

National Guard Sexual Assault Prevention and Response Program

Commander's Checklist for Unrestricted Reports of Sexual Assault

I. INTRODUCTION

The sexual assault response checklist is intended to serve as **baseline guidance** 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 locally established 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 a sexual assault incident to become familiar with the role and responsibilities of your SAPR personnel, and the National Guard Bureau (NGB) and Service SAPR policies. Beyond the 30-day timeframe, there are other important SAPR requirements, not covered in this list, to consider. Consult your Sexual Assault Response Coordinator (SARC) for details regarding additional commander responsibilities.

Active duty, National Guard (NG), and other Reserve Component (RC) members are eligible to receive SAPR advocacy services from a SARC or SAPR Victim Advocate (SAPR VA) regardless of duty status at the time of the incident or if the incident occurred prior to enlistment or commissioning. All Service members are eligible to file either a Restricted or Unrestricted Report. Commanders can assist NG member return to active duty status and/or to complete a Line of Duty (LOD) in order to assure continuity of healthcare.

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Victim's Commander

- _____ Immediately notify the Unit Victim Advocates and the JFHQ-State or Wing SARC
- _____ Ensure SAPR personnel have assessed any immediate dangers to the victim's physical safety
- _____ When any threat to the victim's safety is indicated, take necessary steps to ensure safety
- _____ Ensure timely access to medical and mental health care
- _____ Ensure the incident is reported to the appropriate local law enforcement (LE) agency. This may be done by the victim, if they choose to do so. Otherwise, LE notification will be completed by the SJA Office
- _____ SHARP personnel will encourage the victim to preserve any potential evidence and ensure access and opportunity to receive a Sexual Assault Forensic Exam (SAFE)
- _____ SARC/SJA will request TAG referral to NGB-JA Office of Complex Administrative Investigations if LE declines to charge or prosecute
- _____ Do **NOT** conduct an internal command-directed investigations (15-6) of the sexual assault, or delay contact with the MCIO and/or local enforcement
- _____ SHARP personnel will inform the victim of the Special Victim's Counsel (SVC)
- _____ Ensure the victim's access to support (e.g. Chaplain, family, friend, etc.)
- _____ Ensure the limited knowledge and release of facts or details regarding the incident to those with an official need-to-know
- _____ Verify the victim's knowledge of the option to request an expedited transfer (not to be used as a safety move)
- _____ Consider the reassignment or removal of an alleged offender accused of committing a sexual assault or related offense

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- _____ Verify Military Protective Order (MPO) and Civilian Protective Order (CPO) are initiated, if requested by the victim
- _____ Confirm the SARC has entered the report in the DoD Sexual Assault Incident Database (DSAID) within 48 hours of the report
- _____ Complete Commander's input section of the Sexual Assault Incident Response Oversight report (with SARC's assistance)
- _____ Support the victim throughout the investigation and provide the victim with the appropriate resources and monthly status updates
- _____ With the assistance of the SARC, monitor the victim's well-being and ensure appropriate assistance is rendered
- _____ Make every effort to avoid the automatic suspension or revocation of a security clearance and/or Personnel Reliability Program access
- _____ Consider deferring action on collateral misconduct until after a formal investigation and legal consultation
- _____ Be prepared to receive case updates from the Case Management Group (CMG).
- _____ Report any knowledge of reprisal actions to the SARC Office

Alleged Offender's Command

- _____ Ensure that the incident has been reported to the appropriate LE agency. This will be accomplished by the SJA Office
- _____ Do **NOT** conduct an internal command-directed investigations (15-6) of the sexual assault, or delay contact with LE
- _____ In coordination with Staff Judge Advocate (SJA), inform the alleged offender (as appropriate) about the investigative, legal, and Command processes
- _____ Limit information pertinent to an investigation to those who have an official need-to-know
- _____ Refer the alleged offender to available counseling resources and referrals

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- _____ Monitor the well being of the alleged offender and consult with medical and mental health providers for appropriate courses of action, as needed
- _____ Monitor for incidents of reprisal actions against the alleged offender

Additional factors to consider when an Unrestricted Report is made

- _____ Ensure members of the unit understand that each report of sexual assault is considered credible until proven otherwise, and the alleged offender is presumed innocent until proven guilty
- _____ Encourage full cooperation with all sexual assault investigations
- _____ Discourage "barracks gossip"
- _____ Protect victims of sexual assault and all sexual assault first responders (i.e., SARC's and SAPR VAs) from acts of reprisal (i.e, coercion, ostracism, retaliation)
- _____ Review past unit climate assessments, policies and personnel practices to help identify additional preventive measures
- _____ Ensure resources are advertised and available for unit members
- _____ Actively monitor the unit for acts of reprisal (i.e., coercion, ostracism, retaliation) after the resolution of the case
- _____ Immediately notify the CMG Chair of all incidents of reprisal (i.e., coercion, ostracism, retaliation) and the actions taken by Command