



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
HEADQUARTERS KANSAS NATIONAL GUARD
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TOPEKA, KS 66611-1287

NGKS-TAG

20 January 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: TAG Policy Letter #26, Sexual Assault Prevention and Response (SAPR) Program

1. References: (a) DoD Directive 7050.06, 23 July 2007, *Military Whistleblower Protection*
(b) DoD Instruction 6495.02, 28 March 2013, *Sexual Assault Prevention and Response (SAPR) Program Procedures*
(c) UCMJ Article 120, 23 December 2016, *Rape and Sexual Assault*
(d) HODA EXORD 193-14, 14 July 2014, *Screening of Sexual Harassment/Assault Response and Prevention Program Personnel and Others in Identified Positions of Significant Trust*
(e) AR 600-20, *Army Command Policy*, 24 July 2020
(f) AFI 90-6001, 15 July 2020, *Sexual Assault Prevention and Response (SAPR) Program*
(g) NGR 600-22/ ANG I 36-3, 26 April 2002, *Investigating Military Discrimination Complaints*
(h) CNGBI 1300.01, 26 June 2020, *Sexual Assault Prevention and Response Program*
(i) CNGBM 1300.03A, 26 August 2020, *National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault*
(j) CNGBI 1300.04, 02 September 2020, *National Guard Expedited Transfer Program for Members with Unrestricted Reports of Sexual Assault*
(k) CNGBM 1300.02, 29 October 2019, *National Guard Sexual Assault Incident Response Oversight and Commander's Critical Information Requirements Reports for Unrestricted Reports*
(l) NG Suppl 1 to AR 600-8-2, 09 December 2013, *Suspension of Favorable Personnel Actions (FLAG)*
(m) AFI 36-2907, 21 May 2020, *Adverse Administrative Actions*

2. Sexual assault is a crime and contrary to our values. It erodes the basic foundation of trust vital to the success of our mission. The Kansas National Guard (KSNG) will continue the development of an organizational culture and climate where those who bring forward allegations of sexual assault are taken seriously and treated with dignity and respect. The KSNG will use sensitivity and discretion to ensure reporters are not re-victimized. Reprisal against reporters will not be tolerated. KSNG will do everything possible to prevent sexual assault, effectively implement the National Guard Bureau's (NGB) SAPR Program, and hold offenders accountable to the fullest extent authorized.

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a. The Army's Sexual Harassment and Assault Response Program (SHARP) is incorporated into the KSNG SAPR Program. All SHARP driven requirements, appointments, inquiries and events will adhere to the standards of this Policy Letter.

b. Sexual harassment incidents in both the Army and Air National Guard will be reported at the lowest level when possible, and handled by KSNG Equal Opportunity and Equal Employment Opportunity (EO/EEO) personnel.

3. Sexual assault is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent.

4. Kansas National Guard leadership will ensure appropriate implementation of the SAPR Program at every level. All commanders and supervisors will be informed about, and become familiar with the policies that govern the program.

5. The Joint Force Head Quarters (JFHQ) KSNG Sexual Assault Response Coordinator (SARC) will serve as the primary advisor to the Adjutant General on SAPR Program matters and provide oversight of the KSNG SAPR Program.

6. Prevention: Commanders are responsible for fostering a command climate in which service members are encouraged to intervene to prevent potential incidents of sexual assault, and victims of sexual assault are encouraged to report.

a. All commanders will meet with the SARC within 30 days of taking command for one-on-one SAPR Training. A command climate assessment will commence within 120 days of command assumption and annually thereafter.

b. Results of the command climate assessment should be shared with the JFHQ or Wing SARC for assistance in developing a prevention action plan and addressing areas of concern in relation to sexual assault.

c. Commanders will publicize their command SHARP/SAPR policy, local SHARP/SAPR policy and program information. Contact information for access to the KSNG JFHQ-State SARC and VAs through local means accessible by service members, KSNG employees, and dependents will be published.

d. Commanders and unit leaders in the KSARNG will facilitate annual SHARP training with the assistance of a credentialed Victim Advocate (VA) or SARC.

e. Kansas Air National Guard (KSANG) Commanders will facilitate annual SAPR talking points and prescribed annual training.

f. Commanders will ensure Pre-deployment and Post-deployment SHARP/SAPR training is provided to assigned service members by unit leadership with the assistance of a credentialed VA or SARC. Post-deployment reintegration SHARP/SAPR training will be provided within 30 days of returning from deployment.

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g. SHARP/SAPR training is required for general or flag officers, as well as senior executive service (SES) at the initial executive level preprogram training and annually thereafter.

h. Supervisors and commanders are responsible for ensuring first responder SAPR/SHARP training is received by personnel in the following disciplines or positions: SARCs; SAPR VAs; healthcare personnel; DoD law enforcement; Military Component Investigative Offices (MCIO); Judge Advocates (JA); chaplains; firefighters and emergency medical technicians. First responder training will be facilitated by the supervisor/commander, with the assistance of the JFHQ SARC/victim advocate coordinator (VAC) or wing SARC. First Responder training is in addition to annual training, not a substitution for annual training.

