



**MINNESOTA NATIONAL GUARD  
SEXUAL ASSAULT PREVENTION AND RESPONSE-REVIEW BOARD  
(SAPR-RB)  
FINDINGS AND RECOMMENDATIONS**

**March 06, 2020**

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## Executive Summary

**Background.** The Minnesota National Guard (MNNG) identified two significant risks to our people and organization: The risk of sexual harassment and the risk of sexual assault against our members. In 2019 The Adjutant General of Minnesota, MG Jon Jensen, appointed a diverse group of Minnesota National Guard leaders to work with civilian Sexual Assault Prevention and Response (SAPR) professionals while conducting a thorough review of all facets of Minnesota's SAPR program and culture. This report is the initial output of that effort.

**Purpose.** Our organization will use this report to validate successful practices, improve, or replace practices that do not contribute to a culture free of sexual harassment and sexual assault and work with State and Federal legislatures to update statutes to remove barriers to enforcement.

**Methodology of Review.** The Adjutant General of the MNNG identified six areas of concentrations to provide qualitative and quantitative information regarding the MNNG Sexual Assault and Sexual Prevention policies and procedures: 1) Review current policies and practices to ensure compliance with all DoD, Air Force, Army, and NGB Regulations; 2) Review sexual assault training across officer, Non-Commissioned Officers, enlisted and new service members; 3) Survey MNNG sexual assault victims/survivors to determine areas of sustainment and improvement for prevention and support; 4) Examine the recent (2011-2019) history of sexual assault and sexual harassment within the Minnesota National Guard; 5) Survey local law enforcement agencies to identify areas to improve reporting to assist in the investigation process; and, 6) Examine the current Minnesota Code of Military Justice to strengthen legal and prosecution options for commanders.

**Significant Findings.** The review board found the MNNG Program aligns with a majority of Army, Air Force, and NGB requirements demonstrating initial success in the three key areas: 1) train; 2) prevent; and 3) support. The report highlights MNNG specific procedures tailored to the MNNG from regulation determined necessary to support victims/survivors and investigations. The board found existing training opportunities to sustain an environment free of sexual assault. It recommended establishing a Task Force to develop new training focused at specific levels of the MNNG.

**The Way Ahead.** The MNNG will implement a transparent plan through the distribution of this report to the Office of the Governor, Congressional Delegates, and members of the MNNG. Senior leaders of the MNNG will conduct unit visits to describe lessons learned from this report and the strategy to eliminate the risk of sexual harassment and sexual assault against our members.

## Legal Background

The Constitution and federal law delineate the legal status and legal responsibilities of federally funded National Guard organizations across the 54 States and Territories. Distinct from the Army, Air, Navy, and Marine Reserves of the active military components, traditional National Guardsmen fall under the authority of the Governor, the Adjutant General, and state law while in state military status. State National Guard organizations rely on a state code of military justice and state statutes to provide the legal basis and authority for prosecution of military crimes under a courts-martial system. Minnesota relies on the Minnesota Code of Military Justice<sup>1</sup> (MCMJ), which was first written in 1963 and last substantially revised in 2013. The MCMJ largely adopted provisions from the Uniform State Code drafted by the National Guard Bureau (NGB) and representatives of several states, then ratified by the American Bar Association. Under state law, the MNNG has secondary jurisdiction for all crimes, except the military-specific crimes enumerated in the MCMJ. Under secondary jurisdiction, the MNNG is required to pass evidence of criminal activity (including sexual assaults) to civilian authorities for investigation and prosecution. In instances where we take jurisdiction, the MNNG may assimilate crimes under Minnesota law and the Uniformed Code of Military Justice (UCMJ). This assimilation allows commanders and judge advocates maximum flexibility to pursue charges most fitting for crimes with a nexus to military service. The UCMJ, and therefore the MCMJ as well, has broader criminal authorities than Minnesota law for sexual harassment and includes actions such as touching of the buttocks over clothes as possible criminal conduct. While criminal charges under the military code may not always be possible, the MNNG has authority for an array of adverse administrative actions affecting a service member's pay, rank, or continued service.

While state National Guard organizations retain the same good order and discipline basis for a separate system of justice within the military service, the state status that is so legally important to our mission also causes complications and complex legal problems in creating a complete state-based military justice system. Despite comprehensive updates to statutory authority, the system currently lacks precedent. Fundamentally, it also lacks an independent judiciary, as our military judges all currently report to commanders who are the responsible charging authorities under the military code. As a largely traditional volunteer force, the MNNG lacks the legal staffing to run a military court system, as well as the criminal investigatory assets to conduct criminal investigations. Therefore, the MNNG is reliant on the criminal investigatory capacities represented by the local law enforcement agencies with

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<sup>1</sup> Minnesota Statutes 2019, Chapter 192A et. seq.

jurisdictional authority where the sexual assaults occur. Additionally, the Trial Defense Service (TDS), which represents accused service members, comes from a regional defense structure. As a result, the appointed legal counsel may come from another state, which limits both their availability and ability to practice law under the Minnesota Code.

Department of Defense (DoD) Directives and Army and Air Force regulations applicable to the National Guard require all unrestricted reports of sexual assault be referred to the appropriate military criminal investigative organization (MCIO) or civilian law enforcement organization (LEO) and the Sexual Assault Response Coordinator (SARC). According to DoD and Service-specific policy, a unit commander is not authorized to conduct internal investigations into allegations of sexual assault or delay immediately contacting the MCIO or LEO. State National Guard units fall under the command and control of their Governor and must comply with State law.

For the MNNG, our process refers to all allegations of sexual assault to the appropriate LEO first. Because of the challenges presented in the various military code systems across the 54 States and Territories, and the lack of available or assigned military law enforcement investigative capacity, the NGB has created an Office of Complex Investigations (OCI).<sup>2</sup> The OCI is a corps of trained investigators, headquartered in Washington, D.C., and available at the request of the Adjutants General to conduct administrative investigations into allegations of sexual misconduct with a nexus to military service. In instances where the LEO or civilian prosecutor does not fully investigate or pursue charges, the OCI may provide an administrative investigation option for the Adjutant General. Findings of OCI investigations use the preponderance of the evidence standard to determine whether a sexual assault incident is substantiated or non-substantiated. The OCI investigation does not take the place of a criminal investigation and does not include physical evidence gathering. It is therefore not generally used as a basis for referral of courts-martial charges. Since the establishment of the OCI in 2012, it has been the policy of the MNNG to refer all sexual assault allegations not fully investigated and charged by civilian authorities to OCI for consideration of an administrative investigation.

The MNNG has been proactive and led the National Guard nationally on authorities for administrative options. A decade ago, the MNNG full-time legal staff worked with First Army and NGB to craft

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<sup>2</sup>Chief National Guard Bureau Instruction 0400.01B, National Guard Complex Administrative Investigations, 12 April 2018, [https://www.ngbpd.c.ngb.army.mil/Portals/27/Publications/cngbi/CNGBI%200400\\_01B\\_20180412.pdf?ver=2018-09-06-123932-093](https://www.ngbpd.c.ngb.army.mil/Portals/27/Publications/cngbi/CNGBI%200400_01B_20180412.pdf?ver=2018-09-06-123932-093)

procedures for withdrawal of federal recognition with adverse discharge for misconduct applicable to commissioned officers. Before that time, withdrawal of federal recognition for officer misconduct was not routinely done. Today it is done consistently in Minnesota and all states. The MNNG was also the first state to institute a Special Victim Counsel (SVC) program in 2011. This unique and specially trained military counsel can enter an attorney/client relationship with sexual assault victims/survivors, allowing them privileged assistance within the military legal system as well as assisting them with collateral issues such as reprisal, receiving correct information from command, and acting as an advocate for victim/survivor requests and concerns. National Guard Bureau now runs the SVC program for all states with SVCs supporting victims/survivors regionally. For four years before the centralization of the program, Minnesota had an SVC in the state. Active component directives and policies did not fully recognize National Guard and Reserve victims' right to SVC; the MNNG worked with the Minnesota Congressional delegation on the bi-partisan National Guard and Reserve Access to Counsel Act. This Act was incorporated into the 2015 National Defense Authorization Act, ensuring National Guard and Reserve service members who were victimized by sexual assault would receive the support they need and deserve.

### **Board Membership, Structure, and Taskings**

The SAPR-RB was appointed by the Adjutant General and was co-lead by the State Chief of Staff and Staff Judge Advocate. Additional members included the State Sexual Assault Response Coordinator (SARC), and a mix of traditional drilling Soldiers, Airmen, full-time staff, and civilian community partners including law enforcement, local government and community leaders, and sexual assault victim/survivor advocates.

The SAPR-RB reviewed current policies and practices across the Army and Air Force to examine compliance and effectiveness of information management. The SAPR-RB engaged in an open, anonymous survey across the MNNG, seeking to solicit individual experiences, comments, and opinions on the organization's response to sexual assault, sexual harassment, and training. This survey was open publicly to former members, family members, and interested members of the public, soliciting feedback from this broad audience. The SAPR-RB reviewed training and effectiveness across officer, NCO, and enlisted ranks. As part of this process, the SAPR-RB reviewed data points in Command Climate Surveys and conducted in-person interviews with commanders, enlisted leaders, first-line leaders, recruits, and judge advocates. The SAPR-RB conducted in-person surveys with survivors of sexual assault and sexual

harassment to determine areas of sustainment and improvement for support across the organization from the time of the report to the closure of a case and beyond. The SAPR-RB also conducted a review of data points from prior cases to determine patterns in information related to cases. These patterns identified could then be used to assist in identifying areas of opportunity for improvement and recommendations for change.

A team comprised of judge advocates, Sexual Assault Prevention and Response (SAPR) personnel, and MNNG members who are civilian law enforcement professionals surveyed local law enforcement agencies to determine areas of sustainment and improvement within the incident reporting structure, interagency cooperation, and investigative capacities. The judge advocate team conducted a review of the MCMJ and spoke with officials from both the Minnesota State Court Administration and the Department of Public Safety, determining gaps and areas of improvement in the Minnesota military justice system and associated legal authorities. A team of senior leaders from across the organization also met with first-line leaders and commanders to inform recommendations for training and information sharing.

