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Major General
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NGNV-Z

20 July 2023

MEMORANDUM FOR NEVADA NATIONAL GUARD PERSONNEL

SUBJECT: Sexual Assault Prevention and Response (SAPR) Program

1. References. See Enclosure 1.
2. The purpose of this memorandum is to establish policies and procedures regarding the prevention of and response to sexual assault within the Nevada National Guard consistent with federal laws, federal regulations, and state laws.
3. Sexual assault has no place in the Nevada National Guard. Sexual assault has a negative and lasting impact on survivors, undermines unit cohesion, erodes unit effectiveness and combat readiness. Any member who commits sexual assault will be subject to applicable civilian criminal laws, the Nevada Code of Military Justice (NRS 412), the Uniformed Code of Military Justice (UCMJ), and/or administrative discipline—which could result in separation or removal from military service. Sexual assault and sexual harassment will not be tolerated, condoned, or ignored and are incompatible with Army and Air Force values.
4. Department of Defense Directive 6495.01 defines sexual assault as: intentional sexual contact characterized by the use of force, threats, intimidation or abuse of authority or when the victim does not or cannot consent; the term includes a broad range of sexual offenses, including rape, sexual assault aggravated sexual contact, abusive sexual contact, forcible sodomy or attempts to commit these acts. NRS 412.5485 defines sexual assault as: engaging in intentional sexual contact with another person and such sexual contact is characterized by the use of force, threats, intimidation or abuse of authority or occurs when the victim does not or cannot consent. NRS 200.366 defines sexual assault as: subjecting another person to sexual penetration, or forcing another person to make a sexual penetration on themselves or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct.
5. Anyone who believes they are a victim of sexual assault is highly encouraged to contact a SAPR representative. (See Enclosure 2). SAPR personnel will provide confidential care, response, and resources to those who report incidents of sexual assault. In addition to

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military support, Nevada law includes a victims of crime program, which assists in paying for certain expenses related to the crime; however, Nevada may only allow for certain compensation if the crime is reported within five days. Additionally, the UCMJ and Nevada law provide a variety of rights to victims.

6. A Special Victims' Counsel may also be available to victims of sexual assault. Special Victims' Counsel are attorneys who receive extensive specialized training on legal issues concerning victims of sexual assault and are certified to provide legal representation and counsel throughout the military disposition process.

7. Sexual Harassment is conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when: submission to such conduct is, either explicitly or implicitly, made a term or condition of a person's job, pay, or career; submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. If someone has experienced sexual harassment, they may file a complaint with the Equal Opportunity Office. The number for the EO/EEO Hotline is 775.886.7600. Those who have experienced sexual harassment are also entitled to limited services from SAPR personnel.

8. Affirmative and knowing consent is pertinent in relationships. Neither a current or previous intimate relationship, nor the manner of dress of the person assaulted, nor the profession of the person assaulted shall alone constitute consent. Sexual assault can occur without regard to gender, sexual orientation, spousal relationship, or age of the victim.

9. Military members, civilian employees, and military dependents 18 years or older are eligible to file a Restricted or Unrestricted Report of sexual assault to a sexual assault response coordinator (SARC) or victim advocate (VA) and receive eligible support and services. Those who report sexual assault are protected from reprisal, retaliation, ostracism, and maltreatment. These protections extend to the survivor's family members, alleged offenders, SAPR personnel, witnesses, and intervening bystanders. Individuals may report retaliation to their supervisor, chain of command, a SARC or VA, Provost Marshal (PMO), Staff Judge Advocate (SJA), Inspector General (IG), or use the DoD IG's Hotline for Whistleblower Reprisal Complaints.

10. The Nevada National Guard is committed to maintaining a culture free of sexual assault (and attitudes which promote or condone such behavior) through prevention techniques, education and training, response capabilities, victim support, reporting procedures, and appropriate accountability that enhances the safety and well-being of all survivors of sexual assault.

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11. Commanders and supervisors are responsible for the success of the SAPR program. Commanders must ensure members are trained on the definition of sexual assault, potential consequences for offenders, and available reporting options. Commanders must inform members of the prohibitions against coercion, retaliation, ostracism, maltreatment, and reprisal against victims of sexual assault, alleged offenders, SAPR personnel, witnesses, and intervening bystanders. Furthermore, commanders will implement policies as required by regulation.

