

# GOVERNOR'S ADVISORY COUNCIL RESOLUTION

**Executive Order 1FY 21/22 Establishing the  
Governor's Advisory Council on Military Sexual  
Trauma to More Effectively Prevent, Deter, and  
Prosecute Sexual Assault and Sexual Harassment**



Initial Recommendations Submitted to the Governor of Maine

Chair

CPT Dustin J. Martin

Maine Army National Guard Provost Marshal

Department of Defense, Veterans, and Emergency Management

1 December 2022

# Contents

- Establishment and Purpose ..... #3
- Council Members ..... #5
- 1. Best practices in reporting and prevention; ..... #7
- 2. Barriers to reporting;..... #10
- 3. State resources available in response to and prevention of sexual trauma within the Maine National Guard; ..... #10
- 4. Plans to improve communication between Maine National Guard, state, and local response entities; ..... #11
  - MCMJ reporting plan;..... #12
- 5. Amendment Proposal to 17-A M.R.S. § 506-A; ..... #12
- 6. Support resources available to survivors within the state of Maine; ..... #12
  - Plan to ensure support resources are provided promptly to survivors; ..... #12
- 7. Process ensuring survivors can communicate problems during the reporting and investigative process; ..... #13
  - Ways to ensure feedback is incorporated into policy changes or actions ..... #13
- 8. Improving communication between survivors, state prosecutors and state, county, and local law enforcement;..... #13
- 9. Ways DVEM can increase involvement in the state’s response to sexual trauma in order to better inform internal policies; ..... #14
- 10. Federal policies and resources available to support efforts to respond to and prevent sexual trauma in the Maine National Guard; ..... #14
- 11. Recommendations to enhance the prevention, reporting, and timely prosecution of sexual assault and harassment within the Maine National Guard; ..... #14
- 12. Conclusion.....#14
- 15. Abbreviations.....#16

THIS PAGE INTENTIONALLY LEFT BLANK

THIS PAGE INTENTIONALLY LEFT BLANK

## Establishment and Purpose: Original Resolve

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

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

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

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

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

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

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

### Special Victims' Counsel (SVC) Program

The military implemented the SVC program in 2014. The program is unique to the military justice system and is unequalled in the civilian community. At no cost to the victim/survivor, the military provides a specially trained attorney to every eligible participant who requests one. The SVC represents the victim/survivor throughout the investigation, adjudication, and accountability process with the primary duty to zealously represent the express interests of the victim.

---

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

---

### Catch a Serial Offender Program

Section 543 of the National Defense Authorization Act of 2015 (PL 113291) required the Secretary of Defense to develop a plan that would allow eligible adults who file a

Restricted Report to disclose suspect or incident information for the purpose of identifying individuals who have perpetrated multiple sexual assaults. In response to this requirement, the Department developed the Catch a Serial Offender Program (CATCH). This program allows victims of sexual assault to anonymously report any information they may have about their offender. If a match is identified in the CATCH program, victim/survivors are notified through the Sexual Assault Response Coordinator (SARC).

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

### Civilian Sexual Assault Response Coordinator (SARC)

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

### Updated Resolve

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

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

In order to accomplish this, TAG established a working group consisting of the Deputy Chief of Staff of Personnel, Joint Force Headquarters (JFHQ) SARC, 101st Air Refueling Wing (ARW) SARC, and Full Time Judge Advocate (FTJA). This group conducted an assessment of the Maine Code of Military Justice (MCMJ) and other provisions of the Maine Revised Statutes to meet the intent of LD 625. TAG submitted a response to H.P. 461 - LD 625 in March of 2022.

## Establishment of Governor's Advisory Council

In March of 2022, the Governor's Office issued an Executive Order that established the Governor's Advisory Council on Military Sexual Trauma to prevent, deter, and prosecute sexual assault and sexual harassment more effectively. The purpose of the council was as follows:

“The purpose of the Advisory Council is to follow up on issues addressed in the Report, to ensure that survivors are connected to all available resources, to designate a point of contact for survivors seeking to report problems they have experienced during the investigative process, and to improve the Maine National Guard's response to sexual assault and sexual harassment within its ranks, with particular focus on coordinating State, local law enforcement, prosecutors, and National Guard personnel as they respond to individual cases.”

