

1. (ALL) What metrics have DoD and/or the Services developed to measure success in combating sexual assault in the military?

DOD	<p>DOD SAPRO</p> <p>The Department developed a strategic plan to monitor program progress and measure effectiveness in preventing and responding to sexual assault in the military. The 2013 DoD SAPR Strategic Plan updates the previous 2009 plan and is intended to achieve unity of effort and purpose across the Department in the execution of SAPR efforts.</p> <ul style="list-style-type: none"> • This plan defines strategic SAPR lines of effort, objectives, and initiatives, and serves to synchronize the Department’s multi-disciplinary SAPR approach. The 2013 DoD SAPR Strategic Plan provides authoritative guidance to all DoD stakeholders. • This plan aligns with and operationalizes the key tasks defined in the Joint Chiefs of Staff’s Strategic Direction to the Joint Force (May 2012). The Joint Chiefs identified five lines of effort: Prevention, Investigation, Accountability, Advocacy, and Assessment. The 2013 DoD SAPR Strategic Plan adopts this approach. • The primary measures of effectiveness for the strategic approach defined in these two plans are the reduction of sexual assault prevalence (as measured by DoD-wide surveys), while increasing the number of victims who step forward and report (actual reports to SARCs and/or law enforcement). <p>The 2013 DoD SAPR Strategic Plan directs the Department to develop a set of metrics to measure program effectiveness on a more frequent basis. Historically, this data has been collected and assessed annually with the Services and the Joint Chiefs of Staff.</p> <ul style="list-style-type: none"> • The Department has developed SAPR metrics (Version 1.0 attached). • The Department is in the process of developing measures of effectiveness for each of the five lines of effort (Version 2.0). <p>The Department of Defense (DoD) Annual Report on Sexual Assault in the Military presents DoD sexual assault statistics and analysis of reports. It also discusses policy and program improvements to sexual assault, and outlines future plans to enhance support to victims of sexual assault, all in a standardized format. The numerical data and statistics contained in the report are reflected in several of the new and proposed metrics.</p> <p>The Annual Report assesses the Department’s progress in all five lines of effort using the following data sources:</p> <ul style="list-style-type: none"> • Defense Sexual Assault Incident Database; • DEOMI Equal Opportunity Climate Survey (DEOCS); • DMDC Workplace and Gender Relations Surveys (WGR); • Military Criminal Investigative Organization Reports of Investigation; • Reports of Trial and other military justice data sources;
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CJCS	<p>The Joint Staff has been actively involved in the development of SAPR metrics v1.0 and will continue to work with OSD and the Services in the development SAPR Metrics v2.0. Specific information on metrics will be provided by DOD SAPRO and the Services.</p>
USA	<p>The U.S. Army employs a variety of tools to evaluate its prevention programs. We use industry standard assessment tools and assorted venues for obtaining anonymous as well as identifiable information. These include the following:</p> <ul style="list-style-type: none"> • Workplace and Gender Relations Surveys (increased frequency – now every two years) • Personnel Screening and Certification. • DOD and DA Inspector General Inspections, Workplace inspections, and Annual Command Assessments • Annual (Congress, OSD, J-1 and Army Senior Leaders) and Quarterly (OSD, J-1, and Army Senior Leaders) reports (statistics and analysis) • Annual OSD and Army US Army Military Academy Assessments • DOD Annual Report on Sexual Harassment and Violence at the Military Service Academies • Annual “I. A.M. Strong” Sexual Harassment/Assault Prevention Summit Command Outbriefs • Command Climate Surveys [within 30 days of assuming command (120 days for ARNG and USAR), again at six months and annually thereafter] • Initial Entry Training Survey • SAPR program compliance inspections • DOD Safe Helpline feedback (for trends) • Workplace inspections • Army Operational Troops Survey (OTS) • Health-of-the-Force installation visits • Senior leader-conducted focus groups • SHARP Red Team Assessment • Secretary of the Army Directed - Army Sexual Harassment/Assault Response and Prevention (SHARP) Standdown Plan • Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program) <p>The U.S. Army benchmarks efforts by comparing current and previous sexual assault reporting (restricted and unrestricted) data, current and previous survey results, and reporting to survey results. We also evaluate Army norms against national norms. Benchmarking and comparisons tells us whether we are progressing and give us a sense of how similar or different the Army’s incidents are from those that occur within society. Therefore, we use our focus groups, troop visits, and other survey mechanisms to discern what is working and where we need to improve in order to attain the end state we desire.</p> <p>In reviewing reporting data, we look for trends upward or downward, consistency</p>

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	<p>with survey results, and areas of concern. The U.S. Army saw a reduction in the reports of sexual assaults (from 2.5 to 2.2 reports per 1K Active Duty Soldiers) from 2011 to 2012. So far this year, we are seeing the highest reporting since we began tracking sexual assaults. We, therefore, are using troop visits, surveys, and focus groups to determine if the decrease of reports in 2012 represented a reduction of incidents while the increase in 2013 reveals increased confidence in reporting resulting from the 2013 leadership emphasis on command climate.</p> <p>We measure success in prevention in a number of ways. These include but are not limited to the following: number of reported incidents, prevalence of sexual assault (based on survey data), command climate survey results, focus group feedback, online surveys, and Soldier visits. The percentage of Soldiers who have completed annual prevention training is another indicator since teaching Soldiers about sexual harassment and sexual assault, how to prevent it and to intervene, and the Army's expectations regarding sexual assault are critical to prevention efforts.</p>
USAF	See 1a.
USN	<p>Our fundamental means to measure the success of Navy's Sexual Assault Prevention and Response Program is through an annual survey of Navy servicemembers. Surveys are conducted by the Department of Defense on even years and by the Department of Navy's Sexual Assault Prevention and Response Office on odd years. Surveys utilize a series of standard questions to measure the incidence of sexual assault over the previous 12 months. We then compare these surveys to actual reports of sexual assault (Restricted and Unrestricted) to assess service member confidence in the system and willingness to report. We also measure how the Navy performs in terms of victim support. To do so, we measure metrics such as the timeline from report to investigation completion to adjudication to ensure system responsiveness. Finally, we measure Commander accountability through command climate surveys and our First Flag Report process. The First Flag Report process requires any Commanding Officer with a victim or alleged offender to sit down with the first flag in his chain of command to review potential root causes and key enablers to sexual assault. We also measure Commander accountability and system responsiveness through feedback from Sexual Assault Response Coordinators, SAPR Victim Advocates, Victim's Legal Counsels and victims themselves. Together these metrics are reviewed quarterly by Navy senior leadership to ensure adjustment to the SAPR program.</p>
USMC	<p><u>Combined answer for subsections a-c, e-h, and k:</u> Success in combating sexual assault will require winning on two fronts: in the minds of Marines and the climate of respect, dignity, and professionalism set by Commanders. The Marine Corps measures effectiveness and success from different perspectives and different levels. Locally, the Marine Corps Sexual Assault Prevention and Response offices (SAPR) obtain qualitative feedback from training course evaluations and from discussions at Case Management Group (CMG) and Sexual Assault Response Team (SART) meetings. SAPR offices forward any concerns to the headquarters-level Sexual Assault Advisory Group (SAAG) so that SAAG can use these concerns to inform policy. In addition, the Marine Corps</p>

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	<p>recently developed and will soon begin distributing a Victim Advocacy Survey which requests victim feedback pertaining to all aspects of the response system.</p> <p>Quantitatively, SAPR measures effectiveness and success from rates of prevalence in the Workplace and Gender Relations survey conducted biennially by Defense Manpower Data Center; the annual reporting of restricted and unrestricted reports as captured in the DoD Annual Report on Sexual Assault; and the reporting gap between these two statistics. Legal statistics are also included in the DoD Annual Report along with Military Criminal Investigation data. Additionally, local and headquarters levels use questions from the Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS) to evaluate how effectively SAPR initiatives are creating a climate that does not tolerate sexual assault. The Commandant also recently initiated an additional and mandatory Marine Corps specific Command Climate Survey that is also being used locally as a feedback tool for commanders and their supervisors.</p>
USCG	See 1a.

Please include statistics or other feedback mechanisms that will be used to measure success, and how effectiveness will be measured for:

1a. Prevention programs,

DOD	<p>DOD SAPRO:</p> <p>Prevention-focused metrics are under development for DoD Metrics Version 2.0. The Department assesses the following to be relevant data points for prevention:</p> <ul style="list-style-type: none"> • The past-year prevalence of unwanted sexual contact (the survey term for the crimes that constitute sexual assault under military law and Department SAPR policy) (WGR); • Receipt of Prevention Training and feedback on its perceived effectiveness (WGR); • The degree to which a member endorses an intention to intervene in situations at risk for sexual assault (WGR, DEOCS); • The degree to which a member reports having intervened (DEOCS); • Prevention program evaluations that measure lasting changes in knowledge, skills, behaviors, and attitudes of Service members; and • Past-year prevalence of unwanted gender based behaviors (e.g. sexual harassment) (WGR).
Army	<p>Answer combined with “1” above:</p> <p>The U.S. Army employs a variety of tools to evaluate its prevention programs. We use industry standard assessment tools and assorted venues for obtaining anonymous as well as identifiable information. These include the following:</p> <ul style="list-style-type: none"> • Workplace and Gender Relations Surveys (increased frequency – now every two years) • Personnel Screening and Certification.

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- DOD and DA Inspector General Inspections, Workplace inspections, and Annual Command Assessments
- Annual (Congress, OSD, J-1 and Army Senior Leaders) and Quarterly (OSD, J-1, and Army Senior Leaders) reports (statistics and analysis)
- Annual OSD and Army US Army Military Academy Assessments
- DOD Annual Report on Sexual Harassment and Violence at the Military Service Academies
- Annual “I. A.M. Strong” Sexual Harassment/Assault Prevention Summit Command Outbriefs
- Command Climate Surveys [within 30 days of assuming command (120 days for ARNG and USAR), again at six months and annually thereafter]
- Initial Entry Training Survey
- SAPR program compliance inspections
- DOD Safe Helpline feedback (for trends)
- Workplace inspections
- Army Operational Troops Survey (OTS)
- Health-of-the-Force installation visits
- Senior leader-conducted focus groups
- SHARP Red Team Assessment
- Secretary of the Army Directed - Army Sexual Harassment/Assault Response and Prevention (SHARP) Standdown Plan
- Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)

The U.S. Army benchmarks efforts by comparing current and previous sexual assault reporting (restricted and unrestricted) data, current and previous survey results, and reporting to survey results. We also evaluate Army norms against national norms. Benchmarking and comparisons tells us whether we are progressing and give us a sense of how similar or different the Army’s incidents are from those that occur within society. Therefore, we use our focus groups, troop visits, and other survey mechanisms to discern what is working and where we need to improve in order to attain the end state we desire.