12. In accordance with Department of Defense Instruction 6495.02, Volume 3, retaliation is an act that involves wrongfully taking (or threatening to take) personnel actions or wrongfully withholding (or threatening to withhold) a favorable personnel action with respect to any person for making or preparing to make a protected communication. Retaliation (ostracism) is an act that involves wrongfully excluding a servicemember from social acceptance or membership with the intent to inflict emotional distress, discourage reporting, and discourage the administration of justice—pertaining to certain social interactions with a connection to military service. Retaliation (cruelty) occurs when a person subject to the UCMJ is cruel toward, oppresses, or maltreats any person subject to their orders, but not necessarily in their chain of command.

13. All Nevada National Guard members will attend their mandated annual Sexual Assault Prevention and Response (SHARP or SAPR) training and ensure that their training is properly documented through their respective units. Commanders and supervisors will coordinate with the State SAPR Officer, State Victim Advocate Coordinator, or ANG 152 Airlift Wing SARC to eliminate any barriers to training.

14. All Nevada National Guard members should be familiar with the SAPR Pocket Card. (Enclosure 3). Commanders may request printed copies through their respective service's print shop or distribute the digital copy as an attachment to their drill letter.

15. Commanders and supervisors at all levels will promote a positive command climate wherein survivors have confidence that their chain of command will take allegations seriously and respond to allegations appropriately. Leadership must ensure sexual assault survivors are treated with dignity, fairness, and have respect for their person and their privacy.

16. Commanders and supervisors at all levels will not launch an internal investigation (AR 15-6, CDI, or any other type of inquiry, including the collection of sworn statements) into allegations of sexual assault. Only investigators specially trained to conduct sexually motivated incident investigations will conduct them. Upon receipt of a report of sexual assault, commanders and supervisors should immediately contact the State SAPR Officer (SAPRO), the State Victim Advocate Coordinator (VAC), the Wing SARC, the Office of the Staff Judge Advocate, or the Provost Marshall Office. Any authority to take adverse action in response to an unrestricted report of sexual assault is withheld by the Adjutant General, unless otherwise released.

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17. The SAPRO, Mr. Jheremy K. Perkins; the VAC, Ms. Tawnya M. Venable; the 152d Wing SARC, Ms. Michelle J. Middleton; and the qualified SARCs and Victim Advocates are available to respond and assist members who are victims of sexual assault.

18. The point of contact for questions or guidance regarding the Nevada National Guard SAPR program is the SAPRO, Mr. Jheremy K. Perkins, office: (775) 384-5839, duty cell: 775.291.7820 or email: jheremy.k.perkins.civ@army.mil. The Joint SAPR 24/7 line is 775.887.SARC (7272); the previous line will remain operable through calendar year 2023, at minimum.

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3 Encls

1. References
2. Nevada SAPR Brochure
3. Nevada SAPR Pocket Card

ONDRA L. BERRY, Maj Gen, USAF
The Adjutant General, NNV

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Enclosure 1

References:

- (a) DoDD 6495.01, 23 January 2012, Sexual Assault Prevention & Response, Incorporating Change 5, 10 November 2021
- (b) DoDD 7050.06, 17 April 2015, Military Whistleblower Protection, Incorporating Change 1, 12 October 2021
- (c) DoDI 1020.03, 8 February 2018, Harassment Prevention and Response in the Armed Forces, Incorporating Change 2, 20 December 2022
- (d) DoDI 1020.04, 30 June 2020, Harassment Prevention and Response for DoD Civilian Employees
- (e) DoDI 6495.02, Volume 1, 28 March 2013, Sexual Assault Prevention and Response: Program Procedures, Incorporating Change 7, 6 September 2022
- (f) DoDI 6495.02, Volume 2, 9 April 2021, Sexual Assault Prevention and Response: Training and Education
- (g) DoDI 6495.02, 24 June 2022, Volume 3, Sexual Assault Prevention and Response: Retaliation for Adult Sexual Assault Cases
- (h) DoDI 6495.03, 28 February 2020, Defense Sexual Assault Advocate Certification Program
- (i) DoDI 6400.07, 25 November 2013, Standards for Victim Assistance Services in the Military Community, Incorporating Change 2, 6 July 2018
- (j) DoDI 1030.02, 2 September 2020, Victim and Witness Assistance, Incorporating Change 1, 12 August 2021
- (k) DoDI 5050.08, 17 August 2013, Military Criminal Investigative Organizations (MCIO) and Other DoD Law Enforcement Organizations Investigations of Adult, Private, Consensual Sexual Misconduct, Incorporating Change 1, 23 March 2017
- (l) DoDI 5505.18, 22 March 2017, Investigation of Adult Sexual Assault in the Department of Defense, Incorporating Change 4, 6 September 2023
- (m) CNGBI 1300.01, 26 June 2020, National Guard Sexual Assault Prevention and Response Program
- (n) CNGBI 0400.01B, 12 April 2018, National Guard Complex Administrative Investigations
- (o) CNGBI 0401.01A, 9 September 2020, National Guard Special Victims' Counsel Program
- (p) CNGBM 1301.01A, 1 November 2022, Department of Defense Sexual Assault Advocate Certification Program and Systems Access Requirements
- (q) CNGBM 1300.02A, 19 January 2023, National Guard Retaliation Reporting Processes Related to Unrestricted Reports of Sexual Assault
- (r) CNGBM 1300.03A, 26 August 2020, National Guard Retaliation Reporting Process Related to Unrestricted Reports of Sexual Assault
- (s) CNGBM 1300.04A, 18 November 2022, National Guard Expedited Transfer Program for Members with Unrestricted Reports of Sexual Assault
- (t) NGB-DTM 1300.00, 6 December 2022, Safe-to-Report Policy for National Guard Service Member Victims of Sexual Assault

