

MAINE STATE LEGISLATURE

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**Department of Defense, Veterans and Emergency Management
33 State House Station
Augusta, Maine 04333-0033**

February 28, 2022

The Honorable Craig Hickman, Senate Chair
Joint Standing Committee on Veterans and Legal Affairs
3 State House Station
Augusta, Maine 04333-0003

The Honorable Christopher Caiazzo, House Chair
Joint Standing Committee on Veterans and Legal Affairs
2 State House Station
Augusta, Maine 04333-0002

Dear Senator Hickman and Representative Caiazzo:

First let me state as Maine's adjutant general, I take nothing more seriously than the welfare of the men and women who sign up to serve our state and nation. Sexual assault and all forms of harassment stand in stark opposition to everything it means to wear our country's uniform and are not tolerated in the Maine National Guard. We will continue to encourage reporting and intervention, support victims, and aggressively seek action against those who fail to live up to our values.

It is with this commitment I provide the report pursuant to 2021 Resolve, Chapter 21 Resolve, Directing a Review of Crucial Needs and Lapses in Responding to and Preventing Sexual Trauma in the Maine National Guard.

While this report is in direct response to the Resolve, our Conclusions and Action Plans provide you awareness of actions we have taken and will take in response to this review. Converting our Provost Marshal to a full-time position and hiring a first-ever Victims Advocate Coordinator have immediate impacts on supporting victims and coordinating with local law enforcement. In addition, our guidance, programs, training, and resources are being significantly enhanced and are also improving as the result of new Federal legislation and policy changes, including President Biden's January executive order on sexual harassment in the military. Thank you for this opportunity to provide information on our program.

I would be happy to make myself and staff available if you would like to discuss this report in person. Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug A. Farnham".

Major General Douglas A. Farnham
Commissioner and Adjutant General

H.P. 461 – L.D. 625

Resolve, Directing a Review of Crucial Needs and Lapses in Responding to and Preventing Sexual Trauma in the Maine National Guard



Presented to the Joint Standing Committee on Veterans and Legal Affairs

130th Maine Legislature

on behalf of

Maj Gen Douglas Farnham

Maine National Guard Adjutant General

Commissioner, Department of Defense, Veterans, and Emergency Management

1 March 2022

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Background

Original Resolve

On June 22, 2013, the Maine’s 126th Legislature passed S.P. 562 – L.D. 1504, “Resolve, Directing the Adjutant General of the State To Ensure the Maine Code of Military Justice Addresses Sexual Trauma in the Military.” The Adjutant General (TAG) of Maine at that time was Army Brigadier General James D. Campbell.

“The purpose of the assessment is to determine if the Maine Code of Military Justice and other provisions of Title 37-B governing state active duty personnel in or attached to the Maine National Guard allow for the adequate prosecution of sexual assault and proper treatment of military victims of sexual assault by comparing them with specific National Guard Bureau Guidance and the provisions of the National Defense Authorization Act for Fiscal Year 2013 review that amend 10 United States Code...”

Additionally, the Legislature cited 14 areas of specific concern for the report.

The Adjutant General submitted the findings of the resolve and testified for the Committee about the report after its submission during the Second Regular Session of the 126th Legislative Session.

Sexual Assault Prevention and Response (SAPR) Program Updates

This report refers to sexual assault and sexual harassment which are treated by two separate programmatic offices: sexual assault is handled within the Sexual Assault Prevention and Response (SAPR) office while sexual harassment is handled within the Equal Opportunity Office (EOO).

Since the 2013 report, there have been major changes in the Department of Defense and, therefore, the Maine National Guard (MENG) Sexual Assault Prevention and Response (SAPR) Program, including but not limited to:

Special Victims' Counsel (SVC) Program

The military implemented the SVC program in 2014. The program is unique to the military justice system and is unequalled in the civilian community. At no cost to the victim/survivor, the military provides a specially trained attorney to every eligible participant who requests one. The SVC represents the victim/survivor throughout the

“Our most critical asset as a department is our people...Our values and expectations remain at the core of addressing this problem and I have every confidence that our force will get this right.” Secretary Of Defense Lloyd Austin III

investigation, adjudication, and accountability process with the primary duty to zealously represent the express interests of the victim.

Catch a Serial Offender Program

Section 543 of the National Defense Authorization Act of 2015 (PL 113291) required the Secretary of Defense to develop a plan that would allow eligible adults who file a Restricted Report to disclose suspect or incident information for the purpose of identifying individuals who have perpetrated multiple sexual assaults. In response to this requirement, the Department developed the Catch a Serial Offender Program (CATCH). This program allows victims of sexual assault to anonymously report any information they may have about their offender. If a match is identified in the CATCH program, victim/survivors are notified through the Sexual Assault Response Coordinator (SARC).

