



CHIEF NATIONAL GUARD BUREAU MANUAL

NGB-J1-SAPR
DISTRIBUTION: A

CNGBM 1301.01
08 August 2017

NATIONAL GUARD IMPLEMENTATION OF A SEXUAL ASSAULT INCIDENT RESPONSE OVERSIGHT REPORT

References: See Enclosure C.

1. Purpose. This manual establishes procedures to complete sexual assault incident response oversight (SAIRO) reporting requirements for Unrestricted Reports and independent investigations of sexual assault involving National Guard (NG) Title 32 (T32) members, and eligible civilians and dependents in accordance with (IAW) references a through c.
2. Cancellation. None.
3. Applicability. This manual applies to all elements of the NG.
4. Procedures.
 - a. Reporting Responsibilities. The immediate commander designated in the Incident Report Matrix (Enclosure A) 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 (CLE) agency with jurisdictional authority. The NG SARC will not provide input on an independent investigation, but may assist with the preparation of the report.
 - b. Report Trigger. Preparation of the incident report begins immediately after notification of one of the following events:
 - (1) Signed Directives Division (DD) Form 2910 "Victim Reporting Preference Statement" electing an Unrestricted Report from an eligible adult victim of sexual assault received by a NG SARC.

UNCLASSIFIED

(2) Signed DD Form 2910 to convert a Restricted Report to an Unrestricted Report from an adult victim of sexual assault received by a SARC.

(3) Initiated independent investigation of a sexual assault by an MCIO or CLE agency that is reported to the immediate commander, when the subject or victim is a Guard member.

c. Type of Report and Content. The immediate commander will identify the type of report required, full or abbreviated, from the Incident Report Matrix (Enclosure A). See Enclosure B for incident report content. An incident report will NOT include personally identifiable information IAW reference d, to include victim photographs, health information protected under reference e, 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.

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

(1) Any reference to “MCIO” in a template to mean both MCIO and CLE.

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

(3) Any reference to the “installation commander” to mean TAG or CG, hereafter referred to as TAG.

e. Report 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 SAIRO reports as specified:

(1) 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.

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

(3) 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.

(4) TAGs will receive incident reports prepared on sexual assaults with a NG nexus occurring within his or her respective area of responsibility.

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

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

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

g. Commander’s Critical Incident Report (CCIR). A sexual assault report that meets one of the following criteria also requires completion of a CCIR.

(1) The subject is an O6 or higher.

(2) The subject is a SARC, SAPR VA, or SAPR staff member.

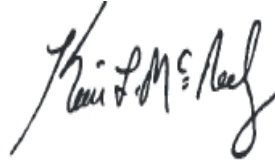
(3) The report is considered a “Curious Case,” such as a report that includes multiple subjects or multiple victims. Further guidance is available from the National Guard Bureau Manpower and Personnel Directorate, SAPR Office (NGB-J1-SAPR) on a case-by-case basis as to whether or not a report fits this criterion.

(4) Reports that are likely to attract high media attention.

5. Summary of Changes. This is the initial publication of CNGBM 1301.01.

6. Releasability. This manual is approved for public release; distribution is unlimited. Copies are available through <<http://www.ngbpd.c.ngb.army.mil>>.

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



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Enclosures:

- A -- Incident Report Matrix
- B -- Report Content
- C -- References
- GL -- Glossary

ENCLOSURE A

INCIDENT REPORT MATRIX

Victim	Subject	Unit	Prepares and Submits the Incident Report	Report Type	Trigger for Eight-Day Time Frame
Guard member	Guard member	Both in same unit	Victim's Immediate Commander	Full Report	Signed DD Form 2910
Guard member	Guard member	Different units	Victim's Immediate Commander	Full Report	Signed DD Form 2910
Guard member	Civilian	Not Applicable (NA)	Victim's Immediate Commander	Full Report	Signed DD Form 2910
Guard member	Civilian	NA	Victim's Immediate Commander	Abbreviated Report	MCIO or CLE notifies immediate commander
Department of Defense (DoD) Civilian eligible for SAPR Services	Civilian	NA	Victim's Immediate Commander	Full report	Signed DD Form 2910
Civilian eligible for SAPR services	Guard member	NA	Subject's Immediate Commander	Abbreviated Report	Signed DD Form 2910
Civilian NOT 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	NA	Subject's Immediate Commander	Abbreviated Report	MCIO or CLE notifies immediate commander

Table 1. Incident Report Matrix

ENCLOSURE B
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. T32 Traditional Guard member, State Active Duty (SAD), T32 Active Duty Operational Support (ADOS), T32 Active Guard and Reserve (AGR) Guard member, Active Duty and Reserve under NG Administrative Control (ADCON), eligible Military dependent, DoD Civilian, and non-government civilian.

