Below are the responses corresponding to each question for the Utah National Guard per your request.

QUESTIONS FOR NBC4 WASHINGTON SURVEY

1. Do you rely on civilian law enforcement to investigate and prosecute sexual assault cases against members of your Guard unit?

Yes- However, we also rely on the Office of Complex Investigations (OCI) if local law enforcement declines prosecution. The OCI provides the Adjutant General with a funded cadre of independent and unbiased investigators trained to handle sexual assault allegations.

2. Does your state UCMJ have any specific language regarding investigating or prosecuting sexual assault cases? If so, please provide some details or the specific statute.

No- The Utah Code of Military Justice does not have any specific language regarding investigating or prosecuting sexual assault cases. We utilize local state criminal code for sexual assault definitions.

3. Does your state UCMJ allow you to do the equivalent of an Article 32 hearing in the federal system? If so, under what circumstances?

No- The Utah Code of Military Justice does not have an Article 32 hearing equivalent.

4. Is there a statute of limitations for sexual assault against members of the military? If so, what is the length?

The Utah criminal code has a statute of limitations which is dependent on the specific sexual assault offense alleged.

5. When was your UCMJ last updated?

2015

6. Are you currently pursuing any changes to your UCMJ in relation to rape or sex assault?

No.

7. In the last five years, have you held a court martial as a result of a sexual assault allegation within your Guard unit?

No. Serious offenses, such as sexual assault, are investigated and tried by local authorities.

8. In the last five years, have you meted out any of the following

punishments resulting from a sex assault allegation made against a member of your unit?

GOMAR and/or letters or reprimand

Yes

Dishonorable Discharge

No

Other type of discharge (please specify)

Yes - administrative discharge with characterization of service as 'other than honorable.'

Forced resignation

No

Forced retirement

No

Other (please specify)

Article 15, non-judicial punishment with reduction in rank.

9. What would your Guard unit like, that you do not have now, to help you combat sexual assaults?

The Utah National Guard holds all perpetrators of sexual assault accountable for their actions. Local law enforcement and the Office of Complex Investigations have been crucial in assisting in the accountability process. Due to the seriousness of the crime and top priority from our adjutant general, we are receptive to any additional resource/element that would support the Utah National Guard commanders in holding perpetrators accountable that would positively impact the fight against sexual assault within our ranks.

10. Anything else you would like to tell us about how your Guard unit investigates and prosecutes sexual assault cases?

The Utah National Guard takes all allegations of sexual assault seriously and is committed to eliminating incidents of sexual assault from within our ranks. Our ongoing efforts in this regard involve senior leader engagement, increasing awareness, improving understanding of the issue, providing effective intervention methods for fellow Soldiers and Airmen, and most importantly, by holding offenders accountable.

LTC Steven Fairbourn
Utah National Guard Public Affairs