



## Enclosure 4: National Guard Bureau Report





## NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

MAY 02 2022

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

SUBJECT: National Guard Sexual Assault Prevention and Response Program Fiscal Year 2021  
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.

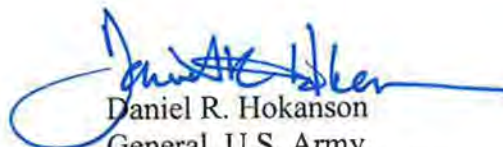
This review details the collaborative actions made by the National Guard Bureau and the National Guard. It demonstrates our commitment to our Service members, their families, and our civilian employees to improve relations, increase our compassion in support of our victims, focus on prevention efforts, and improve our capabilities to remove those committing unacceptable behaviors from our ranks.

Fiscal Year 2021 highlights include:

- Creating a Sexual Assault Prevention Task Force to integrate prevention efforts within the National Guard and to develop actionable items for implementation.
- Providing National Guard subject matter experts to participate in the Independent Review Commission working groups.
- Completing the three Secretary of Defense Immediate Actions.
- Appointed a General Officer to lead the Office of Complex Investigations (OCI) and reorganize it as a stand-alone element within the Office of the Chief of the National Guard Bureau.
- Significantly increased the number of OCI investigators to reduce caseload backlog due to Coronavirus Disease 2019, and to decrease the time to complete investigations.
- Implementing the updated Site Assessment/Assistance Visit program.

We will capitalize on our strategic and operational initiatives to create a positive change.

The point of contact for this action is Major General Eric K. Little, 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



## **FY 2021 Annual Report on Sexual Assault in the Military Executive Summary: National Guard Bureau**

The National Guard Bureau (NGB) and the National Guard of the States, Territories, and the District of Columbia (hereafter referred to as “the States”) are committed to establishing an environment based on the Services’ core values to protect our Soldiers and Airmen, their families and civilian employees, and to assure their overall well-being. The Chief of the National Guard Bureau (CNGB) acknowledging the continued prevalence of sexual assault, sexual harassment, allegations of retaliation, other derisive behaviors, and suicides within our ranks, mandated the establishment of a Sexual Assault Prevention Task Force (SAPTF) and Suicide Prevention Task Force. The Vice Chief of the National Guard Bureau established a General Officer Steering Committee to provide oversight of the task forces and to review their recommendations. Senior NGB leaders and State leaders participated in these task forces and focused their collaboration on primary prevention across existing programs, including the National Guard’s Sexual Assault Prevention and Response (SAPR) State programs. The SAPTF developed recommendations to improve the National Guard SAPR program, and increase Site Assessment/Assistance Visits (SAAVs) to develop strategies to achieve compliance with the Department of Defense (DoD) and NGB policy. These actions stemmed from the foundational work completed in Fiscal Year 2020 (FY20) and from events that occurred or became a priority in Fiscal Year 2021 (FY21) that required follow-on actions. The NGB and the National Guard of the States are resolved to make a positive change through the implementation of a comprehensive approach toward the primary prevention of sexual assault, improving our victim advocacy and assistance efforts, assessing our capabilities to hold offenders accountable, and increasing our SAPR program’s compliance with established policies and procedures. This positive culture change will be reflected by our improved relations, increased compassion in support of our victims, and improved capabilities to remove derisive behaviors from our ranks.

Title 32 United States Code (U.S.C.) status National Guard personnel experienced an overall increase in the number of sexual assaults from 634 in FY20 to 704 in FY21, an 11.04 percent increase. However, of the assaults reported in FY21, only 244 occurred in FY21, while in FY20, 344 of the total number of sexual assaults reported actually occurred in FY20. This demonstrates a decrease of 100 reports of sexual assault reported in FY21 as compared to FY20, a 29.06 percent decrease. The remaining reports of sexual assault in FY21 (460) and in FY20 (290) occurred in previous years or the incident dates were unknown at the time of the report. This increase in the number of reports of sexual assaults that occurred in previous years may indicate that these victims have a greater sense of comfort and confidence in the reporting system. National Guard members on Title 10 U.S.C. orders increased from 67 sexual assault reports in FY20 to 96 reports in FY21, a 43.28 percent increase. This increase may be reflective of the larger number of National Guard members placed in Title 10 U.S.C. status in FY21 in comparison to FY20. This rise in reports for FY21 negates the decrease in the number of reports from 92 reports in FY19 to 67 reports in FY20, a 37.31 percent decrease. These acts of violence on our National Guard members are unacceptable and not reflective of who we are as an organization. Our continued focus on a developing and implementing a comprehensive approach toward the primary prevention of sexual assault, improving

our victim advocacy and assistance efforts, assessing our capabilities to hold offenders accountable, and increasing our program compliance demonstrates our resolve to make a positive change within the National Guard.

This reports details the FY21 strategic initiatives of the NGB and the operational initiatives of the National Guard's SAPR Program. It highlights the progress made towards establishing an integrated prevention program, identifying high-risk markers, improving the National Guard's response capability, and improving investigative capabilities.

#### **Line of Effort 1 – Prevention**

- Established a SAPTF tasked to integrate prevention efforts within the National Guard and to develop actionable items based on the NGB Prevention Plan of Action (PPoA) pillars: Leadership, Training, Culture and Climate, Communication, Partnerships, and Resources
- Completed the Secretary of Defense (SecDef) three Immediate Action requirements focused on assessing compliance with policy, identifying and conducting evaluations at high risk installations, and establishing a violence prevention workforce
- Designated the NGB Warrior Resiliency and Fitness Division (J1-WRF) responsible for developing and executing the NGB Integrated Primary Prevention program
- Directed cross collaboration between reduction of harm entities to develop primary prevention activities using a “holistic” approach focused on the “whole person”

#### **Line of Effort 2 - Victim Assistance & Advocacy**

- Participated in the Service's revised line of duty (LOD) determinations training and implemented the Army National Guard (ARNG) and Air National Guard (ANG) streamlined procedures which will increase protection of victim privacy
- Identified manpower and resource shortfalls within the National Guard SAPR program and developed a strategy to meet the requirements identified in the FY 2012 (FY12) National Defense Authorization Act (NDAA)
- Developed and implemented a National Guard supplemental training program to augment Service-specific initial training to address non-Federalized National Guard

### **Line of Effort 3 - Investigation**

- Directed the reorganization of the Office of Complex Investigations (NGB OCI) as a standalone element within the Office of the Chief of the National Guard Bureau to mitigate the increases in requests for complex administrative investigations within the States
- Appointed a General Officer, who is a Federal Judge in his civilian career, to lead OCI
- Increased the number of Investigators by 27% between FY20 and FY21

### **Line of Effort 4 - Accountability**

- Expanded the mission of the National Guard Special Victims' Counsel (NG SVC) to include representation of victims of domestic violence in response to FY20 NDAA
- Coordinated direct contact with the Army Criminal Investigation Division and Air Force Office of Special Investigations pertaining to CATCH related items

### **Line of Effort 5 - Assessment**

- Established a Compliance and Accountability (C&A) Branch within the J1-SAPR Division in FY21 based on the DoD SAPRO Strategic Plan (2017-2021)
- Designated a section to ensure data integrity and trend analysis and to improve data collection and sexual assault reporting capability
- Effected change to include increased review of the Defense Sexual Assault Incident Database (DSAID) data, conducting monthly DSAID training sessions for SAPR Professionals in the field, and sharing how to troubleshoot common DSAID errors to improve data integrity
- Improved capabilities for retrieving data, creating Health of the Force scorecards for each State, and identifying trends and correlations between variables
- Established a NG-SAPR Assessment section to standardize and enhance the SAPR program oversight and to expand SAPR program knowledge base
- Employed NG-SAPR Assessment Teams to conduct four SAAVs during FY21

The National Guard is fully committed to address the myriad aspects of the SAPR program to provide a safe environment, one focused on dignity, respect, and compassion, for our National Guard community. We will continue our integrated approach to improving our program, to include seeking out and developing additional collaborative and cooperative relationships with our civilian counterparts within our lines of effort.

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

**1.1 Prevention Plan of Action (PPoA) Implementation Efforts: Summarize the major activities supporting implementation and evaluation of the PPoA objectives completed in FY 2021. Include efforts to address short-term activities (due May 2021) and progress in implementing intermediate- and long-term activities (due 2023 and 2025+, respectively). (Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) Memorandum, “Execution of the Department of Defense Sexual Assault Prevention Plan of Action,” (April 26, 2019) / DoD Prevention Plan of Action 2019-2023 (April 2019))**

The Department of Defense (DoD) PPoA identifies actions necessary to reduce sexual assault in the military in a measurable and systematic method. Effective sexual assault prevention requires an optimized prevention system that has the capacity to execute the necessary steps of the prevention process. Engaging in this process in 2019, NGB completed Phase I consisting of the self-assessment of NGB’s prevention efforts in December 2019; released its PPoA in May 2019; used the baseline set in Phase I and developed the Plan of Action and Milestones and Logic Model in Phase II, which was completed in June 2020. The release date of the PPoA established the anticipated completion dates of the short, intermediate, and long-term objectives as October 2021, October 2023, and May 2024-2029, respectively. The NGB focused heavily on using its products completed during the first two phases of its PPoA in executing activities as part of Phase III during FY21.

NGB made significant shifts in the scope and ownership of sexual assault primary prevention activities in FY21 to assure consistency with the themes of its PPoA Plan of Action and Milestones. These changes included designating J1-WRF responsible for developing and executing the NGB Integrated Primary Prevention program and encouraging cross-collaboration with other reduction of harm entities. These entities included NGB Diversity, Equity and Inclusion Programs (NGB-DEI), J1-WRF, Suicide Prevention Program, Family Readiness and Life Cycle Management Division Family Programs, and the Joint Surgeon’s Office Directors of Psychological Health. In January 2021, the CNGB directed the establishment of two National Guard Task Forces, the SAPTF and the Suicide Prevention Task Force, as well as the formation of a General Officer Steering Committee led by the Vice Chief of the National Guard Bureau. Among the purposes for the General Officer Steering Committee was to review the recommendations developed by the task forces. The composition of the SAPTF included representatives from the States, as well as members of several Directorates within NGB. The SAPTF members from the States included SAPR professionals, which helped to meet a primary PPoA goal by gathering detailed feedback on the States’ needs and perspectives pertaining to staffing the future prevention workforce. NGB Directorates represented in the SAPTF included the NGB-DEI, two divisions within the Manpower and Personnel (NGB-J1) Directorate, Sexual Assault Prevention and Response Division (J1-SAPR) and J1-WRF, and Judge Advocates General from the General Counsel and NGB OCI. The SAPTF

aligned their areas of focus with the PPoA pillars of leadership, training, culture and climate, communication, partnerships, and resources. Their efforts resulted in 19 recommendations for senior leadership consideration and follow-on action. The SAPTF also outlined task action plans to track the implementation of the approved recommendations. The bullets below provide a summary of the interim progress made on each of the PPoA elements addressed by the SAPTF.

- Human Resources – *Leadership*: Outlined the types of prevention information for inclusion in a Leadership Toolkit or Handbook, and highlighted prevention skills to include in training curricula for first line supervisors
- Human Resources – *Prevention Workforce*: Identified oversight of the prevention workforce at NGB, created a proposed organizational structure at the state level, developed a plan to train identified positions, and began drafting position descriptions for the prevention workforce
- Collaborative Relationships: Discussed maximizing communication with potential external partners and using Memoranda of Agreement (MOAs) and Memoranda of Understanding (MOUs) to formalize and improve relationships between the State National Guards and external partners
- Infrastructure – *Data*: Began discussions on the possible expansion of existing tools, such as Suicide Prevention and Readiness Initiative, known as SPRINGboard, beyond suicide risk factors, and ensuring Unit Risk Analysis is available to both ARNG and ANG units to provide TAGs with a complete picture of the integrated risk factors within their State
- Infrastructure – *Resources*: In concert with Immediate Action #3, NGB is working with the Office of the Secretary of Defense and Cost Assessment and Program Evaluation (CAPE) to secure FY22 and beyond funding for prevention resources
- Infrastructure – *Policy*: Initiated the review of policy to identify necessary updates to existing policy and development of new policy
- Prevention Process – *Comprehensive Approach*: Paused until a dedicated prevention workforce within the States is phased in to support the comprehensive approach to prevention
- Prevention Process – *Quality Implementation*: Paused until the establishment of the Comprehensive Approach
- Prevention Process – *Continuous Evaluation*: Completed baseline continuous evaluations for a few prevention areas, but were not applied consistently across all prevention activities

The National Guard will continue to execute and evaluate the recommended activities during Phase III and Phase IV of the PPoA.

NGB also engaged in several external and internal prevention efforts during FY21, such as the review and consideration of the recommendations within the Independent Review Commission (IRC) on Sexual Assault in the Military, and addressing the requirements of the three Immediate Actions directed by the SecDef. NGB is continuing the planning process to implement the 28 recommendations and 54 sub recommendations developed by the IRC, as applicable to the National Guard.

**1.2 Immediate Actions Implementation Efforts: Summarize the activities undertaken during this reporting period to address the initiatives required under the Secretary of Defense's Immediate Actions Memorandum and follow-on guidance from the Under Secretary of Defense for Personnel and Readiness. Address your efforts under each of the requirements listed below:**

- **Immediate Action 1. Assess Compliance with Sexual Assault and Harassment Policies and Integrated Violence Prevention Efforts**
- **Immediate Action 2. Conduct Evaluation at High Risk Installations**
- **Immediate Action 3. Establish a Violence Prevention Workforce**

**(Secretary of Defense (SecDef) Memorandum, "Immediate Actions to Counter Sexual Assault and Harassment and the Establishment of a 90-Day Independent Review Commission on Sexual Assault in the Military," (February 26, 2021) / Under Secretary of Defense for Personnel and Readiness Memorandum, "Implementation of Immediate Actions to Counter Sexual Assault and Harassment in the Military," (March 22, 2021))**

Sexual assault and harassment remain a persistent problem across the Total Force. On February 26, 2021, the SecDef directed three immediate actions to counter sexual assault and harassment in the military. On March 21, 2021, the Under Secretary of Defense for Personnel and Readiness implemented the immediate actions and directed each Military Department and the NGB to initiate implementation of the actions using the guidance, tools, and templates provided. NGB successfully implemented the three immediate actions and completed each action within the SecDef's timelines.

- **Immediate Action 1: To Assess Compliance with Sexual Assault and Harassment Policies and Integrated Violence Prevention Efforts.** Each Military Department and the NGB will provide completed policy compliance assessments from the commanders of all DoD installations (O-6 and higher), Joint Bases (O-6 and higher), National Guard Joint Force Headquarters (State), vessels (O-5 and higher) currently deployed supporting contingency operational/exercises, and Geographically Separated Units and summarize findings using the tools and templates

The NGB-J1 Manpower and Personnel Directorate led this action, supported by the J1- SAPR Division and NGB-DEI. J1-SAPR orchestrated the conversion of the assessments for entry on the Guard Knowledge Online SharePoint site. Trusted agents from the States received instructions and access to the SharePoint site to complete the checklists. National Guard Joint Force Headquarters Sexual Assault Response Coordinators (SARCs) and State Equal Employment Managers were available to provide necessary information to assist the trusted agents complete the



surveys. J1-SAPR performed the analyses and submitted a report to the Under Secretary of Defense for Personnel and Readiness.

The sexual assault assessment identified differences between investigative processes for the National Guard members serving in a Title 10 U.S.C and Title 32 U.S.C. status due to the absence of a Military Criminal Investigative Organization, and differences between Federal and State definitions of sexual assault. Additionally, the self-assessment outlined the lack of consistency in MOUs and MOAs established for follow-on care for sexual assault victims. NGB used a small sample size of the States' self-assessments to verify the National Guard's compliance with SAPR policy, which highlighted a high level of compliance.

The sexual harassment assessments identified the lack of a case-tracking platform due to differing procedural processes between Title 10 U.S.C. and Title 32 U.S.C. complaints and lack of a standard practice of notification of complaints, and an understanding of available resources across the States.

It is important to note that the National Guard currently does not have an Integrated Violence Prevention program based on DoD's recently released policy, which would provide a unified approach to prevent suicide, sexual assault, harassment, domestic abuse, and child abuse. The components of this program not available within the National Guard include Family Advocacy Programs for domestic violence, a dedicated Violence Prevention Workforce, or consistent processes to manage suicide prevention across the National Guard.