7. Sexual Assault Response: Any officer or non-commissioned officers who receive a report of sexual assault from a victim within their chain of command are required to forward the report to a SARC immediately, ensuring the SARC is informed NLT 24 hours from the time of the report at the latest, and will follow procedures for an unrestricted report noted below.

a. When a sexual assault report is made directly to a SARC, VA, or healthcare professional by the victim, an eligible victim retains the option to file a restricted report, an unrestricted report, or not report at all. A restricted report is confidential and does not initiate an investigation. An unrestricted report will be communicated to individuals with an official need to know within 24 hours, such as command, and initiate an investigation by military or civilian investigative agencies.

b. Improper disclosure of confidential communications under Unrestricted Reporting (UR) or improper release of medical information are prohibited and may result in disciplinary action pursuant to the KCMJ, UCMJ or other adverse personnel or administrative actions.

c. Commanders will immediately contact the appropriate military or civilian law enforcement agency upon receiving an unrestricted report of sexual assault. Commanders will not conduct internal command-directed investigations on sexual assault allegations, nor delay contacting law enforcement in an effort to determine the credibility of the report.

d. Commander's will ensure all eligible victims are afforded the options to meet with a credentialed VA or SARC to discuss their rights, options, and resource options.

e. Commanders will assess victim safety and discuss any safety concerns identified with the SARC.

f. Command and leaders will treat all victims with care and dignity. Command and leaders will protect victims against reprisal for reporting.

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g. The victim's immediate commander will complete and submit a Sexual Assault Incident Response Oversight (SAIRO) report within eight days after an UR of sexual assault, with assistance from the SARC, and applicable Service-specific reporting requirements.

h. Commanders will prepare a Commander's Critical Information Requirement (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.

i. Commanders will ensure victims are provided copies of any No Contact Order, or Military Protective Order (MPO) pertaining to their unrestricted sexual assault report.

j. Service members are responsible for ensuring their command is supplied a copy of any civilian protective order (CPO) pertaining to their unrestricted sexual assault report, if applicable.

8. Alleged subjects of sexual assault investigations:

a. Commanders of Service members who are the subject of a sexual assault investigation by military, state, or civilian authorities will ensure suspensions of favorable personnel actions is initiated on the Service member in accordance with DoD and component regulation and policies.

b. Commanders of Service members who are the subject of a sexual assault investigation are responsible for ensuring the Service member is given the opportunity to access eligible support services. Commanders will ensure regular assessment and/or monitoring of the subject Service member's safety and well-being is conducted by unit leadership.

9. Expedited transfers: A commander who receives a request for an expedited transfer from a victim will immediately notify the supporting SARC of the victim's request, and must ensure the victim is provided with a response approving or denying the request from the approval authority within 72 hours of receiving the request.

a. Commanders will provide the first O6 or above in the chain of command with a signed memorandum recommending approval or denial of the request, to the approval authority (the first O6 or above in the chain of command).

b. The approval authority will review the request and signed memorandum from the immediate commander, as well as consult with the supporting Judge Advocate, SARC, or other subject matter experts as necessary. The approval authority will directly counsel the victim to ensure the victim is fully aware of potential impacts and outcomes of the requested transfer.

c. The approval authority will approve or deny the request and ensure notification of the decision is provided to the victim within 72 hours of receiving the request.

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d. If the request is approved, the commander will ensure the expedited transfer is executed within 30 days.

e. If the request is denied, the response will be forwarded along with written justification to the first general officer in the service member's chain of command. The first general officer informs the Service member of their right to request a review of the decision.

f. If a review of the approval authority's recommendation is requested, the general officer will review the decision, and approve or deny the request for expedited transfer within 72 hours of receiving the request from the Service member.

g. If approved, the immediate commander will ensure the expedited transfer is executed within 30 days. If the general officer denies the request, they will provide to the Kansas Adjutant General (TAG), Commanding General of the KSNG, and to the appropriate Director of the Army National Guard or the Director of the Air National Guard, in writing, the name of the service member requesting an expedited transfer, the date of the request, and the reason for recommending denial.

h. A Service member receiving an expedited transfer to another state will receive a mandatory out brief from the losing SARC, a mandatory in-brief by the gaining SARC, and be afforded the option to choose to continue or discontinue SAPR services following the in-brief.

10. Case Management Group (CMG): The monthly CMG is a multi-disciplinary monthly meeting for reviewing all unrestricted reports of sexual assault and retaliation occurring within the state.

a. The JFHQ CMG meeting will be chaired by TAG or the Deputy Adjutant General/Assistant Adjutant General, and co-chaired by the JFHQ SARC.

b. Attendance is mandatory for all full-time SARCs assigned within a state.

c. Commanders will attend monthly Case Management Group (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.

d. The following additional individuals will attend each monthly KSNG JFHQ CMG meeting: victim's military healthcare provider or mental health and counseling services provider; chaplain, JFHQ Staff Judge Advocate (SJA), and designated safety assessment facilitator of current sexual assault victims.

e. A victim's Special Victim's Counsel (SVC) will be afforded the opportunity to participate in a CMG meeting in which the assigned victim's case will be discussed.

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11. Retaliation: Commanders are responsible for prohibiting coercion, retaliation, ostracism, maltreatment, and reprisal against victims of sexual assault, alleged subjects, SAPR/SHARP personnel, witnesses, and intervening bystanders. All supervisors in the victim's chain of command, officer and enlisted, are required when they become aware of allegations of retaliation, reprisal, ostracism, or maltreatment, to take appropriate measures to protect the victim from retaliation, reprisal, coercion, ostracism, and maltreatment in Unrestricted Reports.

