



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-J1-SAPR
DISTRIBUTION: A

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NATIONAL GUARD SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM

References: See Enclosure B.

1. Purpose. This instruction establishes policy and assigns responsibilities for the National Guard (NG) Sexual Assault Prevention and Response (SAPR) Program in accordance with (IAW) references a, b, and c.
2. Cancellation. This instruction cancels and replaces its previous edition Chief of the National Guard Bureau (CNGB) Instruction 1300.01, 16 July 2016, "Sexual Assault Prevention and Response Program."
3. Applicability. This instruction applies to all elements of the NG.
4. Policy. It is NGB policy to create a culture free from the criminal act of sexual assault and retaliatory behavior associated with sexual assault, through primary prevention strategies, quick response for victim assistance and advocacy, appropriate investigative actions, and intensified accountability oversight that enhances the safety and well-being of all victims of sexual assault. The NG SAPR Program will provide a cross-Service joint response capability with trained and certified SAPR personnel available 24 hours per day, 7 days per week to assist with timely and responsive access to comprehensive (medical and mental) treatment, including emergency care and support services. Care will meet the standards for victim assistance IAW reference d and be gender-responsive, culturally-competent, and recovery-oriented to sexual assault victims regardless of Service or Component affiliation.
 - a. Reporting Options and Confidentiality. All eligible NG members (see Table 1), dependents, and civilians will have access to Restricted Reporting (RR) and Unrestricted Reporting (UR) options to file an official report of sexual assault. Reports must be completed, signed, and filed with a Sexual Assault Response Coordinator (SARC) or Sexual Assault Prevention and Response Victim Advocate (SAPR VA), or an investigation must be initiated by a Military Criminal Investigative Organization (MCIO) or civilian law enforcement organization to constitute an official report (see Department of Defense Form

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2910, "Victim Reporting Preference Statement," at reference e). Confidential communications and information within an RR or UR will be released only to individuals with an official need to know or as authorized by law IAW references a, b, f, and g.

b. Victim Rights. Victims will have the opportunity to request a general officer review of the circumstances and grounds of the action IAW references b, h, and i and Service-specific issuances if the victim filed a UR of sexual assault or alleges a retaliatory action based on a sexual assault report and is recommended for involuntary separation within one year of final disposition of his or her sexual assault case. Sexual assault victims, uniformed witnesses, bystanders, and first responders involved in a sexual assault report have the right to discuss potential military career impacts with a general officer, if they believe there was retaliation for a report IAW references j and k.

c. Eligibility Requirements. Table 1 describes eligibility requirements for NG members and other individuals that may report sexual assaults.

- ✓ NG members who were sexually assaulted in a duty status IAW reference 1 and in a non-duty status are eligible for SAPR services and may select the RR or UR option.
- ✓ NG members who were sexually assaulted before enlistment or commissioning are eligible for SAPR services and may select the RR or UR option.
- ✓ Dependents of NG members who are at least 18 years old are eligible for SAPR services and may select the RR or UR option.
- ✓ Title 32 United States Code (U.S.C.) non-dual status civilian employees and Title 5 U.S.C. civilian employees may receive SAPR services with both reporting options, RR and UR. Line-of-duty entitlements are not applicable.
- ✓ State active duty NG members are eligible for limited SAPR services, both RR and UR options, and limited State benefits as defined by State law, which may consist of limited healthcare services in the form of emergency care.
- ✓ NG members sexually assaulted while performing active duty in Title 10 U.S.C. status are eligible to receive SAPR services from NG SAPR personnel upon return to Title 32 U.S.C. status after signing a "Victim Reporting Preference Statement," reference e, consenting to the transfer of their case.

- ✓ An individual is not eligible for SAPR services if he or she is the dependent of an NG member and is younger than 18 years old IAW references a and b.
- ✓ Help is available through civilian Child Protective Services or civilian law enforcement organizations. Incidents of child sexual assault and abuse are addressed by State statutes, which include information on mandatory reporting requirements and general reporting guidelines.

Table 1. Eligibility Requirements

d. SAPR Personnel Restrictions. NG members who are currently serving in positions outlined in Table 2 are prohibited from serving as SARCs, NG Joint Force Headquarters–State (NG JFHQs-State) Victim Advocate Coordinators (VACs), or SAPR VAs due to professional conflicts of interest. Exceptions to this policy will be considered case by case by the NGB-J1-SAPR Office.

- ✓ Chaplains and chaplain assistants
- ✓ Law enforcement and investigative personnel
- ✓ Judge Advocates and paralegals
- ✓ Commanders and senior enlisted leaders, including first sergeants, command sergeants major, and command chief master sergeants
- ✓ Medical and mental healthcare providers, including emergency medical technicians who provide direct patient care
- ✓ Equal opportunity advisors and representatives and equal employment managers
- ✓ The Inspector General and supporting staff

Table 2. Positions Prohibited from Serving as a SARC, VAC, or SAPR VA

e. SAPR Personnel Certification Requirements. SAPR Program Managers who work directly with sexual assault victims, NG SARCs, NG JFHQs-State VACs, and NG SAPR VAs must successfully complete the required assignment eligibility screening, including the background investigation and the Department of Defense Sexual Assault Advocate Certification Program (D-SAACP) certification process IAW reference m.

5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

26 June 2020

7. Summary of Changes. This publication has been substantially revised.
This instruction:

a. Establishes policy and responsibilities regarding opportunities for victims of sexual assault who also allege a retaliatory action associated with a sexual assault report, reporting process, and tracking mechanism.

b. Designates the NG JFHQs-State SARC as the Lead SARC for each State.

c. Identifies military and civilian professions prohibited from serving as SAPR professionals.

d. Affirms the responsibilities of the National Guard Bureau, Manpower and Personnel Sexual Assault Prevention and Response Office (NGB-J1-SAPR), for the National Guard SAPR Program.

e. Establishes guidelines to provide appropriate resources and accommodations for SAPR personnel conducive to providing support and maintaining confidential communications.

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 revised, reissued, cancelled, or certified as current every five years.