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We measure success in prevention in a number of ways. These include but are not limited to the following: number of reported incidents, prevalence of sexual assault

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	(based on survey data), command climate survey results, focus group feedback, online surveys, and Soldier visits. The percentage of Soldiers who have completed annual prevention training is another indicator since teaching Soldiers about sexual harassment and sexual assault, how to prevent it and to intervene, and the Army's expectations regarding sexual assault are critical to prevention efforts.
USAF	(AF) The Decypher survey (follow up to the 2010 AF Gallup survey) will measure prevalence and incident specifics of unwanted sexual experiences. The AF will be implementing biennial surveys to measure prevalence; these will occur on opposite years of biennial DoD Defense Manpower Data Center Workplace and Gender Relations Survey of Active Duty Personnel (DMDC WGRA) surveys. We expect prevalence to decrease as a measure of effectiveness of our prevention programs.
USN	The biennial DoD gender and workplace survey provides insight and feedback on, among other things, unwanted sexual contact and unwanted gender-related behavior. The analysis of the survey results informs Navy training, policy and practices. The Sexual Assault Prevention and Response (SAPR) portion of the Defense Equal Opportunity Climate Survey (DEOCS) includes several SAPR questions, two of which measure the effectiveness of Bystander Intervention training. The first question is situation based and asks respondents to indicate which action they would take if in a given situation. The second question presents respondents with a scenario and asks at which point they would most likely intervene if they were witnessing an escalating situation. The responses to these questions indicate the climate of the command regarding propensity to intervene. Command-wide visual inspections are being conducted by leaders on an ongoing basis across the Navy to ensure offensive and sexually suggestive media are not present in the workplace. The effectiveness of this policy will be measured by incidents reported where any prohibited material is found since implementation of this policy (ALNAV 038/13 of 7JUN13). Additionally, metrics and details pertaining to reported sexual assaults (demographics, type of incident, case specifics) are continually collected, tracked and analyzed across the Fleet to inform policy and procedures for preventing and responding to sexual assault within Navy.
USMC	See consolidated answer at the top of this question.
USCG	The Coast Guard does not have metrics to measure the success in combating sexual assault. However, one of the most important goals of Coast Guard prevention programs is to change service culture surrounding sexual assault. It is anticipated that bystander intervention, stigma reduction, and leadership focus will initially increase the number of assaults reported (decreasing the percentage of unreported assaults). Successful outcomes for these cases will further change the culture, ultimately eliminating sexual assaults in the Coast Guard.

1b. Training of service members,

DOD	DOD SAPRO: The DoD Annual Report documents policy and program improvements to sexual assault training. Within the report, the Services describe outcome metrics that have been developed to measure the impact or effectiveness of the training provided to all
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	<p>personnel.</p> <ul style="list-style-type: none"> • The WGR generally assesses the degree to which Service members have been trained on SAPR across the force. • WGR and DEOCS both provide program evaluations that measure lasting changes in knowledge, skills, behavior, and attitudes of Service members. <p>Based on information from the 2012 Workplace and Gender Relations Survey of Active Duty Members (2012 WGRA), 96% of active duty women and 97% of active duty men indicated they had sexual assault training in the past 12 months.</p> <ul style="list-style-type: none"> • For women and men, the 2012 percentages are significantly higher than the 2010 WGRA (93% for women and men in 2010) and the 2006 WGRA (89% for women and men in 2006). <ul style="list-style-type: none"> ○ Of those who had training, 90%-94% of women and men agreed their training provided a good understanding of what actions are considered sexual assault, explained the reporting options if a sexual assault occurs, taught that the consumption of alcohol may increase the likelihood of sexual assault, taught how to avoid situations that might increase the risk of being a victim of sexual assault, explained how sexual assault is a mission readiness problem, explained the resources available to victims, taught how to intervene when you witness a situation involving a fellow Service member, identified the points of contact for reporting sexual assault, taught how to obtain medical care following a sexual assault, and explained the role of the chain of command in handling sexual assaults. ○ Additional details on training of Service members on topics related to sexual assault are available in the 2012 WGRA briefing (http://www.sapr.mil/index.php/research).
USA	<p>Within the first fourteen days of entering the Army, recruits receive sexual assault prevention training, and we do a comparison of attitudes and perspectives on sexual assault-related questions before and after training to evaluate the impact of the training. This employs an industry standard assessment approach. As Soldiers progress through their careers and levels of responsibility, we have SHARP training that is tailored to specific leadership positions and/or increased rank, in addition to mandatory annual training. The SHARP Program Life-Cycle of Training incorporates Pre-accession training, Professional Military Education (PME), Civilian Education System (CES), Unit Training (Annual, pre/post-deployment & orientation) and Self-Study. All of this training is designed to enhance the sophistication of knowledge commensurate with professional development and to reinforce Army expectations in terms of sexual harassment and sexual assault prevention and respond.</p> <p>U.S. Army standards require surveys of persons completing Army training through which we obtain student feedback on the quality and effectiveness of the training. The focus groups, assessments, and Soldier visits we conduct include discussions about the training experience and efficacy. The SHARP Program Office also sends observers occasionally to observe SHARP instructors and training firsthand.</p>

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	We measure success by the quality of training provided, attitudes and perspectives changed, and formal and informal feedback on training quality and efficacy.
USAF	(AF) The Decypher survey (follow up to the 2010 AF Gallup survey) will also measure Airmen's attitudes toward and understanding of sexual assault (e.g., "I understand the impact of sexual assault trauma on victims"). The AF will be implementing biennial surveys to measure prevalence of sexual assault and Airmen's attitudes and understanding regarding sexual assault. These will occur on opposite years of biennial DoD DMDC WGRA surveys. We expect attitudes to become more empathetic and understanding of sexual assault to increase as a measure of effectiveness of our training program.
USN	Service members receive SAPR training at multiple times throughout their service in the Navy careers. Training begins within the first two weeks of boot camp or other accession program such as Officer Candidate School, then again annually thereafter. This training is supplemented throughout the year by Sexual Assault Awareness Month and SAPR stand-down activities held at the command-level, through specialized training such as Bystander Intervention training. Through this supplemental training we are able to target demographics within the force and ensure continuous messaging. Additionally, we have integrated SAPR training into critical leadership training curricula including those taught at our Senior Enlisted Academy and Command Leadership School. This comprehensive approach to training has allowed us to ensure continuous messaging and to tailor training to various audiences from the at-risk demographic to leadership who are accountable for prevention and response. Details of the training program, as well as our means of assessing its effectiveness, follow. Service members receive SAPR training annually through General Military Training, embedded into career continuum courses, and additional focused and specialized training. In FY12/13, Navy produced and conducted targeted SAPR training at E-1 – E-6 (SAPR-Fleet) and E-7 – senior (SAPR-Leadership). Completion rates for this training were tracked and monitored through Fleet Training Management Planning System (FLTMPS). SAPR-F had a completion rate of 97.4% and SAPR-L had a completion rate of 95.8%. All Sailors completing training are asked to complete a feedback questionnaire that asks their opinions of the training and its effectiveness. Other surveys gauge the effectiveness of training by asking Sailors their opinion and testing their knowledge of covered material regarding basic reporting options: The biennial DoD gender and workplace survey includes one question that asks service members their opinion of the "effectiveness of training in actually reducing/preventing sexual assault or behaviors related to sexual assault." The response scale ranges from "not at all effective" to "very effective." Results are provided as a percentage of respondents selecting each category, broken down by gender. The 2013 SAPR Quick Poll survey conducted by the Navy Personnel Research, Studies, & Technology (NPRST) office includes a question that asks if "Sexual assault training is taken seriously at this command." The response scale ranges from "strongly disagree" to "strongly agree." Results are provided as a percentage of respondents selecting each category, broken down by gender. The 2013 DoN Sexual Assault survey asks two questions regarding training: "How long ago did

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	<p>you last receive training on SAPR?” and “Was your SAPR training useful to you?” Responses are used to ensure training periodicity is within requirements and to gauge Sailor opinions of training effectiveness.</p> <p>The SAPR portion of the DEOCS includes one question regarding respondent’s knowledge of sexual assault reporting options: “A restricted report allows a service member to report a sexual assault and get help, but without notifying command or criminal investigators.” Response options are “true” or “false,” with “true” being the correct answer. Standardized end of course survey instruments are also used to obtain student feedback and input.</p>
USMC	See consolidated answer at the top of this question
USCG	The Coast Guard requires all members to conduct Sexual Assault Prevention and Response (SAPR) Mandated Training on an annual basis. Training completion rates are tracked through the Coast Guard training management tool.

1c. Personnel leadership and legal training of commanders and accountability of commanders,

DOD	<p>DOD SAPRO</p> <p>We do not currently employ metrics on this item. However, in January 2012, the Secretary of Defense directed an assessment of SAPR training provided by the Military Services to officers selected for command and senior enlisted leaders.</p> <ul style="list-style-type: none"> • Based on findings of the assessment, the Secretary of Defense directed the Military Services and the USD (P&R) to develop and implement standardized core competencies, learning objectives, and methods of objectively assessing the effectiveness of pre-command and senior enlisted SAPR training. • These core competencies and learning objectives were incorporated in pre-Command and Senior Leadership training courses for classes with start dates after 30 March 2013. The goal of these changes is to enhance commanders and senior enlisted leaders’ ability to establish and support SAPR programs within their units. • The Services are developing methods to determine the effectiveness of this training. DoD SAPRO has requested this data as part of its FY13 Annual Report Data Call, due in January 2014.
USA	<p>Legal training for commanders has always been an aspect of professional development, beginning with UCMJ training in ROTC and at the United States Military Academy prior commissioning. Once commissioned, officers assume a quasi-judicial role such as Second Lieutenants occupying platoon leader positions and progressing in available quasi-judicial authorities with each assignment. Legal authorities and responsibilities are taught at every level of professional military education. The officers entrusted with the disposition of sexual assaults, withheld to the O6 (Colonel) Special Court Martial Convening Authority, are required to attend Senior Officer Legal Orientation courses at The Judge Advocate General’s Legal Center and School with a focus on the proper handling of sexual assault allegations. General officers, who will serve as convening authorities, are offered one-on-one instruction in legal responsibilities, again with a focus on sexual assault. Commanders</p>

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	<p>are tasked with caring for the morale, welfare and safety of all their Soldiers, victim and accused, and they take this Soldier duty seriously.</p> <p>Army professional development training includes accountability as a key aspect of leadership. The Army's leadership instruction is so remarkable that industry and recognized leadership experts (e.g., Warren Bennis) have emulated it. The Army conducts SHARP training during all Pre-Command Courses and Company Commander/First Sergeant Courses. Finally, commanders received local SHARP operational training within 45 day of assuming command.</p> <p>Mentorship throughout a Soldier's career includes not only this formal professional development training on leadership and accountability, but also informal and formal mentoring from superiors as one carries out his or her duties. The Army, through both the professional development training and the mentorship, has linked culture/ climate responsibilities and sexual harassment and sexual assault prevention and response to leadership. This is especially true of commanders, as they are responsible for the SHARP Program within their commands.</p> <p>We use surveys, focus groups, assessments, counseling sessions, mentoring sessions, and site visits to evaluate personnel leadership training. These mechanisms help us assess the efficacy of the training, gain insights from students, evaluate whether persons are being trained to standard, and determine where additional work is needed. Commanders also participate in monthly Sexual Assault Review Boards (SARBs) to ensure program services are executed in effective manner, program gaps are identified and addressed, prevention capabilities are improved, and to brief updates on individual cases.</p> <p>The Army requires commanders to conduct command climate surveys in the first few months of assuming command and at periodic points during command. These surveys provide key insights into command climate, areas of risk or concern, and areas in which progress is occurring or is needed. This policy ensures all commanders are monitoring their command climates appropriately.</p> <p>The Army recently directed evaluation reports for Officers and Noncommissioned Officers to evaluate leader efforts to combat sexual harassment and sexual assault. Leaders must address goals and objectives for combating sexual harassment and assault in counseling sessions. (See Army Directive 2013-20, Assessing Officers and Noncommissioned Officers, dated 27 SEP 2013, available at http://armypubs.army.mil/epubs/pdf/ad2013_20.pdf)</p> <p>The Army also employs assessments, site visits, surveys, and focus groups to obtain feedback on leaders' and commanders' performance. Additionally, other resources for raising complaints or concerns (e.g., the Inspector General's Office, chaplain, Equal Opportunity Officer, helpline, etc.), and the number of these complaints is also helpful for assessing leaders and commanders.</p>
USAF	(AF) Commanders receive legal training at the Wing Commanders Course,