Based on the analyses of the assessments, NGB developed corrective action plans to use at the regularly scheduled staff assisted visits to verify state self-assessments, keep leadership engaged, and ensure program degradation does not occur. The National Guard will investigate case tracking platforms for sexual harassment to manage compliant notifications, and to gather metrics. Additionally, the National Guard will review the necessary steps to create a violence prevention workforce that uses a holistic means to provide total force fitness for all members of the National Guard.

- **Immediate Action 2: To Conduct Evaluations at High Risk Installations.** Each Military Department and the NGB will submit a list of units mapped to each installation. Each Military Department and the NGB will ensure all units included on the list of units assigned to each installation (above) have completed the Defense Organizational Climate Survey (DEOCS) 5.0 by May 31, 2021 (Reserve Component units)

NGB defined a state as equivalent to an installation for this action. Each of the States completed the DEOCS 5.0 survey by May 31, 2021. The DoD Office of People Analytics used the survey data to determine the States with increased and decreased protective factors. DoD used these protective factors to select Michigan and Kentucky to participate in the pilot process, On-Site Installation Evaluation. A DoD SAPRO team conducted a partial evaluation of Kentucky in August and completed an evaluation of Michigan in September. The goal of this pilot is to establish a continual evaluation capability to assess whether the States' prevention capacity is poised to

address risk detected on the DEOCs. The results of the On-Site Installation Evaluations will serve as a baseline for prevention capabilities at the ground level. It is important to note that J1-SAPR and the States will consider the potential for a lack of confidence inherent in self-assessments and will identify additional protective risk factors throughout the process

- **Immediate Action 3: To Establish a Violence Prevention Workforce.** Each Military Department and the NGB will collect, compile, and submit prevention workforce, training, and resourcing data using the Prevention Workforce Data Collection Tool and Integrated Violence Prevention Personnel Training Checklist

The National Guard collected and compiled prevention workforce, training, and resourcing data using the Prevention Workforce Data Collection Tool and Integrated Violence Prevention Personnel Training Checklist and submitted it to the Under Secretary of Defense for Personnel & Readiness. The Office of Force Resiliency Violence Prevention Cell tracked the submissions for status reports. Additionally, Immediate Action #3 contained a requirement to train 50% of the National Guard prevention workforce by December 2021 and 100% by June 2022. DoD SAPRO developed the DoD SPARX Knowledge prevention curriculum to meet this requirement and implemented a pilot in October 2021. NGB provided four individuals, not associated with a role or responsibility in primary prevention, to participate in the two-week SPARX Knowledge pilot. Upon completion of the course, the NGB participants prepared a white paper that included their feedback on the course, and presented it to DoD SAPRO for consideration.

After the adoption of the course by the Office of Force Resiliency in February 2021, J1-WRF assumed management of the enrollment for National Guard personnel in the course. Since then, 29 National Guard individuals from various occupational fields completed the course consistent with the integrated approach identified in DoD Instruction 6400.09, "DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm." Individuals identified as part of the National Guard prevention workforce must complete this initial training prior to their fielding, and will require ongoing training that establishes and maintains these roles.

The actions taken to complete this immediate action also support IRC recommendation 2.2.c: "Establish a Prevention Workforce," which requires resources for implementation. The National Guard identified the type of resources for the primary prevention workforce within the National Guard and the States.

The NGB integrated primary prevention program, which consolidates both sexual assault and harassment, fell under the responsibility of J1-WRF in April 2021. This consolidation will promote and facilitate the holistic approach for preparing plans, actions, and milestones to address prevention efforts moving forward. Prior to this decision, the respective response divisions engaged in regular discussions to develop and consider courses of action for the best way forward in primary prevention, which included the approach of a holistic integrated prevention program.

**1.3 Future Plans:** Identify any major leadership approved initiatives your Military Service/NGB is undertaking in support of prevention and/or the PPoA. Identify key considerations or obstacles that are currently affecting the implementation of the PPoA. (OUSD(P&R) Memorandum, “Execution of the Department of Defense Sexual Assault Prevention Plan of Action,” (April 26, 2019) / DoD Prevention Plan of Action 2019-2023 (April 2019) / 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) / Under Secretary of Defense for Personnel and Readiness 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))

NGB established and approved the following future plans within the Prevention program for implementation in FY22.

- Establishing a Violence Prevention Workforce that uses a holistic means to provide total force fitness for all members of the National Guard; NGB submitted an FY22 funding request to begin this process
- Implementing the 19 recommendations developed by the CNGB directed SAPTF, which incorporated representation from NGB and the States
- Synchronizing primary prevention efforts and capabilities within the responsibility of J1-WRF Division, to include sexual assault, suicide prevention, and other forms of prohibited harm, focused on using a holistic integrated approach
- Restructuring the PPoA consistent with the change in responsibility of primary prevention to J1-WRF, and continued NGB-J1-SAPR responsibility of secondary prevention efforts, through a collaborative effort by both divisions
- Conducting staff assistance visits to verify State self-assessments, keep leadership engage, and eliminate program degradation
- Investigating case tracking platforms for sexual harassment to manage compliant notifications, and gather metrics

**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 2021. As applicable, include significant updates on Sexual Assault Response Coordinator (SARC) and Sexual Assault Prevention and Response Victim Advocate (SAPR VA) training; victim medical and mental health services; manpower and resource capabilities and/or shortfalls; certifications; regulation/policy publication; resources/products to support victims and responders; sexual assault victim and retaliation reporter care in garrison and deployed environments; response services for men who report sexual assault; collaboration with civilian victim response organizations; SAPR training for the force (e.g., junior officer (O1-O2), mid-level enlisted (E4-E6), and junior enlisted training on appropriate actions to report and respond to sexual assault), including efforts to implement the new DoDI 6495.02 Volume 2, SAPR: Education and Training; and Case Management Group (CMG) actions. There is no need to repeat prior Annual Report submissions or address each of the examples above if these processes have remained largely the same as in previous years. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 2 – Victim Assistance & Advocacy, p. 7 / DoD Plan to Prevent and Respond to Sexual Assault of Military Men (October 2016) / DoDI 6495.02, Volume 2, “Sexual Assault Prevention and Response: Education and Training,” (April 9, 2021))**

The National Guard includes 264 ARNG brigades and 664 battalions, and 100 ANG wing and wing equivalents, geographically disbursed across the States. The ARNG has one full-time SARC and one full-time Victim Advocate Coordinator (VAC) located within the Joint Force Headquarters of each State. The ARNG SARCs provide program management of the SAPR Program and the Victim Advocate Coordinators (VACs) take reports and coordinate victim support services. The ANG has one full-time SARC located at each Wing. The ANG SARCs coordinate victim support services and manage the SAPR program.

National Guard members serving in a non-Federalized status, Title 32 U.S.C. and State Active Duty, do not have the same services available to them as the Active Component in Title 10 U.S.C. status. The National Guard SAPR professionals, SARCs, VACs, and Victim Advocates (VAs), establish relationships with civilian agencies, clinics, centers, counselors, and medical facilities, with MOAs or MOUs. Community based assets vary from state to state in their capability and capacity to deliver services. Identifying suitable substitutes is a goal of the NGB and the States to ensure eligible NG members, civilians, and family members receive the services, resources, and support to help them recover.

### **Victim Medical and Mental Health Services**

When a sexual assault victim comes forward with a report, the first goal is to ensure they receive the appropriate emergency health care to include a sexual assault forensic exam (SAFE) by a certified sexual assault medical forensic examiner. The National Guard medical resources are not treatment facilities and do not have civilian or military certified sexual assault medical examiners. National Guard SAPR professionals make a concerted effort to locate and establish MOUs or MOAs with the community resources to provide the appropriate level of medical care. The specific status of the National Guard member determines their eligibility to receive treatment.



### **LOD Determinations**

To ensure the National Guard member is able to receive the appropriate remuneration for their medical costs, NGB made significant changes to improve SARC procedures for initiating LOD determinations for victims of sexual assault to access the full scope of medical and mental health services. The LOD determination systems are Service-specific. The Services incorporate electronic processing for LOD determinations maintaining victim confidentiality and limited release of information with the medical and SAPR community.

**ARNG LOD:** Headquarters, Department of Army revised Army Regulation 600-8-4, *“Line of Duty Policy, Procedures, and Investigations,”* which streamlined the NG SARC and VAC roles and responsibilities for initiating and processing LOD determinations for sexual assault victims by using the Electronic Medical Management Processing (eMMPS) database. Using this system further protects victim privacy. In FY22, ARNG JFHQs-State SARCs will receive a Personnel Policy Operational Memorandum that outlines their responsibilities. The ARNG processed 223 Restricted and 98 Unrestricted Sexual Assault LOD determinations in FY21.

**ANG LOD:** During FY21, all ANG SARCs completed training on the Electronic Case Tracking System, which transitioned the processing for LOD determinations from a paper-routing process to an exclusively electronic transmission. Using the Electronic Case Tracking System program, ANG SARCs can route and track LOD determinations within a limited network of designated SAPR personnel at NGB and a dedicated office with the ANG Surgeon General’s office. The ANG processed 17 Restricted and eight Unrestricted Sexual Assault LOD determinations in FY21.

### **Special Victims’ Counsel Resources**

The National Guard SVC Program provides legal representation to eligible victims in response to an allegation of sexual assault or domestic violence. The program is comprised of a Program Management Office and SVCs organized into eight geographical regions. Each region provides services to its assigned state, territory, or the District of Columbia, no matter the location within the States.

**Domestic Violence.** In response to Section 548 of the FY20 NDAA, which expanded the National Guard SVC mission to include representation of victims of domestic violence, all National Guard SVCs received training on representing victims of domestic violence in FY21. Additionally, the National Guard SVC Program requested a dedicated resource to serve as the National Guard SVC Program subject matter expert regarding representation of victims of sexual assault, to develop practice policy, and to assess the respective legal capabilities of the National Guard of each of the States to support victims of domestic violence.

**Case Load.** In response to Section 541 of the FY20 NDAA, requiring SVC and Victims’ Legal Counsel (VLC) programs to ensure each SVC maintains an average caseload of 25 cases, to the extent practicable starting FY23, the National Guard SVC Program added four paralegals to support the increased SVC case load

monitoring, frequency of case reviews, and overall case oversight. The additional paralegal support will ensure each SVC is managing his or her caseload effectively. The National Guard SVC Program also requested additional resources in the FY23 - FY27 and FY24 - FY28 Program Objective Memorandum (POM) cycles to secure additional manpower to meet these additional requirements.

### **Manpower and Resource Capabilities and Shortfalls**

NGB focused on identifying shortfalls within the NG SAPR program and developing a strategy to meet Public Law 112-81, Section 584 requirements of maintaining one full-time SARC and one full-time VA at each brigade or brigade equivalent unit level of the armed forces. Working in conjunction with NGB-G3 Force Management section, J1-SAPR identified 264 brigades and brigade equivalents (defined as an O-6 Command) within the ARNG, but reduced the number to 264 after considering unit size and brigades with subordinate units. The current ARNG SAPR manpower consists of one full-time Lead SARC and one full-time VAC assigned to each of the 54 National Guard Joint Force Headquarters-State. Collateral duty brigade SARCs and VAs support the full-time SAPR professionals based on the State's organizational structure and availability due to the turnover rate for these collateral duty positions. The ANG relies on one full-time SARC per each of the 100 wings and wing equivalents, along with Volunteer VAs, who are only available during unit training assemblies. This lack of a consistent support system within the NG SAPR program creates challenges in providing continuity of care and support to the victim. Filling these collateral duty position gaps with full-time resources would greatly enhance the ability to respond and provide improved victim response, care, and support. Additionally, the full-time resources could build and manage community partnerships and connect with community resources in geographically dispersed areas more effectively.

With the increased focus on developing a NG holistic integrated violence prevention program, NGB also identified the absence of a NG Family Advocacy Program and the lack of a systematic process to support domestic violence victims and victims of interpersonal violence. As a potential resource, members of the NG community, to include family members, needing help regarding a domestic violence situation may seek out a SARC for assistance. NG SARCs are able to refer them to the NG Directors of Psychological Health for assistance and provide them with civilian resources based on the relationships they built with a variety of community, regional and State agencies, and organizations. However, the lack of a standardized reporting and tracking system remains a concern.

**Headquarters, Department of Army People First Task Force.** In support of the People First Task Force initiatives to redesign the Army Sexual Harassment/Assault Response and Prevention (SHARP) Program, NGB worked collaboratively with the SHARP Redesign Team on developing a "Fusion" concept to streamline response processes and provide a one-stop shop for victims and survivors of sexual assault. A representative from NGB participated in developing the concept to support personnel and programs for Active Duty Army and the United States Army Reserve members. Due to the unique equities of the National Guard, such as multiple statuses, different

state laws, lack of sufficient full-time personnel assets, geographical disbursement, and the recent consolidation of the NGB SAPR programs, the NGB established a working group to develop a T32 U.S.C. Joint National Guard SAPR Fusion Team concept that includes both ARNG and ANG SAPR programs. The National Guard Fusion Team will meet the intent of the overarching Fusion concept, while ensuring the unique aspects of the National Guard are considered. In contrast to the Army Fusion Directorate concept, which focused on co-locating all response professionals, the NG SAPR Joint Fusion Team Concept will utilize technology to bring all state response professionals together virtually.

The Fusion Team concept will enable synchronization and integration between critical stakeholders involved in providing support to victims and commanders for sexual assault cases. Stakeholders may include investigative liaisons, staff judge advocates, medical and behavioral health professionals, special victims' council, and SAPR personnel. The Fusion Team will also collaborate with and embed local resources, such as state public health departments and organizations that support victims of violent crimes into the team. The objective of this concept is to ensure the victim receives appropriate care and resources, and updates on status of investigation and disposition of cases in an environment that fosters a climate where personnel can trust the process and feel comfortable coming forward for assistance.

### **SARC and SAPR VA Training**

Disparities between the Services'-specific initial SAPR training became apparent when the ARNG and ANG programs aligned a few years ago under the NGB-J1. Headquarters, Air Force - Air University requires full-time SARCs and VAs to attend an 80 hour Foundation Course. Air University approved a train-the-trainer curriculum that allows wing SARCs to provide the instruction for their wing Volunteer VAs.

Headquarters, Department of the Army - SHARP Academy requires full-time SARCs, VAs and deploying brigade SARC to attend a six week Career Course. The allocation of seats to this course is limited and the content of the course does not relate to Title 32 U.S.C. National Guard members. Additionally, unlike the active component, each of the States has its own sexual harassment legal interpretation resulting in the management of the program to fall with the purview of NGB-DEI. The National Guard is working with the Services to socialize a change in the curricula to align with National Guard equities or to allow the National Guard to develop and implement its own training platform. The SHARP Academy provided a separate class code in the Army Training Requirements and Resources System to begin in FY2024 (FY24), which will improve tracking of National Guard members attending SHARP Academy classes. The SHARP Academy also provides an 80-hour Foundation Class for collateral duty brigade SARCs and VAs, and battalion VAs. J1-SAPR has six authorizations for training instructors and over 300 seats in 11 classes annually to conduct this training. The National Guard training instructors embedded an additional assignment into the 80-hour class to build confidence in collateral duty SARCs and VAs on how to build on community relationships within their geographic region.

**SAPR Supplemental Training.** NG SAPR Professionals complete their initial SAPR training through their Service-specific programs, the Army SHARP Academy and Air University. These courses provide lessons on the DoD core competencies and include extensive information on the programs as implemented by the Services. As a result, NG SAPR Professionals receive instruction primarily on operating in a Title 10 U.S.C. environment, with limited exposure to the unique policies and procedures associated with implementing the program for non-Federalized NG members. J1-SAPR evaluated the content of the Service-specific courses and surveyed the professionals within the States, and identified the gaps in learning for our NG SAPR Professionals. J1-SAPR already used annual refresher training and monthly regional teleconferences to address NG specific policy and procedures, but developed a supplemental course to provide consistent, relevant, and current information to all NG SAPR Professionals. J1-SAPR conducted a pilot of the 40-hour supplemental course in May 2021 to all NG SAPR Professionals who were in their position for less than two years. Additionally, J1-SAPR opened the course to all NG SAPR Professionals for use as part of their continuing education training requirement. The curriculum contains 21 modules focused on providing the NG SAPR Professionals with the tools they need to provide the appropriate and relevant support and services to our NG victims. Key to the training program is inclusion of subject matter experts from both the military and civilian sector, such as NGB OCI, NGB-SVC, Directors of Psychological Health, first responders, and civilian Sexual Assault Nurse Examiners, law enforcement, a community Sexual Assault Response Team Chair. As a community based organization that is reliant on the services and support from the civilian sector, the course stresses the importance to identify the various local, regional, and State resources and services available to our NG members, and to solidify the relationships using a formal memorandum of agreement or understanding. The course also provides information on the regulatory guidance between the UCMJ, State Code of Military Justice, civilian statutes, and varying mandatory reporting laws and statutes of limitations across the States. Equally important are the modules on Integrated Prevention and Trauma Informed Conversation and Trauma Informed Leadership Engagement for our NG SAPR Professionals. The J1-SAPR Training Branch will continue to review and revise the supplemental course and add new modules as new policy, procedures, requirements, and guidance are disseminated for implementation.