The CATCH program became fully operational on July 31, 2019. As of November 2021, the CATCH program was expanded to include eligible adults who file an unrestricted report and have not disclosed offender information to law enforcement. For more information on restricted and unrestricted reporting options, see Appendix B, DOD SAPRO Victim Reporting Options Guide.

Civilian Sexual Assault Response Coordinator (SARC)

The SAPR program is constantly evolving. When the National Guard program began, advocacy support was an additional duty regardless of the position – SARC, SAPR VA, or VVA. In 2016, the Maine Army National Guard (MEANG) hired their first full-time, civilian SARC. This position being hired afforded all members of the MENG to have a civilian advocate for the first time. In 2021, the MEANG hired the first civilian SARC to sit at the Joint Force Headquarters; prior to 2021, the JFHQ SARC was filled by a uniformed Soldier. In February of 2022, the MENG filled a Victim Advocate Coordinator position that had long been unfilled. This is the first time this position has been filled by a civilian as well.

Updated Resolve

On May 25, 2021, the 130th Legislature passed H.P. 461 – L.D.625, “Resolve, Directing a Review of Crucial Needs and Lapses in Responding to and Preventing Sexual Trauma in the Maine National Guard.” The Adjutant General (TAG) at this time is Air Force Major General Douglas A. Farnham. The purpose of this resolve is as follows:

“The Adjutant General shall conduct a review of the implementation of the recommendations made to the Joint Standing Committee on Veterans and Legal Affairs in the report submitted pursuant to Resolve 2013, chapter 66,” and “...identify any crucial needs and lapses in responding to and preventing military sexual trauma and determine if additional action is necessary.”

In order to accomplish this, TAG established a working group consisting of the Deputy Chief of Staff of Personnel, Joint Force Headquarters (JFHQ) SARC, 101st Air Refueling Wing (ARW) SARC, and Full Time Judge Advocate (FTJA). This group

conducted an assessment of the Maine Code of Military Justice (MCMJ) and other provisions of the Maine Revised Statutes to meet the intent of LD 625.

2022 Updates on Recommendations from Original 2013 Resolve

1. Mandatory administrative separation or dismissal of any member of the Maine National Guard convicted of any sexual offense;

This recommendation is being accomplished by federal regulation.

Members of the Maine National Guard convicted of any sexual assault offense are processed for administrative separation. The MENG fully supports this initiative and currently applies associated regulatory guidance when possible. In February of 2022, the MEARNG hired a full-time Provost Marshal to facilitate more frequent and effective communication with the State Police. This will reduce the time it takes for the MENG to become aware of service member arrests and convictions.

2. Retention of restricted report documentation for 50 years, if so desired by the victim, including information regarding a victim's consent regarding use of report records;

This recommendation is being accomplished by federal regulation.



In 2009, the Department of Defense developed the Defense Sexual Assault Incident Database (DSAID). Information on restricted and unrestricted reports for victims/survivors is housed in this online portal; very little to no paper documentation is now kept concerning sexual assault cases in order to maintain privacy. The

DSAID will retain the official restricted and unrestricted reports completed on the DD Form 2910 in the database for at least 50 years.

In accordance with section 1723 of FY14 National Defense Authorization Act and DoD policy, when utilized a DD Form 2911, DoD Sexual Assault Forensic Examination Report, is also retained for 50 years. The DoD Sexual Assault Forensic Examination (SAFE) kits are required to be retained for 10 years. This differs from Maine Law (24 M.R.S. 2986), which requires SAFE kits to be retained for 8 years. The Maine National Guard does not have access to a military treatment facility where SAFEs are conducted. We rely heavily on our state and local facilities to conduct these exams and maintain paperwork and chain of custody in accordance with Maine State laws.

3. Allowing victims to return to active duty after separation to help prosecute sex offenders;

This recommendation is being accomplished.

Victims of sexual assault may be brought into a State Active Duty status for pay purposes after separation. They may also be eligible for invitational travel pay under federal regulation if participating in an administrative separation proceeding.

4. The creation of an independent review panel to examine the way sexual assaults are investigated, prosecuted and adjudicated under the Maine Code of Military Justice;

This recommendation was not accomplished due to changing federal regulations.

Federal regulation promulgated between the years 2011 – 2014 was very prescriptive. The MENG follows these regulations which leave minimal room for discretion with regard to the investigation.

In February 2021, at the direction of President Biden, Secretary of Defense Lloyd J. Austin III ordered a 90-day Independent Review Commission on Sexual Assault in the military to take bold action to address sexual in the military. Additionally, the Chief of the National Guard Bureau Sexual Assault Task Force established by the National Guard Bureau in March 2021. From that Independent Review Commission report, 82 recommendations have been published. Through DoD guidance, NGB policy, and current year National Defense Authorization Act (NDAA), several changes to the SAPR program are expected to be implemented over the next several months and years.