12. SAPR Professionals: The SAPR Program utilizes Collateral Duty SARCs to administer the program and provide oversight when responding to a sexual assault case.

a. Each wing commander will maintain a full-time, certified SARC to serve as the wing's primary point of contact on all matters pertaining to the wing SAPR program.

b. Each brigade commander maintains one certified collateral duty brigade SARC to serve as the brigade's primary point of contact for matters concerning the KSARNG SHARP Program, in addition to one certified collateral-duty VA at the brigade and two certified collateral-duty VAs at each battalion.

c. Each VA or SARC appointment must be coordinated with the JFHQ SARC or VAC, or Wing SARC to ensure the service member is eligible and receives all the required training to become credentialed.

d. KSARNG commanders will ensure all credentialed VAs and SARCs under their command are awarded the Additional Skill Identifier (ASI) 1B, and that the ASI 1B is removed from service member records in the instance their credentials are revoked or expired.

e. KSANG wing SARCs will ensure the appropriate Training Code is awarded to all SAPR VAs and SARCs within the wing, and the appropriate Special Experience Identifier (SEI) is awarded to all military SARCs and VAs personnel record within the wing. KSANG wing SARCs will ensure the SEI code is removed for failure to maintain D-SAACP certification, meet screening requirements, or revocation of Department of Defense Sexual Assault Advocate Certification Program (D-SAACP) certification.

f. Appointed VAs and SARCs will not perform advocacy duties unless they have current D-SAACP Credentials, which must be renewed every two years with a required 32 hours of continuing education units (CEUs).

g. Commanders will immediately notify the JFHQ SARC or Wing SARC of any change in a VA or SARCs status that will inhibit their ability to fulfill their SAPR responsibilities or remain in their appointed SAPR position.

h. All SARCs will have direct and unimpeded contact and access to the immediate commander of both the Service member victim and subject Service member.

i. VAs receive in-depth training in the advocacy field in order to respond to a report of sexual assault. VAs must be carefully selected due to the complexity of working with sexual assault victims.

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j. Initial and CEU training for advocates will be conducted through the National Guard Bureau or through a National Guard Bureau approved course at the state level.

k. Duties include receiving the initial report of the sexual assault incident, supporting the victim during the stages of an investigation, providing referrals to victim services agencies and completing required reports.

l. The VAs and SARCs are responsible for maintaining their own credentials and are required to attend and complete appropriate training within the mandatory timeline(s), as well as meet and maintain the standards for selection.

13. The KSNG Helpline, 785-438-0017, is available for reporting sexual assault incidents 24/7 to credentialed SAPR personnel. All calls will be answered by D-SAACP credentialed personnel in order to provide answers to inquiries regarding reporting options and/or services, set up a meeting for making a report, or providing any other SAPR related support.

14. This policy supersedes TAG Policy Letter #26 dated 19 Apr 2019. This policy will be promptly displayed on each unit's official bulletin board and is authorized for distribution to each service member and employee of the Kansas National Guard.

15. POC for this policy is Michelle Ferrer, KSNG Sexual Assault Response Coordinator, 785-646-0172 or by email @ michelle.m.ferrer.civ@mail.mil.

3 Encls

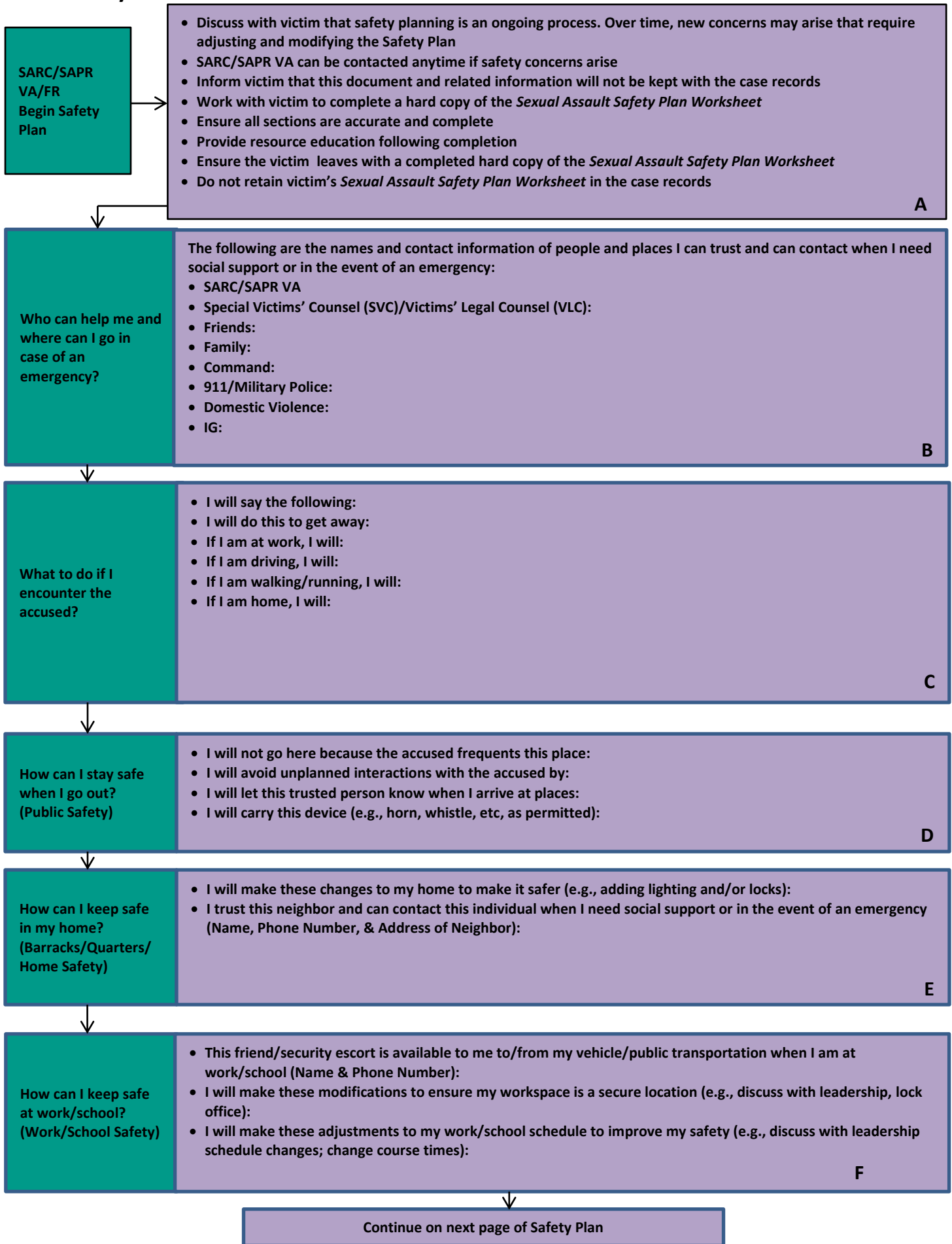
1. Safety Assessment
2. SAIRO Template
3. Commanders 30-day Checklist