## **Review Board Processes**

### **Context and Initial Deliberation**

Even before the establishment of the SAPR-RB, the MNNG had been consistently proactive in meeting training and SAPR/SHARP (Sexual Harassment and Assault Response Program ) standards and reporting. In April of 2019, the MNNG publicly reported its five-year sexual assault report numbers and began a series of Town Hall discussions across the organization. The Town Hall discussions focused on a continuing dialogue regarding sexual assault reporting, response, prevention, and education. The Adjutant General appointed the SAPR-RB as part of this ongoing work. The focus of this initial review recognizes that program compliance is only the beginning of the solution. Initial deliberation of the SAPR-RB focused on formulating a transparent and comprehensive review of the SAPR-RB mandate and ensuring our findings and recommendations are data-driven. The collaborative intent of the SAPR-RB expands beyond what is mandated in doctrine, to drive recommendations designed to ensure the MNNG is proactive in developing initiatives to combat sexual assault and sexual harassment while improving the organization's prevention and response efforts.



As part of its initial deliberations, the SAPR-RB found that incidents of sexual harassment and sexual assault are closely linked. Research conducted by DoD and non-DOD entities comparably demonstrate that in organizations where sexual harassment is tolerated and present, incidents of sexual assault are higher. There is a direct correlation between incidents of sexual harassment and assaults.<sup>3</sup> As a result, the SAPR-RB broadened their original scope to include review and discussion of sexual harassment data points from both equal opportunity office sexual harassment investigations and command investigations.

### Review Board Lines of Effort and Findings

The SAPR-RB lines of effort focused on those outlined in the SAPR-RB appointment memo (see Appendix A), with the addition of focusing on sexual harassment as well as sexual assault. The SAPR-RB comprehensively reviewed and analyzed all facets of the MNNG SAPR and SHARP programs. These efforts included in-person interviews and surveys with system stakeholders, commanders, enlisted leaders, and victim/survivors, as well as trend analysis from survey and case records. Complete case data spanning calendar years 2011-2019 from both the MNNG SARC Office and OCI reports were analyzed to determine trends. MNNG case trends were reviewed against trends in National Guard organizations nationwide. Sexual harassment cases were also comprehensively reviewed. Victims, survivors and Unit Victim Advocates (UVA) were surveyed by SARC Office personnel providing direct feedback to identify areas to sustain and improve. Defense Organizational Climate Survey (DEOCS) responses were compiled and analyzed from statewide results from 2018 through 2019. The SAPR-RB also assessed SAPR training effectiveness, including required doctrinal training as well as current local organizational training.

### Review of Current Policies and Practices

The following publications have historically guided the SAPR/SHARP programs in the MNNG:

- Department of Defense Directive (DoDD) 6495.01 – SAPR Program
- Department of Defense Instruction (DoDI) 6495.02 – SAPR Program Procedures
- Army Regulation (AR) 600-20 – Army Command Policy
- Air Force Instruction (AFI) 90-6001-Sexual Assault Prevention and Response (SAPR) Program

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<sup>3</sup> Department of Defense Sexual Assault Accountability and Investigation Task Force Report, April 30, 2019, page 18.

- Chief National Guard Bureau Instruction (CNGBI) 1300.01 – SAPR Program
- Local policy memos/SOPs

The new Army Regulation (AR) for SHARP is available in draft form and anticipated to supersede the AR 600-20 for the areas of sexual harassment and sexual assault. One of the SAPR-RB's lines of effort was the holistic examination of the current policies and practices which resulted in an examination of regulatory guidance from DoD, NGB, and the MNNG. In an effort to keep to the most current guidance, the board will refer to the AR for SHARP, vice the AR 600-20 along with the most current Air Force Instruction AFI 90-6001. This context will encompass purpose, applicability/eligibility, responsibilities, and procedural practices within the MNNG SAPR/SHARP Programs as they pertain to the implementation of policies for a National Guard organization.

### Policy and Practices Findings

#### Purpose

The overarching purpose of the DoD, Army, and Air Force documents is to establish and implement policies governing the SAPR/SHARP programs at underlying levels of command. DoD and service guidance largely addresses program facilitation from active duty (Title 10) perspective, with little guidance on National Guard considerations and adaptations. The currently published AFI and AR provide no specific guidance for implementation of the SAPR program in a National Guard role with traditional drilling commanders and staff. The SAPR-RB identified the draft AR 600-20 for SHARP chapter ten is composed of two pages providing limited guidance for National Guard programs. Paragraph 10-1 addresses policy conditions specific to Army National Guard; however, it does not clearly articulate commanders may have to adjust their procedures to ensure compliance with policy given Soldiers in the Army National Guard may be serving part-time. The draft AR 600-20 does not address what adjustments commanders should specifically make to ensure compliance.

#### Applicability/Eligibility

Throughout the DoD, Army, Air Force, and NGB guidance, applicability/eligibility remain consistent. Soldiers or Airmen sexually assaulted when performing active service are eligible to receive SAPR/SHARP advocacy services regardless of whether they serve in the active or reserve component. If reporting a sexual assault that occurred while not performing active service or inactive training, National Guard members will be eligible to receive timely access to SAPR/SHARP advocacy services from trained

personnel and appropriate nonmedical referrals. National Guard members also have access to SVC and can file both restricted and unrestricted reports. The MNNG policy on sexual assault does not delineate between being in a duty status or not. MNNG policy refers to sexual assault as a crime that will not be tolerated and requires resources to be in place at all levels of command. These resources are available to our victims/survivors of sexual assault, regardless of duty status. There is currently no Army or NGB policy directing eligibility of Soldiers who are sexually assaulted in a non-duty status to receive SAPR/SHARP advocacy services. The Air Force instruction, however, states Airmen sexually assaulted in a non-duty status can receive SAPR advocacy services.

### Responsibilities

Throughout the DoD, Army, Air Force, and NGB guidance, there is a hierarchy of responsibilities regarding the establishment and maintenance of the SAPR/SHARP program. Each subsequent level of responsibility inherits and aligns with higher organizational programs. The responsibilities begin with the Under Secretary of Defense for Personnel and Readiness, then progresses through the Secretaries of the Military Departments, the Chief of the National Guard Bureau (CNGB), the NGB J1 SAPR Directorate, the Air National Guard (ANG) SAPR Office and the Army National Guard (ARNG) SHARP Office (recently merged under the J1). State Adjutants General are responsible for setting SAPR/SHARP policies at their level. The responsibilities are fairly consistent as they pass down through each level, with the development of policy, provision of oversight, development of strategic program guidance, joint planning objectives, and creation of standard terminology being the primary considerations.

### Procedural Practices

The MNNG's SAPR/SHARP programs have historically strived to manage and implement DoD, Department of the Army, Department of the Air Force, and NGB policy and procedures accounting for differences in structure and requirements of the National Guard. Due to the nature of our service, the current guidance written from an entirely active duty perspective does not provide a completely workable framework. State Adjutants General are provided latitude through DODI 6495.02 to "adjust their procedures" and MNNG programs meet the intent of the regulatory guidance with adjustments more suitable to the National Guard perspective.

MNNG programs do the following in accordance with the DODI 6495.02 on SAPR procedures:

- Focus on the victims/survivors and doing what is necessary and appropriate to support their recovery while supporting the victim/survivor as a fully functional member of the organization.
- Work towards the accountability of offenders, while respecting due process.
- Provide required training to leaders, organizations, individual members, and SAPR personnel.
- Provide a single point of contact (SARC) for the program.
- Have direct and unimpeded access to commanders.
- Provide a 24/7 response capability.
- Provide safety assessments for victims/survivors reporting sexual assaults.
- Possess the capability to stand up a high-risk response team.
- Work closely with the Staff Judge Advocate Office regarding criminal cases, administrative separation processes, law enforcement notifications, flagging actions, military protective orders, and all other required areas.
- Inform the victims/survivors of all the options and resources available, including reporting options, expedited transfers, medical/behavioral health resources, legal resources, and community providers.
- Maintain confidentiality regarding the victim, information, restricting information to those with a need to know.
- Practice appropriate document/data input and retention.
- Work with local medical and law enforcement organizations on SAFE Kit facilitation, tracking, and storage procedures.
- Complete State and National notification procedures when new sexual assault reports are received.
- Maintain required Department of Defense Sexual Assault Incident Database (DSIID) processes.
- Meet the training and maintenance requirements regarding our Unit Victim Advocates through the Defense-Sexual Assault Advocate Credentialing Program (D-SAAP).
- Conduct monthly Case Management Group (CMG) meetings.

The MNNG SAPR/SHARP programs have adjusted procedures starting in 2019, with the intent of meeting established regulatory guidance while also meeting the needs of our Airmen and Soldiers, in the following ways:

- Upon receipt of an unrestricted report, the MNNG notifies the civilian law enforcement organization (LEO) agency having jurisdiction where the assault took place. As a National Guard organization, we do not have a Military Criminal Investigation Division (CID) or an Office of Special Investigations (OSI) nor does the MNNG conduct internal investigations of sexual assault.
- Reporting victims/survivors who require medical attention or choose to have a SAFE kit completed are taken to the closest civilian medical facility with the ability to complete the kit. As a National Guard organization, the MNNG does not have access to military Medical Treatment Facilities.
- When a new sexual assault report is received, reporting is different between the Army Guard and Air Guard. Army Guard notification is to State-level leadership and the NGB SAPR Incident phone line. Air Guard reporting is via email to the Wing chain of command, who then makes email notification to both State-level leadership and Air National Guard Headquarters. For unrestricted reports in both the Army and the Air Force, the victim's brigade-/wing-level leadership is also notified. Both the Army and Air National Guard procedures meet regulatory guidance for reporting sexual assault reporting.
- Due to the wide geographical displacement of MNNG units, the MNNG does not maintain Memorandums of Understanding (MOU) or Memorandums of Agreement (MOA) with civilian agencies in each county. When MNNG service members engage services through local medical or law enforcement agencies, they are doing so as citizens of Minnesota. The MNNG has never been refused services at local medical or law enforcement agencies.
- The SAFE kit services differ from DoD requirements. MNNG does have an MOU with the Minnesota Coalition against Sexual Assault (MNCASA) specifying that all Minnesota medical facilities that provide SAFE kit services meet DoD requirements.
- The MNNG case management system differs from the DoD requirements. The Adjutant General's representative and the JFHQ SARC co-chair monthly Case Management Group (CMG) meetings. CMG members include the Deputy Adjutant General, the State Chief

of Staff, the State Senior Enlisted Advisor, the J1, the State Judge Advocate, the State Surgeon, the State Chaplain, the 34th Infantry Division Chief of Staff (representing MNNG's Major Commands), the State Equal Employment Manager, the MNNG Inspector General, the Air Wing SARCs, the State Victim Advocate Coordinators, and a Behavioral Health Representative. Due to the traditional drilling status of immediate commanders of victims/survivors with unrestricted cases, they are generally not in attendance. The logistic and fiscal responsibilities inherent in having these additional attendees would not be feasible within the National Guard structure. The communications before and after the CMG are utilized to keep commanders and victim/survivors, that have submitted unrestricted reports, informed throughout the case management process. There are open lines of communication with victim/survivors, assigned Unit Victim Advocates, Commanders, and the JFHQ SARC Office between CMG meetings to ensure the needs of the victims are met.

Minnesota National Guard Policy on Sexual Assault, which has implemented standards higher than the DOD requirements, directs the following number of trained personnel:

<u>Unit</u>	<u>SARC</u> Required / On Hand	<u>SHARP/ UVA</u> Required / On Hand
Division / Brigade	6/6	6/6
Battalion / Separate Company	Not Authorized	109/114
Wings (148 <sup>th</sup> /133 <sup>rd</sup> )	4/2	12/4

Chart 1. MNNG manning requirements for trained/credentialed SAPR/SHARP personnel.

Army major subordinate commands (MSC) (division and brigade) are directed to have one trained SARC. Training seats for SARCs are not currently available until an MSC is programmed for deployment. Lack of training seats results in non-compliance with the MNNG policy letter until shortly before the unit is mobilized. Current MSC SARCs not identified for mobilization are scheduled to attend the Army National Guard 80- hour SHARP Foundational course. Army SARCs are not authorized to facilitate or teach the initial certification training but can conduct the required continuation training. Air Wings are directed to have one SARC, one assistant SARC, and six UVAs at each of the two wings. Air Wing SARCs are authorized to conduct both initial and continuation UVA training.

### Review of Current Training

The SAPR-RB's purpose in its review of current training was to examine sexual assault prevention training and effectiveness across officer, NCO, enlisted, and new service members. The board conducted individual phone interviews with key Army leaders at the company and battalion levels, including four Company Commanders and First Sergeants, and one Command Sergeant Major. In lieu of individual interviews, the SAPR-RB reviewed the results of external SAPR By-Law inspections for both wings in the Minnesota Air National Guard, which were conducted in 2019. Lastly, the SAPR-RB considered the discussions held during breakout sessions at the MNNG Women's Leadership Forum, written feedback gathered at the conclusion of the Forum, and the applicable portions of the online survey of individual members of the MNNG.

In the spring of 2019, the MN SARC worked with the Recruiting and Retention Battalion, specifically the Recruit Sustainment Program (RSP) Companies and developed initial SAPR training to help raise awareness with new Minnesota Army National Guard (MNARNG) service members. The training encompassed sexual assault definitions, what to do if sexually assaulted, and what to do if a sexual assault is witnessed. Additionally, training addressed the expected behavior of the RSP Soldiers, the behavior they should expect of others in the Army, and why it is important for the good order and discipline of the unit. The training was and continues to be conducted before recruits ship to Basic Training and Advanced Individual Training (AIT). The SAPR-RB also identified the RSP as the foundational point of entry into our sexual harassment and assault training programs. Sexual Assault training provides new Soldiers with the tools for success when attending initial entry training and to introduce them to our organizational values in this regard.

The SAPR-RB identified the critical nature of training for team and squad leaders due to their unique position as the center of gravity for the prevention of sexual harassment and sexual assault through their influence at the Soldier and Airmen level. Last, the SAPR-RB identified the need for increasing the effectiveness of training for unit and organizational leaders and commanders, particularly when responding to events and meeting their unique responsibilities. Department of Defense Instruction (DoDI) 6495.02 requires sexual assault prevention and response training "be appropriate to the service member's grade and commensurate with their level of responsibility." Army Company Commanders and First Sergeants receive a tailored block of instruction from the MNNG SARC Office during a three day

pre-command course training event. However, similar training is not formalized for new leaders at the battalion and above in the MNNG, nor is it for squadron commanders in the wings.

### Current Training Findings

The unit and organizational leaders interviewed by the SAPR-RB generally lacked an understanding of their sexual assault prevention and response responsibilities and authorities specified in DoDI 6495.02 and AR 600-20. The MNNG Policy on Sexual Assault, dated 16 May 2019, succinctly summarizes commander responsibilities (see Appendix B). However, none of the leaders interviewed had seen this recent policy letter. Increasing awareness of this policy letter would both reinforce training and assist commanders and other key leaders in fulfilling their responsibilities. In this context, the SAPR-RB discovered that only one of the leaders interviewed had even met their supporting SARC.

The leaders interviewed by the SAPR-RB unanimously lacked awareness of statistics and trends regarding sexual harassment and sexual assault within the MNNG. Furthermore, data measured in MNNG unit surveys indicate 35-45 percent of service members do not understand basic information such as the difference between a restricted and unrestricted report or to whom to report a sexual assault. The SAPR-RB identified a universal desire for greater access to this information for both leaders and Service Members. Leaders felt that access to such data could increase the potential for victims to come forward due to increased confidence in the system, while also providing tangible evidence to all that the MNNG is not immune from the threat of sexual harassment and assault.

### Review of Sexual Assault and Harassment Case Data and Command Climate Surveys

#### FY2014 Through FY2019 Case Data for the MNNG (112 Total)

The SAPR-RB conducted a comprehensive review of available data on the MNNG's 112 reported sexual assault cases (61 unrestricted, 51 restricted) for the years 2014-2019. Due to data retention timeframes, database quality issues, and digital copies; sexual assault reports from 2011 through 2013 were not available. Data tracking procedures and case records are complete from 2014 forward, which would allow for the clearest picture while retaining an adequate sample size.

The highest number of sexual assault cases, 24, was reported in 2019. Over the past eight years, reported sexual assaults have ranged from 8 to 24, with an average of 18.6 per year. According to the TAG Situational Reports (Sitreps) which are published by NGB, since 2015 the MNNG has more



aggregate sexual assaults reported to the organization than any other National Guard organization in the country. Interviews with survivors, as well as a review of the organization-wide survey and the available DEOCS surveys, indicate that these high numbers stem from service member confidence in the SARC system, availability of services to victims, consistent investigation, and command response.

54 percent (61 of 112 cases) of these MNNG sexual assault cases have been unrestricted, with the remaining 46 percent (51 of 112 cases) being restricted reports. The victims of restricted reports reported to the SARC and received services, but the details of the assault report remain confidential as the command cannot investigate restricted reports.

#### Unrestricted Cases Involving a MNNG Victim with a MNNG Offender (44 Total)

72 percent (44 of 61 cases) of unrestricted cases involved a MNNG victim and military offender. All 44 of these cases were referred to law enforcement for investigation. Nine of the 44 have been or are pending criminal charges after local law enforcement investigations. Twenty-two (22) cases were forwarded to OCI by the Adjutant General for investigation. Of the 22 cases investigated administratively by OCI, 9 were found substantiated, 7 unsubstantiated, and 6 reports are current open investigations. Twelve cases were closed without action after referral due to lack of evidence, lack of cooperation from victim, or offender not being under MNNG control. In one case law enforcement investigated but declined to prosecute, however the evidence provided was sufficient to allow MNNG to administratively separate the offender.

Sexual assault case trends seen across the country in National Guard organizations and across DoD are also present in MNNG sexual assault cases.<sup>4</sup> Alcohol was a factor in the circumstances of the assault in nearly 47 percent of the reviewed MNNG cases, substantially similar to the reported national number of 45 percent.<sup>5</sup> In over 75 percent of MNNG cases, the victim knew the assailant. This number is a modest decrease from the national rate of 81 percent. The victims of assault in MNNG are overwhelmingly female at nearly 86 percent, close to the national rate of 84 percent. Nearly 60 percent of victims are between the ranks of Private through Specialist, similar to the national rate of 63 percent. In terms of perpetrators, 99 percent of the MNNG assailants are male, with nearly three-quarters of them known to the victim. Close to 60 percent of known assailants were in the MNNG, most often in the same unit or office as the victim. The vast majority of these male perpetrators are of a higher rank than the victim.

<sup>4</sup> Department of Defense Annual Report on Sexual Assault in the Military Fiscal Year 2018, trends see pages 9-15.

<sup>5</sup> Reported from the Defense Sexual Assault Incident Database (DSAID) through the ARNG SHARP office.

The MNNG perpetrators are overwhelmingly enlisted members with approximately 75 percent being the rank of Sergeant or above.

While a review of assault cases can tell us much, research has consistently shown that a substantial correlation also exists between the occurrence of sexual harassment within military units and the occurrence of sexual assault.<sup>6</sup> The SAPR-RB, therefore, expanded its review to include sexual harassment. The 2018 Workplace and Gender Relations Survey of the Active Duty demonstrated that sexual harassment is a leading factor affecting the unit climate and sexual assault occurrences in units. According to the survey, one in five women and one in 12 men who experience sexual assault also experienced sexual harassment. Similarly, the 2018 Department of Defense Annual Report on Sexual Assault in the Military<sup>7</sup> found climate factors influenced the risk of sexual assault.

MNNG unit climate survey results found that most service members indicated working in relatively healthy workplace climates. For members indicating sexual harassment, gender discrimination, or hostility as part of their workplace, the risk of sexual assault increased measurably. For example, women who experienced sexual harassment were at three times greater risk for sexual assault than average. While men have a much lower risk of sexual assault compared to women, men who experienced sexual harassment were at twelve times greater risk for sexual assault than average. In sum, unit climate survey results found a direct correlation between unhealthy workplace climates and the risk of sexual assault.

The 2019 report of the DoD's Sexual Assault Accountability and Investigation Task Force found: "sexual harassment is not merely immoral, but also damages the teamwork that is necessary to the successful accomplishment of military missions...from department-wide surveys and research, the department recognizes that personnel within commands with a heightened sexual harassment prevalence are also at increased risk for sexual assault. Deterring and effectively responding to sexual harassment is one of many initiatives that may, in combination, drive down sexual assault prevalence."<sup>8</sup>

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<sup>6</sup> See 2018 Workplace and Gender Relations Surveys of the Active Duty and Department of Defense Annual Report on Sexual Assault in the Military Fiscal Year 2018

<sup>7</sup> Department of Defense Annual Report on Sexual Assault in the Military Fiscal Year 2018, trends see pages 9-15.

<sup>8</sup> Department of Defense Sexual Assault Accountability and Investigation Task Force Report, April 30, 2019, page 17.

The SAPR-RB reviewed currently available data consisting of 28 total formal reports of sexual harassment cases received by the MNNG Equal Opportunity (EO) office between the first quarter of FY 2017 and the fourth quarter of FY 2019. Only one complaint comes from the Minnesota Air National Guard (MNANG); with the remainder coming from the MNARNG. Offenders in harassment cases are also overwhelmingly male, who are older than, and outrank their victims. However, complainants are one-third male and two-thirds female. Fifteen of the 28 (approximately 51 percent) formal sexual harassment cases occurred at Camp Ripley Training Center located in Morrison County north of Little Falls, Minnesota.

#### MNNG SAPR Responses and FY18 to FY19 Command Climate Surveys

The Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Surveys (DEOCS) completed in MNNG were analyzed. The SAPR-RB was unable to capture data and trend information before 2018 due to substantial changes at the DoD level. Before 2018, NGB held organizational data for surveys conducted and subsequently purged historical information when the new survey system began in 2018. While statistically significant portions of the force were captured in both 2018 and 2019 making some analysis possible, future research will substantiate force trends over time.

In the DoD climate survey, there are 56 core questions in three main areas; organizational effectiveness, EO/Fair Treatment, and SAPR. Military units can elect to add up to 10 multiple choice questions and five write-in questions. The National Defense Authorization Act (NDAA) of 2013 mandated all services to utilize the same DoD survey administered by the DoD EO Institute as of FY14. The 2013 National Defense Authorization Act (NDAA) also mandated the inclusion of both sexual harassment and sexual assault in the questions surveys. The Department of the Army's directive on DEOCS in 2014 mandated the cascaded survey technique with unit-level focus. This led to the cessation of state-level surveys as of the 4<sup>th</sup> Quarter of FY14.

Seventy-five percent of the response categories across MNNG units in the two years surveyed ranked in the adequate range, with Inclusion and Sexual Assault Retaliation being the lowest of these categories. Chart 2 (below) outlines the DEOMI organizational climate survey visual representation of favorable percentile response assessments with red, amber, blue, and green criteria regarding survey results.



**Chart 2.** Defense Equal Opportunity Management Institute (DEOMI) Organizational

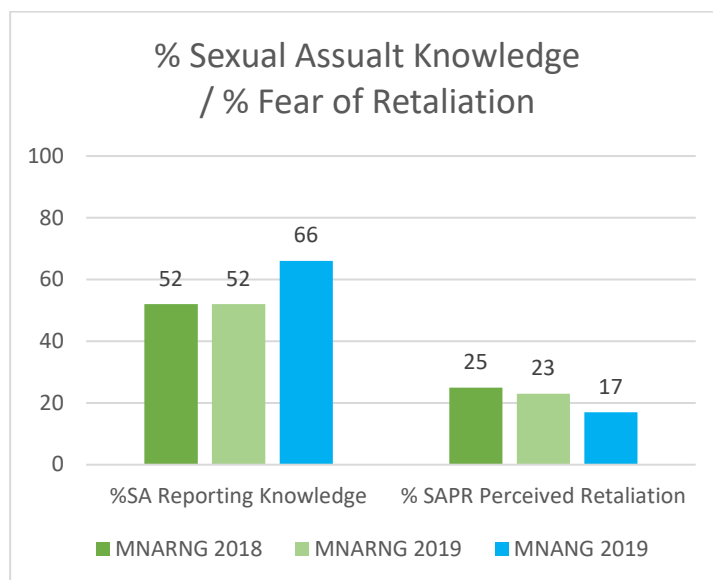
Senior officers (e.g., Majors, Lieutenant Colonels, Colonels, and above) report the highest all-around positive response rate based on survey results, with the majority of categories well into the excellent range (Green) according to chart 2, except for discrimination and inclusion which decreased into the adequate range in the 2019 survey.

In contrast, women across ranks, people of color and enlisted ranks, particularly junior enlisted, had the lowest rates of positive responses, all in the caution range, for discrimination, inclusion, and retaliation. Of particular concern is inclusion, which is barely in the adequate range by two percentage points. Discrimination and Sexual Assault Reporting Knowledge are also in the caution (Amber) range according to survey results. While the aggregate responses of men and women are not markedly different by sex alone, inclusion is an area of concern that needs further study. While the senior officers who drive the climate, (the majority of whom are white and male) view their experiences in the excellent range, the results from those with the least amount of organizational and positional power perceive a far less inclusive environment. This examination of cohorts indicates areas for critical improvements to organizational culture and unit climate. Longer-term trend analysis is needed, but these numbers from 2018 and 2019 show work remains to be done across the spectrum to improve workplace culture around the experiences of people of color, women and junior enlisted service members. While the majority of responses across the organization hover in the adequate range or an equivalent percentage of a grade of “C,” the MNNG is fully committed to raising assessments to the excellent range across the board.

#### [Minnesota Army National Guard Climate Survey Results](#)

MNARNG surveys for the two years (2018-2019) totaled 8,195 and are a strong representative distribution of units across the state for the timeframe surveyed. In 2018 there were 3,643 MNARNG survey responses captured across 52 distinct units in the state. Ninety-six percent of MNARNG units surveyed were less than 50% (Red) or 50-69% (Amber) favorable for SAPR program knowledge with an overall average of 52%. The MNARNG had 4,552 survey responses from units in 2019. Across the 71 units, 93% were again 69% or below for SAPR program knowledge in 2019. In both years, the only SAPR factor surveyed that showed a strong correlation with another survey area was retaliation. The surveys also reveal a concerning correlation between unfavorable perceptions concerning retaliation for

reporting assaults and unit perceptions of organizational retaliation for reporting sexual harassment. In Chart 3 (below), trend analysis from 2018-2019 for the MNARNG shows a lack of SAPR reporting knowledge and an overall 23-25% response rate of fear of retaliation for reporting harassment and sexual assaults.



**Chart 3.** MN National Guard survey responses to sexual assault program questions, source DEOMI. 2018 and 2019 MN Army NG data, 2019 MN Air NG data.

#### Minnesota Air National Guard Climate Survey Results

Both Air Wings of the MNNG conducted climate surveys. In 2018 the 133rd Air Wing opened a DEOCS survey for the wing; however, there were insufficient responses to produce survey results. The 7% response rate of the Air Wing was not representative of the unit, not generalizable, and not statistically sufficient. In 2019 the 148th Fighter Wing conducted climate surveys that were representative of the wing level of the organization and had generalizable results. The 148th Fighter Wing response rate in 2019 was 40% and the surveyed responses sufficiently represent squadrons across the wing. Surveyed Airmen totaled 421 in 2019, and much like the MNARNG units, SAPR knowledge was low (amber) with 66% of surveyed Airmen demonstrating a favorable understanding of the sexual assault program and 17% fearing retaliation from reporting harassment or sexual assault.

### Survey of Sexual Assault Victims/survivors

One of the SAPR-RB's lines of effort involved gathering information from our victims/survivors that would assist in identifying areas for sustaining or improving the SAPR/SHARP programs. Invitations to participate in a survey were extended to all victims/survivors, regardless of whether their report was restricted or unrestricted. The State SARC Office sent survey invitations via phone and email to all available points of contact. The SARC Office reached a total of 53 victims/survivors. Of these 53, ten agreed to participate in the survey. The surveys were conducted via phone interviews and facilitated by SAPR trained personnel; primarily the full-time staff members in the SARC Office. Overall responses show participating victims/survivors had a positive experience with SAPR personnel. The majority of respondents felt believed and respected by the SAPR personnel, and approximately 40 percent of the respondents felt that SAPR personnel were able to help them deal more effectively with the issues they faced. The majority of victims/survivors felt the SAPR personnel were knowledgeable, well trained, and appropriately assisted them in finding needed resources and services.

According to the victim/survivors, SAPR/SHARP program areas to sustain included: empathetic, compassionate, well-trained SAPR personnel; timely, topical training for Unit Victim Advocates; tailored SAPR/SHARP training that addresses areas of concern at the unit level; knowledgeable full-time staff; wide variety of available resources; SAPR personnel willing and able to step in and advocate on behalf of the victim/survivor; good communication with assigned advocates; SAPR personnel believing what the victim/survivor had to say and a willingness to listen; having the support of state-level leadership; and, the availability of victim advocates at the company level allows for more familiarity and approachability.

According to the victim/survivors, the areas of the SAPR/SHARP program needing improvement were: the length of time from report to resolution; response personnel need more training on recognizing the behavioral health issues associated with sexual assault; standardized responses from the chain of command and improved leader training; increased knowledge of state-level resources; higher frequency of victim/survivor surveying; more focus on prevention efforts; emphasis on core values and why sexual assault continues to be a problem; focus on reducing the stigma associated with those who identify as sexual assault victims; changes in how victims/survivors are treated post-assault; improve communications regarding case status updates; accountability for offenders/why are they allowed to remain in service; the chain of command getting too involved in a case (investigating); and, expansion of available resources to include non-traditional therapy options.

### Survey of Members, Family Members, Former Members and Retirees

The State SARC Office conducted a breakout session titled, “Continuing the Conversation,” at the 2019 Women’s Leadership Forum, from which it collected comments from participants. The participants were formed into three groups by rank demographics: junior enlisted/company-grade officers, mid-range enlisted/field-grade officers, and senior enlisted/senior officers (Colonel and higher). The MNNG’s Office of Strategic Communications also sent an open survey to all members via email. The open survey was available publicly, both on the MNNG website and social media, and invited military members, family, former members, and other interested members of the community to anonymously provide their narrative experience, feedback, and ideas surrounding the topics of sexual assault and harassment within the MNNG.

The Women's Leadership Forum break-out sessions generated 125 responses and the open survey generated 599 responses for a total of 724 responses. Of the 599 open survey responses, 511 identified as current MNNG service members. The remaining respondents, accounting for nearly 15% of responses were from military family members, retirees, or former service members and members of the community. The break-out session respondents were all service members.

Many survey responses included no comment or responded with a basic positive acknowledgment on the level of training and responsiveness to the issues of sexual assault and harassment. A large number of comments included a recognition that the organization is trending in the right direction with these issues and the environment has continued to improve for many career service members. There were also comments indicating more work and improvement is needed. There were substantive member comments reflecting a common experience of an atmosphere where gender disparities exist, and where sexual harassment is tolerated. This was reflected in substantive comments from those stating that they have experienced the environment or have been the subject of harassment. It was also supported by comments from those who seek to deny such issues exist by blaming victims, specifically females, or are being tolerant of unprofessional comments and behavior rather than focusing on the behaviors of those who perpetrate these unprofessional behaviors that are so damaging to unit cohesion. Examples of these divisive comments include:

"Claims of sexual assault and harassment are overused. I think the world is getting soft. I get it if it actually happens then yes absolutely go after whoever it is. But I feel people use it as a way to get out of things or attack someone they dislike. The response to many of the incidents seem to be excessive against an alleged perpetrator."

"I have never heard of a single legitimate example of sexual harassment or assault perpetrated in the MN National Guard."

"People who [report] are not people that others want to hang out with. People say, 'Stay away from her, she will SHARP you'."

A response from a service member in the survey summarizes the experience of harassment and lack of parity that females face:

"As a member of this organization I think female inclusion needs to be reviewed. I am here to do my job not find a date. If I wear makeup in public no one mentions how nice I look or asks me who I'm wearing makeup for. Why does this happen on Drill weekends. Why am I told I need to smile more or nag less when I simply do my job and tell people what needs to be done? I'm asked to make coffee and plan parties. I have to sit around and listen to males complain about their wives and I'm told how I should take care of my husband. I have to deal with males walking into the latrine when I'm showering on accident because they didn't read the female only sign on the door. I am treated like my opinion doesn't matter and I have no value although I am the rank or out rank my male counterparts. When I try to mentor Soldiers and have a positive response I'm told the Soldier has a crush on me. This is the daily climate that a female in the MNNG has to deal with and none of this can be reported. I think as soon as males stop seeing us as objects assaults will decrease. Install better lighting at facilities. Install doors on bathroom stalls and make it a unisex bathroom. Allow males and females to sleep in the same bay. This is no different than out in the field. Out in the field I have slept in the same tent. We have changed shirts and pants in front of each other it's no different than going to a beach in your swimsuit. The less you segregate females the less likely an assault will happen."

As noted previously, all levels of DoD have well-documented data correlating an environment of harassment to an increased risk of sexual assault. Survey comments reflect the similar climate and cultural issues that exist within the MNNG, identifying opportunities to shift culture and climate through



more effective training, leadership education, and engagement. Further, several comments requested more transparency around the topic. Many comments expressed an appreciation of the recent stand-down events and noted that publication of outcomes and statistics relating to sexual harassment and sexual assault would assist the organization in understanding the scope of the issue and trends, as well as engendering trust around accountability and leadership action. Additionally, some respondents addressed general fear surrounding the reporting of sexual harassment or sexual assault. These fears involve possible negative effects on career, ostracism from peers, and retaliation from command.

The tangible lack of trust and cohesion among teams, groups, and units that work within environments where sexual harassment is not addressed and disparities exist is not just a simple gender issue. It signals leadership failures that have a direct impact on readiness and combat effectiveness. An additional area of focus for a majority of the comments was training. Many comments stated the training was fine with no comments regarding its actual effectiveness, which could signal a lack of engagement. Substantive comments on the topic of training articulated that the mandatory large group, slide and lecture-based training was not taken seriously by service members and leaders alike. Overwhelmingly, respondents stated a preference for small group, hands-on, scenario-based training, as well as ongoing discussion coupled with real leadership focus and follow up.

#### Survey of Unit Victim Advocates

All current Unit Victim Advocates (UVA) were asked to participate in a survey aimed at both process and program improvements. The MNNG has approximately 120 UVAs across Army and Air. The MNNG SARC Office conducted the surveys via email and phone, using survey questions that were both closed- and open-ended. Experience within the UVAs range from just a few months to more than a decade. The survey results provided a wide variety of information regarding UVA issues. The findings include the following: most have assisted at least one survivor in the course of their appointment as a UVA; levels of support range from being an initial UVA working with a victim during the initial report to supporting UVAs while they are working a victim/survivor case; reasons for becoming a UVA varied, but most had expressed interest in the position, or wanted to help their fellow service members or create positive change for victims and survivors; several UVAs indicated that they had been selected by their command to fulfill the additional duty role; most are assigned collaterally along with a service member's primary duty in their unit; most of those who were chosen for the role, rather than volunteering, indicated that the training and experience gained has been a positive experience, helping them understand and

appreciate this important issue; some indicated they are only fulfilling the role they were told to fulfill and likely would not have volunteered.

UVAs complete a foundational training course for their role. The ANG training requirement is met through a 40-hour course which can be taught by the Wing SARC's. Conversely, the ARNG requirement is met through the 80-hour SHARP Foundational course taught at the national level. The foundational courses are based on active component guidance and regulatory requirements. Once foundational training is complete, UVAs are required to complete the credentialing process specified by the Defense-Sexual Assault Advocate Credentialing Program (D-SAACP), which is facilitated by the National Organization for Victim Assistance (NOVA). The D-SAACP credentials are valid for two-year cycles. Within each cycle, UVAs must complete at least 32 hours of Continuing Education Units (CEU). The MNNG SARC Office builds an annual training curriculum to meet the UVA CEU requirements. The training curriculum is approved each year through NOVA and NGB.

Many of the surveyed UVAs expressed frustration that the 80-hour SHARP Foundational course had no reserve component focus and several parts of the training did not apply to the National Guard. The vast majority of UVAs felt the training prepared them with the academic knowledge of the program and the subject matter they needed. Many also expressed that the ability to network and share best practices with fellow UVAs at these training events was an important addition for them. Across the organization, VAs stated they felt highly supported by the MNNG SARC team. Some expressed they were or are under-prepared to deal with the human emotional toll these cases can have on both the victims/survivors and the UVA themselves. Many expressed concerns over their struggle to keep their own emotions from affecting their advocacy efforts. A portion of the UVAs indicated they assisted victims/survivors who chose not to report either restricted or unrestricted cases. In this instance, the support provided was informational and helped the victims/survivors to have a better understanding of the reporting process and available resources.

### [Survey of Local Law Enforcement Agencies](#)

A team comprised of SARC staff and service members who are also MN civilian law enforcement officers conducted a review of case experiences with local law enforcement agencies across MN with a focus on the jurisdictions where the majority of the cases in MNNG have occurred (e.g. Morrison County, St. Louis County, Ramsey County, and Hennepin County). The team also met with staff at the Bureau of Criminal

Apprehension (BCA) and the University of Minnesota Police. Interviews with civilian law enforcement focused on areas to sustain or improve information sharing, reporting, mutual assistance, investigation timelines, and criminal charges.

Due to a variety of factors, civilian law enforcement agencies do not prosecute the vast majority of sexual assaults reported by MNNG. Many victims are not reporting close in time to the assault, which makes physical evidence collection virtually impossible. The passage of time from the incident also makes tracking down witnesses, perpetrators, and victims difficult. This results in victim and offender statements that are often either not substantive or conflicting. Some sexual assaults are also incidents without witnesses. In instances where the victim chooses to not participate in the investigation, law enforcement may have no choice but to close a case. While many of our sexual assaults that involve inappropriate touching of certain body parts (breasts, buttocks, genital/groin area, inner thigh) are considered illegal under military law or a violation of military regulation, the incidents may not meet the MN Statute's definition of a criminal act. Sexual assault investigators in many jurisdictions tend to have a large number of cases to investigate, and frequently triage cases with longer timelines to allow for completion of investigations involving less serious conduct or lack of evidence.

#### [Review of Minnesota Code of Military Justice](#)

The SAPR-RB assessed the current discipline options available to commanders to address sexual assault perpetrators and whether legislative changes are necessary to maintain good order and discipline. The Board completed a comprehensive review of the MCMJ, identifying potential areas to strengthen and update the Code as well as recognizing additional avenues for command action in sexual assault and harassment matters. The MCMJ review focused on three areas: 1) court-martial capability; 2) jurisdiction expansion; and 3) additional punitive articles.

Court-Martial Capability: The last known court-martial conducted by the MNNG was in 1928. Currently, the MCMJ legally authorizes a court-martial, however, known gaps exist preventing commanders from utilizing this tool. One gap identified is the lack of a specified appellate process in the MCMJ. To address this, members of the MNNG Office of the Staff Judge Advocate (SJA) met with the Minnesota Supreme Court Commissioner, as well as the Minnesota Attorney General's Office Appellate Division Supervisor, to discuss potential legislative changes. These meetings resulted in draft legislation to address the issues of appellate procedures, certiorari, rules of evidence, and procedural rules. The Staff

Judge Advocate also confirmed that more interaction and training with the civilian judiciary regarding the role and authority of MCMJ and the military court system would be required, as well as the role parties and courts would play in any court-martial as needed.

An additional gap identified is the current lack of independence of military judges in the National Guard, which presents a system flaw that plagues not only Minnesota but National Guard organizations nationwide. The independence of the judiciary in the United States is one of the core pillars of our democratic system by supporting justice through independent review and discretion. The active military court-martial systems have this independence with the judiciary in the military justice system. Though trained to the same standards by the active military branches, the military judges in the National Guards of the States do not fall under the judiciary within the active services. This lack of separation leaves states to configure a structure within their state system for judicial independence. Without a structure of a regional or national military judicial structure amongst the states, similar to the structure of the National Guard Trial Defense Services, maintaining judges independent of the review and management of the Adjutant General or General Court-Martial Convening Authority is difficult, if not impossible.

A final gap identified in our ability to conduct courts-martial, to include prosecuting sexual assault, is a resource gap. The MNNG by its nature is primarily a traditional Guard organization, with its full-time staff operating at a personnel level designed to manage required functions for the ongoing training and support of a force focused on readiness for our federal and state operational missions. The personnel structure and manning of the full-time legal personnel and general counsel's office have never included full-time legal personnel designated to support the operation of a courts-martial system. The current level of full-time legal personnel in the MNNG is inadequate to support the administration of courts-martial. A fully litigated general court-martial is estimated to cost a minimum of \$150,000.00.

Furthermore, appellate actions could potentially double or triple this amount. This projection does not include any incarceration costs after conviction. This estimate assumes placement of all personnel involved while on military orders for the case vice having additional full-time staff dedicated to prosecution and administration of courts-martial. These costs would include the required Article 32 hearing, the court-martial itself, and any appeal. Specifically, costs would include personnel pay and allowances, with travel, for trial and defense counsel and paralegals, military judge, court reporter, panel members, and witnesses; transcript production; and fees for experts and consultants. Whether additional full-time legal staff is hired to manage and staff this system or individuals are put on orders

on a per court-martial basis, running each court-martial will require a significant investment of financial resources and time.

Jurisdiction Expansion: Currently, the MCMJ only authorizes two avenues to initiate a court-martial: 1) a declination to charge by the civilian authority when the underlying misconduct is also criminal behavior under the state criminal code (secondary jurisdiction); or 2) when the underlying misconduct is a purely military offense (primary jurisdiction). The SAPR-RB reviewed the option of seeking a broadening of jurisdiction under Minnesota Statutes 192A to allow primary jurisdiction for all crimes, thereby allowing the MNNG to prosecute all sexual assaults within its ranks. However, the SAPR-RB determined that this approach adds complications compared to operating under the current legal authority to seek jurisdiction when/if the general court-martial convening authority wishes to take a case. The expansion of courts-martial jurisdiction to include primary or concurrent jurisdiction over all crimes or all sex crimes raises several concerns related to investigation authority, availability of counsel, and court infrastructure. Moreover, the previous section regarding law enforcement agencies identified issues related to the criminal investigation of offenses occurring on military status or with military nexus. The civilian law enforcement agencies and the criminal court system remain best equipped to continue primary jurisdiction on the majority of criminal offenses.

Punitive Articles: Based on review of trends in sexual assault and harassment cases within the MNNG, the SAPR-RB identified expansion of the enumerated articles around harassment, retaliation, domestic violence, misuses of government electronic equipment (e.g. cell phones, iPads, computers, etc.), abuse of position and publication of intimate images (revenge porn). The MNNG Office of the State Judge Advocate has drafted legislation to update the Code to include these punitive articles.

## **Review Board Recommendations**

### **Recommendation 1.0 Program Management**

The SAPR-RB assessment is that the MNNG SARC/SHARP program is managed within the intent of the current regulatory guidance and policies. However, given the active-duty focus and language in these documents, some elements are not feasible nor practical for National Guard compliance. The MNNG SARC's intent will always be to provide the best service possible to meet the needs of our victims/survivors and the organization. The need for change to the regulatory and procedural guidance has been communicated to NGB from the MNNG SARC office on more than one occasion. Modifications

should be made to regulations and guidance that incorporate National Guard specific policies and practices. The lack of National Guard-specific language in current regulatory guidance leaves too much room for individual State interpretation which may lead to deficiencies or non-compliance issues across the 54 States and Territories. The MNNG SAPR/SHARP program is affected by this lack of National Guard-specific language in several areas, such as program management, training, case management, notification, and investigative capacities. The SAPR-RB recommends drafting a new National Guard Regulation for SAPR/SHARP that provides guidance utilizing National Guard-specific languages to facilitate improved management of these programs within the Title 32 framework. Lacking regulatory language that is National-Guard specific, another consideration could entail drafting and implementing a state regulation to bridge the gap in guidance from DoD and NGB to the MNNG in its traditional drilling status.

#### **Recommendation 1.1 Standardize Knowledge Management and Service Member and Commander Resources**

Standardizing knowledge management across the organization is critical. One of the main issues brought up repeatedly in Service Member surveys and discussions with all levels of leadership was a lack of clarity of where to find resources, policies, and requirements. One central location that is easy to access and well-publicized should contain organizational policies. Due to access issues, particularly for the traditional military reserve force, the development of a mobile application compatible with Apple IOS and Android should be considered. The mobile application would allow mobile access to open-source/unclassified resources for commanders and leaders, including regulatory resources and forms as well as local policies and handbooks. Review of the command climate surveys reveals a significant trend across the force highlighting a lack of knowledge regarding aspects of the sexual assault reporting process. Service member resources particularly on the aspects of reporting process (e.g. who to report to, how to report, what happens if reports are made) should be prominently available via the MNNG webpage and the mobile application is developed. Last, the MNNG should develop a commander's handbook as a companion resource for commander training at all levels.

#### **Recommendation 1.2 Establish a Task Force to Expand and Reframe Training**

The leaders interviewed by the SAPR-RB also had several recommendations to increase the effectiveness of unit-level training. This training should also be reviewed against DoDI 6495.02 to validate completeness. The current draft AR 600-20 for SHARP adds a requirement for commanders along with

their chaplain and senior enlisted advisor to receive a briefing from their SARC within the first 30 days of assuming command. The purpose of this meeting is to review organizational trends and existing cases while also identifying specific training needs. Early implementation of the draft AR for SHARP could provide a forum to conduct tailored training at the battalion and above level to increase the effectiveness of tailored training for key leaders at all levels. Leaders consistently identified vignettes, examples, stories, and scenarios as the most useful techniques to gain Soldiers' attention during SAPR/SHARP training. One leader recommended outside sources to conduct unit-level training, (e.g., adjacent unit or higher command) to reduce the familiarity between the instructor and the audience. Another leader identified mobile surveys, such as "Poll Everywhere," as a tool to gain greater audience participation in training due to the inherent anonymity when Soldiers respond or ask questions during training events. Training packages based on these principles could be developed at the state level and disseminated to increase the effectiveness of unit-level training. The SAPR-RB made several observations concerning SHARP tools and knowledge management for both units and commanders. One of the company commanders interviewed by the board identified a MNNG Sharepoint site for a commander's toolkit on SHARP but it was empty. Another company commander asked for a template that UVAs and SARCs could use to post their contact information, which also summarizes the reporting options for Service Members. Increasing the quality and dissemination of knowledge management could provide a better means for sharing tools, statistics, regulations, policies, and training support packages with commanders and units. An ongoing data review must be established for trends and precise opportunity points within units to be pinpointed.

SAPR/SHARP training needs a review focused on providing recommendations for increasing training effectiveness. Ultimately the goal is a MNNG free of sexual assault. While the SAPR-RB has provided some specific recommendations for consideration, a team should be established for this task. At a minimum, the items below in 1.2.1 through 1.2.3 should be addressed:

#### **Recommendation 1.2.1 Training and Education of the Commander at All Levels**

Continue SAPR/SHARP training during the MNNG's Company Commander/First Sergeant Pre-Command course. Establish a formal requirement to incorporate an individual meeting with a representative from the State or Wing SARC office for all incoming Commanders from Company to Brigade/Wing. At a minimum, this session should cover prevention, reporting, and open cases within their organization. Such a one-on-one session would ensure commanders know who their SARC/UVAs are, outstanding

cases within the command, and resources available for Sexual Assault response. Establish a mechanism for continuation training.

#### [Recommendation 1.2.2 Establish First Line Leader Training](#)

First-line leaders (squad/team SGT-SSG Army, SSgt-TSgt Air Guard) are often the epicenter of a unit due to their close working relationships and proximity with Soldiers and Airmen. Develop small group focused training, resources, and tools for these leaders to be effective in driving a culture that supports the prevention of sexual harassment and sexual assault.

#### [Recommendation 1.2.3 Develop and Enhance Force-wide Training and Education](#)

Training should be tailored to the unit and rank structure. Training feedback to the SAPR-RB indicated service members of different ranks in the same training are reluctant to speak openly. Develop training packages that allow for the separation of different ranks or leaders into small group training, to promote participation. Explore the option of using survey apps during training, allowing all members of the unit to respond to questions without others knowing their concerns or thoughts. Methods like these provide interactive training that becomes personal for people, allowing them to create shared training experiences and personalize the training experience. SAPR-RB further recommends that State SARC explore options of communicating a “Teal Hash” type program. Continue transparency with sexual assault statistics, allowing the organization and community to see measures of change.

#### [Recommendation 1.3 Keeping Victims/Survivors Informed](#)

The SAPR-RB recommends a continued focus on the communication efforts between victims/survivors and the organization. Victims/survivors deserve the most current information regarding their cases. Continue to provide this information via the UVA assigned to the case, but ensure that updates occur more frequently. Monthly case updates are the minimum required by regulatory guidance. Each sexual assault case is unique; an established and routine communication plan should be facilitated that takes into consideration the desires of the victims/survivors. UVAs assigned to cases should ask how often the victims/survivors would like to be contacted with case updates and communicate that information to the MNNG SARC Office. Victims/survivors should also be informed that they can reach out to the assigned UVA or the SARC Office at any time if they require information, support, or resources. In unrestricted cases, the victims/survivors may request chain of command involvement with the communication plan; with the level of involvement being driven by the desire of the victims/survivors.



At the very least, the chain of command should be ready, willing, and able to provide whatever support and resources they can, depending on the needs of the victims/survivors. The SAPR-RB recommends the State SARC office continue to survey victims/survivors for lessons learned, sustains, and improves. The results should be used to incorporate feedback into the improvement of the program on a continual basis.

#### **Recommendation 1.4 Standardize Reporting and Criminal Investigatory Authority**

The SAPR-RB recommends reducing the timeline for reporting unrestricted cases to local law enforcement. The number one complaint from the victims/survivors surveyed is the length of time spent on the current investigatory process required under DoD authorities. This begins with investigation final reports from local law enforcement and the subsequent OCI investigation as a major point of improvement for the MNNG SAPR/SHARP programs. Addressing the concerns surrounding the length of the investigatory timeline requires consolidating the investigatory authority to minimize duplicative investigatory requirements and standardize investigator responsiveness. The SAPR-RB recommends continuing to work and develop MOUs with the BCA or championing companion legislation providing authority for the BCA to act as the investigative agency for MNNG service members for sexual assault investigations. This relationship may also prove useful for other military crimes if a law enforcement investigation is required. The BCA has indicated a willingness to work with the MNNG on an avenue to obtain consolidated investigatory authority over military cases. Consolidation of the investigatory authority would enhance the timeliness of investigations and likely eliminate the need to arrange for a subsequent administrative investigation of the same facts and circumstances through NGB's OCI.

#### **Recommendation 1.5 Enhance and Update Minnesota Code of Military Justice**

While the prospect of conducting a court-martial in the near term is unlikely and not advisable due to the current lack of judiciary independence coupled with significant resource gaps, the SAPR-RB recommends the Office of the Staff Judge Advocate (OSJA) should continue efforts with the Department of Military Affairs (DMA) to submit draft legislation to the Minnesota Legislature to address appellate procedures, rules of evidence and procedure, and updated punitive articles. Additionally, the OSJA and DMA should continue coordinated efforts with interagency stakeholders to enter into agreements in areas of confinement and investigations. Finally, the OSJA and other relevant departments should

continue building relationships with local prosecutors and investigators to expedite sexual assault investigations.

#### [Recommendation 1.6 Drive Culture and Climate Change around Harassment and Gender Parity](#)

A combined view of inputs from the command climate surveys, Women's Leadership Forum, the MNNG's open survey, and the survivor and stakeholder interviews presents an overall picture of the MNNG that is trending in a positive direction around the issues of sexual assault and sexual harassment. Many members are experiencing a positive command climate, as well as increased awareness and responsiveness over time to the issues of sexual assault and sexual harassment. The feedback also reveals isolated pockets of ongoing sexual/gender harassment and issues of gender disparity and parity that must be addressed. The SAPR-RB recommends a follow-on action plan be drafted for climate and culture changes that examine aspects of our organizational culture, focuses on solutions to aspects of culture change, supports gender parity, and encourages and expects leadership action and Service Member accountability concerning the issues of sexual assault and sexual harassment.

#### [Recommendation 1.7 Establish Opportunities to Lead Locally and Nationally, Develop State-Level Guidance the Supports National Guard Bureau Policies](#)

The MNNG has traditionally been recognized as leaders across the 54 States and Territories by consistently demonstrating our willingness and ability to add to our leadership role; even in those areas that many find uncomfortable. The MNNG SAPR/SHARP team continues to be staffed by personnel that are passionate about the issues surrounding sexual assault and sexual harassment, and this staff stands ready to lead in this area as well, be it with our state or local partners or with national-level organizations at NGB of DoD.

The MNNG SARCs have a history of collaborative efforts with many of our counterparts across the nation. Those past collaborators are experiencing similar issues within their organizations and programs, and would likely be receptive of working together in the future. Past collaborative efforts that produced TAG-endorsed white papers on SAPR/SHARP issues could be reengaged. The working relationships that the MNNG SARC Office has built and sustained over the years have continued to expand. The SARCs of the upper mid-West are currently meeting in a monthly online forum to discuss the issues we are all facing.

The gap in the guidance from the DoD through the Army, Air Force, and National Guard Bureau to National Guard Organizations across the 54 States and Territories must be addressed. Many of the regulatory requirements directed by DoD are not practical or feasible with a traditional National Guard force. The SAPR-RB recommends Minnesota take the lead in drafting a regulation to provide a bridge in guidance to facilitate implementation and standardization within a State's National Guard. Additionally, some of the recommendations noted above could be shared across the National Guard if proven to be effective. Finally, a version of this report should be made public to share our observations, findings and recommendations with the other National Guard States.

## Appendix A – Guidance to MNNG SAPR-RB-Establishment of Review Board



**DEPARTMENTS OF THE ARMY AND THE AIR FORCE**  
JOINT FORCE HEADQUARTERS MINNESOTA  
OFFICE OF THE ADJUTANT GENERAL  
20 12<sup>TH</sup> STREET WEST  
SAINT PAUL, MN 55155-2004

NGMN-ZA

26 April 2019

### MEMORANDUM FOR RECORD

**SUBJECT:** Guidance to Minnesota National Guard Sexual Assault Prevention and Response Board – Establishment of Review Board

1. The purpose of this memorandum is to provide my initial guidance to members of the Sexual Assault Prevention and Response Board. Additional guidance will be issued when deemed necessary by either the Board or myself.
2. I am directing the creation of a Review Board to examine the sexual assault prevention and response program of the Minnesota National. The goal of this Review Board is to identify ways that we can better prevent sexual assaults and support sexual assault survivors when prevention has failed.
3. The Review Board will consist of two named members and temporary members to assist. Membership includes:
  - a. Chair: Colonel Shawn Manke.
  - b. Vice-Chair: Lieutenant Colonel Lyndsey Olson.
  - c. The composition of the temporary members is inclusive and will include the following diverse membership:
    - (1) Traditional and full-time NG service members.
    - (2) Officer, warrant officer, NCO, and enlisted members.
    - (3) Air and Army service members.
    - (4) Military and non-military members.
4. This Board will review the following, at a minimum:
  - a. Review current policies and practices to ensure compliance with all DOD/Air Force/Army/NGB regulations.

b. Sexual assault prevention training and effectiveness across officer, NCO, enlisted, and new service members.

c. Survey of MN NG sexual assault survivors to determine areas of sustainment and improvement for prevention and support.

d. Survey victim advocates that have supported a sexual assault case to determine area of sustainment and improvement for prevention and support.

e. Survey local law enforcement agencies to identify areas to improve our reporting to assist in the investigation process.


f. Examine the current Minnesota Code of Military Justice to strengthen legal and prosecution options for commanders.

g. Identify other areas as determined by the Chair and Vice-Chair.

5. I will meet with the Chair and Vice-Chair no less than monthly to ensure progress is made and required resources are allocated.

6. The Chair and Vice-Chair will prepare a written report identifying their findings and recommendations no later than 1 September 2019.

7. I am the point of contact for this MFR.



JON A. JENSEN  
Major General, Minnesota  
Army National Guard  
Adjutant General

## Appendix B – MNNG Policy on Sexual Assault



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
JOINT FORCE HEADQUARTERS MINNESOTA  
OFFICE OF THE ADJUTANT GENERAL  
20 12TH STREET WEST  
SAINT PAUL, MN 55155-2004

NGMN-ZA

16 MAY 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Minnesota National Guard Policy on Sexual Assault

1. Sexual Assault is a crime. It will not be tolerated in the Minnesota National Guard (MNNG). Sexual Assault has a devastating and often lasting impact on the victim and fellow Soldiers and Airmen. Sexual Assault degrades and undermines our mission readiness and ability to work as a team. Commanders will ensure that trained resources, such as Sexual Assault Response Coordinators (SARC), Victim Advocates (VA) and Army VA/SHARP Specialists are in place and ready to assist at all levels of command. MNNG members will contact the JFHQ SARC immediately, upon knowledge of or report of a sexual assault.
2. Disposition of sexual assault incidents is withheld to The Adjutant General (TAG). Whether an incident may be sexual assault is a legal determination. In certain cases, the line between what is assault and what is harassment or other inappropriate conduct is sometimes difficult to determine. This determination will be made by the TAG, in consultation with the JFHQ Staff Judge Advocate (SJA).
3. MNNG leaders at every level will create and promote a positive command climate in which a victim has the confidence in their chain of command and military investigators to report these crimes immediately. Leaders must ensure that Soldiers, Airmen and other members of the National Guard community treat sexual assault victims with dignity, fairness and respect.
4. When the chain of command becomes aware of an incident that is, or may be, sexual assault, **Commanders will:**
  - a. Ensure the immediate safety of the victim.
  - b. Notify their Chain of Command (CoC), the SARC and their servicing Judge Advocate. Commanders should not attempt to determine whether an incident is sexual assault before making notification. All incidents involving inappropriate sexual conduct will be reported through channels to JFHQ OSJA for initial determination and decision.

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SUBJECT: Minnesota National Guard Policy on Sexual Assault

c. Consult their servicing Judge Advocate. While disposition of any incident is withheld to the TAG, commanders must take interim steps to ensure the safety of the victim, the preservation of any physical evidence related to the incident until turned over to law enforcement (if applicable), the rights of both the victim and the perpetrator, and the maintenance of good order and discipline.

d. Request and receive case updates through the chain of command and their servicing judge advocate.

e. Reports of sexual assault are often made days, months or even years after the crime has occurred. However, if a report is made directly after an assault, the commander will need to immediately contact local law enforcement, and determine, in consultation with the servicing judge advocate, whether physical evidence may exist on military property. Steps must then be taken to secure the crime location until civilian law enforcement arrives to process and collect evidence.

f. If the perpetrator is ARNG, place a suspension on favorable personnel actions (FLAG) on the perpetrator for the duration of the investigation and any resulting adverse action. This is not an optional action; flagging is required per AR 600-8-2.

g. Intermediate commander actions may include, but are not necessarily limited to:

(1) Alternate drilling/work location for the perpetrator or otherwise ensuring separation of the victim and perpetrator, and/or transfer of the victim upon their request pursuant to CNGBI 1303.01A.

(2) Issuance of a military no contact order, and/or enforcement of any civilian no contact order.

(3) Removal/suspension of perpetrator from positions of leadership.

h. The first O5 level Commander in the victim's chain of command will communicate required case status and case disposition to the victim. The preferred method for this communication is face to face with SARC/VA, Chaplain and Special Victim Counsel present unless the victim cannot be contacted. If the victim cannot be contacted, the CoC will document attempts to reach the victim and provide the case disposition in writing by certified mail to the victim's last known address. A copy of this documentation will also be sent to JFHQ OSJA for filing.

5. If a sexual assault incident is reported to SARC/VA channels, **the SARC/VA will:**

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SUBJECT: Minnesota National Guard Policy on Sexual Assault

a. Ensure the victim is provided access to all available and required care and resources.

b. VAs and Wing SARCs will forward both restricted and unrestricted reports to the JFHQ SARC. All reports and paperwork related to restricted and unrestricted reports, to include the DD Form 2910, Case Information Form and any Line of Duty, from the MNARNG and MNANG, will be forwarded to the JFHQ SARC. The JFHQ SARC is required to maintain all case files indefinitely.

c. The JFHQ SARC will send notification of a new report via email to the TAG, DJS, DOS-A, SEA, SJA, Chaplain, J1, DAG/DIV Commander and MSC commander within 24 hours of receipt of an allegation. Reports will contain incident location, units of assignment and ranks of both victim and perpetrator, whether a SAFE exam was done and whether a local law enforcement report has been made. No Personally Identifiable Information will be released through this notification. In an unrestricted case, those that require a need to know, can contact the JFHQ SARC for additional information. For restricted reports, this notification will be sent, however, no information regarding the victim or the assault will be given to the chain of command.

6. Upon receipt of an allegation of possible sexual assault the **State SJA** will:

a. MSC/Wing JAs will provide, through their JA technical chain to the JFHQ OSJA, initial case information within 24 hours of an allegation as well as periodic case updates.

b. JFHQ OSJA will advise TAG regarding initiation of NGB Office of Complex Investigations (OCI) investigation and case disposition.

c. JFHQ OSJA will communicate with MSC/Wing JAs regarding case status, TAG action and disposition.

d. JFHQ OSJA will review details of the incident and render an opinion for the TAG if the incident appears to meet the threshold for sexual assault.

e. When a report is not made immediately following an assault, but after some time has passed, JFHQ SJA will report sexual assault incidents to local law enforcement and/or the appropriate military criminal investigative organization if the victim fails to report.

f. In coordination with the JFHQ SARC, JFHQ OSJA tracks all sexual assault reports, status of investigations and dispositions.



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g. Coordinate with law enforcement and local prosecutors to receive the investigation file, and determine whether civilian criminal charges will be filed.

**7. Reporting and Investigation:** Allegations of a sexual assault perpetrated by a Minnesota National Guard Soldier or Airmen must be handled properly.

a. When an unrestricted sexual assault report is received, reporting will be handled in one of two ways depending on the timing of the report.

(1) If the assault is reported during or directly after an assault has occurred, the incident must be reported immediately to the appropriate law enforcement agency to respond to the scene.

(2) If the report is not made directly following the assault, but at some duration after where preservation of physical evidence is not a factor, the victim will be given 20 days from the date of signature on the DD 2910 to report to civilian law enforcement and/or the appropriate military criminal investigative organization (CID or OSI). If the victim chooses not to report law enforcement, the JFHQ Staff Judge Advocate office will report the crime on behalf of the victim.

b. After the initial report is made to law enforcement, The Adjutant General, in consultation with the SJA, will review the case and determine whether to request NGB OCI conduct a military investigation into the incident.

c. Intermediate Commanders are **not** authorized to conduct commander's inquiries or administrative investigations into sexual assault incidents. Leadership should not conduct questioning or request that victim, perpetrator or any witness provide written statements unless in support of a law enforcement or TAG directed investigation.

d. Soldiers and Airmen will be processed for administrative separation upon my receipt of a law enforcement or OCI investigation that substantiates a sexual assault based on the preponderance of the evidence. The term "processed for administrative separation" means that the separation action will be initiated and processed through the chain of command to the separation authority for appropriated action. The notice to initiate the process will come via memorandum from my office.

**8. Assigned Sexual Assault Prevention and Response (SAPR) personnel:** All MSCs will ensure service members meet all the requirements and criteria prior to appointment as SARC, VA, or SHARP Specialist. The following appointments are minimum standards.

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a. **MNARNG:** One trained SARC and VA/SHARP at the MSC/Brigade level. One trained VA at each Battalion and each Company level to ensure support is available at every level and geographically separated location within the MNARNG.

b. **MNANG:** One trained SARC, and one Alternate SARC at the Wing level. At a minimum six trained VAs within each Wing, preferably one from each Group.

c. Trained SAPR personnel are required to re-credential every two years to continue this special additional duty to ensure continuity of knowledge, program requirements and victim advocacy skills. 32 hours of continuing education is required every two years to maintain certification. The JFHQ SAPR office provides 16 hours every year. Refresher training dates are distributed through the FRAGO at the beginning of each FY with a follow up FRAGO 60 days prior to training dates. Training dates can also be found on the SARC SharePoint site <https://ngmnsharepoint/j1/SexualAssault/Default.aspx> under the appropriate FY training year folder.

9. Additional detailed information regarding sexual assault response is contained in the Minnesota National Guard Sexual Assault Prevention and Response Standard Operating Procedures located at the site above.

10. **SAPR Training Requirements:** Commanders will ensure that mandatory SAPR training is provided to all assigned service members and fulltime civilians by a trained and certified SARC, VA, or SHARP Specialist annually.

a. The MNARNG will complete the mandatory Sexual Harassment/Assault Response and Prevention (SHARP) training provided by trained SAPR personnel every fiscal year NLT 31 August. Authorized SAPR training requirements will be provided by the JFHQs SARC annually to meet the most current guidelines from the Department of Defense and National Guard Bureau.

b. The MNANG will complete the required Sexual Assault Prevention and Response Training provided by each Wing SAPR Personnel every fiscal year NLT 31 August. Training material is provided by NGB A1 Air.

c. All commanders will take the opportunity to recognize Sexual Assault Awareness and Prevention Month during April with the intent to fulfill the guidance provided by the JFHQs SARC on an annual basis.

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d. All Commanders will ensure awareness and prevention efforts are continually addressed at all times. The JFHQs SARC will provide the necessary resources to include posters, pamphlets, and videos to all units to fulfill all requirements.

11. The JFHQs SARC is. The JFHQs SARC, Mr. John Thompson, is available to respond and assist both Army and Air National Guard service members that have been a victim of Sexual Assault. For more information please contact MSG Thompson at 651-282-4078, 612-208-5299 or [john.j.thompson1.civ@mail.mil](mailto:john.j.thompson1.civ@mail.mil). Air National Guard members can also contact their respective Wing SARC at 855-713-7272 for the 133<sup>rd</sup> AW or 218-343-1266 for the 148<sup>th</sup> FW.



JON A. JENSEN  
Major General, MNARNG  
Adjutant General

Distribution:

"A" Army

"F" Air

## **Appendix C – Glossary of Terms**

1SG – First Sergeant

AFI – Air Force Instruction

ANG – Air National Guard

AR – Army Regulation

ARNG – Army National Guard

BCA – Bureau of Criminal Apprehension; Minnesota’s state-level criminal investigative agency

CDR - Commander

CID – Criminal Investigative Division; the Army’s criminal investigative agency

CMG – Case Management Group

CNGB – Chief, National Guard Bureau

CNGBI – Chief, National Guard Bureau Instruction

DEOCS – Department of Defense Organizational Climate Survey

DEOMI – Department of Defense Equal Opportunity Management Institute

DoD – Department of Defense

DoDD – Department of Defense Directive

DoDI – Department of Defense Instruction

DSAID – Department of Defense Sexual Assault Incident Database

D-SAACP – Department of Defense-Sexual Assault Advocate Credentialing Program

EO – Equal Opportunity

FY – Fiscal Year

JFHQ – Joint Forces Headquarters

LEO – Law Enforcement Organization

MCIO – Military Criminal Investigative Organization

MCMJ – Minnesota Code of Military Justice

MNCASA – Minnesota Coalition Against Sexual Assault

MNNG – Minnesota National Guard

MSC – Major Subordinate Command

NCO – Non-Commissioned Officer

NDAA – National Defense Authorization Act

NGB – National Guard Bureau

NOVA – National Organization for Victim Assistance

OCI – Office of Complex Investigations

OSI – Office of Special Investigations; the Air Force's criminal investigative agency

RSP – Recruit Sustainment Program

SA – Sexual Assault

SAFE – Sexual Assault Forensic Exam

SAPR – Sexual Assault Prevention and Response

SAPR-RB – Sexual Assault Prevention and Response Review Board

SARC – Sexual Assault Response Coordinator

SGT – Sergeant

SH – Sexual Harassment

SHARP – Sexual Harassment/Assault Response and Prevention

SJA – Staff Judge Advocate

SOP – Standard Operating Procedures

SSG/SSgt – Staff Sergeant

SVC – Special Victims Counsel

T10 – Title 10; Active Federal military status

T32 – Title 32; National Guard military status

TAG – The Adjutant General

TDS – Trial Defense Service; military lawyers who defend military offenders

TSgt – Tech Sergeant

UCMJ – Uniform Code of Military Justice

UVA – Unit Victim Advocate