

**DEPARTMENT OF ADMINISTRATION**

**Oversight and Review Unit**



**Review of the Alaska National Guard  
Sexual Assault Prevention and  
Response Program**

**May 13, 2020**



# Executive Summary

## *Review of the Alaska National Guard Sexual Assault Prevention and Response Program*

### RESULTS IN BRIEF

The Oversight & Review Unit (O&R) conducted a statewide assessment into the Alaska National Guard (AKNG) and made findings and recommendations in the areas of sexual assault, Equal Opportunity matters, coordination with local law enforcement, misconduct, command climate and the AKNG administration.

We found that the AKNG command has fully addressed and implemented recommendations made by Patricia Collins in 2015, and the National Guard Bureau's Office of Complex Investigations (OCI) in 2014 regarding Equal Opportunity, Sexual Harassment, Discrimination and Retaliation issues.

Major General Torrence Saxe continues to implement the recommendations of the Collins and the OCI reports.

We found that the AKNG command adequately and appropriately responds to allegations of sexual assault or harassment by Guard members.

We found that the AKNG educates Guard members and trains command staff to appropriately respond to allegations of misconduct, but Guard members' survey responses demonstrated that retention of knowledge in this area has declined over 3 years.

We believe the AKNG would benefit from requiring its command staff to participate in additional training on sexual assault reporting and in advanced Sexual Harassment/Assault Prevention and Response Program (SHARP) scenario training to develop their abilities to respond to sexual misconduct cases.

The AKNG current command has instituted an "open-door" policy, encouraging victims of sexual assault/harassment to come forward. The Command fully supports sexual assault prevention and response and does not allow misconduct to go unaddressed.

One way to improve the AKNG's effectiveness in addressing sexual misconduct cases could be to hire additional Sexual Assault Response Coordinators (SARCs) to support the program contingent upon federal authorizations.

The AKNG has seen marked progress in the willingness of soldiers and airmen to report, and in Command's willingness to act regarding sexual assault/harassment. However, AKNG command recognizes that its mission in guaranteeing Guard members' security and confidence is ongoing and complex.

Based on extensive Guard member interviews, we determined that there is a renewed trust in the AKNG's command and improvement in the AKNG culture.

We also reviewed several records pertaining to sexual assault disciplinary proceedings from 2016 to September 2019. In all the cases that we reviewed, the AKNG responded quickly and appropriately to allegations of misconduct.

We made 6 recommendations to improve the efficiency and effectiveness of the AKNG:

1. Require advanced SHARP Training for Leadership.
2. Increase efforts to educate Guard members on sexual assault reporting knowledge.
3. Establish an official channel of information sharing with civil authorities.
4. The AKNG continues to work with the National Guard Bureau to retain a full-time Military Judge.
5. Consider mirroring active duty SARC staffing for the AKNG.
6. Establish an e-mail address for AKNG members to communicate directly with the Adjutant General (TAG) for allegations not handled or allegations not reported for fear of reprisal
7. Add "Quick Links" for the Sexual Assault Prevention and Response and Suicide Prevention Program sites to the DMVA main website.

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## INTRODUCTION

Governor Dunleavy directed this review to ensure the State of Alaska is properly addressing any allegations of sexual assaults, sexual harassment or retaliation occurring in the Department of Military and Veteran Affairs (DMVA). The Department of Administration (DOA) Oversight & Review Unit (O&R) conducted this review with the assistance of the Alaska National Guard (AKNG). The objectives of this review are:<sup>1</sup>

1. To identify improvements that have been made following issues related to sexual harassment and assault identified within the AKNG between 2010 and 2014; and
2. To assess instances of misconduct allegations and evaluate how incidents were handled by the Command in the past and would be handled if they occurred today.

This review seeks to determine if corrective recommendations previously made were implemented by the AKNG, and if so, what current effect implementation has had on the AKNG's organizational climate. In addition, the findings and recommendations in this review may assist the Governor and DMVA Commissioner in creating a culture of transparency and accountability, ensuring the AKNG is best serving its service members and the State of Alaska.

### Background

The AKNG is a component of the United States National Guard, which is part of the reserve component of the United States Armed Forces. The National Guard is a unique governmental entity in that it has both state and federal missions. National Guard members may be called into state service in the event of state emergencies and disasters under the command of the Governor. National Guard members may also be called into federal service for national defense purposes. Unless activated, most National Guard members serve one weekend per month and two consecutive weeks per year.

The Governor's command over the AKNG is exercised through the Adjutant General (TAG) of the AKNG, who also serves as the Commissioner of the Department of Military and Veterans Affairs (DMVA). The DMVA Commissioner/TAG is appointed by the Governor and confirmed by the Legislature. This position serves as the liaison between the State of Alaska and the active U.S. military in the state, the federal Department of Veterans Affairs and the Federal Emergency Management Agency in Alaska.

Between September 1, 2010 and November 30, 2014, some AKNG service members made allegations of sexual abuse, sexual harassment, or other misconduct against other members of the AKNG and non-members of the AKNG.

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<sup>1</sup> It is not the purpose of this report to re-investigate previous allegations of sexual abuse, harassment, or other misconduct.

## Collins Report and Investigation

In January 2015, Alaska Attorney General Craig Richards retained retired Alaska State Court judge Patricia Collins to review the circumstances surrounding the handling of the AKNG sexual abuse and harassment allegations. In May 2015, Judge Collins completed a report entitled, “Special Investigator’s Report on Alaska National Guard Sexual Harassment and Abuse Issues.” Judge Collins’ report concluded that members of the AKNG were not reporting sexual assaults to the AKNG Sexual Assault Response Coordinators (SARCs) because they did not trust their command to help them. Instead, they were reporting to National Guard chaplains and others.

Judge Collins found victims did not trust their command because victims’ confidentiality had been breached within the command. As victims lost trust in the reporting process, many failed to report assaults through the proper channels.

Judge Collins also concluded that the command climate at the AKNG was not conducive to reporting complaints of sexual harassment or sexual assault prior to 2013. While a system existed for reporting sexual assaults, the environment of the AKNG resulted in significant fear of retaliation by Guard members for reporting allegations of sexual assault.

In addition, Judge Collins identified the AKNG Military Code prevented the AKNG from prosecuting military offenses such as sexual assault. As a result, Guard members who violated the existing code were only subject to administrative penalties and they could not be fined, imprisoned or dishonorably discharged.<sup>2</sup>

The report also found that there were 16 sexual assault reports made to AKNG officials between 2010 and 2014. In 10 of those cases, AKNG members were identified as alleged perpetrators. According to the report, most of the cases were properly investigated by law enforcement.<sup>3</sup> Additionally, some cases resulted in personnel actions taken against the alleged perpetrator up to and including “other than honorable discharges.”

The report also found that there were allegations of sexual misconduct in certain personnel documents that went unaddressed, likely adding to the distrust of the AKNG Command. The kind of conduct described in these allegations included sexual relations with AKNG members of a lower rank; sexual relations during work hours or in AKNG buildings; and hostile work environment issues. Few of these allegations were investigated or otherwise addressed prior to 2013.

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<sup>2</sup> In 2016, Alaska’s military Command worked with the legislature to pass the Alaska Code of Military Justice (ACMJ) to provide greater ability to pursue and prosecute those servicemembers who violate military rules and protocols.

<sup>3</sup> In accordance with DoD policy and directives, since 2016, Commanders are no longer authorized to investigate sexual assault cases within their Command. Cases need to be referred to either local, federal, or military independent investigating organizations.

Judge Collins concluded that sexual abuse, assault, and harassment were significantly under-reported, and that there were unique barriers to reporting in the AKNG. She specifically noted, “command climate issues present at multiple levels in the Alaska National Guard between 2010 and 2014, likely impeded sexual assault and harassment reporting.”

Judge Collins made several recommendations, including:<sup>4</sup>

- Supervisory personnel should listen to the chaplains
- Protect victim confidentiality and promote expanded victims’ rights
- Acknowledge and apologize for past mistakes
- Seek authorization for continued Alaska-based Special Victims Counsel
- Expand State resources for the silent victims; and
- Maintain a summary of all climate survey and sensing data on leadership, and report to the Governor.

### **National Guard Bureau Office of Complex Investigations Report<sup>5</sup>**

Prior to the Collins Report, in February 2014, Governor Sean Parnell requested that the National Guard Bureau’s (NGB) Office of Complex Investigations (OCI) investigate, “open and closed investigations related to reports of sexual assault, rape, and fraud among members of the AKNG.” OCI conducted a statewide assessment of the AKNG and found:<sup>6</sup>

- The AKNG’s Sexual Assault Prevention and Response (SAPR) Program was well-organized, but victims did not trust the system due to an overall lack of confidence in the command;
- The AKNG leadership failed to provide the resources, emphasis, and oversight in the implementation of the AKNG Equal Employment Opportunity/Equal Employment (EEO/EO) program;
- The AKNG did not have a formal mechanism to facilitate coordination with local law enforcement regarding cases of misconduct committed by members of the AKNG;
- There were several instances of fraud committed by AKNG members and leadership at the facilities level, but this fraudulent activity did not have an impact on the reporting of sexual assaults;
- Actual and perceived favoritism, ethical misconduct, and fear of reprisal; eroded trust and confidence in AKNG leadership; and
- The AKNG was not properly administering justice through either the investigation or adjudication of AKNG member misconduct.<sup>7</sup>

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<sup>4</sup> Collins report at pages 83-92.

<sup>5</sup> 2014 National Guard Bureau of Complex Investigations Report.

<sup>6</sup> National Guard Bureau Office of Complex Investigations at pages 3 & 4.

<sup>7</sup> The OCI Team noted long delays and reluctance to use both Active Guard Reserve removal and administrative discharge processes. The OCI Team assessed each of the following as contributing to these problems: weak discipline imposed upon the force; a forgiving Command climate; overly cautious and inexperienced commanders; a lack of available legal counsel to advise commanders, and a lack of investigating officers or to conduct timely legal reviews for approval and imposition. Additionally, there was a lack of action-tracking mechanism.