DAVID A WEISHAAR, Major General, KSNG
The Adjutant General

DISTRIBUTION:

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Safety Plan



Safety Plan, cont.

What to do if I begin to experience negative emotions/feelings about the assault?

- If I begin to re-experience the event, I will:
- If I have thoughts of harming myself, I will:
- If I have thoughts of harming others, I will:

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Provide resources to victim:

Referral to Behavioral Health Crisis Hotlines:

- 1) DoD Safe Helpline, safehelpline.org; 877-995-5247
- 2) National Domestic Violence Hotline, thehotline.org; 800-799-7233 (TDD: 800-787-3224)
- 3) Military Crisis Line, militarycrisisline.net; 800-273-8255 (press 1)

Crisis Resources:

- 1) National Sexual Violence Resource Center, nsvrc.org; 877-739-3895 or 717-909-0710
- 2) MaleSurvivor.org
- 3) Office for Victims of Crime, www.ovc.gov

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- Discuss with victim/patient the importance of keeping this safety plan and other important documents (e.g., driver's license, insurance papers, birth certificates, passports, etc.) in a safe and secure place
- Schedule follow-up/check-ins with victim/patient prior to victim/patient leaving. At these appointments, the SARC/SAPR VA or HCP can check in with victim/patient and determine if updates to the Safety Plan are necessary
- Ensure victim leaves with a hard copy of the Safety Plan
- Ensure victim has copy of "Sexual Assault Health Care Support" pamphlet

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Sexual Assault Safety Plan Worksheet

Directions: Complete all sections of this safety plan worksheet. Keep a paper copy of this document and other important documents in a safe and secure place.

1. Who can help me and where can I go in case of an emergency?

The following are the names and contact information of people and places I can trust and can contact when I need social support or in the event of an emergency.

SARC/SAPR VA	
Family	
Friends/Neighbors	
SVC/VLC	
Command	
911/Military Police	
Domestic Violence Hotline	
IG	

2. What to do if I encounter the accused perpetrator?

I will say the following	
I will do this to get away	
If I am at work, I will	
If I am driving, I will	
If I am walking/running/exercising, I will	

3. How can I stay safe when I go out (Public Safety)?

I will not go there because the accused perpetrator frequents this place	
I will avoid unplanned interactions with the accused perpetrator by	
I will let this trusted person know when I arrive at places	
I will carry a defensive device (e.g., horn, whistle, etc, as permitted)	

4. How can I keep safe in my home (Barracks/Quarters/Home Safety)?

I will make these changes to my home to become safer (e.g. , lock room door, ensure locks are in good working order)	
I trust this neighbor and can contact this individual when I need social support or in the event of an emergency	(Name, Phone Number, & Address)

5. How can I keep safe at work/school (Work/School Safety)?

This friend/security escort is available to me to/from my vehicle/public transportation when I am at work/school	(Name, Phone Number, & Address)
I will make these modifications to ensure my workspace is a secure location (e.g., discuss with leadership, security office):	
I will make these adjustments to my work/school schedule to improve my safety (e.g., discuss with leadership schedule changes; change course times):	

6. What to do if I began to experience negative emotions/feelings about the event?

If I begin to re-experience the assault, I will	
If I have thoughts of harming myself, I will	
If I have thoughts of harming others, I will	

FULL Sexual Assault Incident Response Oversight (SAIRO) Report

This report is a one-time requirement for each Unrestricted Report or Independent Investigation of a sexual assault, and must be completed and sent to the identified command channels within **8 days** of being notified of the sexual assault. DO NOT include photographs, Personal Identifiable Information (PII), demographic, or incident information that could reasonably lead to the identification of victim or subject. Ref. DoDI 6495.02

