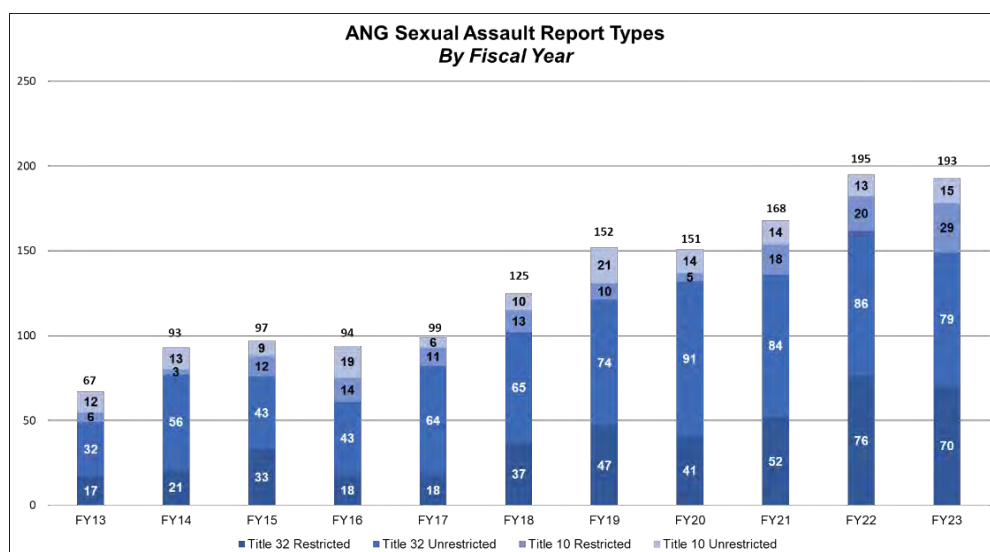


Figure 7. ANG Sexual Assault Report Types and Fiscal Year

The ANG saw 94 Unrestricted Reports involving National Guard Service members filed in FY23, a 5.1 percent decrease from the 99 filed in FY22. Of the 94 Unrestricted Reports, 79

involved Title 32

U.S.C. status National Guard Service members and 15 involved Title 10 U.S.C. status National Guard Service members. The number of Restricted Reports in FY23 increased slightly to 99 filed reports compared to the 96 filed in FY22, a 3.13 percent increase. Of

the FY23 Restricted Reports, 70 involved Title 32 U.S.C. National Guard Service members and 29 involved Title 10 U.S.C. National Guard Service members.

### Case Synopses by Gender and by Gender and Type of Report. (Figures 8 and 9)

	Cases by Gender								
	Female Victim			Male Victim			Unknown		
	Army	Air	Total	Army	Air	Total	Army	Air	Total
FY21	374	130	504	72	15	87	90	23	113
FY22	478	129	607	79	30	109	104	36	140
FY23	481	127	608	92	36	128	66	31	97

Figure 8. Cases by Gender by ARNG and ANG

The National Guard continued to pursue awareness efforts targeted at male survivors to increase sexual assault reporting for this population. These efforts included raising awareness, specifically with male service members to

reduce the stigma associated with male reporting. In FY23, 131 reports involved male victims, an increase of 20.18 percent from FY22. Male reports of sexual assault accounts for 15.60 percent of the total reports for the National Guard in FY23. Of those 131 reports, 95 involved ARNG male victims (14.68 percent of total ARNG reports) and 36 involved ANG male victims (19.67 percent of total ANG reports).

	Cases by Gender and Report Type											
	Female Victim						Male Victim					
	Restricted			Unrestricted			Restricted			Unrestricted		
	Army	Air	Total	Army	Air	Total	Army	Air	Total	Army	Air	Total
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
FY23	209	57	266	286	74	360	49	29	78	46	7	53

Figure 9. Cases by Gender and Type of Report

Figure 9 shows the breakdown of type of report by gender, excluding unknown gender data. Male victims accounted for 20.16 of Restricted Reports filed yet only 11.70 percent of Unrestricted Reports filed in FY23.

### Victim and Subject Demographics (Figures 10 and 11)

The majority of National Guard victims fell within the E1 to E5 pay grade over the past three fiscal years. In FY23, 76.55 percent of known pay grades for ARNG victims and 52.63 percent of known pay grades for ANG victims were within E1 to E5. Similarly, the majority of National Guard subjects fell within the same E1 to E5 pay grade range over the past three fiscal years. In FY23, 63.54 percent of known pay grades for ARNG subjects and 46.15 percent of known pay grades for ANG subjects were within the E1 to E5 pay grade.

Cases By Victim Pay Grade						
	E1 – E5		E6 – E9		Officers	
	Army	Air	Army	Air	Army	Air
FY21	337	80	57	34	20	15
FY22	409	102	68	37	44	9
FY23	421	80	91	55	38	17

Figure 10. Sexual Assault Cases by Victim Pay Grade

Cases By Subject Pay Grade						
	E1 – E5		E6 – E9		Officers	
	Army	Air	Army	Air	Army	Air
FY21	99	18	52	9	9	3
FY22	110	19	51	12	17	1
FY23	115	18	56	19	10	2

Figure 11. Cases by Subject Pay Grade

The National Guard continues to focus prevention efforts at the E1 to E5 range with buy-in and participation from senior leadership. Figures 10 and 11 show the case numbers for known victim and subject pay grades over the past three fiscal years (unknown data has been excluded).

### Restricted Reporting Information (Figure 12)

The reasons for filing a restricted sexual assault report in FY23 varied for the 387 restricted reports. The most common specified reason was a “desire to avoid retelling their story,” 17.83 percent of the restricted reports. The next highest specified reason was “did not want law enforcement involvement” at 10.34 percent. “Other” was the overall highest reason for filing a restricted report at 23.51 percent.