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Enclosures:

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

ENCLOSURE A

RESPONSIBILITIES

1. CNGB. The CNGB will:

a. Liaise with the White House, Congress, Secretary of Defense, Chairman of the Joint Chiefs of Staff, Secretaries of the Army and the Air Force, and other offices within the Department of Defense (DoD) on matters related to sexual assault prevention and response IAW reference n on behalf of the National Guard Bureau (NGB), State Adjutants General, and National Guard members.

b. Establish and implement SAPR policy and procedures for non-Federalized NG members and individuals meeting eligibility requirements IAW references a and b.

c. Direct the execution of SAPR training requirements IAW reference b.

2. Vice Chief of the National Guard Bureau (VCNGB). The VCNGB will serve as the NGB representative to the White House, Secretary of Defense, and other DoD agencies to address sexual assault issues under the authority of, and at the discretion of, the CNGB IAW reference o.

3. Director of the Army National Guard (DARNG) and Director of the Air National Guard (DANG). The DARNG and the DANG will:

a. Assist the CNGB in carrying out the functions of the NGB as they relate to the Army National Guard (ARNG) and the Air National Guard (ANG) on all matters related to the NG SAPR Program.

b. Implement the NG SAPR Program for non-Federalized ARNG and ANG personnel IAW with DoD publications, Service-specific requirements applicable to non-Federalized NG members, and CNGB Issuances.

c. Respond to Congressional inquiries on sexual assault received through the Services in coordination with the Office of NGB Legislative Liaison (NGB-LL) and NGB Sexual Assault and Prevention Office (SAPRO) and notify senior leaders of the inquiries and responses.

d. Designate an Office of Primary Responsibility. This office will:

(1) Ensure that all healthcare personnel facilitate an eligible member's access to emergency care and notify a SARC IAW reference b, if the victim has not already reported the incident to a SAPR staff member, when the member discloses he or she was sexually assaulted.

26 June 2020

(2) Provide responder training materials specific to Title 32 U.S.C. National Guard healthcare personnel IAW reference b.

4. NGB Senior Enlisted Advisor. The NGB Senior Enlisted Advisor will:

a. Advise the CNGB and VCNGB on all enlisted matters affecting training, health of the force, and enlisted professional development related to SAPR.

b. Engage the enlisted force in creating an environment free of sexual assault and retaliatory behavior against victims of sexual assault, alleged subjects, responders, witnesses, and intervening bystanders.

5. Director of Staff of the National Guard Bureau (NGB-DS). The NGB-DS will advise the CNGB and VCNGB on all issues affecting the overall execution of the NG SAPR Program.

6. Director of Manpower and Personnel (NGB-J1). The Director of NGB-J1 will:

a. Serve as the NG principal authority on accountability, policy, and oversight for the NG SAPR Program on behalf of the CNGB, including Title 32 U.S.C. training development, strategic planning, and data management.

b. Represent the NGB at Secretary of Defense meetings in the absence of the CNGB and VCNGB.

c. Serve as the NG principal to the DoD Sexual Assault Prevention and Response Office (DoD SAPRO) Integrated Product Team.

d. Disseminate Secretary of Defense mandates, DoD SAPRO policies, and CNGB instructions, procedures, and plans for the NG SAPR Program to the DARNG, the DANG, The Adjutants General (TAGs), and the Commanding General of the District of Columbia (CG).

e. Provide oversight for the implementation of and monitor compliance with NG sexual assault policies, instructions, and procedures.

f. Serve as a national liaison and collaborate with Federal and State agencies to facilitate partnerships to address SAPR issues.

g. Strengthen collaboration between the NGB and the Services on sexual assault policies and procedures.

h. Establish the NG SAPR Advisory Council to serve as a channel of communication among the SAPR stakeholders within the 54 States, Territories, and District of Columbia, and the NGB-J1-SAPR Office.

i. Establish an NGB-J1SAPR Office, the Chief of which will:

26 June 2020

(1) Serve as principal advisor to the CNGB, VCNGB, NGB-DS, and other NG leaders on all SAPR matters.

(2) Represent NGB on the DoD SAPRO Integrated Product Team in the absence of the NGB-J1 Director.

(3) Provide advice and guidance to the Director of NGB-J1, and Directors of the Army National Guard (ARNG) and Air National Guard (ANG) to verify compliance with statutory and regulatory guidelines IAW the Office of the Secretary of Defense (OSD), DoD directives and instructions, Military Service issuances, and CNGB Issuances.

(4) Provide execution guidance to State leaders on NG SAPR Program management functions IAW with DoD goals and objectives.

(5) Facilitate unity and consistency of practice within the NG SAPR Program to:

(a) Determine program goals and courses of action, initiate projects, develop strategic initiatives, and coordinate programs for the NG SAPR Program.

(b) Increase capacity through collaboration on over-arching program decisions.

(c) Provide accurate and consistent messaging and responses across the NGB and NG leadership as they relate to program metrics.

(d) Validate compliance with all requirements to obtain and maintain Defense Sexual Assault Advocate Certification Program certification for all NG SAPR personnel IAW references m, p, and q.

(6) Coordinate with DoD SAPRO, Army, Air Force, NGB entities, TAGs, and the CG to establish the following for non-Federalized NG members:

(a) Policies and strategic plans to prevent sexual assault and to streamline the process for reporting and responding to sexual assault.

(b) Procedures to support victims, investigative efforts, and all other aspects of the NG SAPR Program, including reporting processes and response procedures for allegations of retaliation based on a sexual assault IAW references j and k.

(c) Title 32 U.S.C. specific SAPR training and training on reporting and responding to reports of retaliation based on an allegation of sexual assault for NG SAPR personnel and NG supervisors at all levels.

26 June 2020

(7) Serve as the O-6 level NG representative on the DoD SAPRO Integrated Product Team and other national and DoD working groups.

(8) Oversee the development of continuing, in-depth, and specialized Title 32 U.S.C. SAPR training for commanders, senior enlisted leaders, SARCs, NG JFHQs-State VACs, SAPR VAs, and civilian personnel in compliance with reference b and with DoD SAPRO core competencies and learning objectives.