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

(4) Command Level. Brigade, Wing, Battalion, Group, or other.

(5) Rank, Grade, or Protected.

(6) State NG Membership.

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

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

(2) Duty Status. T32 Traditional Guard member, SAD, T32 ADOS, T32 AGR Guard member, Active Duty and Reserve under NG ADCON, eligible Military dependent, DoD Civilian, and non-government civilian.

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

(4) Command Level. Brigade, Wing, Battalion, Group, or other.

(5) Rank, Grade, or Protected.

(6) State NG Membership.

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

d. Location Where Reported Offense Occurred. On installation (includes government owned/operated property/transportation), off installation, multiple (both on and off due to multiple instances), or undetermined.

e. Date and Time Sexual Assault Occurred. Time periods include: Midnight to 6 A.M.; 6 A.M. to 6 P.M.; 6 P.M. to Midnight; or Undetermined.

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

g. Date of Signature on Form. Include 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 CLE or MCIO Received the Alleged Sexual Offense Report. Include the name of the law enforcement agency notified.

i. Action Taken. Action taken if the subject is a Guard member, to include 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-level commander for the incident report.

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

b. A summary of SAPR services offered.

c. Confirmation that Equal Opportunity (EO) services were offered to address potential EO 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 TAG will chair the NG JFHQs-State CMG and Wing Commander or Vice Commander will chair the Wing CMG and that the victim's senior level commander is a mandatory member IAW references a and c.

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 (LOD) determination. If an LOD is requested, then provide the date when:

- a. LOD was initiated.
- b. Victim was offered medical care.
- c. Victim was offered mental health care.

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

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

a. Provide the MCIO or CLE case file number. If there is no case number, then state why, 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 (MPOs) and civilian protective orders (CPOs).

d. Report whether MPOs and CPOs were issued and include the issue dates.

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

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

b. Report whether or not 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 service. If the victim is a Guard member and eligible for the SVC program, then:

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

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

ENCLOSURE C

REFERENCES

- a. CNGB Instruction 1300.01, 16 July 2016, "Sexual Assault Prevention and Response (SAPR) Program"
- b. Public Law 113-66, Section 1743, 26 December 2013, "National Defense Authorization Act for Fiscal Year 2014"
- c. DoD Instruction 6495.02, 28 March 2013, Change 2, 07 July 2015, "Sexual Assault Prevention and Response (SAPR) Program Procedures"
- d. Title 5 United States Code, Section 552A, "Records Maintained on Individuals"
- e. DoD 6025.18-R, 24 January 2003, "DoD Health Information Privacy Regulation"
- f. NGB GKO, "NG Incident Full Report Template,"
< <https://gkoportal.ng.mil/joint/J1/SAPR/SAIRO/Forms/AllItems.aspx> >
Date accessed: 01 June 2017
- g. NGB GKO, "NG Incident Abbreviated Report Template,"
< <https://gkoportal.ng.mil/joint/J1/SAPR/SAIRO/Forms/AllItems.aspx> >
Date accessed: 01 June 2017
- h. Army Directive 2015-10, 24 February 2015, "Sexual Assault Incident Response Oversight Report"
- i. AF Instruction 90-6001, 21 May 2015, Change 1, 18 March 2016, "Sexual Assault Prevention and Response (SAPR) Program"
- j. CNGB Instruction 6400.01, 14 November 2013, "Use of Defense Sexual Assault Incident Database (DSAID)"

GLOSSARY

PART I. ACRONYMS

ADCON	Administrative Control
	Active Duty Operational Support
AGR	Active Guard and Reserve
ANG	Air National Guard
ARNG	Army National Guard
CCIR	Commander's Critical Incident Report
CG	Commanding General of the Distrit of Columbia National Guard
CLE	Civilian Law Enforcement
CMG	Case Management Group
CPOs	Civilian Protective Orders
DD	Directives Division
DoD	Department of Defense
EO	Equal Opportunity
GO	General Officer
IAW	In accordance with
LOD	Line of Duty
MCIO	Military Investigative Organization
MPOs	Military Protective Orders
NA	Not Applicable
NG	National Guard
NG JFHQs-State	National Guard Joint Force Headquarters-State
PM	Program Manager
SAD	State Active Duty
SAFE	Sexual Assault Forensic Exam
SAIRO	Sexual Assault Incident Response Oversight
SAPR	Sexual Assault Prevention and Response
SAPR VA	Sexual Assault Prevention and Response Victim Advocate
SARC	Sexual Assault Response Coordinator
SVC	Special Victims' Counsel
T32	Title 32
TAG	The Adjutants General
VAC	Victim Advocate Coordinator

PART II. DEFINITIONS

Abbreviated Report -- Report that consists of the Incident Data and Investigation information.

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