Reason for Filing Report as Restricted	FY23 Total	Historical (FY12-FY23) Total
Other	91	419
Declined to specify a reason	77	411
Desire to avoid retelling story	69	330
Did not want law enforcement involvement	40	151
Feared some kind of retaliation from the offender or the offender's friends	30	161
Feared being the target of gossip or his/her reputation being damaged in the eyes of commander or unit members	20	139
Was concerned that reporting would negatively impact career	14	118
Thought he/she would not be believed	11	77
Did not want to hurt the offender's career	8	63
Did not want to engage military justice system	8	47
Thought the matter was not important enough to report to law enforcement	7	39
Thought he/she would be blamed or labeled a troublemaker	6	45
Feared he/she or friends would be punished for collateral offense, such as underage drinking or curfew violation	3	19
Was concerned that reporting would prevent finishing training or completing an operational mission	2	18
Was concerned that reporting would result in being sent home from a deployment	1	3
Was concerned that reporting would delay returning home from a deployment early	0	4

Figure 12. Reasons for Filing a Restricted Reports

### Restricted Reporting Demographic Information (Figures 13 – 15)

In FY23, there were 387 total Restricted Reports of sexual assault. Figures 13 through 15 show that victims who filed a Restricted Report were primarily female (69 percent), 25-34 (36 percent), and pay grades E1 to E4 (39 percent).

Age of Those in Restricted Reports at Time of Incident, FY23		
	Count	Percent
0-17	5	1%
18-20	84	22%
21-24	111	29%
25-34	140	36%
35-49	38	9.75%
50 and Older	1	0.25%
Relevant Data Not Available	8	2%
Total	387	100%

Figure 14. Age at Time of Incident Who Filed an RR

Sex of Those Who Made Restricted Reports, FY23		
	Count	Percent
Male	78	20%
Female	266	69%
Relevant Data Not Available	43	11%
Total	387	100%

Figure 13. Sex of Those Who Filed Restricted Reports

Grade of Those in Restricted Reports at Time of Report, FY23		
	Count	Percent
E1-E4	151	39%
E5-E9	146	38%
WO1-WO5	4	1%
O1-O3	23	6%
O4-O10	13	3%
Relevant Data Not Available	50	13%
Total	387	100%

Figure 15. Grade at Time of Incident Who Filed an RR

### Conversion of Restricted to Unrestricted

Of the 432 Restricted Reports filed in FY23, 45 were converted to Unrestricted Reports within FY23, equating to 5.36 percent of all National Guard reports. ARNG victims converted 31 reports, while ANG victims converted 14 reports. This is nearly identical to the 44 reports that were converted in FY22 despite FY23 fielding more Restricted Reports than FY22 (395).

### Synopses of Offense Types and Top Five Assault Locations (Figures 16 and 17)

The most common sexual assault offense type among the National Guard in FY23 was abusive sexual contact, which accounted for 25 percent of Unrestricted Report totals.

Offense Type (Unrestricted Reports)	Service Member Victim	Non-Service Member Victims	Unknown	Total Victims	Percent of Total (Unrestricted Reports)
Abusive Sexual Contact (Art. 120)	105	7	2	114	25%
Sexual Assault (Art. 120)	60	2	0	62	13%
Rape (Art. 120)	54	6	3	63	14%
Aggravated Sexual Contact (Art. 120)	23	3	1	27	6%
Attempts to Commit Offenses (Art. 80)	3	0	0	3	1%
Forcible Sodomy (Art. 125)	1	1	0	2	0.50%
Aggravated Sexual Assault (Art. 120)	2	0	0	2	0.50%
Prosecuted by State Law (NG Only)	18	8	0	26	6%
Unknown	107	13	34	154	34%
<b>Total</b>	<b>373</b>	<b>40</b>	<b>40</b>	<b>453</b>	<b>100%</b>

Figure 16. Most Common Offense Type with Victim Totals

Location Assault Occurred FY23 (Top 5 only)			
Victim Affiliation	ARNG	ANG	Total
Residence	132	39	171
Hotel / Motel	96	32	128
Government / Public Building	98	21	119
Bar / Night Club / Officer Club / NCO Club	26	16	42
Field / Woods / Training Area	40	1	41
Unknown*	152	50	202

Figure 17. Top Five Locations Where Assault

The majority occurred at a private residence, accounting for 37.75 percent of locations where sexual assaults occurred for Unrestricted Reports in FY23. The National Guard faces unique challenges when it comes to sexual assault prevention due to geographical dispersion of National Guard Service members across the States.

### Investigative Metrics (Non-Metric #6) (Figures 18 and 19)

The National Guard Bureau closed 212 investigations into Unrestricted Reports of sexual assault in FY23. These investigations include cases that were opened in FY23 as well as previous fiscal years. 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 234 days, compared with Air Force Office of Special Investigations, which was the shortest at a mean of 126 days.

The National Guard experienced a drop in the closure of NGB-OCI cases in FY23, falling from 133 closed in FY22 to 74 closed in FY23. NGB-OCI investigates reports of sexual assault at the request of TAGs and the Commanding General of the District of Columbia. An additional 6 NGB-OCI investigations were requested and remain open from FY23. NGB-OCI investigates reports involving 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 TAGs determined the evidence gathered was insufficient to make determinations regarding good order and discipline.

Investigations Completed by Investigative Agency in FY23			
Investigative Agency	Investigations Closed	Median Investigative Length (Days)	Mean Investigative Length (Days)
AFOSI	24	67.5	126
Army CID	72	142	208
NCIS	3	182	240
Civilian Law Enforcement	95	116	234
National Guard OCI	74	211	276
<b>TOTAL</b>	<b>268</b>	<b>129</b>	<b>217</b>

Figure 18. Non-Metric #6: Investigations Completed by Investigative Agencies in FY23

Outcomes For Military Investigations Completed in FY23	
Substantiated	38
Unsubstantiated	29
Pending Dispositions	145
<b>TOTAL</b>	<b>212</b>

Figure 19. Outcomes for Investigations Completed in FY23

## Command Action (Non-Metric #1) (Figure 20)

The National Guard saw 76 cases with Command Action taken against military subjects in FY23. These Command Actions include cases that were opened in FY23 (10) as well as previous fiscal years. Civilian Local Law Enforcement maintains jurisdiction on the majority of National Guard sexual assault cases, greatly limiting and delaying command action. National Guard members are eligible to report any sexual assault incident that meets the elements of Article 120 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 the reason for the “unknown” column regarding most serious crimes investigated, as civilian Local Law Enforcement may not always convey the charges. Further, NGB-OCI investigations do not have criminal authority and any investigation initiated solely by NGB-OCI would result in an “unknown” crime investigated if substantiated findings were discovered.

