



February 2017

SEXUAL ASSAULT

Better Resource Management Needed to Improve Prevention and Response in the Army National Guard and Army Reserve

Why GAO Did This Study

Sexual assault in the Army is often discussed in terms of its incidence among active-duty forces. Sexual assault is a crime that similarly confronts the more than 550,000 members who collectively serve in the Guard and Reserve, who together reported 604 sexual assault incidents in fiscal year 2015; however, sexual assault is generally an underreported crime. Congress included a provision in statute for GAO to review sexual assault prevention and response in the Army's reserve components.

This report addresses the extent to which (1) the Guard and Reserve face any challenges implementing programs to prevent and respond to sexual assault; and (2) medical and mental health-care services are available to victims in the Guard and Reserve. GAO reviewed DOD and Army policies; administered two web-based surveys; conducted site visits to four installations; and interviewed officials.

What GAO Recommends

GAO is making six recommendations, including that DOD evaluate program staffing structure, communicate and develop budget guidance, assess the Guard's investigation timeliness and resources, and develop an expedited process for determining Reserve eligibility for healthcare services. DOD concurred with three recommendations partially concurred with two, and did not concur with assessing Guard investigation timeliness, stating that the Army has limited authority over OCI. GAO continues to believe that actions are needed to fully address the two recommendations, and redirected the OCI recommendation to the Guard, as recommended by DOD.

View [GAO-17-217](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

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Better Resource Management Needed to Improve Prevention and Response in the Army National Guard and Army Reserve

What GAO Found

The Army National Guard (Guard) and Army Reserve (Reserve) have implemented sexual assault prevention and response programs, but face challenges in areas such as staffing, budget management, and investigation timeliness that may hinder program implementation.

- **Staffing:** The Guard and the Reserve have staffed their sexual assault prevention and response programs, but their use of full-time and collateral-duty personnel has produced sizeable workload disparities. For example, the Guard allots two full-time staff to each state and territory, which provides Rhode Island—a state with about 2,000 soldiers—the same number of staff as Texas, which has about 18,600 soldiers. Similar imbalances exist in the Reserve, with one full-time staff at one command responsible for about 9,000 soldiers located in 16 different states, while the one full-time staff member at another command is responsible for 300 soldiers in 4 states. Officials said that collateral-duty personnel are used to mitigate workload disparities, but these positions are not always filled in the Guard, and the Reserve does not know the number filled. Without evaluating their staffing structures, the Army does not know the extent of such issues and their effect.
- **Budget Management:** The Guard has developed budget guidance on the use of funds but has not effectively communicated it to program staff, and the Reserve has not developed or distributed this guidance to its staff. Thus, Guard and Reserve program staff do not have information needed to develop their budget allocations and help ensure the efficient use of program funds.
- **Investigation Timeliness:** Data on Guard cases investigated by its Office of Complex Administrative Investigations (OCI) in fiscal year 2015 show that 57 percent, or 45 of 79 cases, took 6 to 9 months to complete; 39 percent, or 31 of 79 cases, took 3 to 6 months; and the remaining 4 percent (3 of 79 cases) took longer than 9 months. According to OCI officials, investigations take longer to complete because OCI does not have enough personnel to handle its growing caseload, which more than doubled from 2014 to 2015. The Army and the Guard have not reassessed OCI's resources since the increase in investigation requests to help ensure it has the staff needed to complete investigations within 3 weeks, as required by OCI guidance.

Eligibility for follow-up or long-term health-care services paid for or provided by the Department of Defense (DOD) varies based on a Guard or Reserve victim's duty status at the time of an assault. Victims in the Guard and Reserve must go through a process, known as a line of duty determination, to determine their eligibility for care. The Guard has established an expedited process for making a determination within 72 hours of the process being initiated. However, the Reserve's process is lengthy, and in prior work GAO found that 80 percent of these determinations were overdue. Reserve officials said they plan to include an expedited process in the new Army regulation that is being drafted; however, Reserve officials did not provide details about the planned process or documentation about how it would be implemented. Without an expedited process to provide more timely decisions, sexual assault victims in the Reserve may continue to pay for their care up front, or else face delayed access to care.

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Abbreviations

CID	Criminal Investigation Command
DOD	Department of Defense
DSAID	Defense Sexual Assault Incident Database
Guard	Army National Guard
OCI	Office of Complex Administrative Investigations
Reserve	Army Reserve
SAPRO	Sexual Assault Prevention and Response Office
SARC	Sexual assault response coordinator
SHARP	Sexual Harassment/Assault Response and Prevention
VA	Victim advocate
VAC	Victim advocate coordinator

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February 27, 2017

Congressional Committees

Sexual assault in the military is frequently discussed in terms of its occurrence in and effect on active-duty forces.¹ However, the reserve components face similar issues, which is of importance in particular due to the size of the reserve-component forces.² The Army's reserve components, which include the Army National Guard and the Army Reserve, collectively comprise over 550,000 members compared to the nearly 490,000 soldiers serving in the active-duty Army.³ In fiscal year 2015, 604 sexual assault incidents involving Army reserve-component victims were reported to Army and National Guard personnel; however, sexual assault is generally an underreported crime. Based on a survey of reserve-component members conducted by the Defense Manpower Data Center in 2015, the Department of Defense (DOD) estimated that 8,386 reserve component members were sexually assaulted during the same period.⁴ Further, DOD determined that, in fiscal year 2015, of those reserve-component members who indicated in the survey that they had experienced a sexual assault, only about 22 percent of women serving in the reserve component and 16 percent of men reported the incident to DOD.

¹According to DOD Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program* (Jan. 23, 2012) (incorporating Change 2, Jan. 20, 2015) (hereinafter cited as DOD Directive 6495.01), sexual assault is intentional sexual contact that is characterized by the use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes a broad category of sexual offenses, consisting of the following specific offenses under the Uniform Code of Military Justice: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.

²The reserve components of the armed forces are the Army National Guard, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve.

³As of September 30, 2015, the authorized end strength for Selected Reserve personnel in the Army National Guard was 350,200 and in the Army Reserve was 202,000. The Selected Reserve consists of units and individuals designated as so essential to initial wartime missions that they have priority over all other Reserves.

⁴Defense Manpower Data Center, *2015 Workplace and Gender Relations Survey of Reserve Component Members: Overview Report* (March 2016). In comparison, DOD has estimated that around 20,300 active-duty servicemembers experienced a sexual assault in fiscal year 2014. *Department of Defense Annual Report on Sexual Assault in the Military: Fiscal Year 2015* (Apr. 21, 2016).

For more than a decade, Congress and DOD have taken a variety of steps to prevent and respond to sexual assault in the military. In 2004, following a series of high-profile sexual assault cases involving servicemembers, Congress required the Secretary of Defense to develop, among other things, a comprehensive policy for DOD on the prevention of and response to sexual assaults involving servicemembers.⁵ In response to statutory requirements, DOD established its sexual assault prevention and response program in 2005 to promote prevention, encourage increased reporting of sexual assault crimes, and improve victim response capabilities. Starting with its fiscal year 2007 report on sexual assault in the military, DOD began to distinguish between reports of sexual assault involving members serving on active duty and those involving activated members of the National Guard and the Reserve.⁶

Since 2008 we have issued multiple products and made numerous recommendations related to DOD's efforts to prevent and respond to incidents of sexual assault involving servicemembers on active duty. Most recently, in November 2015, we reported on the extent to which DOD had developed and implemented a strategy to prevent sexual assault.⁷ In general, we found that DOD had developed a sexual assault prevention strategy but that it did not link specified activities to desired outcomes. Furthermore, we reported that DOD had not taken steps to help ensure that the prevention-focused activities being implemented at installations were consistent with the overarching objectives of its prevention strategy. We recommended that DOD, among other things, link the activities specified in its prevention strategy with desired outcomes and that it communicate and disseminate its prevention strategy to all program personnel. DOD concurred with all of our recommendations and is in the process of implementing them. For additional information on our prior work related to sexual assault in the military, see the list of related GAO products at the end of this report.

The National Defense Authorization Act for Fiscal Year 2016 included a provision for us to review implementation of sexual assault prevention

⁵See Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. No. 108-375 § 577 (2004).

⁶Department of Defense Fiscal Year 2007 Report on Sexual Assault in the Military (Mar. 13, 2008).

⁷GAO, *Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented*, [GAO-16-61](#) (Washington, D.C.: Nov. 4, 2015).

and response efforts in the Army's two reserve components.⁸ This report assesses the extent to which (1) the Army National Guard and the Army Reserve face any challenges implementing their programs on the prevention of and response to sexual assault involving their members; and (2) medical and mental health-care services are available to members of the Army National Guard and the Army Reserve following a sexual assault.

For our first objective, we reviewed DOD's, the Department of the Army's and the National Guard's sexual assault prevention and response guidance.⁹ We also interviewed headquarter-level officials with the Department of the Army, the Army National Guard, and the U.S. Army Reserve, as well as officials from DOD's Sexual Assault Prevention and Response Office (SAPRO) on efforts to implement this guidance in the Army National Guard and the Army Reserve, and asked about any challenges that they had identified or experienced during implementation. In reviewing this guidance and in our discussions with officials, we identified challenges related to department and service-level program responsibilities for the assignment of program staff, budget development and execution, and investigations. We obtained May 2016 data from the Army National Guard and April 2016 data from the Army Reserve—the most recent available at the time of our review—on the number, geographical dispersion, and types of personnel used to staff full-time and collateral-duty program positions. We also obtained data from the Department of the Army and the Army National Guard on the amount of time it took to conduct sexual assault investigations in fiscal years 2012 through 2015, which is the period available in the system used to maintain these data at the time of our review. We assessed the reliability of the data sources by reviewing information on data quality and the

⁸Pub. L. No. 114-92, § 542 (2015).

⁹DOD Directive 6495.01; DOD Instruction 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures* (Mar. 28, 2013, incorporating Change 2, July 7, 2015) (hereinafter cited as DOD Instruction 6495.02); DOD Instruction 5505.18, *Investigation of Adult Sexual Assault in the Department of Defense* (Jan. 25, 2013, incorporating Change 2, June 18, 2015); Army Regulation 600-20, *Army Command Policy* (Nov. 6, 2014) (hereinafter cited as Army Regulation 600-20); Army Regulation 195-2, *Criminal Investigation Activities* (June 9, 2014); National Guard Bureau Memorandum, *Implementation Guidance for the ARNG Sexual Harassment/Assault Response and Prevention (SHARP) Program* (May 31, 2016); Chief National Guard Bureau Notice 0400, *Interim Revision to CNGB Series 0400.01* (Apr. 16, 2014); Chief National Guard Bureau Instruction 0400.01, *Office of Complex Administrative Investigations* (July 30, 2012); Chief National Guard Bureau Manual 0400.01, *Office of Complex Administrative Investigations* (Nov. 8, 2012).

systems that produced them, and by discussing the data with knowledgeable agency officials. We determined these data sources were sufficiently reliable for describing the Army National Guard and the Army Reserve staffing of program positions and the length of investigations. Further, we compared Army National Guard and Army Reserve efforts to staff and develop budgets for their respective programs with *Standards for Internal Control in the Federal Government* that emphasize the importance of (1) establishing an organizational structure and assigning responsibilities that enable an agency or department to operate in an efficient and effective manner and to achieve its objectives, (2) communicating quality information to make informed decisions, especially as it relates to the prioritization of and accountability for funds, and (3) providing accountability for resources and ensuring that only valid transactions to use or commit resources are initiated or entered into.¹⁰

Additionally, we conducted site visits to four installations—two for the Army National Guard and two for the Army Reserve—that were selected based on a variety of factors, including installations that had a higher number of reported sexual assault incidents, as well as the size and geographic dispersion of different installations. Although the information obtained during our site visits is not generalizable to other installations, it enabled us to obtain the perspectives of a variety of personnel responsible for implementation of the Army National Guard's and the Army Reserve's sexual assault prevention and response programs. We also administered and analyzed the results of two web-based surveys, one for each component, that solicited perspectives from all full-time sexual assault response coordinators (SARC) and victim advocates (VA) serving in the Army National Guard and the Army Reserve.¹¹ Of the full-

¹⁰GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014). The standards were updated and went into effect on October 1, 2015. The current standards describe the need for organizational structure similar to the prior standards described in [GAO/AIMD-00-21.3.1](#) which were in effect prior to fiscal year 2016 and cover the timing of the agency information used in this report.

¹¹A sexual assault response coordinator (SARC) oversees sexual assault awareness, prevention, and response training; coordinates medical treatment, including emergency care, for victims of sexual assault; and tracks the services provided to a victim of sexual assault. A victim advocate (VA) provides nonclinical crisis intervention, referral, and ongoing nonclinical support to adult sexual assault victims; support includes information on available options and resources, and liaison assistance with other organizations and agencies on victim care matters. For their full-time VA positions, the Army Reserve uses the term victim advocate, and the National Guard uses the term victim advocate coordinator (VAC). For purposes of this report, we use the term victim advocate (VA) when referring to those positions in both components.

time SARCs and VAs who were available during the period of survey administration, we received completed survey responses from 68 out of 92 potential respondents, or 74 percent, for the Army National Guard, and from 27 out of 46 potential respondents, or 59 percent, for the Army Reserve.¹²

For our second objective, we reviewed provisions in DOD, Department of the Army, and Veterans Health Administration guidance pertaining to medical and mental health-care services available to members of the Army National Guard and Army Reserve following a sexual assault.¹³ In our web-based survey of full-time SARCs and VAs serving in the Army National Guard and the Army Reserve, we asked about the availability of medical and mental health-care services for sexual assault victims, and analyzed the results to determine how services are identified and the extent to which they vary by location. We also interviewed officials from DOD and the Department of the Army, and met with officials during our site visits, to discuss the medical and mental health services available to sexual assault victims serving in the Army National Guard and the Army Reserve, including any care that can be obtained through the local community, and the extent to which the availability of such care may be affected by a member's duty status. We also discussed any potential barriers that may affect the availability of and access to such care by reserve-component members. A more detailed description of our scope and methodology appears in appendix III.

We conducted this performance audit from July 2015 to February 2017 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

¹²We excluded from our recipient list individuals from the Army Reserve and Army National Guard who were unavailable during the period of survey administration for reasons such as deployment, maternity leave, extended sick leave, or no longer serving in the SARC or VA position. See app. I for the questions and the results from the survey administered to Army Reserve SARCs and VAs, and app. II for the questions and the results from the survey administered to Army National Guard SARCs and VAs.

¹³DOD Directive 6495.01; DOD Instruction 6495.02; DOD Instruction 1241.01, *Reserve Component (RC) Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements* (Apr. 19, 2016); Army Regulation 600-20; Army Regulation 600-8-4, *Line of Duty Policy, Procedures, and Investigations* (Sept. 4, 2008); Veterans Health Administration Handbook 1601A.02, *Eligibility Determination* (Apr. 3, 2015).

the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Overview of the Army National Guard's and the Army Reserve's Purpose and Structure

The Army National Guard and the Army Reserve are composed primarily of citizen soldiers who serve in the military on a part-time basis, balancing the demands of civilian careers with their military service. Collectively, these part-time forces make up more than 50 percent of the Army's total force, and these soldiers at any time may be called upon to meet a full spectrum of defense requirements and operations around the globe. In addition to these part-time forces, both the Army National Guard and the Army Reserve use full-time personnel for duties that can include pay processing, personnel actions, preparing and monitoring training schedules, and other tasks that cannot be effectively executed through the use of part-time personnel.¹⁴ While similarly composed of mostly part-time forces, the Army National Guard and the Army Reserve have distinct missions and organizational structures.

- **Army National Guard:** The Army National Guard has a dual role as both a state and a federal force and may be called upon to provide trained and equipped units to (1) defend the 54 states and territories of the United States, and (2) respond to overseas combat missions, counterdrug efforts, reconstruction missions, and other operations as needed.¹⁵ When mobilized for a federal mission, the Army National Guard is under the command and control of the President. When they are not conducting a federal mission, Army National Guard units are under the control of the governors for state responsibilities. In addition, Army National Guard forces can be mobilized under Title 32 of the United States Code for certain federally funded, domestic missions conducted under the command of the governors. Past missions included providing security at the nation's airports in the immediate aftermath of the September 11 terrorist attacks and

¹⁴Full-time support personnel consist of five categories of personnel including: full-time reservists (active Guard/Reserve), military technicians, active-component personnel, non-dual-status technicians, and federal civilian employees. Full-time support personnel provide services and administrative support to the part-time drilling reservists.

¹⁵The National Guard has headquarters in all 50 states, the District of Columbia, and the United States' three territories: Puerto Rico, Guam, and the U.S. Virgin Islands.

assisting the Gulf Coast in the aftermath of Hurricane Katrina. The Chief of the National Guard Bureau is responsible for creating and implementing policy and guidance so that National Guard servicemembers meet the overarching standards set by DOD. In addition, the Chief of the National Guard Bureau is responsible for ensuring that Army National Guard soldiers are accessible, capable, and ready to protect the homeland and to provide combat resources to the Army.

- **Army Reserve:** The Army Reserve is a federal force that is organized primarily to provide operational support to combat forces. The Office of the Chief of the Army Reserve and the U.S. Army Reserve Command are commanded by the same Lieutenant General who, by law, is a member of the Headquarters, Department of the Army Staff. The Chief of the Army Reserve is generally responsible for advising the Secretary of the Army and the Chief of Staff of the Army on all issues related to the Army Reserve Command.

Overview of DOD's Sexual Assault Prevention and Response Program and Office

In response to statutory requirements, in 2005 DOD established its sexual assault prevention and response program to promote the prevention of sexual assault, encourage increased reporting of such incidents, and improve victim response capabilities.¹⁶ DOD's Sexual Assault Prevention and Response Office (SAPRO) serves as the department's single point of authority, accountability, and oversight for its sexual assault prevention and response program. SAPRO provides the military services with guidance and technical support, and develops programs, policies, and training standards for the prevention and reporting of, and response to, sexual assault. Other responsibilities include overseeing the department's collection and maintenance of data on reported sexual assault incidents involving servicemembers; establishing mechanisms to measure the effectiveness of the department's program; and preparing the department's mandated annual reports to Congress on sexual assaults involving servicemembers.¹⁷

DOD's program allows servicemembers to make a restricted or unrestricted report of sexual assault. Specifically, DOD's restricted reporting option is designed to allow sexual assault victims to confidentially disclose an alleged sexual assault to selected individuals

¹⁶Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. No. 108-375, § 577 (2004).

¹⁷DOD Instruction 6495.02.

without initiating an official investigation and to receive medical and mental health care. In cases where a victim elects restricted reporting, first responders may not disclose confidential communications to law enforcement or command authorities unless certain exceptions apply.¹⁸ Improper disclosure of confidential communications and medical information may result in discipline pursuant to the Uniform Code of Military Justice or other adverse personnel actions.¹⁹ In contrast, DOD's unrestricted reporting option triggers an investigation by a military criminal investigative organization.²⁰

Each military service provides specific guidance on sexual assault, as well as standard operating and reporting procedures for responding to alleged sexual assault incidents. In contrast to the other services, the Department of the Army is the only military service to combine its efforts to prevent and respond to incidents of sexual assault as well as sexual harassment.²¹ Specifically, based on the view that sexual harassment is a potential precursor to sexual assault, the Secretary of the Army directed that Army efforts to address sexual assault and sexual harassment be restructured and integrated. Pursuant to this direction, the Army in 2009

¹⁸For example, a victim may not be able to make a restricted report in a jurisdiction that requires mandatory reporting to civilian agencies or local law enforcement. DOD Instruction 6495.02 also provides other exceptions to the disclosure of a restricted report by a sexual assault victim.

¹⁹The military justice system is governed by a collection of statutes and regulations, including the Uniform Code of Military Justice, which is codified in Chapter 47 of Title 10 of the U.S. Code.

²⁰The Army's military criminal investigative organization is known as Criminal Investigation Command (CID). CID investigates incidents of sexual assault that are within the CID investigative authority. Among other things, CID is responsible for interviewing witnesses, alleged victims, and suspects, and gathering physical evidence. The investigators present the results of the completed investigation for disposition by the commanding officer of an accused servicemember.

²¹Army Regulation 600-20 defines sexual harassment as a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when: submission to, or rejection of, such conduct is made either explicitly or implicitly 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; 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.

established what is currently known as its Sexual Harassment/Assault Response and Prevention (SHARP) program.²²

Applicability of DOD and Army Policies to the Army National Guard and the Army Reserve

The Army National Guard and the Army Reserve have primarily used DOD and Department of the Army policies to implement their respective sexual assault prevention and response programs.²³ The Army's sexual assault prevention and response guidance is currently a chapter in the Army's general personnel regulation, and Department of the Army SHARP officials told us that they are in the process of updating this regulation to consolidate guidance currently contained in several different Army policies, directives, and other related documents. In addition, the officials said that they are developing a new Army regulation that will be focused solely on the SHARP program, with separate chapters for the Army National Guard and the Army Reserve. The officials expect this new guidance to be issued in May 2017.

Under DOD's and the Army's current sexual assault prevention and response policies, members of the Army National Guard and the Army Reserve who are sexually assaulted while in certain duty statuses are subject to the same provisions and are eligible for the same services provided to active-duty servicemembers. For example, members of the Army National Guard and the Army Reserve who are sexually assaulted while performing active-duty service (as defined by Section 101(d)(3) of Title 10, U.S. Code) or inactive-duty training are generally eligible for DOD-provided medical treatment and counseling for injuries and illness incurred from a sexual assault. Members of the Army National Guard and the Army Reserve who report a sexual assault that occurred prior to or outside of active-duty service or inactive-duty training are eligible for some benefits, but not the full range of services. For example, all reserve-component members—regardless of their duty status at the time of the assault—may file a restricted or unrestricted report; are eligible for timely access to advocacy services from a SARC and a VA and appropriate nonmedical referrals, if requested; and have access to Special Victims

²²Since this report focuses on sexual assault and not sexual harassment, when we discuss the Army's SHARP program, we are referring to the program only as it relates to sexual assault.

²³DOD Directive 6495.01; DOD Instruction 6495.02; Army Regulation 600-20.

Counsel.²⁴ However, reserve-component members that report a sexual assault that occurred prior to or outside of active-duty service or inactive-duty training are not eligible for medical treatment provided or paid for by DOD. Detailed data on sexual assault incidents involving members of the Army National Guard and Army Reserve appear in appendix IV.