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	<p>Squadron Commanders Course, and throughout their command time from their Staff Judge Advocate (SJA) and servicing legal office. Further, as officers, these commanders have received various levels of professional military education which include training and discussions of many of the personnel and command issues which they face. These courses include Squadron Officer School as a junior officer, Staff College as a mid-grade officer and War College as a senior officer.</p> <p>In September 2012, the Secretary of Defense directed the services to develop and implement standardized core competencies and learning objectives applicable to pre-command and senior enlisted leader Sexual Assault Prevention and Response (SAPR) training as well as methods for objectively assessing the effectiveness of this training. One of the core competencies for the training is for commanders to recognize their responsibilities during the judicial process.</p> <p>Commanders receive a briefing from Judge Advocate (JA) during their initial orientation period when they assume command. This is followed by regular training and interactions such as quarterly Status of Discipline (SOD) meetings. Issues discussed at SOD IAW AFI 51-201, Administration of Military Justice, para. 13.12, include court-martial and non-judicial punishment processing times, types of offenses and demographic data for closed cases. SOD provides an opportunity for squadron commanders to hear how their fellow commanders handled cases and is an opportunity for the SJA to provide lessons learned and training as necessary.</p> <p>JA inspection items related to legal training for Commanders include:</p> <ol style="list-style-type: none"> 1. SJA required to regularly meet with and to advise commanders on available legal services, disciplinary matters, and the legal sufficiency of actions. (JA Inspection List, #3) 2. SJA required to meet with the wing commander to discuss ongoing cases and military justice related issues. (JA Inspection List, #4) <p>JA can compare inspection results annually to determine whether there are improvements AF wide in compliance with training requirements.</p> <p>DoDI 6495.02, Enclosure 5, provides that commanders must receive training from JA on Military Rule of Evidence 514, victim advocate-victim privilege.</p> <p>Commanders (like all military personnel) receive formal initial and annual feedback from their direct supervisor as well as annual officer performance reports.</p>
USN	<p>The SAPR portion of the DEOCS includes two questions regarding the perceptions of leadership support for sexual assault prevention and response. The first item stem reads “My leadership promotes a climate that is free of sexual assault”. The second item stem reads, “My leadership would respond appropriately in the event a sexual assault was reported.” A five-point Likert-type scale ranging from “strongly agree” to “strongly disagree” was used for the perception of leadership support for sexual assault prevention and response items. Items are coded such that a high score indicates a more favorable climate.</p> <p>All commanders are required to ensure the command climate surveys are conducted</p>

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within 90 days of the CO assuming command, and annually thereafter. Each CO must conduct a face-to-face debrief of their most recent command climate assessment, to include a plan of action and milestones for corrective actions, with their Immediate Superior in Command (ISIC). Command leaders are also held accountable for the organizational climates they foster in their commands via their professional performance evaluations (Fitness Reports). Lastly, commanders are required to notify the first Flag Officer in their respective chain of command when unrestricted reports of sexual assault are received. This oversight by senior officers further ensures that reports are being adequately handled by chain of command of the victim and alleged offender. Command leaders are required to complete all mandatory SAPR-related training (CNO directed, standdown, SAPR-L, etc.) as well as courses (Prospective Commanding Officer, Senior Enlisted Academy) which include modules of SAPR specific information as part of their leadership development. Standardized end of course survey instruments are also used to obtain student feedback and input.

Senior Officer Course

As legal training for commanders, the Naval Justice School offers a three-day Senior Officer Course (SOC) that covers numerous subjects in military justice and civil law important to COs, XOs, and OICs in the administration of legal matters. SOC's have been taught since 1955 to thousands of senior officers at various fleet locations. Participants regularly give the course outstanding remarks for increasing awareness of current legal issues and promoting efficiency in handling legal matters. Target Audience: The Chief of Naval Personnel requires the course for all O6s en route to command per CNP memo of 4 Sep 12 on Sexual Assault Initial Disposition Authority Training. The course is also open to officers assigned as or reporting to duty as COs, XOs or OICs and other officers O-4 and above with a mission-essential need on a space-available basis.

Attendance: In FY13, 1,090 Navy and Marine Corps senior officers attended this course at seven Navy and Marine Corps locations including Newport, San Diego, Norfolk, Pensacola, Quantico, Parris Island, and Camp Lejeune. The numbers have increased in recent years. In FY12, 910 students attended; in FY11, 780 students attended, and in FY10 686 students attended.

4 Locations: In FY14, the course will be offered in Newport (14 offerings), Pensacola (8 offerings), Norfolk (7 offerings), San Diego (6 offerings to include 1 at Camp Pendleton), Parris Island (1 offering), Camp Lejeune (1 offering), and Quantico (1 offering). A complete FY14 schedule can be found in NAVADMIN 236/13.

References: course materials are available at this CAC-accessible SharePoint site: <https://www.portal.navy.mil/comnavlegsvccom/NJS/SIP/SOC/default.aspx>. An electronic copy of the QUICKMAN (Commander's Quick Reference Handbook for Legal issues) is also available on the site.

Military Justice Training at the Senior Officer Course:

- (1). Introduction to Military Justice

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	<p>Sexual assault training: this subject is not limited to sexual assault, but provides instruction on key military justice considerations for commanders that is relevant in sexual assault cases to include an overview of the military justice process from investigation to appellate review, mandatory NCIS investigations, courts-martial forums, and differences between the military justice and civilian court systems with respect to self-incrimination, search and seizure, grand jury v. Article 32 hearings, speedy trial, and sentencing.</p> <p>(2). Search and Seizure Sexual assault training: this subject is not limited to sexual assault, but provides instruction on search and seizure issues for commanders that is relevant in sexual assault cases to include elements of a Fourth Amendment search, probable cause searches, non-probable cause searches, and inspections and inventories.</p> <p>(3). Self-Incrimination Sexual assault training: this subject is not limited to sexual assault, but provides instruction on self incrimination issues for commanders that is relevant in sexual assault cases to include the differences between Article 31b and Miranda rights, custodial interrogations, the exclusionary rule, the voluntariness doctrine, and self-reporting.</p> <p>(4). Court-Martial Procedures Sexual assault training: this subject is not limited to sexual assault, but provides instruction on courtmartial procedures for commanders that is relevant in sexual assault cases to include personal and subject matter jurisdiction, reservist jurisdiction, legal hold, double jeopardy, mechanics of convening and referral of charges, types of courts-martial, roles at a court-martial, court-martial members, clemency, and post-trial review.</p> <p>(5). Responsibilities of the Convening Authority Sexual assault training: this subject is not limited to sexual assault, but provides instruction on the responsibilities of a convening authority for commanders that is relevant in sexual assault cases to include the accuser concept, unlawful command influence (UCI), apprehension and pre-trial restraint to include the pre-trial confinement review process, speedy trial clock and excludable delay, and pre-trial agreements to include scope of agreements, protections, and suspension v. disapproval of punishment.</p> <p>(6). Hazing Sexual assault training: this subject does not directly address sexual assault, but provides instruction on hazing for commanders that may be relevant to other misconduct related to sexual assault cases. Instruction is provided on the hazing references, definitions, command responsibilities, and practical examples.</p> <p>(7). Sexual Assault Initial Disposition Authority Sexual assault training: this subject provides instruction to commanders on the Navy</p>
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	<p>and Marine Corps sexual assault initial disposition authority (SA-IDA) withholding policies, collateral misconduct, distinctions among Article 120 offenses, mechanics of withholding and disposition decisions, initial considerations in sexual assault cases, and reporting requirements.</p> <p>(8). Sexual Assault Prevention and Response (SAPR) Sexual assault training: this subject is primarily taught by an area SARC as a guest instructor. It provides training to commanders on SAPR policy, restricted and unrestricted reporting, SAPR personnel requirements, expedited transfers and SAFE kit/records retention, protected communications, and command responsibilities upon notification of an unrestricted report of sexual assault.</p> <p>(9). Victim and Witness Assistance Program (VWAP) Sexual assault training: this subject is not limited to sexual assault, but provides instruction on the VWAP program for commanders that is relevant in sexual assault cases to include the purpose and application of the VWAP program, victim definition and rights, witness definition and rights, DD forms 2701 to 2706, VWAP and deployed units, and compensation programs for victims.</p>
USMC	See consolidated answer at the top of this question.
USCG	Although the Coast Guard does not collect metrics currently on these courses, we are in the process of implementing a recently developed standardized SAPR training module into all 29 of our leadership courses.

1d. Training and performance of trial, defense, and victims' counsel,

DOD	<p>DOD SAPRO</p> <p>As part of the development of a Special Victims Capability, the DoD Office of Legal Policy, Service Offices of the Judge Advocate General, and the DoD Inspector General are developing metrics associated with the fielding of this capability. These metrics will be included as part of the Department's report and plan on the Special Victims Capability due to Congress on November 30, 2013.</p>
USA	<p>The Army measures success and effectiveness of the training and performance of trial and defense counsel through numbers of counsel trained, courses offered and course evaluations submitted.</p> <p>The Judge Advocate General's Legal Center and School (TJAGLCS) offers a comprehensive series of courses to all of the key players in the military justice system, starting with new Judge Advocates and ranging all the way to Military Judges and general officers. The factual scenario which forms the basis of all instruction is a sexual assault scenario. So, each course prepares the particular officer for their role in the Military Justice Process and specifically, for adjudicating a sexual assault case through that process.</p> <p>In Fiscal Year (FY) 2013, TJAGLCS conducted the following courses:</p> <p>Judge Advocate Officer Basic Course (JAOBC) (113 AC, 77 RC and 71 NG</p>

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attended): In this course, new judge advocates apply their knowledge of criminal law from law school and the bar exam to the military justice system. Students receive lecture, seminar, and practical exercise instruction designed to prepare them to effectively give military justice advice and serve as counsel in courts-martial and administrative board proceedings. The classes cover nearly all areas of criminal law and procedure. Students participate as trial counsel and/or defense counsel in two moot court exercises. The scenario for the course is a sexual assault scenario, and key aspects of sexual assault cases like victim-witness programs, victim behavior, evidentiary rules, etc. are emphasized throughout the instruction.

Intermediate Trial Advocacy Course (ITAC)(72 AC, 3 RC and 8 NG attended): Judge Advocates with approximately 1-3 years of experience out of the JAOBC are usually assigned to serve as Trial Counsel or Defense Counsel. Within the first three months in that assignment, the attorney will attend this course, which builds on the military justice block from JAOBC. This course is offered twice a year and presents intensive intermediate trial skills instruction and practical exercises and workshops covering issues regarding courts-martial from case analysis through presentencing argument. The following areas are addressed: trial procedure; trial advocacy techniques; professional responsibility; and topical aspects of current military law, with particular emphasis on the military rules of evidence. The factual scenario which forms the basis of all instruction is a sexual assault scenario.

Military Justice Manager's Course (39 AC, 3 RC, and 3 NG attended): This course provides legal teams charged with administering military justice management systems with information and practical tips regarding pretrial, trial, and post-trial procedures. Topics include: Military Justice On-line (MJO); required reports; pretrial case evaluation and management through referral; Sexual Harassment/Assault Response and Prevention program; discovery and production, pretrial negotiations and preparation; and proper post-trial processing.

Judge Advocate Officer Graduate Course (Grad Course)(78 AC, 4 RC and 2 NG attended): The Military Justice Core Instruction is a 46-hour portion of the overall course which produces graduates who understand military justice in order to accurately advise all levels of command on military justice matters, to correctly perform all basic military justice functions themselves, and to successfully supervise and train subordinates who perform basic military justice functions. The context for all course work is a sexual assault case. Additionally, electives are offered covering advanced topics for those being assigned to military justice positions.

Staff Judge Advocate Course (77 AC, 35 RC, 28 NG attended): This course educates newly selected Staff Judge Advocates, Deputy Staff Judge Advocates, and similar leaders in legal, leadership, and management topics to enable them to effectively lead a military legal office. A full day of this course (over 20% of the course itself) is dedicated to advising the convening authority on military justice actions, and specifically handling sexual assault cases.

