



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
NATIONAL GUARD BUREAU  
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NGB-J1

JUN 15 2005

MEMORANDUM FOR THE J1 OF ALL STATES, PUERTO RICO, THE US VIRGIN ISLANDS, GUAM, AND THE DISTRICT OF COLUMBIA

SUBJECT: National Guard Bureau (NGB) Commander's Checklist for Responding to Allegations of Sexual Assault (J1-05-042)

1. References:

- a. Department of Defense, Directive-Type Memorandum (DTM) Subject: Commander Checklist for Responding to Allegations of Sexual Assault, 15 Dec 04.
- b. Army Sexual Assault Prevention and Response Program Action Plan, 19 Aug 04.
- c. ALARACT 176/2004, 122030Z Nov 04, subject: Interim Guidance, Army Sexual Assault Prevention and Response Program.
- d. Department of the Air Force Policies and Procedures for Prevention of and Response to Sexual Assault, 8 Jun 05.

2. The purpose of this memorandum is to provide commanders with the tools necessary to ensure the appropriate balance between a sexual assault victim's right to feel secure and the accused's rights to due process under the law. These actions are detailed in the enclosed "Commanders Checklist". This guidance will remain in effect until Chapter 8 AR 600-20 and appropriate Air Force Instruction are published.

3. The ultimate goal of the Commander's Checklist is to prevent further harm or victimization of the victim. The National Guard will care for victims of sexual assault with dignity, fairness and respect. Commanders will address every sexual assault incident seriously, thoroughly investigate the incident, and hold those who commit offenses accountable.

4. Commanders notified of a reported sexual assault must immediately take steps to ensure the victim's physical safety, emotional security and medical treatment needs are met, and that the appropriate civilian and military authorities are notified. Additionally, the victim's unit commander must take these necessary actions:

- a. Assess and determine the need for temporary reassignment of the victim or the accused being investigated.

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b. Working with the accused's commander if different than the victim's commander, until there is a final legal disposition of the sexual assault allegation or any physical safety or emotional security issues are resolved.

c. To the maximum extent possible, commanders should consider the victim's desires prior to any reassignment decision.

5. The enclosed Commander's Checklist details the actions to be taken in the event of a commander receiving a report of sexual assault. A more comprehensive Commanders Checklist will be published at a later date and will supersede the current checklist.

6. Point of contact is Ms. Deborah A. White, NGB Sexual Assault Program Coordinator, DSN 327-9193, 703-607-9193, or email [deborah.ann.white@ngb.army.mil](mailto:deborah.ann.white@ngb.army.mil).

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CF:  
Each CoS (w/encl)  
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**National Guard Bureau  
Sexual Assault Prevention and Response Program**

**Commander's Sexual Assault Victim Assistance Checklist**

(Note: These actions are to be taken in the event of receiving a report of sexual assault. Not necessarily all will be taken by the commander).

1. \_\_\_\_\_ Ensure the physical safety of the victim – determine if the alleged assailant is still nearby and if the victim needs protection.
  2. \_\_\_\_\_ Advise the victim of the need to preserve evidence (e.g., not bathing, showering, washing garments).
  3. \_\_\_\_\_ Encourage the victim to report the incident and get a medical examination immediately (even if the incident occurred prior to the past 72 hours).
  4. \_\_\_\_\_ Make appropriate administrative and logistical coordination for movement of victim to receive care. (Involve the minimum number of personnel possible and only on a need-to-know basis).
  5. \_\_\_\_\_ Notify the local civilian authorities.
  6. \_\_\_\_\_ Notify the Chaplain if the victim desires pastoral counseling or assistance.
  7. \_\_\_\_\_ Report the sexual assault incident, within 24 hours of receipt, through the chain of command to the following, if entities have not been notified already notified:  

\_\_\_\_\_ Civilian/Military Authorities

\_\_\_\_\_ Commanders in the chain of command (as appropriate)
  8. \_\_\_\_\_ Ensure the Civilian/Military Authorities notifies victims and witnesses of their rights through a completed Victims and Witnesses of Crime form, DD Form 2701, or civilian equivalent. (Reference AR 27-10 and AR 600-20, Appendix G, AFI 51-201, Chapter 7).
  9. \_\_\_\_\_ Confer with commander's legal representative to consider legal options and responsibilities.
  10. \_\_\_\_\_ Ensure the victim is made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.
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11. \_\_\_\_\_ Determine the best courses of action for separating the victim and the subject during the investigation.
    - Determine whether the victim desires to be transferred to another unit.
    - Determine if the suspect needs/desires to be transferred to another unit.
    - Coordinate with sexual assault resources and chain of command (involve as few people as possible and only on a need to know basis, protecting the victim's privacy) to determine if the victim's condition warrants redeployment/reassignment.
  12. \_\_\_\_\_ Confer with servicing Staff Judge Advocate (SJA) office to consider pretrial options and responsibilities to include the possibility of pretrial restraint (including a no contact/military protective order) and appropriate disposition of the alleged offense.
  13. \_\_\_\_\_ Flag (suspend favorable personnel actions) any Soldier listed as a subject in a military report of investigation IAW AR 600-8-2, and suspend the Soldier's security clearance IAW AR 380-67, paragraph 8-102. For ANG personnel who are subjects in military or civilian investigations, consider appropriate personnel actions (such as delaying promotions or other favorable personnel actions), and also consider suspending the member's security clearance IAW AF 31-501, Chapter 8.
  14. \_\_\_\_\_ Inform the victim of the resources that are available to them through the Victim and Witness Assistance Program (VWAP) (AR 27-10, AFI 51-201, Chapter 7) (i.e. Military One Source (International: 1-800-464-8107, 24-hour-a-day, 7-day-a-week, [www.militaryonesource.com](http://www.militaryonesource.com)); DoD Deployment Health Support Hotline (1-800-497-6267 from 0900-2100 hours, Monday through Friday).
  15. \_\_\_\_\_ Inform the victim of local community resources that are available to them.
  16. \_\_\_\_\_ Update the status of the victim and subject(s) within 14 calendar days and on a monthly basis thereafter, to the battalion or higher-level commander until the case is officially closed. If the victim or subject is transferred or redeployed prior to the case closing, coordinate with investigative and SJA personnel before ceasing monthly updates on parties involved.
  17. \_\_\_\_\_ Initiate follow-up with the victim within 45 days after disposition of the case.
  18. \_\_\_\_\_ Ensure unit personnel are abreast of risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.
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