



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
JOINT FORCE HEADQUARTERS
OFFICE OF THE ADJUTANT GENERAL - CALIFORNIA NATIONAL GUARD
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CAJS-J1

23 March 2011

MEMORANDUM FOR Servicemembers and Employees of the California Military Department

SUBJECT: Policy Memorandum 2011-02 - Statement on the Prevention of Sexual Assault

1. Sexual assault is a crime, demeans the value of others, and erodes the basic foundation of trust so vital to the success of every military mission. As a result, the California National Guard will do everything possible to prevent sexual assaults, effectively implement the Army and Air Guard's Sexual Assault Prevention and Response Programs (SAPRP), and prosecute offenders to the fullest extent allowed under either civilian or military law.
2. The Department of Defense defines sexual assault *"as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts. "Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent"*. (DoDD 6495.01, October 6, 2005 Change 1, 11/07/2008)
3. Leadership at all levels will fully invest its efforts to ensure the speedy implementation of SAPRP at every level. To accomplish this task, all commanders and leaders must become fully informed about the policies that govern SAPRP. Commanders will place special emphasis on ensuring that all accusations of sexual assault are taken seriously and referred to the proper authorities for investigation. The importance of leadership involvement in educating Servicemembers about prevention of sexual assault, treating all victims with care and dignity, and protecting victims against reprisal for reporting such contact cannot be overstated. Commanders and leaders can access vital information regarding SAPRP at <http://www.calguard.ca.gov/j1/Pages/SAPRP.ASPX>.
4. Servicemembers who are sexually assaulted should immediately seek medical care and law enforcement services. Prompt medical care is essential to address the potential negative physical consequences of sexual assault and for collection of forensic evidence, should a victim wish to prosecute an offender. Victims of sexual assault retain the right to report the incident to the Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), commander, chaplains, law enforcement or local rape crisis centers.

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5. The SARC's duty is to advise commanders on the SAPRP and to assure that victims of sexual assault are treated with dignity, care and respect. Servicemembers can also access information about sexual assault and the SAPRP at <http://www.sapr.mil> and www.MyDuty.mil .

6. I expect everyone to work together to prevent sexual assault in the California National Guard. Commanders can contact the Joint Force Headquarters' SARC, Mr. Robert May, on the SARC cell at (916) 869-0787 or by e-mail at robert.may7@us.army.mil to ensure successful implementation of SAPRP.

A handwritten signature in black ink, appearing to read "Mary Kight", with a long, sweeping flourish extending to the right.

MARY KIGHT
Major General
The Adjutant General