(9) Direct the development of SAPR-related responses and reports as required by the DoD, including data calls and metrics associated with sexual assault, and the NG Annual SAPR Program review for inclusion in the “DoD Annual Report to Congress on Sexual Assault in the Military.”

(10) Designate a SAPR Investigations Compliance and Accountability Manager to receive case disposition reports from the Lead and Wing SARCs and enter the information into the Defense Sexual Assault Incident Database (DSAID) legal module.

(11) Designate a principal military or civilian program manager IAW reference o who meets the DoD minimum standards to qualify for selection, training, and certification for assignment. The designee will:

(a) Provide program continuity and subject matter expertise to the Chief of NGB SAPRO on all aspects of the NG SAPR Program.

(b) Represent NGB on the DoD SAPRO Integrated Product Team in the absence of the Chief of NGB SAPRO.

(c) Serve as the primary voting member of the DSAID Change Control Board and represent NGB on DoD SAPRO working groups and committees.

(d) Coordinate with DoD SAPRO, the Military Services staff offices, government agencies, and civilian agencies to communicate and determine the nexus to NG SAPR policies and procedures.

(e) Function as the primary point of contact for receiving and responding to DoD SAPRO regarding Safe Helpline inquiries and concerns.

(f) Prepare and present briefings and point papers to NGB leaders on requested program elements.

j. Establish the Warrior Resiliency and Fitness Division, the Director of which will:

(1) Communicate and coordinate with psychological health offices within the OSD and the Military Services on matters relating to SAPR.

26 June 2020

(2) Develop a strategy for the NG Warrior Resiliency and Fitness Division to address the psychological needs of sexual assault victims, both in general and by gender, and the needs of their family members.

(3) Represent NGB in the DoD Psychological Health and Readiness Council Sexual Assault Advisory Group.

7. Office of the National Guard Bureau Chief Counsel (NGB-JA). NGB-JA will:

a. Advise the CNGB, NGB-J1, Chief of NGB-J1-SAPRO, and other NG stakeholders on matters relating to the NG SAPR Program.

b. Communicate with appropriate legal offices within the DoD and Military Services on matters relating to SAPR.

c. Administer and maintain oversight of the Office of Complex Administrative Investigations and Special Victims' Counsel (SVC) Program in support of the NG SAPR Program.

d. Provide quarterly SVC contact information to NGB-J1-SAPRO with updated NGB contact lists for the DoD Safe Helpline.

e. Provide and publish first responder training specific to Title 32 U.S.C. for NG Judge Advocates IAW reference b.

8. Office of the NGB Inspector General (NGB-IG). NGB-IG will:

a. Communicate with appropriate Inspector General offices within the DoD, Military Services, ARNG, and ANG on matters relating to SAPR.

b. Ensure processes comply with sexual assault prevention and response policy by performing inspections when directed.

c. Identify non-compliance, analyze indicators of deficiencies, and identify responsibility for corrective action on problems related to SAPR program compliance matters.

d. Report all findings on SAPR program compliance matters to the directing authority.

e. Transfer the completed inspection report containing potential violations of sexual assault policy to the appropriate agency IAW Service-specific issuances.

f. Address complaints of allegations of retaliation and reprisal in response to protected communications regarding sexual assault and sexual harassment IAW Service-specific issuances.

26 June 2020

9. Office of the NGB Joint Surgeon General (NGB-JSG). NGB-JSG will:

- a. Advise the CNGB on the physical health aspects of sexual assault victims.
- b. Communicate and coordinate with the Office of the Assistant Secretary of Defense for Health Affairs Defense, Health Agency, Service Surgeon Generals, and ARNG and ANG Surgeons on matters relating to SAPR.

10. Office of the NGB Joint Chaplain (NGB-OC). NGB-OC will:

- a. Advise the CNGB on the spiritual health aspects of sexual assault victims and their family members.
- b. Develop and implement standardized SAPR training for NG Chaplains and Religious Program Specialists that meets DoD SAPRO core competencies and learning objectives IAW the training requirements in reference b.
- c. Communicate with appropriate Chaplain offices within the OSD, Military Services, ARNG, and ANG on matters relating to SAPR.
- d. Provide quarterly updated State Chaplain contact information to NGB-J1-SAPR Office for the DoD Safe Helpline.

11. Office of NGB Legislative Liaison (NGB-LL). NGB-LL will:

- a. Advise the CNGB on Congressional activities and proposed legislation pertaining to sexual assault prevention and response in the military.
- b. Inform and educate the Congress on the NGB's sexual assault prevention and response efforts.
- c. Facilitate communication with members of Congress and their staffs on sexual assault prevention and response initiatives.
- d. Respond to Congressional inquiries on NG SAPR Program matters in coordination with NGB-J1-SAPR Office and report those inquiries to senior leaders.
- e. Identify pending SAPR-related issues that affect the NG and submit a report to NGB SAPRO semi-annually or as often as necessary.
- f. Communicate and coordinate with appropriate Legislative Liaison offices within the Department of Defense on matters relating to SAPR.

12. Office of NGB Public Affairs (NGB-PA). NGB-PA will:

26 June 2020

- a. Develop communication plans and media campaigns in coordination with NGB-J1-SAPR Office to increase awareness of the NG SAPR Program, and disseminate these plans to NGB and NG entities.
- b. Communicate with appropriate Public Affairs offices within the OSD, Military Services, ARNG, ANG, NG JFHQs-State, and wings to deliver consistent SAPR messages.
- c. Coordinate with NGB SAPRO to respond to media inquiries related to sexual assaults within the NG.
- d. Track and report all high-visibility SAPR-related media events.