**DSAID Training.** J1-SAPR began offering additional training in late FY21 in the form of monthly webinars on the DSAID. The purpose of the webinars is to improve data integrity and increase SARC confidence in utilizing DSAID effectively.

**Army SHARP Academy Pilot.** The Army SHARP Academy conducted a SHARP Annual Refresher Training Pilot from 15 June through 13 August 2021. National Guard JFHQs-State SARCs from California, Delaware, District of Columbia, and Wisconsin volunteered to participate in this pilot. The Training Support Package contained the SHARP Reference Card Graphic Training Aid, five modules of topics for discussion, 8-step training model that provided specific instructions from planning



the event to training leaders, and vignettes. The Army SHARP Academy recently updated vignettes for leaders to use to keep the training fresh and non-repetitive. The intent of this new format is to move away from PowerPoint presentations and for leaders to engage a group of 15-20 subordinates by having discussions on SHARP related subjects. The feedback from the State SARCs indicated that the changes to the training and inclusion of updated vignettes were well received by their leadership, and that the training attendees appreciated the interactive discussion as opposed to PowerPoint.

**Unit Training.** NGB worked collaboratively with the Army and Air Force SAPR programs to adjust annual SAPR training to include National Guard specific equities. National Guard JFHQs-State SARCs took the initiative and worked with State senior leaders in developing annual training videos to allow greater flexibility for National Guard members to meet the annual training requirement. This approach resulted in a dramatic increase in completion of annual training. Flexibility with the delivery of sexual assault annual training through a variety of platforms will enhance the messaging that sexual assault is not tolerated and service members will be held accountable.

**Certifications.** The J1-SAPR Regional Analysts and Regional Leads review SARC and VA credentials on a quarterly basis. A tracker is in development to place on our SAPR SharePoint site that will provide full-time, collateral duty, and volunteer SARCs and VAs with visibility of their credentialing status. The tracker will be available in FY22.

### **Case Management Group (CMG) Meetings.**

NGB SAPR Regional Leads and Regional Analysts conduct reviews of CMG meetings on a monthly basis and send a quarterly scorecard to State senior leaders. The CMG meetings minutes are also a part of the items reviewed during scheduled National Guard SAPR SAAVs within the selected States. The State SAAVs conducted during FY21 by the J1-SAPR SAAV team revealed many practices suitable for use to inform guidance for Lead SARCs in conducting CMGs, as well as other areas. The reviews not only verified that the State conducted the monthly CMGs, but also verified the participants, the agenda, and topics discussed in a confidential forum. CNGB policy requires the conduct of the National Guard JFHQs-State CMG, chaired by The Adjutant General or designated alternate to discuss all sexual assault cases within the State. This policy already supported the recommendation of the Fort Hood Independent Review Committee Report, to conduct one CMG in a joint forum.

The assessments the J1-SAPR team conducted and reviews of CMG documents revealed several inconsistencies in following the appropriate procedures for the CMG. There was a failure of immediate commanders to participate in the CMG as required, as well as their failure to update victims within 72 hours following the CMG. This lack of participation may be attributed to the timing of the scheduled CMG, such as during a drill weekend or during the week, and the availability of the commander to attend based on their drill schedule and civilian work schedule. J1-SAPR is developing

formal guidance to augment existing policy and to address common concerns, standardize the procedural conduct of the CMGs to improve advocacy and ensure victims and survivors receive their updates following the CMG. Since the time that J1-SAPR began to provide quarterly scorecards to State leadership, educate SARCs how to upload CMG minutes into DSAID properly, and conduct SAAVs, CMG minute reporting improved by 75%.

### **Policy Updates and Revisions**

J1-SAPR developed a policy working group to review existing policy and procedures, and to establish a priority for updating CNGB Issuances or conducting a complete revision. CNGB Issuances currently under revision include CNGB Manual 1300.01, *National Guard Implementation of the Department of Defense Sexual Assault Advocate Certification Program (DSAACP)*, and CNGB Instruction 1300.01A, *National Guard Sexual Assault Prevention and Response Program*. Updates to SAPR procedures include expedited transfer, commander's critical incident report, and the sexual assault incident response oversight (8-day) report. As appropriate, J1-SAPR will prepare Directive Type Memoranda in FY22 for CNGB signature directing the implementation of the IRC recommendations.

### **Retaliation and Reprisal**

NG SAPR professionals continued to support sexual assault victims, bystanders, and SAPR professionals within the States who wished to file a retaliation report based on a sexual assault. The NG SAPR professionals followed the procedures as defined in CNGB Manual 1300.03A, *"National Guard Retaliation Reporting Processes Related to Unrestricted Reports Of Sexual Assault."* With the establishment of the DSAID Retaliation Module, NG SARCs used this database as the system of record for tracking all retaliation reports based on a sexual assault report in FY21.

The NGB Compliance and Accountability Officer documented the final disposition of the retaliation case in the DSAID File Locker, as appropriate. In FY21, 8 victims of sexual assault and one VA associated with a sexual assault report filed a retaliation report.

State	Adult Sexual Assault Victim	SAPR VA associated with a reported case	Total
AK SARC	1	0	1
AR SARC	1	0	1
DC SARC	2	0	2
KS SARC	0	1	1
MO SARC	1	0	1
MT SARC	1	0	1
NV SARC	1	0	1
OR SARC	1	0	1
TOTALS	8	1	9

**Resources to Support Victims, Responders, and Bystanders based on a Retaliation or Reprisal Report.**

One of the topics discussed by the CNGB's SAPTF was reports of retaliation and reprisal based on a sexual assault. J1-SAPR is looking to execute the SAPTF recommendation to establish a retaliation and reprisal hotline for victims, SAPR professionals and bystanders to call if they have concerns or feel they have experienced ostracism, retaliation, or reprisal within the workplace.

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

The National Guard revoked the certification of one SARC and suspended six VAs during FY21.

	<b>Suspension</b>	<b>Revocation</b>	<b>Reinstatement</b>
ARNG collateral duty VA	5	0	0
ANG full-time SARC	0	1	0
ANG volunteer VA	1	0	0

National Guard Title 5 U.S.C. civilians hired as full-time SARCs and VAs are required to maintain their D-SAACP certification as a condition of their employment within the National Guard. To ensure the SAPR professionals have a thorough understanding of this requirement, J1-SAPR maintains a monthly roster that notifies the SAPR professional of their 90, 60, and 30 day window requirement for D-SAACP recertification. J1-SAPR also implemented the process of sending a formal memorandum to the commander or The Adjutant General to outline the SAPR professional's requirement to maintain D-SAACP certification and the consequences if the certification lapses. This memorandum addresses the removal of the SAPR professional from any contact with a victim, revocation of their Defense Sexual Assault Incident Database access, and removal of access to the CATCH Program. It also informs the commander's requirement, with support from J1-SAPR, to identify a SARC or VA within their State to assume the responsibilities for any ongoing sexual assault report cases and to assist new victims in making a report."

J1-SAPR is also developing a tracker for each State to identify the status of credentialing among all categories of SARCs and VAs. SAPR Annual Training will continue to inform SARCs and VAs of ethical obligations their roles and responsibilities are required to maintain.

**2.3 Sexual Assault Forensic Exam (SAFE) Kits:** Was the medical care of any Service member hindered due to the lack of a SAFE kit, timely access to appropriate laboratory testing resources, or other resources? If yes, explain and also address how many times this occurred and what actions were taken to mitigate the issue? (Note: This answer should be consistent with the number reported in blocks A and C of the Victim Services matrices). (NDAA for FY 2006, section 596 / DoDI 6495.02, Volume 1, "Sexual Assault Prevention and Response (SAPR) Program Procedures," (April 9, 2021), para 4l and Encl 2, para 6n)

The National Guard does not have military treatment facilities and relies on civilian medical providers for SAFE exams for National Guard victims in a non-Federalized or non-duty status. The National Guard ensures victims receive timely access to medical care, SAFE kits, and other resources based on Memorandums of Understanding with civilian medical facilities. During the past FY, the NG did not receive reports of a hindrance in medical care due to a lack of SAFE kits or timely access to appropriate laboratory testing or other resources.

Most sexual assault evidence pertaining to a National Guard member or eligible individual in accordance with NGB policy is collected at a civilian hospital or facility and is managed and administered by each State's program according to their laws.

**2.4 Military Protective Orders:** How many Military Protective Orders (MPOs) were issued as a result of an Unrestricted Report (include the number of MPOs issued and the number violated)? Indicate if the victim(s) and the alleged offender(s) were provided with copies of the DD Form 2873, "Military Protective Order," as required. (DoDI 6495.02, Volume 1, "Sexual Assault Prevention and Response (SAPR) Program Procedures," (April 9, 2021), Encl 5, para 7)

National Guard commanders issued MPOs to Service members identified as alleged subjects or other individuals associated with a sexual assault to the maximum extent possible within the National Guard jurisdiction and consistent with the intent of the order. National Guard commanders use the MPO to provide protection for National Guard members associated with a reported sexual assault from additional harm or abuse, and to minimize potential disputes or disturbances. National Guard commanders can only enforce the MPOs when the National Guard member receiving the MPO and protected person are in a covered military status (such as Traditional Title 32 U.S.C, Active Guard/Reserve Title 32 U.S.C, Active Duty for Operational Support T10 U.S.C) and on a military installation. Due to the limitations of authority and enforcement of MPOs based upon military status and jurisdiction, National Guard members are encouraged to pursue a Civilian Protective Order (CPO) or No Contact Order with local civilian authorities for additional coverage.

The DSAID data shows that National Guard commanders issued 53 MPOs in FY21. This is a 72 percent increase from the 38 MPOs issued in FY20. The DSAID data also shows one MPO violation. All commanders issuing MPOs provided copies of the DD Form 2873 to the victims and subjects.



Due to the limitation of MPOs for National Guard members when off-duty and off the installation, commanders assisted victims in requesting 29 CPOs in FY21, with one violation. Commanders also issued 74 “informal” No-Contact Orders, for use in matters not rising to a criminal investigation, with two violations.

MPOs Issued	53
MPO Violation	1
CPOs Requested	29
CPO Violation	1
Informal No Contact Orders	74
Informal No Contact Order Violations	2

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

**Collaboration with Community Resources**

The NGB SAPTF recommended J1-SAPR establish a formal working relationship with national sexual assault, prevention, and first responder organizations. This effort will increase knowledge of the NGB SAPR program and better inform national organizations on how to meet the needs of NG victims. It will also create an opportunity to address systemic issues from a national perspective and create momentum for change across the States.

**Training**

J1-SAPR will update initial SARC and VA training in lieu of their Service-specific training, while empowering States to continue to be innovative and creative in FY22. J1-SAPR is planning to develop a NG Joint SAPR Foundation Course to improve availability of training seats for incoming full-time civilian brigade SARCs and brigade and wing VAs. Using coursework from both Air University and the Army SHARP Academy, J1-SAPR will transform the NG SAPR Supplemental Course into a joint curriculum focused on aspects of both Services. Consideration and planning is evolving to allow newly hired SARCs and VAs to shadow with experienced SARCs and VAs to immerse themselves into their duties and responsibilities so they can hit the ground running when they return to their home station.

**Fusion Team Concept Pilot**

NGB projects to publish guidance and implement a Fusion Team pilot in selected states no later than 30 June 2022. J1-SAPR will develop the guidance based on data derived from the Army and United States Army Reserve pilots, and thoroughly vet the

guidance and concept with NGB senior leaders and TAGs of the selected states prior to implementing the pilot.

### **Special Victims' Counsel**

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

### **Manpower and Personnel Requirements**

NGB plans to phase in 264 full-time brigade SARC and 264 full-time brigade VAs, and 100 full-time wing VAs in FY22 to meet Public Law 112-81, Section 584 requirements to have one full-time SARC and one full-time VA assigned at each brigade or equivalent unit level. J1-SAPR will also leverage the lack of a NG Family Advocacy Program and a system to track reports of domestic violence to add a domestic violence reporting responsibility within the position description of the new full-time VA at each brigade, wing, and brigade equivalent unit. J1-SAPR will also collaborate with the NGB Joint Surgeon's Office to engage the Directors of Psychological Health in providing oversight of the domestic and interpersonal violence reports taken by the VAs. The addition of this responsibility and collaborative effort will fill a current gap with the National Guard response system.

### **National Guard SAPR Program and NGB SAPR Program Liaise Efforts**

J1-SAPR will continue to re-establish the Sexual Assault Prevention and Response Advisory Council during FY22. This council will serve as a channel of communication among the National Guard SAPR stakeholders within the States and J1-SAPR. The council will identify trends, issues, or inhibitors that effect delivery and execution of the National Guard SAPR program, provide real-time resolutions, gather, vet and share promising practices, and provide program suggestions regarding NGB SAPR policy, procedures, strategy development, and implementation. Anticipated approval date is within the second quarter FY22.

## **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 2021. As applicable, include significant updates made to your Military Services'/NGB's Special Victim Investigation and Prosecution Capability for Military Criminal Investigative Organizations (e.g., investigator and prosecutor coordination); investigative resources (e.g., crime scene processing and anonymous hotline capabilities) and manpower capabilities; training for military criminal investigators, law enforcement personnel, and/or first responders (e.g., interview techniques and the CATCH a Serial Offender (CATCH) Program); policy and regulation updates; case quality reviews; sexual assault-related

retaliation investigations; and information sharing within DoD and other organizations (e.g., federal and/or local civilian law enforcement). There is no need to repeat prior Annual Report submissions or address each of the examples above if these processes have remained largely the same as in previous years. (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 2013, the CNGB directed the NGB OCI to conduct administrative investigations of sexual assault complaints from NG service members when the sexual assault occurred while the service member was not in a Title 10 U.S.C status. The Army and Air POMs recently identified NGB OCI to receive programmed resources in FY22 and FY23, respectively. Receiving programmed resources in future years will result in a stable experienced workforce reducing investigative timelines and eliminating a backlog of requests for assistance.

Additionally, the Chief of the National Guard Bureau directed the reorganization of NGB OCI as a standalone element within the Office of the Chief of the National Guard Bureau effective 1 November 2020. This change originated from a request by TAGs to help mitigate the increases in the number of reports of sexual assault and requests for NGB OCI complex administrative investigations, and use of State assessments. This directive also designated the position of Chief of NGB OCI to the grade of Brigadier General.

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

Evidence processing challenges are not applicable – When under Title 32 U.S.C, National Guard members are under the command and control of their governor, and typically do not fall under the jurisdiction of a Military Criminal Investigative Organization (MCIO). Further, NGB OCI does not collect, process, or maintain physical evidence, such as SAFE kits, as part of its administrative investigations.

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

**Strategy**

NGB initiated a working group in FY21 to explore options to enhance the operational capability of NGB OCI. Continued emphasis on developing a long-term strategic plan to address NGB OCI's staffing and funding needs by allocating permanent resources identified as necessary to improve the timeliness of investigations is essential to achieve the Investigation goal.

## **Policy**

NGB OCI will review and update relevant CNGB Instructions and Manuals. In doing so, NGB OCI will re-emphasize that OCI investigations are administrative in nature and are not a substitute for a criminal investigation conducted by state and municipal law enforcement entities which have sole criminal jurisdiction to investigate sexual assaults committed in a non-Title 10 U.S.C status, and to try, and punish, offenders criminally.

## **Training**

Due to difficulties with delays in obtaining school seats, NGB OCI explored alternatives to its standard practice of sending each investigator to the U.S. Army Military Police school for specialized investigator training. In FY21, NGB OCI contracted with a private company to provide a portion of the curriculum remotely. NGB OCI is continuing to explore options for specialized training in conducting sexual assault investigations, taking into account remote learning opportunities.