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In FY 2013, the Trial Counsel Assistance Program (TCAP) executed the following training events:

Regional Conferences: TCAP conducted seven three-day Regional Conferences. All of TCAP's regional conferences are sexual assault and special victim prosecution focused. The instructors included uniformed/TCAP personnel, TCAP HQEs, and prominent civilian experts in the area of sexual assault and special victim prosecutions. These three-day training events included instruction concerning the prosecution of special victim cases (i.e., sexual assault cases, domestic violence, child pornography, and the sexual and physical abuse of children). It also included instruction concerning new developments in criminal law, advocacy classes, developing strong sentencing cases, impact of diminished responsibility, and roundtable discussions among participants. Subject areas and areas of focused instruction were solicited from the various Chiefs of Military Justice for the installations covered by the Regional Conferences.

Outreach Program. TCAP conducted approximately 21 of these 2.5-day training events. The instructors included both uniformed TCAP personnel and TCAP HQEs. This program concentrated on basic military justice practice and procedures with a focus on sexual assault prosecutions and walking new/relatively new counsel through the courts-martial process from initial allegation through sentencing. The outreaches included up to eight hours of sexual assault specific training, advocacy training and specific/focused training as requested by the Chiefs of Military Justice focusing on issues encountered at participating installations. Additionally, TCAP personnel conducted roundtable case discussions with Trial Counsel and Chiefs of Military Justice, and daily individual case reviews when not engaged in formal instruction.

Essential Strategies for Sexual Assault Prosecution (ESSAP). TCAP conducted four of these three-day training events. Taught in conjunction with the New Prosecutor's Course (NPC), the subject matter is sexual assault crimes and crimes against special victims (i.e., women and children). The training is modeled after sexual assault institutes throughout the country, which train prosecutors to successfully prosecute sex and other special victim crimes. The ESSAP is an Army led training event, designed to provide Trial Counsel of all experience levels with an offender focused approach to prosecuting sexual assault cases. The course covers: developing offender-focused themes/theories by understanding the offender's pathology; non-intuitive responses by rape victims; using experts to explain victim behavior; health, medical, and forensic issues observed in sexual assault cases including how to understand and effectively present medical evidence; and presenting a sentencing case.

Complex Litigation. TCAP conducted one three-day course on complex litigation. The Complex Litigation course focuses on the very difficult aspects and challenges of litigating high profile cases, such as voir dire, discovery, use of expert testimony, and sentencing. Taught by TCAP personnel, HQEs, and experts from the field, the

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course provides relevant and timely training for advanced litigation.

National Center for Missing and Exploited Children (NCMEC). TCAP sponsored two of these training events. The NCMEC Course is a four-and-one-half-day seminar to familiarize prosecutors with computer-facilitated crimes committed against children and the ever-evolving legal and technical issues surrounding those investigations. The course walks prosecutors through a child online exploitation case by first familiarizing prosecutors with how perpetrators use the computer and internet to locate children to exploit and disseminate child pornography. Day two focuses on the computer technologies used by the sexual predator to commit crimes against children, the use of experts to explain the technology involved, and search and seizure issues when dealing with digital media. Day three focuses on the trial strategies of an online child exploitation case, from charging to plea negotiations to sentencing. Day four includes instruction modules on the use of medical evidence in child exploitation cases to include discussions of child psychosexual and physical development, and concerns regarding long term complications of sexual exploitation. The final half day of instruction is geared to issues specifically raised in military prosecutions of child exploitation cases, including charging decisions and sentencing considerations.

Sexual Assault Trial Advocacy Course (SATAC). TCAP conducted one SATAC which includes both Trial Counsel and U.S. Army Trial Defense Counsel. The SATAC is a two-week trial advocacy course focusing on the fundamentals of trial advocacy in the context of litigating special victim cases. The course includes lectures, break-outs, and numerous advocacy exercises, culminating in a full-day trial for each participant. The course is a follow on to The Judge Advocate General's Legal Center and School's (TJAGLCS) one-week long Intermediate Trial Advocacy Course.

Introduction to Forensic Evidence. TCAP offered this five-day training event twice. This course is held at the Defense Forensic Science Center (formerly United States Army Criminal Investigation Laboratory (USACIL)), Fort Gillem, Georgia using USACIL instructors. During the investigation of many sexual assault cases, local investigators from the Criminal Investigation Division (CID) send various pieces of evidence to USACIL for examination. This collected and examined evidence can be used to identify (or exclude) perpetrators and to corroborate the victim's account of events. This course introduces the students to the laboratory analysis involved in sexual assault cases, to include: the examination of DNA evidence; the examination of trace evidence such as fibers; serology; the examination of digital evidence; testing for drugs such as date rape drugs; and a review and use of the criminal records database. The various laboratory experts conduct classes on their areas of expertise and demonstrate how examinations are conducted. It also includes instruction on firearms and ballistics evidence, and an expanded block on discovery issues and obligations.

Sexual Assault Expert Symposium. TCAP offered this three-day training event

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once. The expert symposium introduces participants to the scientific disciplines they will encounter while litigating special victim cases. Classes are taught by some of the leading experts in their fields. The experts include: a Forensic Pathologist; a Forensic Psychologist; a Forensic Psychiatrist; a Sexual Assault Forensic Examiner/Sexual Assault Nurse Examiner; a Forensic Toxicologist; a Forensic Child Interviewer; a Forensic Computer Examiner; a Fingerprint Examiner; a Trace Evidence Examiner; and a DNA and Serology Examiner.

Special Victim Prosecutor (SVP) Conference. TCAP conducted an SVP conference, bringing all SVPs assigned throughout the world to one location to discuss trends and issues in the investigation and disposition of special victim cases. The conference is a three-day event where TCAP personnel, military and civilian HQEs, provide relevant and timely military justice training, both substantive and advocacy, to the attendees. Additionally, substantive legal issues regarding defense experts, administrative issues, the need for automation and the need for personnel support, are discussed and courses of action developed to attempt to enhance the prosecution of cases and minimize the distractions caused by the administrative demands placed on each SVP.

Child Forensic Interviewing Training. TCAP conducted at least four courses on forensic interviewing, particularly focused on child victims. Offered in coordination with CornerHouse, the three day course includes lectures and discussions, a review of CornerHouse video-recorded interviews, skill-building exercises, and an interview practicum.

Advanced MJ Paralegal Workshop. The Advanced MJ Paralegal Workshop is designed to train paralegals who work in military justice and assist trial counsel in preparing cases for courts-martial. It is a four-day course that will be offered four times throughout the year. The curriculum is designed to train paralegals in case organization skills using advanced programs like Adobe Pro and Microsoft Office Excel (MS Excel). This course will provide paralegals with the ability to recognize how various forms of evidence fit into a case and how to organize them effectively in electronic format for trial preparation and/or presentation.

Newsletter. TCAP will continue to publish a quarterly newsletter for trial counsel highlighting relevant changes in the law, addressing the Art of Advocacy, and discussing trends throughout the Army and DOD in the investigation and disposition of military justice related cases.

In Fiscal Year 2013, the Defense Counsel Assistance Program (DCAP) conducted or sponsored the following courses:

DC 101. This training was conducted at Fort Leavenworth in October 2012, Wiesbaden, Germany in August 2013, Fort Bragg in August 2013, Fort Lewis in September 2013, and Fort Hood in September 2013. DCAP also conducted DC 101 in February 2013 at Fort Belvoir. This three-day course combines law and trial

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advocacy focused on preparing newly assigned defense counsel to represent their clients at courts-martial. Two DCAP personnel (often including Trial Defense Service (TDS) HQEs) serve as instructors for each iteration of this course. Areas of instruction include: initial client interview; major client decisions; discovery; Article 32 investigations; all stages of the court-martial process; roundtable discussion of active cases, and professional responsibility.

Annual Training. DCAP, on behalf of HQ, TDS, conducted annual training for all counsel assigned to TDS. DCAP conducted training in Germany in November 2012 for counsel stationed in Europe and the CENTCOM AOR. DCAP conducted training in December 2012 for all TDS counsel east of the Mississippi River and Pacific Rim. DCAP conduct training in January 2013 for all counsel west of the Mississippi River. Instructors include members of DCAP (including both HQEs) and TDS counsel. Most often these conferences include a heavy focus on topics in the areas of sexual assault or special victims. Generally, topics covered at these three day events include diverse areas such as themes and strategies in sexual assault cases, MRE 412, case updates, and professional responsibility.

Regional Training. The USA Trial Defense Service Regional Defense Counsel (RDC) host regional training events in the Spring (the preference is to combine regions and maximize the training opportunities). In 2012, DCAP coordinated with RDCs to train all TDS counsel east of the Mississippi River in March and all defense counsel west of the Mississippi River in April. These events provide three days of instruction to all defense counsel in their particular region(s). DCAP (to include both HQEs) provides most of the instruction at these events based on the RDC's training plan. Traditional topics include professional responsibility, new developments, evidentiary issues, trial advocacy, and post-trial matters. There is always some inclusion of sexual assault and special victim issues. Some previous regional conferences were almost exclusively oriented towards sexual assault cases.

DC 201. This training was scheduled for the East Coast in February 2013 and the West Coast in April 2013. This three-day course combined law and trial advocacy focused on preparing more experienced defense counsel on more complicated areas of the law. Two DCAP personnel (often including TDS HQEs) served as instructors for each iteration of this course. Areas of instruction included more advanced topics of criminal law, including: character evidence, MRE 404(b), 412, 413, 414, remote testimony, confrontation, privileges and immunities. Training on sexual assault issues and special victim issues was included.

Intermediate Trial Advocacy Course (ITAC). The Judge Advocate General's Legal Center and School (TJAGLCS) hosted three of these events in September, November, and February. USATDS typically sends eight personnel to each event. See reference above.

Advanced Communications and Advocacy. DCAP participated in these joint training events hosted by TCAP/DCAP. Instruction was provided by Mr. Josh

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	<p>Karton and Ms. Amy Almquist with the assistance of TCAP and DCAP personnel. The focus is exclusively on courtroom advocacy and consists of lecture, group discussion, and practical exercise. There are typically four of these events scheduled each year.</p> <p>Sexual Assault Training Advocacy Course (SATAC). This course was jointly hosted by DCAP and TCAP. This course utilizes a sexual assault fact pattern to train more advanced counsel on effective advocacy in all phases of the trial process. Instructors include DCAP and TCAP personnel, as well as outside instructors, selected for their expertise in advocacy and sexual assault cases. Instruction format included lecture, small group discussion, one on one mentoring, and practical exercises.</p> <p>Sexual Assault Expert Symposium. This was jointly hosted by DCAP and TCAP in the late spring. This week long training consisted of lectures given by experts commonly encountered by advocates in a typical sexual assault case. There were also break-out sessions for prosecutors and defense counsel to address their specific areas of concern with the experts.</p> <p>U.S. Army Trial Defense Service (TDS) Leadership Training. This three day training event was held in August 2013 at Fort Belvoir and was hosted by DCAP and HQ, USATDS. This event is for RDCs and Senior Defense Counsel from both the active and reserve components to come together and receive instruction on their duties as leaders in TDS. The instruction typically covers various leadership duties and substantive law updates that can be shared with their counsel. DCAP (including both HQEs) presented a series of classes on legal issues that will include some sexual assault and special victim emphasis (e.g. MRE 412).</p>
USAF	<p>(AF) TRIAL/DEFENSE COUNSEL: All new judge advocates receive extensive trial advocacy training, and undergo graded exams and realistic courtroom-based exercises before being certified as competent to perform their duties by The Judge Advocate General (TJAG) of their Military Department. Additionally, all Service JAGs must be certified to be able to serve as lead trial counsel in courts-martial, or advise commanders on appropriate disciplinary options.</p> <p>The AF previously provided a response to a Request for Information (RFI) on the training and experience levels of trial and defense counsel in sexual assault cases. That response is attached for reference at Tab 2.</p> <p>JA inspection items related to training for trial counsel include:</p> <ol style="list-style-type: none"> 1. Each legal office must have an effective internal training program, which includes training in advocacy, division chief training, and training in all facets of military justice. (JA Inspection List, #58) 2. SJA must have a program in place to ensure all JAGs have the opportunity to meet the requirements for certification as trial and defense counsel. (JA Inspection List, #13)

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3. Legal office leadership is required to be involved in training trial counsel, to include reviewing counsel's proof analysis and trial plan, as well as conducting mock trials prior to trial. (JA Inspection List, #14)

JA can compare inspection results annually to determine whether there are improvements AF wide in compliance with training requirements.