Command Action For Military Subjects in FY23					
	Most Serious Crime Investigated				
	All Crimes	Penetrative Crimes	Sexual Contact Crimes	Prosecuted by State Law	Unknown
Administrative Discharge	30	9	15	3	3
Administrative Discharge, Non-Sexual Assault Offense	3	0	3	0	0
Courts-Martial Charge Preferred	8	2	6	0	0
Non-Judicial Punishment	8	1	5	1	1
Non-Judicial Punishment, Non-Sexual Assault Offense	9	2	5	1	1
Other Adverse Administrative Action	8	2	4	1	1
Other Adverse Administrative Action, Non-Sexual Assault Offense	5	2	3	0	0
No Action Taken	5	1	2	1	1
<b>TOTAL</b>	<b>76</b>	<b>19</b>	<b>43</b>	<b>7</b>	<b>7</b>

Figure 20. Non-Metric #1. Command Action in FY23

## Notifying Command

Of the incidents of sexual assaults reported by National Guard members in FY23, SARCs notified command within 24 hours of the report for 82.59 percent of cases. This is an increase from 77.69 percent in FY22, as well as from the 74.86 percent in FY21.

### **Summary Referral Data (Total reports) (Figures 21, 22, and 23)**

The National Guard saw 2,417 referrals in FY23 (**Figure 21**), which is an increase of 37.10 percent from FY22 (1,763). The increase in referrals may demonstrate continued successful SAPR policy changes and awareness initiatives as well as increased access to resources for survivors of sexual assault. Please note that more than one referral may be made for each case at the request of the survivor.

For the second consecutive fiscal year, all referral sources saw increases from the previous year. The rising trend of mental health referrals continued in FY23. With 550 referrals to behavioral health and 230 referrals to the Department of Defense Safe Helpline, mental health resources represent 32.27 percent of all referrals made in FY23. Victim Advocate referrals significantly increased from 344 in FY22 to 492 in FY23, highlighting the importance of retaining collateral duty victim advocates in the National Guard.

The ARNG referrals (**Figure 22**) totaled 1,831 in FY23, an increase of 55.83 percent from FY22 (1,175). Referrals to mental health resources also show the highest volume of referrals in FY23 for the ARNG with 404 behavioral health referrals and 175 referrals to the Department of Defense Safe Helpline, mental health resources represent 31.62 percent of all ARNG referrals during FY23. The highest specified referral percentage increase was Victim Advocate referrals with a 61.79 percent increase from FY22.

The ANG referrals (**Figure 23**) totaled 586 in FY23, nearly static with the 588 referrals in FY22. With 146 referrals to behavioral health and 55 referrals to the Department of Defense Safe Helpline, mental health resources represent 34.30 percent of all ANG referrals made in FY23. This represents a slight decrease from 36.05 percent in FY22. Legal and medical referrals saw modest decreases between FY22 and FY23.