The Maine National Guard is firmly committed to properly and transparently adjudicating substantiated unrestricted reports of sexual assault. If a further independent panel is legally created to review these cases, the MENG would be fully capable of complying with informational requests of the panel.

5. Annual command climate assessment surveys to track individual attitudes toward sexual assault and sexual harassment;

This recommendation is being accomplished in three ways: Defense Organizational Climate Surveys (DEOCS), Unit Risk Inventory Surveys (URIS), and through less formal means of assessing unit and squadron climates.

Command Climate Surveys

Defense Equal Opportunity Management Institute mandates all units conduct DEOCS annually in accordance with DoDI 1350.02. All Maine Army and Air National Guard units were directed to complete the on-line survey in 2021.

Unit Risk Inventory Surveys (URIS)

The Army conducts completely anonymous URIS. The URIS are conducted annually, pre-mobilization, post-mobilization, and when Commanders take charge of a new unit. They include up to 86 questions on topics including, but not limited to: military stressors, unit cohesion, alcohol consumption, child abuse, suicidal ideations, financial issues, hazing/bullying, sexual practices, gambling, and drug use. On the URIS version 3, dated June 2019, there are three questions that specifically address Sexual Harassment and Sexual Assault issues.

The URIS provide the Commander a snapshot of the high-risk behaviors within a unit as well as to identify areas of strength to build on. Based on the results, mitigation strategies are built and reviewed with the command team and a written plan is put in place. After 90-days, the group follows up with the Command to check on implementation, update and/or modify the plan. Another follow up is completed at the 6-month mark to develop collaborative methodologies and sustain strengths. Once the URIS are completed, they are sent to the National Guard Bureau (NGB) for review. The NGB sends Maine the results and comparison of Maine to the performance of other states.

The URIS, along with the Command Climate Surveys, are then reviewed by the Maine Commander's Readiness and Resiliency Counsel (CR2C). The CR2C is comprised of prevention staff including but not limited to: Suicide Prevention, Alcohol and Substance Abuse Prevention, Mental Health professionals, Chaplains, Equal Opportunity representative, and Sexual Assault Response Coordinator. The CR2C recommends plans of action for Commanders to address and reduce high-risk behavior.

Additional Climate Assessments

Leaders within the organization utilize less formal means of surveying to gain a sense of the climate within each unit. These one-on-one, direct interactions with leadership are an important part of the climate assessment process.

- Open Door Policies. Command Teams maintain an open door policy which allows any Soldier to discuss issues of negative climate within the unit.
- Air Guard Out and Abouts. An Out and About is an outreach process where Equal Opportunity personnel conduct unit visits. It is used to gather equal opportunity and human relations information, as well as organizational effectiveness factors that may impact morale and mission readiness. Although these visits are typically accomplished every other year, they can also be done at a Commander's request when they would like a more current assessment of the unit's climate.
- Army Senior Leader Interaction. Brigade Commander recently visited all subordinate units with the FTJA, SARC, Provost Marshal, and EO officer to stress the importance of maintaining a positive climate where Sexual Harassment and Sexual Assault are not tolerated. Soldiers were encouraged to ask questions and interact with Senior Leadership about individual concerns.
- Air Force Sit with a SARC. The Air National Guard conducted informal "Sit with a SARC" sessions. Airmen were encouraged to ask questions and have open conversations with the subject matter expert on matters of creating a positive unit climate and the negative effects of Sexual Harassment and Sexual Assault.
- Sensing Sessions. After formal surveys, follow-up sensing sessions and focus groups with randomly selected unit members from randomly selected units were completed if determined necessary by unit or squadron Commanders.
- EO Officer/SARC Staff Visits. The EO officer and SARC periodically visit various unit locations throughout the state to make themselves available to all Soldiers and Airmen, to informally assess the unit climate.

6. Mandatory insurance coverage for mental and physical health issues, including abortions in cases of rape or incest for service women and military family members;

This recommendation is being partially accomplished.

If a service member experiences mental and physical health issues as a result of a sexual assault and is not covered by insurance, they may be able to receive medical coverage under a military line of duty (LOD). An approved LOD will prompt payment for physical and mental health care related to the assault. With changes in NDAA 2013, federal funds can be used to perform an abortion in cases where the pregnancy is the

result of rape or incest for eligible service members. This does not apply to family members, as they are not eligible to receive medical coverage under a military LOD.

The MENG service members do not have mandatory insurance coverage or benefits when they are not in a duty status; however, service members can choose to purchase TRICARE Reserve Select. The State of Maine provides free and confidential SAFEs for sexual assault victims. They may also be eligible for: free prophylaxis to prevent sexually transmitted infections; sexually transmitted infection testing; emergency contraceptive to prevent pregnancy; abortions in cases of rape or incest; and mental health counseling.