SPECIAL VICTIM'S COUNSEL: Before an Air Force Judge Advocate can serve as a victims' counsel (Special Victims' Counsel (SVC) in the Air Force), they must be certified as trial counsel under Article 27(b), Uniform Code of Military Justice (UCMJ). JAGs and paralegals who are selected to serve as Special Victims' Counsel and Special Victims' Paralegals are required to successfully complete a TJAG-approved SVC course as soon as practicable upon their selection. (SVC Rules of Practice and Procedure, Rule 8.2) The Air Force Judge Advocate General's School has hosted three Victims' Counsel Course in the last year, two for Air Force personnel and a third for our sister services.

The depth of the training has grown with each course. Two key parts of the curriculum are the advocacy exercises that require SVCs to conduct an intake interview with a mock client played by a victim advocate and to argue a Military Rule of Evidence (MRE) 412 or 513 motion on behalf of a mock client. Instructors provide feedback to the students and if a student was unable to successfully complete these exercises, he or she would not be recommended to serve as an SVC or SVP. Regular training is also provided via webcast. The SVC Program has also instituted a practice of conducting regular case rounds with the National Crime Victim Law Institute to share lessons learned and to provide SVCs with feedback on the handling of their cases.

Once certified to serve as an SVC, performance is evaluated by anecdotal feedback provided by military judges, staff judge advocates, trial counsel, and commanders.

In order to measure the effectiveness of the SVC Program as a whole, a Victim Impact Survey (VIS) was fielded on 20 March 2013 with feedback from several civilian subject matter experts incorporated into the questions and format.

The VIS measures whether SVCs are effectively assisting their clients with various military justice matters, including assisting them with understanding the investigative and courts-martial processes, with understanding their rights as a crime victim, and whether they were able to exercise their rights as a crime victim. The VIS also measures victims' subjective feelings on whether they felt supported throughout the military justice process. The VIS is provided to all sexual assault victims involved in the military justice process, including those represented by an SVC and those who are not. Recent results include:

1. 92% "extremely satisfied" with the advice and support SVC provided during the Article 32 hearing and court-martial;
2. 98% would recommend other victims request an SVC;

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	<p>3. 93% indicated their SVC advocated effectively on their behalf;</p> <p>4. 96% indicated their SVC helped them understand the investigation and court-martial processes</p>
USN	<p>Trial and Defense Counsel: Navy litigation training is overseen by the Litigation Training Steering Group (LTSG), chaired by the Chief Judge Department of the Navy. The LTSG provides a macro-level comprehensive review of the litigation training pipeline to ensure training is available at the appropriate stages of a judge advocate's career. The LTSG in concert with the Naval Justice School (NJS) Board of Advisors (BOA) established curriculum, designs learning objectives and develops additional avenues of training as need arises. It is an ongoing mission of the LTSG to re-evaluate the current training pipeline for mission effectiveness. The LTSG/NJS lash-up includes a pipeline of school house and online courses designed to improve skills and knowledge incrementally. Courses include Basic Trial Advocacy, Trial Counsel and Defense Counsel Orientation, Intermediate Trial Advocacy, Litigating Complex Cases, and Prosecuting Alcohol Facilitated 6 Sexual Assault and Defending Adult Sexual Cases. All school house training is subjected to post-course evaluations and after action analysis to capture the most valuable efforts for the following year. Separately, the Navy's Military Justice Litigation Career Track (MJLCT) provides a structure for developing and maintaining a cadre of judge advocates who specialize in court-martial litigation. At the beginning of their careers, judge advocates who assist in the prosecution or defense of courts-martial must complete special Professional Development Standards (PDS), checklists of tasks and skills that must be demonstrated prior to accretion of greater responsibility. Those judge advocates who exhibit both an aptitude and a desire to further specialize in litigation may apply for inclusion in the MJLCT. Once selected, MJLCT officers can anticipate spending the large majority of their career in litigation-related billets as trial counsel, defense counsel and military judges. In the course of their career, a MJLCT officer will advance from Specialist I to Specialist II to Expert. Failure to advance through these stages results in the officer exiting the track. Most MJLCT officers also receive an advanced law degree (a Masters of Law or LL.M.) in trial advocacy or litigation from a civilian institution. These officers are then required to complete a follow-on tour in a courtroom intensive billet with leadership requirements. Finally, the Trial Counsel Assistance Program (TCAP) and Defense Counsel Assistance Program (DCAP) provide on scene and online training to prosecutors and defense counsel in a variety of specialized areas and then monitor effective completion of this training to ensure world-wide capability in a variety of court-martial skills.</p> <p>Trial Counsel. TCAP conducts or coordinates annual Targeted Mobile Training, site-visits with flexible training sections on special victims crimes and process inspection; Live Defense Connect Online Training, interactive web-based training sponsored by TCAP and conducted by subject matter experts; Archived Online Training, including web-based recordings of previous trainings that can be accessed as needed as part of local training plans; and Mobile Training Teams, Marine Corps led site training conducted in coordination with NCIS and Navy TCAP that focuses on complex cases including special victims crimes. TCAP also inspects and critiques local training plans to ensure Senior Prosecutors have developed a robust weekly or bi-weekly training for</p>

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their junior litigators. In the prosecution of special victims crimes, the Navy capability rests in the senior prosecutor, referred to in our system as the Senior Trial Counsel (STC) and in TCAP which has provided both significant reach back assistance and detailed prosecutors for many special victims cases. Eight of nine STC and all uniformed TCAP personnel are members of the MJLCT. Five of nine STC have received their LL.M. in litigation or trial advocacy from a civilian law school. By December 2013, all STC, all TCAP personnel and a majority of trial counsel will have successfully completed the Army Special Victims Unit Investigations Course, an intensive two-week course exploring the neurobiology of sexual trauma and focusing on investigative techniques unique to these cases. All STC and a large majority of trial counsel have attended Prosecuting Alcohol Facilitated Sexual Assaults (PAFSA) and all prosecution offices will have completed a nine-hour online course of lectures on special victims offenses by the end of January.

Prosecutors are measured both as individuals and teams from a variety of different perspectives to ensure a complete picture develops of effectiveness in the performance of trial counsel duties. Quarterly, all trial and defense counsel are evaluated by the military judge. These evaluations are forwarded to the Chief Judge Department of the Navy for review and collation. Results are shared with TCAP and DCAP for use in training plans.

Annually, each prosecution office is inspected by TCAP to ensure compliance with instructions, emphasize new developments and identify best practices. TCAP inspections have included reviews of Victim/Witness Assistance Program processes, relationships with victim advocates, mechanisms for evaluating cases disposition and coordination without multi-disciplinary teams. Corrections are made when required and new or better practices are shared with other offices. Additionally, TCAP receives weekly updates of nearly all felony-level investigations and courts-martial, including all special victim offenses, and engages offices in proactive interactions on the development of those cases.

Within each prosecution office, the senior prosecutor regularly evaluates the skills and experience of individual prosecutors in order to determine the detailing of new cases and additional training requirements. The senior prosecutors provide regular feedback to prosecutors within his/her area of responsibility and maintain a personal caseload intended to maximize interaction with each prosecutor. Subsequently, these interactions provide substance for the annual counseling and evaluations provided by a prosecutor's commanding officer, which include feedback on performance as a trial counsel.

Defense Counsel. The effectiveness of sexual assault litigation training for Defense Counsel is measured immediately and continually. During the past fiscal year, the Defense Counsel Assistance Program (DCAP) has provided over 500 hours of sexual assault training to Navy defense counsel, focusing on all aspects of the court martial process, from pre-trial investigation through post-trial representation. The training is very practical, with counsel participating in a short roundtable discussion and then

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moving into the courtroom to learn, practice, and hone skills. DCAP instructors work one-on-one with counsel who also receive constructive feedback from their peers. This method provides an immediate measure of the success of the training as well as assists DCAP in its mission to advise detailing authorities on the experience level of counsel. In addition, defense counsel complete comprehensive training evaluation forms which allow defense counsel to provide personal input on how effective the training was as well as suggest what type of future training they desire. This enables DCAP to quickly analyze and respond to training demand signals. Additionally, the Navy and Marine Corps Trial Judiciary complete quarterly evaluations on counsel. These evaluations provide DCAP with the Judiciary's opinion on defense counsels' in-court performance in all aspects of litigation. DCAP utilizes this feedback to track trends and identify areas for training and then monitors the evaluations to ensure the training has improved the practice. The Judges' evaluations, along with any amplifying DCAP remarks, are provided to the Chief of Staff and Commanding Officers of the Defense Service Offices for their use in mentoring and further developing individual counsel. One of DCAP's missions is to "monitor the relative experience levels of trial defense counsel through onsite, periodic observations of Navy judge advocates in the performance of their defense functions." In order to efficiently execute this mission, the Navy has located DCAP personnel on each coast, stationing DCAP's Director at the Naval Base San Diego Courthouse while the Deputy Director and the Highly Qualified Expert are located at the Washington Navy Yard. This permits DCAP personnel to monitor defense counsel in those two locations on a daily basis without incurring travel costs. This mission is currently somewhat hampered in other locations by the current fiscal situation, due to significantly limited ability to travel.

Finally, DCAP has created and monitors an internet-based virtual law office where defense counsel post, download, and share resources involving sexual assault litigation as well as a robust "discussion board" where defense counsel anywhere in the world can receive nearly instantaneous assistance with any issue from DCAP and the defense bar at large. Monitoring this discussion board also provides DCAP the opportunity to measure performance and determine future training requirements.

Victims' Legal Counsel (VLC). In October 2013, much of the Navy's initial cadre of VLC attended the Air Force Special Victims' Counsel course in Montgomery, AL, offered twice per year. Curriculum includes presentations on: Fundamental Concepts of Being a Victims' Attorney, Appellate Updates on applicable areas of law, VWAP/SARC/NCIS/OSI and TC Interaction, The Neurobiology of Trauma/Cognitive Interviewing, Post-Trial Processing for VLC, Professional Responsibility concerns, Mental Health Issues/Referrals/PTSD/Resiliency and Suicide Awareness, Cognitive Biases; Behavioral Aspects of Victims and Understanding Sex Offenders. In addition to the substantive sessions, SVC from the Air Force discussed their challenges and successes in the field and took questions from other service attorneys attending the course. All VLC students conducted Client Intake Interviews using victim advocates role playing different scenarios. On the final day of the course, VLC students performed an advocacy exercise with a mock Military Judge, Trial and Defense Counsel on issues related to M.R.E. 412, 513 and 514.