OCI recommended:

- Allegations of misconduct under investigation by law enforcement be tracked by the AKNG Office of the Staff Judge Advocate;
- Federal fiscal resources within the AKNG be investigated further; and
- All levels of command in the AKNG reevaluate their approach to leading soldiers in a positive manner.

## Alaska Code of Military Justice (ACMJ)

All members of Alaska's organized militia are subject to the ACMJ while in-state or while traveling out of state on military orders.<sup>8</sup> Jurisdiction of the federal Uniform Code of Military Justice (UCMJ) also attaches when a National Guard member has been federalized into active duty under U.S.C. Title 10 (e.g. overseas training or deployments).

The 2014 OCI report made several findings related to the administration of military justice in the AKNG.<sup>9</sup> It concluded that the ACMJ did not provide commanders with the tools necessary to address and punish many of the crimes that affect military discipline, including sexual assault. The report recommended a further review to determine whether the ACMJ in its current form was adequately serving state needs.

In 2015, the Alaska State Legislature passed House Bill (HB) 126, which added several offenses to the ACMJ (e.g. sexual assault) that would be chargeable in either civilian or military court. It also instructed the AKNG to adopt new procedural regulations relating to nonjudicial punishments and court-martials, subject to approval by the governor. In addition, it made part-time and full-time Guardsmen able to be held accountable by their commanders for offenses committed both on and off-duty.<sup>10</sup>

In 2018, the Legislature also passed HB 307, which further modernized the ACMJ and included recent changes made to the UCMJ.<sup>11</sup> The bill's revisions added new offenses subject to court-martial and required servicemembers convicted of certain sex or child kidnapping offenses to register as sex offenders with the Department of Public Safety.

The revised ACMJ empowers commanders to impose non-judicial punishments for lesser offenses, while reserving court-martials for serious crimes. The DMVA estimated that the changes would lead to an average of two court-martials per year.<sup>12</sup> However, to date the AKNG has not convened a court-martial for any alleged offense.<sup>13</sup> The present Command staff

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<sup>8</sup> AS 26.05.030. The organized militia is comprised of the AKNG, the Alaska Naval Militia, and the Alaska State Defense Force.

<sup>9</sup> "Report of Assessment of the Alaska National Guard", National Guard Bureau Office of Complex Investigations. Available at <https://s3-us-west-2.amazonaws.com/ktoo/2018/08/Office-of-Complex-Investigations-National-Guard-Bureau-Alaska-National-Guard-report.pdf>.

<sup>10</sup> <http://www.akleg.gov/basis/Bill/Detail/29?Root=HB%20126>.

<sup>11</sup> <http://www.akleg.gov/basis/Bill/Detail/30?Root=hb%20307>.

<sup>12</sup> HB 126, Fiscal Note 8 [http://www.akleg.gov/basis/Bill/Detail/29?Root=HB%20126#tab2\\_4](http://www.akleg.gov/basis/Bill/Detail/29?Root=HB%20126#tab2_4).

<sup>13</sup> The lack of an AKNG Military Judge and a standing Military Appeals Commission hinders the AKNG from referring

indicated that the previous Alaska State administration had not prioritized the creation of an appeals commission and that the lack of such a commission was hampering the utilization of the court-martial process.

### **Scope and Methodology**

This review examines the AKNG's current sexual assault/harassment case management process and operations and the corrective measures implemented in response to the Collins and OCI reports. We conducted interviews with AKNG members and Command staff at the AKNG, including the chaplains, SAPR team members and the state EO officer. In addition, we reviewed applicable statutes, including the ACMJ and UCMJ. We reviewed all findings and recommendations made in the Collins and OCI reports and verified the AKNG's implementation of the recommendations. Moreover, we reviewed each allegation of misconduct and the corresponding investigation from 2017-present. We also examined the AKNG's standard operating procedures, documentation and response to current sexual assault/harassment cases. Finally, we compared the AKNG's past sexual assault/harassment response practices to its current practices to determine what impact these corrective measures have had on the problems associated with the allegations previously reported and issues identified.

We initiated this review at the request of Governor Dunleavy and in coordination with TAG/DMVA Commissioner, Major General Torrence Saxe.

This review was conducted in accordance with the Federal Council of the Inspectors General on Integrity and Efficiency's "Quality Standards for Inspection and Evaluation."

This report provides findings about the AKNG's corrective measures that have been implemented since 2015 in response to investigation reports by Patricia Collins and OCI identifying allegations of sexual assaults, sexual harassment and retaliation between 2010 and 2014. It also includes findings about the current Command climate and how the reporting environment has seen significant changes since 2014. It includes recommendations for policy, process, or procedural revisions that will increase the AKNG's effective response to serious allegations in the AKNG.

We are grateful for the cooperation of the AKNG in accomplishing this review.

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and conducting Courts-martial proceedings.



## FINDINGS OF THE REVIEW

### Changes Major General Hummel Made from 2015-2018

Major General Laurie Hummel served as TAG of the AKNG from February 5, 2015, to December 28, 2018. She was tasked with solving the systemic problems and Command climate issues in the AKNG that surfaced between 2010 to 2014.

In late 2017 the DMVA reported to former Governor Bill Walker that it made the following changes in response to Collins' recommendations:

- A statutory update to the ACMJ, giving commanders the tools necessary to maintain a disciplined military force;
- Hired the first Provost Marshal Officer (PMO) whose job was to ensure criminal activity was not hidden behind a uniform, but instead handled by appropriate Alaska law enforcement agencies;
- Hired a new trained State Equal Employment Manager (SEEM) and obtained training for EEO counselors across the organization;
- Published and implemented a reinvigorated open-door policy to allow Soldiers and Airmen to raise concerns directly with AKNG leadership;
- Made a recommitment to the AKNG's core values of professionalism, commitment and teamwork via policy letters, direct written messages and in-person briefings;<sup>14</sup> and
- Piloted a new education and training program for "Ethical Fitness" aimed at producing leaders of character.

The AKNG also provided the following specific responses to the Collins Report recommendations:

#### Listen to the Chaplains

- The State Chaplain became a key instructor/facilitator and advisor to the DMVA senior staff, including conducting workshops for senior staff emphasizing communication, appreciation and respect.
- The State Command Chaplain met bi-weekly with the Adjutant General.

#### Protect Victim Confidentiality and Empower the Silent Victims

- There was a renewed emphasis on the role of the SARC and their prompt and appropriate action on all reports.
- NGB provided an Alaska-based Special Victims' Counsel (SVC), a military attorney trained to represent sexual assault victims who is federally funded and under the command and control of the NGB.
- The AKNG renewed education on confidentiality mandates regarding sexual assault

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<sup>14</sup> Issued a memo regarding "Policy on Sexual Assault Prevention and Response."

reporting and emphasized that breaches would be vigorously investigated, and appropriate action taken.

- The AKNG implemented new training to better empower bystander intervention to systematically reduce sexual assault.
- The Office of the Governor created a DMVA hotline as an additional, anonymous, alternative means of reporting problems.

#### Trust but Verify Command Climate/Leadership Effectiveness

- The DMVA conducted an EO Survey and created organizational improvement plans addressing areas of weakness.
- The AKNG adopted a new “invigorated” open door policy for all members.
- Issued a series of “Messages to the Force” to address Command climate, inclusion, respect and other issues salient to leadership.

#### Pursue Appropriate Personnel and Criminal Referrals

- The AKNG worked with the Legislature to craft House Bill 126, which passed in 2016.
- The AKNG took administrative action and punishment against those accused of committing a sexual assault with substantiated findings.
- The PMO collaborated with military and civilian law enforcement agencies to assure processes were in place for sharing allegations of misconduct.
- The PMO and the Office of the Staff Judge Advocate reviewed the 2012 Fort Greely investigation for possible further action and made appropriate referrals to agencies external to the AKNG.

#### *Response to OCI Report*

An NGB OCI investigation in 2014 found the AKNG’s SAPR program was well organized, but lacked the trust of victims due to their lack of confidence in the Command.<sup>15</sup>

In accordance with NGB instructions, TAG chaired monthly meetings to review the progress of all current and pending sexual assault cases. In addition, the SAPR program began including continuous training for personnel in units across the state to raise awareness of sexual assault and harassment. SAPR also started providing in-depth education courses for the 40 statewide victim advocates (VA) who are trained to reinforce preventative measures in the workplace and assist victims if there is an assault.

#### **Major General Saxe Makes Significant Improvements**

From December 29, 2018 to present, Major General Torrence Saxe has served as TAG of the AKNG. He has continued the progress initiated by his predecessor, implementing

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<sup>15</sup> See Appendix A for SAPR Mission Statement & Goals. The SAPR program also works closely with the Alaska Council on Domestic Violence and Sexual Assault (CDVSA) and the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) to make the victim advocates as effective as possible.

recommendations in the Collins and OCI reports and developing a safe, functional and professional military environment. Below is a summary of corrective actions Major General Saxe has taken to improve the AKNG.<sup>16</sup> Through document review and interviews with current Guard members, we verified Major General Saxe has succeeded in implementing changes to respond to the recommendations made in the Collins and OCI reports.

*Listen to the Chaplains (Collins Report Recommendation A)*

According to Major General Saxe, between 2007-2014, AKNG chaplains received an alarming number of allegations relating to toxic Command climates, sexual harassment, sexual assault, and unfair workplace environments. While the chaplains reported these allegations, problems persisted in part because: 1) leaders did not believe the chaplains, 2) leaders exhibited an extraordinary lack of energy pursuing the leads given to them by chaplains, or 3) a fear among leaders of exposing any "dirty laundry" that might tarnish the organization, and subsequently the leadership.

In contrast to how chaplains functioned then, Major General Saxe affirmed chaplains are valued participants in directorate-level meetings. They also serve as a potential confidant to every service member—any service member of any rank can disclose to a chaplain and expect 100% confidentiality (unless otherwise requested by the service member). While chaplains do not have a "duty to report," which increases trust between them and potential victims, they also can share with a commander insight as to where there might be conditions within the organization that create vulnerabilities to sexual harassment or abuse. Major General Saxe assured the chaplains in the AKNG that they are valuable assets, and they have his trust.

