



CHIEF NATIONAL GUARD BUREAU NOTICE

NG-J1-SAPR
DISTRIBUTION: A

CNGBN 1303
11 March 2015

NATIONAL GUARD IMPLEMENTATION OF SEXUAL ASSAULT INCIDENT RESPONSE OVERSIGHT (SAIRO) REPORT

References: See Enclosure A

1. Purpose. This notice provides guidance to complete reporting requirements in accordance with (IAW) reference a for Unrestricted Reports and independent investigations of sexual assault involving National Guard (NG) members on duty pursuant to Title 32, United States Code.
2. Cancellation. None.
3. Applicability. This instruction applies to National Guard members on duty pursuant to Title 32, United States Code.
4. Background. A Sexual Assault Incident Response Oversight (SAIRO) report is required for an Unrestricted Report of sexual assault made by or against an adult Guard member or when a Military Criminal Investigative Organization (MCIO) or civilian law enforcement (CLE) agency initiates an independent investigation. The SAIRO report is a one-time reporting requirement and not applicable to Restricted Reports. Victims indicate their reporting preference on a Victim Reporting Preference Statement form, DD Form 2910. The SAIRO report provides the General Officer-level commander with visibility and transparency of the local response to a sexual assault.
5. Action or Procedure. The signed Victim Reporting Preference Statement triggers referrals for medical and mental healthcare, victim advocacy, and a Special Victim's Counsel (SVC) to the victim of sexual assault; referral of an Unrestricted Report of sexual assault to the appropriate MCIO or CLE agency; and, initiation of the SAIRO report for Unrestricted Reports of sexual assault.
 - a. Time-Requirement Trigger. The Sexual Assault Response Coordinator (SARC) notifies the senior-level commander of a qualifying sexual assault

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within 24 hours, or 48 hours if extenuating circumstances exist. A senior-level commander may also be notified by MCIO or CLE of an independent investigation. The SAIRO report must be submitted within eight calendar days based on the following:

(1) The victim of sexual assault elects an Unrestricted Report by signing DD Form 2910.

(2) The victim of sexual assault signs DD Form 2910 to convert a Restricted Report to an Unrestricted Report.

(3) A MCIO or CLE with jurisdiction over a criminal report notifies the commander of a subject or victim of an independent investigation.

b. Responsibilities Criteria. The commanders responsible for preparing and submitting the SAIRO Report are identified in Table 1.

Victim	Subject	Unit	Responsible for Preparing and Submitting SAIRO	Report Type	Trigger for Eight-Day Time Frame
Guard member	Guard member	Both in same unit	Victim's Senior-Level Commander	Full Report	Signed DD Form 2910
Guard member	Guard member	Different	Victim's Senior-Level Commander	Full Report	Signed DD Form 2910
Guard member	Guard member's commander	Both in same unit	First O-6 or the first General Officer (GO) in the chain of command if the Subject is an O-6	Full Report	Signed DD Form 2910
Guard member	Civilian	N/A	Victim's Senior-Level Commander	Full Report	Signed DD Form 2910
DoD Civilian eligible for SAPR services	Guard member	N/A	Subject's Senior-Level Commander	Abbreviated Report	Signed DD Form 2910
Civilian NOT eligible for SAPR services	Guard member	N/A	Subject's Senior-Level Commander	Abbreviated	MCIO or CLE notifies senior level commander

Table 1. SAIRO Report Responsibility

c. Preparing a SAIRO Report. The assigned senior-level commander, who has a minimum rank of O-5, prepares and submits the SAIRO report within the required time frame. He or she prepares the SAIRO report with input from the State Staff Judge Advocate (SJA), SARC, and MCIO OR CLE with jurisdictional authority. However, the SARC does not provide information when an independent investigation triggers the SAIRO report.

(1) Report Type. Prepare either a full or abbreviated report (see Table 1). NG SAIRO Full and Abbreviated Report templates are located on the secure Guard Knowledge Online (GKO) Web site at references b and c, respectively.

(a) Full Report. A full report consists of the Incident Data, Advocacy Services Offered, Victim's Commander Input, Healthcare, Investigation, Safety, Expedited Transfer, and Legal Services information specified in this notice.

(b) Abbreviated Report. An abbreviated report consists of the Incident Data and Investigation information specified in this notice.

(2) Report Content. The content depends upon the type of report.

(a) Personally Identifiable Information (PII). The SAIRO report will not include PII, victim photographs, health information protected under reference f, or any demographic or incident information that could reasonably lead to personal identification of the victim or the subject for both Unrestricted Reports and independent investigations.

(b) Incident Data. The assigned commander obtains preliminary information on a sexual assault from the MCIO or CLE and includes at least the following information in the SAIRO report.

1. The victim and subject's gender, duty status, Service affiliation, assigned unit (brigade/wing or battalion/group), rank or grade, and state NG membership.

2. The most serious sexual assault offense under investigation.

3. Location where the reported offense occurred.

4. Date and time of the incident.

5. Date the victim was referred to a SARC, Joint Force Headquarters-State (JFHQ-State) Victim Advocate Coordinator (VAC), or a Sexual Assault Prevention and Response Victim Advocate (SAPR VA).

6. Date when the victim signed DD Form 2910 and the SARC, JFHQ-State, or JFHQ-State VAC filed a copy for record, if applicable.

7. Date the offense was reported to CLE or MCIO, including the name of the organization notified.

8. If the subject is a Guard member, whether he or she has been temporarily transferred, removed from an assigned billet, or had other command action taken.

9. Date the SAIRO report was submitted to The Adjutant General (TAG) or Commanding General of the District of Columbia National Guard (CG), and the required GO.

10. Other relevant information pertaining to the subject.

(c) Advocacy Services Offered. SAPR personnel offer services and support if the victim is a Guard member, adult military dependent, or otherwise eligible for SAPR services IAW reference d. The SARC will provide the following information to the senior-level commander for the SAIRO report.

1. Confirmation that information was entered in the Defense Sexual Assault Incident Database within 48 hours IAW reference d.

2. A summary of SAPR services offered.

3. Confirmation that Equal Opportunity (EO) services were offered to address potential EO complaint notification requirements and procedures.

4. A description of any circumstances, such as timeliness, sensitivity, obstacles to care, coercion, retaliation, or reprisal, that adversely affected the command's ability to address the victim's need through the advocacy services accepted.

a. The SARC submits the victim's input after the victim provides written consent for disclosure of confidential or privileged communication.

b. The SARC confirms the victim was informed of the right to speak to an SVC before he or she provides the victim's written consent for release of confidential or privileged communication.

5. The date when the next Case Management Group (CMG) meeting is scheduled to provide oversight for this case. Confirm that TAG, the

CG, or the Deputy AG will chair the CMG and that the victim's senior level commander is a mandatory member IAW reference d.

(d) Victim's Commander Input. Include additional comments by the victim's commander, if any.

(e) Healthcare. A Guard member's eligibility for healthcare is assessed through a Line of Duty (LOD) determination. If a LOD is requested, then provide the date when:

1. The LOD was initiated.
2. The victim was offered medical care.
3. The victim was offered mental health care.
4. A sexual assault forensic examination (SAFE) was offered either at a military treatment facility or a local civilian medical facility. If a SAFE was not offered, then explain why.

(f) Investigation. If an investigation was initiated:

1. Provide the MCIO or CLE case file number. If there is no case number, then state why, identify the investigating jurisdiction notified, and the date of the notification. CLE information may not be available.
2. Confirm, if applicable, that the victim has an Initial Information for Victims and Witnesses of Crime form, DD Form 2701.

(g) Safety. If the victim is a Guard member or an adult military dependent, then:

1. Provide the date the victim's safety was assessed.
2. Report whether there was a need to assemble a High-Risk Response Team IAW reference d.
3. Provide the date the victim was given information regarding military protective orders (MPOs) and civilian protective orders (CPOs).
4. Report whether MPOs and CPOs were issued and include the issue dates IAW reference d.

(h) Expedited Transfers. If the victim is a Guard member, then:

1. Provide the date the victim was given information regarding expedited transfers.

2. Report whether or not the victim requested an expedited transfer and, if so, its processing status, including the date received.

(i) Legal Services. If the victim is a Guard member and eligible for the NGB SVC program, provide the date the victim was informed of the program, and confirm that the victim was notified that a SVC is the victim's attorney, not the government's attorney, and will provide him or her with legal advice and representation.

(3) Report Submission. The assigned senior-level commander submits the SAIRO report to the specified recipient under the following circumstances. This recipient may not direct anyone lower in the chain of command to receive the report on his or her behalf.

(a) TAG or CG always receives a copy of the SAIRO report when a victim or subject of an Unrestricted Report of sexual assault is an NG member.

(b) The first officer in the grade of O-6 and the first GO in the chain of command receive copies of the SAIRO report if a victim is a Guard member.

(c) The first officer in the grade of O-6 and the first GO in the chain of command receive copies of the SAIRO report if a subject is a Guard member.

(d) The next higher commander will receive the SAIRO report if either the first officer in the grade of O-6 or the first GO in the chain of command designated to receive the SAIRO report is the subject.

(4) Need to Know. The information contained in the SAIRO report is limited to personnel with an official need to know IAW reference e or as authorized by law.

6. Releasability. This notice is approved for public release; distribution is unlimited. Copies are available through <<http://www.ngbpcdc.ngb.army.mil>>.

7. Effective Date. This notice is effective on the date signed and expires one year from the date of signature unless cancelled earlier.



FRANK J. GRASS
General, USA
Chief, National Guard Bureau

Enclosure:

A -- References

ENCLOSURE A

REFERENCES

- a. USD (P&R) Memorandum, 30 September 2014, Incorporating Change 1, effective October 7, 2014, "Directive Type Memorandum (DTM) 14-007- "Sexual Assault Incident Response Oversight (SAIRO) Report""
- b. NGB GKO, "NG SAIRO Full Report Template,"
<<https://gkoportal.ng.mil/joint/J1/SAPR/SAIRO/Forms/AllItems.aspx>>
- c. NGB GKO, "NG SAIRO Abbreviated Report Template,"
<<https://gkoportal.ng.mil/joint/J1/SAPR/SAIRO/Forms/AllItems.aspx>>
- d. DoD Instruction 6495.02, 28 March 2013, Change 1, 12 February 2014, "Sexual Assault Prevention and Response (SAPR) Program Procedures"
- e. 5 U.S.C. § 552A, "Records Maintained on Individuals"
- f. DoD 6025.18-R, 24 January 2003, "DoD Health Information Privacy Regulation"