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	<p>Navy VLC who were unable to attend the Air Force training in October will attend the next Air Force Course in May, 2014. In the meantime, the Navy is developing a two day course in Newport, RI to be held in January 2014 for newly-reported VLC. Many of the same areas substantive areas will be presented along with the opportunity to have VLC perform mock exercises and presentations by Navy counsel already performing VLC duties. Specifically, the course will cover Professional Responsibility concerns, fundamental concepts of being a Victims' counsel, and the roles of the SARC/VA & NCIS. Students will view the presentation given by Dr. Rebecca Campbell on the Neurobiology of Trauma/Cognitive Interviewing.</p>
USMC	<p><u>Trial Counsel</u></p> <p>The Marine Corps has recently hired three Highly Qualified Experts (HQE) to assist in all sexual assault cases. The HQEs have significant experience in complex criminal litigation as a successful trial-level prosecutor on sexual assault cases. The HQE's primary job is to train trial counsel (TC) to prosecute sexual assault cases. TCs must also consult with their regional HQE within ten days of being detailed to any sexual assault case. In addition to training conducted by the HQE, every TC attends a week-long intensive training on prosecuting sexual assault cases coordinated by the Marine Corps Trial Counsel Assistance Program, and quarterly training provided by the Regional Trial Counsel.</p> <p>Only TC who have been certified as a Special Victim Qualified Trial Counsel (SVTC) may be detailed to sexual assault cases. Prior to being detailed, the detailing authority looks at all available SVTC and details the most qualified SVTC based on grade, experience, education, training, ability, existing case load, professional responsibilities, and the individual characteristics of the case. To be certified as a "Special Victim Qualified Trial Counsel" (SVTC), a TC must: (1) be a General Court Martial Qualified TC; (2) receive a written recommendation from the RTC that the judge advocate possesses the requisite expertise to try a special victim's case; (3) demonstrate to the Legal Services Support Section Officer-in-Charge's (O-6 judge advocate) satisfaction that the judge advocate possesses the requisite expertise, experience, education, innate ability, and disposition to competently try special victim cases; (4) prosecute a contested special or general court-martial in a special victim case as an assistant trial counsel; and (5) attend an intermediate level trial advocacy training course for the prosecution of special victim cases.</p> <p><u>Defense Counsel</u></p> <p>Formal Marine Corps Defense Services Organization (DSO) training programs have been established since the formation of the DSO in 2011, and informally before then. The training requirements are set forth in Chapter 2 of the LEGADMINMAN, and in more detail in Chief Defense Counsel of the Marine Corps (CDC) Policy Memoranda published annually.</p>

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	<p>At a minimum, each defense counsel must attend two Continuing Legal Education (CLE) training events each year. This requirement runs in concert with the counsel's requirement to maintain currency for their state bar licenses. The DSO has an annual CLE each year that every defense counsel and enlisted support staff attends, in addition to monthly training conducted by the Senior Defense Counsel (usually a Major or experienced Captain) at the local Branch Office and quarterly training by the Regional Defense Counsel (usually a Lieutenant Colonel or experienced Major). The topics of these individual training events vary depending on identified needs within the DSO, but range from practical exercises such as mock cross-examinations and opening statements/closing arguments to more academic classes on new developments in the law or motions, for example. We have approximately 60 defense counsel and 20 enlisted support staff at any given time within the DSO. In Fiscal Year 2012, we spent approximately \$292,500 dollars for training and approximately \$233,100 in FY 2013. Success in training is measured through feedback from the attendees and evaluations of counsel performing learned skills at subsequent trials or hearings.</p> <p>Performance of defense counsel cannot be easily measured through an objective metric. Success is measured by achieving the best possible outcome for the individual client, which is inherently subjective. What constitutes success to a client depends on the facts and circumstance of that particular case and client. For example, success for a client charged with premeditated murder may be getting the case referred "non-capital." On the other hand, success may be measured in charges never being referred to a court-martial and being handled administratively for a different client. Our counsel and support staff continue to provide superb performance for their clients through training, education, and mentorship.</p> <p>Victim Legal Counsel: See answer to Question 4</p>
USCG	<p>The Coast Guard does not collect metrics on the training and performance of trial defense, and victims' counsel.</p> <p>Through our long standing Memorandum of Understanding with the Navy, Coast Guard judge advocates gain significantly more trial experience than the small size of the Coast Guard's trial docket would generate through assignment to Navy offices around the country. As currently structured, the Navy is principally responsible for defending the individual Coast Guard members accused of crimes under the UCMJ. In return, four Coast Guard judge advocates are detailed to work at various Navy Defense Service offices on two year rotations.</p> <p>Over the last eight years, we have also been able to send our judge advocates to gain experience as prosecutors with the Marine Corps at Marine Corps Base Quantico, Camp Lejeune, and Camp Pendleton. Moreover, the Coast Guard has a close working relationship with the Army and Navy Trial Counsel Assistance Programs.</p> <p>Beginning in FY 2013 Coast Guard Judge Advocates began attending along with their</p>

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	<p>CGIS Special Agent counterparts, the nationally recognized US Army Special Victim Investigator Unit course. In FY 2013, 17 Coast Guard Judge Advocates have complete the course, 18 additional trial counsel are scheduled to receive training by the conclusion of FY14. In addition, two Coast Guard Judge Advocates completed the Prosecuting Alcohol Facilitated Sexual Assault Cases course at the Naval Justice School in FY 2013.</p>
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1e. Training of Sexual Assault Response Coordinators (SARCs) and victim satisfaction with SARCs' services,

<p>DOD</p>	<p>DOD SAPRO</p> <p>The Department is currently collecting information on the number of SARCs who are filling positions mandated by the FY12 NDAA and their certification (See DoD Metric #6).</p> <ul style="list-style-type: none"> • In order to meet Public Law 112-81 (NDAA FY 12), the Secretary of Defense established a professional and uniform training and certification program for the Department's SARCs and SAPR VAs. The Department established the DoD Sexual Assault Advocate Certification Program (D-SAACP) and contracted with the National Organization for Victim Assistance (NOVA) to administer the program to fulfill this requirement, standardize sexual assault victim advocacy across the Department, and professionalize the roles of SARCs and SAPR VAs. • To date, over 22,800 SARCs & SAPR VAs across the Services and NGB have been certified. <p>In FY13, the Department conducted a training review of Service SARC and VA curriculum and courses. DoD SAPRO observed SARC and VA training courses across the Department and NGB. An analysis was completed and presented to each service in order to share strengths and recommendations for each Service training course. These results informed the creation of core competencies and learning objectives for SARCs, which were developed in 2013 for implementation in courses conducted throughout the Services in FY2014.</p> <p>In 2012, DMDC fielded a Quick Compass Sexual Assault Response Coordinators (QSARC) Survey with Active Duty, Reserve Component, and Civilian SARCs to assess the degree to which SARCs felt prepared to perform their duties and the 2012 Workplace and Gender Relations Survey of Active Duty Members (WGR) addressed victim satisfaction in a limited scope.</p> <ul style="list-style-type: none"> • Based on information from the 2012 QSARC, 97% of SARCs indicated receiving SARC training. This percentage is the same compared to the 2009 QSARC. • Eighty-five percent also received training as a victim's advocate and 28% received additional training to help prepare them to perform SARC duties in a deployed environment; both unchanged from the 2009 SARC. • The majority of SARCs -- 88% -- 5 percentage points lower than the 2009 QSARC -- indicated they were well prepared to interact with victims. • Eighty-three percent -- unchanged from the 2009 QSARC -- indicated they
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	<p>were well prepared to perform case management duties.</p> <ul style="list-style-type: none"> • Eighty-two percent indicated they were well prepared to develop training and 90% indicated they were well prepared to deliver training; both unchanged from the 2009 QSARC. <p>Based on information from the 2012 Workplace and Gender Relations Survey of Active Duty Members, 68% of women who experienced unwanted sexual contact, made an unrestricted or converted report to a military authority, and used a SARC were satisfied with the SARC handling their report. This percentage is not statistically different compared to the 2010 WGRA.</p> <p>DoD SAPRO also employs other avenues to assess Victim Satisfaction:</p> <ul style="list-style-type: none"> • Survivor Summits. The SAPRO Director hosts summits with survivors from across the Services in order receive feedback directly from those who had a sexual assault experience and gone through the reporting process. This input allows SAPRO to better assess the impact policies and programs may have on individuals and directly informs policy development, to include Secretary of Defense directives on 6 May and 14 Aug 2013. • Victim-Related Inquiries. SAPRO receives victim-related inquiries via the general mailbox, telephone, Safe Helpline or by postal mail. All inquiries are reviewed and the feedback is used to assess the impact of policies and programs as well as satisfaction of services provided.
USA	<p>The Army consolidated responses e and f:</p> <p>Our SARC and VA training is reviewed and certified by the National Organization of Victim Advocates (NOVA), an independent credentialing authority. After completing the 80-Hour SHARP Certification Course, SARC and VA personnel must submit an application to NOVA, two letters of reference from the command, and have their packets evaluated by a board before receiving NOVA credentials. In order to remain credentialed, the SARC or VA must successful complete 32 hours of continuing education in the area of Sexual Assault every two years to meet NOVA standards so they can remain credentialed. During FY13, we credentialed 11,708 SARCs and VAs. Additionally, there is a practical exercise, tests and evaluation exercises throughout the course, to include a CAPSTONE evaluation exercise at the conclusion of the Army's certification training through which the SARC and VA candidates must demonstrate the requisite skills and knowledge for carrying out their advocacy duties. SARC and VA candidates are required to complete a course survey to help identify areas of strength, potential ways to enhance the training, and other issues. SARCs and VAs have also been surveyed after assuming duties to see how effective the training was in preparing them for their duties.</p> <p>When new training is introduced, an assessment team attends a maiden launch of the training to validate the material. This informs modifications, training practices, exercises, and timeframes. Student, observer, and instructor feedback are all applied to enhancing the training. Once fully fielded, the SHARP Program Office may choose to send a representative to a training location to ensure adherence to standard and to</p>

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	<p>identify any emerging issues. Instructors also provide a training report in which they also provide input for needed enhancements and training issues/challenges. The Workplace and Gender Relations Surveys and the Army Operational Troops Surveys include questions for victims pertaining to their satisfaction with their SARCs and VAs.</p> <p>We measure success by the number of properly screened candidates who attend and successfully complete our credentialing training, are certified by NOVA, and continue to maintain their certification. We also look to whether or not we have fully qualified personnel who meet Army standards for advocacy positions and fill requirements across the force. Vacancies in a position required to be filled by law are a negative indicator. Survey results, site visit and focus group feedback, as well as command climate survey data are important tools in measuring our success in this area. Reporting confidence is also a consideration in evaluating SARC and VA performance, as they must be perceived to be approachable, available, knowledgeable, and capable of addressing privacy concerns.</p>
USAF	<p>(AF) SARC training will be tracked and must include the 40-hr SARC course (will be increased to 64 hours in January 2014), annual refresher training after initial certification through the National Organization for Victim Assistance (NOVA), and 35 CEUs every two years for recertification. Starting in January 2014, a SARC training evaluation will be included at the end of the training. The AF is creating a measure of effectiveness of SARC training. Finally, victim satisfaction (overall and for each individual/agency that victims may come in contact with in the process of making a report, proceeding through an investigation, etc.) will be measured with a victim satisfaction survey. This is currently being developed.</p>
USN	<p>The Navy SAPR Program requires SARCs to receive 80 hours of National Advocate Credentialing Program (NACP) approved training (40 hours of online SARC training and 40 hours of in-person initial SAPR VA training provided by a SARC). SARC training includes training on how to supervise staff, case management, trainer skill building, Sexual Assault Case Management Group (SACMG) facilitation, SAPR Command Personnel cross training (SAPR Point of Contact, SAPR Data Collection Coordinator, SAPR Command Liaison), and other sexual assault topics. All SARCs are certified through the Defense-Sexual Assault Advocate Certification Program (D-SAACP) prior to providing direct services to sexual assault victims.</p> <ul style="list-style-type: none"> • SARCs are also required to complete 2 hours of Defense Sexual Assault Incident Database (DSAID) training. • Every two years, SARCs are required to recertify with D-SAACP by completing a minimum of 32 hours of approved continuing education (including 2 hours of mandatory ethics training). • Navy annual SARC Training exceeds the minimum D-SAACP requirements for continuing education. SARCs received a total of 40 hours of in-person training including SAPR program updates, <p>Mock SACMG, Introduction to Victims' Legal Counsel, SARC 101, How to Recruit & Support Unit Victim Advocates UVAs, DSAID & Case Management, Special</p>

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	<p>Victims' Capabilities, Supervision of civilian SAPR VAs, DSAID, Policy Updates, Working in Joint Environments, Working with Navy Operational Support Centers, Preparing for Inspector General (IG) Visits, and Center for Personal and Professional Development Bystander Intervention Training.</p> <ul style="list-style-type: none"> • Commander, Navy Installations Command Headquarters SAPR team facilitates annual webinar series on various SAPR topics Victims' feedback on their satisfaction with the SARCs' services is currently obtained by direct feedback to a SARC and/or SAPR VA, via a Fleet and Family Support Center (FFSC) Customer Satisfaction Survey, with the FFSC Director, and other FFSC professional staff such as the Clinical Counselors. The DOD Safe Helpline provides another avenue for a victim to share their feedback. Future SAPR initiatives include a specific victim satisfaction survey.
USMC	See consolidated answer at the top of this question
USCG	All SARCs receive a three-day Coast Guard-specific SARC training; no mechanism currently in place to measure victim satisfaction with SARC services.