SUBJECT: SAIRO Report

DATE

Preliminary information on an incident of sexual assault will be obtained from the MCIO or CLE and will include at a minimum:

VICTIM DATA

SUBJECT DATA

Gender	Rank or Grade	Gender	Rank or Grade		
Category		Category			
State NG Membership	Service Affiliation	Command Level	State NG Membership	Service Affiliation	Command Level

INCIDENT DATA

Most serious SA offense under investigation

Location of Incident	Date of Incident	Time of Incident
	<input type="text"/>	
Date Referred to SARC/VAC/VA	Date DD Form 2910 Signed	Date DD Form 2910 Filed by SARC
<input type="text"/>	<input type="text"/>	<input type="text"/>
Subject Action	Date submitted to TAG	Date submitted to GO
	<input type="text"/>	<input type="text"/>

Other relevant non-PII information pertaining to the Subject

ADVOCACY SERVICES

Eligible for SAPR Services: Information Entered into DSAID within 48 hours: EO services and support offered

Circumstances that adversely affect command's ability to address victim's needs:

VICTIM'S COMMANDER INPUT

Date of next CMG Meeting

HEALTHCARE

(DO NOT INCLUDE PII or Individually Identifiable Health Information)

If Victim is eligible and has requested an LOD, provide the date the services below were offered:

Date LOD Initiated

Medical Care:

Mental Health:

Sexual Assault Forensic Exam (SAFE):

INVESTIGATION

MCIO or CLE Case Number

Provide a brief explanation if no case number has been assigned:

Date MCIO or CLE notified:

If applicable, does victim have a DD 2701:

SAFETY

Date Safety Assessment was conducted

Was HRRT* assembled

Date Victim was given information regarding MPOs and CPOs

If applicable: Date MPO Issued

Date CPO Issued

*High-Rick Response Team (HRRT)

EXPEDITED TRANSFERS

Date Victim received expedited transfer information

Victim requested expedited transfer

Date expedited transfer requested

Date Expedited Transfer Received

Expedited Transfer Status (if applicable)

LEGAL SERVICES

Date Victim informed of SVC Services:

Was Victim informed of the role of the SVC?

Did Victim provide written consent for disclosure of privileged communication?

Were SVC services offered prior to written consent?

COMMANDER'S 30-DAY CHECKLIST FOR UNRESTRICTED REPORTS OF SEXUAL ASSAULT

I. INTRODUCTION

The sexual assault response checklist is intended to serve as a baseline for the first 30 days for the commander's response to adult sexual assault victim(s), alleged offender(s), and unit in the event of an Unrestricted Report of sexual assault. The checklist may be expanded to meet Military Service-specific requirements and procedures. These checklist items do not represent all of the responsibilities assigned to commanders for the entire Sexual Assault Prevention and Response (SAPR) program.

It is important for commanders to take time prior to an incident to become familiar with your Service SAPR policies and installation SAPR personnel. There are other important SAPR requirements to consider past the 30-day timeframe covered in this list. For full details regarding all SAPR program responsibilities for commanders, see Enclosure 5 of Department of Defense (DoD) Instruction 6495.02 and applicable Military Service-specific policies.

Active duty Service members, National Guard (NG) members, and Reserve Component (RC) members will be eligible to receive SAPR advocacy services from a Sexual Assault Response Coordinator (SARC) or SAPR Victim Advocate (SAPR VA) regardless of whether the assault took place while on active duty, prior to enlistment or commissioning, or while performing inactive duty training. Service members of the active duty component, NG, and RC are eligible to file either a Restricted or Unrestricted Report. Commanders can assist the NG or RC member in requesting contractual active duty status (or be brought onto active duty status) to complete a Line of Duty (LOD) in order to assure continuity of healthcare¹.

Military dependents 18 years of age and older who are eligible for treatment in the military healthcare system (MHS), at installations in the continental United States (CONUS) and outside of the continental United States (OCONUS), and who were victims of sexual assault perpetrated by someone other than a spouse or intimate partner. Adult military dependents may file unrestricted or restricted reports of sexual assault. Additionally, non-military individuals who are victims of sexual assault are only eligible for limited emergency care medical services at a military treatment facility, unless that individual is otherwise eligible as a Service member or TRICARE (<http://www.tricare.mil>) beneficiary of the military health system to receive treatment in a military treatment facility (MTF) at no cost to them. At this time, they are only eligible to file an Unrestricted Report. Additionally, non-military individuals will also be offered the LIMITED SAPR services to be defined as the assistance of a Sexual Assault Response Coordinator (SARC) and a SAPR Victim Advocate (VA) while

¹ In the case of a member of a reserve component who is the victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination is made regarding whether the member was assaulted while in the line of duty, the Secretary concerned, upon the request of the member, may order the member to be retained on active duty until completion of the line of duty determination. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection. In the case of a member of a reserve component not on active duty who is the victim of a sexual assault that occurred while the member was on active duty and when the line of duty determination is not completed, the Secretary concerned, upon the request of the member, may order the member to active duty for such time as necessary for completion of the line of duty determination.

undergoing emergency care OCONUS. These limited medical and SAPR services shall be provided to:

(1) DoD civilian employees and their family dependents 18 years of age and older when they are stationed or performing duties OCONUS and eligible for treatment in the MHS at military installations or facilities OCONUS. These DoD civilian employees and their family dependents 18 years of age and older only have the Unrestricted Reporting option.

(2) U.S. citizen DoD contractor personnel when they are authorized to accompany the Armed Forces in a contingency operation OCONUS and their U.S. citizen employees. DoD contractor personnel only have the Unrestricted Reporting option. Additional medical services may be provided to contractors covered under this instruction in accordance with DoDI 3020.41 (Reference (q)) as applicable.

II. VICTIM'S COMMANDER

() **SAPR Advocacy:** Require that the SARC is notified immediately and that the SARC or a SAPR VA makes contact with the victim as soon as possible.

() **Timely access to healthcare:** Require that the victim receives timely access to comprehensive medical and psychological treatment, including emergency care treatment and services (regardless of visible injuries), unless the victim declines healthcare. Ensure that sexual assault victims are given priority, and treated as emergency cases. If needed, assist with obtaining immediate transportation for the victim to the hospital or other appropriate medical treatment facility using a government owned/operated vehicle (do not use a personally operated vehicle).

() **Forensic Exam:** Ask the victim whether s/he would be willing to have a Sexual Assault Forensic Examination (SAFE). If the victim elects to have a SAFE, advise the victim of the need to preserve evidence (by not bathing, showering, having anything by mouth, emptying bladder, washing garments, or sheets, etc.).

() **Military Criminal Investigation Organization Contact:** Immediately refer the matter to the Military Criminal Investigation Organization (MCIO) concerned (e.g. Naval Criminal Investigative Service (NCIS), Air Force Office of Special Investigations (OSI), or Army Criminal Investigation Command (CID)), as soon as the victim's immediate safety is assured and medical treatment procedures elected by the victim are initiated. Do **NOT** conduct any internal command directed investigation of the sexual assault or delay immediate contact with the MCIO. MCIOs have total responsibility for report investigation. Finally, the commander is not required to assess the credibility of the report.

[] **Victim's Alleged Collateral Misconduct:** If there is alleged victim collateral misconduct, commanders shall have discretion to defer action on alleged collateral misconduct by the sexual assault victims (and shall not be penalized for such a deferral decision), until final disposition of the sexual assault case, taking into account the trauma to the victim and responding appropriately so as to encourage reporting of sexual assault and continued victim

cooperation, while also bearing in mind any potential speedy trial and statute of limitations concerns.

[] Consult with the servicing legal office, as needed, to determine when and how best to adjudicate the victim's alleged collateral misconduct, if needed. Take into account the trauma to the victim and respond appropriately to foster a unit climate that encourages reporting of sexual assault and continued victim cooperation.

[] When practicable, consult with the servicing legal office and MCIO, and notify the assigned SARC or SAPR VA prior to taking any administrative or disciplinary action affecting the victim.

() **Victim Safety:** Ensure the physical safety of the victim— the Case Management Group (CMG) Chair² has designated installation personnel trained and able to perform a formal “Safety Assessment” of adult sexual assault victims. As a tool, a Safety Assessment is used to identify potential threats while addressing immediate safety needs and outlining strategies to help reduce future incidents of harm. Require the designated personnel to conduct a safety assessment of the victim. The Safety Assessment will determine:

[] If the alleged offender is still nearby and if the victim desires or needs protection or if the victim is at risk of doing harm to himself/herself.

[] If the victim is concerned about retaliation from peers or supervisors.

[] If the victim poses a suicide risk.

[] If the victim's safety is in jeopardy, immediately notify the victim's commander of the need to establish, without delay, through the installation commander a multi-disciplinary **High-Risk Response Team (HRRT)**. The HRRT will continually monitor the victim's safety, by assessing danger and developing a plan to manage the situation (in accordance with DoDI 6495.02, Enclosure 9). The HRRT shall be chaired by the victim's commander and, at a minimum, include the suspect's commander; the victim's SARC and SAPR VA; the MCIO, the judge advocate, if applicable and the Victim/Witness Assistance Provider (VWAP) assigned to the case, the victim's healthcare provider or mental health and counseling services provider; and the personnel who conducted the safety assessment.

() **Access to Support Person:** Ask if the victim would like to speak to a chaplain, family member, emergency contact, or other support person and, if so, facilitate the meeting.

() **Legal Services:**

[] Inform the victim of the opportunity to consult with Special Victim's Counsel (SVC), Victim's Legal Counsel (VLC), or Legal Assistance Attorney.

[] In cases where the victim may have been involved in collateral misconduct, inform the victim of the opportunity to consult with defense counsel.

() **Military Protective Orders\Civilian Protective Orders:**

[] Determine if the victim desires or needs a Military Protection Order (MPO) to be issued (via completion of DD Form 2873), particularly if the victim and the alleged offender are assigned to the same command, unit, duty location, or living quarters. Coordination with other commanders may be necessary if the alleged offender is assigned to a different commander.

[] Are only available for Unrestricted Reports.

² The Installation commander or Deputy Installation Commander.

If an MPO is issued, notify the appropriate civilian and military authorities of the MPO issuance and of the individuals involved in the order, in the event the MPO has been issued against a Service member and any individual involved in the MPO does not reside on a military installation at any time during the duration of the MPO. The MPO should also be entered by the installation law enforcement agency in National Crime Information Center (NCIC), for the duration of the order. Also, notify the appropriate civilian and military authorities of any change in or termination of the MPO and have the installation law enforcement agency update the NCIC entry.

Require the alleged offender to sign the DD Form 2873.

Provide the victim(s) and alleged offender(s) involved with copies of the completed DD Form 2873 and require the MCIO to document the MPO in their investigative case file.

Advise the person seeking the MPO that it is not enforceable by civilian authorities off base and that victims desiring protection off base should with the assistance of the SARC or SAPR VA seek a Civilian Protective Order (CPO).

Take all necessary measures to ensure that a CPO is given full force and effect on all DoD installations within the jurisdiction of the court that issued the order and inform the SARC of an existing CPO or MPO. The SARC will then ensure the CMG is aware of the existence of the order(s).

() **Expedited Transfer:** Safety issues are NOT handled through an Expedited Transfer. They are handled through a fast safety move. (An Expedited Transfer may take longer than a safety move.) The intent behind the Expedited Transfer policy is to address situations where a victim feels safe, but uncomfortable.

Are only available for Unrestricted Reports.

Require the SARC or the SAPR VA to explain to adult military sexual assault victims that they may request an Expedited Transfer (temporary or permanent) to a different installation or to a different unit within his/her current installation. If the victim requests an Expedited Transfer, consider the desires of the victim when making any reassignment determinations.

Commanders are authorized to move the alleged offender instead of the victim should be considered when individual circumstances warrants.

() **DD Form 2910:** Require the SARC or the SAPR VA to explain to adult sexual assault victims their reporting options and rights while assisting them in completing DD Form 2910, "Victim Reporting Preference Statement".

() **DoD Sexual Assault Incident Database:** Confirm that the SARC entered all reported sexual assaults into DoD Sexual Assault Incident Database (DSAID) within 48 hours of the report (in deployed locations that have internet connectivity issues, the time frame is extended to 96 hours). The SARC responsibilities include uploading DD Form 2910 for Unrestricted cases into DSAID.

() **Sexual Assault Incident Response Oversight:** A Sexual Assault Incident Response Oversight (SAIRO) report must be submitted within eight calendar days of an Unrestricted Report by the immediate commander.

The eight-day timeframe begins when an Unrestricted Report is made to a SARC or SAPR VA, and the SARC or SAPR VA fills out a DD Form 2910. However, if the victim is a

civilian who is not eligible for SAPR Services in accordance with DoDD 6495.01, and the subject is a Service member, then the trigger for the eight-day timeframe begins when the MCIO notifies the immediate commander of the subject.

[] Further guidance on the SAIRO requirements can be found in Directive Type Memorandum (DTM) 14-007, “Sexual Assault Incident Response Oversight (SAIRO) Report”.

[] If the victim accepts advocacy services, the SARC must provide a description of any circumstances in the response that adversely affected the command’s ability to address the victim’s needs (e.g., timeliness; sensitivity; obstacles to care; coercion, retaliation, or reprisal). The SARC will include any victim input provided with documented victim consent for disclosure of privileged communications. The SARC will confirm that the victim was informed of the ability to speak to a SVC\VLC before providing consent for release of privileged information.

() **Victim Privacy:** Strictly limit knowledge and release of the facts or details regarding the incident to only those personnel who have an *official need-to-know or as authorized by law* as designated in the SAIRO DTM 14-007.

() **Case Management Group (CMG) meeting:** Participate in the monthly CMG meeting. Contact the SARC or installation commander to identify when the next CMG is scheduled. The victim’s commander is a mandatory member of the CMG and he/she may not delegate the responsibility to attend the CMG. Note: The intent is to have command involvement in the CMG. Thus, the victim’s immediate commander is the intended participant in the CMG.

[] Provide the victim with monthly status updates to include:

- MCIO investigation,
- medical,
- legal,
- status of an Expedited Transfer request,
- any other request made by the victim,
- command proceedings regarding the sexual assault from the date the investigation was initiated until there is a final disposition of the case.

This update must occur within 72 hours of the last CMG meeting. If the victim is transferring from the installation, make future communication arrangements with the victim, so you can contact her/him after future CMGs to provide updates.

() **Protection from Retaliation:** Protect the victim from coercion, ostracism, discrimination, or reprisals in person, through electronic communications, or through social media. Also protect SARCs and SAPR VAs from coercion, ostracism, discrimination, or reprisals related to the execution of their SAPR duties and responsibilities. In the event of coercion, ostracism, discrimination, or reprisal, notify the Inspector General or Military Equal Opportunity as appropriate.

[] At every CMG meeting, the CMG Chair will ask the CMG members if the victim, witnesses, bystanders (who intervened), SARCs and SAPR VAs, responders, or other parties to the incident have experienced any incidents of coercion, retaliation, ostracism, maltreatment, or reprisals. If any incidents are reported, the installation commander will develop a plan to immediately address the issue. The coercion, retaliation, ostracism, maltreatment, or reprisal incident will remain on the CMG agenda for status updates, until the victim’s case is closed.

() Victim Rights:

Direct MCIO and VWAP personnel to provide the victim with Victim Rights information outlined on the DD Form 2701 through the investigative and legal process.

Ensure the victim has access to an SVC/VLC.