Major General Saxe told us the AKNG has worked to cultivate a new leadership culture that espouses an extremely open and listening environment for everyone. The most recent senior leaders presently serving often seek out chaplains and inquire as to how things are going and where improvements might be made. The Command culture has created an environment that is more transparent, thereby greatly reducing the volume of "trends" the chaplains need to convey.

*Protect Victim Confidentiality and Empower the Silent Victims (Collins Report Recommendation B.1 and OCI Report Recommendations # 1.1, 1.2, 1.3, 1.4, 1.7, 5.7)*

The AKNG has performed regular training to ensure service members are aware of the available resources and options to encourage reporting and empower victims. For example, AKNG Soldiers are required to complete face-to-face Sexual Harassment/Assault Response Program (SHARP) training annually, which covers the services that are available through the Sexual Assault Prevention and Response (SAPR) program and highlights specialized services such as the Special Victims' Counsel (SVC) and the newly implemented CATCH Program for Restricted Reporting, a program designed to catch serial offenders. The percentage of AKNG

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<sup>16</sup> Major General Torrence Saxe's November 2019 response to Collins and OCI report.

soldiers who received annual SHARP training in FY 2016 was 11%; however, that number increased to 42% in FY18 and to 100% in FY19 under Major General Saxe.

Each year in April during Sexual Assault Awareness and Prevention Month (SAAPM), the AKNG hosts a variety of events to continually raise program awareness. The AKNG has improved the reporting process to ensure victims' information is kept confidential and follows all restricted reporting policy rules and limitations for protected/privileged communication, including legal protections for SARC/VAs and their confidential communications. Major General Saxe said he believed this has improved Guard trust in the reporting process that their information will remain confidential and not lead to retaliation.

*Acknowledge and Apologize for Past Mistakes (Collins Report Recommendation B.2)*

Major General Saxe stated the leadership of the AKNG has clearly and publicly indicated that past mistakes are things of the past, and provided apologies when deemed necessary, and moving forward, such actions will not be tolerated. Feedback from surveys and interviews indicated this improved trust, morale, and facilitated a much-needed healing process.

*Seek Authorization for Continued Alaska-based SVC (Collins Report Recommendation B.3)*

The AKNG has been the only state to be assigned a dedicated SVC by the NGB. This dedicated SVC has been assigned to Alaska since the recommendation was made in the Collins Report; however, in 2019 under Major General Saxe, the case load for the Alaska SVC decreased. Because of the decrease in cases, the AKNG and NGB reviewed the needs for an Alaska-based SVC. The SVC Program leadership determined that, because of the new AKNG leadership, Alaska can properly be served by a regional SVC, which is like other states. The current Alaska-assigned SVC is transitioning out of the position and joining the AKNG Office of the Staff Judge Advocate as an advisor to the Command. His expertise will provide valuable guidance to the Command on how best assist and care for victims.

*Expand State Resources for the Silent Victims (Collins Report Recommendation B.4)*

Major General Saxe indicated that the SARCs continually build relationships with civilian community partners, such as Standing Together Against Rape (STAR) and the Alaska Network on Domestic Violence and Sexual Assault, to ensure the members of the AKNG can receive quality medical and mental health care regardless of their duty status at the time of the incident. The Joint Force Headquarters (JFHQ) Victim Advocate Coordinator (VAC) has developed a Services Resource Binder which contains a variety of community resources throughout the state of Alaska for survivors of sexual assault. This binder is available in the SAPR office for all members of the AKNG to review. The JFHQ SARC and VAC are extremely engaged with their clients and the Command to reinforce their relationship with commanders at every level and to ensure their clients are taken care of in the best way possible.

Because of Major General Saxe's decision to bring the former SVC into his ranks, he is confident that any victim within the AKNG will be taken care of in the right way.

The Department of Defense (DoD) also offers a Safe Helpline—a 24/7 response line for military victims of sexual assault that is available by phone and text. In addition, the DoD offers a Safe Help Room, which is a moderated online chat room for survivors to talk anonymously with other survivors. Due to the unique needs of male survivors of sexual assault, the DoD Safe Help Room also hosts male only survivor chats. The DoD Safe Helpline has a free app that will help service members locate local resources, including the SARC, Chaplain, local rape crisis centers, and medical treatment facilities, based on location and branch of service. The SARCs inform victims of the DOD Safe Helpline and Help Room.

*Trust but Verify Command Climate/Leadership Effectiveness (Collins Report Recommendation C and OCI Recommendation # 1.5, 1.6)*

Mandatory Command climate surveys are conducted starting at the company/squadron levels on up through all higher levels of the AKNG. Leadership are provided survey results, which provides senior leadership an opportunity to supervise, counsel, coach, and mentor leaders.

All Defense Equal Opportunity Climate Surveys (DEOCS) are maintained by the EO Office for the Air National Guard and the Equal Opportunity Advisors (EOA) for the Army National Guard. The State Equal Employment Manager (SEEM) office also receives copies of the DEOCS reports from the Air and Army Equal Opportunity personnel and can request reports from the Defense Equal Opportunity Management Institute (DEOMI).

In cases where anonymous comments identify an individual in the Guard, the Command conducts sensing sessions to gather information and allow AKNG members to speak freely about the misconduct. AKNG commanders use the sensing sessions to ensure every reported instance is investigated fully and leaders at all levels remain engaged in every case. The sensing session data also is collected and maintained by the Command and the EO offices for the Air and Army National Guard. The SEEM conducts meetings with senior leadership where they can highlight concerns. In addition, Guard members are always free to report directly to their SHARP representative of an allegation of misconduct.

In addition to DEOCS and sensing sessions, the annual SHARP training includes confidentiality training. Specifically, participants receive information on what "need to know" means for Unrestricted Reports of sexual assault,<sup>17</sup> and the material encourages soldiers who have knowledge of confidentiality violations to immediately contact the JFHQ SARC or JFHQ VAC so these violations can be addressed swiftly. Leaders also are encouraged to contact the JFHQ SARC or JFHQ VAC if they believe spillage of "need to know" information has occurred so a containment plan can be developed and a determination can be made on the impact of spillage on the victim's welfare.

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<sup>17</sup> Unrestricted reports allow victims to pursue official investigations but disclose the victim's identity.

In addition to the Annual SHARP training provided to all soldiers, advanced training is available for leadership to develop their ability to appropriately respond to a sexual assault in their Command. The JFHQ SARC has developed training scenarios which goes more in depth on "need to know" for reports of sexual assault. The scenario-based training presents leaders with a "real world" case allowing them to discuss what actions they would take to address the victim's needs and the subject's needs while balancing mission requirements. It also takes them through the initial reporting process to ensure they understand proper procedures to include ensuring victim safety and law enforcement notification through the AKNG PMO, the potential polarization of a unit if the sexual assault is known to other members, addressing safety concerns of the victim, expedited transfer requests, and long-term care of the victim.

According to Major General Saxe, both Army and Air leadership have taken substantial steps in policy and practice to set expectations, train, and demand a workplace and culture of dignity and respect for all soldiers and employees. The Assistant Adjutant General Army (ATAG-Army) leadership philosophy lays out clear expectations for all Army leaders regarding training, readiness, and personal and professional conduct for all soldiers. The ATAG-Army SHARP policy further clarifies leader responsibility in training, modeling, and demanding measured and consistent administrative and legal action in dealing with every instance of harassment and assault within the ranks. Army leadership has incorporated regular training and leader meetings to put continued emphasis on commanders to ensure every reported instance is investigated fully and leaders at all levels remain engaged in every case.

The Army leadership encouraged full participation in training led by the state chaplain in a transformational leadership summit and ethical fitness training in February 2019. ATAG-Army has held mandatory meetings for all Army senior leaders reviewing SHARP policies and holds monthly meetings with commanders to review training, trends, and issues. He has also held a town hall for the Army reviewing his expectations on SHARP and leadership responsibility in creating a culture of dignity and respect.

The Alaska Air National Guard has a required annual senior leader training to reinforce leadership education on the SAPR program involving commanders at all levels, including commanders, squadron commanders, detachment commanders, section commanders, command chief master sergeants, chief master sergeants and first sergeants. The response program also involves local and distant agents from within the U.S., such as SARCs, VAs, Judge Advocates General (JAGs), mental health providers, medical providers, the local Anchorage Police Department (APD), Fairbanks Police Department (FPD), Alaska State Troopers, Criminal Investigation Command, Office of Special Investigation and/or DoD law enforcement and survivors of sexual assault.

Many resources are offered during training as tools for the leadership. The Alaska Air National Guard also has strengthened its policies and clearly laid out the tone against sexual assault and sexual harassment. Major General Saxe said he, the ATAGs, and Wing Commanders have communicated their policies and set the tone against sexual assault and sexual harassment.

*Pursue Appropriate Personnel and Criminal Referrals (Collins Report Recommendation D)*

Major General Saxe reported that holding perpetrators accountable is a high priority within his Command. He also reported that military disciplinary boards were held when appropriate. With the ACMJ signed into law, the AKNG is more capable to exercise more corrective actions, should the need arise. Major General Saxe also stated that commanders work closely with the PMO and the Office of the Staff Judge Advocate to ensure all allegations of criminal misconduct are not only referred to the appropriate law enforcement agency, but adequately investigated.

*EO Programs (OCI Recommendation 2)*

*2.1 Reinforce the AKNG EEO/EO program to ensure individuals understand options regarding privileged communications and protection from retaliation.*

We found leaders in the respective services provide EO training on these topics for all AKNG members. Civilian personnel also receive training during orientation on these topics and are required to complete the No Fear Act training annually. Major General Saxe said he has issued TAG policy letters for EO and EEO that address these topics, and these letters are posted in prominent locations for both services.

*2.2 Ensure their AKNG EEO/EO program includes well-trained and accessible EO Program participants. The SEEM must have direct access to TAG. Additionally, the EEO/EO program must be incorporated into leadership discussions.*

The SEEM has monthly meetings with the TAG and other levels of Command and other access when needed to facilitate discussions regarding EO or EEO. Additionally, a separate meeting is scheduled monthly to brief the ATAG-Air regarding EO and EEO. The SEEM also attends the monthly Case Management Group (CMG) meetings for leadership, as well as the Ready and Resilient Workgroup.

*2.3 Ensure the AKNG EEO/EO program meets or exceeds the personnel requirements for the program and that all EEO/EO personnel are trained and certified in accordance with Service guidelines. The Team further recommends that an EOA position be formally established at Ft Greely.*

We found that the SEEM has attended all required courses and has received the proper certification. We also found EO personnel had attended the required EO Reserve Component and Mediation course through DEOMI and received their certification. Four of the five Equal Opportunity Advisors (EOAs) had completed the Equal Opportunity Reserve Component and Mediation Course through DEOMI. The one EOA that had not been to training was newly assigned and was waiting on a school date at the time of this review.

We found that an EOA was first assigned to Fort Greely in 2016 and attended the required Equal Opportunity Reserve Component and Mediation course through DEOMI and received certification. At the present time there is a fully trained and certified EOA in place at Fort Greely.

*Coordination with Law Enforcement (OCI Recommendation 3)*

Major General Saxe explained that each Command tracks allegations of misconduct regarding their Soldiers and Airmen. Commanders work closely with the Office of the Staff Judge Advocate and the PMO when allegations are under investigation by law enforcement. The PMO and the Office of the Staff Judge Advocate (OSJA) have a very good working relationship. In some occasions, local law enforcement will inform the PMO that a service member is under investigation prior to the Command learning of it. In those cases, the PMO will inform the Command, who will then track the case, and in conjunction with the OSJA, they evaluate it based on the information available to determine whether administrative action is appropriate. Unfortunately, some civilian authorities are unwilling to share investigatory information with the AKNG, which limits the AKNG's ability to take appropriate action in a timely manner.

*Fraud. (OCI Recommendation# 4)*

The AKNG continues to utilize its Internal Review program to combat fraud, waste, and abuse. In accordance with representations from the investigator, this issue is beyond the scope of the current inquiry.

*Climate: Open Door Policies (OCI Recommendation 5.1)*

Major General Saxe reported that the AKNG continues to institute Open-Door Policies that allow Soldiers, Airmen, family members, and civilian employees the opportunity to raise concerns directly to the commander. The policy outlines the process and makes provisions for direct access when individuals/groups feel a fear of possible reprisal. The policy is disseminated to the unit level and is pushed to all Army and Air facilities for posting in public areas for maximum exposure. Moreover, the commanders regularly communicate the policy and encourage utilization during town halls, unit visits, and other group announcements.

Another way the Alaska Air National Guard promotes communication is through each wing holding a weekly leadership meeting between the Wing Commander, Vice Wing Commander, Group Commanders, Wing Command Chief, and Group Superintendents. Issues regarding personnel, legal, equal opportunity, mentoring and other relevant areas are addressed in this context. In addition, each wing, squadron, the commanders and the Commander of the Alaska Air National Guard hold weekly meetings to promote information dissemination and discuss issues and concerns. Additionally, the Commander hosts an in-person, monthly wing senior leader meeting at JFHQ covering administrative topics, not limited to but including recruiting, retention, personnel issues, mentorship and policies, as well as operational issues.



*Climate: Mentoring Program for Officers (OCI Recommendation 5.2)*

The Alaska Army National Guard continues to provide its leader-driven mentoring program established by the previous Command. The program's core tenants are respect and dignity; professionalism; doctrinal and regulatory compliance; fair, transparent policies and processes; as well as care for soldiers, families, and civilians. The goal is the continuous growth of ethical, moral leaders whose conduct and decisions are governed by law and regulation, and who see themselves as stewards of the Army Profession and caretakers of Army people and resources.

*Climate: Reprisal and Retaliation Policy (OCI Recommendation 5.3)*

Major General Saxe reported that training on reprisal and retaliation reporting procedures are briefed at each CMG, and attendees are reminded to contact the SARC if they receive a report so it can be appropriately monitored. Additionally, the DoD Sexual Assault Prevention and Response Office (DoD SAPRO) recently released the DD Form 2910-2, Retaliation Reporting Statement for Unrestricted Reports of Sexual Assault, which formalizes the retaliation reporting process to the Sexual Assault Response Coordinators and Victim Advocates. The Defense Sexual Assault Incident Database (DSAID) is also being updated to include data entry for retaliation reports.

These changes will assist in tracking retaliation reports through to final disposition and provide statistical data on the disposition of retaliation cases in the DoD SAPRO's annual report to Congress. Service members are trained that they can bring reprisal and retaliation concerns to the DoD Inspector General (IG).

*Climate: Develop a level of transparency to reinforce the concept that justice is being pursued (OCI Recommendation 5.4)*

Major General Saxe stated he implemented a reporting process for administrative actions for the AKNG referred to as the "status of discipline": Major Subordinate Commands (MSCs) track individual cases and update leadership on the progress and issues with each case so that leadership is fully aware. Each month the MSCs brief the cases along with the Staff Judge Advocate to discuss progress and challenges as each progress through administrative and legal process. MSCs also conduct status of discipline meetings to manage each case with battalion and company level leadership. This information is published on the DMVA website quarterly, where members of the AKNG can see every case investigated, and the outcome of the case.

*Military Justice (OCI Additional Recommendations)*

1. *Review current military legal support to determine whether it is optimal to meet the needs of the AKNG.*

According to Major General Saxe, the AKNG significantly expanded its full-time legal support personnel since 2014. Judge Advocates are recognized as an integral part of the advisory staff

and highly utilized. He feels he has a highly skilled office of the Staff Judge Advocate, both the full-time support as well as the part-time attorneys. The AKNG continues to evaluate staffing needs and balance costs against available resources.

*2. Always appoint an AKNG military judge and have one or more trained and certified.*

The National Guard Military Judge program is relatively new. Major General Saxe said the AKNG identified an individual for training as a military judge, but were unable to procure a training slot because the individual had to be formally assigned to a military judge position to be able to attend the training. The AKNG had requested a military judge position, but the NGB denied the position.

The AKNG continues to make tangible progress in establishing a military judge position and Military Appeals Commission. The expected start date for both is in calendar year 2020. The appointment of a military judge and the Military Appeal Commission will provide commanders at every level in the AKNG a greater range of tools to deal with military justice issues. Furthermore, with these appointments the AKNG will be able to better address military-specific offenses that otherwise would go unpunished by civilian authorities. Also, this will also provide soldiers and airmen in the Alaska National Guard with due process guarantees, ensuring that justice and discipline are imparted in a fair and timely manner.

*3. Participate in the Army National Guard Trial Defense program in order to meet the demands of defense support.*

Major General Saxe reported that the AKNG has dedicated Trial Defense judge advocates who are assigned to the Trial Defense program. Further, the AKNG recently began utilizing the NGB Full-Time Support Trial Defense Service on the Army-side, which provides a full-time regional judge advocate, who coordinates work with the AKNG Trial Defense judge advocates to ensure timely and fair completion of actions.

*4. Enhance AKNG participation in the NG SVC Program in order to meet the needs of sexual assault victims through individual legal representation; consider requesting a full time NG SVC located within AK.*

The AKNG requested and received an in-state SVC from the NGB. The current SVC is transitioning out of the position and joining the AKNG. Major General Saxe, with the advice of the Office of the Staff Judge Advocate, NGB's outgoing SVC, and the Senior Regional SVC, evaluated whether an in-state SVC was needed. The recommendation from NGB is that at this time, because of the SHARP developments, progress, and the confidence that the former SVC will provide valued assistance to the Command, the Senior Regional SVC will provide adequate assistance to possible AKNG victims.

- 5. Coordinate with the State Attorney General on the proper interpretation of DMVA v. Bowen as it relates to the AKNG Active Guard Reserve (AGR) removal process to enable commanders to swiftly remove members involved in misconduct from the full-time force. Until the AKNG develops a process regarding AGR removal, the AKNG might consider holding a pre-termination hearing immediately as a precursor to convening an administrative discharge board.*

Major General Saxe informed us this issue had been settled appropriately. The AKNG, in coordination with the state Attorney General's Office, the NGB, and the U.S. Attorney's Office, has determined there is no requirement for a pre-termination hearing in accordance with the governing laws and regulations.

- 6. Review and improve training for Commander Directed Investigations. Develop a smart book that will assist in advising investigators how to conduct investigations.*

The AKNG informed us every Command investigation receives input from the Office of the Staff Judge Advocate prior to initiation to ensure it is adequately focused. Every investigator is provided a judge advocate to serve as a legal advisor and as required by regulation, must meet with the legal advisor prior to beginning the investigation. Both the Alaska Army National Guard and the Alaska Air National Guard have produced guides for investigating officers.

- 7. Create an action tracking system to improve oversight of all adverse administrative actions.*

Major General Saxe stated all adverse administrative actions are tracked by the AKNG units. In the Alaska Army National Guard, every other week the actions are briefed to the brigades and the Chief of Staff or his representative. The AKNG has also recently switched to electronic routing. This tracks the dates of the routing and allows for better visibility of the case status.

- 8. Conduct a thorough review of AKNG personnel files to reinstate documents that were erroneously removed from official military personnel files and to remove locally filed letters which have exceeded their expiration date.*

The AKNG reported the Personnel Office ensures service members perform regular records reviews with their unit to ensure the proper documents are contained in the personnel records.

- 9. Review the existing Alaska state code to determine if it is optimally crafted to serve state needs regarding the AKNG.*

In 2016, the Alaska legislature, with extensive input from the AKNG, passed the ACMJ. Since then, the AKNG has continued to review the law and provide advice as to its needs. In 2017 and 2018, the AKNG provided input regarding updates that brought the ACMJ in line with

updates to the federal UCMJ. The AKNG continues to review the law as part of an ongoing process to ensure the law is optimally crafted to serve the state needs.