Sexual Assault Prevention and Response Program Roles and Responsibilities

Various offices and personnel within DOD and the Department of the Army play a role in preventing and responding to sexual assault incidents.

- **Under Secretary of Defense for Personnel and Readiness:** The Under Secretary of Defense for Personnel and Readiness is responsible for developing the overall policy and guidance for the department's sexual assault prevention and response program, except for criminal investigative policy matters assigned to the Judge Advocates General of the military departments, the Staff Judge Advocate to the Commandant of the Marine Corps, and the DOD Inspector General and for legal processes in the Uniform Code of Military Justice. The Under Secretary of Defense for Personnel and Readiness oversees SAPRO.
- **Assistant Secretary of Defense for Health Affairs:** The Assistant Secretary of Defense for Health Affairs is generally responsible for advising the Under Secretary of Defense for Personnel and Readiness on DOD's sexual assault health-care policies, clinical practice guidelines, and related procedures and standards of DOD health-care programs for sexual assault victims.
- **Army Deputy Chief of Staff, Army G-1 (Personnel):** The Deputy Chief of Staff, Army G-1, is generally responsible for Army-wide policies and the overall implementation, evaluation, and assessment of the sexual assault prevention and response program.
- **Director, Department of the Army's SHARP Office:** The Director is responsible for program-management functions that include coordinating policy development and training requirements; ensuring that periodic program evaluations and assessments are conducted; and collecting, recording, and maintaining data on sexual assault cases.

²⁴A special victims counsel is an attorney assigned to provide legal assistance and representation to victims in accordance with Section 1044(e) of Title 10, U.S. Code, and service regulations.

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- **Director of the Army National Guard and Chief of the Army Reserve:** The heads of the Army reserve components are generally responsible for developing, implementing, and monitoring sexual assault prevention and response policies and programs in their respective components.
 - **Sexual Assault Response Coordinators (SARC):** SARCs—military or civilian employees at the discretion of the military services—serve as the single point of contact for coordinating appropriate and responsive care for sexual assault victims at an installation or within a geographic area.²⁵ SARCs oversee sexual assault awareness, prevention, and response training; coordinate medical treatment, including emergency care, for victims of sexual assault; and track the services provided to a victim of sexual assault from the initial report through final disposition and resolution.
 - **Victim Advocates (VA):** Victim advocates (VA) report directly to the SARC when performing victim advocacy duties and may provide nonclinical crisis intervention, referral, and on-going nonclinical support to adult sexual assault victims, such as providing information on available options and resources to victims, and providing liaison assistance with other organizations and agencies on victim care matters.
 - **Other Sexual Assault Responders:** DOD's instruction identifies other responders, including judge advocates, medical and mental health providers, criminal investigative personnel, law-enforcement personnel, and chaplains, and specifies that commanders, supervisors, and managers at all levels are responsible for the effective implementation of both the policy and the program.²⁶

²⁵DOD Directive 6495.01.

²⁶DOD Instruction 6495.02, encl. 5.

The Army National Guard and the Army Reserve Face Several Challenges with Implementation of Their Sexual Assault Prevention and Response Programs

The Army National Guard and the Army Reserve have implemented sexual assault prevention and response programs, but face challenges in areas such as staffing, budget management, and investigation timeliness that may hinder program implementation. Specifically, the Army National Guard and the Army Reserve have staffed their sexual assault prevention and response programs, but the number, distribution, and types of personnel assigned to these positions has produced challenges that may limit the responsiveness of SARCs and VAs. Further, limited oversight of budget development and execution may also impede effective program implementation in the Army National Guard and the Army Reserve. Finally, the authority to investigate sexual assault cases involving reserve-component members varies, depending on duty status and location, and the timeliness of investigations of some cases involving Army National Guard soldiers has posed a challenge.

Army National Guard and Army Reserve Staffing Structures Hinder Achievement of Program Objectives

The Army National Guard and the Army Reserve have provided full-time and collateral duty staff for their sexual assault prevention and response programs; however, their approach to the number and distribution of personnel assigned to the full-time positions and low fill rates for the collateral duty positions may hinder their ability to achieve program objectives. Further, the use of military technicians to fill full-time positions poses challenges for program implementation due to their dual status role, a prohibition from performing civilian duties while serving in military capacity, and a requirement to provide compensatory time for after-hours work. However, National Guard, Army Reserve, and Department of the Army leadership have not evaluated how the existing mix and types of full-time and collateral-duty staff affects program implementation, or their ability to achieve program objectives.

The Reserve Components Face Staffing Challenges Due to Workload Imbalances Associated with the Number and Location of Full-Time SARCs and VAs and Unfilled Collateral Duty Positions

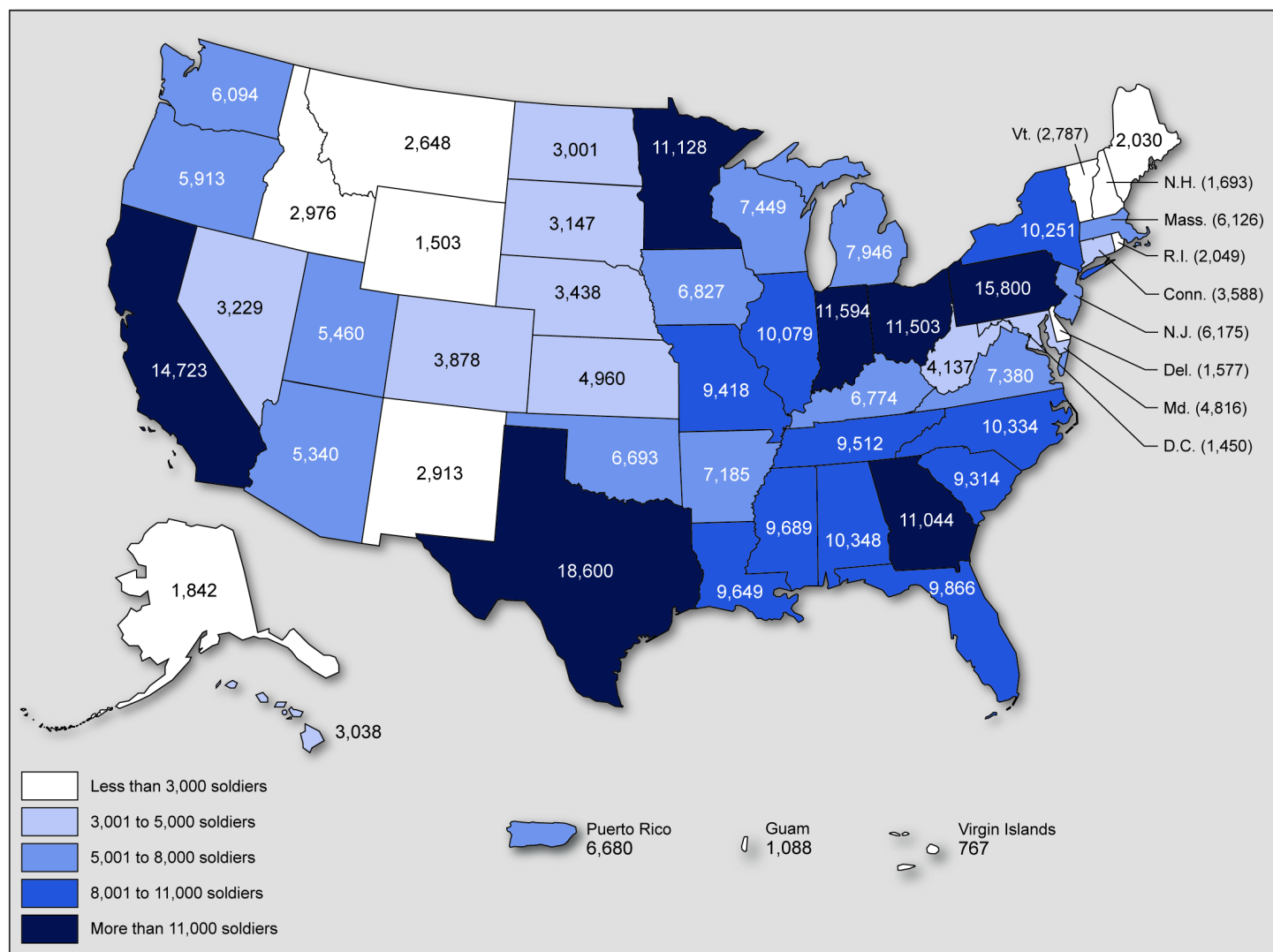
The National Guard and the Army Reserve have staffed their sexual assault prevention and response programs with a mix of full-time and collateral-duty personnel, but their staffing approach has produced sizeable workload disparities among full-time program personnel, and the collateral-duty positions have not been fully filled. Army Regulation 600-20 specifies that the Chief of the National Guard Bureau and the Chief of the U.S. Army Reserve will establish requisite staff positions within their organizations and make resources available to adequately implement program requirements, among other things. The National Defense Authorization Act for Fiscal Year 2012 directed that at least one full-time SARC and one full-time VA be assigned to each brigade or equivalent

unit level of the armed forces.²⁷ The National Guard and the Army Reserve have applied different interpretations of this requirement in their assignment of full-time SARC and VAs to manage sexual assault prevention and response efforts in their respective components. Specifically, the National Guard authorized one full-time SARC and one full-time VA for the Joint Force Headquarters in each of the United States' 54 states and territories for a total of 108 full-time personnel. The Army Reserve assigned its full-time personnel so that they are co-located with its major commands, but it interpreted the statutory sizing construct as having different applicability to SARC and VAs and did not establish both full-time positions at every location. Instead, the Army Reserve assigned a full-time SARC to each of its 35 major commands, whereas only 13 of these locations also have a full-time VA. While such decisions fall within their designated authorities, we found that the National Guard's and Army Reserve's current approaches to staffing pose several challenges to program implementation.

The National Guard's decision to allot the same number of full-time staff to each state and territory has produced varying levels of responsibility among individuals hired for the same position. Specifically, Rhode Island has just over 1,000 square miles of land area and an Army National Guard population of about 2,000 soldiers and is assigned the same number of staff—one full-time SARC and one full-time VA—as Texas, which has more than 260,000 square miles of land area and a Guard population of about 18,600 soldiers. Figure 1 identifies the size of the Army National Guard population served in each state and territory to further illustrate the varying magnitude of responsibilities among full-time SARC and VAs serving in the Army National Guard.

²⁷Pub. L. No. 112-81, § 584 (2011).

Figure 1: Number of Assigned Army National Guard Soldiers in Each State and Territory



Source: GAO analysis of National Guard data. | GAO-17-217

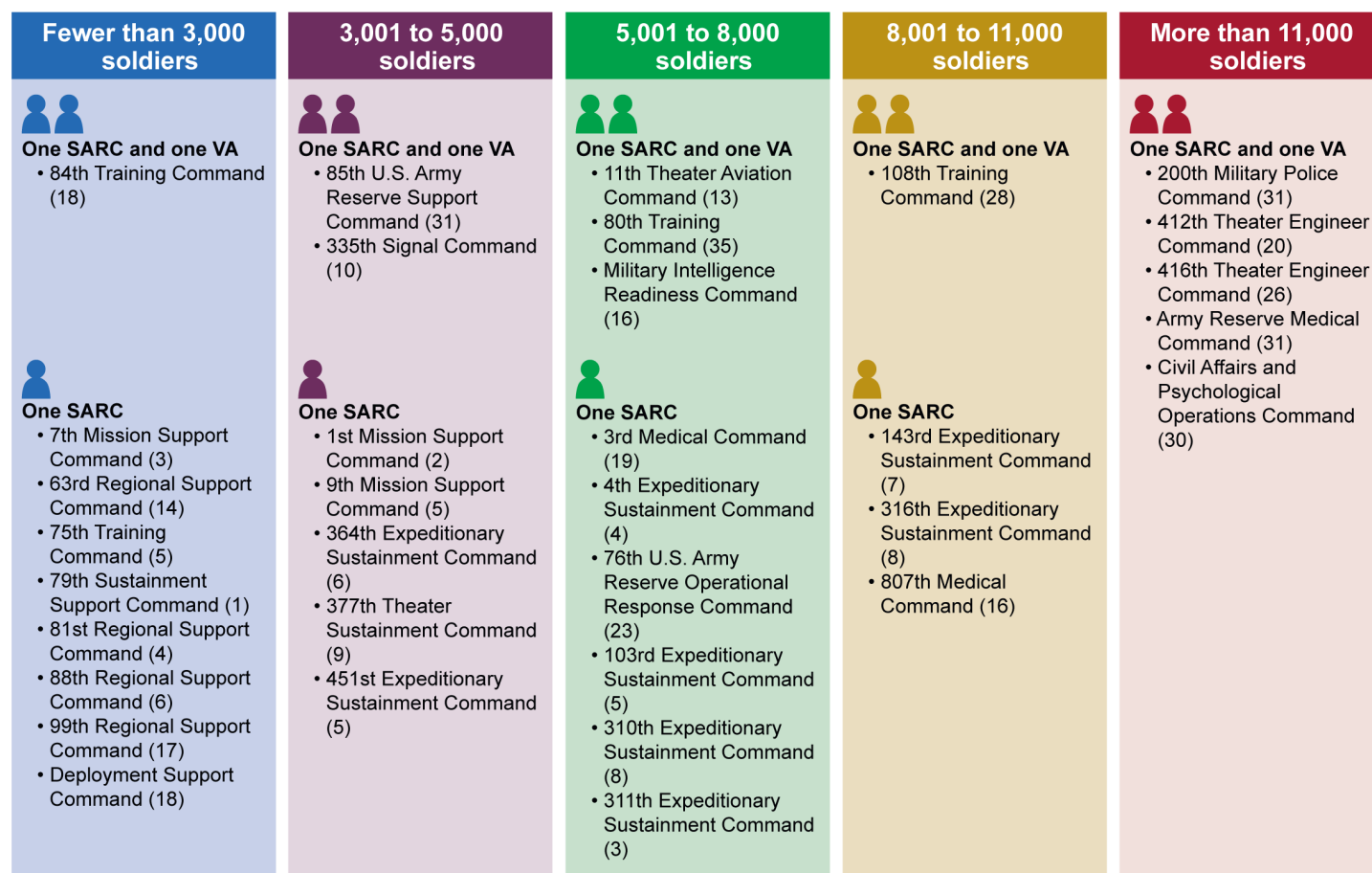
Note: Data on Army National Guard populations used in the figure reflect the assigned Army National Guard end strength as of May 31, 2016, for each state and territory of the United States.

According to Army National Guard officials, each state and territory operates independently, which limits the National Guard's ability to shift or realign SARC and VA positions from one state to another. Further, officials stated that there were no additional personnel authorized to meet the statutory requirement to establish SARC and VA positions, and

individual states have reallocated existing full-time support authorizations to fill these positions.

Similar imbalances exist among the full-time program personnel assigned to the Army Reserve's major commands. For example, the 807th Medical Command has one full-time SARC who is responsible for more than 9,000 soldiers assigned to units located in 16 states, whereas the 81st Regional Support Command has one full-time SARC who is responsible for fewer than 300 soldiers located in 4 states. Figure 2 lists major commands and their program staff according to the size of the population served to further illustrate the varying magnitude of responsibilities for full-time SARCs and VAs serving in the Army Reserve.

Figure 2: Army Reserve Major Commands and Full-Time SHARP Program Staff by Size of Population Served and Number of States Where Command Has Subordinate Units



SARC Sexual Assault Response Coordinator
 SHARP Sexual Harassment/Assault Response and Prevention
 VA Victim Advocate
 () Numbers in parentheses indicate the number of states in which a command has subordinate units

Source: GAO analysis of Army Reserve Command data. | GAO-17-217

Note: Data on Army Reserve populations used in the figure are based on the authorized end strength, as of April 2016, for each major command of the Army Reserve. While some of the major commands, such as the 79th Sustainment Support Command and the 377th Theater Sustainment Command, have a higher total authorized end strength than shown above, their subordinate expeditionary sustainment commands have their own authorizations for full-time SARCs and/or VAs. As a result, we listed the subordinate commands and their end strengths separately in this figure, and have attributed to the higher level commands only their authorized personnel who are not assigned to the separately listed expeditionary sustainment commands. Some Army Reserve major commands that are not listed in the figure do not have any authorized full-time SARC or VA positions. Instead, these commands fill these needs through the use of part-time or full-time personnel from the command's administrative authorizations.

Officials we interviewed in the Department of the Army, the Army National Guard, and the Army Reserve stated that workload disparities are mitigated by using collateral-duty personnel, who perform SARC and VA functions as a secondary responsibility to their primary military occupation. However, Army National Guard and Army Reserve officials explained that the part-time nature of reserve-component service provides members limited time to complete the responsibilities of their primary occupation, much less collateral duties. Further, we found the actual number of collateral-duty SARCs and VAs available to assist full-time staff was less than the number authorized. Specifically, data provided as of October 2016 showed that the Army National Guard had assigned 237 collateral duty SARCs, or 89 percent of the 266 positions authorized; and had assigned 1,388 collateral duty VAs, or 78 percent of the 1,790 positions that had been authorized. In our survey of full-time SARCs and VAs, 23 out of 68 Army National Guard respondents (34 percent) similarly reported that there were too few screened and credentialed collateral-duty SARCs for their current workload, and 30 out of 68 (44 percent) said that they had too few screened and credentialed collateral-duty VAs for their current workload.

Army Reserve officials said that they currently do not have a process for tracking the total number of collateral duty SARCs and VAs in the Army Reserve, or how many of those positions are filled or vacant. Our visits to selected installations suggested that a substantial gap exists between the actual and authorized number of collateral duty SARCs and VAs. For example, we visited one of the Army Reserve's major commands and were told that it had 7 trained collateral-duty VAs out of an authorization for more than 200. During a visit to another major command, an official told us it has 136 collateral-duty VAs out of an authorization for 328 and that the command often relies on and uses another military service's SARCs to mitigate the effect of the shortage. In our survey of full-time SARCs and VAs, 16 out of 27 Army Reserve respondents (59 percent) said that they had too few screened and credentialed collateral-duty SARCs for their current workload, and 21 out of 27 (78 percent) said that they had too few screened and credentialed collateral-duty VAs for their current workload.

Use of Dual-Status Military Technicians as Full-Time SARCs and VAs Poses Challenges for Program Implementation

The National Guard's and the Army Reserve's heavy reliance on dual-status military technicians to fill the full-time SARC and VA positions in their components also poses challenges for program implementation in three areas, due to: (1) their dual-status role, (2) a prohibition from performing civilian duties while serving in a military capacity, and (3) a law mandating compensatory time for after-hours work.²⁸

- **Dual-status role:** The majority of military technicians are designated as “dual-status,” which requires that they maintain membership in a reserve component as a condition of their employment. As of October 2016, about 70 percent of full-time SARC and VA positions in the National Guard were filled by dual-status technicians,²⁹ and Army Reserve officials told us that all of the full-time SARC and VA positions in the Army Reserve were filled by dual-status technicians. However, aspects of the military technician occupation limit the ability of those serving in these positions from effectively executing the role and responsibilities of a SARC or VA. For example, we identified instances in which technicians would serve as a SARC or VA in their civilian capacity and then would serve as part of the unit command team when in their military capacity. This is problematic because according to DOD policy only selected individuals—to include SARCs and VAs—are authorized to receive a restricted or confidential report of sexual assault from a victim that will not disclose the name of the victim to the chain of command.³⁰ In our survey of full-time SARCs and VAs, 10 out of 61 Army National Guard respondents (16 percent) and 6 out of 24 Army Reserve respondents (25 percent) indicated that they served as part of the unit command team when on military duty.
- **Prohibition from performing civilian duties while serving in a military capacity:** Under DOD policy, military technicians are prohibited from performing their civilian duties while serving in a

²⁸Military technicians are federal civilian employees who provide full-time support for administration, training, and maintenance in reserve-component units.

²⁹Of the 108 full-time SARC and VA positions in the National Guard, as of October 2016, 76 positions are filled by dual-status military technicians, 8 are filled by non-dual-status military technicians, 10 are filled by reservists on extended active duty, 10 are filled by individuals on short-term active-duty orders, and 4 are filled temporarily; 9 of these positions were vacant.

³⁰DOD's restricted reporting option allows sexual assault victims to confidentially disclose an alleged sexual assault to selected individuals and receive care without initiating an official investigation. In contrast, under DOD's unrestricted reporting option, an investigation will be initiated.

military capacity unless the duties for both roles are identical.³¹ However, due to the way some program personnel have interpreted the 24/7 response capability requirement, this policy may conflict with another DOD policy that designates SARCs and VAs as the single point of contact for ensuring that a 24-hours-a-day, 7-days-a-week victim response capability exists.³² Although Army Headquarters and Army National Guard officials told us that the DOD Safe Helpline was designed to provide this 24/7 response capability, some of the Army National Guard and the Army Reserve SARCs and VAs that we interviewed interpret DOD's requirement for a 24/7 victim response capability to mean that they are on call at all times regardless of their civilian or military duty status—especially since they are the only individuals in their respective units who have been assigned these responsibilities. In our survey, 52 out of 68 of Army National Guard respondents (76 percent) and 19 out of 27 of Army Reserve respondents (70 percent) said that they continued to perform their SARC or VA duties during drill weekends, while the remaining respondents noted that they identified other individuals to perform those duties.

- **Compensatory time for after-hours work:** A law mandating that military technicians receive compensatory time for after-hours work and general expectations about what constitutes a “typical” work day have raised concerns related to the requirement that SARCs and VAs have around-the-clock availability.³³ During a site visit, one Guard SARC told us that the SARC could easily claim comp time each week, but did not feel right claiming the hours. Another Army Reserve SARC we interviewed told us that the command had denied the SARC's request for compensatory time despite having spent hours beyond the normal workday on the phone assisting victims. In our survey, 65 out of 68 Army National Guard respondents (96 percent) and 100 percent of Army Reserve respondents said that they accept calls about sexual assault incidents “at any time.” In May 2016, the Director of the Army National Guard issued guidance to its personnel directing that the

³¹DOD Instruction 1205.18, *Full-Time Support (FTS) to the Reserve Components* (May 12, 2014).

³²DOD Instruction 6495.02.

³³Section 709 of Title 32, U.S. Code, states that “technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.”

DOD Safe Helpline be used after regular duty hours.³⁴ However, Guard officials could not provide any information about the extent to which this guidance has affected the amount of after-hours work performed by its SARCs and VAs.

The National Defense Authorization Act for Fiscal Year 2016 directed the Secretary of Defense to convert no fewer than 20 percent of dual-status military technician positions identified as general administration, clerical, finance, and office service occupations as of January 1, 2017 to civilian positions.³⁵ Department of the Army, Army National Guard, and Army Reserve officials acknowledged that using civilians to fill full-time SARC and VA positions would help to mitigate the challenges posed by using military technicians. Army Reserve officials said that they had proposed converting their full-time SARC and VA positions to civilian positions; as of September 2016, they told us that they would be converting their 35 full-time SARC positions to civilian positions, but that conversion of their full-time VA positions had not been approved at that time. Army National Guard officials stated that they were still considering whether they would convert any of their full-time SARC and VA positions.

National Guard, Army Reserve, and Department of the Army Leadership Have Not Comprehensively Evaluated Program Staffing

Staffing-related issues, such as those previously identified, have persisted in part because National Guard and Army Reserve leadership have not evaluated how their use of full-time and collateral-duty staff affects program implementation, and Department of the Army leadership has not evaluated how staff utilization affects the ability of their active and reserve components to achieve program objectives. To help agencies run efficient and effective operations, *Standards for Internal Control in the Federal Government* states that management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives.³⁶ Further, the standards emphasize that management should periodically evaluate the organizational structure to ensure that it meets the entity's objectives and has adapted to any new objectives for the entity, such as a new law or regulation.

³⁴National Guard Bureau Memorandum, *Implementation Guidance for the ARNG Sexual Harassment/Assault Response and Prevention (SHARP) Program* (May 31, 2016).

³⁵Pub. L. No. 114-92, § 1053 (2015).

³⁶[GAO-14-704G](#). The standards were updated and went into effect on October 1, 2015. The current standards describe the need for organizational structure similar to the prior standards described in [GAO/AIMD-00-21.3.1](#) which were in effect prior to fiscal year 2016 and cover the timing of the agency information used in this report.

With additional authorizations unlikely, the combined number of full-time SARCs and VAs in the active and reserve components coupled with the general proximity of some active-duty and reserve forces presents a possible opportunity to leverage the collective capabilities of the Army's active and reserve components.³⁷ For example, some officials with the Department of the Army, the Army National Guard, and the Army Reserve supported the idea of sharing the Army's active and reserve-component resources to establish a regional support structure for the program. In addition, a SHARP official from Army Forces Command stated that staffing program personnel on a regional basis would align well with the regional staffing approach that the Department of the Army has successfully used to provide other victim services, such as its special victims counsel and criminal investigators. However, we also met with Army National Guard and Army Reserve officials who were opposed to the concept of a regional approach. For example, some commanders in the Army National Guard and Army Reserve expressed concerns about who would be responsible for supervising SHARP personnel and ensuring accountability for performance and response times, while the chief of staff of a Reserve command commented that the idea needed further analysis.

Officials with the Department of the Army said that active-component SHARP personnel may provide support to Army National Guard and Army Reserve personnel and that sexual assault victims may seek assistance from any SARCs or VAs, regardless of their duty status or service affiliation. However, Army National Guard and Army Reserve officials said that if a reserve-component soldier goes to an active-duty SARC for assistance, that SARC will often contact a Guard or Reserve SARC to provide help to the victim. After the August 2015 SHARP Program Improvement Forum, the Department of the Army SHARP Program Office directed its staff to comprehensively evaluate the structure used to staff full-time SHARP program personnel. In September

³⁷The Army National Guard and the Army Reserve collectively have more than 550,000 soldiers, compared to the nearly 490,000 soldiers serving in the active-duty Army. As of October 2016, the Army's active component had 663 authorized full-time SHARP personnel (308 full-time SARCs, 305 full-time VAs, and 50 program managers), which is more than four times the 158 full-time personnel currently authorized in the Army National Guard and the Army Reserve combined (89 full-time SARCs, 67 full-time VAs, and 2 program managers). However, an Army official stated that as of September 2016, about 25 percent of the Army's active-component full-time SHARP civilian authorizations were unfilled or filled by collateral-duty personnel. Additionally, the program manager positions have not been funded and so have been filled provisionally until the start of fiscal year 2017.

2016, officials from the Department of the Army stated that they plan to consider the full-time staffing structure employed by the National Guard and the Army Reserve in this evaluation. However, the only documentation provided by the Army about their planned evaluation was a draft SHARP Campaign Plan, which referred to assessing the current manning levels and caseload rate, and stated that the assessment would consider staffing requirements, whether full-time staff should be civilian or military, and staff turnover.³⁸ Neither Army officials nor the draft Campaign Plan provided details about what the assessment would evaluate, such as the allocations of full-time and collateral-duty personnel and the use of military technicians versus civilians for the positions, or when the assessment would be conducted or completed. Without an evaluation that assesses how staffing levels, staff allocation and utilization, and the types of positions used for full-time and collateral-duty staff affect the achievement of SHARP program objectives across all Army components, the Department of the Army may be missing opportunities to achieve efficiencies within current authorization levels and will not have the information necessary to comprehensively develop and support future resource requests.

Challenges with
Communication and
Development of Budget
Guidance and with
Oversight of Budget
Execution Can Impede
Program Implementation

The Army National Guard has developed budget guidance but has not effectively communicated this guidance to its full-time program staff, and the Army Reserve has not developed or distributed such guidance to the full-time program staff at its subordinate commands. Further, while the Department of the Army's SHARP office has taken some steps to improve oversight of how SHARP program funds are used, its efforts are focused on the general execution of funds and do not provide visibility over the National Guard's and the Army Reserve's use of program funds at the state and command level. SARC's in the Army National Guard and the Army Reserve serve as program managers who oversee implementation and execution of the SHARP program, which National Guard and Army Reserve officials told us includes the responsibility for annually submitting budgets and accounting for program expenditures. *Standards for Internal Control in the Federal Government* state that management should internally communicate the necessary quality information to achieve the program's objectives. Further, management must clearly communicate

³⁸The Army's SHARP Campaign Plan is intended to provide structure and focus to SHARP program efforts across five lines of effort from fiscal years 2017 through 2022.

authorizations for proper execution of transactions to ensure only valid transactions to use or commit resources are initiated or entered into.³⁹

For fiscal year 2015, the Army National Guard issued funding guidance that specifically identified the types of training and other materials that could be purchased with SHARP funds.⁴⁰ However, this guidance was not communicated or disseminated in its entirety to National Guard SHARP personnel by the National Guard SHARP program office. Instead, in 2015, the Army National Guard's SHARP office distributed a summary of the guidance to its SARCs in the form of a two-page e-mail that consisted of a general solicitation of funding requests; a paragraph that described marketing, outreach, and administrative resources that could be purchased with program funds; and another paragraph that addressed personnel training expenditures. As a result, Army National Guard SARCs and VAs expressed uncertainty in response to our survey about what would qualify as an authorized use of program funds. Specifically, 19 out of 30 Army National Guard respondents (63 percent) who provided supplemental written responses to our survey question about whether any additional funding guidance would be useful indicated a desire for additional guidance about how to spend their funds, such as whether spending on things such as conferences, training, and promotional items were permissible. A summary of the Army National Guard's funding guidance was given to SHARP personnel, but a copy of the actual guidance was not provided. Without communication and dissemination of the National Guard Bureau's funding guidance by the National Guard SHARP program office, SHARP personnel in the Army National Guard may not have the necessary information to develop their budgets and to help ensure the efficient and effective use of program funds.

We also found that the Army Reserve Command SHARP program office has not developed or communicated budget guidance for SARCs to use in preparing annual budget requests or submitting expenses for approval. For example, SARCs and other officials at the Army Reserve installations that we visited told us that they did not receive budget guidance in 2015 from the Army Reserve Command's SHARP office. Specifically, Army G-1

³⁹[GAO-14-704G](#). The standards were updated and went into effect on October 1, 2015. The current standards describe the need for organizational structure similar to the prior standards described in [GAO/AIMD-00-21.3.1](#) which were in effect prior to fiscal year 2016 and cover the timing of the agency information used in this report.

⁴⁰Army National Guard, *Fiscal Year 2015 Soldier and Family Support Division Program Funding Guidance*.

officials we spoke with during a site visit to an Army Reserve major subordinate command stated they receive no funding guidance for the SHARP program from Army Reserve Command, and from their perspective there is no formal budget process. Similarly, during our visit to another Army Reserve major command, the full-time SARC told us that the SARC called the Army Reserve Command's SHARP office three times to ask for budget guidance, and that the guidance the individual finally received was unclear and consisted of a spreadsheet and a due date. Another full-time SARC at a different Army Reserve major command told us that the SARC's command would not allow program funds to be spent without a specific authorization, and that the absence of funding guidance from Army Reserve Command meant that the SARC does not have the information needed to fill out these authorizations and was thus limited in his or her ability to purchase promotional items and plan activities. The concerns expressed during our site visits were further corroborated by responses to our survey, with 15 out of 27 Army Reserve respondents (56 percent) indicating that they had never received any guidance from Army Reserve Command about how to spend SHARP program funds.

Officials from the Army Reserve Command's SHARP office said they have provided budget guidance many times and that they were unaware of a unit that asked for, but did not receive, requested guidance. Specifically, officials stated that specific budget training was presented by its Budget Integration Office at the Annual SHARP training held in March 2015, and then again at the training provided in September 2016. However, while the March 2015 training provided an overview of the funding process and preparing a budget, the materials from that training that we reviewed did not provide any information or other guidance about what specific items should be included in their annual budget requests or what would qualify as an authorized use of program funds. Without the Army Reserve Command SHARP office developing and communicating guidance that provides clear information about what to include in budget requests, SHARP personnel in the Army Reserve will not have the necessary information to develop their budgets and to help ensure the efficient and effective use of program funds.

In addition to issues with budget guidance, we found that the Department of the Army's SHARP office has limited visibility over the use of SHARP program funds by the states and territories in the National Guard and by the Army Reserve commands. According to Army Regulation 600-20, the

Director of the Army's Sexual Assault Prevention and Response Program is responsible for the program's management functions.⁴¹ Moreover, *Standards for Internal Control in the Federal Government* state that management should design control activities to provide, among other things, accountability for resources, which can be done by periodically comparing resources with the recorded accountability to help reduce the risk of errors, fraud, misuse, or unauthorized alteration; and should ensure that only valid transactions to use or commit resources are initiated or entered into.⁴² Officials from the Department of the Army's SHARP office stated that they oversee the general execution of the Army National Guard's and the Army Reserve's SHARP program budgets. These officials also stated that in fiscal year 2016, they began conducting midyear reviews to provide additional oversight of SHARP funding execution in the Army National Guard and the Army Reserve by comparing their spending plans to the Army's long-term budget plan, also known as the Program Objective Memorandum. However, they said that these reviews are focused on the general execution of program funds by the Army National Guard and the Army Reserve and do not provide the Department of the Army's SHARP office with visibility over expenditures at the Army National Guard state or Army Reserve major command level.

As a result, the Army SHARP program office does not know the extent that SHARP program funds provided to the states and commands are actually being spent on the SHARP program, or the extent that SHARP funds may have been moved by commanders to other areas of need. To help address this concern, Army National Guard SHARP officials said that in fiscal year 2016, they started requesting monthly execution reports from the states to provide additional visibility over how SHARP funds are being used. Similarly, officials from the Army Reserve SHARP program office said that every month they review the difference in the command's funding allocations and execution, and will contact commands to discuss any deviations as needed. While these are positive steps that may facilitate increased oversight, this level of information had not yet been included in the scope of the midyear reviews conducted by the Department of the Army. Until the scope of the midyear reviews is expanded to facilitate increased oversight of specific SHARP program expenditures in the Army National Guard and the Army Reserve at the state and command level, the Department of the Army will be limited in its

⁴¹This position is now known as the Director of the SHARP program.

⁴²[GAO-14-704G](#).

ability to make informed budget decisions and to help ensure the appropriate use of program funds.

Sexual Assaults Involving Reserve Component Members Can Be Investigated by Different Organizations, and Investigation Timeliness Can Pose a Challenge for Some Cases Involving Army National Guard Members

The organization responsible for investigating a sexual assault incident involving a member of the Army reserve components varies depending on the circumstances of the situation, and the timeliness of some investigations involving Army National Guard members can pose a challenge. Investigative authority of sexual assaults involving a member of the reserve component is determined by the victim’s or accused’s duty status and location at the time of the incident and may be assigned to a military criminal investigative organization, civilian law enforcement organization, or, in certain incidents involving an Army National Guard member, the National Guard’s Office of Complex Administrative Investigations (OCI).⁴³ Table 1 summarizes some factors that generally determine which organization has the authority to investigate sexual assault incidents that involve a member of the Army National Guard or the Army Reserve.

Table 1: Organizations with Potential Investigative Authority in Sexual Assault Incidents Involving a Member of the Army National Guard or Army Reserve

	Military criminal investigative organization ^a	Civilian law enforcement organization	National Guard Office of Complex Administrative Investigations (OCI)
Reserve Component Applicability	Army National Guard and Army Reserve	Army National Guard and Army Reserve	Army National Guard Only
Factors that Generally Determine Investigative Authority ^b	Sexual assault occurs on a military installation	<ul style="list-style-type: none">Sexual assault occurs off a military installationMay decline to investigate	Sexual assaults involving National Guard members that were declined an investigation by civilian law enforcement organizations

Source: GAO analysis of DOD information. | GAO-17-217

^aCriminal Investigation Command (CID) is the Army’s military criminal investigative organization.

^bAccording to Army Regulation 195-2, “the Army has investigative authority whenever an Army interest exists and investigative authority has not been specifically reserved to another agency.” An Army interest generally includes one or more of several factors such as when the crime is committed on a military installation or facility, or in an area under military control; there is a reasonable basis to believe that a suspect may be subject to the Uniform Code of Military Justice; and there is a reasonable basis to believe that a suspect may be a DOD civilian employee or a DOD contractor who has committed an offense in connection with his or her duties.

⁴³DOD Instruction 5505.18, *Investigation of Adult Sexual Assault in the Department of Defense* (Jan. 25, 2013, incorporating Change 2, June 18, 2015) establishes DOD policy that includes a requirement that military criminal investigative organizations will initiate investigations of all adult sexual assault cases that occur within their jurisdiction. Jurisdiction of the Army’s military criminal investigative organization—also known as Criminal Investigation Command (CID)—is specified in Army Regulation 195-2, *Criminal Investigation Activities* (June 9, 2014).

While there are general guidelines for determining investigative authority, there are various circumstances that may affect the extent to which such incidents are investigated. For example, Army National Guard and Army Reserve officials explained that the specific crimes enumerated under the category of “sexual assault” in the Uniform Code of Military Justice in some cases differ from what is classified as a sexual assault under state and local laws.⁴⁴ Further, the National Guard Bureau has reported that the military’s definition for sexual assaults may be more stringent than state statutes, resulting in reports that may not be fully investigated by civilian law-enforcement organizations or in situations where civilian authorities have declined to prosecute.⁴⁵ The National Guard Bureau has also reported that the lack of a unifying code of military justice applicable to all states is a particular challenge, because there can be considerable variance among the different state codes of military justice as well as state criminal statutes that may be applicable for members of the Army National Guard.⁴⁶ While these variations are consistent with existing law, Army National Guard and Army Reserve officials stated that this can send a mixed message to soldiers, because reserve component members involved in a sexual assault incident may not receive the criminal investigation that their active-duty counterparts routinely receive for the same or similar offense.

To help address the instances when Guard members are not subject to Uniform Code of Military Justice jurisdiction, in 2012, the National Guard Bureau established its Office of Complex Administrative Investigations (OCI) to conduct administrative investigations of sexual assault incidents involving Guard members that were declined a criminal investigation by

⁴⁴The definition of sexual assault under Article 120 of the Uniform Code of Military Justice includes abusive sexual contact, which is defined as touching the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, or degrade, or touching any body part, if done with an intent to arouse or gratify the sexual desire of any person and if the sexual contact includes certain other elements of the definition of sexual assault.

⁴⁵*Department of Defense Annual Report on Sexual Assault in the Military: Fiscal Year 2012*, vol. I, encl. 4: National Guard Bureau.

⁴⁶*Department of Defense Annual Report on Sexual Assault in the Military: Fiscal Year 2015*, encl. 4: National Guard Bureau.

civilian law-enforcement organizations.⁴⁷ In 2014, OCI's mission was refined to include the investigation of sexual assault cases that occur within the states but were not investigated by a military criminal investigative organization due to the lack of jurisdiction or when it is determined that the civilian law enforcement agency with jurisdiction did not process a case sufficiently.⁴⁸ OCI officials stated that they use DOD's definition of sexual assault to conduct their investigations and substantiate or unsubstantiate an allegation of sexual assault based on the evidence collected, and they then refer the case to the subject's commander for appropriate action.

While OCI helps to fill a gap in investigating sexual assault cases involving National Guard members, timely investigations are a challenge that may affect the extent to which OCI is used to conduct investigations. According to National Guard guidance, OCI investigations should typically be completed in 3 weeks.⁴⁹ However, OCI investigation data show that of the 79 investigations it conducted in fiscal year 2015, 57 percent or 45 cases took 6 to 9 months from the time a case was referred until when the investigation was completed, and 39 percent or 31 cases took 3 to 6 months to complete.⁵⁰ In contrast, we analyzed timeliness data on investigations conducted by CID—the Army's military criminal investigative organization—that were recorded in DOD's sexual assault incident database and found that, for sexual assault cases investigated in fiscal year 2015, 81 percent of the cases with Army National Guard victims (68 out of 84) and 48 percent of the cases with Army Reserve

⁴⁷Chief National Guard Bureau Instruction 0400.01, *Office of Complex Administrative Investigations* (July 30, 2012). OCI does not have the authority to conduct criminal investigations and instead may only conduct administrative investigations. See Chief National Guard Bureau Manual 0400.01, *Office of Complex Administrative Investigations* (Nov. 8, 2012).

⁴⁸National Guard members serving in a Title 32 duty status are under the jurisdiction of local civilian law-enforcement organizations, therefore, the military criminal investigative organizations usually do not investigate cases involving National Guard members in this status. National Guard Bureau guidance provides that OCI was established as a resource to conduct administrative investigations of sexual assaults when law enforcement declines to investigate or the law enforcement investigation is unavailable or insufficient for use in military administrative actions. Chief National Guard Bureau Notice 0400, *Interim Revision to CNGB Series 0400.01* (April 16, 2014).

⁴⁹Chief National Guard Bureau Manual 0400.01, *Office of Complex Administrative Investigations* (Nov. 8, 2012).

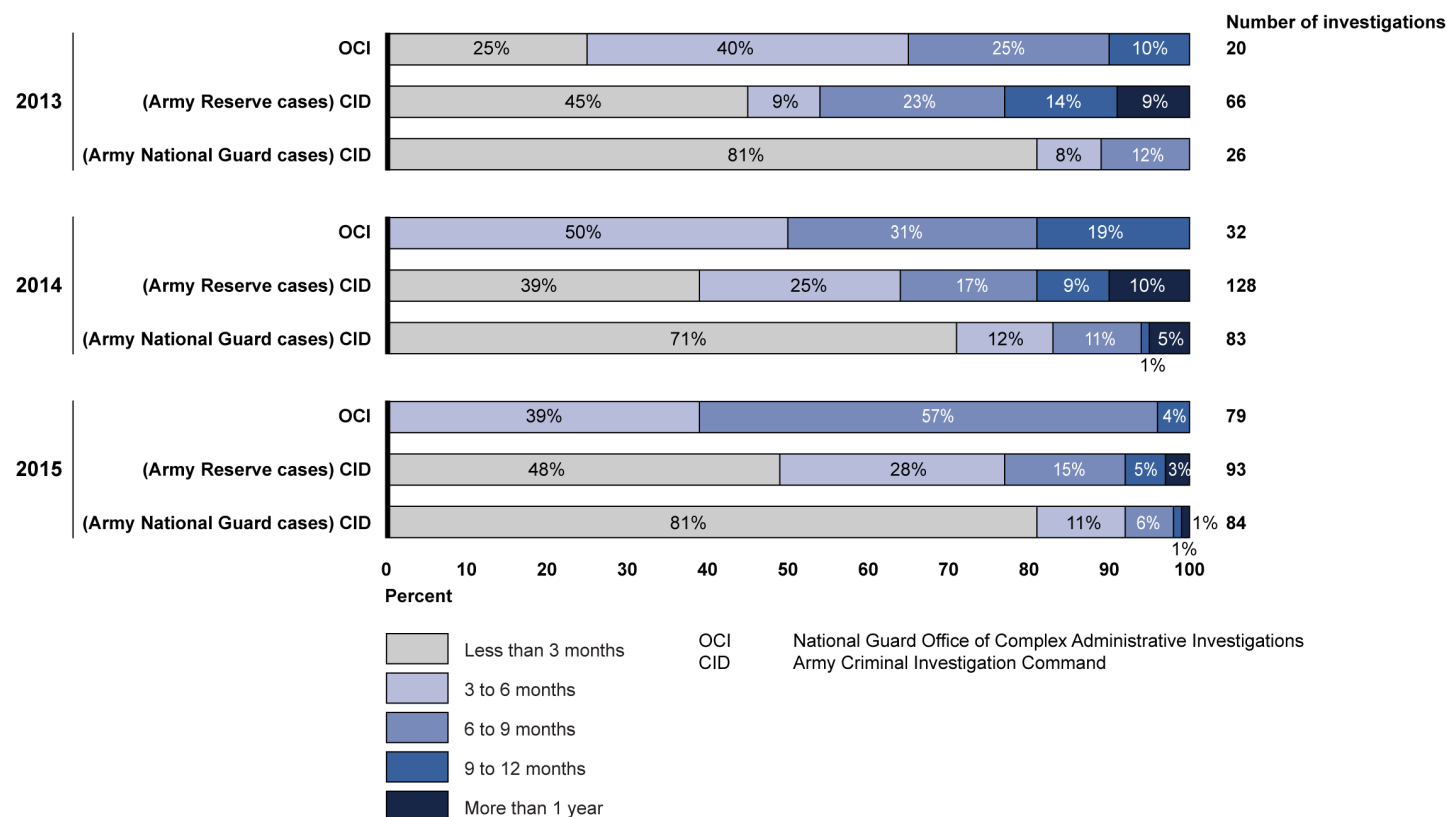
⁵⁰For the remaining 3 cases, it took OCI 9 to 12 months to complete the investigations. Although OCI reported to us that it received 80 referrals in fiscal year 2015, it only provided us with information for investigation time frames for 79 cases.

victims (45 out of 93) were completed within 3 months of receiving the request for an investigation.⁵¹

According to OCI and CID officials, a timely investigation is important because it becomes increasingly more difficult to gather useful evidence the farther out an investigation is conducted from when the incident occurred. During one of our site visits, we met with the state's Adjutant General who called OCI's investigation delays "unconscionable", and as a result, said that they prefer to work with civilian law-enforcement organizations instead. However, the Adjutant General acknowledged that civilian law-enforcement organizations may decline to investigate, in which case an OCI investigation is the only option. Figure 3 shows more detailed information about OCI investigation time frames compared to CID investigation time frames for fiscal years 2013 through 2015.

⁵¹Army investigation guidance generally requires that documentation of CID investigative information and activities must be accurate, thorough, and timely. CID Regulation 195-1, *Criminal Investigation Operational Procedures* (July 1, 2014).

Figure 3: Comparison of Time Frames for OCI and CID to Complete Investigations, Fiscal Years 2013 through 2015



Source: GAO analysis of Army Defense Sexual Assault Incident Database (CID was primary investigative organization) and National Guard Bureau, Office of Complex Administrative Investigations data. | GAO-17-217

While OCI officials did not comment on the reasonableness of the typical length of an investigation, they did express concern with the timeliness of OCI's investigations, and explained that the lengthy investigations are the result of OCI not having enough full-time personnel to meet the current demand for investigations. To assist in alleviating the issue, OCI officials told us that OCI received additional funding from the National Guard Bureau to increase the number of full-time trained investigators from 12 in fiscal year 2015 to 18 in fiscal year 2016. While the number of investigators has increased, OCI officials stated that they are only authorized to place investigators on short-term active-duty orders for 1 year, which has resulted in constant turnover and has further exacerbated delays because new personnel have to be trained each year. Army National Guard and OCI officials also stated that a 2014 manpower study conducted by the Army Manpower Analysis Agency validated OCI's need for five Army civilian investigator positions, which would provide greater

continuity in the office since those positions could be filled with personnel that could serve longer than the 1-year limit that the military personnel have been subject to. However, the officials added that funding was not approved to fill the civilian positions. Since the 2014 study, OCI's caseload has increased. Specifically, referrals of cases to OCI for investigation have consistently increased since the office was established—starting with 3 referrals in fiscal year 2012, 20 referrals in 2013, 35 referrals in 2014, and more than doubling to 80 referrals in 2015. Based on the caseload increase since 2014, one senior OCI official estimated that 22 investigators are needed to help with the current backlog of cases. However, the official added that future funding for OCI staffing is in question largely because the Department of the Army did not validate OCI's requirement for any personnel in its most recent long-term budget plan, the Program Objective Memorandum for 2017–2021.

To help agencies run efficient and effective operations, *Standards for Internal Control in the Federal Government* states that management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives.⁵² Further, management periodically evaluates the organizational structure so that it meets the entity's objectives. In addition, the Department of the Army's personnel regulation specifies that the Chief of the National Guard Bureau will establish the requisite staff positions and make resources available to adequately implement program requirements, among other things.⁵³ However, the Army and National Guard Bureau have not reassessed OCI's resources and timeliness since 2014 to take into account OCI's growing caseload and to determine how to improve the timeliness of sexual assault investigations in light of the increased number of requests for investigations conducted by OCI. Until the Army and the National Guard Bureau reassess OCI's resources and timeliness to determine how to conduct sexual assault investigations more quickly and to identify the resources needed to improve the timeliness of investigations, Army National Guard victims may continue to experience lengthy investigations and the ability to gather usable evidence will be increasingly more difficult.

⁵²[GAO-14-704G](#). The standards were updated and went into effect on October 1, 2015. The current standards describe the need for organizational structure similar to the prior standards described in [GAO/AIMD-00-21.3.1](#) which were in effect prior to fiscal year 2016 and cover the timing of the agency information used in this report.

⁵³Army Regulation 600-20.

Medical and Mental Health Services Available to Army National Guard and Army Reserve Victims of Sexual Assault Vary

The availability of medical and mental health services paid for or provided by DOD varies based on a National Guard or Reserve victim's duty status at the time of an assault.⁵⁴ In addition, sexual assault victims serving in the Army National Guard or in the Army Reserve must go through a process to determine whether they are eligible for any follow-up or long-term medical and mental health care related to the assault that is provided by or paid for by DOD; the Army National Guard established an expedited process to make this determination, but the Army Reserve has not, which can delay a soldier's access to services.

Availability of Medical and Mental Health Services Varies for Army Reserve and Army National Guard Victims of Sexual Assault

Immediate emergency medical care is available at DOD or civilian health-care facilities—free of charge—to victims of sexual assault serving in the Army National Guard and the Army Reserve, regardless of duty status at the time of the assault. However, their eligibility for follow-up or long-term medical and mental health-care services that are paid for or provided by DOD varies based on the victim's duty status at the time of the assault. Under DOD guidance, members of the reserve components, whether they file a restricted or unrestricted report, shall have access to medical treatment and counseling for injuries and illness incurred from a sexual assault inflicted upon a servicemember when serving in an "eligible duty status," including active service and inactive duty training.⁵⁵ For example, a member of the Army National Guard or the Army Reserve who is sexually assaulted while in an active-duty status, such as during the 2-week annual training period, would be eligible for treatment at a military medical treatment facility or for care that is paid for by DOD.

For reserve-component members who are sexually assaulted while serving in an "ineligible duty status," DOD guidance specifies that they may receive advocacy services from a SARC or VA employed by the department, appropriate non-medical referrals, and a forensic medical

⁵⁴Army Reserve personnel typically serve 39 days a year (1 weekend a month and an additional 2 weeks of annual training); their duty status during the weekend service is generally referred to as inactive duty training, and service during the annual training is a type of active-duty status. Army National Guard personnel may be ordered to perform duty under three general statutory frameworks: Title 10 or 32 of the United States Code or pursuant to state law in a state active-duty status. Personnel in Title 32 status are federally funded but under state control. Personnel performing state active duty are state-funded and under state command and control. Under state law, the governor may order National Guard personnel to perform state active duty to respond to emergencies or civil disturbances, and for other reasons authorized by state law.

⁵⁵DOD Instruction 6495.02.

exam at no cost, in accordance with statutory requirements.⁵⁶ However, members who are assaulted while serving in an “ineligible duty status” are not eligible for medical or mental health-care services that are paid for or provided by DOD. For example, a member of the Army National Guard or the Army Reserve who is sexually assaulted while in a civilian status or an Army National Guard member who is assaulted while in a state active-duty status would not be eligible for follow-up or long-term treatment at a military medical treatment facility or for care that is paid for by DOD. Rather, officials with the Army National Guard and the Army Reserve told us that under these circumstances, a sexual assault victim would be referred to state and local community resources to receive care.⁵⁷

In addition to duty status, there are other factors that may affect a reserve-component member’s ability to obtain medical or mental health-care services following a sexual assault, such as the availability of care in rural areas, quality of care, and affordability of care.

- **Availability of care in rural areas:** As noted above, state and local community medical and mental health resources are the primary treatment options for reserve-component members who are sexually assaulted while serving in an ineligible duty status, and are also options for care paid for by DOD if a reserve component member was assaulted in an eligible duty status. However, the availability of such resources for sexual assault victims can vary depending on the geographic location of where the victim lives. Officials from the Army National Guard, the Army Reserve, and SAPRO told us that some reserve-component members who live in rural or remote areas may have difficulty finding available resources. For example, an Army National Guard SARC told us that soldiers who live in very rural areas of the state might have a 3 to 4 hour drive to reach a medical facility that can conduct a sexual assault forensic examination.

⁵⁶DOD Instruction 6495.02.

⁵⁷Another option for care is through the Department of Veterans Affairs (VA), which provides treatment at its medical centers or vet centers free of charge, with no co-payment, for mental and physical health conditions related to military sexual trauma. Military sexual trauma is defined as sexual assault or psychological trauma that resulted from a physical assault or battery of a sexual nature, or sexual harassment. Available services include formal psychological assessment and evaluation; psychiatry; individual and group psychotherapy; and specialty programs to target problems such as post-traumatic stress disorder, substance use disorders, depression, and homelessness.

In our survey of full-time SARCs and VAs in the Army National Guard and the Army Reserve, respondents reported varying degrees of challenges in finding geographically accessible medical and mental health care for sexual assault victims in their state or command. Specifically, 10 out of 66 Army National Guard respondents (15 percent) and 10 out of 26 Army Reserve respondents (39 percent) reported that it was extremely or moderately challenging to find geographically accessible medical care. Further, 13 out of 66 Army National Guard respondents (20 percent) and 13 out of 26 Army Reserve respondents (50 percent) reported that it was extremely or moderately challenging to find geographically accessible mental health care. In March 2016, we identified similar challenges in our report on the availability of certified sexual assault forensic examiners—noting that there were few or in some cases no examiners available in rural areas, as well as a limited availability of examiners in some urban areas.⁵⁸

- **Quality of care:** Some Army National Guard and Army Reserve survey respondents highlighted concerns with the quality of medical and mental health care services available to sexual assault victims in their state or command. Specifically, 11 out of 66 Army National Guard respondents (17 percent) and 2 out of 27 Army Reserve respondents (7 percent) reported that they were aware of victim complaints about the quality of medical care; and 12 out of 66 Army National Guard respondents (18 percent) and 3 out of 26 Army Reserve respondents (11 percent) were aware of victim complaints about the quality of mental health care. SAPRO officials told us that they have explored trying to address the availability and quality of care by using telemedicine, where a care provider communicates electronically with the victim through a computer or tablet, which would expand the choice of potential providers. However, they said that state licensure laws prohibit DOD from delivering telemedicine to a servicemember when he or she is in a civilian status, or is not eligible for care in a federal facility.
- **Affordability of care:** As previously noted, DOD does not pay for or provide medical or mental health care to reserve-component soldiers who are sexually assaulted while serving in an ineligible duty status, which Army National Guard and Army Reserve officials stated raises concerns about the affordability of care for these soldiers, particularly

⁵⁸GAO, *Sexual Assault: Information on Training, Funding, and the Availability of Forensic Examiners*, [GAO-16-334](#) (Washington, D.C.: Mar. 18, 2016).

for those who do not have health insurance. To help address concerns about the affordability of care, Army National Guard and Army Reserve officials developed a proposal for a pilot program through the Army Family Action Plan process that would provide its members with vouchers for treatment for duty-limiting mental health conditions regardless of duty status. According to Army National Guard officials, these vouchers could potentially be used for counseling related to a sexual assault, as well as other issues such as suicide prevention or substance abuse. The officials said that in April 2016, the Army Family Action Plan tabled this proposal until fall 2016, due in part to concerns that it could conflict with insurance requirements under the Affordable Care Act. However, Army National Guard and Army Reserve officials explained that even if a reserve member has health insurance, the out-of-pocket or copayment expenses can still be significant enough to inhibit a sexual assault victim from getting care. Army National Guard officials and members of the Joint Psychological Staff met in July 2016 with leaders of the Psychological Health Multi-Disciplinary Working Group to discuss issues such as funding for the pilot program and voucher eligibility. The group decided to present the pilot proposal at the October 2016 Reserve Psychological Health Council Meeting to further develop support from other military services. They said that they also plan to pursue the pilot through a federal legislative change proposal for fiscal year 2019.

Process for Determining Care Eligibility Can Affect Reserve Soldiers' Access to Care

The Army's process for determining a reserve-component soldier's eligibility for follow-up or long-term medical and mental health care can negatively affect Army Reserve soldiers' access to care because the process in the Army Reserve is lengthy, and currently does not enable Army Reserve victims to receive medical care if they choose to keep a sexual assault incident confidential. The Army National Guard has established an expedited process to determine whether sexual assault victims are eligible for medical and mental health care that is provided by or paid for by DOD, but the Army Reserve has not, potentially resulting in a delay to a soldier's access to services. Specifically, DOD's instruction specifies that National Guard and Army Reserve personnel who are assaulted while serving in an eligible duty status, such as during inactive duty training, are eligible for medical and mental health services that are either provided or funded by DOD.⁵⁹ However, before DOD will pay for or

⁵⁹DOD Instruction 6495.02.

provide any follow-up or long-term medical and mental health care for sexual assault victims serving in the Army National Guard or the Army Reserve, DOD requires that a line-of-duty determination be made to establish whether the incident was service-connected (i.e., occurred in the line of duty).⁶⁰ According to Army Reserve officials, the line-of-duty determination process can be lengthy and consequently can delay a soldier's access to certain long-term mental and medical health-care services.

DOD's sexual assault prevention and response instruction requires the commander of the Army Reserve Command and the Director of the Army National Guard to designate individuals to process line-of-duty determinations for victims of sexual assault.⁶¹ The instruction also provides that line-of-duty determination requests for sexual assault cases that meet certain criteria must be decided within 30 days from the date of the request.⁶² To meet this requirement, given the lengthy nature of the determination process, the National Guard established an expedited line-of-duty investigation process for sexual assault victims, which Army National Guard officials said generally enables them to make a determination within 72 hours of when a request is made. Army National Guard officials explained that for this process, the Army National Guard developed an automated, secure web-based system that is accessible to the Joint Force Headquarters SARC. The SARC inputs all line-of-duty determination data into this system, and the determination is then reviewed and approved as appropriate by the Army National Guard SHARP Office.

However, the Army Reserve does not have an expedited version of the line-of-duty determination process. Army Reserve officials told us that they have no documented average or baseline timeframe for getting a line-of-duty determination approved, and that the timeframe varies based

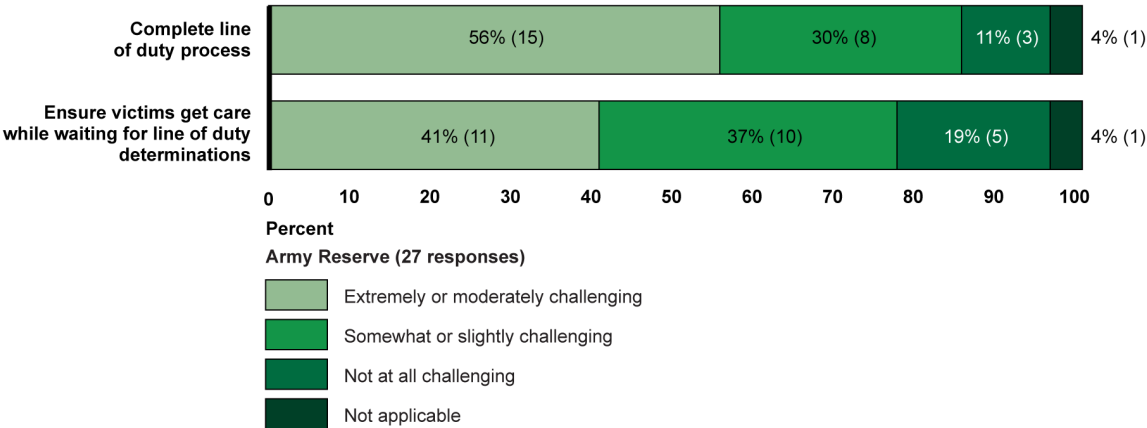
⁶⁰Line-of-duty investigations are part of the Army reserve components' process to manage their soldiers whose service has been interrupted by injury, illness, disease, or death; they are not conducted only for sexual assault cases. The line-of-duty investigation will determine the duty status of the soldier at the time of an incident. If injured during an eligible duty status, Army Reserve and Army National Guard soldiers are entitled to hospital benefits, pensions, and other compensation for injury, illness, disease, or death.

⁶¹DOD Instruction 6495.02.

⁶²DOD Instruction 6495.02 contains a table that provides guidance for retaining or returning a member of the reserve component to active duty until the line-of-duty determination is made to ensure continuity of care.

on the commander, the local facilities, and the needs of victim, among other things. They explained that the determinations depend heavily on the commander's knowledge of the process, but acknowledged that the Army Reserve SHARP program office should do a better job in assuring that these requests are expedited. In July 2015, we reported on the time it can take to complete the determination process—noting that more than three-fourths of all Army Reserve line-of-duty investigations, including those not related to sexual assault incidents, were overdue. We found that for the Army Reserve, 82 percent of formal investigations took longer than the required 75 days, and 80 percent of informal investigations took longer than the required 40 days.⁶³ In our survey, 15 out of 27 Army Reserve respondents (56 percent) indicated that completing the line-of-duty process was “extremely or moderately challenging”, and 11 out of 27 Army Reserve respondents (41 percent) identified that ensuring victims get care while waiting for a duty determination to be “extremely or moderately challenging.” Figure 4 further details survey responses from Army Reserve SARCs and VAs on challenges associated with the line-of-duty determination process.

Figure 4: Challenges Associated with Army Reserve Process for Determining Eligibility for Care



Source: GAO. | GAO-17-217

Note: Percentages may not sum to 100 due to rounding.

⁶³GAO, *Army Reserve Components: Improvements Needed to Data Quality and Management Procedures to Better Report Soldier Availability*, [GAO-15-626](#) (Washington, D.C.: July 31, 2015). The completion times of 75 days after the incident for a formal investigation and 40 calendar days after the incident for an informal investigation are established in Army Regulation 600-8-4, *Line of Duty Policy, Procedures, and Investigations* (Sep. 4, 2008).

During a site visit to an Army Reserve command, we met with Army medical personnel who told us that because of the lengthy line-of-duty process, it was possible that a victim in the Army Reserve who received care at a DOD facility may be billed for his or her care before a determination of duty status is made. Reserve officials also stated that the primary issue associated with the line-of-duty process is that medical costs for victims are not paid up front by DOD. As a result, victims will either have to pay out of pocket, use their civilian health insurance if they have any, or let the bills go into collection while they are waiting for the line-of-duty determination to be approved.

As of September 2016, Army Reserve officials said that they plan to include an expedited process for line-of-duty determinations for Army Reserve sexual assault victims in the Army Reserve chapter of the new Army SHARP regulation that is currently being drafted. However, Army Reserve officials did not elaborate on the details about the planned process or provide any documentation about how this process would be implemented for the Army Reserve. In addition, they told us that they continue to coordinate with Human Resources Command, the Department of the Army SHARP office, and the Department of the Army G1 medical policy office to consider methods to process line-of-duty requests for Army Reserve victims that would allow the same access to care and benefits as an active component victim. Without an expedited line-of-duty determination process in the Army Reserve that provides for more timely decisions, along with a method for tracking the length of time to make the determinations so that officials have visibility over the extent that they are meeting the required time frames, sexual assault victims in the Army Reserve may continue to have to pay for their care up front, even if an assault occurred during an eligible duty status, or else face delayed access to care provided or paid for by DOD.

In addition to challenges posed by the length of the determination process, Army Reserve victims who choose to keep the incident confidential by making a restricted report⁶⁴ have not been able to receive medical or mental health care provided or paid for by DOD. The National Defense Authorization Act for Fiscal Year 2012 provides that for restricted

⁶⁴DOD's restricted reporting option allows sexual assault victims to confidentially disclose an alleged sexual assault to select individuals and receive care without initiating an official investigation or disclosing the name of the victim to the chain of command. In contrast, under DOD's unrestricted reporting option, an investigation of the alleged assault will be initiated and the chain of command is informed about the identity of the victim.

reports, a member of the armed forces who is a victim of sexual assault may elect to confidentially disclose the details of the assault and to receive medical treatment, among other services specified in the law.⁶⁵ In addition, DOD guidance states that line-of-duty determinations may be made without identifying the victim to the command or DOD law-enforcement organizations to enable the victim to access medical care and psychological counseling.⁶⁶ However, Army Reserve officials explained that if an Army Reserve victim wants to file a restricted report but also wants to receive medical care covered by DOD, his or her command would need some knowledge of the case to approve the line-of-duty determination. This is because the Army's regulation on line-of-duty determinations requires that a formal investigation be conducted by a commissioned or warrant officer who is senior in grade to the soldier being investigated, and that an informal investigation be conducted by the unit commander.⁶⁷ Further, the Army regulation provides that a general or special court-martial convening authority for the soldier is still the final approving authority for either a formal or informal line-of-duty determination.

In April 2016, DOD issued an updated version of its line-of-duty instruction, which states that line-of-duty determinations for restricted reporting of sexual assault cases require modified procedures in accordance with DOD Instruction 6495.02.⁶⁸ The Department of the Army's regulation has not been updated to align with DOD's revised instruction; however, Army Reserve officials said that they were provided with new guidance in September 2016 that allowed limited health-care benefits to be provided to reserve component victims with a restricted line-of-duty determination. However, Army Reserve officials could not provide a copy of this guidance, and did not elaborate on the details about how these benefits would be provided to Reserve members, or what the restricted benefits would include. Without a modified line-of-duty determination process that enables soldiers to both file a confidential or restricted report and receive medical or mental health care paid for or

⁶⁵Pub. L. No. 112-81, §581(b)(1).

⁶⁶DOD Instruction 6495.02.

⁶⁷Army Regulation 600-8-4, *Line of Duty Policy, Procedures, and Investigations* (Sept. 4, 2008).

⁶⁸DOD Instruction 1241.01, *Reserve Component (RC) Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements*, encl. 3, sec. 6 (Apr. 19, 2016).

provided by DOD if an assault occurred while they were in an eligible duty status, sexual assault victims in the Army Reserve may continue to have to pay for their care if they choose to file a confidential or restricted report, contrary to the provisions in the 2012 Act.

Conclusions

The Army National Guard and the Army Reserve have implemented sexual assault prevention and response programs, but challenges with staffing, budget management, investigation timeliness, and eligibility determinations for care provided or paid for by DOD may hinder program implementation over the long term if they are not addressed. Specifically, the Army has not evaluated the use of program staff by its active and reserve components, thus limiting its ability to discern, for example, how workload disparities affect responsiveness to victims and its capacity to address such issues within current resource levels. Further, Army National Guard and Army Reserve staff will not be able to plan for and use program funds without the necessary budget guidance, and Army leadership will not be able to effectively oversee and account for program funds without greater visibility of program expenditures at the state and command level. Finally, the length of OCI investigations in the Army National Guard and care eligibility determinations in the Army Reserve may unnecessarily limit a reserve-component member's access to the full range of services generally available to victims of sexual assault in the military.