() Victim Support from Commander:

Throughout the investigation, with assistance from the SARC or SAPR VA consult with the victim, listen to his/her feedback, and engage, as needed, to provide the victim appropriate support resources and referrals. Help the victim regularly access care and attend referral appointments, as needed. To the extent practicable, accommodate the victim's desires regarding safety, health, and security, as long as neither a critical mission nor a full and complete investigation is compromised.

With assistance from the SARC or SAPR VA, continue to monitor the victim's well-being, particularly if there are any indications of suicidal ideation, homicidal, or other unhealthy attempts to cope with stress, and ensure appropriate assistance is rendered. Consult with medical and mental health providers for appropriate courses of action, as needed.

() Personnel Reliability Program: Avoid automatic suspension or revocation of a security clearance and/or Personnel Reliability Program (PRP) access, understanding that the victim may be satisfactorily treated for his/her related trauma without compromising his/her security clearance or PRP status. Make the final determination based upon established national security standards, taking into consideration the negative impact that suspension of a victim's security clearance or PRP may have on building a climate of trust and confidence in the Military Service's sexual assault reporting system. (See DoD 5210.42-R for specific requirements.)

III. ALLEGED OFFENDER'S COMMANDER

() MCIO: Notify the appropriate MCIO immediately after receiving a report of a sexual assault incident.

() No Command-Directed Investigations: Do **NOT** conduct any internal command-directed investigation of the sexual assault, delay immediate contact with the MCIO, or attempt to assess the credibility of the report. Avoid questioning the alleged offender about the sexual assault allegation, to the extent possible, since doing so may jeopardize the criminal investigation.

() Privacy: Strictly limit information pertinent to an investigation to those who have an official need-to-know.

() Defense Legal Services: Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative, legal, and command processes that may be involved.

() Alleged Offender Healthcare: As appropriate, refer the alleged offender to available counseling groups and other services or make sure that procedures are in place to inform the alleged offender about available counseling support. However, precautions need to be taken to verify that the victim and the alleged offender are not in the same counseling sessions, groups or classes or any other gatherings or installation events.

() Safety of Alleged Offender and Victim:

[] Monitor the well-being of the alleged offender, particularly for any indications of suicide ideation or other unhealthy attempts to cope with stress, and ensure appropriate assistance is rendered. Consult with medical and mental health providers for appropriate courses of action, as needed.

[] Monitor the alleged offender for erratic or violent behavior that may endanger the safety of the victim or others.

[] If the victim's safety is in jeopardy and a multi-disciplinary HRRT is convened, participate in the HRRT to continually monitor the victim's safety, and provide insight on alleged offender's current behavior by assessing danger and developing a plan to manage the situation.

[] With assistance from the SARC, SAPR VA, legal, and/or investigative agent, determine the need for an MPO via completion of DD Form 2873. (See above for further details regarding MPOs.)

() Victim Retaliation or Ostracism: Monitor for incidents of coercion, ostracism, discrimination, or reprisals against the victim in person, in the unit or workplace through electronic communications, or through social media.

() Alleged Offender Retaliation or Ostracism: Monitor for incidents of coercion, ostracism, discrimination, or reprisals against the alleged offender in person, in the unit or workplace through electronic communications, or through social media.

() SAIRO: The immediate commanding officer of the alleged offender will be responsible for preparing and submitting the abbreviated SAIRO report containing available information within eight calendar days involving a civilian victim who is **Not** eligible for SAPR Services in accordance with Reference (c) of the SAIRO DTM and the alleged offender/Service member, with the understanding that some victim or subject information may not be accessible.

IV. IMPORTANT POINTS TO REMEMBER FOR EACH UNIT COMMANDER OF THE VICTIM AND ALLEGED OFFENDER

IN THE EVENT OF A SEXUAL ASSAULT

() It is important to make sure that everyone in a unit and on base know that the alleged offender is presumed innocent until proven guilty and each report is considered credible until proven otherwise.

() Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved in accordance with the standards of your Service and the Uniform Code of Military Justice.

() Remind members that discussion of a possible sexual assault incident might compromise an ensuing investigation. Discourage members from participating in "barracks gossip" or grapevine speculation about the case or investigation.

() Emphasize that acts of coercion, ostracism, discrimination, or reprisals against the victim, offender, and/or witnesses, bystanders will not be tolerated and the person(s) who commits any of these acts will be subject to disciplinary action according to the UCMJ.

[] Consult with your Service-specific retaliation policy.

() Emphasize that acts of coercion, ostracism, discrimination, or reprisals against SARCs and SAPR VAs related to the execution of their SAPR duties and responsibilities will not be tolerated and the person(s) who commit any of these acts will be subject to disciplinary action according to the UCMJ will be subject to disciplinary action according to the UCMJ.

() Review past Unit Climate Assessments, unit policies, and personnel practices for conditions that may have contributed or influenced circumstances leading to the reported sexual assault. Consider requesting assistance from outside experts (e.g. SARC, SAPR Program Manager, Rape Crisis Center) to help identify additional preventive measures.

() Make available or publicize the resources available to address some of the emotional or psychological consequences of crime that may manifest themselves, affect the unit, and require the unit's response during the course of the investigation.

() Continuously monitor the unit's overall climate to ensure neither the victim or the alleged offender are being ostracized and prevent organizational divisiveness.

() After the resolution of the case (courts-martial verdict, NJP, administrative separation, etc.) Actively monitor the unit for acts of coercion, ostracism, discrimination, or reprisals against the victim, witnesses, and/or offender and deal with those acts swiftly.