13. TAGs. TAGs and the CG will:

- a. Maintain primary military command authority and responsibility for ensuring reports of sexual assaults arising within the State's non-Federalized NG members are handled by trained and certified SAPR personnel.
- b. Require officers and non-commissioned officers who receive a report of sexual assault from a victim within their chain of command to forward the report to a SARC immediately IAW references a and b.
- c. Ensure all URs are referred to the appropriate MCIO or civilian law enforcement organization and, if necessary, to the NGB-JA Office of Complex Administrative Investigations for administrative investigation IAW reference r.
- d. Prohibit commanders from conducting internal command-directed investigations on sexual assault allegations, including referrals to appointed command investigators and inquiry officers, or delaying the immediate contact of the appropriate law enforcement agency while attempting to assess the credibility of the report.
- e. Cultivate an environment that is supportive, understanding, and respectful of sexual assault victims and opposes retaliatory behavior toward individuals reporting or assisting someone who is reporting a sexual assault.
- f. Establish policy and procedures regarding the prevention of, and response to, sexual assault within the State NG consistent with applicable DoD, Service-specific, CNGB, ARNG, and ANG Issuances, and applicable law.
- g. Grant direct contact and unimpeded access to the NG JFHQs-State SARC to discuss the State SAPR program IAW reference b.
- h. Verify each wing commander maintains a full-time, certified SARC to serve as the wing's primary point of contact on all matters pertaining to the wing SAPR program.

26 June 2020

i. Verify each brigade commander maintains one certified collateral duty brigade SARC to serve as the brigade's primary point of contact for matters concerning the ARNG Sexual Harassment/Assault Response and Prevention (SHARP) Program, and one certified brigade collateral-duty Victim Advocate (VA) and two certified collateral-duty VAs at each battalion.

j. Prohibit granting a waiver for the enlistment or commissioning of personnel in the NG who have a qualifying conviction for a crime of sexual assault or who are required to register as a sex offender IAW references a and b.

k. Establish procedures to protect SARCs, NG JFHQs-State VACs, and SAPR VAs from coercion, discrimination, or reprisal related to the execution of their SAPR duties and responsibilities IAW references a, b, s, and t.

l. Establish policy to provide protection against coercion, retaliation, ostracism, maltreatment, restriction, and reprisal toward victims of sexual assault, the alleged subjects, responders, witnesses, and intervening bystanders IAW references a, b, t; Service-specific Issuances; CNGB Issuances; and State codes.

m. Implement the State SAPR Program IAW DoD publications, Service-specific requirements applicable to non-Federalized NG, CNGB Issuances, and applicable law and policy.

n. Establish guidance for the provision of transportation for a victim of sexual assault to a medical facility for emergency healthcare and a Sexual Assault Forensic Exam.

o. Direct the NG JFHQs-State Staff Judge Advocate (SJA) to:

(1) Coordinate with civilian law enforcement organizations to monitor and track the criminal investigation for all URs of sexual assault entered into DSAID.

(2) Coordinate with civilian law enforcement organizations to monitor and track reported allegations of retaliation associated with a sexual assault by NG members.

(3) Provide a case update and case disposition to the victim's commander (or equivalent) for discussion with the case management group (CMG) chair and co-chair every 30 days during the CMG meeting until case closure.

(4) Provide such military justice or administrative information concerning offender accountability as required by the NG JFHQs-State or Wing SARC for entry into DSAID IAW references a and b.

26 June 2020

(5) Retain investigative and disposition case records for all unrestricted reports of sexual assault arising within the State under proper security measures IAW DoD, Service-specific, and NGB regulations.

p. Establish and chair, or designate a Deputy Adjutant General or Assistant Adjutant General to chair, the monthly multi-disciplinary CMG meeting for reviewing all URs of sexual assault and retaliation allegations occurring within the State IAW references b and j.

q. Require the following individuals to attend each monthly NG JFHQ-State CMG meeting: victim's immediate commander; all full-time SARCs assigned within the State (mandatory attendance regardless of whether they have an assigned victim being discussed); victims' SAPR VA, victim's military healthcare provider or mental health and counseling services provider; chaplain, State Staff Judge Advocate (SJA) with detailed knowledge of the case, and State NG personnel trained to do a safety assessment of current sexual assault victims.

r. Provide guidance to commanders on developing and implementing policy for mitigating high-risk behaviors, reducing personal vulnerabilities, and establishing a safe environment.

s. Implement primary prevention strategies to establish healthy teams and develop work-life balances to achieve progress in reducing unwanted behaviors and eradicating sexual assault in the NG IAW DoD and NGB guidance and implementation plans.

t. Verify the conduct of command climate assessments within 120 days of command assumption and annually thereafter IAW reference u.

u. Hold commanders responsible to prohibit coercion, retaliation, ostracism, maltreatment, and reprisal against victims of sexual assault, alleged subjects, SAPR personnel, witnesses, and intervening bystanders.

v. Establish a safety assessment capability within the NG JFHQs-State IAW reference b to ensure the victim and other persons are not in physical jeopardy and establish a high-risk response team as necessary IAW reference b.

w. Verify appropriate resourcing and accommodations for SAPR personnel that offer a safe and easily accessible environment conducive to providing emotional support to victims, safeguarding confidential communications, and preserving anonymity IAW references b, f, g, and v. An adequate work area and space will include:

(1) Sufficient space for a standard-size desk, locking file cabinets, bookshelves, an office chair, and visitor seating.

26 June 2020

(2) Floor-to-ceiling walls, lockable doors for privacy, and additional office space for a stand-alone computer for use during one-on-one consultations and interviews or for victims to file an expedited transfer or communicate with their SVC.

(3) Communication equipment and services that permit coverage 24 hours a day, 7 days a week, including office telephones with long-distance capability; government-funded cellular phones for emergency response, contact, and on-going victim support; printer and scanner; copier; and SAPR website capability.

(4) Storage space for SAPR promotional and awareness items used throughout the year.

(5) Access to a conference or classroom area to conduct required continuing education, refresher training, and meetings.

(6) Accommodations that comply with the Americans with Disabilities Act regulations.

14. Commanders. The commanders will:

a. Support and direct the implementation of TAG's or the CG's established SAPR Program in compliance with DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, and applicable law.

b. Immediately contact the appropriate law enforcement agency upon receiving an unrestricted report of sexual assault and will not conduct internal command-directed investigations on sexual assault allegations, to include making referrals to appointed command investigators or inquiry officers.

c. Grant direct contact and unimpeded access to SARCs to discuss matters of the command's SAPR program and incidents of sexual assault IAW reference b.

d. Complete and submit a Sexual Assault Incident Response Oversight (SAIRO) report in writing within eight days after a UR of sexual assault is made IAW references b and w, and applicable Service-specific reporting requirements.

e. Complete a Commander's Critical Information Requirements (CCIR) report as required by DoD and submit it immediately to the chain of command, NG JFHQs-State SARC, and NGB-J1-SAPRO IAW reference b and State guidance. Limit to need to know only and do not send through distribution boxes (that is, JOC/JOCC distribution email).