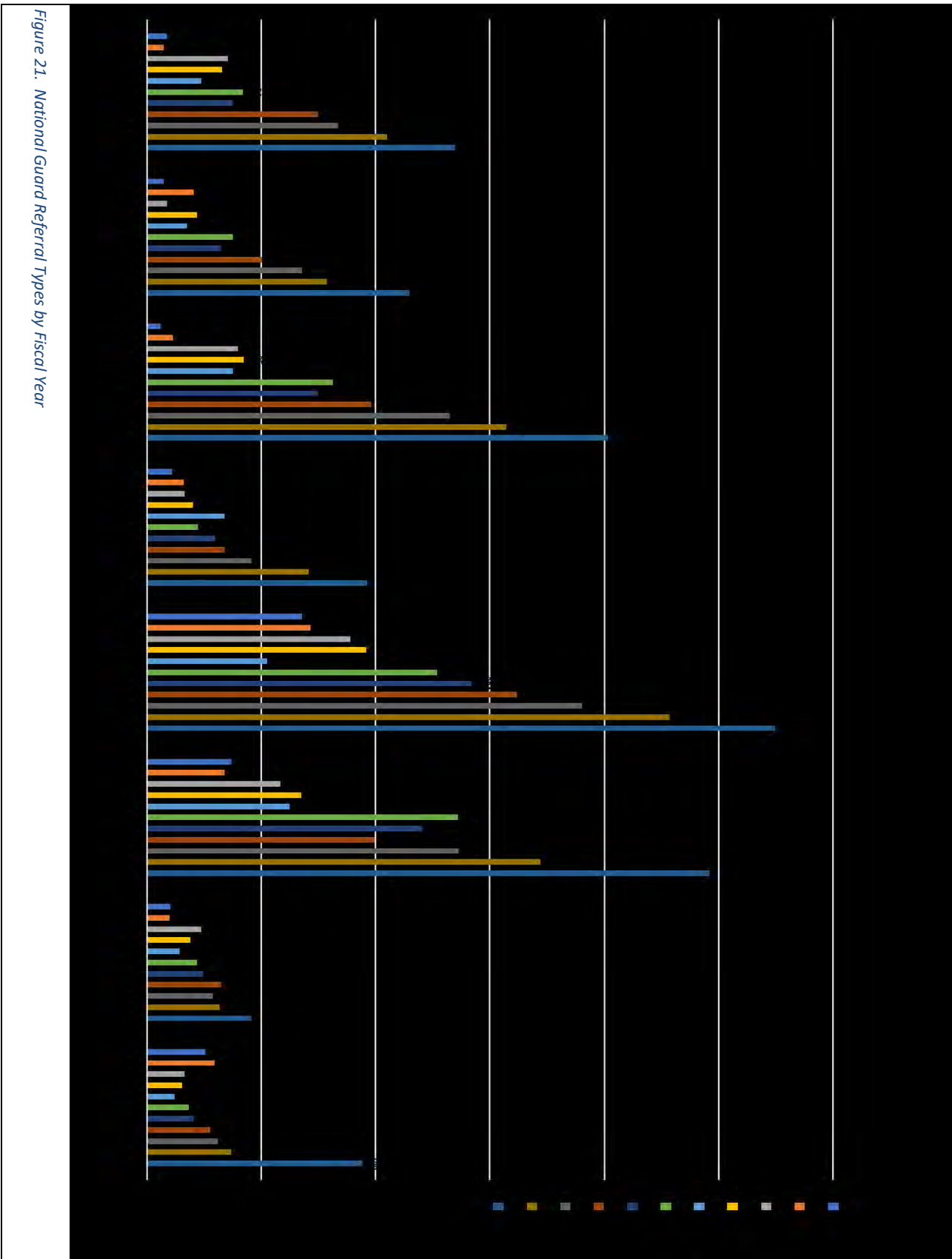


Figure 21. National Guard Referral Types by Fiscal Year

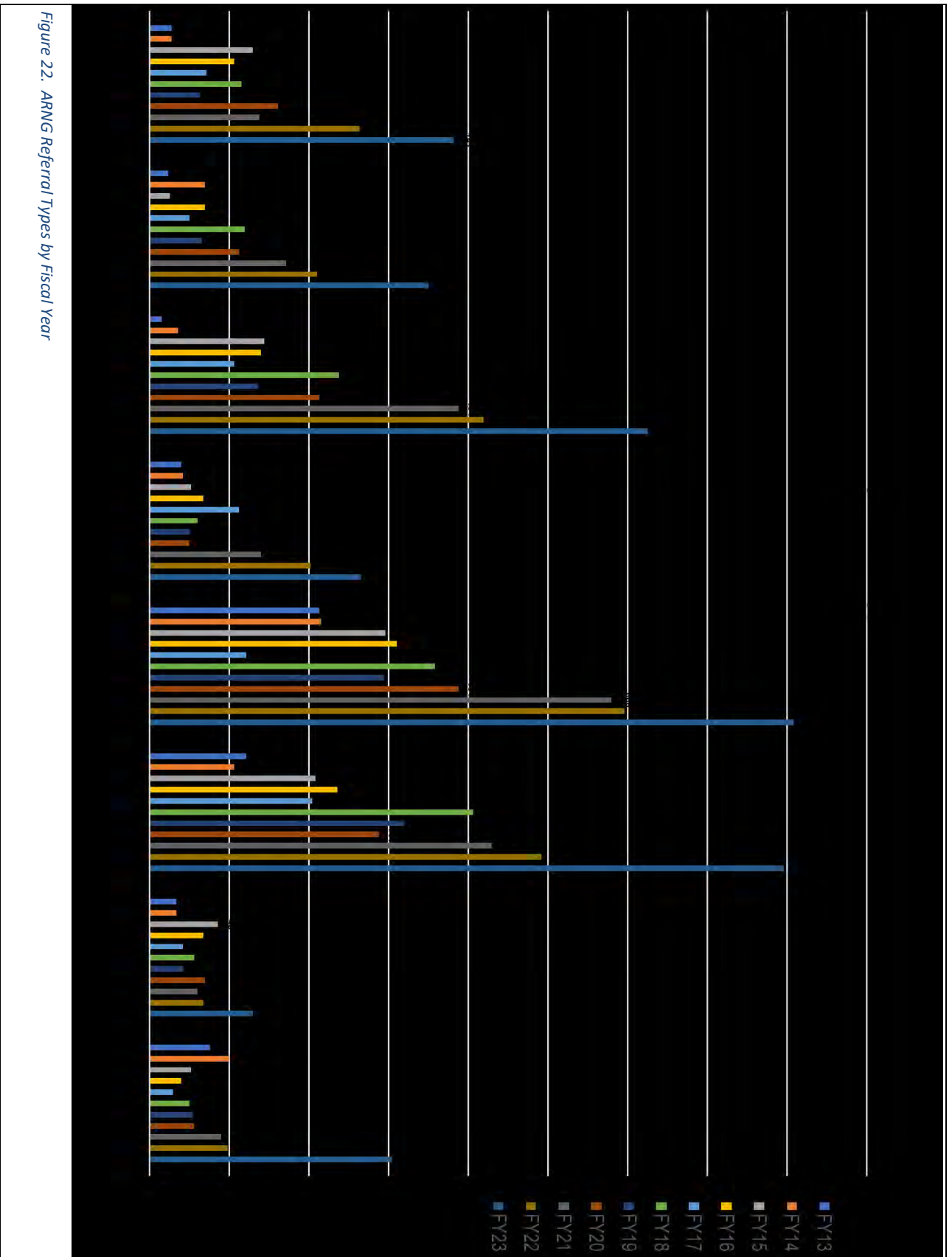


Figure 22. ARNG Referral Types by Fiscal Year

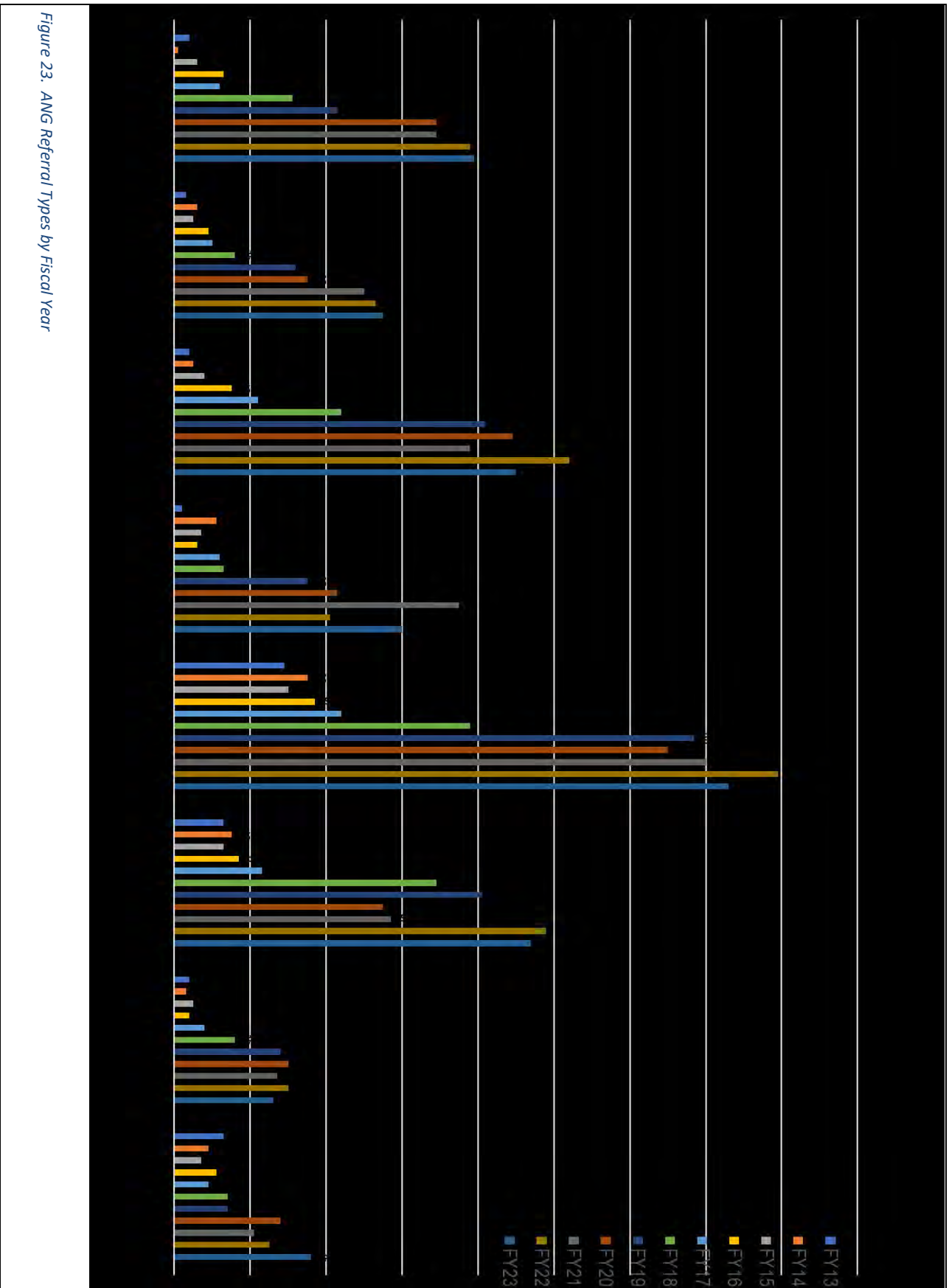


Figure 23. ANG Referral Types by Fiscal Year

**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 Military Criminal Investigative Organization or the military judicial system. Therefore, quality data is not available for analyses or reporting for the following:

- The number of 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)

**7.2 Personnel Support:** Complete the following table with your numbers as of the end of FY23. 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 NGB'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) 839301

- 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," (September 6, 2022), Enclosure 2, paragraph 6)

Job/Duty Title	Description of Job/Duty	Full-Time	Part-Time
SAPR 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 SAPR Professionals	Include policy, advocacy, administrative support, and prevention professionals (for example, data analysts, training analysts, and D-SAACP analysts) 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

<b>Uniformed SARC (collateral duty)</b>	<b>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 nationally accredited D-SAACP.</b>	<b>0</b>	<b>132</b>
