



CHIEF OF THE NATIONAL GUARD BUREAU MANUAL

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NATIONAL GUARD SEXUAL ASSAULT INCIDENT RESPONSE OVERSIGHT AND COMMANDER'S CRITICAL INFORMATION REQUIREMENTS REPORTS FOR UNRESTRICTED REPORTS

References: See Enclosure E.

1. Purpose. This manual establishes procedures to complete the sexual assault incident response oversight and commander's critical information requirements (CCIRs) reports in accordance with (IAW) references a and b for Unrestricted Reports and independent investigations of sexual assault involving National Guard (NG) members, eligible civilians, and dependents.
2. Cancellation. This manual supersedes its previous edition, Chief of the National Guard Bureau Manual 1301.01, 08 August 2017, "National Guard Implementation of a Sexual Assault Incident Response Oversight Report."
3. Applicability. This manual applies to all elements of the NG.
4. Procedures. The sexual assault incident response oversight report is required for every Unrestricted Report and independent investigation of a sexual assault IAW references a and b. This report details the actions taken or in progress to provide the necessary care for and support to the victim of the sexual assault and to refer the allegation of the sexual assault to the appropriate investigatory agency. The sexual assault incident response oversight report provides senior leadership with visibility of the standard of care provided to the victim and must be submitted within eight days of the report trigger. NG commanders will prepare and submit a CCIR report on a sexual assault incident that meets one of the Secretary of Defense qualifying categories. See Enclosures A through D for procedures.
5. Summary of Changes. This publication has been substantially revised and has been assigned a new subject category number: 1300.02. This manual provides:
 - a. The CCIR report template that identifies the required information.

UNCLASSIFIED

b. Notification timeline requirements and routing procedures.

6. Releasability. This manual is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpd.c.ngb.army.mil/>>.

7. Effective Date. This manual is effective upon publication and must be reissued, cancelled, or certified as current every five years.



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Enclosures:

- A -- Incident Response Oversight Report Procedures
- B -- Incident Report Matrix
- C -- Incident Response Oversight Report Content
- D -- Critical Information Requirements Report
- E -- References
- GL -- Glossary

ENCLOSURE A

INCIDENT RESPONSE OVERSIGHT REPORT PROCEDURES

1. General. The immediate commander designated in Table 1, Incident Report Matrix (Enclosure B), will prepare the incident report with input from the State Staff Judge Advocate, Sexual Assault Response Coordinator (SARC), and Military Criminal Investigative Organization (MCIO) or civilian law enforcement organization (LEO) with jurisdictional authority. The SARC will not provide input on an independent investigation, but may assist with preparing the report.

2. Trigger. Preparation of the incident report begins immediately after notification of one of the following events:

a. SARC receipt of a signed Department of Defense (DD) Form 2910, "Victim Reporting Preference Statement," from an eligible adult victim of sexual assault electing an Unrestricted Report.

b. SARC receipt of a signed DD Form 2910 from an adult victim of sexual assault to convert a Restricted Report to an Unrestricted Report.

c. Independent investigation of a sexual assault, initiated by an MCIO or civilian LEO, that is reported to the immediate commander, when the subject or victim is a Guard member.

3. Type of Report and Content. The immediate commander will identify the type of report required (full or abbreviated) from Table 1, "Incident Report Matrix" (Enclosure B). See Enclosure C for incident report content. An incident report, IAW reference c, will not include personally identifiable information, including victim photographs, health information protected under reference d, or any demographic or incident information that could reasonably lead to personal identification of the victim or the subject for both Unrestricted Reports and independent investigations.

4. Preparation. The immediate commander will prepare only one report per incident using the NG report templates located at references e and f, Service-specific templates IAW references g and h, or formats as directed by The Adjutant General (TAG) or Commanding General of the District of Columbia. The commander interprets the following when completing the report:

a. Any reference to "Military Criminal Investigative Organization" in a template to mean both MCIO and civilian LEO.

b. Any reference to SARC or Sexual Assault Prevention and Response Victim Advocate (SAPR VA) as including the NG Joint Force Headquarters-State (NG JFHQs-State) Victim Advocate Coordinator (VAC).

c. Any reference to “installation commander” to mean TAG or the Commanding General of the District of Columbia, hereafter referred to as TAG.

5. Submission. The immediate commander will submit the incident report to the chain of command within eight days of the triggering event. An intended recipient may not direct anyone lower in the chain of command to receive the report on his or her behalf. The following individuals will receive NG sexual assault incident response oversight reports as specified:

a. The first O-6 and first general officer (GO) in the chain of command will receive incident reports if the victim is a Guard member.

b. The first O-6 and first GO in the chain of command will receive incident reports if the alleged subject is a Guard member.

c. The next higher commander in the chain of command will receive incident reports if the alleged subject is the first O-6 or the first GO in the chain of command designated to receive the report.

d. TAGs will receive incident reports prepared on sexual assaults with an NG nexus occurring within their area of responsibility.

e. The Army National Guard (ARNG) Sexual Harassment/Assault Response and Prevention Office Program Manager (PM) will receive reports with an ARNG nexus.

f. The Air National Guard (ANG) Sexual Assault Prevention and Response (SAPR) Office PM will receive reports with an ANG nexus.

6. Need to Know. The information contained in an incident report is limited to personnel with an official need to know IAW reference e or as authorized by law.

ENCLOSURE B

INCIDENT REPORT MATRIX

Victim	Subject	Unit	Prepares and Submits the Incident Report	Report Type	Trigger for Eight-Day Timeframe
Guard member	Guard member	Both in same unit	Victim's immediate commander	Full	Signed DD Form 2910
Guard member	Guard member	Different units	Victim's immediate commander	Full	Signed DD Form 2910
Guard member	Civilian	Not applicable	Victim's immediate commander	Full	Signed DD Form 2910
Guard member	Civilian	Not applicable	Victim's immediate commander	Abbreviated	MCIO or civilian LEO notifies immediate commander
Department of Defense (DoD) civilian eligible for SAPR services	Civilian	Not applicable	Victim's immediate commander	Full	Signed DD Form 2910
Civilian eligible for SAPR services	Guard member	Not applicable	Subject's immediate commander	Abbreviated	Signed DD Form 2910
Civilian <u>not</u> eligible for SAPR services and Guard member, DoD civilian, and dependents eligible for SAPR services with an initiated independent investigation but without a signed DD Form 2910	Guard member	Not applicable	Subject's immediate commander	Abbreviated	MCIO or civilian LEO notifies immediate commander

Table 1. Incident Report Matrix

ENCLOSURE C

INCIDENT RESPONSE OVERSIGHT REPORT CONTENT

1. Incident Data.

a. Victim(s). The SARC provides this information, if known, to the victim's immediate commander, unless the information could identify a specific individual. This information is referred to as "protected."

(1) Gender. Male, female, or protected.

(2) Duty Status or Category. Traditional NG member, State Active Duty, Title 32 active duty for operational support, Title 32 Active Guard and Reserve Guard member, active duty and reserve under NG administrative control, eligible military dependent, DoD civilian, and non-government civilian.

(3) Service Affiliation. ARNG, ANG, or other.

(4) Command Level. Brigade, wing, battalion, group, other.

(5) Rank, Grade or Protected.

(6) State NG Membership.

b. Subject(s). The MCIO or civilian LEO provides this information, if known, to the subject's immediate commander.

(1) Gender. Male, female, or protected.

(2) Duty status. Traditional Guard member, State Active Duty, Title 32 active duty for operational support, Title 32 Active Guard and Reserve Guard member, active duty and reserve under NG administrative control, eligible military dependent, DoD civilian, and non-government civilian.

(3) Service Affiliation. ARNG, ANG, or other.

(4) Command Level. Brigade, wing, battalion, group, other.

(5) Rank, Grade or Protected.

(6) State NG Membership.

c. Nature or Type of Sexual Assault. Specify the most serious sexual assault offense under investigation.

d. Location Where the Reported Offense Occurred. On installation (includes government-owned or -operated property or transportation), off

installation, multiple (both on and off due to multiple instances), or undetermined.

e. Date and Time Period the Sexual Assault Occurred. Midnight to 6 AM; 6 AM to 6 PM; 6 PM to midnight; or undetermined.

f. Date and Referral Information. Date the victim was referred to a SARC, NG JFHQs-State VAC, or SAPR VA.

g. Date of Signature on Form. Date the victim signed DD Form 2910 and the SARC or NG JFHQs-State VAC filed a copy for record, if applicable.

h. Date the MCIO or Civilian LEO Received the Report of Alleged Sexual Offense. Include the name of the LEO notified.

i. Action Taken. Action taken if the subject is a Guard member, including temporary transfer, removal from an assigned billet, or other command action.

j. Other Information. Other relevant information pertaining to the subject.

2. Advocacy Services. SAPR personnel offer services and support if the victim is a Guard member, adult military dependent, or otherwise eligible for SAPR services IAW references a and b. The SARC will provide the following information to the senior commander for the incident report.

a. Confirmation that information was entered in the Defense Sexual Assault Incident Database within 48 hours IAW references b and i, by providing the date entered.

b. A summary of SAPR services offered.

c. Confirmation that equal opportunity services were offered to address potential equal opportunity complaint notification requirements and procedures.

d. A description of any circumstances, such as timeliness, sensitivity, obstacles to care, coercion, retaliation, or reprisal, that adversely affected the command's ability to address the victim's need through the advocacy services accepted.

(1) The SARC submits the victim's input after the victim provides written consent for disclosure of confidential or privileged communication.

(2) The SARC confirms the victim was informed of the right to speak to a Special Victims' Counsel (SVC), if eligible, before he or she provides the victim's written consent for release of confidential or privileged communication.

e. The date when the next NG JFHQs-State Case Management Group (CMG) or Wing CMG meeting, as applicable, is scheduled to provide oversight for this case. Confirm that TAG or the Assistant Adjutant General will chair the NG JFHQs-State CMG and wing commander or vice commander will chair the Wing CMG and that the victim's senior commander is a mandatory member IAW references a and b.

3. Victim's Commander Input. Include additional comments by the victim's commander, if any.

4. Healthcare. A victim's eligibility for healthcare is assessed through a line-of-duty determination. If a line-of-duty determination is requested, then provide the date when:

- a. The line-of-duty determination was initiated.
- b. The victim was offered medical care.
- c. The victim was offered mental health care.

d. A sexual assault forensic examination was offered at a military treatment facility or a local civilian medical facility. If a sexual assault forensic examination was not offered, explain why not.

5. Investigation. If an investigation was not initiated, state the reason. If an investigation was initiated:

a. Provide the MCIO or civilian LEO case file number. If there is no case number, then state why and identify the investigating jurisdiction notified and the date of the notification.

b. Confirm, if applicable, that the victim received a DD Form 2701, "Initial Information for Victims and Witnesses of Crime."

6. Safety. If the victim is a Guard member or an adult military dependent:

a. Provide the date the victim's safety was assessed.

b. Report whether there was a need to assemble a High-Risk Response Team.

c. Provide the date the victim was given information regarding military protective orders and civilian protective orders.

d. Report whether military protective orders and civilian protective orders were issued and include the date(s) of those orders.

7. Expedited Transfers. If the victim is a Guard member:

a. Provide the date the victim was given information regarding expedited transfers.

b. Report whether the victim requested an expedited transfer and, if so, its processing status, including the date received.

8. Legal Services. If the subject is a Guard member and eligible for Trial Defense Services, provide the date the subject was informed of the services. If the victim is a Guard member and eligible for the SVC program:

a. Provide the date the victim was informed of the program.

b. Confirm the victim was notified that an SVC is the victim's attorney, not the government's attorney, and will provide the victim with legal advice and representation.

ENCLOSURE D

COMMANDER'S CRITICAL INFORMATION REQUIREMENTS REPORT

1. General. NG commanders will prepare a CCIR report based on information provided by, and with assistance from, a full-time NG SARC on incidents of sexual assault meeting criteria as determined by the Secretary of Defense and IAW references a and b. The six qualifying categories that require a CCIR report:

a. The subject is an O-6 commander or above.

b. The subject is a SARC, NG JFHQs-State VAC, SAPR VA, or SAPR staff member.

c. The report is considered a "Curious Case," such as a report that includes multiple subjects, multiple victims, or a verdict overturned by the Courts-Martial Convening Authority. Further guidance is available from the National Guard Bureau Sexual Assault Prevention and Response Office (NGB SAPRO) case by case to determine whether a report meets one of these criteria.

d. Cases likely to attract high media attention.

e. Congressional involvement.

f. An overturned conviction of a sexually based crime.

2. Report Template. NG commanders and full-time NG SARCs will use the following template to complete an Unrestricted Reporting SAPR CCIR report. Use of acronyms is not acceptable.

a. Incident Type. Select one of the six report qualifying criteria from subparagraphs 1.a through 1.d above.

b. Who.

(1) Subject(s). Provide name, grade, gender, unit of assignment, position, and other relevant information.

(2) Victim(s). Provide only generic identifiers, such as grade or rank, and gender. Do not provide any personally identifiable information.

c. What. Describe the incident in a narrative case synopsis.

d. When. Provide the date and time of the incident and report.

e. Where. Provide the general location of the incident. Do not provide personal addresses.