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- (u) NGB-DTM 1300.01, 29 November 2022, Limited Sexual Assault Prevention and Response Services for Sexual Harassment Complainants
- (v) NGB-DTM 1300.03, 29 November 2022, No Wrong Door and Warm Handoff Policy for National Guard Service Member Victims of Sexual Assault
- (w) Title 10, United States Code, Chapter 47, Uniform Code of Military Justice
- (x) Nevada Revised Statutes, Chapter 178A, Sexual Assault Survivors' Bill of Rights
- (y) Nevada Revised Statutes, Chapter 200, Crimes Against the Person
- (z) Nevada Revised Statutes, 217.100, Application for compensation; limitations on time for submitting application; order for payment; medical reports.
- (aa) Nevada Revised Statutes, Chapter 412, State Militia

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Enclosure 2

WE ARE HERE TO HELP.

NGNV 24/7 Response Line
(775) 887-7272

SAPR Officer
(775) 291-7820

Victim Advocate Coordinator
(775) 220-1971

152d AW SARC
(775) 240-5922

**Additional Victim Advocates are available in
Northern and Southern Nevada.**

selfhelpline.org
(877) 995-5247

WHAT'S ON YOUR MIND?



YOU ARE NOT ALONE.

SURVIVING A SEXUAL ASSAULT

The assault may have been committed by a stranger, an intimate partner, a family member or an acquaintance. Regardless of who assaulted you, **that person has committed a crime.** You are not to blame for what another person has done to you. No one responds to sexual assault in the same way. The wide range of emotions and feelings you may experience are **NORMAL.** You are not alone. There are people here to help. Immediate medical care is essential and can be coordinated through the National Guard Sexual Assault Response Coordinator (SARC) or Victim Advocates (VA) (Army and Air).

NRS 217 allows Nevada to compensate victims for expenses related to the crime if it is reported in 5 days.

The National Guard Sexual Assault Prevention and Response (SAPR) Program provides crisis intervention and support services to military service members or their dependents who are victims of sexual assault.

Support is available 24 hours a day, 7 days a week.

WHAT SHOULD I DO?

If You (or someone you know) Are Sexually Assaulted:

- Go to a safe location away from the perpetrator
- Call 911 for local law enforcement
- Preserve all evidence of the assault
- Do not bathe, wash your hands, brush your teeth, eat or smoke
 - If you are still at the location of the crime, do not clean or straighten up or remove anything from your surroundings
- Reach out for support from friend, family member, a Chaplain, SARC or VA, or local crisis center

Joint NGNV 24/7 Hotline: (775) 887-7272



Nevada
National
Guard

Sexual Assault Prevention & Response (SAPR) Program



WHAT IS SEXUAL ASSAULT?

SEXUAL ASSAULT DEFINED

Sexual assault is a **crime**. Sexual offenses (UCMJ) include rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these offenses.

Sexual Assault (DoDD 6495.01 & NRS 412.5485) Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim **does not or cannot consent**.

Sexual assault can occur without regard to gender, sexual orientation, spousal relationship, or age of victim.

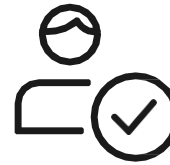
OPTION 1: RESTRICTED REPORTING

CONFIDENTIALITY OR RESTRICTED REPORTING

- Connects you with confidential support without triggering an investigation. This support may include access to a Sexual Assault Forensic Exam (SAFE), medial and mental health care, advocacy, an LOD (if the assault occurred on a duty status), and legal support from a Special Victim Counsel (SVC).
- Provides the option to participate in the DoD's CATCH a Serial Offender Program.
- Intended to give the you additional time and increased control over the release and management of their personal information.
- Empowers you to seek relevant information and support to make an informed decision about participation in the criminal process — can convert to an unrestricted report at any time.