### **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 2021. As applicable, include significant updates on any new legal support resources, manpower capabilities, and/or redesign of services provided to victims/clients; training and certification (as required) of personnel affiliated with the Special Victim Investigation and Prosecution Capability program (paralegals, trial counsel, and victim-witness assistance personnel) for responding to allegations of sexual assault; and policy and regulation updates. There is no need to repeat prior Annual Report submissions or address each of the examples above if these processes have remained largely the same as in previous years. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 4 – Accountability, p. 9)

The National Guard SVC Program provides legal representation to eligible victims in response to an allegation of sexual assault or domestic violence. While NG SVCs play no direct role in the investigation or prosecution of cases of sexual assault or domestic violence, they do advise clients on the investigative and adjudication processes and advocate for their interests. In response to Section 548 of the FY20 NDAA, which expanded the NG SVC mission to represent victims of domestic violence, all National Guard SVCs received training on representation of victims of domestic violence. Additionally, the National Guard SVC Program requested a dedicated resource to serve as the Program subject matter expert regarding representation of victims of domestic violence, to develop practice policy, and to assess the respective legal capabilities of the National Guards of the States to support victims of domestic violence.

**4.2 Effectiveness of the Special Victims' Counsel (SVC)/Victims' Legal Counsel (VLC) Program:** Describe any enhancements your Military Service/NGB has made to the SVC/VLC program; how your Military Service/NGB provides support to victims/clients in remote/deployed locations; training/certification updates (if any); and the progress toward ensuring SVC/VLC case load does not exceed, to the extent practicable, 25 cases at any time. (NDAA for FY 2020, section 541 / NDAA for FY 2013, section 573 / SecDef Memorandum, "Improving Victim Legal Support," (August 14, 2013), p. 1)

The National Guard SVC Program is comprised of a Program Management Office and SVCs organized into eight geographical regions. Each region provides services to its assigned state, territory, or the District of Columbia. Deployed National Guard members at their deployed location receive representation by an active component SVC. Upon release from deployment and return to home station, the National Guard member's SVC representation transfers from the active component SVC to a National Guard SVC. In response to Section 548 of the FY20 NDAA, which expanded the National Guard SVC mission to include representation of victims of domestic violence, all National Guard SVCs received training on representing victims of domestic violence. Additionally, the NG SVC Program requested a dedicated resource to serve as the NG SVC Program subject matter expert regarding representation of victims of domestic violence, to develop practice policy, and to assess the respective legal capabilities of the National Guards of each of the States to support victims of domestic violence.

In response to Section 541 of the FY20 NDAA, requiring SVC/VLC programs to ensure that each SVC maintains an average caseload of 25 cases, to the extent practicable, the National Guard SVC Program will add four paralegals to support increased SVC case load monitoring, frequency of case reviews and overall case oversight starting in FY23. This increase in the number of paralegals will help to ensure each SVC is managing his or her caseload effectively. The National Guard SVC Program also requested additional resources in the FY23-27 and FY24-FY2028 POM cycles to secure additional personnel to meet the target average caseload of 25 cases per SVC.

**4.3 CATCH Program:** Provide an update on your Military Service's/NGB's implementation of the CATCH Program. How are you mitigating any challenges, if any, faced by victims and/or SARCs? Also, describe how Service members are made aware of the CATCH program. (SecDef Memorandum, "Actions to Address and Prevent Sexual Assault in the Military," (May 1, 2019), p. 2)

The National Guard received 101 requests for CATCH passwords, of which 41% submitted an entry in FY20. In FY21, the National Guard received 120 requests for CATCH passwords, of which 39% submitted an entry. Although this demonstrates an increase of 19 requests for passwords in FY21, it only indicates an increase of 5



entries submitted into the CATCH system. During FY21, there was one CATCH for the National Guard, although it did not result in a conversion from Restricted to Unrestricted.

The National Guard CATCH program is under full implementation for National Guard victims of sexual assault. In an effort to ensure all victims filing a Restricted Report are aware of the CATCH program, our SARCs and VAs inform the victim of this option using the DD Form 2910 and provide additional information using the DoD CATCH Slicksheet found on the DoD SAPRO website. To ensure all National Guard SARCs and VAs have the most current information on the CATCH program, J1-SAPR provided instruction on the CATCH program during the FY21 Annual Refresher Training. In addition to receiving training on how to maintain their access and assist victims in obtaining a password, the SARCs also received instructions on how to publicize the program within their State by using posters and other media. The J1-SAPR Compliance and Accountability Branch pushes monthly updates to the field to keep the SARCs and VAs apprised of National Guard specific and DoD-wide CATCH data and trends.

The National Guard SVC Program closely monitored the implementation of the CATCH Program from its inception and briefed all National Guard SVCs on the availability of the CATCH Program as a potential resource for those clients that file a Restricted Report.

As of September 2021, J1-SAPR gained direct contact with Military Criminal Investigative Organizations, specifically Army Criminal Investigation Division and Air Force Office of Special Investigations, as well as DoD SAPRO for CATCH related issues. Direct coordination with the Military Criminal Investigative Organizations versus waiting for information to come through the Army or Air Force has decreased the time in which a victim receives notification of a match in the system. Coordination with DoD SAPRO to attend monthly update meetings has been helpful in understanding the process and providing NG specific feedback on the CATCH system and processes.

**4.4 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.

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

NGB will continue to attend monthly meetings and provide input as needed, regarding CATCH. As the majority of the T32 U.S.C. force is ineligible for MCIO investigation,

coordination to capture civilian law enforcement cases is critical to the NG SAPR program. J1-SAPR will add a section dedicated to CATCH to the National Guard SAPR Guard Knowledge Online SharePoint site. This site will include data, trends, and educational materials for SARCs, VAs, SVCs, and victims.

The National Guard SVC Program plans to increase SVC training opportunities in both Federal and State courts martial and administrative separation proceedings. The program will also seek a dedicated resource to serve as the National Guard SVC Program subject matter expert regarding representation of victims of sexual assault, develop practice policy, and assess the respective legal capabilities of the National Guards of each of the States to support victims of domestic violence.

J1-SAPR will execute a SAPTF and IRC recommendation to post offender outcomes as directed by the Office of the Secretary of Defense guidance.

#### **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 2021. As applicable, include significant updates on 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) and SARC and SAPR VA 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. (DoD Sexual Assault Prevention and Response Strategic Plan, 2017-2021 (December 1, 2016), Goal 5 – Assessment, p. 10)**

NGB established a new C&A Branch within the J1-SAPR Division in FY21 based on the DoD SAPRO Strategic Plan (2017-2021), Goal #5 – Assessment. The C&A Branch includes three sections:

Legal and Disposition Review. Responsible for receiving dispositions from MCIOs and State Staff Judge Advocates and updating information within DSAID and finalizing or closing sexual assault cases.

Data Integrity and Trend Analysis. Established to improve data collection and sexual assault reporting capability, J1-SAPR analysts:

Review data within DSAID and inform the States on required updates as needed to assure data integrity. This section also began monthly DSAID training sessions in support of their review to help SARCs understand their role as it pertains to entering sexual assault case data. Some of the information provided included identifying required information for entry, and troubleshooting common DSAID errors.

Retrieve data from DSAID on a quarterly basis and create a Health of the Force (HOF) Scorecard for each State to provide TAG a clear picture of their SAPR program. The information provided on the scorecard includes SAPR Professional manning, training, budget execution, and case management.

Retrieve data from DSAID on a monthly basis, and as needed, for briefings for NGB senior leadership. Additionally, the analysts pull data as requested to review specific data, answer Freedom of Information Act requests, or to determine whether correlations exist between variables, such as sexual assault data and suicide data.

Conduct compliance checks on NG SAPR Professionals' D-SAACP certification, DSAID case metrics and disposition, CATCH management and tracking, and conduct of CMG meetings.

Assessments. Established to standardize and enhance SAPR program oversight at the strategic (NGB), operational (National Guard JFHQs-State), and tactical (brigade and brigade equivalent, and wing/wing equivalent and below) levels, and to expand SAPR program knowledge base.

J1-SAPR coordinates with the National Guard Business Transformation Office to coordinate Site Assessment/Assistance Visits to the States. The purpose of these visits is to help the State assess its SAPR program with the use of checklist developed for the NG Joint Force Headquarters-State SAPR Program, along with the ARNG SHARP Organizational Inspection Program Checklists, and ANG SAPR Bi-Law, Unit Effectiveness Inspection, and Manager's Internal Control Program checklists. These existing checklists are useful in validating Service requirements against NG T32 equities. The team will help identify trends, review compliance with policy and procedures, highlight State procedures considered as best practices, and assist in developing a plan to improve the State SAPR program.

The NG-SAPR Assessment team conducted four SAAVs in FY21. Two of the visits were coordinated directly between J1-SAPR and the state, one was coordinated through the NG Business Transformation Office, and one was coordinated through NGB OCI. Prior to conducting the SAAVs, J1-SAPR reviewed any previous findings to assess compliance and identify unresolved issues the team could help the state make an on-the-spot correction, if possible. The NG-SAPR Assessment team conducted a standardized assessment using an operational level checklist developed by referencing the appropriate DoD Directives and Instructions, CNGB Instructions and Manuals, and applicable Service-specific issuances.

The NG SAPR Assessment team also identifies and highlights best practices and initiatives developed by the State SAPR programs. J1-SAPR shares these practices with all the States for their potential implementation following a thorough

vetting of each practice by a team of experts. The best practices are specifically relevant for States who are similar in both size and demographics.

J1-SAPR established a working group comprised of J1-SAPR personnel and State representatives who volunteered to develop an assessment guide based on existing checklists and guides, experience gained by the NG-SAPR Assessment team during pilot visits, and end-users. The anticipated publication of the guide is during FY22.

Between the Compliance and Accountability Branch and the Prevention and Training Branch, assessing effectiveness of SAPR core competencies and learning objectives will become a critical part of the J1-SAPR Division.

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

NGB will publish a formal guide outlining the purpose and tasks associated with the National Guard SAPR Assessment Program in FY22 and distribute it to the States. J1-SAPR plans to conduct 18 SAAVs in FY22 and each subsequent FY using a rotation system. J1-SAPR will prioritize the States to receive a SAAV based on risk, directive, or request. This process will ensure States receive a robust review of their SAPR program at least once every three years. As part of the Assessment Program, J1-SAPR will provide guidance to the States on Operational (National Guard -JFHQs-State) and Tactical (brigade, wing, and below) assessments. NGB revised the Army SHARP Organizational Inspection Program Checklist to capture T32 National Guard equities to ensure the National Guard meets both ARNG and ANG requirements. J1-SAPR is collaborating with the ANG Inspector General to have the Assessment Section conduct annual ANG SAPR By-Law Inspections to ensure DSAAC-P certified personnel are available during their inspections. Anticipated publication date of the Assessment Guide is 1<sup>st</sup> Quarter, FY22. J1-SAPR is coordinating the development of a schedule for FY22 SAAVs, Organizational Inspection Program, and Bi-Law inspections, which will undergo revision as required throughout the FY.

**6. Core Functions (Communication and Policy): Provide a brief summary for new efforts taken in FY 2021 on the following:**

**6.1 Monthly Case Management Group (CMG) Procedures:** How is your Military Service/NGB ensuring the CMG Chair is notifying the victim's commanding officer when apprised that the alleged suspect is the rater/senior rater of the victim of the sexual assault and/or retaliation reporter and the commanding officer is taking appropriate action in accordance with Military Service/NGB instructions and procedures? (OUSD-PR Memorandum, "Revisions to the Monthly Case Management Group Meetings for Adult Sexual Assault Cases" (November 13, 2019), p. 3)

J1-SAPR is currently developing a CMG policy to ensure the CMG Chair, when apprised that the alleged suspect is the rater or senior rater of the sexual assault

victim and/or retaliation reporter, is notifying the victim's commanding officer and that the commanding officer is taking appropriate action. At this time, there is no formal process for verifying that this occurring at the state level. J1-SAPR verifies that CMG meetings take place on a monthly basis by reviewing the submission of CMG meeting minutes on DSAID. J1-SAPR projects the publication of the CMG policy within the second quarter of FY 22. The policy will address a standard process for verifying this information.

**6.2.1 Monthly Case Management Group Procedures in Expedited Transfers: How is your Military Service/NGB ensuring that the CMG Chair is confirming that commanding officers are notifying the SARC of every Expedited Transfer request for Service members, or for their adult military dependents? (OUSD-PR Memorandum, "Revisions to the Sexual Assault Prevention and Response Program's Expedited Transfer Policy," (February 10, 2020), p. 1)**

J1-SAPR is currently establishing a working group to develop interim guidance to ensure the CMG Chair is confirming that commanding officers are notifying the SARC of every Expedited Transfer request of Service members. National Guard full-time SARCs will report to their Regional Leads or Regional Analysts to confirm compliance.

J1-SAPR will use the opportunity during State SAAVs to verify that this action is taking place and will develop and address process improvements at that time.

**6.2.2 Monthly Case Management Group Procedures in Expedited Transfers: How is your Military Service/NGB ensuring the CMG Chair is tracking Expedited Transfers taking longer than 30 days and assessing the victim's safety for transfers taking longer than 30 days? (OUSD-PR Memorandum, "Revisions to the Monthly Case Management Group Meetings for Adult Sexual Assault Cases" (November 13, 2019), p. 2)**

J1-SAPR is developing interim guidance with language to ensure the CMG Chair is tracking Expedited Transfers taking longer than 30 days and assessing the victim's safety for transfers taking longer than 30 days. The National Guard full-time SARCs will confirm compliance of these requirements to their Regional Leads or Regional Analysts. During State SAAVs the SAAV Team will verify compliance with these requirements, as well as develop and address process improvements at that time, as necessary.

**6.3.1 Quarterly SAPR Case Management Group Meetings: How is your Military Service/NGB ensuring the CMG Chair is conducting quarterly discussions at the CMG meeting on system coordination challenges, timely victim access to resources, High-Risk Response Team responses, retaliation allegations, timeliness of Expedited Transfers, sharing resources in joint environments, tenant commander concerns, and reporting and service access trends for the installation? (OUSD-PR Memorandum, "Revisions to the Monthly Case**

**Management Group Meetings for Adult Sexual Assault Cases” (November 13, 2019), p. 3)**

J1-SAPR is developing interim guidance with language to ensure the CMG Chair is conducting a quarterly CMG meeting to discuss system coordination challenges, timely victim access to resources, High-Risk Response Team responses, retaliation allegations, timely processing of expedited transfers, resource sharing in joint environments, tenant commander concerns, and reporting access trends for the State. The National Guard full-time SARC’s will report compliance of this requirement to their Regional Leads or Regional Analysts. During State SAAVs, the SAAV Team will verify compliance with these requirements, as well as develop and address process improvements at that time, as necessary.

**6.3.2 Quarterly SAPR Case Management Group Meetings: How does your Military Service/NGB ensure the CMG Chair is confirming that the required CMG members are attending the quarterly discussions? If members are not in attendance, what does the CMG Chair do as a result? (OUSD-PR Memorandum, “Revisions to the Monthly Case Management Group Meetings for Adult Sexual Assault Cases” (November 13, 2019), p. 3-4)**

Concurrent with the development of interim guidance requiring the conduct of the Quarterly CMG, language within the document will include a requirement for the CMG chair to develop a process to confirm attendance by the required CMG members and the consequences if the CMG members do not attend.

**6.3.3 Quarterly SAPR Case Management Group Meetings: How does your Military Service ensure the CMG Chair is reviewing the minutes and actions taken at the prior quarterly meeting to drive progress and conducting oversight on any open system coordination and accountability issues? (DoDI 6495.02, Volume 1, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” (April 9, 2021), Encl 9, para 2c)**

Concurrent with the development of interim guidance requiring the conduct of the Quarterly CMG, language within the document will include a process to ensure the CMG Chair is reviewing the minutes and actions taken at the previous quarterly meeting to drive progress, and conducting oversight on any open system coordination and accountability issues.

**6.4.1 SARC Responsibilities in Expedited Transfers: How were SARC’s trained on the requirement for new mandatory “intake meeting with the gaining SARC,” which requires the gaining SARC to explain the full range of support options at the new installation, facilitate appointments with mental health, medical, advocacy, legal services, or other response personnel, and help answer any questions the Service member victim may have? (OUSD-PR Memorandum, “Revisions to the Sexual Assault Prevention and Response Program’s Expedited Transfer Policy,” (February 10, 2020), p. 3)**



Currently, newly appointed National Guard SARC receive their initial SAPR training at their respective Service-specific training facility, Army SHARP Academy or Air University. The Army and Air Force update their courses as required to incorporate new policies and procedures based on DoD guidance. In FY21, J1-SAPR finalized the development of a Supplemental Course, focused on the policies and procedures specific to non-Federalized National Guard members, and implemented it for all SARC, VAC, and VAs. This course includes a section on retaliation reporting and provided training on the new procedures updated in the CNGB Manual 1300.03A, *“National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault.”*

**6.4.2 SARC Responsibilities in Expedited Transfers:** Describe the training provided to SARC on the Expedited Transfer process because their adult dependent was the victim of a non-domestic abuse sexual assault? How many adult dependent Expedited Transfer requests has your Military Service/NGB had in FY 2021? Were any disapproved? If so, why? (OUSD-PR Memorandum, “Revisions to the Sexual Assault Prevention and Response Program’s Expedited Transfer Policy,” (February 10, 2020), p. 4-5)

Currently, newly appointed NG SARC receive their initial SAPR training at their respective Service-specific training facility, Army SHARP Academy or Air University. The Army and Air Force update their courses as required to incorporate new policies and procedures based on DoD guidance. In FY21, J1-SAPR finalized the development of a Supplemental Course, focused on the policies and procedures specific to non-Federalized National Guard members, and implemented it for all SARC, VAC, and VAs. This course included a section on retaliation reporting and provided training on the new procedures updated in the CNGB Manual 1300.03A, *“National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault.”*

There were no requests for Expedited Transfers initiated because of a non-domestic sexual assault perpetrated on an adult dependent during FY21.

**6.5 SARC Responsibilities for the Retaliation Reporting Form (DD Form 2910-2):** Describe the training provided to SARC responding to a request for a DD Form 2910-2 by a retaliation reporter who was not the sexual assault victim associated with the retaliation report? What difficulties are SARC experiencing handling retaliation involving adult sexual assault victims? (OUSD-PR Memorandum, “Defense Sexual Assault Incident Database Updates Involving the Replacement of Lost Forms, Retaliation Reporting, and Electronic File Locker,” (October 15, 2019), p. 3)

Currently, newly appointed National Guard SARC receive their initial SAPR training at their respective Service-specific training facility, Army SHARP Academy or Air University. The Army and Air Force update their courses as required to incorporate

new policies and procedures based on Department of Defense guidance. In FY21, J1-SAPR finalized the development of a Supplemental Course, focused on the policies and procedures specific to non-Federalized National Guard members, and implemented it for all SARCs, VACs, and VAs. This course included a section on retaliation reporting and provided training on the new procedures updated in the CNGB Manual 1300.03A, *“National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault.”*

There were no reports of difficulties by the SAPR professionals in handling retaliation involving adult sexual assault victims.

**6.6 Independent Review Commission (IRC) Recommendations Implementation Efforts: Summarize the efforts undertaken during the reporting period to support the IRC. (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))**

NGB provided subject matter experts to participate in the IRCs four lines of effort working groups: Accountability, Prevention, Culture and Climate, and Victim Support. J1-SAPR answered the multiple requests for information and consultative topics, as well as assisting in coordinating interviews with victims and staff for the IRC working group leaders. The National Guard reviewed the IRC Roadmap, provided input for each recommendation, and submitted information for resourcing. The National Guard participated with the Office of the Secretary of Defense Cost Assessment Program Evaluation to develop issue papers, cost estimates, and implementation plans for FY22 and out-years to fund the IRC recommendations. Considering that the recommendations span across NGB directorates, an integrated senior leader, and action officer working group was established to develop Plans of Actions and Milestones and implementation plans, and to collaborate on resources. Monthly touchpoints with NGB senior leaders will continue.

**6.7 COVID-19 Impact: Discuss any continuing impacts the COVID-19 pandemic is having on your Military Service’s/NGB’s efforts in any of the five SAPR goals (e.g., prevention efforts, in-person training, SAFE/evidence processing). If there is a continuing impact, what adjustments were made in FY 2021 to ensure the advancement of your SAPR efforts?**

**J1-SAPR.** COVID had very little effect on in-person training or SAAVs conducted throughout the National Guard. Leaders ensured that all traveling personnel adhered to the guidelines, had proof of vaccination, and maintained the appropriate safety and distancing procedures in place at each location visited. J1-SAPR quickly mitigated any impacts to training due to COVID-19 restrictions by either rescheduling the event, changing to a larger venue to allow for the appropriate number of personnel in attendance, or providing virtual training.

**National Guard SVC Program.** COVID-19 continued to affect the National Guard SVCs ability to travel due to COVID-19 and DoD travel restrictions put in place in response to the pandemic. Traveling to the client's location is an essential component for the National Guard SVC to meet in person with the victim to represent and meet their needs in an appropriate and timely manner. The inability to travel freely led to the postponement of investigations, adjudication proceedings, and victim meetings. Although the National Guard SVCs used teleconference, video conference, and other remote communication platforms as an alternative to the in-person meetings, some victims still experienced a feeling of great uncertainty. The National Guard SVCs will continue to use the adjusted travel restrictions based on an exception to policy that allows limited travel and the remote communication methods into FY22.

**NGB OCI.** Despite travel restrictions and other impediments of the pandemic, NGB OCI closed more investigations during this reporting period than in the history of the organization. NGB OCI leadership prioritized the efforts of over 30 investigators to address the pandemic restrictions efficiently, while maintaining the quality and completeness of investigations and ensuring the safety of investigators and other office members. NGB OCI leadership developed effective telework policies to maintain workflow, accountability, visibility, and safety.

## **7. National Defense Authorization Act (NDAA) Requirements:**

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

**After reviewing the designated NDAA section:**

- If the requirement(s) has/have been implemented, provide the completion date and a short narrative (300 words or less) describing the action taken (e.g., Completed: January 15, 2021. Requirement added to AR 600-20, Army Command Policy).
- If the requirement(s) has/have not been implemented, provide the projected completion date only without narrative.

**7.1 NDAA for FY 2021, section 538(b)(1)(A). Coordination of Support for Survivors of Sexual Trauma. Specifically, address whether SARCs and Uniformed Victim Advocates receive annual training on resources available through the Department of Veterans' Affairs regarding sexual trauma.**

**Projected Completion Date: August 2022**

**7.2 NDAA for FY 2020, section 599. Information for Members of the Armed Forces on Availability of Services of the Department of Veterans Affairs Relating to Sexual Trauma. Specifically, address how SARCs and Uniformed Victim Advocates are advising members of the Armed Forces who report sexual trauma regarding the eligibility of such members for services at the Department**

**of Veterans Affairs, and whether such information is included in mandatory training materials.**

**Completed: October 1, 2020**

National Guard SARCs and VAs discuss information on Military Sexual Trauma resources available through the Department of Veterans Affairs and the State Veterans centers, and provide handouts to the victims of sexual assault during their initial meeting. As this information is specific to National Guard members, who may or may not have attained “veteran” status, the National Guard SARCs and VAs take special measures to gain relevant information on the availability of these services by contacting their State’s Veterans Affairs Healthcare systems and Medical Centers. The National Guard SARCs and VAs take every precaution to provide each victim with information that is relevant to their “veteran” status, so as not to provide disinformation to members who do not meet the Veterans Affairs eligibility requirements for Military Sexual Trauma resources. Additionally, the SARCs provide this information, to include eligibility factors, during annual refresher training.

## **8. Analytics Discussion**

**8.1 Military Services/NGB\*: Provide an analytic discussion (1,500 words or less) of your Statistical Report of reported sexual assault cases from DSAID. The discussion shall include information on Unrestricted Reports; Restricted Reports; conversions of Restricted Reports to Unrestricted Reports; service referrals for victims alleging sexual assault; and case synopses of completed sexual assault and related retaliation investigations.**

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

**This section must briefly address each of the following:**

- Notable changes in the data over time**
- Insight or suspected reasons for noted changes, or lack of change, in data**
- The application of insights from data analyses for programmatic planning, oversight, and/or research**
- Total number of Sexual Assaults (Restricted Reports and Unrestricted Reports) over time (since FY 2008) (Metric #11)**
- The number of sexual assault investigations completed by the MCIO in the FY and the corresponding mean and median investigation length. Case open date can be in any year, but the close date must be by the end of the FY (Non-Metric #6)**
- The number of subjects with victims who declined to participate in the military justice process (Metric #7)**
- Command action for military subjects under DoD legal authority (to be captured using the most serious crime investigated, comparing penetration to contact crimes) (Non-Metric #1)**
- Sexual assault court-martial outcomes (to be captured using the most serious crime charged, comparing penetration to contact crimes) (Non-Metric #2)**

**- Summary of referral data – Unrestricted and Restricted Reports - either referrals received from other sources or referrals made to other sources (e.g., medical/mental health, command, criminal investigation/security services, legal, civilian, or VA authorities, etc.)**  
**- Any other information relating to sexual assault case data (e.g., information on completed sexual assault-related retaliation cases)**

The Analytics Discussion section contains data on sexual assaults reported to the NGB that involve at least one member of the National Guard either as the victim or as one or more of the subjects. The FY21 final reporting data extracted from DSAID on 05 October 2021, and validated for use, establish the basis of the figures in this report. NGB-J1-SAPR removed some sexual assault cases reported in FY21 from this analysis because of missing basic information, lack of a National Guard connection, or incorrect case entry. This report includes graphs and charts that display National Guard joint data, as well as ARNG and ANG specific data, as available.

### **National Guard Report Totals (Figure 1)**

The National Guard saw a small increase in sexual assault reports this year from 634 in FY20 to 704 in FY21, an 11.04 percent increase. Historically, this increase is larger than the 4.26 percent increase between FY19 and FY20, but less than the 17.41 percent increase between FY18 and FY19. National Guard members on Title 10 U.S.C. orders increased from 67 sexual assault reports in FY20 to 96 reports in FY21, a 43.28 percent increase. This increase may be reflective of the larger number of National Guard members placed in Title 10 U.S.C. status in FY21 in comparison to FY20. This rise in reports for FY21 negates the decrease in the number of reports from 92 reports in FY19 to 67 reports in FY20, a 37.31 percent decrease.

In FY20, the COVID-19 virus caused an unprecedented global pandemic. This drove a need to telework, which resulted in reduced physical contact as work, drills, meetings, and other activities moved to a virtual arena. The combination of these factors contributed to the small percentage increase of sexual assault reports between FY19 and FY20. FY21 saw an increase in physical contact as work, drills, meetings, and other activities resumed in person, which contributed to the continued upward trend in sexual assault reports. Additionally, the increased comfort a sexual assault victim may have had with their VAs and access to SAPR services and resources may have attributed to the upward trend of increased reports in recent years. They illuminate the need for victim services and sexual violence prevention. The National Guard will increase attention on sexual violence prevention by addressing key risk factors that affect the Guard population, as discussed elsewhere in this report.

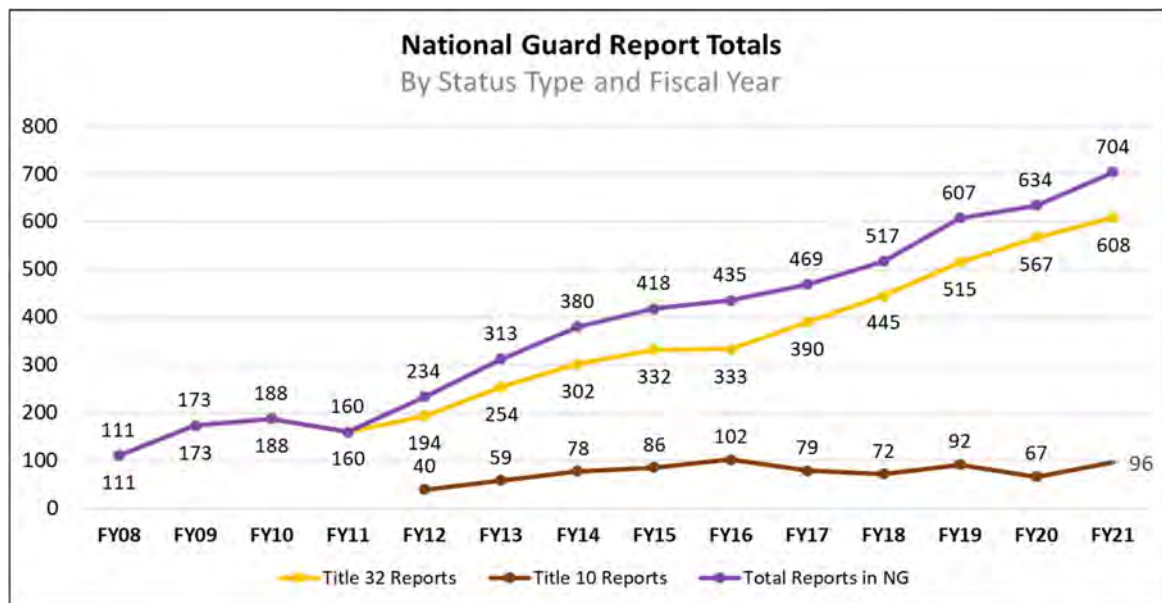


Figure 1. National Guard Report Totals by Status Type and Fiscal Year

### ARNG Report Totals (Figure 2)

The ARNG reports followed a similar pattern as the total National Guard reports. In FY21, ARNG reports increased to 536, reflecting a 10.97 percent increase when compared with FY20. While reports from FY19 to FY20 increased by only 6.15 percent, reports increased by 16.07 percent from FY18 to FY19.

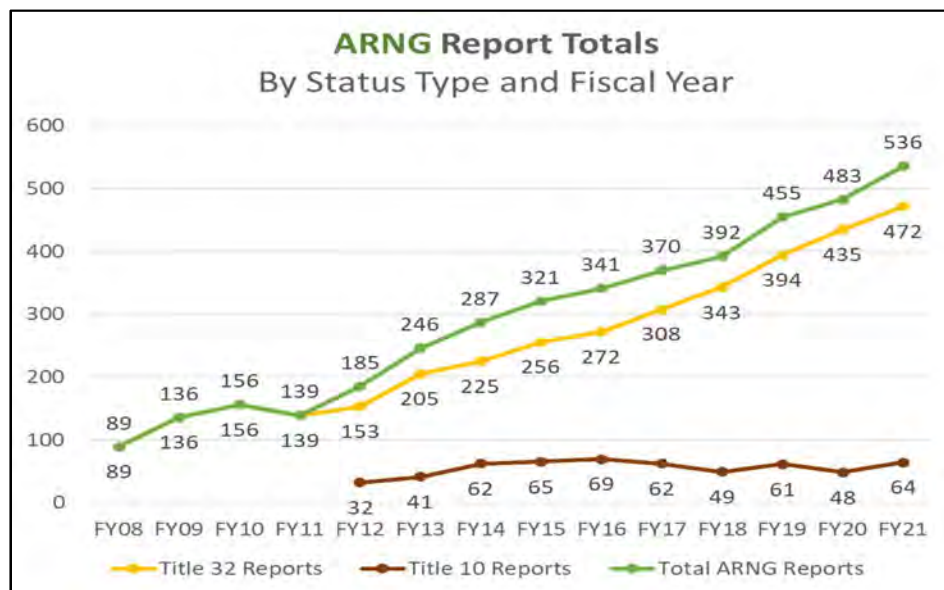


Figure 2. ARNG Report Totals by Status Type and Fiscal Year



### ANG Report Totals (Figure 3)

The number of ANG reports held steady over the past few fiscal years, changing from 152 in FY19 to 151 in FY20. FY21 reports increased by 11.25 percent from FY20, totaling 168, resuming the previous upward trend.

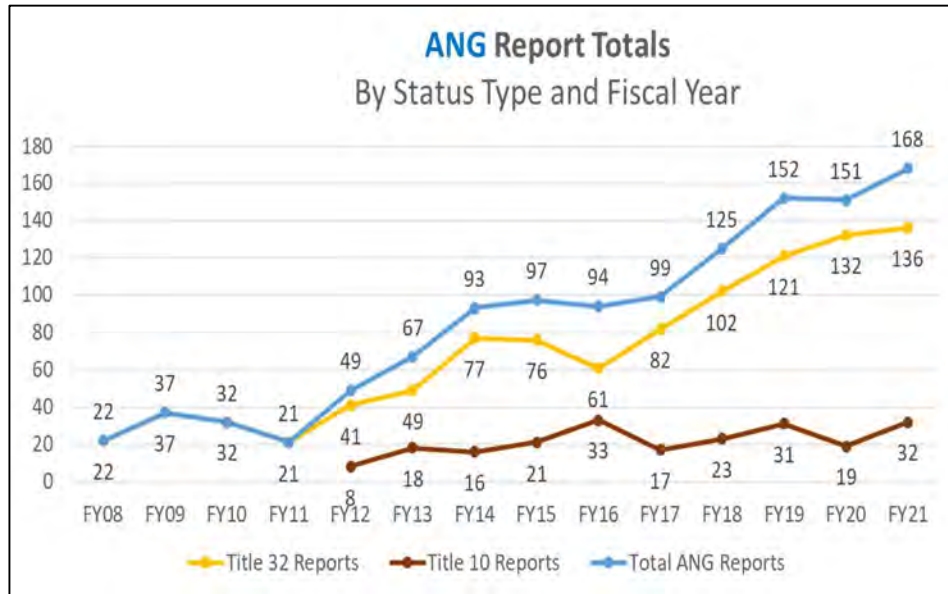


Figure 3. ANG Report Totals by Status Type and Fiscal Year

Year Incident Occurred	Sexual Assault Incidents Reported in FY21
FY21	244
FY20	82
FY19	30
FY18	20
FY17	9
FY16	6
FY15	2
FY14	9
FY13	4
FY12	3
FY11	8
FY10	9
FY09	2
FY08	3
Prior to FY08	28
Unknown Incident Date	245
<b>TOTAL</b>	<b>704</b>

Figure 4. Sexual Assault Incidents based on FY reported in FY21.

### Sexual Assault Incidents Reported in FY21 (Figure 4)

Of the assaults reported in FY21, only 244 actually occurred in FY21. There were 82 sexual assaults reported in FY21 that occurred in FY20, while 245 sexual assault reported had unknown incident dates. As mentioned previously, service members have become increasingly more comfortable with reporting incidents of sexual assault, and increasingly more comfortable reporting sexual assaults in the fiscal year that they occurred. There were 634 total reports of sexual assault in FY20, 344 of which actually occurred in FY20. Ultimately, there were fewer actual incidents of sexual assault in FY21, while more people came forward to make reports of sexual assaults that occurred prior to FY21.

**Metric #11 – Total number of Sexual Assaults (Restricted Reports and Unrestricted Reports) over time, FY13-FY21 (Figures 5, 6 & 7)**

The National Guard saw 471 Unrestricted Reports involving National Guard members filed In FY21. This is a 5.37 percent increase from 447 in FY20. Of the 471 Unrestricted Reports, 425 involved Title 32 status Guard members and 46 involved Title 10 status Guard members. The number of Restricted Reports in FY21 increased to 233 reports in comparison to the 187 reports filed in FY20. This is a 24.6 percent increase over the past FY. Of the FY21 Restricted Reports, 183 involved Title 32 Guard members and 24 involved Title 10 Guard members.

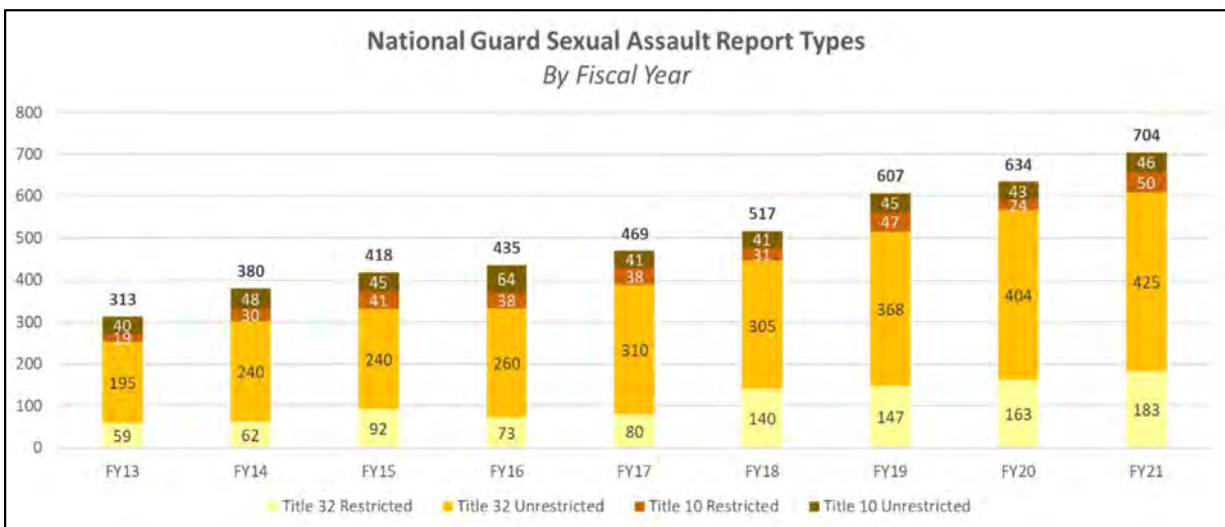


Figure 5. National Guard Sexual Assault Report Types and Fiscal Year

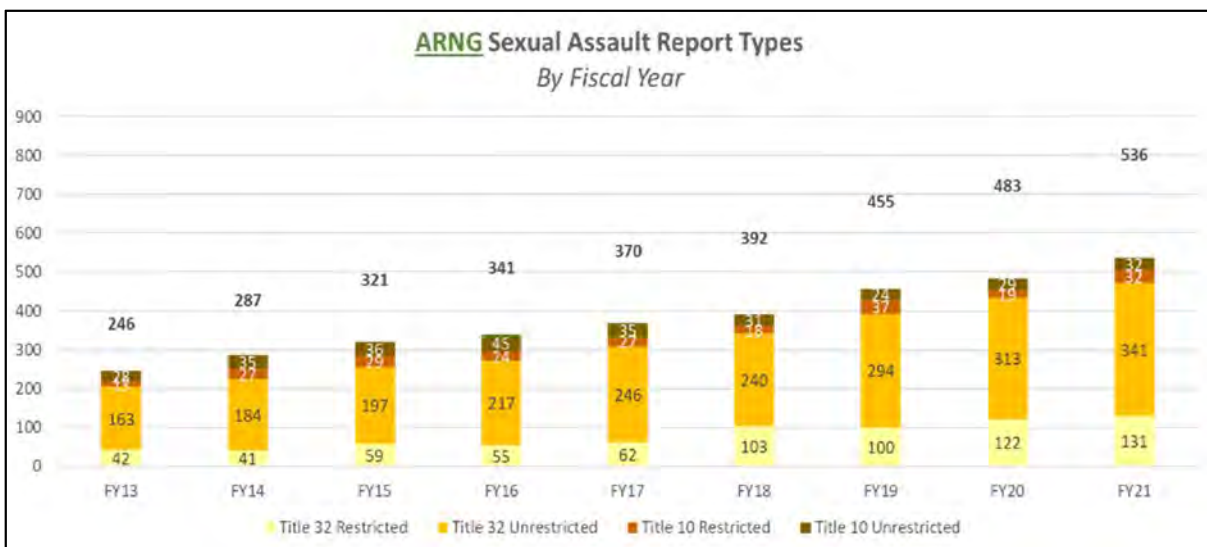


Figure 6. ARNG Sexual Assault Report Types and Fiscal

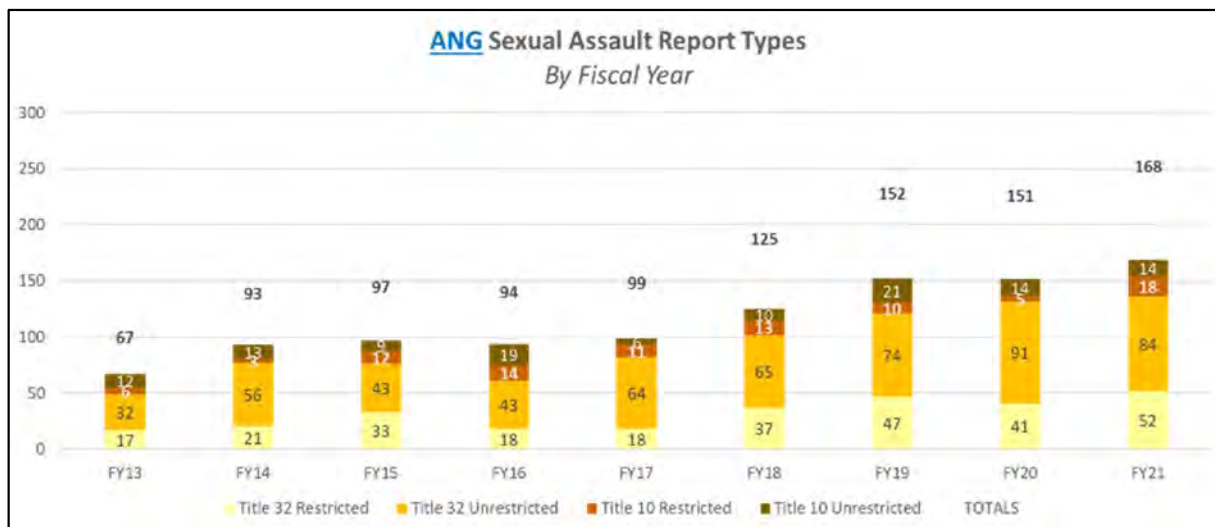


Figure 7. ANG Sexual Assault Report Types and Fiscal Year

### Conversion of Restricted to Unrestricted

Of the 233 Restricted Reports filed in FY21, 25 were converted to Unrestricted Reports within FY21, equating to 3.5 percent of all National Guard reports. ARNG victims converted 16 reports, while ANG victims converted 9 reports. This is an overall decrease of nine reports that were converted in FY20.

### Title 32 Status Guard Members

In FY21, reports filed involving Title 32 status Guard members increased 7.23 percent to 608 from the 567 reports filed in FY20. This rise is consistent with the steady increase in the number of reports involving Title 32 Guard members over the last four years. This increase in reporting may be partially attributed to an increase in knowledge of and access to SAPR services.

### Title 10 Status Guard Members

The total number of reports filed involving Title 10 status Guard members increased from 67 reports in FY20 to 96 reports in FY21. This is a 43.28 percent increase in reports, which resumes the previous trend experienced for Title 10 Guard members prior to the FY20 COVID-19 pandemic. The number of reports involving Title 10 Guard members in FY 19 and FY 18, were 92 and 72, respectively.

### Summary Referral Data (Total reports) (Figures 8, 9, & 10)

The National Guard saw 1,433 referrals in FY21, which is a significant increase of 23.64 percent over 1,159 in FY20. Referrals have been increasing at an average rate of 25.77 percent over the past five years, illustrating an increase in awareness and access to resources for survivors of sexual assault. The increase in referrals may also demonstrate successful SAPR policy changes and awareness initiatives. Please

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

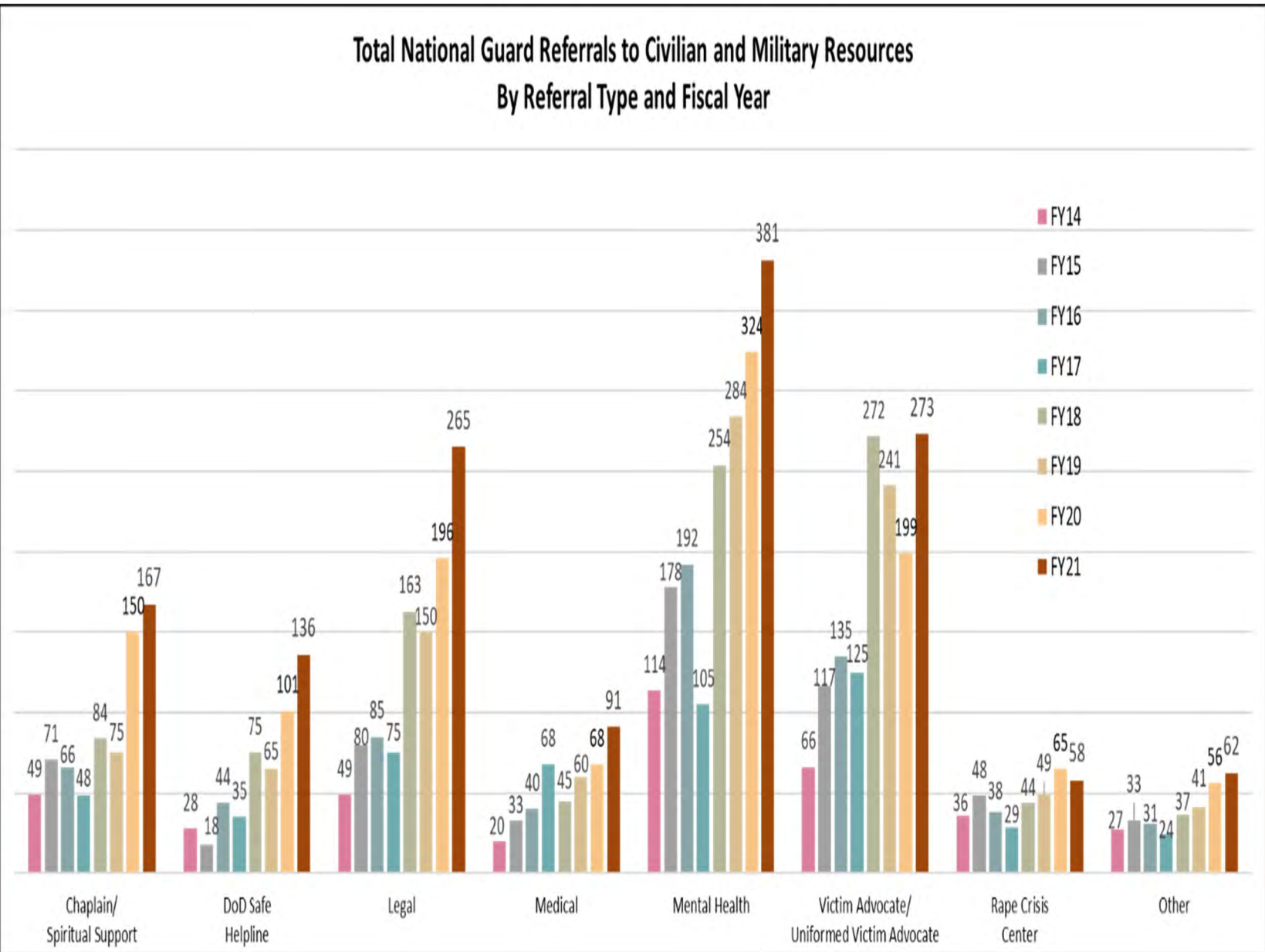
The rising trend of mental health referrals continued in FY21. The highest volume of referrals in FY21 was to mental health resources; with 381 referrals, mental health resources represents 26.59 percent of all referrals made in FY21. The only referral source that decreased from FY20 to FY21 is rape crisis center dropping from 65 in FY20 to 58 in FY21. The increase of in person work and services provided by the National Guard in FY21 may be contributing factors to the decrease of rape crisis center referrals. Victim advocate referrals increased from 199 in FY20 to 273 in FY21, most likely also due to the increase of in person work and services. The largest percent increase in referrals was for victim advocates which increased by 37.19 percent, which can also account for the decrease in referrals to rape crisis centers.

According to the Centers for Disease Control and Prevention, behavioral health referrals, suicide ideations, and other mental health issues increased nationally since the beginning of the COVID-19 restrictions. The largest percentage increase in ARNG referrals in FY21 was to medical referrals; they increased 180 percent from 25 in FY20 to 70 in FY21. This drastic increase can be partially attributed to the sexual assault victim's increased comfort with reporting and access to medical resources as SAPR programs across the National Guard continue to establish relationships with various medical facilities within respective states.

The ARNG referrals (**Figure 9**) totaled 999 in FY21, which is a significant increase of 49.1 percent over 670 referrals in FY20. Referrals to mental health resources also show the highest volume of referrals in FY21 with 290 referrals representing 29.02 percent of all ARNG referrals during FY21.

The ANG referrals (**Figure 10**) totaled 517 in FY21, an increase of 7.93 percent over 479 referrals in FY20. Mental health referrals represent the highest volume of referrals in FY21 with 140 referrals representing 27.07 percent of all ANG referrals during FY21. Mental health referrals decreased slightly, from 137 in FY19 to 130 in FY20. Similar to the ARNG, the highest percentage increase was of medical referrals, which increased by 74.42 percent between FY 20 and FY21.

Figure 8. National Guard Referrals by Referral Type and Fiscal Year



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

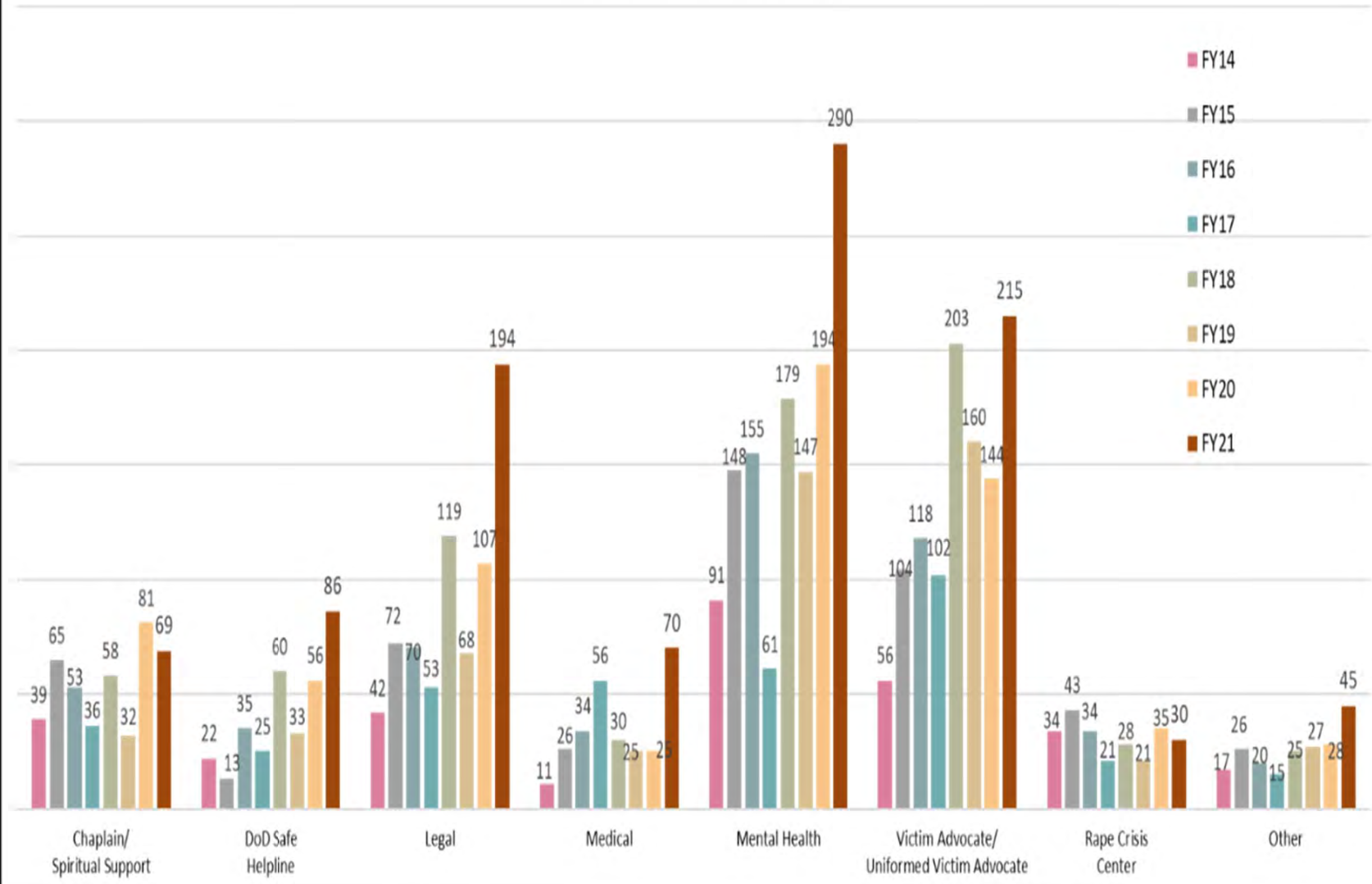
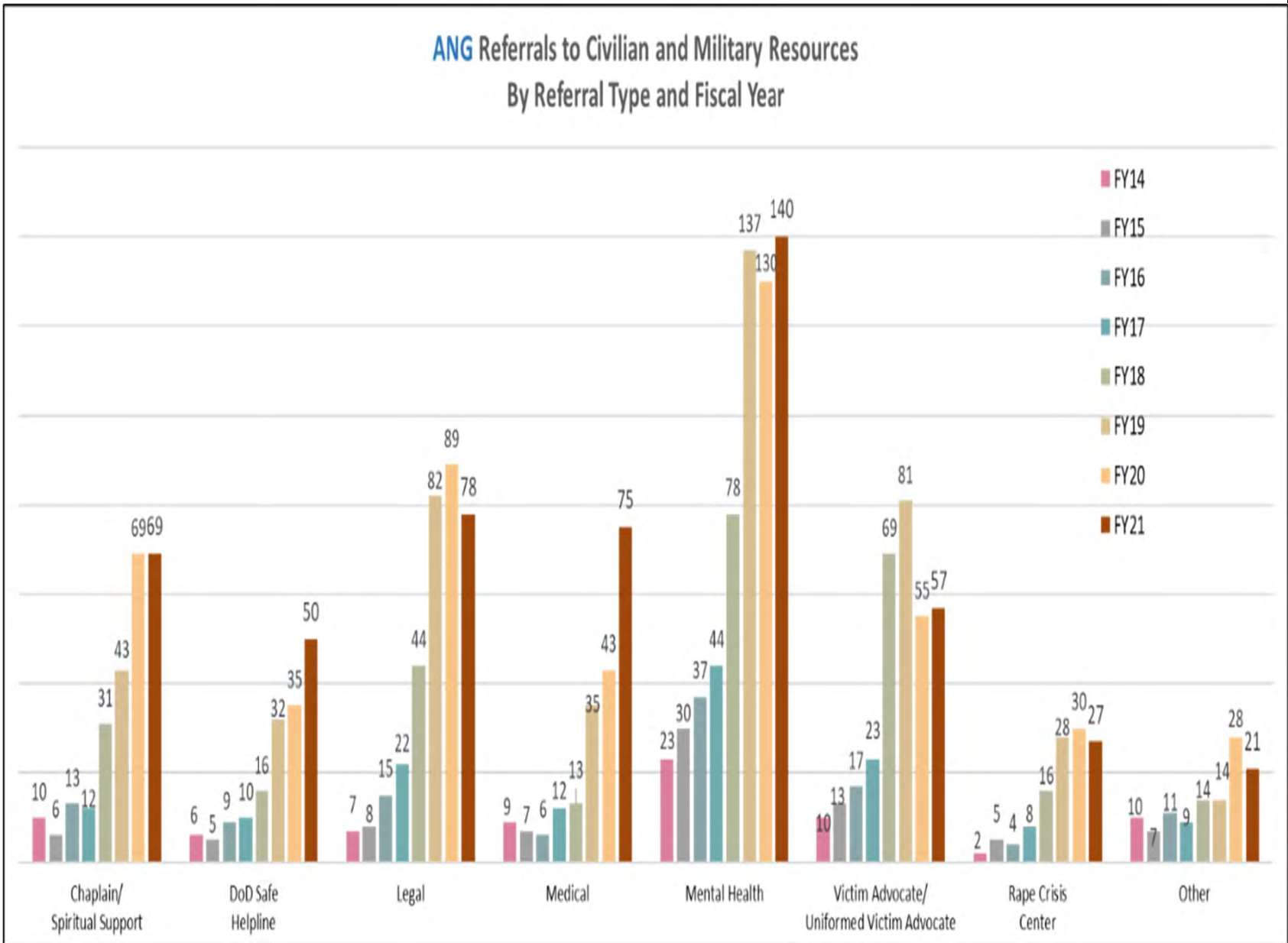


Figure 9. ARNG Referrals by Referral Type and Fiscal Year



Figure 10. ANG Referrals by Referral Type and Fiscal Year



### Expedited Transfer Requests

The National Guard received 12 expedited transfer requests in FY21 and processed them according to the CNGB Issuances. Of these requests, all 12 were ARNG and National Guard commanders approved all requests. Of the total approved requests, 11 were local transfers and 1 was a permanent change of station.

Location Assault Occurred FY21 (Top 5 only)			
Victim Affiliation	ARNG	ANG	All NG
Residence	148	40	188
Hotel / Motel	81	27	108
Government / Public Building	48	17	65
Unknown	37	13	50
Bar / Night Club / Officer Club / NCO Club	4	13	17

Figure 11. Top 5 Locations where Assault Occurred

### Offense Types and Locations (Figures 11 & 12)

The most common sexual assault offense type among the National Guard in FY21 was abusive sexual contact, which accounted for 16 percent of Unrestricted Report totals. The majority of assaults occurred at a private residence and accounted for 39.92 percent of all Unrestricted Reports in FY21. The National Guard faces unique challenges when it comes to sexual assault prevention due to geographical dispersion of National Guard members across the States.

Offense Type (Unrestricted Reports)	Service Member Victim	Non-Service Member Victims	Total Victims	Percent of Total (Unrestricted Reports)
Abusive Sexual Contact (Art. 120)	71	6	77	16%
Sexual Assault (Art. 120)	55	7	62	13%
Rape (Art. 120)	47	7	54	11%
Aggravated Sexual Contact (Art. 120)	19	1	20	4%
Attempts to Commit Offenses (Art. 80)	8	0	8	2%
Non-Consensual Sodomy (Art. 125)	4	0	4	1%
Wrongful Sexual Contact (Art. 120)	2	0	2	0%

Figure 12. Most Common Offense Type with Victim Totals

### Victim and Subject Demographics (Figures 13 & 14)

The majority of National Guard victims fell within the E1-E5 pay grade range over the past three fiscal years. In FY21, 81.4 percent of ARNG victims and 62.01 percent of ANG victims were within the E1-E5 range. The majority of National Guard subjects fell within the same E1-E5 pay grade range over the past three fiscal years. In FY21, 61.8 percent of ARNG victims and 60 percent of ANG victims fell within the E1-E5 range. The National Guard continues to focus prevention efforts at the E1-E5 range with buy-in and participation from senior leadership.

Cases By Victim Pay Grade						
	E1 – E5		E6 – E9		Officers	
	Army	Air	Army	Air	Army	Air
FY21	337	80	57	34	20	15
FY20	315	100	48	30	23	6
FY19	294	101	51	31	28	11

Figure 13. 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
FY20	93	20	55	17	14	1
FY19	111	30	53	27	11	9

Figure 14. Sexual Assault Cases by Subject Pay grade

### Male Reporting, FY21 (Figure 15)

The National Guard continued to pursue awareness efforts targeted at male survivors in an effort to increase sexual assault reporting for this population. These efforts included increased push of awareness specific to this population and incorporating male guest speakers into virtual training events to assist in reducing the stigma associated with male reporting. In FY21, 87 reports involved male victims. This is an increase of 7.41 percent from FY20 and accounts for 12.36 percent of the total reports for all of the National Guard in FY21. Of those 87 reports, 72 involved ARNG male victims (13.43 percent of total ARNG reports) and 15 involved ANG male victims (8.92 percent of total ANG reports).

Cases by Gender												
	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
FY20	103	40	143	257	77	334	23	5	28	35	18	53
FY19	93	47	140	242	80	322	30	11	41	34	12	46

Figure 15. Sexual Assault Cases by Victim Gender

In reference to report types, 61 reports involving male victims were unrestricted in FY21, compared to 26 Restricted Reports. The ratio of Unrestricted Reports to Restricted Reports involving male victims is 2.34 Unrestricted Reports for each Restricted Report. This ratio is slightly larger than 2.02, which is the ratio of total Unrestricted Reports to total Restricted Reports. Male victims reported more unrestricted sexual assault reports in FY21 than previous years, which can be attributed to less stigmatization of male victims. NGB-J1-SAPR continued to coordinate and collaborate with DoD SAPRO by participating in the Men's SAPR Working Group. One area of focus for this group in FY21 was the development of a DoD Men's SAPR Outreach Campaign. NGB-J1-SAPR will disseminate the planned products to the States, such as a branding theme, animated videos, and allied campaign materials, when available. Currently, videos and training modules on male victimization are included in NGB Commander toolkits. SARCs implement Service-specific training items for Title 32 Guard members and incorporate ensure male-specific content.

### Notifying Command

Of the incidents of sexual assaults reported by National Guard members in FY21, SARCs notified command within 24 hours of the report for 74.86 percent of cases; this is a slight increase from 73.82 percent in FY20, but a decrease from 97 percent in FY19. As mentioned elsewhere in this section, the COVID-19 pandemic decreased availability of SARCs and increased administrative barriers to swift reporting.

### Restricted Reporting Demographic Information (Figures 16 – 18)

In FY21, there were 233 total Restricted Reports of sexual assault. Figures 16 through 18 show that victims who filed a Restricted Report were primarily female, 24 or younger, and grades E5-E9.

Sex of Those Who Made Restricted Reports, FY21		
	Count	Percent
Male	26	11%
Female	168	72%
Relevant Data Not Available	39	17%
<b>Total</b>	<b>233</b>	<b>100%</b>

*Figure 16. Sex of Those Who Made Restricted Reports*

Age of Those in Restricted Reports at Time of Incident, FY21		
	Count	Percent
0-17	5	2%
18-20	57	24%
21-24	75	32%
25-34	73	31%
35-49	22	9%
50 and Older	1	0.43%
<b>Total</b>	<b>233</b>	<b>100%</b>

Figure 17. Age of Those in Restricted Reports at the Time of Incident

Grade of Those in Restricted Reports at Time of Report, FY21		
	Count	Percent
E1-E4	76	33%
E5-E9	81	35%
W01-W05	4	2%
O1-O3	16	7%
O4-O10	13	6%
Relevant Data Not Available	43	18%
<b>Total</b>	<b>233</b>	<b>100%</b>

Figure 18. Grade of Those in Restricted Reports at Time of Report

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

NGB OCI completed 155 administrative investigations into unrestricted reports of sexual assault at the request of The Adjutants General and the Commanding General of the District of Columbia. These reports involved members of the ARNG and the ANG in a Title 32 duty status, where civilian or military law enforcement either declined to investigate the allegation or the Adjutants General determined the evidence gathered was insufficient to make determinations regarding good order and discipline.

### Not Applicable to the non-Federalized National Guard

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

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

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

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

**(DoDI 6495.02, Volume 1, "Sexual Assault Prevention and Response (SAPR) Program Procedures," (April 9, 2021), Encl 2, para 6ac)**

Job/Duty Title	Description of Job/Duty	Full-Time	Part-Time
Program Managers	Capability in developing policy, or program management and execution; and completion of 40+ hours of Military Service-specific National Advocate Credentialing Program and approved SARC training.	2	0
Dedicated Headquarters-Level Professionals	Include policy, advocacy, and prevention professionals who support the headquarters-level SAPR program offices at each Military Service/NGB ( <i>not including program managers, who are counted in their own category</i> ).	25	0



<b>Uniformed SARCs</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 DoD Sexual Assault Advocate Certification Program (D-SAACP).</b>	<b>4</b>	<b>264</b>
<b>Civilian SARCs</b>	<b>See above.</b>	<b>134</b>	<b>0</b>
<b>Uniformed SAPR-VAs</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>3</b>	<b>1656</b>
<b>Civilian SAPR-VAs</b>	<b>See above.</b>	<b>46</b>	<b>0</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>26 SVC 2 OCI</b>	<b>1</b>

<b>Sexual Assault – Specific Investigators</b>	<b>NGB OCI personnel investigators who specialize in performing administrative investigations of unrestricted reports of sexual assaults.</b>	<b>31</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>

## UNRESTRICTED REPORTS

NATIONAL GUARD FY21 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY		
<b>A. FY21 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:</b> The data on this page is raw, uninvestigated information about allegations received during FY21. These Reports may not be fully investigated by the end of the fiscal year. This data is drawn from Defense Sexual Assault Database (DSAD) based on Service affiliation of the Sexual Assault Response Coordinator (SARC) who currently manages the Victim case.	<b>FY21 Totals</b>	
<b># FY21 Unrestricted Reports (one Victim per report)</b>	<b>471</b>	
# Service Member Victims	359	
# Non-Service Member Victims in allegations against Service Member Subject	20	
# Relevant Data Not Available	92	
<b># Unrestricted Reports in the following categories</b>	<b>471</b>	
# Service Member on Service Member	157	
# Service Member on Non-Service Member	20	
# Non-Service Member on Service Member	13	
# Unidentified Subject on Service Member	189	
# Relevant Data Not Available	92	
<b># Unrestricted Reports of sexual assault occurring</b>	<b>471</b>	
# On military installation	124	
# Off military installation	151	
# Unidentified location	196	
<b># Victim in Unrestricted Reports Referred for Investigation</b>	<b>471</b>	
<b># Victims in investigations initiated during FY21</b>	<b>257</b>	
# Victims with Investigations pending completion at end of 30-SEP-2021	198	
# Victims with Completed Investigations at end of 30-SEP-2021	71	
<b># Victims with Investigative Data Forthcoming</b>	<b>3</b>	
<b># Victims where investigation could not be opened by DoD or Civilian Law Enforcement</b>	<b>35</b>	
# Victims - Alleged perpetrator not subject to the UCMJ	5	
# Victims - Crime was beyond statute of limitations	3	
# Victims - Unrestricted Reports for Matters Occurring Prior to Military Service	1	
# Victims - Other	26	
<b># All Restricted Reports received in FY21 (one Victim per report)</b>	<b>258</b>	
# Converted from Restricted Report to Unrestricted Report* (report made this year and converted this year)	25	
<b># Restricted Reports Remaining Restricted at end of FY21</b>	<b>233</b>	
<b>B. DETAILS OF UNRESTRICTED REPORTS FOR FY21</b>	<b>FY21 Totals</b>	<b>FY21 Totals for Service Member Victim Cases</b>
<b>Length of time between sexual assault and Unrestricted Report</b>	<b>471</b>	<b>359</b>
# Reports made within 3 days of sexual assault	75	62
# Reports made within 4 to 10 days after sexual assault	37	32
# Reports made within 11 to 30 days after sexual assault	34	29
# Reports made within 31 to 365 days after sexual assault	105	88
# Reports made longer than 365 days after sexual assault	79	66
# Relevant Data Not Available	141	82
<b>Time of sexual assault</b>	<b>471</b>	<b>359</b>
# Midnight to 6 am	101	88
# 6 am to 6 pm	74	66
# 6 pm to midnight	121	98
# Unknown	39	28
# Relevant Data Not Available	136	79
<b>Day of sexual assault</b>	<b>471</b>	<b>359</b>
# Sunday	43	38
# Monday	39	34
# Tuesday	39	36
# Wednesday	36	25
# Thursday	34	29
# Friday	63	52
# Saturday	217	145
# Relevant Data Not Available	0	0

## UNRESTRICTED REPORTS

C. UNRESTRICTED REPORTS OF SEXUAL ASSAULTS BY OR AGAINST SERVICE MEMBERS (VICTIM AND SUBJECT GENDER)	Male on Female	Male on Male	Female on Male	Female on Female	Unknown	Unknown on Female	Multiple Mixed Gender Assault	Relevant Data Not Available	FY21 Totals
	163	19	8	8	0	6	9	258	471
# Service Member on Service Member	128	14	7	3	0	0	6	5	163
# Service Member on Non-Service Member	17	0	1	2	0	0	2	0	22
# Non-Service Member on Service Member	9	1	0	1	0	0	1	2	14
# Unidentified Subject on Service Member	4	2	0	1	0	3	0	0	10
# Relevant Data Not Available	5	2	0	1	0	3	0	251	262

FY21 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 FY21	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 120a)	Abusive Sexual Contact (Art120)	Wrongful Sexual Contact (Oct07-Jun12)(Art. 120)	Indecent Assault (Art 134) (Pre-FY08)	Attempts to Commit Offenses (Art 80)	Offense Code Data Not Available	FY21 Totals
D1.	78	1	82	4	30	99	2	0	13	247	471
# Service Member on Service Member	24	0	35	4	8	51	1	0	3	31	157
# Service Member on Non-Service Member	6	0	4	0	0	4	0	0	0	6	20
# Non-Service Member on Service Member	4	0	1	0	1	2	1	0	0	4	13
# Unidentified Subject on Service Member	19	0	19	0	10	18	0	0	5	15	86
# Relevant Data Not Available	25	1	23	0	11	24	0	0	5	191	280
D2.											
TOTAL Service Member Victims in FY21 Reports	59	1	63	4	20	81	2	0	8	233	471
# Service Member Victims: Female	52	0	56	4	14	66	0	0	5	139	336
# Service Member Victims: Male	2	1	6	0	6	11	2	0	3	30	61
# Relevant Data Not Available	5	0	1	0	0	4	0	0	0	64	74
TIME OF INCIDENT BY OFFENSE TYPE FOR UNRESTRICTED REPORTS OF SEXUAL ASSAULT MADE IN FY21											
D3. Time of sexual assault	59	1	63	4	20	81	2	0	8	233	471
# Midnight to 6am	19	0	25	1	4	26	1	0	4	21	101
# 6am to 6pm	4	0	16	0	8	23	1	0	1	21	74
# 6pm to midnight	24	1	20	1	8	29	0	0	3	35	121
# Unknown	11	0	2	0	0	3	0	0	0	23	39
# Relevant Data Not Available	1	0	0	2	0	0	0	0	0	133	136
D4. Day of sexual assault	59	1	63	4	20	81	2	0	8	233	471
# Sunday	7	1	6	1	4	12	0	0	1	11	43
# Monday	4	0	8	0	1	10	0	0	0	16	39
# Tuesday	11	0	4	0	3	13	1	0	0	7	39
# Wednesday	6	0	7	0	0	9	0	0	0	14	36
# Thursday	2	0	8	1	2	10	0	0	1	10	34
# Friday	13	0	13	0	5	13	0	0	3	16	63
# Saturday	16	0	17	2	5	14	1	0	3	159	217
# Relevant Data Not Available	0	0	0	0	0	0	0	0	0	0	0

## RESTRICTED REPORTS

NATIONAL GUARD FY21 RESTRICTED REPORTS OF SEXUAL ASSAULT	
<b>A. FY21 RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>FY21 Totals</b>
<b># TOTAL Victims initially making Restricted Reports</b>	<b>258</b>
# Service Member Victims making Restricted Reports	217
# Non-Service Member Victims making Restricted Report involving a Service Member Subject	0
# Relevant Data Not Available	39
<b># Total Victims who reported and converted from Restricted Report to Unrestricted Report in the FY21*</b>	<b>25</b>
# Service Member Victims who converted from Restricted Report to Unrestricted Report in FY21	24
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY21	0
# Relevant Data Not Available	1
<b># Total Victim reports remaining Restricted</b>	<b>233</b>
# Service Member Victim reports remaining Restricted	190
# Non-Service Member Victim reports remaining Restricted	4
# Relevant Data Not Available	39
<b># Remaining Restricted Reports involving Service Members in the following categories</b>	<b>233</b>
# Service Member on Service Member	109
# Non-Service Member on Service Member	15
# Service Member on Non-Service Member (entitled to a RR by DoD Policy)	3
# Unidentified Subject on Service Member	66
# Relevant Data Not Available	40
<b>B. INCIDENT DETAILS</b>	<b>FY21 Totals</b>
<b># Reported sexual assaults occurring</b>	<b>233</b>
# On military installation	50
# Off military installation	90
# Unidentified location	13
# Relevant Data Not Available	80
<b>Length of time between sexual assault and Restricted Report</b>	<b>233</b>
# Reports made within 3 days of sexual assault	9
# Reports made within 4 to 10 days after sexual assault	10
# Reports made within 11 to 30 days after sexual assault	5
# Reports made within 31 to 365 days after sexual assault	25
# Reports made longer than 365 days after sexual assault	80
# Relevant Data Not Available	104
<b>Time of sexual assault incident</b>	<b>233</b>
# Midnight to 6 am	41
# 6 am to 6 pm	23
# 6 pm to midnight	81
# Unknown	34
# Relevant Data Not Available	54
<b>Day of sexual assault incident</b>	<b>233</b>
# Sunday	22
# Monday	14
# Tuesday	10
# Wednesday	14
# Thursday	11
# Friday	25
# Saturday	137
# Relevant Data Not Available	0
<b>C. RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION</b>	<b>FY21 Totals</b>
<b># Service Member Victims</b>	<b>190</b>
# Army Victims	127
# Navy Victims	0
# Marines Victims	2
# Air Force Victims	61
# Coast Guard Victims	0
# Relevant Data Not Available	0

## RESTRICTED REPORTS

D. DEMOGRAPHICS FOR FY21 RESTRICTED REPORTS OF SEXUAL ASSAULT	FY21 Totals
<b>Gender of Service Member Victims</b>	<b>190</b>
# Male	26
# Female	164
# Relevant Data Not Available	0
<b>Age of Service Member Victims at the Time of Incident</b>	<b>190</b>
# 0-15	1
# 16-19	32
# 20-24	79
# 25-34	59
# 35-49	18
# 50-64	1
# 65 and older	0
# Relevant Data Not Available	0
<b>Grade of Service Member Victims</b>	<b>190</b>
# E1-E4	76
# E5-E9	81
# WO1-WO5	4
# O1-O3	16
# O4-O10	13
# Cadet/Midshipman	0
# Academy Prep School Student	0
# Relevant Data Not Available	0
<b>Status of Service Member Victims</b>	<b>190</b>
# Active Duty	9
# Reserve	1
# National Guard (Activated - Title 10)	50
# National Guard (Title 32)	85
# Relevant Data Not Available	45
<b>Victim Type</b>	<b>233</b>
# Service Member	190
# Non-Service Member	4
# Relevant Data Not Available	39
<b>E. RESTRICTED REPORTING FOR A SEXUAL ASSAULT THAT OCCURRED PRIOR TO JOINING SERVICE</b>	<b>FY21 Totals</b>
<b># Service Member Victims making a Restricted Report for Incidents Occurring Prior to Military Service</b>	<b>9</b>
# Service Member Making A Restricted Report for an Incident that Occurred Prior to Age 18	2
# Service Member Making a Restricted Report for an Incident that Occurred After Age 18	7
# Service Member Choosing Not to Specify	0
# Relevant Data Not Available	0
<b>F. RESTRICTED REPORTS CONVERSION DATA (DSAID USE ONLY)</b>	<b>FY21 Totals</b>
Mean # of Days Taken to Change to Unrestricted	29.4
Standard Deviation of the Mean For Days Taken to Change to Unrestricted	52.08
Mode # of Days Taken to Change to Unrestricted	0
<b>G. TOTAL VICTIMS WHO REPORTED IN PRIOR YEARS AND CONVERTED FROM RESTRICTED REPORT TO UNRESTRICTED REPORT IN THE FY21</b>	<b>FY21 Totals</b>
<b>Total Victims who reported in prior years and converted from Restricted Report to Unrestricted Report in the FY21</b>	<b>25</b>
# Service Member Victims who converted from Restricted Report to Unrestricted Report in FY21	24
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY21	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.	



## SUPPORT SERVICES

NATIONAL GUARD FY21 SUPPORT SERVICES FOR VICTIMS OF SEXUAL ASSAULT	
<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>	
A. SUPPORT SERVICE REFERRALS TO SERVICE MEMBERS VICTIMS FROM UNRESTRICTED REPORTS:	FY21 Totals
# Support service referrals for Victims in the following categories	359
# Medical	22
# Mental Health	90
# Legal	26
# Chaplain/Spiritual Support	4
# Victim Advocate/Uniformed Victim Advocate	16
# DoD Safe Helpline	70
# Other	7
# Rape Crisis Center	1
# Other (Blank)	123
# Cases where SAFEs were conducted	23
# Cases where SAFE kits was not offered	97
# Cases where SAFE kits or other needed supplies were not available at time of Victim's exam	1
# Military Victims making an Unrestricted Report for an incident that occurred prior to military service	11
B. FY21 MILITARY PROTECTIVE ORDERS (MPO)* AND EXPEDITED TRANSFERS - UNRESTRICTED REPORTS	FY21 Totals
# Military Protective Orders issued during FY21	50
# Reported MPO Violations in FY21	1
# Reported MPO Violations by Subjects	1
# Reported MPO Violations by Victims of sexual assault	0
# Reported MPO Violations by Both	0

Use the following categories or add a new category to identify the reason the requests were denied:	FY21 TOTALS
<b>Total Number Denied</b>	<b>0</b>
<b>Reasons for Disapproval (Total)</b>	<b>0</b>
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

## SUPPORT SERVICE REFERRALS

C. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS IN RESTRICTED REPORTS		FY21 Totals
# Support service referrals for Victims in the following categories		190
# Medical		13
# Mental Health		67
# Legal		5
# Chaplain/Spiritual Support		3
# Victim Advocate/Uniformed Victim Advocate		7
# DoD Safe Helpline		53
# Other		3
# Rape Crisis Center		2
# Other (Blank)		37
# Cases where SAFEs were conducted		7
# Cases where SAFE kits was not offered		64
# Cases where SAFE kits or other needed supplies were not available at time of Victim's exam		1

## CIVILIAN DATA

CIVILIAN DATA	
D. UNRESTRICTED REPORTS FROM NON-SERVICE MEMBERS (e.g., DOD CIVILIANS, DEPENDENTS, CONTRACTORS, ETC) THAT DO NOT INVOLVE A SERVICE MEMBER	FY21 Totals
<b>D1. # Non-Service Members in the following categories:</b>	<b>38</b>
# Non-Service Member on Non-Service Member	1
# Unidentified Subject or Undisclosed Affiliation on Non-Service Member	17
# Relevant Data Not Available	21
<b>D2. Gender of Non-Service Members</b>	<b>38</b>
# Male	6
# Female	32
# Relevant Data Not Available	0
<b>D3. Age of Non-Service Members at the Time of Incident</b>	<b>38</b>
# 0-15	0
# 16-19	1
# 20-24	13
# 25-34	11
# 35-49	0
# 50-64	0
# 65 and older	0
# Relevant Data Not Available	13
<b>D4. Non-Service Member Type</b>	<b>38</b>
# DoD Civilian	22
# DoD Contractor	1
# Other US Government Civilian	0
# US Civilian	15
# 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>FY21 Totals</b>
<b># Support service referrals for Victims in the following categories</b>	<b>38</b>
# Medical	1
# Mental Health	7
# Legal	3
# Chaplain/Spiritual Support	0
# Victim Advocate/Uniformed Victim Advocate	7
# DoD Safe Helpline	6
# Other	0
# Rape Crisis Center	0
# Other (Blank)	14
# Cases where SAFEs were conducted	5
# Cases where SAFE kits was not offered	9
# Cases where SAFE kits or other needed supplies were not available at time of Victim's exam	0

## CIVILIAN DATA

E. FY21 RESTRICTED REPORTS OF SEXUAL ASSAULT FROM NON-SERVICE MEMBERS		FY21 Totals
<b>E1. # Non-Service Member Victims making Restricted Report</b>		<b>4</b>
# Non-Service Member Victims who converted from Restricted Report to Unrestricted Report in FY21		0
<b># Non-Service Member Victim reports remaining Restricted</b>		<b>4</b>
<b># Restricted Reports from Non-Service Member Victims in the following categories:</b>		<b>4</b>
# Non-Service Member on Non-Service Member (entitled to a RR by DoD Policy)		0
# Unidentified Subject or Undisclosed Affiliation on Non-Service Member		1
# Relevant Data Not Available		3
<b>E2. Gender of Non-Service Member Victims</b>		<b>40</b>
# Male		0
# Female		4
# Relevant Data Not Available		0
<b>E3. Age of Non-Service Member Victims at the Time of Incident</b>		<b>4</b>
# 0-15		0
# 16-19		1
# 20-24		1
# 25-34		1
# 35-49		1
# 50-64		0
# 65 and older		0
# Relevant Data Not Available		0
<b>E4. VICTIM Type</b>		<b>4</b>
# Non-Service Member		4
# Relevant Data Not Available		0
<b>E5. # Support service referrals for Non-Service Member Victims in the following categories</b>		<b>FY21 Totals</b>
<b># Support service referrals for Victims in the following categories</b>		<b>4</b>
# Medical		0
# Mental Health		0
# Legal		0
# Chaplain/Spiritual Support		0
# Victim Advocate/Uniformed Victim Advocate		0
# DoD Safe Helpline		1
# Other		0
# Rape Crisis Center		0
# Other (Blank)		3
<b># Cases where SAFE's were conducted</b>		<b>0</b>
<b># Cases where SAFE kits was not offered</b>		<b>1</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of Victim's exam</b>		<b>0</b>