- f. Actions Taken. Provide information on the command's response to date.
 - g. Other Factors. Include other information such as known or expected media or international interest.
3. Notification Timeline Requirements. Submit the CCIR report as follows:
- a. Immediately (within several hours) if the event:
 - (1) Occurs during duty hours.
 - (2) Will result in significant negative national media coverage.
 - b. No later than 0800 hours Eastern Standard Time the next morning, if the event occurs during off-duty hours.
4. Routing Procedures. The following are the CCIR report routing procedures identified in Figure 1 below.
- a. The Wing SARC will forward all completed ANG CCIR reports to the NG JFHQs-State SARC.
 - b. The NG JFHQs-State SARC will forward completed CCIR reports by email to the following office and individuals:
 - (1) NGB SAPRO at NGB.SAPRO@mail.mil.
 - (2) Chief, NGB SAPRO, and NGB SAPRO's SAPR Investigations Compliance and Accountability Manager.
 - (3) The ARNG Sexual Harassment/Assault Response and Prevention (SHARP) Office PM for CCIR reports involving ARNG personnel.
 - (4) The ANG SAPR Office PM for CCIR reports involving ANG personnel.
 - c. The NG JFHQs-State SARC will also call the following individuals:
 - (1) Chief, NGB SAPRO, at 571-286-7865 or NGB SAPRO's SAPR Investigations Compliance and Accountability Manager, at 901-351-2822.
 - (2) ARNG SHARP PM at 703-601-6988 for CCIR reports involving ARNG personnel.
 - (3) ANG SAPR Regional PM at 703-801-7207 for CCIR reports involving ANG personnel.
 - d. The applicable ARNG SHARP or ANG SAPR PM or point of contact will notify the Deputy Director of the ARNG or ANG, as appropriate.

e. NGB SAPRO will:

(1) Review the SAPR CCIR report to verify compliance with the CCIR criteria and reporting legend and lack of personally identifiable information.

(2) Provide situational awareness to the Director, Manpower and Personnel (NGB-J1); Director of Staff of the NGB (NGB-DS); and Vice Chief of the NGB (VCNGB).

(3) Prepare an email that includes the Unrestricted Reporting SAPR CCIR report in the body of the email and as an attachment and submit it to the Joint Staff J3, Deputy Director for Operations, and National Military Command Center (DDO/NMCC) group email address, js.pentagon.j3.mbx.njoic-deputy-battle-captain-nmcc@mail.mil, with a courtesy copy to the Chief of the NGB SAPRO.

