



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-CI
DISTRIBUTION: A

CNGBI 0400.01C
17 February 2026

NATIONAL GUARD BUREAU OFFICE OF COMPLEX INVESTIGATIONS -- SEXUAL ASSAULT INVESTIGATIONS

References: See Enclosure B.

1. Purpose. This instruction establishes policy and assigns responsibilities for the National Guard Bureau (NGB) Office of Complex Investigations (NGB-CI) while conducting sexual assault investigations in accordance with references a through d.
2. Cancellation. This instruction cancels and replaces Chief of the National Guard Bureau (CNGB) Instruction 0400.01B, 12 April 2018, "National Guard Complex Administrative Investigations."
3. Applicability. This instruction applies to all National Guard (NG) Service members and civilian employees hired under the authority of Title 5 United States Code or Title 32 United States Code.
4. Policy. It is NGB policy to provide administrative sexual assault investigations conducted by NGB-CI investigators for unrestricted reports of sexual assault with a NG nexus under the following circumstances and guidelines:
 - a. Prohibited Internal, Command Directed Investigations. Commanders, including The Adjutants General (TAGs) and the Commanding General of the District of Columbia (CG), are prohibited from conducting an investigation of any allegation of sexual assault in accordance with references e through reference k. All unrestricted reports of sexual assault with an NG nexus (see Glossary) will be immediately reported to the appropriate Civilian Law Enforcement Agency (LEA) or Military Criminal Investigative Organization (MCIO), and to the Sexual Assault Response Coordinator.
 - b. Request for NGB-CI Independent Administrative Investigation. If, after referral to a LEA or MCIO, further investigation of a sexual assault is necessary, TAGs or the CG may request NGB-CI conduct an administrative investigation. TAGs or the CG may also request an exception to policy for NGB-CI to investigate an allegation of sexual assault when the victim declines to participate in a LEA or MCIO investigation
 - c. NGB-CI Conduct of an Independent Administrative Investigation. NGB-CI is authorized to conduct independent administrative investigations of unrestricted reports

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of sexual assault with an NG nexus upon receiving requests from TAGs or the CG, and for other matters within the authority of the CNGB.

d. NGB-CI Limitations. NGB-CI administrative investigations are limited as follows:

(1) NGB-CI is not a law enforcement agency and has no special authority to seize evidence, make arrests, conduct forensic tests, or perform other functions unique to LEAs. When appropriate and permitted by law, NGB-CI will cooperate with LEAs and MCIO.

(2) NGB-CI may not investigate reports made against senior officials unless authorized by an entity with requisite authority. NGB-CI refers complaints made against a senior official discovered during an NGB-CI investigation to the NGB Inspector General.

e. Characterization of Offense. NGB-CI investigations will apply the appropriate definitions applicable to the Uniform Code of Military Justice provisions in effect at the time the alleged offense was committed.

f. Reservation of Power. Nothing in this instruction is intended to, nor should be interpreted to, preempt State law related to sexual assault investigations.

5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. Changes include the removal of the Office of NGB General Counsel as the oversight authority of NGB-CI, removal of NGB-CI Investigator qualifications, removal of responsibilities of both Investigations Manager and individual investigators, include guidance on sexual harassment complaints revealed during an NGB-CI sexual assault investigation, and to reference and provide updated guidance.

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.

9. Effective Date. This instruction is effective upon publication and must be reviewed annually by the Proponent/Office of Primary Responsibility for continued validity, and must be revised, reissued, canceled, or certified as current every ten years.



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Chief, National Guard Bureau

Enclosures:

- A -- Responsibilities
- B -- References
- GL -- Glossary

ENCLOSURE A

RESPONSIBILITIES

1. Director of NGB-CI. The Director of NGB-CI will:

- a. Create and disseminate procedures to implement this policy, establish guidance, and provide oversight for administrative investigations of unrestricted reports of sexual assault in the National Guard, consistent with applicable Department of War, the Chief of the National Guard Bureau, Army National Guard, and Air National Guard issuances and applicable law.
- b. Request funding, equipment, and training adequate for the mission.
- c. Credential NGB-CI Investigators and ensure they possess and maintain the specialized education, training, skills, and experience to successfully complete assigned missions in a professional, impartial, and timely manner.
- d. Determine if a request for NGB-CI to administratively investigate a report of sexual assault is appropriate.
- e. Appoint qualified and impartial individuals to conduct administrative investigations and ensure that Investigators adhere to established NGB-CI standards.
- f. Ensure all NGB-CI investigation reports receive an NGB-CI legal review.
- g. Approve releasing NGB-CI investigation reports to the requesting TAG or CG.
- h. In accordance with applicable laws and regulations, approve or decline requests for NGB-CI Investigators to testify at criminal trials or administrative hearings.
- i. In accordance with Federal laws and military regulations, establish and disseminate procedures to ensure the proper storage, protection, release, and use of NGB-CI reports, videos, and other evidence to ensure that the information is accessed only by authorized persons for a lawful Governmental purpose, or as otherwise authorized by law or regulation.
- j. Designate the uniform or attire NGB-CI Investigators wear while traveling, conducting investigations, or testifying, which includes authorizing civilian clothes for military personnel.
- k. Ensures coordination between NGB-CI, NGB Manpower and Personnel Directorates for both Army and Air, as well as the NGB Financial Management Directorate to fund the necessary costs for NGB-CI to conduct investigations and training under this policy.

