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C. L. "BUTCH" OTTER
GOVERNOR

THE ADJUTANT GENERAL
GARY L. SAYLER

NGID-TAG

March 2014

MEMORANDUM FOR All Members of the Idaho National Guard

SUBJECT: Sexual Assault Prevention and Response Policy (IDNG-26)

1. Sexual assault is a crime that will not be tolerated in the Idaho National Guard. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit such acts. "Consent" will not be construed to mean the failure by a victim to offer physical resistance. Consent is not given when a person uses force or threat of force, coercion, or when the victim is asleep, incapacitated or unconscious.

2. Sexual assault has a devastating and often lasting impact on the victim, the victim's family and the readiness of the Idaho National Guard. I am committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided the support, advocacy and care they need. National Guard leaders at every level will create and promote a positive command climate in an attempt to prevent sexual assault from occurring and to assure victims that their chain of command will fully assist them if it does occur.

3. Personnel belonging to the Idaho National Guard who become aware of a sexual assault involving any member of the Idaho Military Division will immediately report this information to the Sexual Assault Response Coordinator (SARC). Incidents involving sexual assault are considered privileged information and will only be released to the Joint Forces Headquarters (JFHQ) SARC, 124th Fighter Wing SARC, Deployable SARC, or a Victim Advocate (VA). In addition, Family Assistance Center Specialists and individuals working in Family Programs will immediately report all instances of sexual assault involving Service Members and their immediate Family Members in the Idaho National Guard over the age of 18 directly to the JFHQ SARC. Clinical social workers and counselors that work in Family Programs are exempt from direct reporting due to confidentiality with their clients, unless disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or other identifiable person. Additionally, by law, any sexual assault of a minor must be immediately reported to law enforcement officials. When the JFHQ SARC has been notified of a sexual assault they will report the required information directly to The Adjutant General, State of Idaho, within 24 hours. It is Department of Defense policy that all Active, Reserve, and National Guard members will have the option of either Restricted or Unrestricted Reporting if they become victims of sexual assault. The details of both reporting options are outlined below.

a. Restricted Reporting allows a soldier or airman who is a victim of sexual assault to disclose the details of an assault to a Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), health care provider or Chaplain on a confidential basis. If a soldier or airman has disclosed that they have been sexually assaulted to any person in military service that is not in one of the aforementioned roles then their incident must automatically be filed as an unrestricted case. In Restricted Reporting, a victim may receive referral to civilian services without triggering the official investigative process. It is important to know that victims choosing the Restricted Reporting option will not be eligible to receive incapacitation pay; although through the Line of Duty process they are eligible to receive health care benefits that are necessary as a result of the assault.

b. Unrestricted Reporting allows soldiers or airmen who are victims of a sexual assault to seek medical treatment, counseling, or have an official investigation of his or her allegation conducted by utilizing current reporting channels (chain of command, law enforcement, SARC or VA). Even though it is an Unrestricted Report, details of the incident will be limited to only those personnel who have a legitimate need to know. Upon notification of a reported sexual assault, the victim will be immediately referred to the SARC. With the victim's consent, the SARC will contact a VA to assist the victim. Additionally, with the victim's consent, a health provider may conduct a forensic examination, which may include the collection of evidence. If the victim chooses to receive medical or counseling services, a Line of Duty (DA 2173 or AF 422) will be completed and the appropriate referrals will be initiated in accordance with AR 600-8-4 and Air Force Instruction 36-6001.

4. I have appointed a JFHQ SARC to implement the Department of Defense Sexual Assault Prevention and Response Program (SAPR) in accordance with National Guard Bureau guidance. Each commander will appoint the required SAPR personnel at his or her level and ensure the proper training is accomplished. The Idaho Army National Guard will have a Deployable SARC (DSARC) appointed at each brigade/unit of action and higher level units and a minimum of two unit VAs at each battalion and equivalent level units. The Idaho Air National Guard (IDANG) will have a SARC and a minimum of two Victim Advocates for the 124th Wing at Gowen Field. The IDANG has an agreement in place for Airmen located at Mountain Home AFB to receive Sexual Assault Prevention and Response (SAPR) assistance from trained Mountain Home AFB personnel. The 266th RANS will have at least one airman trained as a VA. Special circumstances concerning unit size or mission may require discussion with the JFHQ SARC to ensure proper staffing.

5. Each Soldier and Airman will receive the National Guard Bureau mandated initial training on SAPR as directed by each Service. Refresher training on SAPR will be conducted annually at the unit level. Additional SAPR training will be integrated into pre-deployment and post-deployment briefings.

6. Any act of sexual assault is incompatible with our military values and tears at unit cohesion, degrading our mission readiness. Conviction of sexual assault is punishable under the ICMJ and other federal and local civilian laws.

7. The JFHQ SARC is 1st LT Christopher Stoker who can be reached at (208) 272-8400 or christopher.c.stoker.mil@mail.mil. The 124th Wing SARC is Lt Col Michael Knowles (208) 422-6162 or michael.knowles@ang.af.mil. They are able to provide information on available military and civilian resources to support victims and their families.

8. The IDNG Sexual Assault Prevention and Response 24-hour HOTLINE number is (208) 447-6166. The HOTLINE will be answered by the JFHQ SARC or designated alternate and is available to assist any member of the Idaho Military Division, as well as their adult dependants. A National Guardsman may contact the Hotline 24 hours a day to seek help following a sexual assault, to obtain a referral for medical or counseling services, or for assistance in reporting a sexual assault. If a victim does not wish to file a criminal report for sexual assault, he or she may still seek medical attention to ensure his or her health and safety. These services are also available to victims of a past sexual assault.

9. The point of contact for the Sexual Assault Prevention and Response Program is 1st LT Christopher Stoker at (208) 272-8400.

10. This memorandum will not be incorporated into any other type publication, and will remain in effect until rescinded by proper authority.

GARY L. SAYLER
Major General
Commanding General, IDNG