1f. Training of Civilian and Uniformed Victim advocates and victim satisfaction with advocates' services,

DOD	<p>DOD SAPRO</p> <p>The Department is currently collecting information on the number of VAs who are filling positions mandated by the FY12 NDAA and their certification (See DoD Metric #6).</p> <ul style="list-style-type: none"> • See response to question#1(e) above with regard to professional certification and course assessments. • Based on information from the 2012 Workplace and Gender Relations Survey of Active Duty Members, 69% of women who experienced unwanted sexual contact, made an unrestricted or converted report to a military authority, and used a VA were satisfied with the VA assigned to them. This percentage is not statistically different compared to the 2010 WGRA.
USA	<p>The Army consolidated responses e and f:</p> <p>Our SARC and VA training is reviewed and certified by the National Organization of Victim Advocates (NOVA), an independent credentialing authority. After completing the 80-Hour SHARP Certification Course, SARC and VA personnel must submit an application to NOVA, two letters of reference from the command, and have their packets evaluated by a board before receiving NOVA credentials. In order to remain credentialed, the SARC or VA must successful complete 32 hours of continuing education in the area of Sexual Assault every two years to meet NOVA standards so they can remain credentialed. During FY13, we credentialed 11,708 SARCs and VAs. Additionally, there is a practical exercise, tests and evaluation exercises throughout the course, to include a CAPSTONE evaluation exercise at the conclusion of the Army's certification training through which the SARC and VA candidates must demonstrate the requisite skills and knowledge for carrying out their advocacy duties. SARC and VA candidates are required to complete a course survey to help identify</p>

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	<p>areas of strength, potential ways to enhance the training, and other issues. SARCs and VAs have also been surveyed after assuming duties to see how effective the training was in preparing them for their duties.</p> <p>When new training is introduced, an assessment team attends a maiden launch of the training to validate the material. This informs modifications, training practices, exercises, and timeframes. Student, observer, and instructor feedback are all applied to enhancing the training. Once fully fielded, the SHARP Program Office may choose to send a representative to a training location to ensure adherence to standard and to identify any emerging issues. Instructors also provide a training report in which they also provide input for needed enhancements and training issues/challenges. The Workplace and Gender Relations Surveys and the Army Operational Troops Surveys include questions for victims pertaining to their satisfaction with their SARCs and VAs.</p> <p>We measure success by the number of properly screened candidates who attend and successfully complete our credentialing training, are certified by NOVA, and continue to maintain their certification. We also look to whether or not we have fully qualified personnel who meet Army standards for advocacy positions and fill requirements across the force. Vacancies in a position required to be filled by law are a negative indicator. Survey results, site visit and focus group feedback, as well as command climate survey data are important tools in measuring our success in this area. Reporting confidence is also a consideration in evaluating SARC and VA performance, as they must be perceived to be approachable, available, knowledgeable, and capable of addressing privacy concerns.</p>
USAF	<p>(AF) Sexual Assault Victim Advocate's (SAVA) training will be tracked and must include training at their installation by local SARC/SAVA, minimum of 40 NOVA-credentialed hours, and 32 hours continuing education every two years after initial certification through NOVA. The AF is creating a measure of effectiveness of VA training. Victim satisfaction (overall and for each individual/agency that victims may come in contact with in the process of making a report, proceeding through an investigation, etc.) will be measured with a victim satisfaction survey. This is currently being developed.</p>
USN	<p>Civilian and Uniformed SAPR VAs receive 40 hours of NACP-approved initial SAPR VA training as required by DoD. Training topics include: dynamics and effects of sexual assault, sexual assault in the military, prevention strategies, ethics, trauma informed care, cultural competency, confidentiality policy, SARC and SAPR VA roles and responsibilities, crisis intervention, self-care, the military and civilian judicial process, the medical process, resources and referrals, and victims' rights. SAPR VAs are certified through D-SAACP prior to providing direct services to sexual assault victims.</p> <ul style="list-style-type: none"> • Every two years, SAPR VAs are required to recertify with D-SAACP by completing a minimum of 32 hours of approved continuing education (including 2 hours of mandatory ethics training). • Victims' feedback on their satisfaction with the SARCs' services is currently

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	obtained by direct feedback to the SARC and/or SAPR VA, via a Fleet and Family Support Center (FFSC) Customer Satisfaction Survey, with the FFSC Director, and other FFSC professional staff such as the Clinical Counselors. The DOD Safe Helpline provides another avenue for a victim to share their feedback. Future SAPR initiatives include a specific victim satisfaction survey.
USMC	See consolidated answer at the top of this question.
USCG	The Coast Guard trains uniformed Victim Advocates with a three-day Coast Guard-specific VA training; no mechanism currently in place to measure victim satisfaction with VA services. The Coast Guard recently implemented a change to policy that disestablishes civilian Victim Advocates.

1g. Victim Witness Liaisons and victim satisfaction with their services,

DOD	<p>DOD SAPRO</p> <p>The Department is currently collecting information on the number of VAs who are filling positions mandated by the FY12 NDAA and their certification (See DoD Metric #6).</p> <ul style="list-style-type: none"> • See response to question#1(e) above with regard to professional certification and course assessments. • Based on information from the 2012 Workplace and Gender Relations Survey of Active Duty Members, 69% of women who experienced unwanted sexual contact, made an unrestricted or converted report to a military authority, and used a VA were satisfied with the VA assigned to them. This percentage is not statistically different compared to the 2010 WGRA.
USA	<p>The U.S. Army measures the success and effectiveness of Victim Witness Liaisons (VWL) and victim satisfaction with their services through four primary mechanisms: adherence to regulatory requirements, training, number of victims served, and victim questionnaires.</p> <p>First, the Office of The Judge Advocate General of the Army (OTJAG) verifies through Article 6, UMCJ, visits to all installations that Staff Judge Advocates have complied with the requirements of Army Regulation (AR) 27-10, Military Justice, Chapter 17, regarding appointment and certification of VWLs. Victim Witness Liaisons must be designated in writing and should be either a commissioned officer or civilian in the grade of GS-11 or above. A VWL is certified to perform duties after attendance of The Judge Advocate General's Officer Basic Course (JAIBC) or attendance at a DOD or HQDA-sponsored VWL regional training event or after completing training designated by HQDA or the certifying SJA. All current VWLs meet the requirements set forth above.</p> <p>Second, the U.S. Army tracks VWL attendance at HQDA-sponsored training events. The Office of The Judge Advocate General offers training to VWLs annually. In Fiscal Year (FY) 2013, OTJAG conducted training for 25 Army VWLs, Army correctional facility victim assistance personnel, and 19 paralegals designated for direct support of Special Victim Prosecutors, 20-23 August 2013, in Raleigh, North Carolina. From 17 to 19 September, OTJAG also trained 35 Army Special Victim</p>

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	<p>Counsel, four VWLs, and five paralegals designated for direct support of Special Victim Prosecutors, in Seattle, Washington. This training included instruction on working with victims of sexual assault, counterintuitive behavior, transitional compensation, and other Army specific programs that address issues related to sexual assault. Both training programs were held in conjunction with Trial Counsel Assistance Program (TCAP) training for prosecutors to encourage collaboration and continuity of services.</p> <p>Third, the U.S. Army tracks the number of victims served by VWLs and other service providers in the field. During calendar year 2012, Army victim service providers assisted 11,384 victims and 9,298 witnesses.</p> <p>Fourth, beginning in FY 2005, as part of the Army SAPR Action Plan, OTJAG continues to collect and review every Department of the Army (DA) Form 7568, Army/Victim/Witness Liaison Program Evaluation. These forms are provided to each victim and witness in each trial by special or general court-martial, including sexual assault cases. It is also provided to victims and witnesses in cases where there is an investigation pursuant to Article 32, UCMJ, which does not result in a trial. The DA Form 7568 is optional for trials by summary court-martial and nonjudicial proceedings. They are returned anonymously, are reviewed by the local Staff Judge Advocate and forwarded to OTJAG, Criminal Law Division for review quarterly in accordance with AR 27-10, Military Justice, Paragraph 17-28, dated 3 October 2011. These evaluations are overwhelmingly positive.</p>
USAF	<p>(AF) All personnel involved in the military justice process and those responsible for providing required services to victims and witnesses must be familiar with the requirements of (Victim and Witness Assistance Program (VWAP). SJAs are responsible for developing local training programs to ensure compliance. SJAs are also responsible for developing a system for assessing the effectiveness of their program and staff assistance visits examine compliance and the effectiveness of VWAP. (AFI 51-201, Administration of Military Justice, Chapter 7).</p> <p>JA inspection items related to VWAP include:</p> <ol style="list-style-type: none"> 1. Ensuring all personnel involved in the military justice process receive VWAP training. (JA Inspection List, #157) 2. Type and frequency of VWAP training must be documented. (JA Inspection List, # 158) 3. Maintaining a checklist for every case involving a victim, documenting dates of consultations and notifications. (JA Inspection List, #160) <p>The Air Force JAG Corps implemented a Victim Impact Survey (VIS) in March 2013. The survey is provided to all adult victims of sexual assault at the completion of their case by either the SVC or the victim witness liaison if the victim is not represented by an SVC. Questions included on the survey measure the effectiveness of the Victim and Witness Assistance Program. Questions on the VIS measure whether the victim was provided with DD Forms 2701 -2703 (when applicable) and</p>

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	<p>whether these forms were explained to the victim. The VIS also asks victims whether the legal office consulted with the victim on matters where the victim has a right to provide input such as a decision not to bring court-martial charges against the perpetrator, pretrial agreements, and the scheduling of judicial proceedings. Finally, the VIS asks victims how they were treated by the victim witness liaison (as well as other personnel throughout the military justice process) and allows them to provide specific feedback on these individuals.</p> <p>JA can compare inspection results annually to determine whether there are improvements AF wide in compliance with VWAP requirements.</p>
USN	In accordance with OPNAVINST 5800.7A, Victim Witness Liaison Officers (VWLO) are appointed by Regional and Type Commanders to provide overall supervision and oversight of the Victim Witness Assistance Program within their area of responsibility. Feedback mechanisms that ensure an appointed VWLO's compliance with the instruction and responsibilities include Regional/Type commander review and Inspector General review. As the VWLO does not have direct contact with victims and collection is not required by the VWAP instruction, the Navy does not currently collect data on victim satisfaction with VWLO services.
USMC	See consolidated answer at the top of this question
USCG	The Coast Guard does not have a Victim Witness Liaison program.