7. Required sexual assault prevention and intervention in pre-command and command courses for officers and relevant personnel;

This recommendation is being accomplished.

Each branch HQ implements a program for different levels of leadership. In accordance with DoDI 6495.02, vol. 2, Sexual Assault Prevention and Response: Education and Training. MENG members are required specific educational goals and training at many different levels and times throughout a service member's career including, but not limited to:

- Initial Entry
- Officer Accession
- Pre and Post-deployment
- Annual Refresher
- Pre-command
- At Primary Military Education
- General Officer/Flag Officer
- Military Recruiters and Instructors

On February 16, 2022, in response to the Federal changes in the SAPR program, the Department of the Army sent out an order requiring additional training for all civilian supervisors, Commanders, and leaders – squad level and higher. This training is required to be completed in person or virtually live by September 30, 2022. The SAPR Professionals will be trained to provide the training. Topics include but are not limited to: scenarios to facilitate discussion of appropriate behavior; changes in restricted reporting; directs senior Commanders to publicize how to report sexual assault, inside or outside the chain of command; directs all leaders to encourage reporting of sexual assault and retaliation; how to explain to subordinates the requirement to report allegations of reprisal, retaliation, ostracism, and maltreatment after a report of sexual

assault. The MEARNG is currently developing a plan on how to execute this training in accordance with the Army guidance.

8. Notification to Maine National Guard personnel of the options available for the correction of military records that reflect any retaliatory personnel action consequent to a report of sexual assault or sexual harassment;

This recommendation is being accomplished.

Soldiers and Airmen who make a formal complaint of sexual harassment on National Guard Bureau (NGB) Form 333 are counseled regarding their right to make a good faith complaint and not be subject to any form of retaliation or reprisal. All persons involved in the filing, including the complainant, witnesses providing testimony, or those named as a principal agency witness of an EO complaint are afforded protection against reprisal. The commander discusses reprisal prevention with all concerned and provide the reprisal prevention plan to the inquiry/investigating officer for inclusion in the official case file.

As part of Army discharge packets, the Soldier signs a memorandum asking: “Did you file an unrestricted report of a sexual assault in which you were a victim within the past 24 months?” and “If the answer is yes, do you believe that this separation action is a direct or indirect result of your sexual assault, or of filing the unrestricted report?” A SARC or VA can provide the victim with resources to facilitate the process of countering reprisal or requesting a record correction.

9. Prohibition against the use of a moral waiver for recruitment of anyone convicted of a sexual offense;

This recommendation is being accomplished.

The NGB policy addresses waivers for sexual offenses and the provision, as written, removes any room for command discretion. Current regulations specifically preclude appointment (non-waiverable) of a convicted/registered sex offender – for enlistments, commissions, warrants and promotions.

For the Army, all applicants convicted of sexual offenses are prohibited from enlistment or appointment, per Army Regulation 601-210 Regular Army and Reserve Components Enlistment Program, and Personnel Policy Operational Memorandum (PPOM) 21-047 (ARNG Accession Options Criteria). No waivers are authorized. Any sexual offense charges (regardless of outcome that did not result in a conviction) requires a suitability review from the Army National Guard's Accessions Suitability Office (ASO). The ASO determines enlistment eligibility on a case-by-case basis in these instances. This removes command discretion at the state level.

This means if an applicant self-reports or if a police records check finds a conviction for any crime of a sexual nature, the individual is permanently disqualified for service. If the applicant disputes the police record, the individual was charged but found not guilty, or charges were dropped, then they must compile the relevant documentation and send it to the ASO at NGB. The ASO reviews the case and determines whether or not the applicant is eligible for military service.

10. Active duty retention of survivors until the completion of a line of duty determination to ensure completion of an official investigation and adjudication of the sexual offense case;

This recommendation is being accomplished.

The MENG may be able to retain survivors while investigations are ongoing; however, LOD determinations for medical benefits can be completed without the member remaining in active duty status. These service members may also be entitled to certain services via the Vet Center or the Wounded Warrior Program.

11. Development of a policy for and documented annual review of required initial and annual sexual assault prevention training for all new enlistees and members of the Maine National Guard, respectively;

This recommendation is being accomplished.

Training is currently documented using military databases. The SARC reviews the data at least quarterly, reports are sent to NGB and briefed at staff call periodically. The Chief of the National Guard Bureau also sends training status slides to TAG quarterly.

Sexual Assault Prevention training occurs annually and is mandatory for all service members regardless of rank, occupation or specialty. The training provides scenario-based, real-life situations to demonstrate the entire cycle of prevention, intervention, reporting, response and accountability procedures. Training explains the difference between sexual harassment and sexual assault and that both are unacceptable forms of behavior. Training emphasizes the distinction between civil and criminal actions.

