

NENG-TAG

12 March 2009

MEMORANDUM FOR All Military Department Employees and Members of the Nebraska National Guard

SUBJECT: Military Department Policy, Sexual Assault Prevention and Response Program and Unit Victim Advocates

1. Sexual assault is a crime, demeans the value of others, and erodes the basic foundation of trust so vital to the success of every military mission. As a result, the Nebraska National Guard will do all that is possible to prevent sexual assault, effectively implement the National Guard Bureau's Sexual Assault Prevention and Response (SAPR) Program, and prosecute offenders to the fullest extent allowed under either civilian or military law.

2. The SAPR Program defines sexual assault as "intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. This includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion, or when the victim is asleep, incapacitated or unconscious" (DoD Directive 6495.01, October 6, 2005).

3. Nebraska Military Department leadership will ensure the speedy implementation of the SAPR Program at every level and as such, all commanders and supervisors will become informed about the policies that govern this program. I want commanders, managers, and supervisors to place special emphasis on ensuring that all accusations of sexual assault are taken seriously and referred to the proper authorities for investigation. Our leaders also will take an active role in educating our service members about prevention of sexual assault, treating all victims with care and dignity, and protecting victims against reprisal for reporting.

4. The goals of the SAPR Program are to:

a. Create a climate that minimizes sexual assault incidents, which impact Nebraska National Guard personnel and, if an incident should occur, to ensure that victims and subjects are treated in accordance with the National Guard Bureau policy.

- b. Create a climate that encourages victims to report incidents of sexual assault without fear.
- c. Establish sexual assault prevention training and awareness program.
- d. Ensure sensitive and comprehensive treatment to restore victims' health and well-being.
- e. Ensure leaders at all levels understand their roles and responsibilities regarding response to sexual assault victims, thoroughly investigating allegations of sexual assault, and taking appropriate administrative and disciplinary action.

5. The SAPR Program utilizes Sexual Assault Response Coordinators (SARC) to administer the program and for system advocacy. The SARC provides oversight to the Victim Advocates (VA) when responding to a sexual assault case. In coordination with the SARC, unit commanders will appoint and utilize VAs for advocacy services.

6. Victim Advocates are trained to respond to each report of sexual assault by providing advocacy support to victims. Because of the sensitive and complex nature of working with sexual assault victims, the VA must be carefully selected. Victim Advocates are likely to become involved in highly charged, emotionally stressful situations in assisting victims of sexual assault. As a result, all candidates must be screened and complete the required VA training. Advocates will be selected in accordance with the following requirements:

- a. Candidate must complete a VA Volunteer application form.
- b. Be recommended by the chain of command.
- c. Be able to respond to a sexual assault incident at anytime while on call.
- d. Have outstanding duty performance.
- e. Must have good communication skills/ability to gain rapport.
- f. Must be empathetic, resourceful, handle crisis well, be a team player, and the ability to maintain discretion.
- g. Must possess cross/multicultural awareness
- h. Demonstrate stability in personal affairs. The individual will not have a history of domestic violence, significant indebtedness, or excessive use of alcohol.
- i. Must be appointed on orders to the collateral duty of Victim Advocate.

7. Training for advocates will be conducted through the National Guard Bureau and will cover topics ranging from policy definitions, types of sexual assault, prevention efforts, responding to victims, deployment issues, forensic protocols, victim safety, communication skills, judicial process, civilian agency relationships, data collection and the duties of the VA.

8. Duties of a VA will primarily include providing crisis intervention, support to the victim throughout the medical, investigative, and judicial process, referral to civilian and military victim service agencies for assistance, communication and coordination with the SARC, attend and complete appropriate training, meet the standards for selection and complete required reports on incidents of sexual assault.

9. The JFHQ Sexual Assault Response Coordinator is MAJ Drey Ihm at (402) 309-7198; [drey.ihm@ng.army.mil](mailto:drey.ihm@ng.army.mil) and the Wing Sexual Assault Response Coordinator is LtCol Wendy Johnson (402) 309-1467; [wendy.johnson@ang.af.mil](mailto:wendy.johnson@ang.af.mil). The Sexual Assault Response contact

information is (402) 525-0078. Any questions regarding this policy should be addressed to the JFHQ SARC, MAJ Ihm. This policy will be posted on each unit's official bulletin board.

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The Adjutant General