26 June 2020

f. Adhere to the DoD dual objectives of protecting victims of sexual assault and supporting applicable law enforcement and criminal justice procedures to hold alleged subjects appropriately accountable for sexual assault offenses IAW references a and b.

g. Process NG members not discharged for a conviction of rape, sexual assault, forcible sodomy, or an attempt to commit one of these crimes for administrative separation for misconduct IAW references b, h, and i, and Service-specific issuances.

h. Meet with the SARC within 30 days of taking command for one-on-one SAPR training on responsibilities, required reports, confidentiality, and “official need-to-know” requirements, expedited transfers, the sexual assault incident response oversight report, and a commander’s critical information requirements report IAW reference b.

i. Attend monthly CMG meetings when they are the immediate commander of a victim being discussed and provide monthly victim updates within 72 hours following the CMG. The victim’s commander cannot delegate these responsibilities.

j. Support SAPR programs established by the command, as well as law enforcement and criminal justice procedures that hold persons accountable for their actions IAW references a and b.

k. Balance the interests of the victim and subject of a sexual assault to enhance protection and maintain good order and discipline IAW references a, b, and x by considering:

(1) An expedited transfer of a Title 32 U.S.C. NG member who files a UR of sexual assault and requests the transfer; this may also serve to remove the victim from sources of perceived retaliation.

(2) A temporary administrative reassignment or removal of a Title 32 U.S.C. NG member accused of committing a sexual assault or related offense.

15. NG JFHQs-State SARCs. NG JFHQs-State SARCs will:

a. Serve as the State’s principal SAPR advisor to TAG or the CG on DoD, Army, Air Force, NGB, ARNG, and ANG policies and guidance relative to non-Federalized NG members.

b. Implement and manage the State SAPR Program in coordination with the wing SARC IAW DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, applicable law, and TAG’s or the CG’s policies and procedures.

26 June 2020

c. Monitor reports of sexual assaults within the State in coordination with the wing SARC, as applicable, and the victim-advocacy services provided by the assigned certified SAPR personnel. Monitoring occurs from the initial report through case disposition and resolution of the victim's health and well-being.

d. Assist victims who are sexually assaulted while on active duty with filing a report if not completed on active duty and completing the line of duty determination process to request retention or return to active duty IAW references b and x, and Service-specific Issuances or guidance.

e. Communicate the availability and right to consult with an SVC for legal assistance to victims IAW references a, b, and y.

f. Inform victims of the option to request an expedited transfer upon filing an official UR IAW references b and w.

g. Inform victims choosing to select the RR option of their eligibility to participate in the "Catch a Serial Offender" program IAW references e and z.

h. Enter and update sexual assault case data into the DSAID and coordinate with the wing SARC on ANG cases for reports of sexual assaults involving NG members, regardless of duty status at the time of the assault, reporting option selected, or independent investigation, IAW references a and b.

i. Coordinate SAPR training with the wing SARC for new hires, supervisors, and members of the NG.

j. Serve as co-chair of the NG JFHQs-State CMG, and notify the victim's SVC of the date, time and location of the CMG to provide the SVC with the opportunity to participate.

k. Serve as the State Lead SARC to:

(1) Coordinate with wing SARC(s) to provide a consolidated response to NGB-J1-SAPR Office on identified items in the annual NG SAPR program review, to include mandated information on each claim of retaliation associated with a report of sexual assault IAW reference k, for inclusion in the "DoD Annual Report on Sexual Assault in the Military."

(2) Support and document the response process for retaliation associated with a report of sexual assault in collaboration with other SARCs, NG JFHQs-State VACs, SAPR VAs, Equal Opportunity Advisors, the Inspector General, and the SJA within the State.

(3) Serve as the central manager of retaliation data collection within the State relating to a report of sexual assault.

26 June 2020

(4) Confirm with SARCs and SAPR VAs if there are retaliation reports to discuss at the CMG.

(5) Coordinate with the NG JFHQs-State SJA and wing SJA to obtain case referrals, outcomes, and disposition information for all UR sexual assault cases.

l. Retain sexual assault case records for 50 years under proper security measures IAW reference b.

m. Provide current or former NG members with access to their "Victim Reporting Preference Statement" (reference e) IAW references b, aa, and bb. In the event the original form or electronic copy of the original form (reference e) is not located, the victim may complete, sign, and give or mail a replacement form to the nearest NG SARC or NGB-J1-SAPR Office (see Department of Defense Form 2910-1, "Replacement of Lost DD Form 2910, Victim Reporting Preference Statement," at reference cc). The victim may elect to convert a Restricted Report to an Unrestricted Report when completing the form. The SARC will upload the form into the DSAID File Locker. This form will take the place of the original "Victim reporting Preference Statement" (reference e) IAW reference k.

n. Participate in Service-specific councils, forums, and working groups IAW reference dd.

o. Perform other responsibilities assigned to full-time SARCs consistent with DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, applicable law, and TAG's or the CG's policies and procedures.

16. Wing SARCs. Wing SARCs will:

a. Serve as the ANG's installation or wing commander's principal SAPR consultant and inform the wing commander and vice wing commander on DoD, Air Force, NGB, and ANG policies and guidance relative to non-Federalized NG members.

b. Implement and manage the ANG installation or wing SAPR program in coordination with the NG JFHQs-State SARC IAW DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, applicable law, and TAG's or the CG's policies and procedures.

c. Monitor reports of sexual assaults within the ANG installation or wing and the victim-advocacy services provided by the assigned certified SAPR personnel from initial report through disposition and resolution of the victim's health and well-being.

26 June 2020

- d. Inform victims choosing to select the RR option of their eligibility to participate in the “Catch a Serial Offender” program IAW references e and z.
- e. Enter and update sexual assault case data into the DSAID in coordination with the NG JFHQs-State SARC for statistical trend analysis and reporting to the NGB for inclusion in the DoD Annual Report on Sexual Assault in the Military.
- f. Assist a victim sexually assaulted while on active duty with filing a report if not completed on active duty and completing the line of duty determination process to request retention or return to active duty IAW references b and x, and Service-specific Issuances or guidance.
- g. Communicate the availability and right to consult with an SVC for legal assistance to victims IAW references a and b.
- h. Inform victims of the option to request an expedited transfer upon filing an official UR IAW references b and x.
- i. Serve as the SAPR point of contact for ongoing prevention, education, delivery of required training, and assessing the needs specific to the ANG installation or wing in coordination with the NG JFHQs-State SARC.
- j. Coordinate with the NG JFHQs-State SARC to provide a wing response on identified items in the NG Annual SAPR Program Review for inclusion in the DoD Annual Report on Sexual Assault in the Military.
- k. Support and document the response process for retaliation associated with a report of sexual assault in collaboration with other SARCs, NG JFHQs-State VACs, SAPR VAs, Equal Opportunity Advisors, the Inspector General, and the SJA within the State.
- l. Retain sexual assault case records for 50 years under proper security measures IAW references b.
- m. Provide current or former NG members with access to their “Victim Reporting Preference Statement” (reference e) IAW references b, aa, and bb. In the event the original form or electronic copy of the original form (reference e) is not located, the victim may complete, sign, and give or mail a replacement form to the nearest NG SARC or NGB-J1-SAPR Office (see Department of Defense Form 2910-1, “Replacement of Lost DD Form 2910, Victim Reporting Preference Statement,” at reference cc). The victim may elect to convert a Restricted Report to an Unrestricted Report when completing the form. The SARC will upload the form into the DSAID File Locker which will take the place of the original “Victim Reporting Preference Statement” (reference e) IAW reference k.

26 June 2020

n. Participate in Service-specific councils, forums, and working groups IAW references v and ee.

o. Participate in the monthly NG JFHQs-State CMG meeting, and serve as the co-chair for the wing or installation CMG meeting and notify the victim's SVC of the date, time and location of the CMG to provide the SVC with the opportunity to participate.

p. Perform other responsibilities assigned to full-time SARCs consistent with DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, applicable law, and TAG's or the CG's policies and procedures.

17. NG JFHQs-State VACs. The NG JFHQs-State VACs will:

a. Serve as the designated specialist of victim support services to coordinate and monitor local implementation and execution of the State SAPR Program IAW DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, applicable law, and TAG's or the CG's policies and procedures.

b. Perform sexual assault advocacy responsibilities to support victims of sexual assault through administrative, medical, investigative, and legal procedures.

c. Serve as the liaison to coordinate services for victims with NG support and community organizations and agencies such as law enforcement, SJA, legal assistance, medical treatment facilities, Crime Victims' Compensation offices, and sponsoring commands.

d. Support and document the response process for retaliation associated with a report of sexual assault in collaboration with SARCs, SAPR VAs, Equal Opportunity Advisors, the Inspector General, and the SJA within the State.

e. Perform other responsibilities assigned to full-time NG JFHQs-State VACs consistent with CNGB Issuances, TAG's or the CG's policies and procedures, and SAPR VA responsibilities IAW references a and b.

18. Brigade SARCs. Brigade SARCs will:

a. Advise the brigade commander in the implementation and management of the brigade's SHARP Program IAW DoD Issuances, Army requirements as applicable to non-Federalized NG members, CNGB Issuances, applicable law, and TAG's or the CG's policies and procedures.

26 June 2020

- b. Conduct and assist unit leaders in conducting annual unit-level SAPR Program training and document the training event on the unit training schedules.
- c. Publicize the SHARP program through local means to inform Soldiers, Army Civilians, Family members, and leaders about the program.
- d. Publish contact information for access to the NG JFHQ-State SARC and VAs.
- e. Verify the certification of each VA within the brigade and battalions before allowing the VA to perform advocacy duties.

19. SAPR VAs. SAPR VAs will:

- a. Report directly to the SARC while performing sexual assault advocacy responsibilities consistent with DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, applicable law, and TAG's or the CG's policies and procedures.
- b. Provide non-clinical support and essential information on available options and resources to sexual assault victims to assist them in making informed decisions as they progress through resolution and healing.
- c. Provide information to eligible sexual assault victims on the availability of a sexual assault forensic examination at a medical treatment facility or civilian hospital, when available, IAW references a and b.
- d. Describe the reporting options to the victim during initial contact to allow him or her to make an informed decision in electing the option that best supports his or her needs as allowed by duty status at the time of the sexual assault.
- e. Communicate the availability and right to consult with an SVC for legal assistance to victims IAW references a and b.
- f. Inform victims of the option to request an expedited transfer upon filing an official UR IAW references b and w.
- g. Assist a victim sexually assaulted while on active duty with filing a report if not completed on active duty and completing the line of duty determination process to request retention or return to active duty IAW reference b, and Service-specific Issuances or guidance.
- h. Support and document the response process for retaliation associated with a report of sexual assault in collaboration with SARCs, NG JFHQs-State

26 June 2020

VACs, other SAPR VAs, Equal Opportunity Advisors, the Inspector General, and the SJA within the state.

i. Inform victims choosing to select the RR option of their eligibility to participate in the “Catch a Serial Offender” program IAW references e and z.

j. Retain sexual assault case records for 50 years under proper security measures IAW references b.

k. Provide current or former NG members with access to their “Victim Reporting Preference Statement” (reference e) IAW references b,aa, and bb. In the event the original form or electronic copy of the original form (reference e) is not located, the victim may complete, sign, and give or mail a replacement form to the nearest NG SARC or NGB-J1-SAPR Office (see Department of Defense Form 2910-1, “Replacement of Lost DD Form 2910, Victim Reporting Preference Statement,” at reference cc). The victim may elect to convert a Restricted Report to an Unrestricted Report when completing the form. The SARC will upload the form into the DSAID File Locker which will take the place of the original “Victim Reporting Preference Statement” IAW reference k.

l. Perform other responsibilities assigned to SAPR VAs consistent with DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, applicable law, and TAG’s or the CG’s policies and procedures.

ENCLOSURE B

REFERENCES

PART I. REQUIRED

- a. DoD Directive 6495.01, 23 January 2012, "Sexual Assault Prevention and Response (SAPR) Program," Incorporating Change 3, 11 April 2017
- b. DoD Instruction 6495.02, 28 March 2013, "Sexual Assault Prevention and Response (SAPR) Program Procedures," Incorporating Change 3, 24 May 2017
- c. Title 32 United States Code (U.S.C.), "National Guard," Section 102, "General Policy"
- d. DoD Instruction 6400.07, 25 November 2013, "Standards For Victim Assistance Services in the Military Community," Incorporating Change 2, 6 July 2018
- e. DD Form 2910, September 2019, "Victim Reporting Preference Statement"
- f. DoD Instruction 5400.11, 29 January 2019, "DoD Privacy and Civil Liberties Programs"
- g. DoD Manual 6025.18, 13 March 2019, "Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DoD Health Care Programs"
- h. DoD Instruction 1332.14, 27 January, 2014, "Enlisted Administrative Separations," Incorporating Change 4, 12 April 2019
- i. DoD Instruction 1332.30, 11 May, 2018, "Commissioned Officer Administrative Separations," Incorporating Change 1, 12 April 2019
- j. 10 U.S.C. § 1034, "Protected communications; prohibition of retaliatory personnel actions"
- k. Under Secretary of Defense Personnel and Readiness Memorandum, 15 October 2019, "Defense Sexual Assault Incident Database Updates Involving the Replacement of Lost Forms, Retaliation Reporting, and Electronic File Locker"
- l. DoD Instruction 1215.06, 11 March 2014, "Uniform Reserve, Training, and Retirement Categories for the Reserve Components," Incorporating Change 1, 19 May 2015

- m. DoD Instruction 6495.03, 28 February 2020, “Defense Sexual Assault Advocate Certification Program (D-SAACP)”
- n. 10 U.S.C. § 10502, “Chief of the National Guard Bureau: Appointment; Adviser on National Guard Matters; Grade; Succession,” Supplement 5
- o. DoD Directive 5105.77, 30 October 2015, “National Guard Bureau”
- p. Under Secretary of Defense Personnel and Readiness Memorandum, 10 March 2015, “Certification Standards for Department of Defense Sexual Assault Prevention and Response Program Managers”
- q. CNGB Manual 1300.01, 21 September 2016, “National Guard Implementation of the Department of Defense Sexual Assault Advocate Certification Program”
- r. CNGB Instruction 0400.01B, 12 April 2018, “National Guard Complex Administrative Investigations”
- s. DoD Directive 7050.06, 17 April 2015, “Military Whistleblower Protection”
- t. 5 U.S.C. § 2302(b)(8)-(9), “Prohibited Personnel Practices”
- u. CNGB Memorandum, 09 November 2013, “National Guard Command Climate Assessment Policy”
- v. Air Force Instruction 90-6001, 21 May 2015, “Sexual Assault Prevention and Response (SAPR) Program,” Incorporating Change AFGM2019-01, 07 October 2019
- w. CNGB Manual 1300.02, 29 October 2019, “National Guard Sexual Assault Incident Response Oversight and Commander’s Critical Information Requirements Reports for Unrestricted Reports”
- x. CNGB Instruction 1303.01A, 06 August 2014, “Expedited Transfer, Reassignment, or Removal of National Guard Members Due to an Unrestricted Report of Sexual Assault,” Validity date extended to 01 July 2020
- y. 10 U.S.C. § 12323, “Active Duty Pending Line of Duty Determination Required for Response to Sexual Assault”
- z. Office of the Secretary of Defense Memorandum, 10 June 2019, “Procedures to Implement the ‘Catch a Serial Offender’ Program”
- aa. 5 U.S.C. § 552, “Public Information: Agency Rules, Opinions, Orders, Records, and Proceedings”
- bb. 5 U.S.C. § 552a, “Records Maintained on Individuals”

26 June 2020

- cc. DD Form 2910-1, 26 June 2019, "Replacement of Lost DD Form 2910, Victim Reporting Preference Statement"
- dd. Army Regulation 600-63, 14 April 2015, "Army Health Promotion"
- ee. Air Force Instruction 90-5001, 25 January 2019, "Integrated Resilience"

PART II. RELATED

- ff. DoD Retaliation Prevention and Response Strategy Implementation Plan, January 2017
- gg. Army Regulation 20-1, 23 March 2020, "Inspector General Activities and Procedures"
- hh. Air Force Instruction 90-301, 28 December 2018/Air Force Reserve Command Supplement, 17 October 2019, "Inspector General Complaints Resolution"
- ii. Army Directive 2014-20, 19 June 2014, "Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense"

GLOSSARY

PART I. ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
CG	Commanding General of the District of Columbia
CMG	Case Management Group
CNGB	Chief of the National Guard Bureau
DANG	Director of the Air National Guard
DARNG	Director of the Army National Guard
DoD	Department of Defense
DSAID	Defense Sexual Assault Incident Database
IAW	In accordance with
MCIO	Military criminal investigative organization
NG	National Guard
NGB	National Guard Bureau
NGB-DS	Director of Staff, National Guard Bureau
NGB-IG	NGB Office of the Inspector General
NGB-JA	NGB Office of the National Guard Bureau Chief Counsel
NGB-JSG	National Guard Bureau Joint Surgeon General
NGB-J1	NGB Manpower and Personnel Directorate
NGB-LL	NGB Office of Legislative Liaison
NGB-OC	NGB Office of Joint Chaplain
NGB-PA	NGB Office of Public Affairs and Strategic Communication
NGB SAPRO	NGB Sexual Assault Prevention and Response Office
NG JFHQs-State	National Guard Joint Force Headquarters-State
OSD	Office of the Secretary of Defense
RR	Restricted Reporting
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SAPR-VA	Sexual Assault Prevention and Response Victim Advocate
SARC	Sexual Assault Response Coordinator
SJA	Staff Judge Advocate
SVC	Special Victims' Counsel
TAG	The Adjutant General
UR	Unrestricted Reporting
U.S.C.	United States Code
VAC	Victim Advocate Coordinator
VCNGB	Vice Chief of the National Guard Bureau

PART II. DEFINITIONS

Chain of Command—The succession of commanding officers from a superior to a subordinate through which command is exercised; also the succession of officers, enlisted members, or civilian personnel through whom administrative control is exercised, including supervision and rating of performance. For members of the National Guard this also includes The Adjutant General and the Governor of the State in accordance with reference s.

Defense Sexual Assault Incident Database—The Department of Defense centralized, case-level database for the uniform collection of data regarding incidence of sexual assaults involving persons covered by this Instruction. Disclosure of data stored in this database is granted only as authorized by law or needed for internal Department of Defense review or analysis.

Final Disposition—Actions taken to resolve the reported incident, document case outcome, and address the misconduct by the alleged perpetrator, as appropriate. Final disposition includes military justice proceedings, non-judicial punishment, or administrative actions, including separation actions taken in response to the offense, whichever is the most serious action taken in accordance with reference b.

Limited Healthcare Services—Emergency care that includes physical and emergency psychological services and a Sexual Assault Forensic Examination or civilian equivalent consistent with reference a.

Limited Sexual Assault Prevention and Response Services—Assistance provided by a Sexual Assault Response Coordinator, Joint Force Headquarters–State Victim Advocate Coordinator, or Sexual Assault Prevention and Response Victim Advocate to a victim who is undergoing emergency care, but who is ineligible for a reporting option or continued support throughout recovery.

Maltreatment—Cruelty toward or oppression of a member of the National Guard or an employee of the National Guard by a person with authority over the individual because the individual:

- a. Reported a sex-related offense or sexual harassment or is believed to have reported a sex-related offense or sexual harassment.
- b. Was the victim of a sex-related offense or sexual harassment or is believed to have been the victim of a sex-related offense or sexual harassment.
- c. Was reported by another as being the victim of a sex-related offense or sexual harassment or is believed to have been reported by another as being the victim of a sex-related offense or sexual harassment.

d. Intervened, or attempted to intervene, to prevent or attempt to prevent a sex-related offense or sexual harassment or is believed to have intervened or attempted to intervene to prevent or attempt to prevent a sex-related offense or sexual harassment.

e. Cooperated or is believed to have cooperated in an investigation, has served as a witness, will or may serve as witness, or is believed to have served as a witness, or it is believed that the individual will or may serve as a witness in the future in a criminal or disciplinary proceeding, or in an investigation, including an administrative investigation, involving a sex-related offense or sexual harassment in accordance with reference ff.

National Guard Sexual Assault Prevention and Response Program—The collective State Sexual Assault Prevention and Response programs and their program elements of the National Guard Bureau Sexual Assault Prevention and Response Program.

Ostracism—The offense, with a nexus to military service, of wrongfully excluding a military member from social acceptance or membership in or association with a group of which such military member was a part or a reasonable person would conclude wanted to be a part with the intent to do any of the following: inflict emotional distress on the military member (“emotional distress” means a highly unpleasant mental reaction, such as anguish, grief, fright, humiliation, or fury); discourage reporting of a criminal offense or sexual harassment; or otherwise discourage the due administration of justice concerning a criminal offense or sexual harassment because the perpetrator knew or believed that the member:

a. Reported or was planning to report a sex-related criminal offense or sexual harassment.

b. Was a victim or alleged victim of a sex-related criminal offense or sexual harassment.

c. Was reported by another as being the victim of a sex-related criminal offense or sexual harassment.

d. Intervened to prevent or attempt to prevent a sex-related criminal offense or sexual harassment from occurring.

e. Cooperated in an investigation or the member has served or will or may serve as a witness or otherwise cooperate in the future in a criminal, disciplinary, or administrative proceeding or investigation involving a sex-related criminal offense or sexual harassment in accordance with reference ff.

Protected Communication—A lawful communication to a member of Congress or an Inspector General. A communication to a covered individual or

organization in which a member of the Armed Forces of the United States complains of, or discloses information that the member reasonably believes constitutes evidence of a violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination or gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety in accordance with reference ff.

Qualifying Conviction—A State or Federal conviction, or a finding of guilt in a juvenile adjudication, for a felony crime of sexual assault; any general or special court-martial conviction for a Uniform Code of Military Justice offense, that otherwise meets the elements of a crime of sexual assault; or any offense that requires registration as a sex offender in accordance with reference a.

Reprisal—Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication in accordance with reference s.

Responders—Sexual assault prevention and response personnel, Military healthcare personnel, judge advocates, chaplains, directors of psychological health, Special Victims' Counsel, and commanders.

Restricted Reporting—A reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals, such as sexual assault response coordinators, sexual assault prevention and response victim advocates, or healthcare personnel, and receive medical treatment, including emergency care, counseling, and assignment of a sexual assault response coordinator or sexual assault prevention and response victim advocate, without triggering an investigation.

Restriction—Preventing or attempting to prevent a current Service member from making or preparing to make a lawful communication to a member of Congress or an Inspector General in accordance with reference s.

Retaliation—An act by any member of the National Guard or employee of the National Guard that wrongfully takes or threatens to take an adverse personnel action against any person, or wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication.

Retaliatory Behavior—Misconduct such as maltreatment, ostracism, reprisal, and restriction in accordance with reference ff.

Sexual Assault—Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or

cannot consent including 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 b.

Sexual Assault Prevention and Response Personnel—Located within the States, these personnel include sexual assault response coordinators (National Guard Joint Force Headquarters—State, wing, and brigade), Joint Force Headquarters—State victim advocate coordinators, and sexual assault prevention and response victim advocates, which include unit victim advocates and volunteer victim advocates.

Sexual Assault Prevention and Response Services—Assistance and support provided by sexual assault prevention and response personnel including facilitating transportation to a treatment facility, providing non-clinical crisis intervention, referrals, and ongoing non-clinical support to adult sexual assault victims.

Unrestricted Reporting—A process that allows an individual to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault.