

CY19 Commander's Talking Points for the Air National Guard

Q1: The SAPR Program

Q2: SAPR Reporting Options

Q3: Available SAPR Resources

Q4: SAPR Victim Rights



*** These slides are a tool to assist in training and available for your use (not mandatory); tailor to your unit and add your wing logo*

Definition: SAPR policy defines sexual assault as intentional sexual contact characterized by: force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent



The SAPR Program
Q1: January-March

**ADD YOUR
WING LOGO!**

- ❑ SAPR policy defines consent as a freely given agreement to the conduct at issue by a competent person
 - An expression of lack of consent through words or conduct means there is **no consent**
 - Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear **does not constitute consent**
 - A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue **shall not constitute consent**
 - A sleeping, unconscious, or incompetent person **cannot consent**

Sexual Consent: Easy as Pie:

<https://www.youtube.com/watch?v=8I1wc2bzZNY>



The SAPR Program
Q1: January-March

- ❑ **Program Oversight:** Installation or host Wing Commander oversight over local SAPR Prgm to ensure immediate, and trained response capability exists to support victims
 - ❑ SAPR services are **available 24/7**, for all locations, including deployed locations
 - ❑ SAPR personnel will ensure victims are protected, treated with dignity and respect and receive timely access to appropriate medical treatment and services
 - ❑ Confidentiality:
 - SARC/SAPR Victim Advocate (VA) have an obligation to protect confidential communication with the victim
 - Protections apply whether a restricted or unrestricted report
 - Applies from initial report onward

Note: Disclosures may be required by law or regulation. These definitions are NOT the definitions used to determine whether adverse administrative or punitive action under the UCMJ is appropriate for an offense.

Unrestricted Reporting



**SAPR Reporting Options
Q2: April-June**

- Investigated and Command Informed, need to know

□ **SAPR services:**

- Victim Advocate
- Line Of Duty (as eligible)
- Medical
- Mental Health
- Special Victim's Counsel
- Military Protective Order/Civilian Protective Order (as necessary)
- Expedited Transfer (as necessary/requested)

□ **Independent Investigation**

- Information regarding sexual assault is provided to law enforcement by someone other than victim - (CC must notify Military Criminal Investigative Office (MCIO) or local authorities)
- **Mandatory reporters include:** CCs, First Sergeants, Chain of Command (CoC)
 - Includes supervisors, supervisory chain, AF instructors, and law enforcement

Unrestricted Reporting-Cont.



SAPR Reporting Options
Q2: April-June

Reporting outside the Chain of Command (CoC): When alleged subject of a sexual assault is the commander or in the victim's CoC

Options:

- Report to next Sr Commanding Officer or those outside the CoC, OSI, IG, SVC (unrestricted)
 - Please note, if report was restricted-it must be changed to unrestricted to elect this option
- DoD Safe Helpline-Referral to resources for reporting
 - Telephone Helpline: 877-995-5247
 - Text: *55-247
 - Website: <http://www.safehelpline.org>

Restricted Reporting



SAPR Reporting Options
Q2: April-June

- **Confidential, Not Investigated, Reported to SARC, SAPR Victim Advocate, Healthcare Provider**
- **Eligible SAPR services:**
 - Victim Advocate
 - Restricted Line Of Duty (as eligible)
 - Medical
 - Mental Health
 - Special Victim's Counsel

Civilian Technicians & DoD Civilians



**Who is eligible
for
SAPR services?**

- Title 5 (Federal)
 - Civilian Employee:
 - A civilian employee of the Department of Defense
- Title 32 Sec. 709 (b)
 - Dual Status (DS) Technician:
 - A civilian employee of the Department of Defense serving as a military technician and required to maintain status as member of the Selected Reserve
- Title 32 Sec. 709 (c)
 - Non-Dual Status (NDS) Technician:
 - A civilian employee of the Department of Defense serving in a military technician position (i.e. Airman and Family Readiness Program Manager)

National Guard Technician



Who is eligible for SAPR services?

- ❑ NDS Techs **are eligible** for Restricted or Unrestricted Reporting
- ❑ Techs are **NOT** eligible for LODs, unless the assault occurs while they are on mil status
 - Medical expenses may be covered by Workman's Comp or Health Insurance
- ❑ **ALL** statuses are eligible for Special Victim's Counsel (SVC) for 100% legal representation
 - SVC's role -to represent the client's interests throughout the military justice process
- ❑ SAPR personnel can assist and determine available services & referrals
 - Sexual Harassment complaints should be referred to Equal Opportunity (EO) or the State Equal Employment Manager (SEEM) at JFHQ for a warm-handoff
 - Sexual Assault reports should be referred to local SARC
- ❑ Eligible for Expedited Transfer Request

State Active Duty



**Who is eligible
for
SAPR services?**

- ❑ **State Active Duty** - When National Guard forces are employed under state control **for state purposes** and at **state expense** as provided in the state's constitution and statutes
- ❑ If a sexual assault occurs while on State AD, service member is entitled to:
 - SAPR services with **both** unrestricted report and restricted report options
 - Legal/Special Victim's Counsel (SVC) services
 - Entitled to State's Workman/Crime Compensations Program

Family Members



Who is eligible for SAPR services?

- ❑ Adult Dependents (DEERs/Tricare Eligible) 18 years & older are eligible for:
SAPR advocacy services
 - Options to elect either restricted reporting or unrestricted reporting
 - Medical entitlement when sponsor is T32 AGR (Tricare Eligible)
 - Medical entitlement when sponsor is T10 (Tricare Eligible)
 - Medical entitlement when sponsor is T32 full time status (Federal Employee Health Benefits)
- ❑ Dependents **under the age of 18 years**
 - Mandatory reporting to DPH and law enforcement

BLUF:



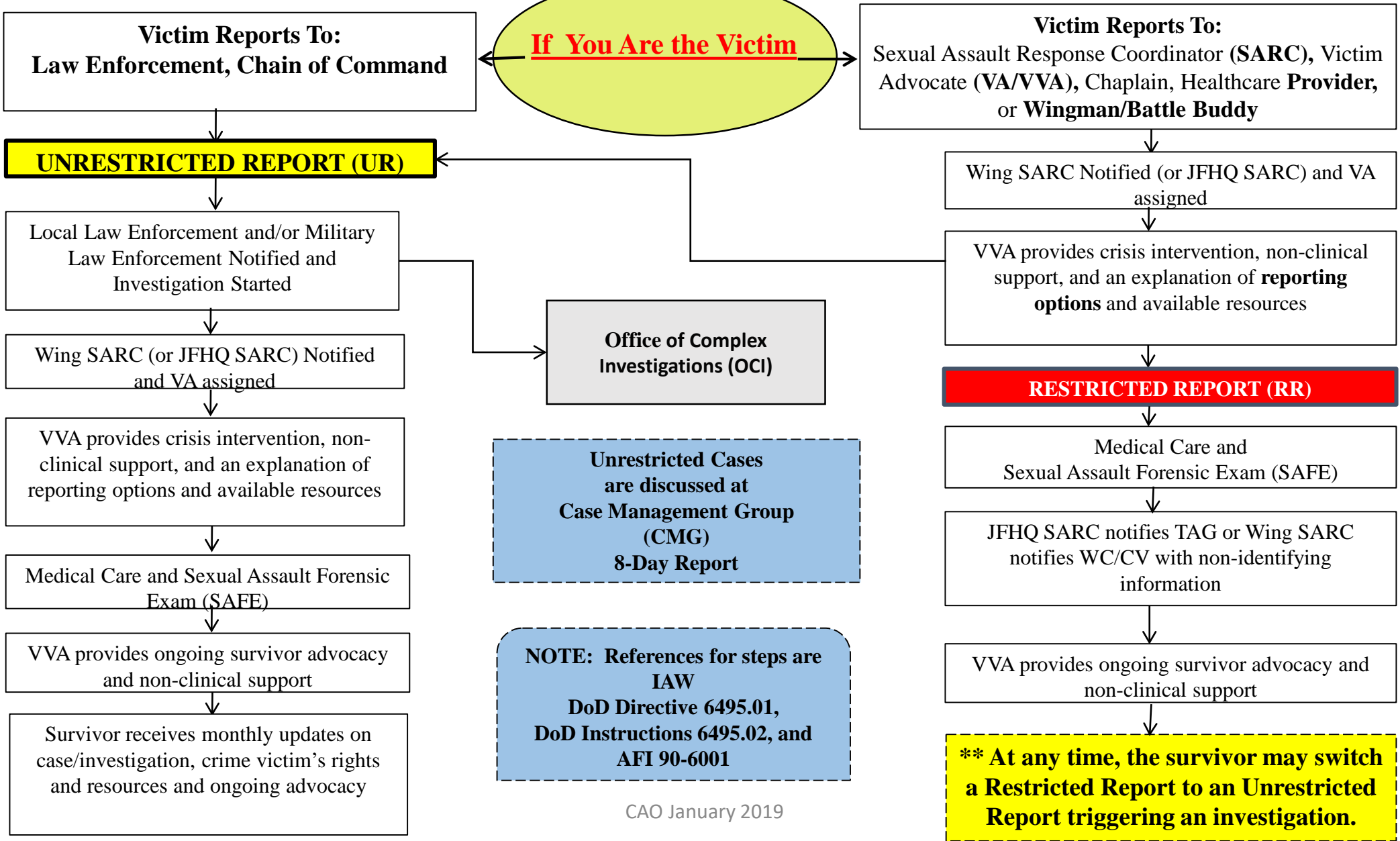
Who is eligible
for
SAPR services?

❑ **Regardless of what status or report type, ALL members have all/or some SAPR services available to them:**

- Victim Advocate
- Line Of Duty (as eligible)
- Medical (including follow-on care)*
- Mental Health (including follow-on care)*
- Special Victim's Counsel
- Military Protective Order/Civilian Protective Order (as necessary)
- Expedited Transfer (as necessary/requested)
- Office of Complex Investigations (OCI) - Administrative investigation, if declined by law enforcement...not automatic, **must be** requested by TAG

**MOST IMPORTANT -
Care of the victim**

SAPR Reporting Process



Military SAPR Resources



SAPR Resources
Q3: July-September

- SARC**
- Advocacy** from a SAPR Victim Advocate or Volunteer Victim Advocate
- Sexual Assault Forensic Exam (SAFE)** – accomplished at local health care facility
- Special Victim’s Counsel (SVC)** (UCMJ nexus – see SARC for request/exceptions)
- Mental Health, Employee Assistance Program (EAP)** or **local counseling resources**
- Medical Care** - Primary Care (military), local hospital or physician (civilians)
- Chaplain**
- DoD Safe Helpline**
- Expedited Transfer:** Guard member's option to request temporary or permanent transfer from their assigned or Inactive Duty Training (IDT) location for unrestricted cases only (CNGBI 1303.01A)
- Military or Civilian Protective Orders for unrestricted only:** Prohibit contact or communication with the victim. MPOs - issued by the alleged offender’s commander and are enforceable by military authorities. Civilian law enforcement is **not** required to honor or enforce a MPO

**** Security Clearance & Questionnaire SF86 for National Security Positions: Victims are instructed to answer “No” to SF 86 Question 21 if their emotional/mental health consultation with a health care professional was strictly related to the sexual assault.**

Civilian SAPR Resources



SAPR Resources
Q3: July-September

- Sexual Assault Response Coordinator (SARC)
- Advocacy from a SAPR Victim Advocate or Volunteer Victim Advocate
- Sexual Assault Forensic Exam
- Mental Health/Employee Assistance Program/Local Services
- Local hospital/physician
- Chaplain
- DoD Safe Helpline
- Civilian Protective Order
- Community Resources: Local Rape Crisis Centers

Sexual Assault Victims have the right to, but not limited to:



SAPR Victim Rights
Q4: October-December

- Be treated with fairness and respect for your dignity and privacy
- Be reasonably protected from the accused offender
- If case proceeds to military justice action, the victim has the right to:
 - Receive notice and be present unless military judge orders otherwise
 - Reasonably confer with the prosecutor/Trial Counsel in the case
 - Receive available restitution
 - Proceedings free from unreasonable delay

Protection Against Retaliation and Reprisal



SAPR Victim Rights
Q4: October-December

Retaliation - taking or threatening to take an adverse personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a military member because the member reported a criminal offense

- ❑ Command **will protect** the following individuals from retaliation, ostracism, maltreatment and reprisal related to a report of sexual assault:
 - Victims
 - Witnesses/Bystanders
 - First Responders (i.e., SAPR Personnel and Special Victims' Counsel)

- ❑ **Report retaliation/reprisal** related to a report of sexual assault via:
 - SARC/SAPR Victim Advocate
 - Special Victims' Counsel (SVC)
 - Office of Special Investigations (OSI)
 - Immediate Commander or Commander Outside the Chain of Command
 - Inspector General (IG)

Resources

- ❑ DoDI 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures*
- ❑ DoD SAPRO, Annual/Refresher SAPR Training Core Competencies and Learning Objective
- ❑ AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*
- ❑ CNGBI 1303.01A, *Expedited Transfer, Reassignment, Or Removal of National Guard Members Due To An Unrestricted Report of Sexual Assault*