### **Changes within the Alaska Air National Guard**

Since 2016, the Alaska Air National Guard has taken significant remedial measures that relate to the recommendations made by the NGB OCI in 2014 and by Judge Collins in 2015. In short, the Alaska Air National Guard has continuously improved processes and record keeping since 2016. A summary of efforts, changes made to programs, and records from EO, SAPR, and Legal were provided by the EO Program Manager, the SAPR Coordinator and the legal office, as listed below:

#### *Equal Opportunity Program (EO)*

- Ensured the existence of a fully trained staff, robust, functioning program that is accessible and visible to Wing members at all levels;
- Reinforced EO bulletin boards requirements at each unit. EO personnel periodically inspect the bulletin boards to ensure the information is up to date so that individuals have access to services;
- Improved program access for members via monthly EO training (e.g. Human Relations Training, Newcomers Orientation, Commander Stand-Up briefings and individual unit rollcalls);
- DEOCS are being conducted as required, providing accurate human relations climate information and opportunities for issues to be communicated anonymously to first and next levels of Command. DEOCS are not intended to be used for disciplinary action, but in some cases, comments do warrant further inquiry by commanders and DEOCS results are briefed to their respective units;
- EO Personnel have an excellent working relationship with like-minded entities, including the JFHQ SEEM. The offices collaborate on a monthly basis regarding training, ongoing cases and referral management;

#### *Sexual Assault Prevention and Response Program (SAPR)*

- Educated Airmen receive a combined multi-issue Sexual Assault and Suicide Prevention Training annually which is required to be accomplished face-to-face;
- Improved the reporting process to ensure victims' information is kept confidential. The Alaska Air National Guard follows all restricted reporting policy rules and limitations for protected /privileged communication including legal protections for SARCs/VAs and their confidential communications, assessing victim or offender safety issues while

maintaining SARCNA confidentiality, and Military Rule Evidence (MRE) 514;

- Taken action to ensure each case investigated is shared with the victim through the VA program in accordance with DoD 6495.02. The CMG is convened once a month within each Wing and once a month at the JFHQ level to address cohesive emotional, physical, and spiritual care of a victim in a collaborative environment with the collective goal of facilitating the survivor's well-being and recovery. When an action has been taken in each of the cases investigated the victim is usually informed within 24 hours;
- Provide transparent and informed justice regarding sexual assault matters and other misconduct. An agent from the local APD, FPD, Alaska State Troopers, Criminal Investigation Division (CID), Air Force OSI or DoD law enforcement unit with investigative responsibility will provide updates on the investigative status of case(s), usually through the PMO and discussed during the CMG with the SARC and subject's Commander. Further, transparent and informed justice information is delivered during Commander's talking points and/or Commander's briefings;
- Implemented a required annual senior leader training to reinforce leadership education on the SAPR program involving commanders at all levels;
- Strengthened policies and clearly laid out the tone against sexual assault and sexual harassment. The TAG, ATAGs and Wing Commanders also have communicated their policies and set the tone against sexual assault and sexual harassment;
- The current SARCs have implemented a training requirement for reporting options in every SAPR briefing that include the multi-issue Sexual Assault and Suicide Prevention Training, an annual requirement which is accomplished face-to-face, as well as the Newcomers SAPR Briefing, Commander's 30-Day Briefing, Commander's Talking Points, and Pre and Post Deployment Briefings. This training places emphasis on understanding the three different reporting options (Restricted, Unrestricted, and Independent), and the confidentiality requirements of Restricted Reporting and MRE 514;

#### *Staff Judge Advocate*

- Major General Saxe implemented a policy on October 16, 2018, requiring all AKNG members to self-report criminal charges and/or arrests in order to more effectively manage the force and address security concerns within the Command. The Staff Judge Advocates work with the PMO to track charges and arrests. The Staff Judge Advocates contact local, state or federal prosecuting attorneys and request a copy of the complaint filed in the case. This sometimes allows the Staff Judge Advocates to receive independent evidence related to the arrest/charge. This has been working somewhat well as Staff Judge Advocates have been able to get documents in a timely manner; however, a more permanent solution is needed. There is currently no Alaska Statute

that provides for this, however, the AKNG or DMVA may create a Memorandum of Understanding (MOU) to address this issue.

To adequately assist with the swift administration of justice, the Alaska Air National Guard Wing legal offices are fully staffed and trained with Alaska-licensed attorneys and paralegals. The Alaska Air National Guard also has a designated Area Defense Council who services both Wings who is located at JFHQ. Air National Guard follows the Air Force's Commander Directed Investigation (CDI) Guide. A new version of this guide was recently published in 2019 and is available to all commanders. The guide is helpful as it assists commanders and the Investigating Officer (IO) with the process and instructions on how to conduct a CDI;<sup>18</sup>

- To assist with tracking adverse actions, the ATAG-Air has implemented the “status of discipline” reporting process for all ACMJ/Administrative actions for the AKNG. Each month, the previous month's stats are reported to the ATAG-Air. The Wings also conduct status of discipline briefings to commanders and first sergeants;
- Since 2016, the Alaska Air National Guard has received a total of 14 sexual assault reports, 3 of which involved an Alaska Air National Guard subject. The Alaska Air National Guard also received 4 sexual harassment complaints; 3 were substantiated and 2 involved an Alaska Air National Guard subject. When allegations were validated against an Alaska Air National Guard subject, the accused was appropriately disciplined through discharge or recall to active duty for UCMJ proceedings. In 1 sexual harassment case, the accused was provided remedial training that was accepted as an appropriate resolution by the victim;

### *Summary*

Alaska Air National Guard guidance and training has been deliberate and consistent at all levels. Processes and record keeping have improved since 2016. Commanders and Airmen have responded positively to EO and SAPR training. The current culture within the Alaska Air National Guard is described by many as zero tolerance of sexual assault and sexual harassment. Commanders have reviewed DEOCS and taken action to ensure that the culture the Alaska Air National Guard is fostering is maintained. The Alaska Air National Guard reported it has the most resources ever available to leaders and airmen for prevention, training, reporting, and resolution of sexual assault and harassment within the ranks. The Alaska Air National Guard is prepared to take care of the victims, and has made this the number one priority, once a case is brought to leadership's attention.

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<sup>18</sup> Sexual assault cases cannot be investigated or looked into by a CDI.

## **Changes within the Alaska Army National Guard**

The Alaska Army National Guard has taken significant steps to implement recommendations from the 2014 NGB OCI and the 2015 Collins reports. A summary of efforts, changes made to programs, and records from EO, SAPR, and Legal were provided by the Alaska Army National Guard, as identified below:

### *Leadership Emphasis*

Army leadership has taken steps in policy and practice to set expectations, train, and demand a workplace and culture of dignity and respect for all soldiers and employees. Assistant Adjutant General Army (ATAG-Army) leadership philosophy, dated April 1, 2019, lays out clear expectations for all Army leaders regarding training, readiness, and personal and professional conduct for all soldiers. His SHARP policy, dated July 8, 2019, further clarifies leader responsibility in training, modeling, and demanding measured and consistent administrative and legal action in dealing with every instance of harassment and assault within the ranks.

Army leadership also has incorporated regular training and leader meetings to put continued emphasis on battalion and brigade level commanders to ensure every reported instance is investigated fully and leaders at all levels remain engaged in every case. Army leadership encouraged full participation in training, led by the state chaplain in a transformational leadership summit and ethical fitness training in February 2019. ATAG-Army also held a mandatory meeting for all Army senior leaders reviewing the SHARP policy, and he holds monthly meetings with commanders to review training, trends and issues.

### *Office of the Staff Judge Advocate/Status of Discipline*

Under Major General Saxe, the Office of the Staff Judge Advocate has been tasked with ensuring implementation of the “status of discipline.” First, the ATAG-Army reviews each DEOCS survey down to the battalion level and fully investigates all issues. In addition, all Guard members are required to self-report criminal charges and/or arrest in order to more effectively manage the force and address security concerns within the Command. Army MSCs track individual cases and update leadership on the progress and issues with each case so that leadership is fully aware. Each month the MSCs and the Staff Judge Advocate brief the status of discipline to discuss progress and challenges as each case moves through administrative and legal processes.

### *Sexual Assault Response Coordinator (SARC)*

The Alaska Army National Guard annually trains 100% of the available forces with face-to-face SHARP training. The training consists of interactive lectures covering the distinctions of restricted and unrestricted reporting and responsibilities of leaders in handling each type of case. Soldiers are also educated about conduct, reporting of suspected cases of harassment or assault and provided contact information for reporting. In addition, the CMG meets monthly

with each MSC at the Joint Forces Headquarters level to address cohesive emotional, physical, and spiritual care of a victim. This is a collaborative environment with the collective goal of facilitating the survivors' well-being and recovery. The Alaska Army National Guard has strengthened its policies and clearly laid out the expectations regarding sexual assault and sexual harassment. Major General Saxe utilizes the CMG to provide additional guidance and instructions when needed. At the same time, this provides reassurance of the policies and ways forwards for the AKNG in addressing this issue.

### *Equal Opportunity Program*

The Alaska Army National Guard EO Program ensures the existence of a fully trained staff and a robust, functioning program that is accessible and visible to Guard members at all levels. The Alaska Army National Guard EO program information availability has improved by reinforcing EO bulletin board requirements at each unit. Army units conduct annual and ongoing training related to EO, retaliation, and reprisal. EO personnel periodically inspect the bulletin boards to ensure the information is up to date so that individuals have access to services.

### *Provost Marshal Office (PMO)*

The PMO is a key advisor to the TAG and provides a critical bridge to local, state and military law enforcement, specifically with SHARP cases that are being prosecuted by non-military criminal investigative organizations. This critical link is necessary to provide the Command with sound advice and courses of action to ensure cases are handled appropriately.

### *Summary*

In summary, the Alaska Army National Guard has taken great care to implement each of the OCI and Collins recommendations to create an environment of trust and transparency for all members of the AKNG. The Alaska Army National Guard has made diligent efforts to establish a culture and expectation of zero tolerance for sexual harassment and sexual assault within the Command.

### **Results of AKNG Climate Surveys**

The AKNG regularly conducts climate surveys (DEOCS) to help gauge where the AKNG is performing well and where it can improve. The DEOCS were administered by the AKNG, in part, to assess the sexual assault prevention, reporting, response and retaliation climate at the AKNG.

The DEOCS contained a rating system that is used to highlight areas where the AKNG could use improvement or where they are meeting or exceeding expected standards. The rating system uses the following percentages to qualify the responses:



- *Improvement Needed* = Below 50% favorable responses
- *Caution* = Between 50-69% favorable responses
- *Adequate* = Between 70-89% favorable responses
- *Excellent* = 90% and above favorable responses

The AKNG explained the general interpretation for each category of response is as follows:<sup>19</sup>

*Excellent* - represents almost complete unit endorsement of scale. An area of excellence and maintenance/stability actions recommended.

*Adequate* – majority of unit endorsed scale and reached recommended endorsement threshold (70%). Area not of concern, but room for improvement.

*Caution* – Majority of unit endorsed scale but did not reach recommended endorsement threshold (70%). Area is flagged for concern and actions should be considered to boost endorsement.

*Improvement Needed* – Majority of unit did “NOT” endorse scale and area of great concern in need of corrective actions ASAP.

For this review, we examined the climate surveys for 2017-2019. The 2017 and 2018 DEOCS surveys were conducted prior to Major General Saxe’s appointment as TAG on 12/29/2018 under the newly elected Dunleavy administration. Accordingly, the numbers and responses extracted from those reports, and addressed below, cannot be attributed to the current command.

In reviewing the DEOCS results from 2017-2019, we found most respondents had positive remarks about the AKNG and the leadership’s emphasis on sexual assault prevention and response. Some themes in the surveys included: (1) too much training for sexual assault prevention, (2) a concern for a lack of protection for those accused of sexual assault and (3) the overall climate of the AKNG being a good working environment.

We also found some other select DEOCS responses that were concerning and warrant further review by the AKNG. For example, for the three survey years, the survey identified “Sexual Assault Reporting Knowledge” as an area for caution. The survey also identified a corresponding rating drop in this area from 72 in 2017 down to 64 in 2019. Similarly, the “Sexual Harassment Retaliation Climate” showed a significant decrease from 88 in 2017 to 78 in 2019. The chart below shows the ratings for the sexual assault portion of the survey:

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<sup>19</sup> 2017, 2018, and 2019 DEOCS at 4.

**Figure 1. DEOCS Survey Results**

| Year | Sexual Assault Prevention Climate | Sexual Assault Reporting Knowledge | Sexual Assault Response Climate | Sexual Assault Retaliation Climate | Sexual Harassment Retaliation Climate |
|------|-----------------------------------|------------------------------------|---------------------------------|------------------------------------|---------------------------------------|
| 2017 | 86                                | 72                                 | 89                              | 85                                 | 88                                    |
| 2018 | 83                                | 65                                 | 89                              | 79                                 | 82                                    |
| 2019 | 83                                | 64                                 | 87                              | 75                                 | 78                                    |

It is noteworthy that these survey areas for sexual assault prevention are showing declines over the past 3 years, given the significant corrective actions implemented by the AKNG. We believe the cause for this is worth further exploration by AKNG leadership. It is also important to note that these fluctuations in scores were caused by only 3-10 respondents over the 3 year time period, which is not representative of the overall feel of the entirety of the troops.

*2017 DEOCS Observations*

In 2017, the survey results revealed that 5% of the respondents marked “Strongly Disagree” in response to the question “My immediate supervisor encourages individuals to help others in risky situations that could result in harmful outcomes.” In addition, respondents demonstrated limited knowledge as to who they can make Restricted Reports of sexual assault to, and whether those who report sexual assaults are eligible for the services of a military attorney.

Several respondents specifically commented about an individual in leadership sharing inappropriate photos, including an “E7 showing pictures of women in their underwear...in the workplace on duty while in uniform, for many years.”<sup>20</sup> Also, “a former first sergeant...sharing images objectifying women in underwear or nude...a simple knock it off seems ineffective.”<sup>21</sup>

Another response referenced an individual’s “criminal behavior” that is an “open secret” in the “flight” and leadership’s disciplinary response was “not apparent to the flight and did not include removing this individual from uniformed service.”<sup>22</sup> In addition, a respondent referenced a senior leader inflicting “predatory and criminal” actions toward “brand new service members of opposite gender” and how this is an “open secret.”<sup>23</sup> There also was a

<sup>20</sup> 2017 DEOCS at 34.

<sup>21</sup> *Id* at 45.

<sup>22</sup> *Id* at 39.

<sup>23</sup> *Id* at 40.

reference to a senior leader making inappropriate comments including, “if you misbehave, I’ll just have to bend you over and spank you” and “after I say something that is serious/professional this senior leader will say sexual innuendos...not listening or taking me serious.”<sup>24</sup>

In another survey, a respondent claimed, “a recent sexual harassment claim led to a minor wrist-slapping...For a brand-new airman to have to deal with this straight out of tech school is appalling...if the AF as a whole is going to cram these trainings down our throats...then claims need to be acted upon with expediency, legitimacy, and force.”<sup>25</sup>

### *2018 DEOCS Observations*

In 2018, some survey responses were poorer than in 2017, especially among Enlisted (63%) and minorities (56%). The survey reflected 65% correct responses unit-wide (down from 72% in 2017) when service members were tested on their knowledge regarding sexual assault reporting rules.<sup>26</sup> It also showed 19% either “Disagreed” or “Strongly Disagreed” that “Discipline is administered fairly.”<sup>27</sup> The survey also revealed an increase from 0.9% in 2017 to 2.5% in 2018 of respondents saying that they observed a situation that was, or could have led to, a sexual assault in the past 12 months.<sup>28</sup> In addition, 4% of females reported that someone in their workplace “Repeatedly [told] sexual ‘jokes’ that made [them] uncomfortable, angry or upset.”<sup>29</sup> This was an increase from 0% in 2017.

Several respondents said AKNG needs a better way of investigating sexual harassment/assault and needs to punish those who lie about it.<sup>30</sup> One respondent alleged s/he received no support or follow-up from unit leadership after reporting a sexual harassment and sexual assault incident: “I received NO support from my leadership or the people who I spoke to about it...after having reported an assault that happened...I was told I would be hospitalized and I was not.”<sup>31</sup> Another respondent who reported a sexual assault felt that being forced to go home after making the report was retaliatory and “worse than the assault itself.”<sup>32</sup> The respondent also said there was no adequate follow-up from their unit to check up on their well-being.

Several respondents reported they did not have confidence in leadership’s response to misconduct. One respondent commented on the climate within the unit and how people were not coming forward because of the current command leaders’ lack of support to members.<sup>33</sup>

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<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 47.

<sup>26</sup> 2018 DEOCS at 10, 22.

<sup>27</sup> *Id.* at 13.

<sup>28</sup> *Id.* at 21.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 93, 100.

<sup>31</sup> *Id.* at 81.

<sup>32</sup> *Id.* at 91.

<sup>33</sup> *Id.* at 84.

Another respondent addressed sexual assault claims saying, “Of the three cases in which I have heard here (all perpetrated by the same individual) I have seen little to no corrective action against the perpetrator and have heard of instances where they were discouraged to file a complaint either as they were newly employed (with their probationary period) or that the perpetrator didn’t really mean anything by it.”<sup>34</sup> Another respondent revealed that his “unit commander has treated five women in my unit unfairly that I have personally had knowledge of in the past year.”<sup>35</sup>

A respondent suggested that their unit leadership would question the integrity of anyone who came forward with a SHARP-related report, and that people were being forced to go to other units’ non-commissioned officers to “tell them what is going on.”<sup>36</sup> In addition, another respondent wrote, “units leadership is pathetic. You tell them something and they doubt you or even question your integrity” and “the organization may not take these types of reports seriously.”<sup>37</sup> Several respondents communicated a lack of trust in their SARC officers and did not feel confident confiding in that person.<sup>38</sup> Further comments included complaints of a supervisor who made others uncomfortable by constantly telling inappropriate/sexual stories and referenced prevalence of “nut tapping” among male coworkers.<sup>39</sup> One respondent thought information was “discussed in inappropriate areas and settings unintentionally.”<sup>40</sup> Another comment described a female captain who made vulgar, sexually charged jokes. The respondent suggested that people were afraid to speak up out of fear of an Equal Employment complaint being filed against them for discrimination based on sex.<sup>41</sup>

### *2019 DEOCS Observations*

In the 2019 survey, the responses in the areas of sexual assault prevention climate, sexual assault response climate, and sexual assault reporting knowledge remained relatively consistent to the 2018 responses. Overall, a small number of respondents provided negative feedback on the survey (approximately 2-8). The fluctuations in the DEOCS “retaliation climate” survey areas was not sufficient enough to draw a valid trend conclusion.

We found 4.2% of female respondents reported someone from their workplace had “[made] repeated attempts to establish an unwanted romantic or sexual relationship with you.” This was an increase from 0% in 2018.<sup>42</sup> It also showed 19% either “Disagreed” or “Strongly Disagreed” that “Discipline is administered fairly.”<sup>43</sup> However, in contrast, only 1% of respondents “Disagreed” or “Strongly Disagreed” that “If a coworker were to report a sexual

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<sup>34</sup> *Id.* at 85.

<sup>35</sup> *Id.* at 101.

<sup>36</sup> *Supra* note 36, at 86.

<sup>37</sup> *Id.* at 86.

<sup>38</sup> *Id.* at 89.

<sup>39</sup> *Id.* at 90.

<sup>40</sup> *Id.* at 92.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* at 23.

<sup>43</sup> *Id.* at 13.

assault, my chain of command/supervision would take the report seriously.”<sup>44</sup>

The survey revealed an increase from 2.5% in 2018 to 3% in 2019 of respondents saying that they observed a situation that was, or could have led to, a sexual assault in the past 12 months.<sup>45</sup> In addition, 4.2% of females reported that someone in their workplace “Repeatedly [told] sexual ‘jokes’ that made [them] uncomfortable, angry or upset.”<sup>46</sup> This was an increase from 4% in 2018.

Like the previous 2 years, a few comments noted concern about the AKNG leadership and their commitment to sexual assault prevention and response to allegations. One respondent said, “Soldiers do not report sexual harassment to the command because they don’t believe it will be handled...”<sup>47</sup> The respondent noted s/he believed that no action was taken for SHARP complaints if the soldier was not in the right group.<sup>48</sup> Another respondent commented, “if you happen to know enough people and play politics, you can walk through fire.”<sup>49</sup>

On the other hand, several other respondents commented on their confidence in how AKNG leadership responds to allegations and efforts taken to prevent sexual assault. For example, one respondent said, “My unit does not tolerate sexual assault or allegations. The last person who was suspected of sex crimes was IMMEDIATELY removed from his position of trust and immediately dealt with as per regulation. I have full confidence our command supports a healthy SAPR program.” Similarly, another respondent wrote, “I feel our command would take all reports of sexual assault seriously and would act on them in the correct manner.” Others wrote, “Commander demonstrates exceptional support of the SAPR program ensuring support of the victims,” “Leadership does a great job with SHARP,” “My command is good about supporting those who report sexual assault and the victim of the incident,” and “The squadron does an excellent job of creating a sexual assault free environment. Leadership ensures that all members understand Sexual Assault is unacceptable.”

In another section of the DEOCS, some respondents wrote about the inappropriate comments said by some in the AKNG. “[OFFICER] is the worst offender and is constantly mistreating soldiers and making racist/sexist slurs. We were told because of his prior complaints he was never to lead soldiers again.”<sup>50</sup> Another respondent commented, “It is getting very old listening to all the sexually inappropriate comments.” The respondent also alleged that a Command Sergeant Major (CSM) was “mistreating soldiers and making racist/sexist slurs...if you are not white and in the good boys circle, you are treated different.”<sup>51</sup>

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<sup>44</sup> *Id.* at 18.

<sup>45</sup> *Id.* at 21.

<sup>46</sup> *Id.* at 23.

<sup>47</sup> *Id.* at 31.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 36.

<sup>50</sup> *Id.* at 43.

<sup>51</sup> *Id.*

In contrast, several other respondents commented on changes in the AKNG. One respondent wrote, “The squadron does an excellent job of creating a sexual assault free environment. Leadership ensures that all members understand sexual assault is unacceptable.” Another respondent said, “I have not seen or heard of any sexual assaults since being in the squadron. My supervision takes the zero-tolerance policy very seriously.” Others said, “Very healthy climate. This squadron is very professional and is under the care of responsible leadership,” and “DMVA has moved way beyond this section. It would be way out of the normal environment to see or be hear of a sexual assault or issue. It is a safe place to work.”

On the area of the survey measuring leadership’s trustworthiness, a few respondents questioned whether some of the low or middle level leadership at AKNG would support victims of sexual assault. For example, one respondent wrote, “Why would a victim feel safe and comfortable to report without a fear of reprisal or being ostracized?”<sup>52</sup> Another respondent commented that there were still personnel within the Alaska Army Guard who would make it “toxic” for those who report sexual assaults, and other respondents said they were afraid that if they decided to file an unrestricted report, their careers would be over.<sup>53</sup>

However, we also found several respondents who specifically commented that victims receive support in the AKNG:

- “The Unit does a good job assisting victims of sexual assault. I have first-hand knowledge of an occurrence and the support the individual received was solid.”
- “My command is good about supporting those who report sexual assault and the victim of the incident.”
- “I feel our command would take all reports of sexual assault seriously and would act on them in the correct manner. I may not have much faith in my command in doing many things but handling this type of issue is something I think they would do and be 100% serious and professional about.”
- “I have been very pleased with the support that the SARC has provided our squadron. The continuous support and face time the SARC puts on station goes a long way to establishing a relationship of trust and support with personnel.”
- “I am very confident that our leaders and Soldiers are highly vigilant and supportive of any personnel that have been subjected to SH [sexual harassment] or SA [sexual assault].”

### *Analysis of DEOCS Surveys*

We identified that during the 2019 period, the AKNG has taken multiple efforts to improve sexual assault prevention and response, and it has experienced corresponding high survey response scores in the areas of sexual assault prevention and retaliation climate. Its declining scores in retaliation climate and sexual assault reporting knowledge can be indicators of areas for the AKNG to focus efforts; however, we believe this is currently being addressed

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<sup>52</sup> *Id.* at 51.

<sup>53</sup> *Id.* at 57.

appropriately. We believe that some of the negative responses in 2019 were a result of comments made by newer members of the AKNG, AKNG members being more comfortable in reporting issues, or AKNG members having more confidence that their concerns will be appropriately addressed by the Command.

However, the information provided in the DEOCS surveys is a roll-up of all AKNG units and responses, and they do not represent the climate of just one specific unit or command. The only score sliding to a “caution” level was the Sexual Assault Reporting Knowledge, which covers educational knowledge over the rules for reporting. Command recognized the need for improvement in this area. The other areas, which were in the Culture category, have remained within the “adequate” level. DEOCS surveys provide for an anonymous way of Soldiers and Airmen to address concerns regarding the Command, and change of commands and new appointments provide fresh opportunities for Guard members to raise concerns they may not have felt comfortable raising previously.

### **AKNG Appropriately Responds to Recent Allegations of Sexual Assault/Harassment**

In addition to analyzing DEOCS results, we also reviewed all records pertaining to sexual assault disciplinary proceedings from 2016 to September 2019. With respect to the subjects specifically identified in the DEOCS comments, the AKNG confirmed they received disciplinary action.

Of the total 23 total AKNG reports we reviewed, 15 were unrestricted reports containing 7 AKNG subjects. Of those 7 reports, 5 resulted in disciplinary action, 1 was unsubstantiated after investigation, and 1 is still pending completion.<sup>54</sup> We did not review the case that was still under investigation at the time of the data call. A summary of the other 6 cases follows:

#### Case #1

The State charged the Service Member with multiple counts of sexual assault. Because the case is still pending, State prosecutors did not share any evidence on the case. During the investigation, the police reached out to AKNG Provost Marshal for assistance, and the AKNG worked to ensure there were no victims in the AKNG that needed services. Command determined it was necessary to separate the Soldier from the force at large and allowed him to drill separately from the rest of their unit under strict supervision. However, the soldier later violated pretrial conditions of release, resulting in separation from the AKNG. Because of the evidentiary limitations, the Soldier was separated from service by a board of officers, with a General characterization of service.

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<sup>54</sup> Alaska Army National Guard Memorandum dated September 12, 2019.

### Case #2

The Soldier was charged with multiple counts of sexual assault and sexual abuse of a minor. Because this case was initially charged by Complaint rather than Indictment, there was information in the public record that was accessible to the AKNG. The AKNG was able to quickly initiate separation proceedings based on this information. The Soldier waived having a board of officers and was separated with an “Other Than Honorable” characterization of service.

### Case #3

Law enforcement officers investigated allegations an AKNG Soldier committed sexual assault, but the Assistant U.S. Attorney opined there was no probable cause for the charge. The investigation identified text messages from the victim seeming to indicate the encounter was consensual. The investigation also developed evidence the victim seemed to coordinate with a witness to omit negative information about that witness. The case was referred to OCI, which concluded there was a preponderance of the evidence that a sexual assault occurred. After the OCI investigation, the victim's SVC informed Command that the victim no longer wished to participate in any proceedings. Because of the lack of sufficient evidence, Command decided to bar the soldier from re-enlistment. Ultimately, the soldier was discharged from the AKNG on medical grounds.

### Case #4

An AKNG Soldier on active federal status (Title 10 orders) at the time of the incident, allegedly touched another Soldier's body multiple times in order to humiliate them because of their weight. A Criminal Investigation Division (CID) investigation determined there was probable cause that a sexual assault occurred. The Soldier was outside of the AKNG jurisdiction and received a General Officer Memorandum of Reprimand from the active duty Command.

### Case #5

An AKNG Soldier was charged by civilian prosecutors with sexual assault. The AKNG was unable to obtain evidence from state prosecutors, which resulted in a significant delay to taking disciplinary action. Once the case concluded, the AKNG obtained the resulting judgment and proceeded to discharge the Soldier. The soldier requested a separation board, which recommended the soldier be discharged with an “Other Than Honorable” characterization of service. The soldier appealed the civilian conviction. Under Army regulations the military cannot separate a soldier prior to the conclusion of the appeal process, unless Headquarters, Department of the Army (HQDA) approved the separation. The AKNG sought and was granted approval to discharge the Soldier prior to the conclusion of the Soldier's appeal.



## Case #6

The subject was a senior enlisted soldier for a deployed unit. During the deployment, even though alcohol consumption was prohibited on this mission, the subject provided other soldiers with alcohol and then became very intoxicated. When Command discovered the actions, they immediately removed the soldier from their position and returned them to Alaska.

While the AKNG PMO investigated the alcohol incident, he discovered that the soldier touched the buttocks of a subordinate while swimming with the subordinate and other soldiers. The PMO substantiated both allegations of misconduct. At the conclusion of the investigation, Command pursued the option of referring the soldier to a court-martial. This option was rejected because the AKNG is precluded from doing so, until a Military Appeals Commission is staffed. This prohibits the AKNG from properly conducting a court martial. As an alternative, Command initiated non-judicial punishment under the ACMJ and administrative separation proceedings.

Because the soldier was less than a year from retirement and a decision for final separation action would not occur prior to Subject's eligibility for retirement, the AKNG allowed the subject to retire in lieu of a court-martial. The soldier also waived the right to a court-martial in lieu of non-judicial punishment proceedings. The soldier was found guilty of sexual assault and failing to follow a lawful order from a superior officer. The soldier was reduced two grades, fined one half of two drills' pay, and received a punitive brigade letter of reprimand that will be permanently on file.

## Summary of Case Review

In all the cases that O&R has reviewed, the AKNG responded quickly and appropriately to allegations of misconduct. One area of concern identified was the lack of the AKNG's capability to obtain evidence from state prosecutors about the ongoing case involving AKNG members. In case #5, for example, the AKNG member was charged with a sexual assault, but the AKNG was unable to obtain any details from the state. This can cause a delay in taking timely and appropriate administrative action against the subject. The actions taken by the AKNG leadership show that all reported sexual assault cases were treated seriously and investigated properly. The cases that were under the AKNG jurisdiction were disposed of according to law.

## **AKNG Current Command and Climate Has Improved Considerably**

We conducted interviews of AKNG members and the current leadership to assess the current climate and to verify what changes had occurred in response to the Collins' report and the OCI report under TAG Saxe's leadership.

## *Command and Climate*

Colonel Richard Koch, the Chaplain for the Army National Guard, lauded praises on the current Command. Colonel Koch has a unique perspective on the AKNG because he was a part of the Guard during the misconduct documented in the Collins' report and witnessed the ensuing changes. Colonel Koch described the old Command as running on the "good old boy system," but from his view, that system no longer exists today.

Since Major General Saxe took command of the AKNG in 2018, Koch described Major General Saxe's leadership as "walking your talk," instilling "trust," and actually "starting to feel" the changes that were made beginning in 2015. Koch said that Major General Saxe has created a culture of inviting feedback from all AKNG members with an "open-door policy." When asked about his opinion of leadership across the AKNG, Koch described it as a "Golden Era," emphasizing that in his time with the AKNG, leadership has never been better.

We also spoke with the current State Family Program Director, Octavia Thompson. Thompson worked as the Sexual Assault Coordinator in 2012 and moved into the Family Program position in 2016. Thompson stated that in 2012 when she started with the SAPR program, it was "a complete mess." When asked about the current Command climate, Thompson said she has seen "a lot of changes." Thompson explained, that in her almost 30 years of service, "this has been the best leadership we have had." She described the Command's leadership style as a "people centered" approach that encourages more interaction from Guard members. Thompson explained that Major General Saxe seeks improvement and engagement from leadership more than she has seen from previous leaders.

In addressing the Command's support of sexual assault and sexual harassment claims, all interviewees agreed that the Command was adequately addressing sexual harassment/assault claims in the AKNG. The current VAC for victims of sexual assault claims, stated that the Command is very supportive of the program and victims. She explained how Major General Saxe has required his Command to be closely involved in trainings and support of the SARC office and has "taken off with improvements."

In addition, not a single interviewee felt that there was any threat of reprisal or retaliation from Command if they were to come forward with a complaint. All agreed that the AKNG had an open-door policy for reporting sexual assault/harassment claims within the Guard.

## RECOMMENDATIONS

To improve the effectiveness of the AKNG's Sexual Assault and Response Program and handling of sexual assault and harassment allegations, we make the following recommendations:

1. **Require advanced SHARP Training for Leadership.** The AKNG should require Command staff to participate in advanced SHARP training scenarios to help develop their ability to appropriately respond to a sexual assault in their Command. Currently, this type of training is not mandatory, but could help prepare AKNG leadership to appropriately and quickly respond to a SHARP incident.
2. **Increase Efforts to Educate Guard Members on Sexual Assault Reporting Knowledge.** The DEOCS showed a downward trend for proficiency in Sexual Assault Reporting Knowledge over the past 3 years. We recommend AKNG strengthen sexual assault reporting training to improve Guard members' knowledge retention.
3. **Establish an Official Channel of Information Sharing with Civil Authorities.** There is no official system in place that allows for information sharing between the AKNG and local law enforcement. AKNG is precluded from timely responding to some allegations of misconduct of active Guard members because civil authorities do not always share ongoing case information with the AKNG. The AKNG needs an effective information sharing policy with civil authorities regarding Guard members who are charged with a crime. Currently, Staff Judge Advocates will contact the assigned prosecuting attorney directly and request a copy of the complaint filed in the case. This sometimes allows the Staff Judge Advocate to receive independent evidence related to the arrest/charge, but it is not guaranteed. A Memorandum of Understanding or Memorandum of Agreement with local law enforcement agencies is suggested to address these issues.
4. **We Recommend the AKNG Have One or More Trained and Certified Military Judge at All Times.** Per the Collins Report recommendation, appointing a Military Judge allows the AKNG to use a Court-Martial for punitive actions against Guard members. It also provides soldiers and airmen in the AKNG with due process guarantees, ensuring that justice and discipline are imparted in a fair and timely manner. Now that the AKNG has been able to secure a permanent position for a military judge, we recommend the AKNG pursues securing a training slot so they can have the judge sufficiently trained and potentially bring on other trained judges in the future.
5. **Consider Mirroring Active Duty SARC Staffing for the AKNG.** We recommend the AKNG consider adding full-time brigade SARC positions to help manage the SAPR program. The active duty SAPR program has two full-time brigade SARC positions to serve all members of the Guard. Given the Guard's commitment to change the culture and

provide safety to its 3,300 AKNG members, we recommend at least 4 full-time SARC positions, 1 for every 800 members.

6. **Establish E-mail Address for AKNG Members to a Designated Command Staff Member or Appropriate Authority for Allegations Not Handled or Not Reported for Fear of Reprisal.** Even though the 2019 DEOCS scores indicated an increased perception that Guard members do not report sexual harassment, interviews with Guard members unanimously indicated confidence the TAG's Command takes allegations seriously and addresses them when brought to the Command's attention. Even though there are processes already in place, we recommend the AKNG establish an exclusive e-mail address for members of the AKNG to report allegations that they believe would not otherwise be handled appropriately. The AKNG, however, needs to take into consideration that any communication directly with TAG prior to, or during the process, may create a legal impediment that might hinder TAG from direct involvement in disciplinary actions.
7. **Add "Quick Links" for the Sexual Assault Prevention and Response and Suicide Prevention Program sites to the DMVA main website.** The main AKNG website provides Quick Links for Sexual Assault Prevention and Response and the Suicide Prevention Program, but there are no Quick Links for these services on the DMVA website. The addition of these Quick Links will improve accessibility to these services for Guard Members or others and make them easier to locate online.

## APPENDIX A

### SHARP & SAPR – Mission Statement & Goals

The Alaska National Guard Sexual Harassment/Assault Response and Prevention (SHARP) & Sexual Assault Prevention & Response (SAPR) Programs mission is to reduce incidents with an aim toward eliminating sexual assault through prevention and training, direct leader engagement in support of the SHARP and SAPR Programs, and consistent team coordination that can inspire trust in the SHARP and SAPR response system.

The goals of the Sexual Assault Prevention and Response Program:

- I. Ensure Soldiers and Airman receive annual SHARP and SAPR training in accordance with current policy and regulations
- II. Ensure that leaders understand their roles and responsibilities in reporting allegations of sexual assault and ensuring all allegations are investigated
- III. Create a climate that encourages victims to report incidents of sexual assault
- IV. Establish systems that, should an incident of sexual assault occur, victims receive the sensitive and immediate comprehensive care and treatment they need to restore their health and well-being
- V. Ensure that reporting mechanisms are in place to track trends in sexual assault and the effectiveness of response capabilities
- VI. Track sexual assault training and awareness programs to ensure compliance with DoD, Headquarters Department of the Army, Headquarters Air Force, and National Guard Bureau policy and regulations.

## APPENDIX B

| Abbreviation              | Name  |
|---------------------------|---|
| ACMJ                      | Alaska Code of Military Justice                                     |
| Alaska Air National Guard | Alaska Air National Guard   |
| AKARNG                    | Alaska Army National Guard  |
| AKNG                      | Alaska National Guard   |
| ANDVSA                    | Network on Domestic Violence and Sexual Assault                     |
| APD                       | Anchorage Police Department   |
| ATAG                      | Assistant Adjutant General  |
| CDVSA                     | Council on Domestic Violence and Sexual Assault                     |
| CMG                       | Case Management Group   |
| DEOCS                     | Defense Equal Opportunity Climate Surveys                           |
| DEOMI                     | Defense Equal Opportunity Management Institute                      |
| DMVA                      | Department of Military and Veteran Affairs                          |
| DOA                       | Department of Administration  |
| DoD                       | Department of Defense   |
| DoD SAPRO                 | Department of Defense Sexual Assault Prevention and Response Office |
| DSAID                     | Defense Sexual Assault Incident Database                            |
| EEO                       | Equal Employment Opportunity  |
| EO                        | Equal Employment  |
| EOA                       | Equal Opportunity Advisors  |
| IG                        | Inspector General   |
| MCIO                      | Military Criminal Investigative Organizations                       |
| MRE                       | Military Rule of Evidence   |
| MSCs                      | Major Subordinate Commands  |
| NJP                       | Non-Judicial Punishment   |
| OCI                       | National Guard Bureau Office of Complex Investigations              |
| O&R                       | Oversight and Review  |
| PMO                       | Provost Marshal Officer   |
| SAAPM                     | Sexual Assault Awareness and Prevention Month                       |
| SAD                       | State Active Duty   |
| SARC                      | Sexual Assault Response Coordinator                                 |
| SAPR                      | Sexual Assault Prevention and Response                              |
| SAPR VA                   | Sexual Assault Prevention and Response Victim Advocate              |
| SAFE                      | Sexual Assault Forensic Evidence                                    |
| SEEM                      | State Equal Employment Manager                                      |
| SOD                       | Status of Discipline  |
| STAR                      | Standing Together Against Rape                                      |

SVC  
TAG  
UCMJ  
VA  
VAC

|                                  |
|----------------------------------|
| Special Victims' Counsel         |
| The Adjutant General             |
| Uniform Code of Military Justice |
| Victim Advocate                  |
| Victim Advocate Coordinator      |