Eligibility:

- Soldiers/Airmen (AGR, M-Day, DSG)
- Adult Military Dependents (18+)
- Title 32 Military Civilians*
- Title 5 Military Civilians*



Who can accept a Restricted Report?

- Sexual Assault Response Coordinator (SARC)
- Victim Advocate (VA)
- Healthcare Provider (HCP)

If someone in the victim's chain of command has knowledge of the sexual assault they must refer the allegation to law enforcement for appropriate investigation, the individual may still be eligible to file a Restricted Report.

DoD SAFE HELPLINE: 877-995-5247
Email: <http://www.safehelpline.org>
Online Chat: <http://www.safehelpline.org>
Texting: (*55-247)
Texting outside the US (202-470-5546)

OPTION 2: UNRESTRICTED REPORTING

- Connects you with the same confidential support and services of a Restricted Report (SAFE, advocacy, medical, mental health care, SVC, LOD, CATCH as eligible)
- Triggers an official investigation, command support, and the ability to request a protective order, an Expedited Transfer and/or alternate drill dates or location.
- Details of the assault will only be provided to those personnel who have a legitimate need to know

Cannot revert to a restricted report.

Eligibility:

Soldiers/Airmen (AGR, M-Day, DSG)
Adult Military Dependents (18+)
Title 32 & Title 5 Civilians*
DoD/NGNV Contractors*

Who can accept an Unrestricted Report?
Commander
Law Enforcement/Provost Marshal
JAG or SVC
Inspector General
SARC/VA

There are no time restrictions to report military sexual assault.

WHAT IS A SARC?

The SARC (Sexual Assault Response Coordinator) coordinates care for military sexual assault survivors.

- Assigns a VA to help obtain necessary services and to provide crisis intervention, referral and ongoing nonclinical support. Support will include providing information on available reporting options and resources so a victim can make informed decisions about their case.
- Conducts sexual assault case management.
- Oversees training and education for Victim Advocates.
- Direct line to The Adjutant General

WHAT IS A VICTIM ADVOCATE (VA) ?

- Victim Advocates (VAs) provide direct assistance to survivors. They listen to victims' needs and then connect them with appropriate resources, including medical care, mental health care, legal advice and spiritual support.
 - VAs work with victims to help them make informed choices.
 - VAs accompany survivors to medical visits, court proceedings, and other appointments as requested, and continue to support them as they heal and recover.

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Enclosure 3



NEVADA NATIONAL GUARD



NGNV Joint 24/7 Response Line (775) 887-7272

RESTRICTED REPORT

Benefits

- Access to advocacy, medical, and behavioral health services.
- Receive the Sexual Assault Forensic Exam (SAFE)
- Special Victims' Counsel (SVC)
- Control the release of personal information
- Can participate in the CATCH program
- Can change to Unrestricted Report at any time

Limitations

- The alleged offender will not be held accountable
- Unable to request expedited transfer
- No command support
- Cannot receive a protective order



WHAT'S ON YOUR MIND?

No time limit to report.

UNRESTRICTED REPORT

Benefits

- Sexual assault will be investigated and alleged offender may be held accountable.
- Access to advocacy, medical, and behavioral health services
- Receive the SAFE
- Special Victims' Counsel (SVC)
- Command support
- Can receive a protective order
- Able to request an expedited transfer
- Alleged offender may be held accountable

Limitations

- More people will know about the assault
- Investigation may require discussion of personal matters
- Cannot change to Restricted Report

SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM



NEVADA NATIONAL GUARD



NGNV Joint 24/7 Response Line (775) 887-7272

RESTRICTED REPORT

Who can accept a report:

- Sexual Assault Response Coordinator (SARC)
- Victim Advocate (VA)
- Healthcare Provider
- Commander (but remains a mandatory reporter)

UNRESTRICTED REPORT

Who can accept a report:

- Commander
- Law Enforcement/Provost Marshal
- OSJA
- IG
- SARC/VA
- Healthcare Provider

Chaplains and SVC cannot file a report but can provide confidential services to victims of sexual assault.

Eligibility

- Soldiers/Airmen (AGR, M-Day, DSG)
- Adult Military Dependents (18+)
- Title 32 & Title 5 Military Civilians

Eligibility

- Soldiers/Airmen (AGR, M-Day, DSG)
- Adult Military Dependents (18+)
- Title 32 & Title 5 Military Civilians
- NVNG Contractors

SAPR Personnel have connections with community & system based programs & are eager to assist anyone who needs it.

If someone in the victim's chain of command has knowledge of the sexual assault, they are required to request the incident to law enforcement.

SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM