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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Commander’s Checklist for Unrestricted Reports of Sexual Assault

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., SARCs 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