2. TAG or CG. TAG or the CG will:

a. Ensure all unrestricted reports of a sexual assault are referred to the appropriate civilian LEA or MCIO. If TAG or the CG determines, after referral to the applicable LEA or MCIO, that further investigation is necessary, NGB-CI is available to assist TAGs by providing an administrative investigation into the allegation of sexual assault. TAGs or the CG may also request NGB-CI investigate an allegation when the victim declines to participate in a LEA or MCIO investigation by requesting an exception to policy during coordination with NGB-CI.

b. Ensure State Staff Judge Advocates coordinate with NGB-CI before submitting a request for investigation.

c. After coordination between the State Staff Judge Advocate and NGB-CI, request an NGB-CI investigation.

d. Assign a State point of contact whose primary duty is to provide administrative and logistical support during the investigation.

e. Ensure State point of contact and the Commander provide investigators adequate workspace and administrative support during the investigation.

f. Meet, or designate a representative to meet, with the NGB-CI investigators, State Chief of Staff, State Principal Sexual Assault Response Coordinator, Victim's Wing or Brigade Sexual Assault Response Coordinator, State Staff Judge Advocate, State point of contact, and, as needed, State Public Affairs upon arrival of the investigators at NG Joint Force Headquarters-State for the investigation read-in.

g. Ensure the victim is informed of the NGB-CI investigation.

h. Ensure the victim remains advised and aware of their right to a Special Victims' Counsel and to a defense counsel if suspected of committing collateral misconduct.

i. Ensure the Victim Advocate and any assigned Special Victims' Counsel or defense counsel are available to the victim during and immediately after the interview process, at the victim's request.

j. Ensure the reported perpetrator is counseled, in writing, about any allegations against them after State Staff Judge Advocate coordination with NGB-CI has determined that NGB-CI investigation is appropriate and prior to NGB-CI opening a case for investigation. Ensure the reported perpetrator is informed of their right to defense counsel at the time of counseling.

k. Ensure that a flagging action (if Army National Guard only) is initiated for all reported perpetrators.

I. Ensure investigators receive full cooperation from NG Joint Force Headquarters-State, NG units, and NG Service members.

m. Uphold procedures established to ensure the proper storage, protection, release, and use of NGB-CI reports, videos, and other evidence, ensuring that NGB-CI information is accessed only by authorized persons for a lawful Government purpose, or as otherwise authorized by law.

ENCLOSURE B

REFERENCES

PART I. REQUIRED

- a. Public Law 112-81, 31 December 2011, “National Defense Authorization Act for Fiscal Year 2012”
- b. Public Law 113-66, 26 December 2013, “National Defense Authorization Act for Fiscal Year 2014”
- c. Public Law 117-81, 27 December 2021, “National Defense Authorization Act for Fiscal Year 2022”
- d. Public Law 118-159, 23 December 2024, “National Defense Authorization Act for Fiscal Year 2025”
- e. Department of Defense (DoD) Instruction 6495.02, Volume 1, 28 March 2013, “Adult Sexual Assault Prevention and Response Program Policies,” Incorporating Change 9, 18 March 2025
- f. DoD Directive 6495.01, 23 January 2012 “Sexual Assault Prevention and Response (SAPR) Program,” Incorporating Change 6, 26 March 2025
- g. DoD Instruction 5505.18, 22 March 2017, “Investigation of Adult Sexual Assault in the Department of Defense,” Incorporating Change 5, 26 July 2024
- h. Department of the Air Force Instruction 90-6001, 15 July 2020, “Sexual Assault Prevention and Response (SAPR) Program,” Incorporating Guidance Memorandum, 16 July 2025
- i. Army Regulation 600-20, 06 February 2025, “Army Command Policy”
- j. Army Regulation 600-52, 11 February 2025, “Sexual Harassment/Assault Response and Prevention Program”
- k. Chief of the National Guard Bureau Instruction 1300.01, 26 June 2020, “National Guard Sexual Assault Prevention and Response Program”

PART II. RELATED

- l. Army Regulation 20-1, 23 March 2020, “Inspector General Activities and Procedures”
- m. Department of Air Force Instruction 90-301, 04 January 2024, “Inspector General Complaints Resolution”