New Army National Guard recruits begin with one weekend a month in the Recruit Sustainment Program and the Air National Guard recruits begin with one weekend a month in the Student Flight. These new service members receive a mandatory block of instruction on SAPR to clarify the nature of sexual assault in the military environment,

encourage bystander intervention, provide resources and reporting options, and educate service members about the consequences of sexual assault.

12. Development of a policy addressing data collection and retention requirements to track reports of sexual harassment, sexual assault and rape from the date of an incident report to case closure;

This recommendation is being accomplished.

For sexual assault reporting, there are several DoD regulations guiding the data collection and retention requirements to track reports of sexual assault and rape from the date of an incident report to case closure. The MENG utilizes the DSAID to track restricted and unrestricted reports of sexual assault. It is important to note that a limited amount of data is required to be entered into the database. Only the JFHQ SARC and Wing SARC have access to DSAID for sexual assault case reporting and tracking. There are minimum requirements; however, the SARC or VA taking a sexual assault report will never require a victim/survivor to share any information they do not want to share. All information known at the time of reporting is input into the DSAID; additionally, new information is entered into the database as it becomes known. Cases remain open in DSAID as long as individuals want to continue receiving and are eligible for military advocacy services.

13. Annual briefing by the Adjutant General to the Governor and the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs, including a summary of all sexual assault and rape incidents, their status and the outcomes, including the duty status of adjudicated and administratively dismissed military offenders and military victims;

This recommendation is going to be accomplished.

Since the last report, TAG met with the Governor on high-priority issues regarding the MENG as needed. There were no regularly scheduled meetings to discuss Sexual Harassment or Assault specifically. The MENG TAG has committed to meeting with the Governor and VLA annually on sexual harassment and assault metrics, statistics, programmatic changes, and any challenges the program is facing. Due to confidentiality requirements under the DOD regulation, the MENG SAPR program is vigilant about maintaining confidentiality of sexual assault victims/survivors. Any information TAG provides will be sanitized, non-identifying information so as not to jeopardize ongoing investigations or the privacy rights of victims, witnesses, and alleged perpetrators.

14. Development of a policy to ensure convicted felons who meet national sex offender registry requirements are placed on that registry;

The MENG does not have the authority to take action on this recommendation.

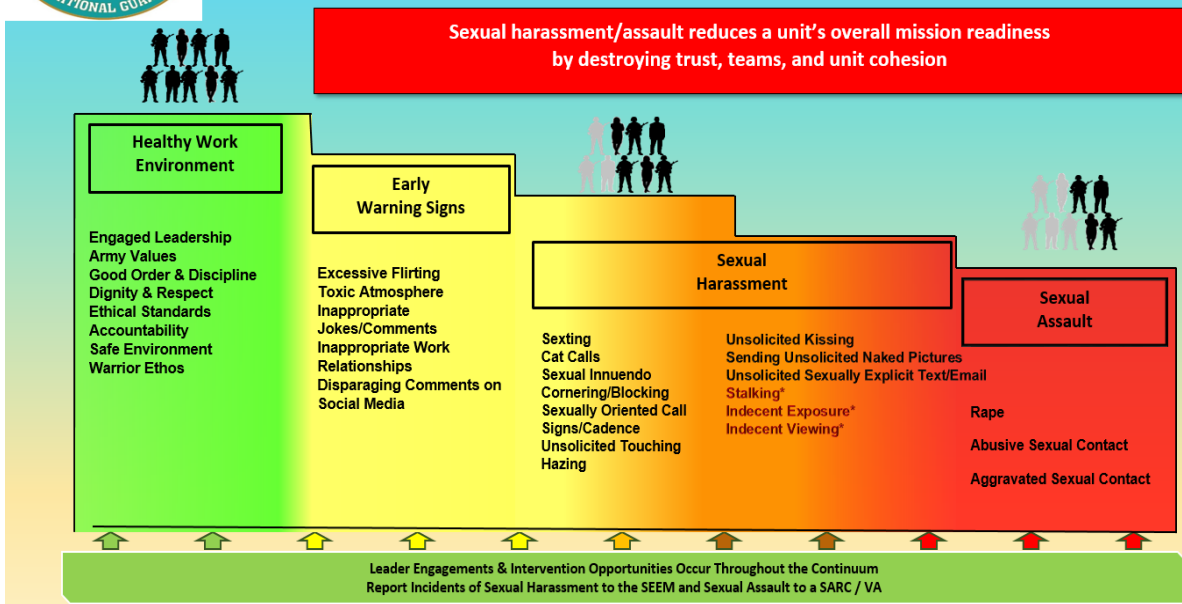
Since the MENG only has the ability to conduct non-judicial and administrative punishments, not criminal convictions, the MENG has no authority to ensure convicted felons register with the national sex offender registry. The MENG relies on local law enforcement agencies and the district courts to ensure convicted offenders are placed on the national sex offender registry as required.

Prevention and Support Efforts

The DoD has identified the need for more sexual harassment and assault prevention and intervention training for service members. The annual mandatory trainings have shifted to focus more on prevention and intervention strategies. The Continuum of Harm shown here is one training topic presented to MENG service members. This shows how sexual harassment and sexual assault degrade mission readiness if bystander intervention is not implemented.



Continuum of Harm Impacts on Readiness



Since Maine does not have local access to an active duty military base for medical treatment, Family Advocacy Program services, and other advocacy services provided on active duty posts and bases, MENG relies heavily on civilian coalitions and partnerships to support victims/survivors of sexual assault and prevent sexual assault within our ranks. Without these key organizations, service members may not be able to receive enough advocacy and services needed to heal after a sexual assault.

Deterrence can be considered a prevention technique. The MENG has recently staffed and hired a full-time Provost Marshal to ensure effective liaising with law enforcement. This dedicated asset will reduce timelines for execution of internal processes.

Conclusions and Action Plans

The military SAPR Program is quickly changing at the federal level to meet the needs of the military. In order to keep up with these changes and provide better support to victims/survivors and Commanders, the MENG has hired two full-time personnel: a Victim Advocate Coordinator (VAC) to help for immediate response and Provost Marshal (PM) to help with the investigation and civilian law enforcement process. These two positions will make a more robust program providing faster response, support, and coordination for victim/survivors.

- The VAC is a credentialed VA responsible for providing 24/7 response and support to victim/survivors with restricted and unrestricted reports of sexual

assault. The VAC is also responsible for recruiting part-time SAPR Professionals, getting them fully credentialed, and providing training for SAPR Professionals, Commanders, and MENG units on SAPR issues.

- Since the MENG has no authority to investigate unrestricted allegations of sexual assault, it is important to maintain close, constant communication with our civilian law enforcement who perform these investigations. The PM is responsible for coordinating response between the MENG and civilian law enforcement. This provides clarity throughout the investigation process for victims/survivors. The PM has authority to collect police reports involving MENG members. The PM will also coordinate with the Maine District Attorney's Office on whether or not they will take a case to trial. This quick coordination keeps Command and SAPR Professionals, and victim/survivors informed.

In addition, TAG has been and will continue to meet regularly with the Governor and her staff to provide updates on sexual assault and harassment in the MENG, provide statistics on reports of sexual assault in the MENG, and propose actions for how to improve response efforts, as well as identify additional resources for addressing these challenges. The MENG will also provide a report to the Legislative committee of jurisdiction with reporting statistics and information similar to what is provided to the Governor's Office.

The following are five (5) action plans that the MENG, as directed by the Governor, is taking to improve upon the sexual harassment and assault support and response processes.

Action Plan 1: Streamlining Military and Civilian Protection Orders

The MENG is drafting legislation to amend 17-A M.R.S. § 506-A to provide legal authority to the orders of Military Commanders outside of duty times. Currently, Military Commanders can issue orders for military members in their command to have no contact with other service members; however, those service members can only be held accountable when they are on military status or military property. While these are lawful orders, they are not recognized in state courts. Because of this gap, there may be no consequences for harassment once military training is over and the service member is off of the military installation – where service members spend most of their time.

The MENG victims of sexual harassment and assault can and do avail themselves of the civilian protective order process; however, the MENG believes victims of sexual harassment and assault would benefit from military Commanders being able to execute a protection order that would also be recognized in state courts and effective outside a military installation.

Action Plan 2: Post-Discharge Travel Funds

The MENG will make post-discharge travel funds available to eligible service members and former service members involved in sexual assault or sexual harassment court

proceedings. Once a victim of sexual assault or sexual harassment has left the military, they can be put on a State Active Duty order to participate in investigations, boards, prosecute sex offenders or complete other administrative matters.

These orders require travel and its associated costs that can be prohibitive to those who have experienced sexual assault or sexual harassment. These costs should not be borne by the victims. Thus, the MENG will locate funding and make it available for their use.

Action Plan 3: MOA between MECASA and MENG

The MENG will enter into a formalized memorandum of agreement with the Maine Coalition Against Sexual Assault. The MENG relies on community sexual assault support centers around the state to augment our SAPR personnel in the provision of advocacy and support services. Our service members live and work in communities across the state and our full-time SAPR assets are located in Augusta and Bangor. An MOA would strengthen the growing connection between MENG SAPR Team and MECASA (and the sexual assault support centers by default), more clearly define roles and maximize the existing working relationship between these entities. With an MOA in place, our service members and their family members, whether survivors of sexual violence or not, will have the most robust prevention and response resources possible available to them. The MENG SAPR Team will continue to educate their partners in advocacy around the state about the uniqueness of provision of services to service members and their family members, and, in turn, be educated about trends, legislative changes, and available community resources, and share what is learned with MENG leadership, service members, and family members.