Recommendations for Executive Action

We recommend that the Secretary of Defense take the following six actions.

To help ensure that program staff are being used in an effective and efficient manner, and to facilitate the consideration and identification of total force solutions for staffing sexual assault prevention and response and SHARP programs throughout the Department of the Army, direct the Secretary of the Army, in coordination with the Chiefs of the National Guard Bureau and the Army Reserve, to conduct an evaluation of staffing approaches used to administer the sexual assault prevention and response program, and consider opportunities to leverage resources across all Army components. This evaluation should include an assessment of the number and allocation of full-time and collateral-duty personnel, the fill rates for program positions, and the types of positions used.

To help ensure that Army National Guard and Army Reserve program staff have the necessary information to develop their budgets and to help ensure the efficient and effective use of program funds, direct the Secretary of the Army to

- (1) direct the Army National Guard SHARP Program Office to communicate and disseminate its guidance on budget development and execution for the SHARP program to all full-time SHARP program personnel
- (2) direct the Army Reserve SHARP Program Office to develop clear guidance on budget development and execution for the SHARP program and disseminate this guidance to its full-time SHARP program personnel and
- (3) direct the Director of the Army SHARP Program Office to expand the scope of the midyear review to include monitoring and providing oversight of SHARP program expenditures at the Army National Guard state and Army Reserve command level.

To help ensure that sexual assault crimes involving Army National Guard members are investigated in a timely manner, with a full investigation of the offense regardless of the reserve component or duty status of the victim, direct the Chief of the National Guard Bureau, in collaboration with the secretaries of the military departments as appropriate, to reassess the Office of Complex Administrative Investigation's (OCAI) timeliness and resources to determine how to improve the timeliness of processing sexual assault investigations involving members of the Army National Guard, and identify the resources needed to improve the timeliness of these investigations.

To help ensure that victims of sexual assault in the Army Reserve have timely access to medical and mental health-care services without having to pay for their care upfront, if they are eligible for care paid for or provided by DOD, direct the Secretary of the Army to direct the Chief of the Army Reserve to develop and implement an expedited line-of-duty determination process for Army Reserve sexual assault victims, along with a method for tracking the length of time to make the determinations. When developing this process, the Chief should ensure that it allows soldiers who wish to file a confidential or restricted report to go through the determination process without disclosing their circumstances to the chain of command.

Agency Comments and Our Evaluation

We provided a draft of this report to DOD for review and comment. In written comments, DOD concurred with three recommendations, partially concurred with two recommendations, and did not concur with one recommendation. DOD also provided technical comments, which we incorporated as appropriate. DOD's comments are summarized below and reprinted in their entirety in appendix V.

DOD concurred with our recommendation to conduct an evaluation of staffing approaches used to administer the sexual assault prevention and response program. In addition, DOD responded to our three budget-related recommendations as a group, concurring with two and partially concurring with one. Specifically, DOD stated that it agreed with our recommendation for the Army National Guard SHARP Program Office to communicate and disseminate its guidance on budget development and execution for the SHARP program to all full-time SHARP program personnel. DOD also agreed with our recommendation that the Army Reserve SHARP Program Office develop clear guidance on budget development and execution for the SHARP program and to disseminate this guidance to its full-time SHARP program personnel.

However, DOD partially concurred with our recommendation for the Army SHARP Program Office to expand the scope of its midyear review to include monitoring and providing oversight of SHARP program expenditures at the Army National Guard state and Army Reserve command level. Specifically, DOD agreed that the Army SHARP Program Office can provide additional oversight of expenditures through the addition of compliance inspections in the SHARP Organization Inspection Plan, but disagreed that it be done by expanding its midyear review—stating that such a change seemed excessive and would indicate a lack of trust in the ability of its organizations to manage and properly execute their resources. Instead, DOD stated that the Army Headquarters SHARP Program Office recommends that program managers in the Army National Guard and the Army Reserve continue to monitor individual transactions at the command level. We disagree that further monitoring would be excessive or that it would indicate a lack of trust in the components' ability to manage and execute their resources; instead, we see this as a step that will enable the Army SHARP program office to fully execute the program management functions that it has been assigned. For example, our report credits the Army SHARP program office with overseeing the general execution of program funds by the Army National Guard and the Army Reserve. However, our report also notes that this level of monitoring does not constitute the type of control activity that is necessary to help reduce the risk of errors, fraud, and misuse.

Additionally, this level of monitoring does not help to ensure that financial resources are committed to valid and appropriate efforts in support of the SHARP program. As such, we continue to believe that our recommendation for the Army SHARP program office to expand the scope of its midyear review is valid.

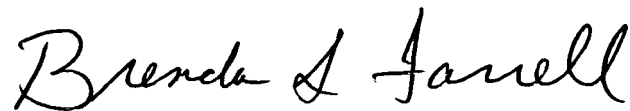
Furthermore, DOD did not concur with our recommendation for the Secretary of the Army, in collaboration with the Chief of the National Guard Bureau, to reassess the Office of Complex Administrative Investigation's (OCI) timeliness and resources to determine how to improve the timeliness of processing sexual assault investigations involving members of the Army National Guard, and identify the resources needed to improve the timeliness of these investigations. In its written comments, DOD stated that OCI is a National Guard Bureau organization and the administrative investigations that it conducts are outside the limited scope of authority the Secretary of the Army may exercise over the Army National Guard. As such, DOD suggested that the recommendation be redirected to have the Secretary of Defense direct the Chief, National Guard Bureau to perform this task in collaboration, as necessary, with the Secretary of the Army and Secretary of the Air Force. Further, DOD stated that the Chief of the National Guard Bureau is prepared to direct the National Guard Bureau Joint Staff, Army National Guard, and Air National Guard to analyze current OCI case load and requirements, coordinate with the Department of the Army to formally document OCI civilian and military staffing requirements necessary to timely conduct investigations, and recommend procedures to make OCI a program of record with appropriate funding and personnel levels. We agree with DOD's suggestion to redirect the recommendation to the Chief of the National Guard Bureau and we have incorporated this change in our report, as appropriate. Furthermore, we are encouraged by the actions that DOD stated the Chief of the National Guard Bureau is prepared to take, and believe that if implemented, they would meet the intent of our recommendation.

Finally, DOD partially concurred with our recommendation to develop and implement an expedited line-of-duty determination process for Army Reserve sexual assault victims, along with a method for tracking the length of time to make the determinations. DOD stated that it agrees the Army Reserve should develop and implement an expedited line of duty process, but added that doing so would not correct or mitigate the challenges of funding behavioral health care for Army Reserve soldiers, particularly those who require coverage for trauma experienced in a non-duty/non-paid status. DOD further stated that in response to this issue, a

recommendation has been forwarded to the Secretary of Defense to consider directing a study into the feasibility of funding behavioral health care services for servicemembers who experience sexual assault while in a non-duty status. We recognize that an expedited line of duty process will not address challenges that reserve soldiers may encounter if an assault occurred in a non-duty status. We are encouraged by this additional action, and believe that, along with implementing an expedited line-of-duty determination process, additional efforts to try and overcome the impediments to health care for reserve members who are sexually assaulted while not in an eligible duty status could have a positive effect on readiness of the force.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Defense, the Secretary of the Army, the Chief of the National Guard Bureau, and the Chief of the Army Reserve. In addition, this report will also be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions regarding this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix VI.

A handwritten signature in black ink that reads "Brenda S. Farrell". The signature is written in a cursive, flowing style.

Brenda S. Farrell
Director, Defense Capabilities and Management

List of Committees

The Honorable John McCain
Chairman

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate

The Honorable Mac Thornberry
Chairman

The Honorable Adam Smith
Ranking Member
Committee on Armed Services
House of Representatives

Appendix I: Army Reserve: Survey Questions Administered and Survey Responses

To obtain perspectives on issues regarding the Army's sexual assault prevention and response (SAPR) program, we conducted a web-based survey of all full-time sexual assault response coordinators (SARC) and victim advocates (VA) in the Army Reserve (see app. III for the full scope and methodology for the survey). Below are the questions from the survey, and the results for the closed-ended questions. The responses to the open-ended survey questions are not reprinted to help preserve the confidentiality of the respondents. Of the 46 Army Reserve full-time SARCs and VAs who received the survey, 27 Army Reserve SARCs and VAs completed the survey, for a response rate of 59 percent. Some survey questions were not answered by all respondents; those instances are noted below for applicable survey questions.

SECTION A: Background

1. Are you currently serving as a SARC or a VA? (Check one response.)

Response	Number of respondents
SARC	21
VA	5

Note: 26 respondents answered this question.

2. For about how many years have you been in your current position as an Army Reserve SARC or VA?

Number of respondents reporting by range of years						
	<1 year	1-<2 years	2-<3 years	3-<4 years	4-<5 years	Total
SARC	2	5	8	3	3	21
VA	0	0	3	0	2	5
All	2	5	11	3	5	26

Note: 26 respondents answered this question.

3. Which of the following best describes your position? (Check one response.)

Response	Number of respondents
Dual status military technician	24
Non-dual status military technician	0
Active Guard or Reserve (AGR)	2
Active Duty for Operational Support (ADOS)	0
Other (please specify)	1

4. Approximately how many Army Reserve soldiers serve in your command?

Number of respondents reporting by range of soldiers serving						
	≤3,000	3,001-5,000	5,001-8,000	8,001-11,000	>11,000	Total
SARC	6	2	6	1	5	20
VA	2	0	1	0	2	5
All	8	2	7	1	7	25

Note: 25 respondents answered this question.

5. Within your command, in how many different states and territories are soldiers' homes of record located?

Number of respondents reporting by range of states						
	2-3 states	4-5 states	6-10 states	11-15 states	16 or more states	Total
SARC	1	2	3	2	13	21
VA	0	0	1	0	4	5
All	1	2	4	2	17	26

Note: 26 respondents answered this question.

6. How many total reports—unrestricted and restricted—of sexual assault were filed by soldiers in units in your command in fiscal year 2015?

	Number of respondents reporting each frequency of sexual assault reports								
	0	1	2	3	4	5	6	8	15-18
Restricted	10	5	5	3	2	0	0	0	0
Unrestricted	4	2	3	3	5	3	1	1	2

Note: 25 respondents answered this question. The Department of Defense's (DOD) restricted reporting option allows sexual assault victims to confidentially disclose an alleged sexual assault to selected individuals and receive care without initiating an official investigation or disclosing the name of the victim to the chain of command. In contrast, under DOD's unrestricted reporting option, an investigation of the alleged assault will be initiated and the chain of command is informed about the identity of the victim.

SECTION B: SARC and VA Responsibilities

7. When do you accept calls about sexual assault incidents? (Check all that apply.)

Response	Number of respondents
At any time	27
During scheduled duty hours	1
During specified on-call times, outside of duty hours	1

8. How often do you request comp time or overtime pay when you accept calls about sexual assault incidents outside your normal scheduled duty hours?

Response	Number of respondents
Always	2
Often	9
Sometimes	3
Rarely	5
Never	5
I am not eligible for comp time or overtime pay	3

9. How often do you receive comp time or overtime pay when you accept calls about sexual assault incidents outside your normal scheduled duty hours?

Response	Number of respondents
Always	3
Often	5
Sometimes	6
Rarely	6
Never	4
I am not eligible for comp time or overtime pay	3

10. Who responds to calls about sexual assault incidents when you are on leave or unavailable?

Response	Number of respondents
Another SARC	13
Another VA	10
Collateral duty SARC or VA in my command, through my command's hotline number	9
Victims are redirected to Fort Family Outreach and Support Center	6
Victims are redirected to DOD Safe Helpline	4
I always respond to calls	4

11. Have you ever been assigned any additional duties besides your role as a SARC or VA? Please do not consider your inactive duty training (IDT) responsibilities as an additional duty for this question.

Response	Number of respondents
Yes	11
No	16
Not sure	0

11a. How much of a positive or negative impact do your additional duties usually have on your ability to serve as a SARC or VA? (For those that answered "Yes" to question 11.)

Response	Number of respondents
Very positive impact	2
Somewhat positive impact	2
Neither positive nor negative impact	3
Somewhat negative impact	3
Very negative impact	2

12. What type of position do you think would be most appropriate for the SARC and VA roles? (Check all that apply in each column.)

Response	Number of respondents	
	SARC	VA
Military technician	8	8
DOD civilian, any service	20	14
Army civilian	21	17
Active Guard or Reserve (AGR)	9	13
Other (please specify)	2	1

What other type of position do you think would be most appropriate for the SARC and VA roles?

Individual responses are not included in order to preserve confidentiality of respondents.

13. In what way(s), if any, would being a military technician affect the performance of SARC or VA responsibilities?

Individual responses are not included in order to preserve confidentiality of respondents.

14. In addition to your work with sexual assault victims, do you think you spend too much, about the right amount, or too little time on the following SARC or VA activities? (Check one response on each row.)

	Too much	Right amount	Too little	Not applicable
Providing annual sexual assault unit refresher training	2	14	10	1
Providing oversight of or assistance to collateral duty SARCs or VAs	3	13	10	1
Attending sexual assault related training to maintain credentials	0	16	11	0
Entering information into DSAID	3	18	4	2
Other SHARP program administrative management tasks	6	13	8	0
Working with SHARP and SAPR counterparts in other commands	1	14	12	0
Working with civilian and community-based sexual assault victim assistance organizations	0	10	17	0
Traveling time within your command to perform any of your SARC/VA duties	1	16	10	0
Visiting units within your command	0	11	15	0

Note: The Defense Sexual Assault Incident Database (DSAID) is DOD's centralized, case-level database for the collection and maintenance of information regarding sexual assaults. The Department of the Army combined its prevention and response programs for sexual harassment and sexual assault to create its Sexual Harassment/Assault Response and Prevention (SHARP) program.

SECTION C: Program Management and Collaboration

15. Do you record case information that is typically entered in DSAID¹ in any additional formal or informal system (e.g., Excel spreadsheet, etc.) other than DSAID?

Response	Number of respondents
Yes	9
No	18

15a. Why do you record case information in a system other than DSAID, and how do you use the information that you keep outside of DSAID? (For those that answered "Yes" to question 15.)

Individual responses are not included in order to preserve confidentiality of respondents.

¹The Defense Sexual Assault Incident Database, or DSAID, is DOD's centralized, case-level database for the collection and maintenance of information regarding sexual assaults.

16. Does your command have too many, the right amount, or too few full-time SARC's or VAs for your current workload? (Check one response on each row.)

	Too many	Right amount	Too few	Not applicable
SARC's	0	9	17	1
VAs	0	5	21	1

17. Does your command hold a regularly scheduled Sexual Assault Review Board (SARB)? This may also be referred to as the Case Management Group (CMG) meeting.

Response	Number of respondents
Yes	12
No	14
Not sure	1

17a. How often is the SARB (or CMG) scheduled to meet? (For those that answered "Yes" to question 17.)

Response	Number of respondents
Monthly	8
Every other month	1
Quarterly	3

17c. How useful, if at all, are the SARB (or CMG) activities to your role as a SARC or VA? (For those that answered "Yes" to question 17.)

Response	Number of respondents
Extremely useful	6
Very useful	4
Moderately useful	1
Somewhat useful	1
Not at all useful	0

17d. Why does your command not hold a regularly scheduled SARB (or CMG) meeting? (For those that answered "No" to question 17.)

Individual responses are not included in order to preserve confidentiality of respondents.

18. Do you collaborate with the SAPR personnel outside of your command or outside the Army Reserve?

Response	Number of respondents
Yes	25
No	2
Not sure	0

In what ways do you collaborate, if any, with SAPR personnel outside of your command or the Army, and have you found that collaboration to be helpful?

Individual responses are not included in order to preserve confidentiality of respondents.

SECTION D: Reserve Component Service

19. Do you attend inactive duty training (IDT) while serving in the Army Reserve (or other Reserve or Guard service)?

Response	Number of respondents
Yes	24
No	3
Not sure	0

19a. Who, if anyone, performs your SARC or VA responsibilities when you are in IDT status? (For those that answered "Yes" to question 19.)

Response	Number of respondents
I continue to perform SARC or VA responsibilities	19
Another guard or reservist performs SARC or VA responsibilities	2
An active duty service member performs SARC or VA responsibilities	1
A collateral duty SARC or VAC performs SARC or VA responsibilities	9
Victims are redirected to DOD Safe Helpline	3
Other (please specify below)	1

Who performs your SARC or VA responsibilities? (Other)

- try and send to higher command SARC as I have no full time VA at this time.

19b. While you are in IDT status, do you serve as part of the unit command team (e.g., command sergeant major, commander, first sergeant, etc.)?

Response	Number of respondents
Yes	6
No	18
Not sure	0

19c. At any time, has your role as a member of the unit command team conflicted with a sexual assault victim's ability to make a restricted report? (For those that answered "Yes" to question 19b.)

Response	Number of respondents
Yes	0
No	5
Not sure	1

19d. What challenges, if any, have sexual assault victims faced in making a restricted report while you were serving as a member of the unit command team?

- timely responses and/or referrals to another SARC and/or UVA

SECTION E: Collateral Duty SARC and VA Personnel

20. About how many authorized positions for collateral duty SARCs and VAs have been identified as necessary in your command?

See responses under Question 21.

21. About how many collateral duty SARCs or VAs in your command have completed suitability screening and are credentialed?

	Number of positions											
	0	1	2	3	4	5	6	7	8	9	10	11+
Collateral duty SARC authorized positions	2	4	1	2	3	0	5	1	0	0	1	6
Collateral duty SARCs screened and credentialed	2	3	2	6	2	1	3	1	1	0	0	2

	Number of positions											
	0	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	100+
Collateral duty VA authorized positions	2	5	0	3	3	1	0	2	0	1	2	5
Collateral duty VAs screened and credentialed	0	9	3	6	3	1	0	0	1	0	0	0

Note: 23-25 respondents answered this question.

22. How much of a challenge, if any, are the following aspects of getting collateral duty SARCs or VAs credentialed or re-credentialed? (Check one response on each row.)

	Extremely Challenging	Moderately Challenging	Somewhat Challenging	Slightly Challenging	Not At All Challenging
Identifying personnel who are willing to take on SARC or VA responsibilities as a collateral duty	15	7	1	0	3
Having commanders complete the paperwork and conduct interviews	13	6	2	2	4
Completing background suitability screening process	15	6	1	1	4
Communicating with Reserve members regarding appointment process or continuing education training status	7	6	5	4	4
Completing 80-hour training course	6	3	8	5	5
Meeting continuing education training requirements	8	10	3	2	4
Meeting the timeframes required for quarterly DOD credentialing boards	4	5	8	2	8
Funding for orders and per diem for 80-hour SHARP training courses	4	4	2	2	14
Other (please specify below)	7	1	0	0	1

What are the other challenges?

Individual responses are not included in order to preserve confidentiality of respondents.

23. Do you have too many, the right amount, or too few collateral duty SARCs or VAs for your current workload?

	Too many	Right amount	Too few	Not applicable
Authorized SARCs	0	11	15	1
Screened and credentialed SARCs	0	10	16	1
Authorized VAs	0	10	15	1
Screened and credentialed VAs	0	4	21	1

24. How easy or difficult is it for you to identify a collateral duty SARC or VA who is available to assist a victim when a sexual assault incident occurs?

Response	SARC	VA
Very Easy	2	3
Somewhat Easy	7	5
Neither Easy nor Difficult	6	5
Somewhat Difficult	4	5
Very Difficult	6	7
Not Applicable	1	1

Note: 26 respondents answered this question.

25. How easy or difficult is it for you to identify a collateral duty SARC or VA who the victim approves?

Response	SARC	VA
Very Easy	7	7
Somewhat Easy	5	4
Neither Easy nor Difficult	6	6
Somewhat Difficult	1	4
Very Difficult	5	3
Not Applicable	2	2

Note: 26 respondents answered this question.

SECTION F: SARC and VA Resources

26. What level of control do you have over how your command's SHARP funding gets spent?

Response	Number of respondents
Complete control	15
Substantial control	8
Some control	1
Slight control	1
No control	2

27. Have you ever received any guidance from the Army Reserve Command on how to spend SHARP program funds?

Response	Number of respondents
Yes	11
No	15
Not sure	1

27a. What additional guidance, if any, would be useful?

Individual responses are not included in order to preserve confidentiality of respondents.

28. Do you and/or units in your command maintain a community resource list of providers (e.g., local rape crisis centers, hospitals and other medical facilities, law enforcement, mental health resources, etc.) for your command's region or area of responsibility?

Response	Number of respondents
Yes	24
No	3
Not sure	0

28a. How are the providers included in the community resource list identified and updated?

Response	Number of respondents
I contact providers and make changes as needed	16
Collateral duty SARCs and VAs provide me with information about changes and updates	10
We use a list prepared by an external organization	5
Army Reserve personnel from other commands who have units in states where my command has soldiers or units provide me with information	7
Active duty Army personnel in states where my command has soldiers or units provide me with information	4
Other staff provide me with information about needed changes and updates	3

29. Have you or have units in your command established Memorandums of Agreement/Understanding (MOA/MOU) with any local medical or mental health providers to provide services to sexual assault victims?

Response	Number of respondents
Yes	10
No	14
Not sure	3

30. Do you feel it is necessary to have Memorandums of Agreement/Understanding (MOA/MOU) with local medical or mental health providers to provide services to sexual assault victims?

Response	Number of respondents
Yes	19
No	4
Sometimes	4
Not sure	0

31. In what way(s) do you think MOAs/MOUs are either necessary or unnecessary to have with local medical or mental health providers?

Individual responses are not included in order to preserve confidentiality of respondents.

32. In your experience, how many sexual assault victims in your command ever had difficulty obtaining a SAFE [sexual assault forensic examination] exam?

Response	Number of respondents
Most	0
Many	0
Some	0
Few	2
None	12
Not sure	5
No basis to judge	8

33. What opportunities, if any, are there to leverage active component resources that could help improve the SHARP program for reserve component members?

Individual responses are not included in order to preserve confidentiality of respondents.

SECTION G: Training

34. In general, how much of the Department of the Army training content do you use in the annual refresher SHARP training given to units in your command?

Response	Number of respondents
I only use the training content provided by the Army	2
I use some of the Army training content, but supplement the content with some Reserve specific information or other content	23
I do not use the Army training content and instead develop my own Reserve-specific training content	1
Other (please specify below)	1

Other: How much of the Department of Army training do you use?

Individual responses are not included in order to preserve confidentiality of respondents.

35. How much of a challenge are the following aspects of the annual unit refresher SHARP training for the units in your command?

	Extremely Challenging	Moderately Challenging	Somewhat Challenging	Slightly Challenging	Not At All Challenging
Scheduling training time for each unit in your command	10	6	5	3	3
Having unit commanders participate in the training	11	5	3	7	1
Audience participation / enthusiasm for the material being presented	4	7	6	3	7
Using the Army training content to inform soldiers about Reserve-specific processes and issues	6	5	7	3	6
Receiving annual training guidance from Army Reserve Command in a timely manner	12	4	5	1	4
Having access to a variety of relevant, non-repetitive training materials	10	5	6	2	4
Having enough qualified facilitators to lead the training	9	5	5	1	4

36. What suggestions, if any, do you have to improve the annual unit refresher training for Reserve members in your command?

Individual responses are not included in order to preserve confidentiality of respondents.

SECTION H: Challenges Related to Sexual Assault in the Army Reserve

37. How much of a challenge is it for you and your collateral duty personnel to find geographically accessible medical and mental health care for sexual assault victims in your command's region or area of responsibility?

Response	Medical Care	Mental Health Care
Extremely Challenging	5	5
Moderately Challenging	5	8
Somewhat Challenging	6	4
Slightly Challenging	4	4
Not At All Challenging	4	3
Not Applicable	2	2

Note: 26 respondents answered this question.

38. Are you aware of any complaints from victims about the quality of medical and mental health care for sexual assault victims in your command's region or area of responsibility?

Response	Medical Care	Mental Health Care
Yes	2	3
No	22	20
Not sure	3	3

39. IF YES TO QUESTION 38, what was the nature of the complaints you have heard about the quality of medical and mental health care for sexual assault victims in your command's region or area of responsibility?

Individual responses are not included in order to preserve confidentiality of respondents.

40. How much of a challenge are the following aspects of assisting a sexual assault victim?

	Extremely Challenging	Moderately Challenging	Somewhat Challenging	Slightly Challenging	Not At All Challenging	Not applicable
Ability to keep or place a sexual assault victim on orders after an assault	3	4	5	4	6	5
Funding for collateral duty SARC's or VAs to be placed on orders to respond to an assault	2	2	3	6	10	4
Refusal of a soldier's employer to approve leave for victims	0	1	2	3	7	14
Refusal of a soldier's employer to approve leave for collateral duty SARC's or VAs	0	2	5	0	6	14
Transportation for SARC/VA and victim related to the sexual assault	2	1	6	6	5	6
Local law enforcement investigating a case	2	5	4	6	6	4
CID investigating a case	3	7	2	6	8	1
Completing the line of duty process	9	6	2	6	3	1
Ensuring victims can receive ongoing care while waiting for line of duty determinations	3	8	4	6	5	1
Assisting victims when the perpetrator is a spouse or family member	3	1	3	2	3	15
Maintaining SAFE kit for 5 years	2	1	4	2	5	13
Expedited transfer process	2	3	4	4	9	5
Providing special victims' counsel (SVC) services	2	2	2	3	14	1

41. In your experience, has combining sexual assault and sexual harassment into one Army SHARP program resulted in confusion for soldiers?

Response	Number of respondents
Yes	6
No	14
Sometimes	7
Not sure	0

42. How has the broader definition of sexual assault affected the Army's sexual assault prevention and response efforts (i.e., the definition now incorporates sexual contact that includes touching any part of the body with the intent to arouse or gratify the sexual desire of another)?

Individual responses are not included in order to preserve confidentiality of respondents.

43. How likely, if at all, is local or state law enforcement to do the following?

	Extremely Likely	Very Likely	Moderately Likely	Somewhat Likely	Not At All Likely	No Basis to judge
Investigate sexual assault cases involving Army Reservists	5	6	3	2	4	6
Conduct a thorough investigation	3	5	5	4	4	5
Communicate regularly with Reserve officials about the status of an investigation	1	3	2	5	9	6
Share information with Army Reserve officials about an investigation	1	3	3	6	7	6
Agree to formalize a memorandum of agreement/understanding regarding sexual assault investigations	3	2	1	3	6	11
Complete investigation and issue final report in a timely manner	1	2	2	6	10	5

Note: 26 respondents answered this question.

44. How likely, if at all, is the Army Criminal Investigation Command (CID) to do the following?

	Extremely Likely	Very Likely	Moderately Likely	Somewhat Likely	Not At All Likely	No Basis to judge
Investigate sexual assault cases involving Army Reservists	9	8	6	2	1	1
Begin investigation and issue report of sexual assault case that civilian law enforcement declined to investigate in a timely manner after receiving a request for assistance	6	7	4	1	4	5
Conduct a thorough investigation	9	11	3	2	1	1
Complete investigation and issue report in a timely manner	5	9	5	4	3	1
Communicate regularly with Reserve officials about the status of an investigation	3	8	2	8	5	1
Share information with Army Reserve officials about the status of an investigation	4	7	3	8	4	1
Provide an investigation report with information that can be used to take appropriate criminal and/or administrative action if a sexual assault report is substantiated	5	12	1	4	3	1

SECTION I: Command Climate and Leadership

45. Are the command climate survey results related to sexual assault issues for units in your command typically shared with you?

Response	Number of respondents
All results are shared	8
Most results are shared, but some are not	6
Some results are shared, but most are not	8
No results are shared	5

46. Do subordinate unit commanders in your command consult with you to develop plans to address any sexual assault related issues identified in the command climate survey results?

Response	Number of respondents
All commanders consult with me	4
Most commanders consult with me, but some do not	5
Some commanders consult with me, but most do not	11
No commanders consult with me	7

47. Which one of the following best describes how you communicate, if at all, with the Commanding General (CG) in your command about sexual assault issues?

Response	Number of respondents
I meet directly with the CG	17
I discuss issues with a senior officer or official who meets with the CG	7
There are two or more layers of officers or officials between me and discussion with the CG	2
My office does not communicate with the CG about sexual assault issues	1

48. In your experience, how would you assess the level of support in your command for the following?

	Too much	Right amount	Too little	Varies depending on leader
Senior officer support for victims	0	17	3	7
Senior officer support to pursue investigation when allegation is against another senior officer	0	13	3	10
Senior officer support to pursue investigation when allegation is against a lower ranking soldier	1	17	2	7
Senior officer support for the SHARP program	0	13	7	7
Senior enlisted support for victims	0	14	2	11
Senior enlisted support to pursue investigation when allegation is against another senior enlisted	0	14	3	10
Senior enlisted support to pursue investigation when allegation is against a lower ranking soldier	1	17	1	8
Senior enlisted support for the SHARP program	0	13	7	6

49. How would you assess the quality of the oversight and support for the Army Reserve SHARP program from the Army Reserve Command (USARC) and the Department of the Army Headquarters leadership and SHARP program offices?

	Very effective	Moderately effective	Slightly effective	Not effective	Non-existent
USARC leadership oversight	4	8	5	7	2
USARC leadership support	4	8	7	7	1
USARC SHARP Program office oversight	4	8	4	9	2
USARC SHARP Program office support	4	9	5	8	1
Army Headquarters oversight	2	9	7	5	4
Army Headquarters support	2	11	6	4	4

SECTION J: Final Thoughts

50. What changes, if any, could be made to improve the SHARP program staffing structure that could better serve Army National Guard and Army Reserve sexual assault victims, without increasing the total number of full-time SHARP personnel?

Individual responses are not included in order to preserve confidentiality of respondents.

51. Please provide any final thoughts you have on ways to improve the efficiency and effectiveness of the SHARP program in the Army Reserve, or on how to better address the problem of sexual assault in the Army Reserve, or in the Army or DOD overall.

Individual responses are not included in order to preserve confidentiality of respondents.

Appendix II: Army National Guard: Survey Questions Administered and Survey Responses

To obtain perspectives on issues regarding the Army's sexual assault prevention and response (SAPR) program, we conducted a web-based survey of all full-time sexual assault response coordinators (SARC) and victim advocate coordinators (VAC) in the Army National Guard (see app. III for the full scope and methodology for the survey). Below are the questions from the survey, and the results for the closed-ended questions. The responses to the open-ended survey questions are not reprinted to help preserve the confidentiality of the respondents.. Of the 92 Army National Guard full-time SARCs and VACs who received the survey, 68 Army National Guard SARCs and VACs completed the survey, for a response rate of 74 percent. Some survey questions were not answered by all respondents; those instances are noted below for applicable survey questions.

SECTION A: Background

1. Are you currently serving as a SARC or a VAC? (Check one response.)

Response	Number of respondents
SARC	38
VAC	30

2. For about how many years have you been in your current position as a National Guard JFHQ [Joint Force Headquarters] SARC or VAC?

	Number of respondents reporting by range of years						Total
	<1 year	1-<2 years	2-<3 years	3-<4 years	4-<5 years	>5 years	
SARC	5	9	6	7	3	8	38
VAC	4	11	9	6	0	0	30
All	9	20	15	13	3	8	68

3. Which of the following best describes your position? (Check one response.)

Response	Number of respondents
Dual status military technician	58
Non-Dual status military technician	5
Active Guard or Reserve (AGR)	4
Active Duty for Operational Support (ADOS)	0
Other (please specify)	1

4. Approximately how many Army National Guard soldiers serve in your state?

	Number of respondents reporting by range of soldiers serving					Total
	≤3,000	3,001-5,000	5,001-8,000	8001-11,000	>11,000	
SARC	11	7	8	9	2	37
VAC	5	5	10	7	1	28
All	16	12	18	16	3	65

Note: 65 respondents answered this question.

5. Within your state's Army National Guard, in how many different states and territories are soldiers' homes of record located?

	Number of respondents reporting by range of states						Total
	1 state	2-3 states	4-5 states	6-10 states	11-15 states	16 or more states	
SARC	1	9	13	8	0	1	32
VAC	3	4	13	4	0	1	25
All	4	13	26	12	0	2	57

Note: 57 respondents answered this question.

6. How many total reports—unrestricted and restricted—of sexual assault were filed by soldiers in units in your state in fiscal year 2015?

Number of respondents reporting each frequency of sexual assault reports										
	0	1	2	3	4	5	6	7	8	9 10+
Restricted	10	12	11	9	3	1	3	4	3	1 1
Unrestricted	4	6	11	6	5	7	10	2	0	1 9

Note: 58 respondents answered for restricted reports; 61 respondents answered for unrestricted reports. The Department of Defense's (DOD) restricted reporting option allows sexual assault victims to confidentially disclose an alleged sexual assault to selected individuals and receive care without initiating an official investigation or disclosing the name of the victim to the chain of command. In contrast, under DOD's unrestricted reporting option, an investigation of the alleged assault will be initiated and the chain of command is informed about the identity of the victim.

SECTION B: SARC and VA Responsibilities

7. When do you accept calls about sexual assault incidents? (Check all that apply.)

Response	Number of respondents
At any time	65
During scheduled duty hours	9
During specified on-call times, outside of duty hours	3

8. How often do you request comp time or overtime pay when you accept calls about sexual assault incidents outside your normal scheduled duty hours?

Response	Number of respondents
Always	7
Often	4
Sometimes	19
Rarely	13
Never	18
I am not eligible for comp time or overtime pay	6

Note: 67 respondents answered this question.

9. How often do you receive comp time or overtime pay when you accept calls about sexual assault incidents outside your normal scheduled duty hours?

Response	Number of respondents
Always	20
Often	1
Sometimes	14
Rarely	8
Never	19
I am not eligible for comp time or overtime pay	5

Note: 67 respondents answered this question.

10. Who responds to calls about sexual assault incidents when you are on leave or unavailable?

Response	Number of respondents
Another JFHQ SARC or wing SARC	33
Another JFHQ VAC	22
Collateral duty SARC or VA in my state	14
Victims redirected to DOD Safe Helpline	10
I always respond to calls	26

11. Have you ever been assigned any additional duties besides your role as a SARC or VAC? Please do not consider your inactive duty training (IDT) responsibilities as an additional duty for this question.

Response	Number of respondents
Yes	32
No	34
Not sure	2

11a. How much of a positive or negative impact do your additional duties usually have on your ability to serve as a SARC or VAC? (For those that answered "Yes" to question 11.)

Response	Number of respondents
Very positive impact	4
Somewhat positive impact	4
Neither positive nor negative impact	16
Somewhat negative impact	6
Very negative impact	2

12. What type of position do you think would be most appropriate for the SARC and VA roles? (Check all that apply in each column.)

Response	Number of respondents	
	SARC	VA
Military technician	32	35
DOD civilian, any service	41	37
Army civilian	25	24
Active Guard or Reserve (AGR)	41	42
Other (please specify)	7	8

What other type of position do you think would be most appropriate for the SARC and VA roles?

Individual responses are not included in order to preserve confidentiality of respondents.

13. In what way(s), if any, would being a military technician affect the performance of SARC or VA responsibilities?

Individual responses are not included in order to preserve confidentiality of respondents.

14. In addition to your work with sexual assault victims, do you think you spend too much, about the right amount, or too little time on the following SARC or VAC activities? (Check one response on each row.)

	Too much	Right amount	Too little	Not applicable
Providing annual sexual assault unit refresher training	7	50	7	2
Providing oversight of or assistance to collateral duty SARCs or VAs	7	51	7	1
Attending sexual assault related training to maintain credentials	6	44	16	0
Entering information into DSAID	9	48	6	3
Other SHARP program administrative management tasks	23	33	8	1
Working with SHARP and SAPR counterparts in other states	0	27	37	2
Working with civilian and community-based sexual assault victim assistance organizations	0	31	32	0
Traveling time within your state to perform any of your SARC/VAC duties	8	39	16	1
Visiting units within your state	1	16	46	3

Note: 66 respondents answered this question. The Defense Sexual Assault Incident Database (DSAID) is DOD's centralized, case-level database for the collection and maintenance of information regarding sexual assaults. The Department of the Army combined its prevention and response programs for sexual harassment and sexual assault to create its Sexual Harassment/Assault Response and Prevention (SHARP) program.

SECTION C: Program Management and Collaboration

15. Do you record case information that is typically entered in DSAID¹ in any additional formal or informal system (e.g., Excel spreadsheet, etc.) other than DSAID?

Response	Number of respondents
Yes	13
No	52
Not sure	3

15a. Why do you record case information in a system other than DSAID, and how do you use the information that you keep outside of DSAID? (For those that answered “Yes” to question 15.)

Individual responses are not included in order to preserve confidentiality of respondents.

16. Does your command have too many, the right amount, or too few full-time JFHQ SARCs or VACs for your current workload? (Check one response on each row.)

	Too many	Right amount	Too few	Not applicable
SARCs	0	56	11	0
VACs	1	39	26	1

Note: 67 respondents answered this question.

¹The Defense Sexual Assault Incident Database, or DSAID, is DOD's centralized, case-level database for the collection and maintenance of information regarding sexual assaults.

17. Does your command hold a regularly scheduled Case Management Group (CMG) meeting?

Response	Number of respondents
Yes	67
No	0
Not sure	0

Note: 67 respondents answered this question.

17a. How often is the CMG scheduled to meet? (For those that answered “Yes” to question 17.)

Response	Number of respondents
Monthly	66
Every other month	0
Quarterly	0

Note: 66 respondents answered this question.

17c. How useful, if at all, are the CMG activities to your role as a SARC or VAC? (For those that answered “Yes” to question 17.)

Response	Number of respondents
Extremely useful	18
Very useful	19
Moderately useful	13
Somewhat useful	13
Not at all useful	4

Note: 67 respondents answered this question.

17d. Why does your command not hold a regularly scheduled CMG meeting? (For those that answered “No” to question 17.)

No respondents answered “no” to question 17 or provided a response here.

18. Do you ever participate in the sexual assault prevention and response advisory council (SAPRAC) with other SARCs and VACs?

Response	Number of respondents
Yes	41
No	21
Not sure	5

Note: 67 respondents answered this question.

18a. How often does the sexual assault prevention and response advisory council (SAPRAC) meet?
(For those that answered “Yes” to question 18.)

Response	Number of respondents
Monthly	36
Every other month	1
Quarterly	2
Other (please specify below)	1

18b. How often does the SAPRAC meet? (Other)

- I am the regional rep for my region, I work closely with SAPRAC on a weekly basis.

18c. How useful, if at all, are the SAPRAC activities to your role as a SARC or VAC?

Response	Number of respondents
Extremely useful	9
Very useful	13
Moderately useful	7
Somewhat useful	9
Not at all useful	3

SECTION D: Reserve Component Service

19. Do you attend inactive duty training (IDT) while serving in the Army National Guard?

Response	Number of respondents
Yes	61
No	7
Not sure	0

19a. Who, if anyone, performs your SARC or VAC responsibilities when you are in IDT status? (For those that answered “Yes” to question 19.)

Response	Number of respondents
I continue to perform SARC or VAC responsibilities	52
Another guard or reservist performs SARC or VAC responsibilities	10
An active duty service member performs SARC or VAC responsibilities	0
A collateral duty SARC or VAC performs SARC or VAC responsibilities	11
Victims are redirected to DOD Safe Helpline	2
Other (please specify below)	3

19x. Who performs your SARC or VA responsibilities? (Other)

- The SARC is on duty while I am IDT.
- I continue to perform my SARC responsibilities, however, I will appoint the closest VA to provide assistance.
- There is an mday SARC, but if I'm at drill and she is not in IDT status, I still respond and handle the issue.

19b. While you are in IDT status, do you serve as part of the unit command team (e.g., command sergeant major, commander, first sergeant, etc.)?

Response	Number of respondents
Yes	10
No	49
Not sure	2

Note: 61 respondents answered this question.

19c. At any time, has your role as a member of the unit command team conflicted with a sexual assault victim's ability to make a restricted report? (For those that answered "Yes" or "Not sure" to question 19b.)

Response	Number of respondents
Yes	0
No	11
Not sure	1

19d. What challenges, if any, have sexual assault victims faced in making a restricted report while you were serving as a member of the unit command team?

- Unsure.

SECTION E: Collateral Duty SARC and VA Personnel

20. About how many positions for collateral duty SARCs and VAs are currently authorized in your state?

See responses under Question 21.

21. About how many collateral duty SARCs or VAs in your state have completed suitability screening and are credentialed?

	Number of positions											
	0	1	2	3	4	5	6	7	8	9	10	11+
Collateral duty SARC authorized positions	10	9	4	4	11	7	1	6	6	0	1	1
Collateral duty SARCs screened and credentialed	10	11	7	5	11	6	5	4	1	1	1	0

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	Number of positions											
	0	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	100+
Collateral duty VA authorized positions	1	9	8	9	14	8	4	1	1	0	0	4
Collateral duty VAs screened and credentialed	2	8	10	13	10	13	2	1	1	1	0	4

Note: 59-65 respondents answered these questions.

22. How much of a challenge, if any, are the following aspects of getting collateral duty SARCs or VAs credentialed or re-credentialed? (Check one response on each row.)

	Extremely Challenging	Moderately Challenging	Somewhat Challenging	Slightly Challenging	Not At All Challenging
Identifying personnel who are willing to take on SARC or VA responsibilities as a collateral duty	14	26	11	8	8
Having commanders complete the paperwork and conduct interviews	15	18	18	10	6
Completing background suitability screening process	20	18	13	4	12
Communicating with Reserve members regarding appointment process or continuing education training status	11	24	18	8	5
Completing 80-hour training course	21	22	8	8	8
Meeting continuing education training requirements	15	22	13	11	6
Meeting the timeframes required for quarterly DOD credentialing boards	12	28	6	14	7
Funding for orders and per diem for 80-hour SHARP training courses	11	22	11	12	11
Other (please specify below)	16	3	1	1	0

Note: 67 respondents answered this question.

What are the other challenges?

Individual responses are not included in order to preserve confidentiality of respondents

23. Do you have too many, the right amount, or too few collateral duty SARCs or VAs for your current workload?

	Too many	Right amount	Too few	Not applicable
Authorized SARCs	5	47	12	3
Screened and credentialed SARCs	4	36	23	4
Authorized VAs	6	45	16	0
Screened and credentialed VAs	6	31	30	0

Note: 67 respondents answered this question.

24. How easy or difficult is it for you to identify a collateral duty SARC or VA who is available to assist a victim when a sexual assault incident occurs?

Response	SARC	VA
Very Easy	20	16
Somewhat Easy	10	14
Neither Easy nor Difficult	15	14
Somewhat Difficult	7	13
Very Difficult	5	8
Not Applicable	8	0

Note: 65 respondents answered this question.

25. How easy or difficult is it for you to identify a collateral duty SARC or VA who the victim approves?

Response	SARC	VA
Very Easy	21	23
Somewhat Easy	9	11
Neither Easy nor Difficult	18	18
Somewhat Difficult	6	7
Very Difficult	1	3
Not Applicable	11	3

Note: 66 respondents answered this question for SARCs, and 65 answered for VAs.

SECTION F: SARC and VA Resources

26. Which of the following best describes how the SHARP budget is funded in your state?

Response	Number of respondents
All funding comes from the Army	59
Most funding comes from the Army, some funding comes from the state	6
Some funding comes from the Army, most funding comes from the state	1
Some funding comes from grants	1

27. What level of control do you have over how your state's SHARP funding gets spent?

Response	Number of respondents
Complete control	25
Substantial control	27
Some control	7
Slight control	5
No control	2

Note: 66 respondents answered this question.

28. Have you ever received any guidance from the National Guard Bureau on how to spend SHARP program funds?

Response	Number of respondents
Yes	48
No	9
Not sure	10

Note: 67 respondents answered this question.

28a. What additional guidance, if any, would be useful?

Individual responses are not included in order to preserve confidentiality of respondents.

29. Do you and/or units in your state maintain a community resource list of providers (e.g., local rape crisis centers, hospitals and other medical facilities, law enforcement, mental health resources, etc.) for your state?

Response	Number of respondents
Yes	63
No	2
Not sure	2

Note: 67 respondents answered this question.

29a. How are the providers included in the community resource list identified and updated?

Response	Number of respondents
I contact providers and make changes as needed	46
Collateral duty SARCs and VAs provide me with information about changes and updates	19
We use a list prepared by an external organization	29
Army Reserve personnel who have units in my state provide me with information	2
Active duty Army personnel in my state provide me with information	1
Other National Guard staff provide me with information about needed changes and updates	9

30. Have you or have units in your state established Memorandums of Agreement/Understanding (MOA/MOU) with any local medical or mental health providers to provide services to sexual assault victims?

Response	Number of respondents
Yes	33
No	24
Not sure	8

Note: 65 respondents answered this question.

31. Do you feel it is necessary to have Memorandums of Agreement/Understanding (MOA/MOU) with local medical or mental health providers to provide services to sexual assault victims?

Response	Number of respondents
Yes	21
No	20
Sometimes	20
Not sure	5

Note: 66 respondents answered this question.

32. In what way(s) do you think MOAs/MOUs are either necessary or unnecessary to have with local medical or mental health providers?

Individual responses are not included in order to preserve confidentiality of respondents.

33. In your experience, how many sexual assault victims in your state ever had difficulty obtaining a SAFE [sexual assault forensic examination] exam?

Response	Number of respondents
Most	2
Some	4
Few	7
None	25
Not sure	12
No basis to judge	15

Note: 65 respondents answered this question.

34. What opportunities, if any, are there to leverage active component resources that could help improve the SHARP program for reserve component members?

Individual responses are not included in order to preserve confidentiality of respondents.

SECTION G: Training

35. In general, how much of the Department of the Army training content do you use in the annual refresher SHARP training given to units in your state?

Response	Number of respondents
I only use the training content provided by the Army	1
I use some of the Army training content, but supplement the content with some Guard specific information or other content	28
I do not use the Army training content and instead develop my own Guard-specific training content	29
Other (please specify below)	8

Note: Only 66 respondents answered this question.

How much of the Department of Army training do you use?

Individual responses are not included in order to preserve confidentiality of respondents.

36. How much of a challenge are the following aspects of the annual unit refresher SHARP training for the units in your state?

	Extremely Challenging	Moderately Challenging	Somewhat Challenging	Slightly Challenging	Not At All Challenging	Not Applicable
Scheduling training time for each unit in your state	5	20	17	8	9	6
Having unit commanders participate in the training	15	20	18	9	2	2
Audience participation / enthusiasm for the material being presented	8	21	15	12	9	0
Using the Army training content to inform soldiers about Guard-specific (e.g., Title 32) processes and issues	15	18	11	9	10	3
Receiving annual training guidance from National Guard Bureau in a timely manner	41	10	4	8	3	0
Having access to a variety of relevant, non-repetitive training materials	29	12	10	8	6	0
Having enough qualified facilitators to lead the training	11	20	14	10	11	0

Note: 65-66 respondents answered this question.

37. What suggestions, if any, do you have to improve the annual unit refresher training for Guard members in your state?

Individual responses are not included in order to preserve confidentiality of respondents.

SECTION H: Challenges Related to Sexual Assault in the Army National Guard

38. How much of a challenge is it for you and your collateral duty personnel to find geographically accessible medical and mental health care for sexual assault victims in your state?

Response	Medical Care	Mental Health Care
Extremely Challenging	3	7
Moderately Challenging	7	6
Somewhat Challenging	11	8
Slightly Challenging	18	22
Not At All Challenging	26	22
Not Applicable	1	1

Note: 66 respondents answered this question.

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39. Are you aware of any complaints from victims about the quality of medical and mental health care for sexual assault victims in your state?

Response	Medical Care	Mental Health Care
Yes	11	12
No	46	46
Not sure	9	8

40. IF YES TO QUESTION 39, what was the nature of the complaints you have heard about the quality of medical and mental health care for sexual assault victims in your state?

Individual responses are not included in order to preserve confidentiality of respondents.

41. How much of a challenge are the following aspects of assisting a sexual assault victim?

	Extremely Challenging	Moderately Challenging	Somewhat Challenging	Slightly Challenging	Not At All Challenging	Not applicable
Ability to keep or place a Title 32 sexual assault victim on orders after an assault	11	6	8	11	10	20
Funding for collateral duty SARCs or VAs to be placed on orders to respond to an assault	8	6	8	16	14	14
Refusal of a soldier's employer to approve leave for victims	1	4	8	9	17	27
Refusal of a soldier's employer to approve leave for collateral duty SARCs or VAs	2	6	4	10	16	28
Transportation for SARC or VAVAC and victim related to the sexual assault	5	9	8	17	16	11
Local law enforcement investigating a case	12	10	14	15	10	5
CID investigating a case	4	11	8	9	16	18
Completing the line of duty process	2	9	13	15	17	10
Assisting victims when the perpetrator is a spouse or family member	9	4	10	8	8	26
Maintaining SAFE kit for 5 years	5	3	1	5	12	40
Expedited transfer process	3	2	7	16	26	12
Providing special victims' counsel (SVC) services	0	2	3	11	42	8

Note: 65-66 respondents answered this question.

42. In your experience, has combining sexual assault and sexual harassment into one Army SHARP program resulted in confusion for soldiers?

Response	Number of respondents
Yes	46
No	8
Sometimes	11
Not sure	2

Note: 67 respondents answered this question.

43. How has the broader definition of sexual assault affected the Army's sexual assault prevention and response efforts (i.e., the definition now incorporates sexual contact that includes touching any part of the body with the intent to arouse or gratify the sexual desire of another)?

Individual responses are not included in order to preserve confidentiality of respondents.

44. How likely, if at all, is local or state law enforcement to do the following?

	Extremely Likely	Very Likely	Moderately Likely	Somewhat Likely	Not At All Likely	No Basis to judge
Investigate sexual assault cases involving Army National Guard	8	17	12	21	2	6
Conduct a thorough investigation	5	15	9	21	8	8
Communicate regularly with Army National Guard officials about the status of an investigation	4	11	13	21	8	8
Share information with Army National Guard officials about an investigation	5	11	14	22	7	7
Agree to formalize a memorandum of agreement/understanding regarding sexual assault investigations	5	7	5	14	8	27
Complete investigation and issue final report in a timely manner	3	11	11	17	17	7

Note: 65-66 respondents answered this question.

45. How likely, if at all, is the Office of Complex Administrative Investigations to do the following?

	Extremely Likely	Very Likely	Moderately Likely	Somewhat Likely	Not At All Likely	No Basis to judge
Begin investigation of sexual assault case in a timely manner after receiving a request for assistance	5	10	8	15	12	16
Conduct a thorough investigation	17	22	5	3	0	19
Communicate regularly with National Guard officials about the status of an investigation	11	17	10	8	1	19
Share information with National Guard officials about the status of an investigation	12	19	10	5	0	20
Provide an investigation report with information that can be used to take appropriate administrative action if a sexual assault report is substantiated	17	14	7	5	1	21
Complete investigation and issue final report in a timely manner	4	11	7	11	13	20

Note: 65-66 respondents answered this question.

SECTION I: Command Climate and Leadership

46. Are the command climate survey results related to sexual assault issues for units in your state typically shared with you?

Response	Number of respondents
All results are shared	18
Most results are shared, but some are not	12
Some results are shared, but most are not	17
No results are shared	20

Note: 67 respondents answered this question.

47. Do commanders in your state consult with you to develop plans to address any sexual assault related issues identified in the command climate survey results?

Response	Number of respondents
All commanders consult with me	3
Most commanders consult with me, but some do not	17
Some commanders consult with me, but most do not	32
No commanders consult with me	14

Note: 66 respondents answered this question.

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48. Which one of the following best describes how you communicate, if at all, with The Adjutant General (TAG) in your state about sexual assault issues?

Response	Number of respondents
I meet directly with the TAG	39
I discuss issues with a senior officer or official who meets with the TAG	18
There are two or more layers of officers or officials between me and discussion with the TAG	10
My office does not communicate with the TAG about sexual assault issues	0

Note: 67 respondents answered this question.

49. In your experience, how would you assess the level of support in your state for the following?

	Too much	Right amount	Too little	Varies depending on leader
Senior officer support for victims	1	44	8	14
Senior officer support to pursue investigation when allegation is against another senior officer	0	43	11	13
Senior officer support to pursue investigation when allegation is against a lower ranking soldier	0	58	2	7
Senior officer support for the SHARP program	1	40	14	12
Senior enlisted support for victims	1	47	9	10
Senior enlisted support to pursue investigation when allegation is against another senior enlisted	0	46	9	11
Senior enlisted support to pursue investigation when allegation is against a lower ranking soldier	1	52	6	8
Senior enlisted support for the SHARP program	1	39	13	13

Note: 66-67 respondents answered this question.

50. How would you assess the quality of the oversight and support for the ARNG [Army National Guard] SHARP program from the National Guard Bureau (NGB) and the Department of the Army Headquarters leadership and SHARP program offices?

	Very effective	Moderately effective	Slightly effective	Not effective	Non-existent
NGB leadership oversight	9	25	22	9	2
NGB leadership support	13	23	20	8	3
ARNG SHARP Program office oversight	10	22	21	12	2
ARNG SHARP Program office support	11	24	19	9	3
Army Headquarters oversight	6	13	22	14	10
Army Headquarters support	6	15	22	13	10

Note: 65-67 respondents answered this question.

SECTION J: Final Thoughts

51. What changes, if any, could be made to improve the SHARP program staffing structure that could better serve Army National Guard and Army Reserve sexual assault victims, without increasing the total number of full-time SHARP personnel?

Individual responses are not included in order to preserve confidentiality of respondents.

52. Please provide any final thoughts you have on ways to improve the efficiency and effectiveness of the SHARP program in the National Guard, or on how to better address the problem of sexual assault in the National Guard, or in the Army or DOD overall.

Individual responses are not included in order to preserve confidentiality of respondents.

Appendix III: Scope and Methodology

To assess the extent that the Army National Guard and the Army Reserve face any implementation challenges in their programs to prevent and respond to sexual assault involving their members (objective 1), we reviewed the Department of Defense's (DOD), the Department of the Army's, and the Army National Guard's sexual assault prevention and response guidance.¹ We also interviewed headquarters-level officials with the Department of the Army, the Army National Guard, and the U.S. Army Reserve, as well as officials from DOD's Sexual Assault Prevention and Response Office (SAPRO), and asked about areas where they had identified or experienced implementation challenges. In reviewing the guidance and in our discussions with officials, we identified challenges related to department and service-level program responsibilities pertaining to the assignment of program staff, budget development and execution, and investigations. We analyzed the guidance to assess the extent to which responsibilities for program development and implementation in the Army's reserve components have been carried out in these areas. In our interviews with officials, we also discussed the applicability of and efforts to implement this guidance in the Army's reserve components and about whether the unique nature of reserve-component service poses any challenges to efforts to prevent and respond to sexual assault. We compared the testimonial evidence obtained during these interviews with relevant provisions in the guidance and documents obtained to assess whether any of these provisions, or the lack thereof, were contributing factors in the challenges identified.

In addition, we interviewed officials during site visits to four selected installations—two for the U.S. Army Reserve and two for the Army National Guard—on the implementation of sexual assault prevention and response programs in their respective components. We selected the

¹DOD Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program* (Jan. 23, 2012) (incorporating Change 2, Jan. 20, 2015) (hereinafter cited as DOD Directive 6495.01); DOD Instruction 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures* (Mar. 28, 2013, incorporating Change 2, July 7, 2015) (hereinafter cited as DOD Instruction 6495.02); DOD Instruction 5505.18, *Investigation of Adult Sexual Assault in the Department of Defense* (Jan. 25, 2013, incorporating Change 2, June 18, 2015); Army Regulation 600-20, *Army Command Policy* (Nov. 6, 2014) (hereinafter cited as Army Regulation 600-20); Army Regulation 195-2, *Criminal Investigation Activities* (June 9, 2014); National Guard Bureau Memorandum, *Implementation Guidance for the ARNG Sexual Harassment/Assault Response and Prevention (SHARP) Program* (May 31, 2016); Chief National Guard Bureau Notice 0400, *Interim Revision to CNGB Series 0400.01* (April 16, 2014); Chief National Guard Bureau Instruction 0400.01, *Office of Complex Administrative Investigations* (July 30, 2012); Chief National Guard Bureau Manual 0400.01, *Office of Complex Administrative Investigations* (Nov. 8, 2012).

locations for our site visits based on a variety of factors, such as installations having a higher number of reported sexual assaults per total number of soldiers, as well as to select installations of varying size and geographic region. In addition, for the Army National Guard, we considered the number of reported sexual assault incidents that were referred to the Office of Complex Administrative Investigations. During these visits, we met with sexual assault response coordinators (SARC), victim advocates (VA), staff judge advocates, chaplains, medical and mental health personnel, commanders, and non-commissioned officers. At two of the site visit locations, we also met with special victims' counsel and investigators located at these sites. While we did not employ methodology that would allow us to generalize to the four installations as a whole or furthermore to all Army reserve component installations, the information we gathered at these four installations enabled us to obtain perspectives of a sample of commanders, servicemembers, and other officials who implement and provide services or support to sexual assault victims. In our discussions with noncommissioned officers at the site visits, we used a standard set of questions and asked to meet with a group of 3–10 full-time personnel, rather than putting part-time reservists on orders to come in and meet with us. We asked to meet with soldiers who worked in a mix of combat-arms and combat-support occupations, and in ranks that would be closest to or would have the most interaction with enlisted soldiers. By interviewing a small group of noncommissioned officers at each installation we visited, we were able to obtain a non-generalizable sample of servicemember perspectives on the Army's sexual assault prevention and response, or SHARP, program and its response to sexual assaults.² In addition to our site visits, we also interviewed officials in SAPRO and the Army Medical Command to obtain a more comprehensive understanding of the Army's efforts to implement its sexual assault and prevention program in its reserve components.

To assess the assignment of SHARP program staff, we requested and obtained data from the Army's reserve components on the number, geographical dispersion, and types of personnel used to staff key program positions; the authorized end strength, or total number of soldiers, for each state in the Army National Guard and for each Army

²The Department of the Army combined its prevention and response programs for sexual harassment and sexual assault to create its Sexual Harassment/Assault Response and Prevention, or SHARP, program. Since this report focuses on sexual assault and not sexual harassment, when we discuss the Army's SHARP program, we are referring to the program only as it relates to sexual assault.

Reserve major command; and the locations of all subordinate units for each Army Reserve major command. For the Army Reserve, we received a data file with data as of April 2016 that we tabulated using SAS³ in order to compile the summary level information for the categories of interest, whereas for the Army National Guard we received the information as of May 2016 already tabulated for our tables. For both sources of data, we assessed the reliability of the information for our reporting objectives by (1) reviewing the data for accuracy and completeness, (2) reviewing available documentation about the data collection and management, and (3) collecting information from knowledgeable agency officials during interviews and by having them complete a questionnaire about the data. We also compared the collection and use of data with relevant DOD guidance and with the *Standards for Internal Control in the Federal Government*, specifically the importance of using appropriate, accurate, complete, and accessible information to help management make informed decisions.⁴ We determined that the data provided by the Army Reserve Command and the Army National Guard were sufficiently reliable for reporting on the number and types of SHARP program staff, and the number and geographical dispersion of soldiers served by assigned SHARP program staff. We also compared these results with relevant DOD and Army guidance to assess the extent to which responsibilities for establishing staff positions needed to adequately implement program requirements have been met. In addition, we compared these efforts with the standards for internal control about the importance of establishing an organizational structure and assigning responsibilities that enable an agency or department to operate in an efficient and effective manner and to achieve its objectives.

In addition, we reviewed relevant documents related to budget development and oversight, and identified any corresponding actions taken and compared them with standards for internal control about the importance of communicating quality information to make informed

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⁴GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014). The standards were updated and went into effect on October 1, 2015. The current standards describe the need for organizational structure similar to the prior standards described in [GAO/AIMD-00-21.3.1](#) which were in effect prior to fiscal year 2016 and cover the timing of the agency information used in this report.

decisions, especially as it relates to the prioritization of and accountability for funds, and providing accountability for resources and ensuring that only valid transactions to use or commit resources are initiated or entered into.⁵

Regarding the length of investigations, we obtained data from the Defense Sexual Assault Incident Database (DSAID) from the Army and from the National Guard Office of Complex Administrative Investigations on the length of time it took to investigate sexual assault incidents involving Army reserve-component victims from fiscal years 2012 through 2015, which is the period available in the DSAID database at the time of our review. For cases reported to Department of the Army personnel, we received a data file that included incident report date and date of conclusion of the investigation for sexual assault incidents between 2012 and 2015, which enabled us to calculate the length of time it took to investigate sexual assault incidents and tabulate this information for our tables. For the National Guard, we received the information already tabulated for our tables. For both sources of data, we assessed the reliability of the information for our reporting objectives by reviewing the data for accuracy and completeness, (2) reviewing available documentation about the data collection and management, and (3) collecting information from knowledgeable agency officials during interviews and by having them complete a questionnaire about the data. We also compared the collection and use of data with relevant DOD guidance and with standards for internal control in the federal government about the importance of using appropriate, accurate, complete, and accessible information to help management make informed decisions. We determined that the data provided by the Army and the Army National Guard were sufficiently reliable for describing the length of time it takes to investigate sexual assault incidents involving Army reserve component victims. However, a limitation of these data is that they only include cases with an Army Reserve or Army National Guard victim that were reported to an Army or National Guard SARC; cases that were reported to or handled by a SARC from another military service are not included in these data.

To better understand and more comprehensively represent the experiences and perspectives of key program personnel across the Army's reserve components, we administered and analyzed the results of

⁵[GAO-14-704G](#).

two web-based surveys, one for each component, that solicited the perspectives on program guidance and implementation, among other things, from all full-time SARC and VAs identified within the Army's reserve components.⁶ We requested and were provided contact information for all full-time SARC and VAs/VACs in the Army Reserve and Army National Guard from the components' respective SHARP program offices. These lists included 52 Army Reserve full-time SARC and VAs and 98 Army National Guard full-time SARC and VACs.

To develop our survey questions, we sought input from knowledgeable officials and reviewed relevant reports to identify themes and issues affecting sexual assault prevention and response efforts in the Army reserve components. Specifically, we interviewed officials from the SHARP program offices of the Army Headquarters, Army Reserve, and Army National Guard, and from the Army Medical Command for input on our survey development. We also reviewed DOD and Army reports and other research related to sexual assault and we reviewed our prior work related to DOD's sexual assault prevention and response program. We also worked with GAO social-science survey specialists to develop our survey questionnaires, applying generally accepted survey design standards. Based on our review of information and consultation with knowledgeable officials during the development of the survey, we determined that slightly different variations of the survey were needed for the Army Reserve and National Guard in order to tailor to questions or response options to the specific components.

We took steps in the development of the questionnaires, the data collection, and the data analysis to minimize any errors associated with conducting surveys, such as differences in how questions are interpreted, variations in respondents' ability and knowledge or awareness for answering a specific question, or how responses are entered in the survey form. In addition to seeking input from officials in the Army Reserve and Army National Guard SHARP program offices on our survey questions, we also pretested the content and format of the questionnaire. This pretesting helped us to determine whether (1) the survey questions and response options were clear and unbiased, (2) the terms used were accurate and precise, (3) respondents were able to provide the

⁶For their full-time victim advocate positions, the Army Reserve uses the term Victim Advocate (VA), and the National Guard uses the term Victim Advocate Coordinator (VAC). For purposes of this report, we use the term victim advocate when referring to those positions in both components.

information we were seeking, and (4) the questions and response options were comprehensive. We chose the pretest subjects to include three SARCs from the Army Reserve, and two Army National Guard SARCs. We conducted two pretests in person and three over the telephone. We made changes to the content and format of our final questionnaire after our discussion with the program office personnel, as well as after each of the first four pretests, based on the feedback we received. See appendix I for the Army Reserve survey questions and response tabulations for each closed question, and appendix II for the Army National Guard survey questions and response tabulations.

We administered the questionnaire through a Web-based application on a secure GAO server. First we sent an e-mail announcement of the survey to 52 Army Reserve full-time SARCs and VAs and 98 Army National Guard full-time SARCs and VAs. Each SARC and VA was given a unique password and username for completing the survey online. We sent up to three follow-up e-mail messages to those who had not yet responded, followed by an additional telephone outreach attempt for the remaining nonrespondents. The questionnaire was available online for approximately 6 weeks. Although our original survey was distributed to the 52 Army Reserve individuals and 98 Army National Guard individuals, we subsequently excluded from our recipient list 6 individuals from the Army Reserve and 6 individuals from the Army National Guard, because those individuals were unavailable during the period of survey administration for reasons such as deployment, maternity leave, extended sick leave, or no longer serving in the SARC or VA position. Of the remaining 46 Army Reserve full-time SARCs and VAs and 92 Army National Guard full-time SARCs and VAs, 27 Army Reserve SARCs and VAs, and 68 Army National Guard SARCs and VAs completed the survey, for response rates of 59 percent for the Army Reserve and 74 percent for the Army National Guard.

We analyzed the electronic survey-response data set using SAS.⁷ We first reviewed the data for electronic processing errors or other inconsistencies in the data, and assessed the frequencies of item nonresponse. After minor data cleaning and additional formatting, the analysis included frequency distribution of responses to each question, cross-tabulations of specific questions, and reviewing the open-ended

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responses to identify themes and areas of concern raised by the respondents.

To identify medical and mental health-care services available to members of the Army National Guard and the Army Reserve following a sexual assault (objective 2), we reviewed relevant provisions in DOD, Department of the Army, and Veterans Health Administration guidance pertaining to medical and mental health-care services available to those serving in the Army's reserve components following a sexual assault.⁸ We interviewed officials from SAPRO; Army Medical Command; and the SHARP Program Offices for Army Headquarters, Army Reserve Command, and the Army National Guard about the medical and mental health services that are available to sexual assault victims serving in the Army's reserve components and the extent to which the availability of such care may be affected by a member's duty status. Similarly, during our visits to four selected locations, we met with behavioral health or medical officials to discuss the medical and mental health-care services that are available to reserve-component members who are sexually assaulted, including any care that can be obtained through the local community. We also discussed any potential barriers that may affect the availability of and access to such care by reserve-component members, such as the line-of-duty determination process. In addition, we discussed efforts to identify local medical and mental health providers. We also interviewed a military sexual trauma coordinator at a Veterans Affairs Medical Center to better understand the services and care that are available to reserve-component members through the Department of Veterans Affairs.

To identify the number of Army Reserve major commands with units located in each state and territory, we requested and obtained data from the Army Reserve Command on the number and size of each Army Reserve major command's subordinate units, and the locations of these subordinate units. We received a data file that we tabulated using SAS in order to compile the summary-level information for the categories of

⁸DOD Directive 6495.01; DOD Instruction 6495.02; DOD Instruction 1241.01, *Reserve Component (RC) Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements* (April 19, 2016); Army Regulation 600-20; Army Regulation 600-8-4, *Line of Duty Policy, Procedures, and Investigations* (Sep. 4, 2008); Veterans Health Administration Handbook 1601A.02, *Eligibility Determination* (Apr. 3, 2015).

interest.⁹ We assessed the reliability of the information for our reporting objectives by (1) reviewing the data for accuracy and completeness, (2) reviewing available documentation about the data collection and management, and (3) collecting information from knowledgeable agency officials during interviews and by having them complete a questionnaire about the data. We also compared the collection and use of data with relevant DOD guidance and with standards for internal control in the federal government about the importance of using appropriate, accurate, complete, and accessible information to help management make informed decisions.¹⁰ We determined that the data provided by the Army Reserve Command were sufficiently reliable for reporting on the number of Army Reserve major commands that had units in each U.S. state and territory.

In addition, to better understand and to more comprehensively represent the perspectives of key program personnel within the Army's reserve components, we included questions on our web-based surveys administered to full-time SARCs and VAs identified within the Army's reserve components regarding the medical and mental health-care services for sexual assault victims. We analyzed the results of the surveys to determine how the medical and mental health services available at different installations were identified, and the availability and use of community medical and mental health-care services and resources, and to gain a fuller understanding of the extent to which these services may vary by location.

Regarding sexual assault incident data, we obtained data from the Defense Sexual Assault Incident Database (DSAID) from the Army and the Army National Guard on the number and type of reported sexual assault incidents involving Army reserve-component victims from fiscal years 2012 through 2015, which is the period available in the DSAID database. For cases reported to Department of the Army personnel, we received a data file that we tabulated using SAS¹¹ in order to compile the

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¹⁰[GAO-14-704G](#).

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summary-level information, whereas for cases reported to National Guard personnel, we received the information already tabulated for our tables. For both sources of data, we assessed the reliability of the information for our reporting objectives by (1) reviewing the data for accuracy and completeness, (2) reviewing available documentation about the data collection and management, and (3) collecting information from knowledgeable agency officials during interviews and by having them complete a questionnaire about the data. We also compared the collection and use of data with relevant DOD guidance and with the standards for internal control for the federal government about the importance of using appropriate, accurate, complete, and accessible information to help management make informed decisions. We determined that the DSAID data provided by the Army and the Army National Guard were sufficiently reliable for describing the reported number and types of incidents and sexual assault victims. However, a limitation of these data is that they only include cases with an Army Reserve or Army National Guard victim that were reported to an Army or National Guard SARC; cases that were reported to or handled by a SARC from another military service are not included in these data.

We conducted this performance audit from July 2015 to February 2017 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix IV: Data on Sexual Assault Reports with Army Reserve and Army National Guard Victims

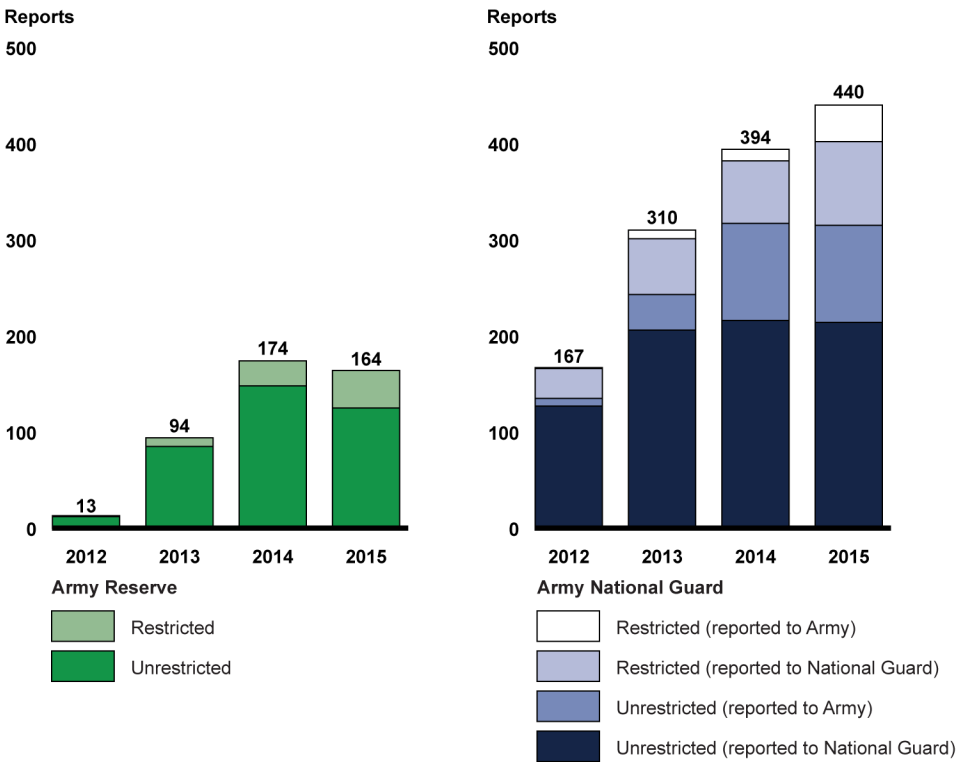
Our analysis of reported sexual assault data from the Defense Sexual Assault Incident Database (DSAID) for fiscal years 2012 through 2015 shows that the number of sexual assault reports in the Army National Guard has increased each year over this period, and increased in the Army Reserve from fiscal years 2012 through 2014.¹ As we have previously reported, the precise number of sexual assaults involving servicemembers is not possible to determine, and studies suggest that sexual assaults are generally underreported in the United States.² Both active and reserve component servicemembers may report an alleged sexual assault using either the unrestricted or restricted reporting options. An unrestricted report of an alleged sexual assault incident is provided to the chain of command or a law enforcement organization for investigation. A restricted report is a confidential report of an alleged sexual assault that can be made without initiating an investigation or notifying the chain of command.

In both the Army National Guard and Army Reserve, the majority of reported incidents were made as unrestricted reports, as shown in figure 5. Data for Army National Guard victims are listed in two separate groups, depending on whether an incident was reported to an Army sexual assault response coordinator (SARC) or a National Guard SARC. For the purposes of documenting sexual assault incidents in DSAID, officials from the Department of Defense's (DOD) Sexual Assault Prevention and Response Office (SAPRO) said that DOD considers the National Guard to be a separate military service. As a result, they told us that only National Guard officials have visibility over cases entered into DSAID by a National Guard SARC—even if the victim is a member of the Army Reserve—and Army Headquarters Sexual Harassment/Assault Response and Prevention (SHARP) program officials told us that they do not have visibility over any cases involving Army National Guard soldiers that were reported to a National Guard SARC. Similarly, Army National Guard officials told us that the Army National Guard's program office does not have visibility over cases involving Army National Guard soldiers that were reported to an Army SARC (active duty or Army Reserve).

¹DSAID is the Department of Defense's (DOD) centralized, case-level database for the collection and maintenance of information regarding sexual assaults.

²GAO, *Military Personnel: DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*, [GAO-08-924](#) (Washington, D.C.: Aug. 29, 2008).

Figure 5: Sexual Assault Incidents with Army National Guard and Army Reserve Victims Reported to Army and National Guard Personnel, Fiscal Years 2012–2015



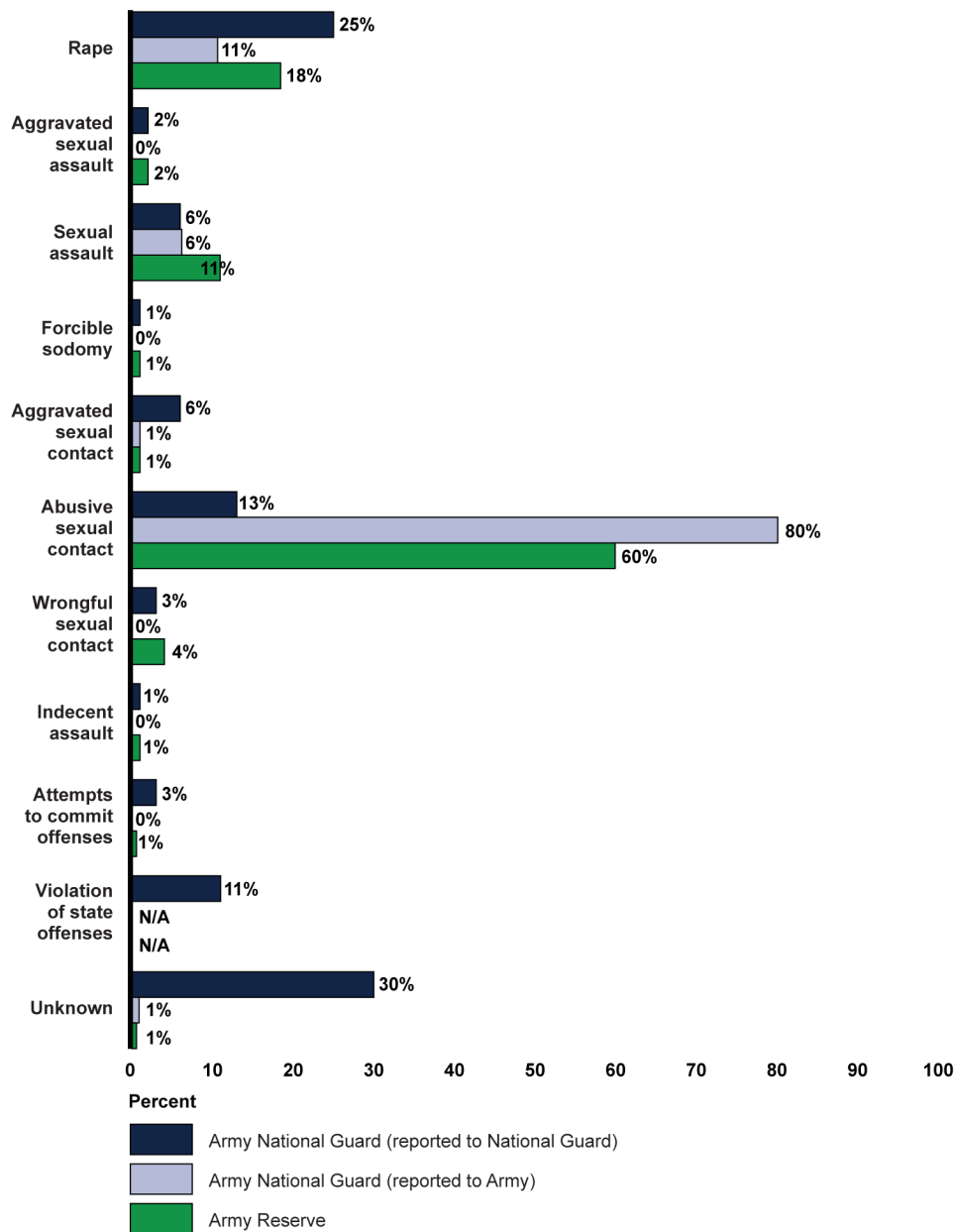
Source: GAO analysis of Army and National Guard Defense Sexual Assault Incident Database data. | GAO-17-217

Note: These figures do not include sexual assault incidents reported to sexual assault response coordinators (SARC) in other military services.

These data could differ from the data that DOD reports to Congress, because the data included in those reports do not necessarily represent the service affiliation of the victim. According to DOD’s Annual Report to Congress for fiscal year 2014, beginning with that annual report for fiscal year 2014, SAPRO has reported sexual assault case data from DSAID using the military service affiliation of the SARC handling the case. SAPRO officials told us that the service affiliation data in DSAID refers to the service affiliation of the SARC who is handling the case. In past fiscal years, in the sexual assault incident data reported in the annual reports, the service affiliation referred to the military service in which the victim served.

The most commonly reported offenses from fiscal years 2012 through 2015 were rape and abusive sexual contact, as shown in figure 6.

Figure 6: Sexual Assault Offenses with Army National Guard and Army Reserve
Victims Reported to Army and National Guard Personnel, Fiscal Years 2012–2015



Source: GAO analysis of Army and National Guard Defense Sexual Assault Incident Database data. | GAO-17-217

Note: Information about the meaning of the specific sexual assault offenses listed in the figure can be found in the Uniform Code of Military Justice. Total offenses were 1,004 for Army National Guard (reported to Guard); 226 for Army National Guard (reported to Army); and 347 for Army Reserve.

In DOD's annual report to Congress, the Army's enclosed fiscal year 2015 Sexual Assault Report noted that the Army views the high rate of reporting as an indicator of real progress in the Army SHARP program.³ The report stated that the Army believes that the increase in the number of reports of sexual assault reflected increased awareness and reporting, and did not result from an increase in the number of sexual assault incidents. It further noted that the unprecedented priority placed on sexual assault prevention and response by Army leaders appeared to have resulted in increased victim confidence.

³*DOD Annual Report on Sexual Assault in the Military Fiscal Year 2015*, encl. 1: Department of the Army (May 2016). The Department of the Army combined its prevention and response programs for sexual harassment and sexual assault to create its Sexual Harassment/Assault Response and Prevention, or SHARP, program.

Appendix V: Comments from the Department of Defense



SECRETARY OF THE ARMY
WASHINGTON


01 FEB 2017

MEMORANDUM FOR RECORD

SUBJECT: Army Comments on GAO Draft Report, "Sexual Assault: Better Resource Management Needed to Improve Prevention and Response in the Army National Guard and Army Reserve (GAO-17-217) (100241)".

I have reviewed and approve for release the enclosed comments on the subject GAO draft report. Additional information regarding the Army's position on this matter may be obtained by contacting the action officer, LTC Douglas Pulley, 703-571-7319.

Encl


Robert M. Speer
Acting



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF G-1
300 ARMY PENTAGON
WASHINGTON DC 20310-0300

DAPE-SHA

Ms. Brenda Farrell
Director, Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, NW
Washington DC 20548

Dear Ms. Farrell,

This is the Department of Defense (DoD) response to the GAO Draft Report GAO-17-217, "SEXUAL ASSAULT: Better Resource Management Needed to Improve Prevention and Response in the Army National Guard and Army Reserve," dated December 22, 2016 (GAO Code 100241).

DoD concurs with one of the recommendations in this report and is currently taking steps to address them. DoD partially concurs with two of the recommendations and has provided explanations that justify revision or refinement of these recommendations. DoD does not concur with one of the recommendations because we believe the recommendation should be aligned to a different organization. The Department is providing official written comments for inclusion in the report.

Sincerely,

A handwritten signature in black ink, reading "Monique Y. Ferrell", is positioned above the printed name and title.

Monique Y. Ferrell
Director, U. S. Army SHARP Office

Enclosure

**GAO DRAFT REPORT DATED DECEMBER 22, 2016
GAO-17-217 (GAO CODE 100241)**

**“SEXUAL ASSAULT: BETTER RESOURCE MANAGEMENT NEEDED TO IMPROVE
PREVENTION AND RESPONSE IN THE ARMY NATIONAL GUARD AND ARMY
RESERVE”**

**DEPARTMENT OF DEFENSE COMMENTS
TO THE GAO RECOMMENDATION**

RECOMMENDATION: To help ensure that program staff are being used in an effective and efficient manner, and to facilitate the consideration and identification of total force solutions for staffing sexual assault prevention and response and SHARP programs throughout the Department of the Army, the GAO recommends that the Secretary of Defense direct the Secretary of the Army, in coordination with the Chiefs of the National Guard Bureau and the Army Reserve, to conduct an evaluation of staffing approaches used to administer the sexual assault prevention and response program, and consider opportunities to leverage resources across all Army components. This evaluation should include an assessment of the number and allocation of full-time and collateral duty personnel, the fill rates for program positions, and the types of positions used.

DoD RESPONSE: Concur. DoD agrees that personnel allocation, fill rates, and duty positions are key considerations in the administration of the sexual assault prevention and response program. The HQDA SHARP Directorate will incorporate these considerations into its assessment plan.

To support this effort, the Director, Army National Guard has agreed to develop an internal working group to analyze case load by geographic location, assist with preparing an evaluation

of staffing approaches used to administer the program, and propose solutions to address workload imbalances in each state, territory, and the District of Columbia.

HQDA SHARP anticipates completing the Total Force evaluation of the program and publishing a program implementation plan by the end of fiscal year 2017.

RECOMMENDATION: To help ensure that Army National Guard and Army Reserve program staff have the necessary information to develop their budgets and to help ensure the efficient and effective use of program funds, the GAO recommends that the Secretary of Defense direct the Secretary of the Army to:

(1) Direct the Army National Guard SHARP Program Office to communicate and disseminate its guidance on budget development and execution for the SHARP program to all full-time SHARP program personnel.

(2) Direct the Army Reserve SHARP Program Office to develop clear guidance on budget development and execution for the SHARP program and disseminate this guidance to its full-time SHARP program personnel.

(3) Direct the Director of the Army SHARP Program Office to expand the scope of the midyear review to include monitoring and providing oversight of SHARP program expenditures at the Army National Guard state and Army Reserve command level.

DoD RESPONSE: Partially Concur. DoD agrees with the recommendations to direct the Army National Guard to communicate budget execution guidance, to direct the Army Reserve to develop guidance on budget execution, and to provide oversight of expenditures by the HQDA SHARP Program Office. However, DoD believes that HQDA provides sufficient monitoring of expenditures by the Army National Guard and Army Reserve.

The Army National Guard SHARP Program Office includes program budget guidance and notes for discussion in its monthly telephone conference, maintains and updates a “frequently asked questions” sheet on Guard Knowledge Online (GKO) under the Army National Guard SHARP Program webpage, and continues to disseminate and post on GKO the National Guard Budget Guidance to the full-time SHARP Program Personnel at the beginning of each fiscal year. Similarly, the Army Reserve is in development of a policy to identify limitations and rules on fiscal management of SHARP funding.

The HQDA SHARP Program Office recommends that program managers for the Army Reserve and Army National Guard continue to monitor individual transactions at the command level. The HQDA SHARP Program Office provides funding to the ARNG and USARC and monitors overall expenditure rates through the SHARP Management Decision Execution Package (MDEP). The SHARP Program Office also provides direct support to the Reserve and National Guard resource management upon request. Additionally, the SHARP Program budget analyst sends the total obligation authority (TOA) to the program managers for each component and provides a suspense for submitting draft spend plans annually. The draft spend plans assist with tracking execution rates of SHARP Program funds for quarterly and mid-year reviews.

Expanding the scope of the midyear review to further monitor expenditure based on organizational transactions seems excessive and would indicate a lack of trust in the ability of these organizations to manage and properly execute the use of their resources. HQDA SHARP Program Office can provide additional oversight over expenditures through compliance inspections and will add this as an item in the SHARP Organization Inspection Plan.

RECOMMENDATION: To help ensure that sexual assault crimes involving Army National Guard members are investigated in a timely manner, with a full investigation of the offense regardless of the reserve component or duty status of the victim, the GAO recommends that the Secretary of Defense direct the Secretary of the Army, in collaboration with the Chief of the National Guard Bureau, to reassess the Office of Complex Administrative Investigation's timeliness and resources to determine how to improve the timeliness of processing sexual assault investigations involving members of the Army National Guard, and identify the resources needed to improve the timeliness of these investigations.

DoD RESPONSE: Nonconcur. DoD recommends that the Secretary of Defense direct the Chief, National Guard Bureau (NGB) to perform this task in collaboration, as necessary, with the Secretary of the Army and Secretary of the Air Force. The Office of Complex Administrative Investigation (OCI) is a NGB organization; further, administrative investigations are outside the limited scope of authority the Secretary of the Army may exercise over the Army National Guard. The Secretary of the Army and Secretary of the Air Force can confer and collaborate with the Chief, NGB, provide feedback on the timeliness of investigations conducted by the each

Service's Military Criminal Investigation Organization (MCIO), and use such feedback to inform the Chief, NGB's assessment of the OCI.

The Chief, NGB is prepared to direct the NGB Joint Staff, Army National Guard and Air National Guard to analyze current OCI case load and requirements, coordinate with the Department of the Army to formally document OCI civilian and military staffing requirements necessary to timely conduct investigations, and recommend procedures to make OCI a Program of Record with appropriate funding and personnel levels.

RECOMMENDATION: To help ensure that victims of sexual assault in the Army Reserve have timely access to medical and mental health care services without having to pay for their care upfront, if they are eligible for care paid for or provided by DOD, direct the Secretary of the Army to direct the Chief of the Army Reserve to develop and implement an expedited line-of-duty determination process for Army Reserve sexual assault victims, along with a method for tracking the length of time to make the determinations. When developing this process, the Chief should ensure that it allows soldiers who wish to file a confidential or restricted report to go through the determination process without disclosing their circumstances to the chain of command.

DoD RESPONSE: Partially concur. DoD agrees that the Army Reserve should develop and implement an expedited Line of Duty (LOD) process. However, implementing such a process does not correct or mitigate the challenges of funding behavioral health care for Army Reserve Soldiers, particularly those who require coverage for trauma experienced in a non-duty/non-paid

status. Public law outlines the eligibility requirements for service members and uses duty status to differentiate between the Service Member coverage limitations under TRICARE. In response to this issue, a recommendation has been forwarded to the Secretary of Defense to consider directing a study into the feasibility of funding behavioral health care services for Service Members who experience sexual assault while in a non-duty status.

Appendix VI: GAO Contact and Staff Acknowledgments

GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov

Staff Acknowledgments

In addition to the contact named above, key contributors to this report were Kimberly A. Mayo, Assistant Director; Tracy A. Barnes; Herbert J. Bowsher; Renee S. Brown; Cynthia L. Grant; Amie M. Lesser; Amanda K. Miller; Richard S. Powelson; and Amber H. Sinclair.

Related GAO Products

Military Personnel: DOD Has Processes for Operating and Managing Its Sexual Assault Incident Database. [GAO-17-99](#). Washington, D.C.: January 10, 2017.

Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented. [GAO-16-61](#). Washington, D.C.: November 4, 2015.

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