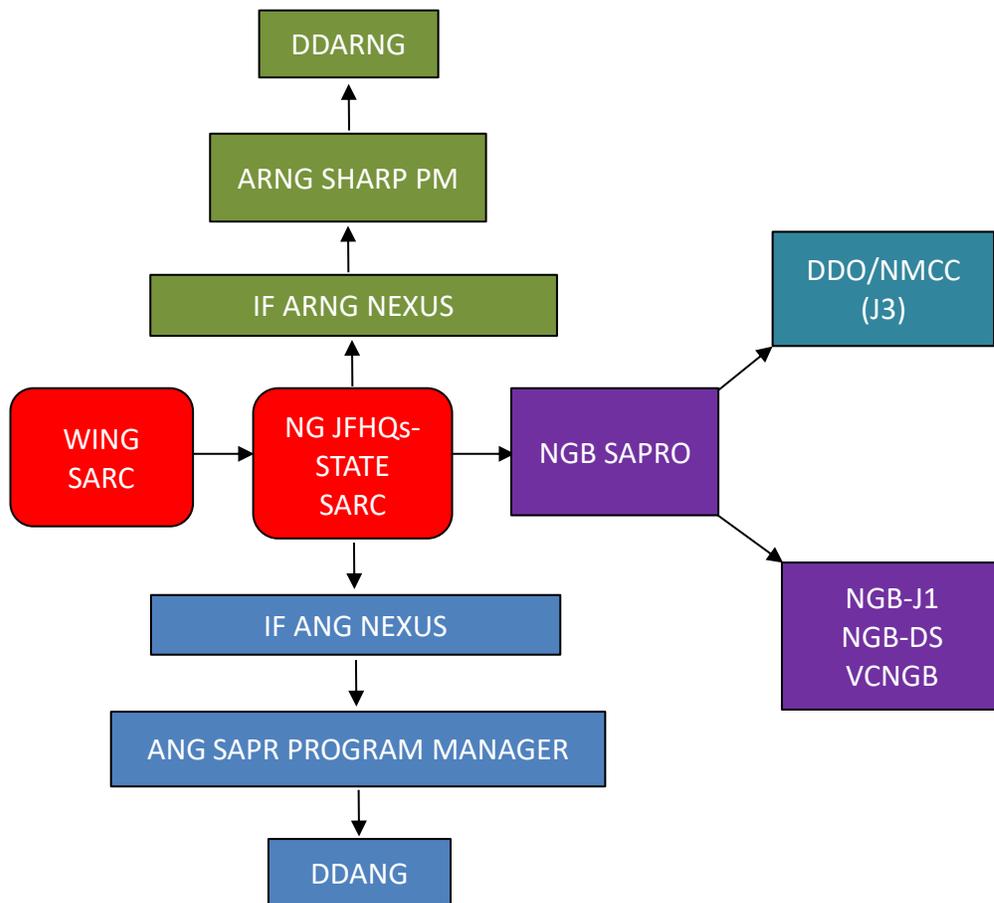


Figure 1. Commander's Critical Information Requirements Report Routing

ENCLOSURE E

REFERENCES

- a. CNGB Instruction 1300.01, 16 July 2016, “Sexual Assault Prevention and Response Program”
- b. DoD Instruction 6495.02, 28 March 2013, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” Incorporating Change 3, 24 May 2017
- c. Title 5 U.S. Code Section 552a, “Records Maintained on Individuals” (“The Privacy Act”)
- d. DoD Manual 6025.18, 13 March 2019, “Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DoD Health Care Programs”
- e. NGB Guard Knowledge Online, “NG Incident Full Report Template,” <<https://gko.portal.ng.mil/joint/J1/SAPR/SAIRO/State%20Full%20SAIRO%20Report.pdf#search=SAIRO>> (accessed 06 August 2019)
- f. NGB Guard Knowledge Online, “NG Incident Abbreviated Report Template,” <<https://gko.portal.ng.mil/joint/J1/SAPR/SAIRO/State%20Abbreviated%20SAIRO%20Report%20Template.pdf#search=Abbreviated%20SAIRO>> (accessed 06 August 2019)
- g. Army Directive 2015-10, 24 February 2015, “Sexual Assault Incident Response Oversight Report”
- h. Air Force Instruction 90-6001, 11 October 2018, “Sexual Assault Prevention and Response (SAPR) Program”
- i. CNGB Instruction 6400.01, 14 November 2013, “Use of the Defense Sexual Assault Incident Database (DSAID)”

GLOSSARY

PART I. ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
CCIR	Commander's critical information requirement
LEO	Law enforcement organization
CMG	Case Management Group
DD	Department of Defense
DDANG	Deputy Director of the Air National Guard
DDARNG	Deputy Director of the Army National Guard
DDO/NMCC	Deputy Director for Operations and National Military Command Center
DoD	Department of Defense
GO	General officer
IAW	In accordance with
LEO	Law enforcement organization
MCIO	Military Criminal Investigative Organization
NG	National Guard
NGB	National Guard Bureau
NGB-DS	National Guard Bureau Director of Staff
NG JFHQs-State	National Guard Joint Force Headquarters--State
NGB-J1	Manpower and Personnel Directorate
SAPR	Sexual Assault Prevention and Response
SAPR VA	Sexual Assault Prevention and Response Victim Advocate
SAPRO	Sexual Assault Prevention and Response Office
SARC	Sexual Assault Response Coordinator
SHARP	Sexual Harassment/Assault Response and Prevention
SVC	Special Victims' Counsel
TAG	The Adjutant General
VAC	Victim Advocate Coordinator
VCNGB	Vice Chief of the National Guard Bureau

PART II. DEFINITIONS

Abbreviated Report -- Incident Data and Investigation information.

Full Report -- Incident Data, Advocacy Services Offered, Victim's Commander Input, Healthcare, Investigation, Safety, Expedited Transfer, and Legal Services information.

Military Criminal Investigative Organization -- A Department of Defense organization charged with conducting complete, accurate, and thorough criminal investigations involving military personnel. The organizations include

the U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

Sexual Assault Prevention and Response Victim Advocate -- A specially trained and certified National Guard person who, as a victim advocate, provides nonclinical crisis intervention, referral, and ongoing nonclinical support to adult sexual assault victims.

Sexual Assault Response Coordinator -- A specially trained and certified National Guard single point of contact at the National Guard Joint Force Headquarters–State, at a wing or within a geographic area who oversees sexual assault awareness, prevention, and response.

Special Victims’ Counsel -- A National Guard Judge Advocate who is specially trained in legal issues concerning victims of sexual assault and certified to provide legal representation and counsel to victims throughout the military disposition of the offense.

Victim Advocate Coordinator -- A specially trained and certified National Guard specialist in victim support services to coordinate and monitor local implementation and execution of the State Sexual Assault Prevention and Response Program who may also serve as a victim advocate.