- n. DoD Instruction 6025.18, 13 March 2019, "Health Insurance Portability and Accountability Act (HIPPA) Privacy Rule Compliance in DoD Health Care Programs"
- o. DoD Instruction 6495.02, Volume 1, Enclosure 4, Paragraph 10, 28 March 2013, "Resources for Victims to Report Retaliation, Reprisal, Ostracism, Maltreatment, Sexual Harassment, or to Request an Expedited/Safety Transfer or Military Protective Order (MPO)/Civilian Protective Order (CPO)," Incorporating Change 9, 18 March 2025
- p. Army Regulation 15-6, 22 June 2025, "Procedures for Administrative Investigations and Boards of Officers"
- q. Department of the Air Force Manual 1-101, 09 April 2021, "Commander Directed Investigations (CDI)"
- r. Army Regulation 25-55, 19 October 2020, "The Department of the Army Freedom of Information Act Program"
- s. DoD Manual 5400.07, 25 January 2017, "DoD Freedom of Information Act (FOIA) Program," Air Force Manual 33-302, 27 April 2018, "Freedom of Information Act Program"
- t. Army Regulation 40-66, 17 June 2008, RAR 04 January 2010, "Medical Record Administration and Health Care Documentation"
- u. Army Regulation 600-8-2, 05 April 2021, "Suspension of Favorable Personnel Actions (Flag)"
- v. Army Directive 2022-10, 06 July 2022 "Safe-to-Report for Victims of Sexual Assault"
- w. Title 5 United States Code (U.S.C.) Section 552, "The Freedom of Information Act," as amended by the "FOIA Improvement Act of 2016"
- x. 10 U.S.C. Chapter 47, "Uniform Code of Military Justice"
- y. 10 U.S.C. § 1034, "Protected Communications; Prohibition of Retaliatory Personnel Actions"
- z. 10 U.S.C. § 12301(d), "Reserve Components Generally"
- aa. 32 U.S.C. § 102, "General Policy"
- bb. Public Law Number 108-375, Section 577, 28 October 2004, "DoD Policy and Procedures on Prevention and Response to Sexual Assaults Involving Members of the Armed Forces," also found in the "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005"
- cc. DoD Instruction 5505.19, 08 October 2024, "Military Criminal Investigative Organizations' Special Victim Investigation and Prosecution Capability"

GLOSSARY

PART I. ACRONYMS

CG	Commanding General of the District of Columbia
CNGB	Chief of the National Guard Bureau
DoW	Department of War
LEA	Law Enforcement Agency
MCIO	Military Criminal Investigative Organization
NG	National Guard
NGB	National Guard Bureau
NGB-CI	National Guard Bureau Office of Complex Investigations
TAG	The Adjutant General

PART II. DEFINITIONS

Civilian Law Enforcement Agency -- Non-military law enforcement entities, including State Police organizations, Sheriff's offices, or local Police departments.

Commander -- A commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a Department of War organization or prescribed territorial area. All references to "Commander" in this Instruction also include the military and civilian heads of Department of War organizations in accordance with reference f.

Commanding General of the District of Columbia -- The Commanding General of the District of Columbia is the senior officer of the National Guard unit in the District of Columbia.

Military Criminal Investigative Organization -- The United States Army Criminal Investigation Division, Naval Criminal Investigative Service, Air Force Office of Special Investigations in accordance with reference f.

National Guard Nexus -- The legal connection necessary for National Guard Bureau Office of Complex Investigations to investigate reports of sexual assault, specifically when either the reported perpetrator or sexual assault victim was, or is, at the time of the reported sexual assault, a Service member or a civilian employee hired under the authority of Title 5 United States Code or Title 32 United States Code.

Report of Investigation -- A written report using a standardized format which summarizes the administrative investigation conducted by National Guard Bureau Office of Complex Investigation investigators of the reported sexual assault and which is intended to provide The Adjutant General with a sound basis for making decisions.

Senior Official -- As determined by the relevant service Inspector General regulation. In the Army National Guard, a senior official is generally an active or retired general

officer, Colonels with a Certificate of Eligibility who is also assigned to or nominated for a general officer billet, or current or former member of the Senior Executive Service or equivalent. In the Air National Guard, a senior official is any active or retired Air National Guard military officer in grades O-7 (Brigadier General) and above, and any officer selected for promotion to O-7 (Brigadier General) with a Certificate of Eligibility, and current or former members of the Senior Executive Service or equivalent.

Sexual Assault – An intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military Justice offenses, such as rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts in accordance with reference d.

The Adjutant General -- The Adjutants General and the Commanding General of the District of Columbia -- The head of the State military department, appointed by the Governor of the State, according to the respective State's constitution, or statute.

Unrestricted Report of Sexual Assault -- A process that an adult individual uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is a sexual assault victim.