<b>Civilian SARC (full-time)</b>	<b>See above.</b>	<b>150</b>	<b>0</b>
<b>Lead SARC (full-time)</b>	<b>Serve as the primary focal point for directing and coordinating response activities at the installation (tactical level) for supported tenant commands; fulfills a supervisory capacity at the installation for all SARCs and SAPR VAs (at least 25 percent of the time).</b>	<b>44</b>	<b>0</b>
<b>Uniformed SAPR-VA (collateral duty)</b>	<b>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.</b>	<b>0</b>	<b>2066</b>
<b>Civilian SAPR-VA (full-time)</b>	<b>See above.</b>	<b>91</b>	<b>0</b>
<b>Civilian SAPR-VA (collateral duty)</b>	<b>See above.</b>	<b>0</b>	<b>14</b>
<b>Sexual Assault-Specific Legal</b>	<b>Legal personnel who specialize in sexual assault cases including prosecutors, Victim Witness Assistance Program personnel, paralegals, legal experts, and Special Victims' Counsel/Victims' Legal Counsel.</b>	<b>35</b>	<b>0</b>
<b>Sexual Assault-Specific Investigators</b>	<b>Military Criminal Investigation Office investigators who specialize in sexual assault cases. (NGB Office of Complex Investigations)</b>	<b>22</b>	<b>0</b>
<b>Sexual Assault Medical Forensic Examiners</b>	<b>Medical providers that have completed the DoD Sexual Assault Medical Forensic Examiner Course at Fort Sam Houston, or equivalent.</b>	<b>0</b>	<b>0</b>

<b>NATIONAL GUARD</b> <b>FY23 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY</b>	
<b>A. FY23 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.</b> <b>Note: The data on this page is raw, uninvestigated information about allegations received during FY23. These Reports may not be fully investigated by the end of the fiscal year. This data is drawn from Defense Sexual Assault Database (DSaID) based on Service affiliation of the Sexual Assault Response Coordinator (SARC) who currently manages the Victim case.</b>	<b>FY23 Totals</b>
<b># FY23 Unrestricted Reports (one Victim per report)</b>	<b>453</b>
# Service Member Victims	373
# Non-Service Member Victims in allegations against Service Member Subject	26
# Non-Service Member Victims in allegations against Non-Service Member Subject	3
# Relevant Data Not Available	51
<b># Unrestricted Reports in the following categories</b>	<b>453</b>
# Service Member on Service Member	188
# Service Member on Non-Service Member	26
# Non-Service Member on Service Member	22
# Civilian on Civilian	3
# Relevant Data Not Available	214
<b># Unrestricted Reports of sexual assault occurring</b>	<b>453</b>
# On military installation	153
# Off military installation	168
# Unidentified location	132
<b># Victim in Unrestricted Reports Referred for Investigation</b>	<b>453</b>
<b># Victims in investigations initiated during FY23</b>	<b>313</b>
# Victims with Investigations pending completion at end of 30-SEP-2023	206
# Victims with Completed Investigations at end of 30-SEP-2023	107
<b># Victims with Investigative Data Forthcoming</b>	<b>92</b>
<b># Victims where investigation could not be opened by DoD or Civilian Law Enforcement</b>	<b>48</b>
# Victims -- Alleged perpetrator not subject to the UCMJ	5
# Victims -- Crime was beyond statute of limitations	0
# Victims -- Unrestricted Reports for Matters Occurring Prior to Military Service	1
# Victims -- Other	42
<b># All Restricted Reports received in FY23 (one Victim per report)</b>	<b>432</b>
# Converted from Restricted Report to Unrestricted Report (report made this year and converted this year)	45
<b># Restricted Reports Remaining Restricted at end of FY23</b>	<b>387</b>

<b>B. DETAILS OF UNRESTRICTED REPORTS FOR FY23</b>	<b>FY23 Totals</b>	<b>FY23 Totals for Service Member Victim Cases</b>
<b>Length of time between sexual assault and Unrestricted Report</b>	<b>453</b>	<b>373</b>
# Reports made within 3 days of sexual assault	94	88
# Reports made within 4 to 10 days after sexual assault	53	42
# Reports made within 11 to 30 days after sexual assault	38	33
# Reports made within 31 to 365 days after sexual assault	93	77
# Reports made longer than 365 days after sexual assault	90	84
# Relevant Data Not Available	85	49
<b>Time of sexual assault</b>	<b>453</b>	<b>373</b>
# Midnight to 6 am	101	91
# 6 am to 6 pm	89	79
# 6 pm to midnight	143	131
# Unknown	39	26
# Relevant Data Not Available	81	46
<b>Day of sexual assault</b>	<b>453</b>	<b>373</b>
# Sunday	48	42
# Monday	37	34
# Tuesday	51	45
# Wednesday	33	30
# Thursday	46	40
# Friday	67	60
# Saturday	86	73
# Relevant Data Not Available	85	49

FY23 UNRESTRICTED REPORTS OF SEXUAL ASSAULT BY MATTER INVESTIGATED TYPE (May not reflect what crimes can be charged upon completion of investigation)												
UNRESTRICTED REPORTS MADE IN FY23	Penetrating Offenses				Contact Offenses							
D. UNRESTRICTED REPORTS OF SEXUAL ASSAULTS BY OR AGAINST SERVICE MEMBERS (MOST SERIOUS CRIME ALLEGED. AS CATEGORIZED BY THE MILITARY CRIMINAL INVESTIGATIVE Organization)	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 (Art 120)	Wrongful Sexual Contact (Oct07-Jun12) (Art. 120)	Indecent Assault (Art 134) (Pre-FY08)	Attempts to Commit Offenses (Art 80)	Prosecuted by State Law (NG Only)	Offense Code Data N/A	FY23 Totals
D1.	63	2	62	2	27	114	0	0	3	26	154	453
# Service Member on Service Member	26	0	38	0	13	69	0	0	3	10	29	188
# Service Member on Non-Service Member	4	0	0	1	2	5	0	0	0	7	7	26
# Non-Service Member on Service Member	6	1	4	0	1	5	0	0	0	4	1	22
# Civilian on Civilian	1	0	0	0	0	1	0	0	0	1	0	3
# Unidentified Subject on Service Member	22	1	18	1	9	31	0	0	0	4	77	163
# Relevant Data Not Available	4	0	2	0	2	3	0	0	0	0	40	51
D2.												
TOTAL Service Member Victims in FY23 Reports	54	2	60	1	23	105	0	0	3	18	107	373
# Service Member Victims: Female	50	1	54	1	19	91	0	0	3	14	92	325
# Service Member Victims: Male	4	1	6	0	4	14	0	0	0	4	15	48
# Relevant Data Not Available	0	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 FY23												
D3. Time of sexual assault	63	2	62	2	27	114	0	0	3	26	154	453
# Midnight to 6am	18	0	24	0	3	35	0	0	1	7	13	101
# 6am to 6pm	7	1	13	0	8	41	0	0	1	2	16	89
# 6pm to midnight	28	1	20	1	16	34	0	0	1	11	31	143
# Unknown	10	0	5	1	0	4	0	0	0	6	13	39
# Relevant Data Not Available	0	0	0	0	0	0	0	0	0	0	81	81
D4. Day of sexual assault	63	2	62	2	27	114	0	0	3	26	154	453
# Sunday	11	0	10	0	0	17	0	0	0	2	8	48
# Monday	7	0	4	0	5	12	0	0	0	2	7	37
# Tuesday	6	0	9	0	7	18	0	0	1	1	9	51
# Wednesday	7	1	5	0	5	6	0	0	0	1	8	33
# Thursday	9	0	11	0	2	14	0	0	0	5	5	46
# Friday	8	0	13	1	3	25	0	0	1	4	12	67
# Saturday	14	1	10	1	5	22	0	0	1	11	21	86
# Relevant Data Not Available	1	0	0	0	0	0	0	0	0	0	84	85

NATIONAL GUARD FY23 RESTRICTED REPORTS OF SEXUAL ASSAULT	
A. FY23 RESTRICTED REPORTS OF SEXUAL ASSAULT	FY23 Totals
# TOTAL Victims initially making Restricted Reports	432
# Service Member Victims making Restricted Reports	379
# Non-Service Member Victims making Restricted Report involving a Service Member Subject	9
# Relevant Data Not Available	44
# Total Victims who reported and converted Restricted Report to Unrestricted Report in FY23*	45
# Service Member Victims who converted from Restricted Report to Unrestricted Report in FY23	42
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY23	2
# Relevant Data Not Available	1
# Total Victim reports remaining Restricted	387
# Service Member Victim reports remaining Restricted	337
# Non-Service Member Victim reports remaining Restricted	7
# Relevant Data Not Available	43
# Remaining Restricted Reports involving Service Members in the following categories	387
# Service Member on Service Member	227
# Non-Service Member on Service Member	45
# Service Member on Non-Service Member (entitled to a RR by DoD Policy)	4
# Non-Service Member on Non-Service Member (entitled to a RR by DoD Policy)	1
# Unidentified Subject on Service Member	65
# Relevant Data Not Available	45
B. INCIDENT DETAILS	FY23 Totals
# Reported sexual assaults occurring	387
# On military installation	134
# Off military installation	149
# Unidentified location	20
# Relevant Data Not Available	84
Length of time between sexual assault and Restricted Report	387
# Reports made within 3 days of sexual assault	11
# Reports made within 4 to 10 days after sexual assault	16
# Reports made within 11 to 30 days after sexual assault	18
# Reports made within 31 to 365 days after sexual assault	57
# Reports made longer than 365 days after sexual assault	151
# Relevant Data Not Available	134
Time of sexual assault incident	387
# Midnight to 6 am	61
# 6 am to 6 pm	61
# 6 pm to midnight	150
# Unknown	63
# Relevant Data Not Available	52
Day of sexual assault incident	387
# Sunday	41
# Monday	26
# Tuesday	22
# Wednesday	25
# Thursday	31
# Friday	40
# Saturday	68
# Relevant Data Not Available	134

<b>C. RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION</b>	<b>FY23 Totals</b>
# Service Member Victims	337
# Army Victims	253
# Navy Victims	1
# Marines Victims	0
# Air Force Victims	83
# Coast Guard Victims	0
# Relevant Data Not Available	0
<b>D. DEMOGRAPHICS FOR FY23 RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>FY23 Totals</b>
Gender of Victims	387
# Male	78
# Female	266
# Relevant Data Not Available	43
Age of Victims at the Time of Incident	387
# 0-15	2
# 16-19	53
# 20-24	145
# 25-34	140
# 35-49	38
# 50-64	1
# 65 and older	0
# Relevant Data Not Available	8

<b>Grade of Service Member Victims</b>	<b>337</b>
# E1-E4	151
# E5-E9	146
# WO1-WO5	4
# O1-O3	22
# O4-O10	13
# Cadet/Midshipman	1
# Academy Prep School Student	0
# Relevant Data Not Available	0
<b>Status of Service Member Victims</b>	<b>337</b>
# Active Duty	15
# Reserve	3
# National Guard (Activated -- Title 10)	98
# National Guard (Title 32)	197
# Relevant Data Not Available	24
<b>Victim Type</b>	<b>387</b>
# Service Member	337
# Non-Service Member	7
# Relevant Data Not Available	43

<b>E. RESTRICTED REPORTING FOR A SEXUAL ASSAULT THAT OCCURRED PRIOR TO JOINING SERVICE</b>	<b>FY23 Totals</b>
<b># Service Member Victims making a Restricted Report for Incidents Occurring Prior to Military Service</b>	<b>5</b>
# Service Member Making A Restricted Report for an Incident that Occurred Prior to Age 18	1
# Service Member Making a Restricted Report for an Incident that Occurred After Age 18	4
# Service Member Choosing Not to Specify	0
# Relevant Data Not Available	0
<b>F. RESTRICTED REPORTS CONVERSION DATA (DSAID USE ONLY)</b>	<b>FY23 Totals</b>
Mean # of Days Taken to Change to Unrestricted	182
Standard Deviation of the Mean For Days Taken to Change to Unrestricted	354
Mode # of Days Taken to Change to Unrestricted	1
<b>G. TOTAL VICTIMS WHO REPORTED IN PRIOR YEARS AND CONVERTED FROM RESTRICTED REPORT TO UNRESTRICTED REPORT IN THE FY23</b>	<b>FY23 Totals</b>
<b>Total Victims who reported in prior years and converted from Restricted Report to Unrestricted Report in the FY23</b>	<b>25</b>
# Service Member Victims who converted from Restricted Report to Unrestricted Report in FY23	24
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY23	0
# Relevant Data Not Available	1
* 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.	

<b>NATIONAL GUARD FY23 SUPPORT SERVICES FOR VICTIMS OF SEXUAL ASSAULT</b>	
<i>Note: Totals of referrals and military protective orders are for all activities during the reporting period, regardless of when the sexual assault report was made.</i>	
<b>A. SUPPORT SERVICE REFERRALS TO SERVICE MEMBERS VICTIMS FROM UNRESTRICTED REPORTS:</b>	<b>FY23 Totals</b>
<b># Support service referrals for Victims in the following categories</b>	<b>1307</b>
<b># MILITARY Resources (Referred by DoD)</b>	<b>1092</b>
# Medical	53
# Mental Health	190
# Legal	238
# Chaplain/Spiritual Support	137
# Victim Advocate/Uniformed Victim Advocate	254
# DoD Safe Helpline	126
# Other	94
<b># CIVILIAN Resources (Referred by DoD)</b>	<b>215</b>
# Medical	28
# Mental Health	86
# Legal	8
# Chaplain/Spiritual Support	5
# Rape Crisis Center	44
# Victim Advocate	14
# Other	30
<b># Cases where SAFEs were conducted</b>	<b>35</b>
<b># Cases where SAFEs kits were not offered</b>	<b>117</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of Victim's exam</b>	<b>2</b>
<b># Military Victims making an Unrestricted Report for an incident that occurred prior to military service</b>	<b>10</b>

<b>B. FY23 MILITARY PROTECTIVE ORDERS (MPO)* AND EXPEDITED TRANSFERS - UNRESTRICTED REPORTS</b>	<b>FY23 Totals</b>
# Military Protective Orders issued during FY23	77
# Reported MPO Violations in FY23	0
# Reported MPO Violations by Subjects	0
# Reported MPO Violations by Victims of sexual assault	0
# Reported MPO Violations by Both	0
*In accordance with DoD Policy, Military Protective Orders are only issued in Unrestricted Reports. A Restricted Report cannot be made when there is a safety risk for the Victim.	
# Unit/Duty expedited transfer requests by Service Member Victims of sexual assault	15
# Unit/Duty expedited transfer requests by Service Member Victims Denied	0
# Installation expedited transfer requests by Service Member Victims of sexual assault	2
# Installation expedited transfer requests by Service Member Victims Denied	0
Use the following categories or add a new category to identify the reason the Expedited Transfer requests were denied:	FY23 Totals
Total Number Denied	0
Reasons for Disapproval (Total)	0
One victim pending UCMJ action	0
One victim subject in a separate criminal investigation	0
One victim with no credible report determination of sexual assault	0
<b>C. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS IN RESTRICTED REPORTS</b>	<b>FY23 Totals</b>
# Support service referrals for Victims in the following categories	1110
# MILITARY Resources (Referred by DoD)	892
# Medical	76
# Mental Health	177
# Legal	151
# Chaplain/Spiritual Support	122
# Victim Advocate/Uniformed Victim Advocate	214
# DoD Safe Helpline	104
# Other	48
# CIVILIAN Resources (Referred by DoD)	218
# Medical	36
# Mental Health	97
# Legal	6
# Chaplain/Spiritual Support	6
# Victim Advocate/Uniformed Victim Advocate	10
# Rape Crisis Center	47
# Other	16
# Cases where SAFEs were conducted	8
# Cases where SAFE kits were not offered	162
# Cases where SAFE kits or other needed supplies were not available at time of Victim's exam	3

CIVILIAN DATA	
D. UNRESTRICTED REPORTS FROM NON-SERVICE MEMBERS (e.g., DOD CIVILIANS, DEPENDENTS, CONTRACTORS) THAT DO NOT INVOLVE A SERVICE MEMBER	FY23 Totals
<b>D1. # Non-Service Members in the following categories:</b>	<b>40</b>
# Non-Service Member on Non-Service Member	3
# Service Member on Non-Service Member	26
# Unidentified Subject or Undisclosed Affiliation on Non-Service Member	11
# Relevant Data Not Available	0
<b>D2. Gender of Non-Service Members</b>	<b>40</b>
# Male	5
# Female	35
# Relevant Data Not Available	0
<b>D3. Age of Non-Service Members at the Time of Incident</b>	<b>40</b>
# 0-15	0
# 16-19	2
# 20-24	5
# 25-34	9
# 35-49	3
# 50-64	0
# 65 and older	0
# Relevant Data Not Available	21
<b>D4. Non-Service Member Type</b>	<b>40</b>
# DoD Civilian	14
# DoD Contractor	2
# Other US Government Civilian	0
# US Civilian	24
# Foreign National	0
# Foreign Military	0
# Relevant Data Not Available	0
<b>D5. # Support service referrals for Non-Service Members in the following categories</b>	<b>FY23 Totals</b>
<b># Support service referrals for Victims in the following categories</b>	<b>87</b>
# Medical	7
# Mental Health	15
# Legal	16
# Chaplain/Spiritual Support	6
# Victim Advocate/Uniformed Victim Advocate	16
# DoD Safe Helpline	8
# Rape Crisis Center	8
# Other	11
# Cases where SAFEs were conducted	4
# Cases where SAFE kits were not offered	14
# Cases where SAFE kits or other needed supplies were not available at time of Victim's exam	0

<b>E. FY23 RESTRICTED REPORTS OF SEXUAL ASSAULT FROM NON-SERVICE MEMBERS</b>	<b>FY23 Totals</b>
<b>E1. # Non-Service Member Victims making Restricted Report</b>	<b>9</b>
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY23	2
<b># Non-Service Member Victim reports remaining Restricted</b>	<b>7</b>
<b># Restricted Reports from Non-Service Member Victims in the following categories:</b>	<b>7</b>
# Non-Service Member on Non-Service Member (entitled to a RR by DoD Policy)	1
# Service Member on Non-Service Member	4
# Unidentified Subject or Undisclosed Affiliation on Non-Service Member	2
# Relevant Data Not Available	0
<b>E2. Gender of Non-Service Member Victims</b>	<b>7</b>
# Male	1
# Female	6
# Relevant Data Not Available	0
<b>E3. Age of Non-Service Member Victims at the Time of Incident</b>	<b>7</b>
# 0-15	0
# 16-19	0
# 20-24	1
# 25-34	3
# 35-49	2
# 50-64	0
# 65 and older	0
# Relevant Data Not Available	1
<b>E4. VICTIM Type</b>	<b>7</b>
# DoD Civilian	4
# U.S. Civilian	3
# Relevant Data Not Available	0
<b>E5. # Support service referrals for Non-Service Member Victims in the following categories</b>	<b>FY23 Totals</b>
# Medical	0
# Mental Health	0
# Legal	0
# Chaplain/Spiritual Support	0
# Victim Advocate/Uniformed Victim Advocate	0
# DoD Safe Helpline	0
# Rape Crisis Center	0
# Other	0
# Cases where SAFEs were conducted	0
# Cases where SAFE kits were not offered	5
# Cases where SAFE kits or other needed supplies were not available at time of Victim's exam	0