Following the establishment of the Advisory Council, the Governor's Office appointed 11 members from various backgrounds and career fields. These members are as follows:

- 1 Chair: Captain Dustin J. Martin, Provost Marshal, Maine National Guard
2. Lucia Chomeau Hunt, Esq., Maine Commission on Domestic and Sexual Abuse
3. Hon. Michael Sauschuck, Commissioner, Maine Department of Public Safety
4. Hon. Aaron M. Frey, Esq., Attorney General
5. Hon. Maeghan Maloney, Esq., Kennebec and Somerset County District Attorney; President, Maine Prosecutors Association
6. Sherriff Christopher Wainwright, Oxford County Sherriff; Maine Sheriffs' Association Designee.
7. Chief Scott Stewart, Brunswick Police; Maine Chiefs of Police Association Designee
8. Elizabeth Ward Saxl, Executive Director, Maine Coalition Against Sexual Assault
9. Rebecca Cornell du Houx, LCSW, Executive Director, Sisters in Arms Center
10. Mary Rose Callain, LCSW, LADC, VA Maine MST Coordinator
11. Hon. Jed French, District Court Judge, Maine District Court, Maine Judiciary Designee

## Initial Meeting: September 8

On September 8, 2022, The Governor's Advisory Council held its first meeting at the Burton M. Cross building located in Augusta, Maine. All members assigned to the council were present. Additional attendees for this meeting were members from the Maine Army and Air National Guard who are directorates of the programs that are implemented when handling cases of sexual assault or sexual harassment. These programs included Sexual Assault Prevention and Response (SAPR), Equal Employment Opportunity (EEO), Behavioral Health, Integrated Primary Prevention Program (IPPP), Victim Advocate Councilor (VAC), Judge Advocate General (JAG), and other select members from the Maine Army and Air National Guard Command team and Staff. The purpose of these members being present is to help in explaining the programs they oversee and assist in answering any questions. There were also a handful of members of the public who attended the meeting, primarily from community

based sexual assault support centers and the Maine Coalition Against Sexual Assault (MECASA).

During the meeting the committee discussed the history of changes the Army has gone through and sequence of events that lead to the development of the Advisory Council. The purpose statement in the Executive Order was discussed which provided the council members with the needed and necessary guidance and direction for being able to work through the topic questions. The council members also received a class on the SAPR program which was taught by both the Army and Air Sexual Assault Response Coordinators. This class gave the council members a brief introduction on the program to assist them in understanding what the Army National Guard and Air National Guard currently do when responding to claims of Sexual Assault, Sexual Harassment, and Sexual Trauma.

The meeting concluded with the council members identifying how and when they would meet to discuss the topic questions assigned in the executive order. These questions were organized into categories to assist in working through them in an organized fashion. These categories are Reporting, Systems Response (Administrative, Criminal, and Civil response), Systems Response (Advocacy and MH Services), and Prevention. It was agreed that we would discuss Reporting (topic questions A, B, H, J, K) on September 20; Systems Responses from an administrative, criminal, and civil response (topic questions C, D, E, F, H, I, J, K) on October 5; Systems response from an advocacy and mental health response (topic questions C, G, J, K) on October 20; and Prevention (topic questions A, C, J, K) on November 3. All questions were tailored to fit the topic discussions. Additionally, all meetings were held in a public space to maximize participation. These meetings were not recorded or streamed with the exception of November 3. At this meeting the Governor's Office made a remote option available for members and survivors/victims to participate. During this meeting, one survivor expressed their appreciation for the work the Advisory Council was doing and the ability to be able to attend remotely.

Listed below are the recommendations the Governor's Advisory Council was able to make in response to the goal set by the Governor's Executive Order. The council recognizes that some of these recommendations may conflict with federal law and Department of Defense policies or require state or federal legislation to be accomplished. To the extent that any of the below recommendations conflict with federal law or regulation, the council understands that federal law and policy will prevail.

## A. Identify best practices in reporting and preventing sexual trauma in the Maine National Guard;

Best Practices for reporting and preventing sexual trauma in the Maine National Guard include supporting a fully resourced prevention and response team, a well-educated force, and adequate external support to assist in expediting processes and mitigating reporting barriers. The Maine National Guard utilizes internal resources provided and regulated by the federal government, alongside State resources, to support prevention and reporting sexual trauma. The Maine National Guard is required to maintain options for restricted and unrestricted reporting of sexual assault.

The Maine National Guard provides victim advocacy at various levels of command to support prevention and reporting. Advocacy personnel for the Maine National Guard includes but is not limited to the Sexual Assault Response Coordinators (SARC), Victim Advocates, Behavioral Health staff, specially trained attorneys called Special Victims Counsel, Provost Marshal, and Chaplains to name a few.