Action Plan 4: Provide MENG a Seat on the Maine Commission on Domestic and Sexual Abuse

The MENG is drafting legislation to provide a dedicated seat on the Maine Commission on Domestic and Sexual Abuse for a representative of the MENG with experience in sexual assault response, as designated by 19-A M.R.S. § 4013 establishes the Maine Commission on Domestic and Sexual Abuse (Commission), the Commission does not formally include any members who represent the military community. While the MENG sends an attendee to these meetings whenever possible, formal and full membership on this Commission will provide the MENG an opportunity to represent and advocate to the benefit of service members during policy making procedures.

Action Plan 5: Create an Advisory Council for Victim/Survivor Support

Working closely with the MENG, the Governor's Office will create an advisory council to formalize a permanent communication structure among relevant parties to ensure that survivors of sexual assault and harassment who are serving or have served in the National Guard are connected to all available resources. The advisory council will also be charged with reviewing best practices to improve the Maine National Guard's responses to sexual assault and sexual harassment within its ranks with particular

regard to how the Guard can support Maine's state and local law enforcement and prosecutors respond to individual cases when appropriate.

Appendix A: Abbreviations

ANG – Air National Guard

ARNG – Army National Guard

DEOCS – Defense Organizational Climate Surveys

DOD – Department of Defense

DODI – Department of Defense Instruction

DSAID – Defense Sexual Assault Incident Database

FTJA – Full-time Judge Advocate

JFHQ – Joint Force Headquarters

MCMJ – Maine Code of Military Justice

MEANG – Maine Air National Guard

MEARNG – Maine Army National Guard

MECASA – Maine Coalition Against Sexual Assault

MENG – Maine National Guard

MOA – Memorandum of Agreement

MRSA – Maine Revised Statutes Annotated

NDAA – National Defense Authorization Act

NGB – National Guard Bureau

PL – Public Law

SAPR – Sexual Assault Prevention and Response

SAPRO – Sexual Assault Prevention and Response Office

SARC – Sexual Assault Response Coordinator

SVC – Special Victims' Counsel

TAG – The Adjutant General

URIS – Unit Readiness Inventory Survey

VA – Victim Advocate



Appendix B: Reporting Options

DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE



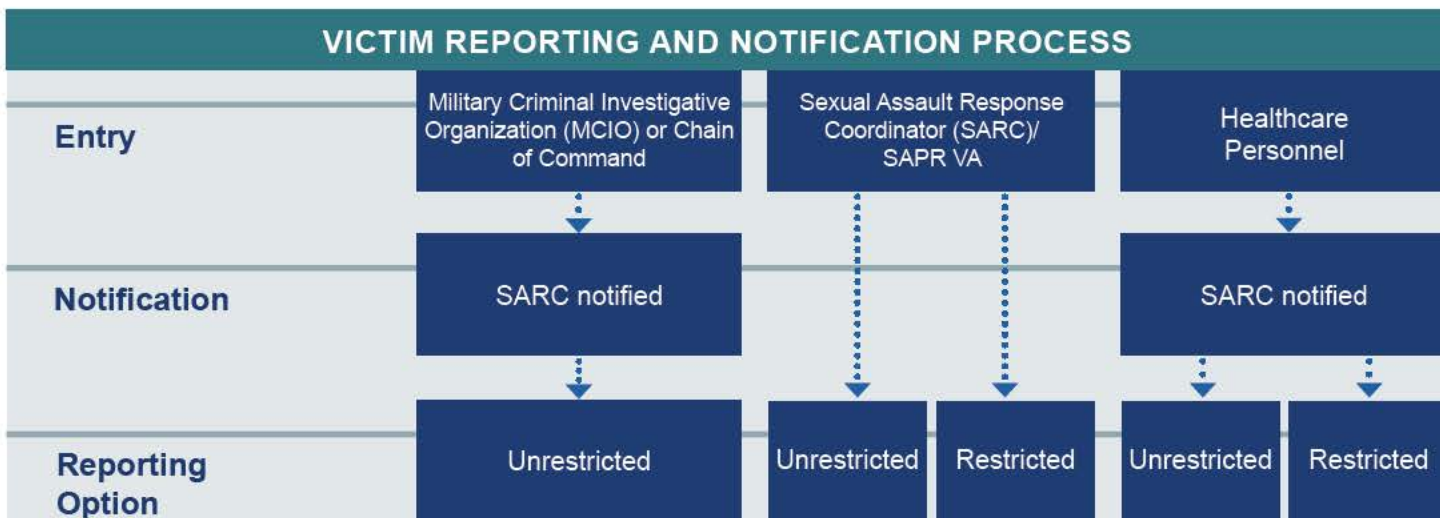
Victim Reporting Options Guide

Deciding whether to report a sexual assault is a deeply personal decision. However, reporting can be a gateway to recovery. The Department's Restricted and Unrestricted reporting options allow Service members who experienced sexual assault to exercise control over how and when they engage with resources.

DoD's response services include:

- Confidential access to a Sexual Assault Prevention and Response Victim Advocate (SAPR VA), regardless of reporting option selected
- Support from highly trained personnel, including Medical and Mental Healthcare providers, Special Victims' Counsel (SVC) /Victims' Legal Counsel (VLC), and Chaplains

- Professional investigative and legal response from personnel, specially trained to work with victims of sexual assault, domestic violence, and child abuse
- A variety of support, recovery and safety options, including Expedited Transfer, Military Protective Order, Catch a Serial Offender Program, Case Management Group reviews and updates, and victim safety assessments
- 24/7, worldwide, anonymous and confidential support at Safe Helpline – a specialized, secure online service that provides help and information anytime, anywhere. Find more information at safehelpline.org.



Criminal investigators and command officials will be notified when an Unrestricted Report is made.

CARE & RECOVERY SERVICES

After an incident of sexual assault, those affected can seek many of the same care and recovery services

Available Services for Unrestricted Reporting Option		Available Services for Restricted Reporting Option	
<ul style="list-style-type: none"> ■ SAPR Support Services ■ Health Care ■ Mental Health Care ■ Forensic Exam (if indicated) 	<ul style="list-style-type: none"> ■ Legal Consultation & Representation through SVC/VLC ■ Spiritual Support ■ Command Response ■ Investigation ■ Prosecution 	<ul style="list-style-type: none"> ■ SAPR Support Services ■ Health Care ■ Mental Health Care ■ Forensic Exam (if indicated) 	<ul style="list-style-type: none"> ■ Legal Consultation & Representation through SVC/VLC ■ Spiritual Support ■ Catch a Serial Offender (CATCH) Program

Service members and their adult military dependents have two reporting options

REPORTING OPTION

1

UNRESTRICTED REPORT

An **Unrestricted Report** allows you to receive medical treatment, advocacy services, and legal support. As part of this option, DoD law enforcement initiates an investigation and your chain-of-command is notified. You have the right to be reasonably protected and may also be eligible for other protections, including a Military Protective Order and/or a civilian protective order. You may also be eligible for an Expedited Transfer.

REPORTING OPTION

2

RESTRICTED REPORT

A **Restricted Report** allows you to receive SVC/VLC legal advice and medical and advocacy services, but does not trigger an investigation. Information will be provided to Command that does not reveal your identity, nor that of the alleged offender.

Only these professionals can accept a Restricted Report:

- Sexual Assault Response Coordinator (SARC)
- Sexual Assault Prevention and Response (SAPR) Victim Advocate (VA)
- Healthcare providers and healthcare support personnel



You do not have to tell law enforcement or your commander about your sexual assault to receive care and other forms of assistance

Also, victims who filed a Restricted Report may **anonymously disclose suspect information** to the Catch a Serial Offender (CATCH) Program to identify repeat offenders. If other reports about the same suspect are identified in CATCH, victims can decide to change their report from Restricted to Unrestricted to participate in a criminal investigation of the suspect.

Find more information at www.sapr.mil/catch

YOU ARE NOT ALONE

Dedicated Response Resources

Professionals are available everywhere the military operates to help connect victims of sexual assault with information and resources:

1

Sexual Assault Response Coordinator (SARC)

An installation resource who provides confidential support and coordinates care for a victim of sexual assault throughout the investigation and recovery process.

2

SAPR Victim Advocate (VA)

An advocate who provides one-to-one confidential support, education, and resources to a victim of sexual assault under the supervision of the SARC.

3

Military Chaplain

Priests, ministers, and other religious clergy can provide confidential spiritual advice and counseling to a victim of sexual assault. While Chaplains cannot take reports of sexual assault, they can put you in touch with a SARC or SAPR VA if you so request.

4

Sexual Assault Medical Forensic Examiner (SAMFE)

A specially-trained medical professional who can conduct a Sexual Assault Forensic Examination (SAFE) and address medical concerns associated with sexual assault.

5

Special Victims' Counsel or Victims' Legal Counsel (SVC/VLC)

A military attorney who provides victims with confidential legal advice, representation, and assistance with exercising their rights throughout the investigative and justice process. Communications with these attorneys are protected and cannot be shared with anyone. Victims may consult with an SVC or VLC prior to making a report.

6

Special Victim Investigation and Prosecution Capability

Criminal investigators, prosecutors, and other legal support personnel who work together and are specially-trained to assist victims of sexual assault, domestic violence, and child abuse.

For more information, please visit sapr.mil;

For confidential victim assistance, call or visit the DoD Safe Helpline at 877-995-5247 or safehelpline.org