The requirements for staffing the collateral duty victim advocate team varies between the Army National Guard and the Air National Guard. The Air Force/Air National Guard (ANG) mandates that there are only as many credentialed advocates as are necessary to support the workload. Currently the ANG has 3 credentialed victim advocates. The Army/Army National Guard (ARNG) requirements are more strictly prescribed. There will also be variances for units that are mobilized. In a Title 32 status, the ARNG mandates that each brigade has a credentialed Sexual Assault Response Coordinator and a credentialed victim advocate and that each battalion have two credentialed victim advocates. When a unit mobilizes to a Title 10 status, the requirement is expanded and requires that each company have two credentialed victim advocates deploying with them. Due to the lengthy process to credential a new advocate, the ARNG has, historically had difficulty manning collateral duty advocate positions.

Unit leadership and SAPR Professionals train the entire force annually on the mandatory Sexual Harassment and Assault Response Program (SHARP) which includes prevention, intervention, reporting, and reprisal. The organization also requires training per DOD regulation of all individuals biannually in ethics and fraternization. The organization uses Climate Surveys and, on the ARNG side, Unit Risk Inventory surveys to inform leadership about trends within units including Soldier and Airman Satisfaction, risky behavior, trust and confidence, and other concerns. The ARNG recently began publishing information about administrative actions applied against Soldiers violating various regulatory standards to promote consistency in punishments and as a general deterrent. The ANG leadership is in the process of building a similar product, working with their Judge Advocate to determine the best way to make this available to the members of the ANG.

The SARC is responsible for support needs of the survivor utilizing internal and external resources. Following Department of Defense Regulation, SAPR Professionals accept disclosure and complete an intake with each eligible victim/survivor. This ensures that they receive a comprehensive list of support services and reporting options available to



them. Per regulation, there is a limited number of people who are aware of a Restricted Report, including the SARC, full time victim advocates who may be working with the victim/survivor, or a volunteer victim advocate working with the victim/survivor. With the Restricted Reporting option, eligible reporters can receive various support services, but an investigation is not initiated. This means that administrative action against the reported offender if they are a military member will not be available due to the restricted nature.

If a survivor chooses to report, there are generally two reporting options—restricted and unrestricted. A restricted report allows survivors to access certain services through the SARC. When an Unrestricted report is made, the commander is notified and becomes part of the support team for the victim/survivor. This support team includes but is not limited to the commander, the SARC, the Victim Advocate assigned to the case, legal to include the Judge Advocate and Special Victims Counsel, and the Provost Marshal. The command team manages immediate personnel needs (re-assignments/limitations, no-contact orders where applicable, etc.).

Maine law enforcement agencies are responsible for the investigation of criminal charges. In the event the reported offender is a member of the Maine National Guard, and the agency or district attorney's office decides not to pursue criminal investigation for any reason or if the case does not lead to a full criminal conviction; the Office of Complex Investigation (OCI) can be requested by TAG and will complete an administrative investigation. OCI will provide the final report and recommendations to the JAG. The Command Team utilizes the criminal conviction, records of the criminal investigation, or substantiated report from the OCI investigation for administrative punishment and separation from the military. The Provost Marshal supports investigation requirements acting as the law enforcement liaison for the Maine National Guard.

**Recommendation A1:** Develop Memorandums of Understanding between the MENG via the Provost Marshal with local District Attorney's offices, and Maine Coalition Against Sexual Assault (MECASA) to assist with jurisdiction and department selection for Sexual Assault allegations within the Maine National Guard.

- a. The Provost Marshal should report criminal activity to District Attorney. District Attorney office assists Provost Marshal in determining jurisdiction and how the case will be investigated.
- b. District Attorney office provides a victim witness advocate that can work with the victim during the criminal court proceedings. MENG Sexual Assault Response Coordinator (SARC) provides an advocate to work with the survivor as well and coordinate any military-specific needs. The SARC will also offer support from a local sexual assault center advocate according to guidelines outlined in a Memorandum of Understanding (MOU) with MECASA and/or the local sexual assault centers.
- c. MECASA assists victim advocates in supporting law enforcement efforts. This should be done through them hiring a Military specific liaison tasked with managing resources available to support Military requirements.

- d. Maine National Guard SAPR Professionals attend MECASA 40-hour training to maintain understanding of state systems and the way they work. In addition, MECASA/local sexual assault centers and the SAPR office will work together to provide cross training as outlined in the MOU.

**Recommendation A2:** The committee recommends the Governor continue this advisory council to follow up on these recommendations. We suggest the council meet at least four meetings a year. Specific areas of concern for the committee going forward would be review of the Attorney General's Office's criminal case review and ongoing data collection efforts.

**Recommendation A3:** The proposed MECASA military liaison should develop and administer an independent survey separate from the Unit Climate or Unit Risk Inventory surveys. This will assist all parties with additional information about potential problems. Third party effort will assist in reducing reporting barriers due to trust concerns within the organization.

**Recommendation A4:** Fully staff certified/trained victim advocates as soon as possible.

**Recommendation A5:** Incorporate additional training that encourages peer support, early intervention, and small unit leader responsibilities, specifically with emphasis on Military Protection Orders, re-traumatization, blame, reprisal, ostracization, protection, authority. Include external (and internal) resources for reporting in new recruit trainings. Add MECASA & SiAC to multiple circulating informational resources throughout the organization (i.e newsletters, Family Program, Behavioral Health, Yellow Ribbon events etc.)

**Recommendation A6:** Commit to enhance the MENG's work to develop and promote women in leadership positions, such as a MENG Women's Leadership conference and potentially developing a formal mentorship program.

**Recommendation A7:** As part of new prevention team within the MENG they will consult with soldiers and agencies such as MECASA to help them develop prevention assessments. To the extent it is not inconsistent with federal law or policy The committee strongly recommends that data will be collected in two ways (1) an anonymous survey and (2) focus groups organized by gender identity. These assessments should evaluate experiences of sexual harassment and sexual assault, including witnessing these, and trust in command. However, they should also evaluate broader causes of sexual harm, such as (1) MENG's members understanding of bystander role and how comfortable they would feel intervening in sexual harassment and assault of varying severity, (2) how they perceive a report would be handled, (3) experiences and perceptions of gender norms and sexuality, (4) experiences with alcohol and substances related to MENG, (5) environmental/situational experiences that have led Guard members to feel unsafe (certain sleeping arrangements, tasks, etc.), and (6) MENG members knowledge of sexual harassment and sexual assault

definitions and reporting procedures. Aggregate forms of this data will be made to this Advisory Council going forward.

**Recommendation A8:** Advisory Council members also acknowledge that addressing sexual harassment is an important piece of addressing both sexual harassment and sexual assault, but the Advisory Council did not have the opportunity to study this area in the 2022 meetings. Should the Advisory Council continue its work, it recommends that the group spend an entire meeting in 2023 reviewing the MENG sexual harassment regulations, processes, and policies to make specific recommendations about that process.

### B. Identify barriers to reporting sexual trauma in the Maine National Guard;

Barriers to reporting sexual trauma in the Maine National Guard include lack of education of support services and reporting options, fear of reprisal, lack of confidence in the chain of command, and fear of re-traumatization. Fear of retaliation includes concerns about how the chain of command will treat victim/survivor and supporters, how peers will interact with victim/survivor/supporters, and how the perpetrator or reported offender in the event the reported offender is a member of the Maine National Guard will react. Concerns about the chain of command stem from lack of confidentiality/anonymity, concerns about retaliation, and how seriously the chain of command will pursue accountability/justice.

**Recommendation B1:** Utilize military protection orders (MPOs) for safety and protections of Survivors when reporting, when a survivor consents.

**Recommendation B2:** Utilize and issue Harassment Warnings authorized by 17-A M.R.S. § 506-A. This document should be maintained by the Provost Marshal and with the consent of the survivor will be shared with the local law enforcement agency where the survivor lives. See Attachment A.

**Recommendation B3:** Increase education of support services and reporting options, include options for reporting retaliation and reprisal that is outside the victim/survivor/supports chain of command, including but not limited to SARC, the command team using their open-door policies, the Provost Marshal, and the state Inspector General

### C. Identify state resources available to respond to and prevent sexual trauma within the Maine National Guard;

Resources available to respond to and prevent sexual trauma within the Maine National Guard include the SARC, Victim Advocates, Provost Marshal, Military Equal Employment Manager, Behavioral Health, Integrated Prevention Personnel, Command, Safety, Family Program personnel, and Chaplains. These entities are the current prevention work force and work together to educate and advise Soldiers and leadership as well as respond cohesively when needed. The Integrated Primary Prevention Program (IPPP) is a newly formed workforce that will take an integrated, scientific approach to prevent sexual assault, harassment, and other forms of self-directed and inter-personal violence throughout the MENG.

**Recommendation C1:** Consult with survivor focused local veteran organizations such as SiAC, to create a Peer Support Team that will work to increase engagement/intervention opportunities that will ultimately encourage reporting and subsequent response.

**Recommendation C2:** Increase access to behavioral health providers. Most of our MENG members aren't eligible to utilize the MST program at TOGUS or other VA hospitals in the country. Many clinicians will not support the use of tri-care due to low reimbursement rates for services and costly administrative requirements. To encourage more providers to utilize Tri-Care, the committee recommends the Governor propose legislation to create a state fund that could bridge the compensation gap and make more outside health providers available to service members. Additionally, develop a roster of clinicians with knowledge of military culture (either previously served or have completed a training on military service, such as those on the 'Blue Star' list). Continue educating the public on military culture through the Director of Psychological Services (DPS), SARC, Chaplains and other support services.

**Recommendation C3:** Provide information on the number of women who have been promoted, and how many have left within the MENG due to issues of sexual assault or harassment.

**Recommendation C4:** The Governor should engage with the state's Congressional delegation to propose national legislation to allow for Line of Duty (LOD) processing for a Guard member assaulted by another Guard member when not in a duty status.

- a. Current limitations require that the survivor must be in a duty status (drill, annual training, or other orders) to qualify for LOD consideration. Army/Air will pay for required health care of an approved LOD injury regardless of individuals' insurance coverage.

**D. Improve communication between the Maine National Guard, state, county, and local law enforcement, and prosecutors regarding investigation and prosecution of criminal acts between members of the Maine National Guard;**

The Maine National Guard evaluated its ability to effectively communicate with state, county and local, law enforcement agencies, as well as local prosecutors and observed a lapse in effective communication. To rectify this issue, the Provost Marshal position was founded to assist in bridging the communication gap between these agencies and the Maine National Guard and to act as the primary liaison for the transfer and sharing of information and tracking of investigations. Additionally, the position was appointed in accordance with Title 37-B, which assigns the position as an authorized agency that allows the collection of criminal history and investigative reports for the purpose of carrying out its official duties.

Despite the establishment of this new position and its authority in state law, the MENG identified a lack of willingness by state, county, and local law enforcement agencies to share information with the Provost Marshal. This is due to the lack of understanding of the Provost Marshal position.

**Recommendation D1:** It is recommended to have the Provost Marshal attend one meeting of the Maine Prosecutors Association, one regional Chief of Police meeting, and one Maine Sheriffs' Association meeting each year to aid in the understanding of this position, network with local law enforcement agencies, and ultimately streamline the communication and information transfer between agencies.

E. Ensure that relevant violations of the Maine Code of Military Justice are communicated to Maine Authorities.

Maine National Guard utilizes Serious Incident Reports to communicate serious injuries and relevant violations of the Maine Code of Military Justice to the Provost Marshal, Lead SARC and organizational leadership. When an Unrestricted Report of sexual assault is filed with the SAPR Program, the Lead SARC and/or commanders coordinate with the Provost Marshal for assistance with Maine Authorities.

**Recommendation E1:** Provide Serious Incident Reporting (SIR) training to all leadership required to attend the pre-command course.

F. Propose an amendment to 17-A M.R.S. § 506-A, Harassment, in order for the courts to recognize military orders to cease harassment.

The request for a proposed amendment to 17-A M.R.S. § 506-A was rendered moot in light of the Legislature's passing of PL 2021, c.634, Pt. B, Sec. B-4, which amended the harassment statute to include written or verbal cease harassment orders issued by commanding officers as criminally enforceable orders.

G. Identify resources available within the state of Maine to support survivors of sexual assault and harassment and make sure these resources are promptly provided to members of the Maine National Guard.

The Maine National Guard has a variety of support personnel who are equipped to respond to and support survivors of sexual assault and sexual harassment. SAPR Professionals are trained per the DOD/NGB and branch specific standard to provide crisis intervention, perform non-clinical safety assessments, perform an intake, and provide continued support at the request of the victim/survivor. During that intake process, other community-based resources are discussed and/or referred. In the event a victim/survivor discloses an assault to the Provost Marshal, Inspector General, State Equal Opportunity Manager, Military Equal Employment, Commander, the Judge Advocate, or someone else who may be a mandated reporter, that entity will notify the Lead SARC and the Lead SARC will themselves reach out to the member who made the disclosure or will assign a victim advocate to reach out to that member to offer support. In the event a member of the Maine National Guard discloses an event to a SAPR professional or any other support entity that is deemed to be sexual harassment, they will receive a warm hand-off to the State Equal Employment Manager or the Military Equal Opportunity personnel. Resources available within the Maine National Guard to respond to and to support survivors of sexual assault include but are not limited to the SARC, Victim Advocates, Provost Marshal, State Equal Employment Manager, Military Equal Opportunity, Behavioral Health, Command, Safety, Family Program, healthcare personnel, Judge Advocates, and Chaplain. Survivors are often referred to community

based private and nonprofit support services that exist throughout the state. Organizations like MECASA and Sisters in Arms along with Veteran's Affairs will assist in bringing awareness to and securing those resources.

**Recommendation G1:** The SARC will offer support from a local sexual assault center advocate according to guidelines outlined in a Memorandum of Understanding (MOU) with MECASA and/or the local sexual assault centers.

**Recommendation G2:** With the consent of survivors, the SARC will also offer a direct referral to Pine Tree Legal Assistance. Specifically, the SARC will explain that Pine Tree Legal attorneys can offer representation in a civil Protection from Harassment, Protection from Abuse, or Title IX proceeding, if the survivor is planning to utilize any of those systems.

H. Identify a process that will ensure survivors have an opportunity to communicate problems they have experienced during the reporting and investigative process and ensure this input from survivors is incorporated into any Maine National Guard policy changes or actions.

Per regulation, The Adjutant General chairs the monthly Sexual Assault Case Management Group where Unrestricted Cases of sexual assault are discussed with a victim-centric focus. At the Case Management Group, the assigned victim advocate and/or the SARC, upon approval by the victim/survivor, can and will share any concerns the victim/survivor may have. This is an ongoing process and available at any time.

**Recommendation H1:** MECASA military liaison is made available to support the Lead SARC in an effort to remove barriers where possible. With the victim/survivor's permission, the Lead SARC would present issues to leadership for possible changes in policy. Third party presence/effort will help eliminate barriers.

**Recommendation H2:** Encourage outside support entities such as SiAC and MECASA to publicize notice of quarterly meetings and opportunity to comment through various means including membership lists and social media. SiAC and MECASA will also take information and comments for those who want to make anonymous comments and will also support survivors as needed to make public comment.

I. Improve communication between survivors of military sexual trauma, state prosecutors and state, county, and local law enforcement;

The Provost Marshal position is a newly established position for the Maine Army National Guard. The intended purpose behind this position is to act as the liaison between state, local, and county agencies as well as Maine District Attorneys' offices. Building the communication between state agencies and the DA's offices will assist in the transfer of information and tracking of cases through the criminal justice system resulting in a more informed survivor. Additionally, the SARC is a vital role in the care and recovery of the soldier. In most situations, the SARC is the first person to communicate with the survivor and has firsthand knowledge on their issues and concerns.

**Recommendation I1:** Ensure communication between the SARC and Provost Marshal and OSJA to help relay and communicate issues and concerns from the survivor.

J. Identify ways the Department of Defense, Veterans and Emergency Management can increase its involvement in the state's response to sexual trauma in order to better inform its internal policies;

**Recommendation J1:** Identify, collect and provide to the counsel currently available aggregate data relevant to perceptions on sexual assault and harassment within the Maine National Guard to better determine ways to increase involvement and better inform internal policies.

K. Identify federal policies and resources, including those of the U.S. Department of Defense and the National Guard Bureau, available to support efforts to respond to and prevent sexual trauma in the Maine National Guard;

A list of all pertinent policies and resources to include U.S. Department of Defense, National Guard bureau, and TAG policies were provided to committee members. See Attachment B and Attachment C for a review of these provided documents.

L. Make recommendations to the Governor as appropriate to enhance the prevention, reporting, and timely prosecution of sexual assault and sexual harassment within the Maine National Guard.

**Recommendation L1:** Engage with Maine's congressional delegation to propose legislation that allows VA services to be available to currently serving members. Currently there are financial and eligibility limitations which limits resources for currently serving members.

**Recommendation L2:** Educate the force on the administrative investigation process and options for commanders to permit all parties involved to be excused from Drill, AT, or orders (paid) during investigation process.

## Conclusion

The members of the Governor's Advisory Council were able to accomplish multiple meetings with open discussion on Maine National Guard programs and its ability to support survivors of sexual harassment and sexual assault. These meetings were productive and many recommendations for change and improvement were offered as a result. All members assigned came to the meetings with the mindset as to how they could help in making things better. The council believes that implementing the above recommendations will improve the overall response as well as a coordinated effort to support the victims/survivors from the Maine National Guard programs and the State of Maine programs. All members of the Advisory Council understand that Sexual

Harassment and Sexual Assault are difficult issues to understand but are further complicated when adding in the complex dynamics, culture, processes, and procedures the Military has. These complex issues were under further constraint due to the lack of time to be able to meet and talk. Additionally, we were not able to view data on many issues which may cause a barrier going forward for viewing progress. It is important that these meetings continue as outlined in the Executive Summary to allow opportunities to assess effectiveness and re-focus efforts were deemed necessary. The meetings going forward will continue to be held in public spaces and will be scheduled a month in advance. All members will be allowed to send a list of preferred participants to be added to the list of invitees. A remote option will be provided to allow for maximum participation both in person or remotely. Having the remote option will allow for a period of time during the meetings for survivors/victims or other invitees or community members to have a chance to speak and provide questions if they wish. It will also be important, if available, to have representation from someone knowledgeable on the programs of SAPR, EEO, and JAG. With the continuation of these meetings, it is recommended that a report will continue to be submitted to the Governor's Office on the continued efforts of the council members.



**Attachment A: Harassment Notice**

**HARASSMENT NOTICE**

TO: .....

**YOU ARE HEREBY WARNED AND ORDERED NOT TO ENGAGE IN ANY COURSE OF CONDUCT WITH INTENT TO HARASS, TORMENT OR THREATEN:**

\_\_\_\_\_ of \_\_\_\_\_

Dated: .....  
Signature of Commander

Time of Service: .....  
Unit

\*\*\*\*\*

\_\_\_\_\_  
Date notice received                      Signature of person being served

\*\*\*\*\*

The law with reference to harassment is set forth in the Maine Revised Statutes, Title 17-A, Sec. 506-A Harassment. Specifically, A person is guilty of harassment if, without reasonable cause, that person engaged in any course of conduct with the intent to harass, torment or threaten another person, after having been forbidden to do so and having been notified, in writing or otherwise, while the person was a member of the National Guard, not to engage in such conduct by a commanding officer. A person violates this subparagraph regardless of whether the person is a member of the National Guard when the person engages in the conduct and regardless of where the conduct occurs. The notification not to engage in such conduct expires one year from the date of issuance.

Harassment is a Class E Crime.

A Class E crime is designated as a crime in which the imprisonment penalty does not exceed 6 months. The maximum fine for a Class E crime shall not exceed \$1,000.00.

## Attachment B: Police Memo



DEPARTMENT OF THE ARMY  
JOINT FORCE HEADQUARTERS, CAMP CHAMBERLAIN  
MAINE NATIONAL GUARD  
23 BLUE STAR AVE  
AUGUSTA ME 04333-0033

NGME-ARJ

Date: 23 JUN 2022

MEMORANDUM FOR The Adjutant General, 23 Blue Star AVE, Camp Chamberlain,  
Augusta, ME

SUBJECT: RELEVANT SEXUAL ASSAULT REGULATIONS AND DIRECTIVES

1. Chief of the National Guard Bureau (NGB) Instructions
  - a. CNGBI 0400.01B National Guard Complex Administrative Investigations (See Attached)
  - b. CNGBI 1300.01 Sexual Assault Prevention and Response Program (See Attached)
  - c. CNGBI 1303.01A, 06 August 2014, "Expedited Transfer, Reassignment, or Removal of National Guard Members Due to an Unrestricted Report of Sexual Assault.
2. Chief of NGB Manuals
  - a. CNGBM 1300.02 "National Guard Sexual Assault Incident Response Oversight and Commander's Critical Information Requirements Reports for Unrestricted Reports (See Attached).
  - b. CNGBM 1300.04 NG Expedited Transfer Program for Members with Unrestricted Reports of Sexual Assault
3. DOD Instructions and Directives
  - a. DoD Dir 6495-01 "Sexual Assault Prevention and Response (SAPR) Program," Incorporating Change 3, 11 April 2017
  - b. DoDI 6495.02 "Sexual Assault Prevention and Response (SAPR) Program Procedures," Incorporating Change 3, 24 May 2017
  - c. DoDI 6495.03, Defense Sexual Assault Advocate Certification Program (D-SAACP)
  - d. DoDI 6400.07 "Standards for Victim Assistance Services in the Military Community," Incorporating Change 2, 6 July 2018
4. Army Regulation / Directives
  - a. AR 600-20 c.7 Sexual Harassment/Assault Response and Prevention Program
  - b. ARMY DIR 2021-30 Sexual Harassment / Assault Response and Prevention Services for DA Civilians
  - c. ARMY DIR 2021-16 Immediate Actions to Improve the Sexual Harassment/Assault Response and Prevention Program
  - d. ALARACT 027/2022 Additional Sexual Harassment / Assault Response and Prevention Program Guidance: Expedited Transfers, 24-Month SARC and VA Stabilization, and SHARP Personnel Incentives

NGME- ARJ

SUBJECT: RELEVANT SEXUAL ASSAULT REGULATIONS AND DIRECTIVES

5. Air Force Instructions / Policy Directives
  - a. AFI 90-6001, 15 July 2020, "Sexual Assault Prevention and Response (SAPR) Program Incorporating Change 1, 26 March 2021
  - b. AFPD 90-60, 20 March 2019 "Sexual Assault Prevention and Response (SAPR) Program"
  - c. DAFI 36-2910, ch 2.36, ch 3.2.2.9.1, ch 4, Line of Duty (LOD) Determination, Medical Continuation (MEDCON) and Incapacitation (INCAP) Pay
  - d. DAFI 36-3211, 24 June 2022, Military Separations
6. POC is the undersigned at [alvah.j.chalifour.mil@army.mil](mailto:alvah.j.chalifour.mil@army.mil) or (207) 480-0951.

ALVAH J. CHALIFOUR, JR.  
1LT, JA  
Judge Advocate

## Attachment C: Policy Memo



DEPARTMENT OF THE ARMY  
JOINT FORCE HEADQUARTERS  
MAINE NATIONAL GUARD  
23 Blue Star Ave, Camp Chamberlain  
AUGUSTA ME 04333-0033

NGME-ARO-PM

04 OCT 2022

MEMORANDUM FOR The Governor's Advisory Council

SUBJECT: RELEVANT EQUAL OPPORTUNITY REGULATIONS AND DIRECTIVE

1. Chief of NGB Manuals
  - a. CNGBN 9600- EEO Complaint Processing and Reporting Guidance (10 May 2017)
2. DOD Instructions and Directives
  - a. DoD Instruction 1350.2, DoD Military Equal Opportunity (MEO) Program
  - b. DoD Instruction 1020.03 - Harassment Prevention and Response in the Armed Forces
3. Army Regulation / Directives
  - a. NGR AR 600-21 – EO Program in the ARNG
4. TAG Policy Directives
  - a. TAG 21-04; Maine National Guard Policy on Equal Employment Opportunity
  - b. TAG 21-09; Maine National Guard Policy on Equal Opportunity
  - c. TAG 21-12; Military Procedures for Discrimination and Harassment Request for Resolution (Complaints)
  - d. TAG 21-13; Prevention of Sexual Harassment
6. POC for this memorandum is CPT Dustin Martin at [dustin.j.martin.mil@army.mil](mailto:dustin.j.martin.mil@army.mil) or (207) 430-5393.

DUSTIN J. MARTIN  
CPT, LG, MEARNG  
PROVOST MARSHAL

# Appendix A: Abbreviations

ANG – Air National Guard

ARNG – Army National Guard

DEOCS – Defense Organizational Climate Surveys

DOD – Department of Defense

DODI – Department of Defense Instruction

DPS – Director of Psychological Services

DSAID – Defense Sexual Assault Incident Database

FTJA – Full-time Judge Advocate

JFHQ – Joint Force Headquarters

MCMJ – Maine Code of Military Justice

MEANG – Maine Air National Guard

MEARNG – Maine Army National Guard

MECASA – Maine Coalition Against Sexual Assault

MENG – Maine National Guard

MOA – Memorandum of Agreement

MRSA – Maine Revised Statutes Annotated

NDAA – National Defense Authorization Act

NGB – National Guard Bureau

PL – Public Law

SAPR – Sexual Assault Prevention and Response

SAPRO – Sexual Assault Prevention and Response Office

SARC – Sexual Assault Response Coordinator

SiAC – Sisters in Arms Center

SVC – Special Victims' Counsel

TAG – The Adjutant General

URIS – Unit Readiness Inventory Survey

VA – Victim Advocate