1h. The investigation of sexual assault cases,

DOD	<p>DOD SAPRO</p> <p>DoD SAPR Metrics Version 1.0 (Metric #5) captures baseline average and median investigation lengths of sexual assault investigations for each Military Criminal Investigative Organization (MCIO). Length is measured from date of victim report to date that all investigative activity is completed.</p> <ul style="list-style-type: none"> • This data will be reported by MCIOs (CID, NCIS, and AFOSI) to the SAPR Joint Executive Council on a quarterly basis. • Metric #5 establishes a baseline for future comparisons and expectations about investigation length. • Investigation length is not a measure of a thorough and professional investigation and may vary greatly depending on the complexity of the allegation and evidence. <p>In 2013, the DoD Inspector General reported the results of a 2010 closed adult sexual assault investigative case review of a random sampling of cases from Army CID, NCIS, and AFOSI. The review found that 455 cases (89%) met or exceeded investigative standards and that 56 cases (11%) had significant deficiencies. DoD IG will conduct another review of 2013 adult sexual assault cases in FY14. The outcome of these reviews will serve as a metric in DoD SAPR Metrics Version 2.0.</p>
USA	<p>The U.S. Army Criminal Investigations Command (CID) will use the following metrics to measure success and effectiveness in regards to the investigation of sexual assault cases:</p> <ol style="list-style-type: none"> 1. Solve rate of sexual assault cases.

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	<ol style="list-style-type: none"> 2. Turnaround time for sexual assault processing at the USACIL. 3. The number of IG complaints made by sexual assault victims. 4. The number of Standards of Conduct Office (CID equivalent of Internal Affairs) complaints made by sexual assault victims. 5. The number of sexual assault cases that were not conducted in a thorough manner (evaluated against investigative protocol standards) as identified by the IG. 6. The number of sexual assault cases that were not conducted in a timely manner (evaluated against investigative protocol standards) as identified by the IG. 7. The number of sexual assault cases that were not reported to commanders and others in a timely manner (evaluated against investigative protocol standards) as identified by the IG. 8. In conjunction with OTJAG, the number of judicial and non-judicial actions initiated in sexual assault cases.
USAF	<p>(AF) DoD and the Air Force track both the number of sexual assault investigations completed and the average/median length of sexual assault investigations by quarter. In addition, the DoD Inspector General (IG) evaluated the Military Criminal Investigative Organizations' (MCIOs') sexual assault investigations completed in 2010 to determine whether they were conducted IAW DoD, Military Service, and MCIO guidance. In 2014, DoD IG intends to evaluate a sampling of MCIO sexual assault investigations closed in 2013 to determine whether they achieved DoD, Military Service and MCIO investigative standards.</p>
USN	<p>Victim studies and surveys indicate an excessively long investigative/judicial process adversely impacts victims. To lessen this impact, NCIS initiated an operational shift wherein teams of NCIS personnel have been dedicated to investigate reports of adult sexual assault in an effort to reduce the length of investigations. Upon receipt of a sexual assault report, NCIS personnel employ a team surge response to complete investigative activity expeditiously; resulting in a quicker delivery of the investigative package to the Convening Authority. The NCIS initiative includes early engagement with legal and victim advocacy personnel. These NCIS surge teams are located in the large fleet concentration areas where the volume of sexual assault reports is the greatest; however, NCIS maintains a surge capability at our smaller or remote NCIS offices. As a result of the team approach, NCIS field offices are experiencing a significant improvement in timeliness for completion of investigative leads or steps within NCIS control. Current data indicates a significant improvement in the duration of these investigations. This timeline does not include the time required to complete evidence analysis and prosecution. NCIS will continue to monitor the timeliness of our investigations as a measure of effectiveness in combating sexual assaults in the military.</p>

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USMC	See consolidated answer at the top of this question
USCG	There are currently no established metrics to measure the "effectiveness" of CGIS investigations. However, CGIS agents are continuing to receive advanced training that provides them with the latest lessons-learned and best practices when responding to these complex cases. This training also includes instruction and practical exercises that specifically address victim interviewing. Additionally, in 2012,CGIS established a Family and Sexual Violence Investigator program, and designated a cadre of CGIS agents who receive mandatory annual refresher training which addresses the latest trends, lessons-learned and best practices when investigating adult and child sexual assault, domestic violence, stalking and similar crimes.

ii. The prosecution and/or final disposition of sexual assault cases,

DOD	DOD SAPRO (11%) had significant deficiencies. DoD IG will conduct another review of 2013 adult sexual assault cases in FY14. The outcome of these reviews will serve as a metric in DoD SAPR Metrics Version 2.0.
USA	<p>The Army has two primary data sources for developing metrics for the prosecution and disposition of sexual assault – the Annual Report to Congress on Sexual Assault and data from the Army Court of Criminal Appeals. Although the Army does track this data as part of an evaluation of the training and effectiveness of our counsel, the Army does not believe that prosecution and conviction rates alone accurately measure the health of a judicial system.</p> <p>The Army, like all the other Services, is required to provide a synopsis, demographic data, a final disposition, and detailed sentencing information on every allegation of sexual assault that falls with the Sexual Assault Response Prevention Program (SAPR) in the Annual Report to Congress on Sexual Assault in the Army. This data is publically available at http://www.sapr.mil/index.php/annual-reports. The data from the Annual Report, when properly broken down by offense, can provide useful information on prosecution and conviction rates.</p> <p>For example, when one looks at the penetrative offenses in which the Army had jurisdiction over the offender and a final disposition was made, commanders prosecuted rape at a rate of 56% and sexual assault (sleeping or incapacitated victim) at a rate of 59%.</p> <p>A Power Point Slide providing the calculations for this data has been provided to the RSP. The Annual Report also provides a benchmark for the same set of offenses that civilian authorities retain jurisdiction over. For the offense of rape, of the 68 cases in which a Soldier offender was prosecuted by civilian authorities, the civilian authorities dismissed the charges in 22 cases, prosecuted lesser non-sexual assault charges in 11 cases, prosecuted the sexual assault charges in seven cases, and had 28 cases still pending. This would correlate to a 17% prosecution rate to the Army 56%. For the offense of sexual assault (sleeping or intoxicated victim), of the 37 cases in which a Soldier offender was prosecuted by civilian authorities, the civilian authorities dismissed the charges in 14 cases, prosecuted lesser non-sexual assault charges in 10</p>

Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.

	<p>cases, prosecuted the sexual assault charges in four cases, and had 10 cases still pending. This would correlate to a 14% prosecution rate to the Army 59% prosecution rate.</p> <p>On the other end of the spectrum of crime (unwanted touches or contact), the Annual Report indicates that in 87% of the founded allegations of wrongful sexual contact (238/272), Army commanders took action against the offender that ranged from court-martial (25% or 68/272), administrative separation (12% or 33/272), Article 15 non-judicial punishment (33% or 91/272) or adverse administrative action (17% or 46/272). In only 13% of the cases (34/272) Army commanders did not have sufficient admissible evidence to take action or the victim declined to cooperate with the investigation. These offenses are often not criminalized in civilian jurisdictions and rarely investigated or prosecuted. The range of tools available in the military justice system allows commanders to address the entire spectrum of crime. The Annual Report data indicates that Army Commanders are effectively addressing the more minor behaviors that could be precursors to more serious offenses. The message to the unit that this type of conduct will not be tolerated is clearly strong.</p> <p>The second source of data is the Army Court of Criminal Appeals (ACCA). This data is important as it addressed a larger range of crime than the Annual Report as it includes child and intimate partner victims. The Army Court of Criminal Appeals provides Army OTJAG leaders with data monthly on sexual assault prosecutions. Data derived from this source indicates that the Army has seen a 68% increase in the number of sexual assault courts-martial (133 to 233) since the inception of our Special Victim Prosecutor Program, while maintaining conviction rates between 60 and 70%. When the ACCA data is expanded to include all special victim crimes (sexual assault and serious family violence) the Army has seen an increase of over 100% in prosecutions, convictions and sentences and include punitive discharges.</p> <p>Nevertheless, the Army understands that prosecution and conviction rates, while an important data point, can never fully measure the health or effectiveness of a system. Commanders pursue challenging cases because that meets the needs of our community, which may result in lower conviction rates. Commanders have a variety of disciplinary tools to address a full spectrum of offenses and cases in which the evidence may be weak, which may result in lower prosecution rates. Therefore, the Army must look to intangibles to measure our performance. The training and selection of counsel, the evaluation of counsels' courtroom performance, the quality and thoroughness of an investigation, the satisfaction of victims and witnesses with the response and services of counsel, the ability of our defense counsel to advocate for their clients, the number of cases in which appellate courts find error, and the adherence to timelines to ensure efficient and timely justice are all factors that we study at the highest levels. Our self-introspection, particularly in the face of internal and external pressures, has been and will continue to be profound and transparent.</p>
USAF	(AF) Disposition of adult sexual assault cases (excluding cases involving domestic and intimate partners) is tracked in the DoD SAPR Annual Report to Congress. The

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	<p>reports are available at the following link http://www.sapr.mil/index.php/annual-reports</p> <p>The Automated Military Justice Analysis and Management System (AMJAMS) collects data pertaining to investigations, nonjudicial punishment, trial by court-martial, and related military justice activity. AMJAMS collects detailed information on offenses and processing timelines as well as demographic information on the participants in the judicial and non-judicial punishment process. The information from AMJAMS provides effective management tools for use by HQ, major commands, general and special court-martial jurisdictions, the judiciary, and appellate divisions. AMJAMS assists in eliminating or highlighting excessive processing delays and in monitoring the current status of military justice actions from the investigation stage through to completion of the appellate process. (AFI 51-201, Administration of Military Justice, Chapter 12)</p> <p>The JA inspection checklist includes numerous items related to the processing of military justice cases:</p> <ol style="list-style-type: none"> 1. All reportable cases and actions are input in AMJAMS, reported in a timely manner, and forwarded through JA channels to ensure quality. (JA Inspection List, #9 and #10) 2. SJA meets regularly with military justice staff on ways to improve case processing, including speedy trial issues. (JA Inspection List, #11) 3. Legal office leadership utilizes a “whiteboard” or alternative visual tool to ensure military justice personnel understand the current status of a case and the next step in the process. (JA Inspection List, #12) 4. SJA is engaged to prevent situations that could be perceived as Unlawful Command Influence (UCI) and commanders are briefed on how to avoid even the appearance of UCI. (JA Inspection List, #16) 5. Several metrics are in place to ensure the timely processing of military justice cases. (JA Inspection List, #73-95) <p>JA can compare inspection results annually to determine whether there are improvements AF wide in compliance with training requirements.</p>
USN	<p>In addition to the multiple layers of evaluations conducted to determine prosecutor effectiveness (para. 1.d.), TCAP provides an additional mechanism to evaluate the effectiveness of disposition decisions in cases involving allegations of a special victims offense. TCAP reviews all special victims offenses weekly, conducting follow up inquiry as necessary, and reviews all cases when they close either through completion of court-martial or alternative disposition. These final reports provide an opportunity to look for trends and determine areas where additional investigation or prosecution resources would have benefited the resolution of the case. TCAP provides regular feedback to the prosecution offices on the disposition of cases and incorporates lessons learned and best practices into both future onsite and online training. TCAP also reviews the monthly results of all courts-martial to measure outcomes in special victims cases against other crimes. These reviews help to distinguish issues that may be unique to special victims offenses and issues which are common to all courts-</p>

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	martial.
USMC	<p>The Marine Corps contributes to the DoD SAPR Annual Report, which includes various measures of effectiveness in SAPR programs, sexual assault reporting, and in holding offenders accountable. Additionally, DoD SAPRO is currently working on developing additional metrics to measure effectiveness.</p> <p>Internally, the Marine Corps tracks all courts-martial through its Case Management System (CMS), which is also used by the Navy. The main purpose of CMS is to ensure timely processing and oversight of all courts-martial. CMS is not a stand-alone system for monitoring sexual assault cases. CMS provides the Marine Corps the ability to track the progress of all courts-martial from Request for Legal Services (RLS) through appellate disposition.</p>
USCG	<p>The Coast Guard tracks all court-martial cases through Law Manager. The main purpose of Law Manager is to ensure oversight of all court-martial cases. In addition, the Coast Guard has collected, organized and analyzed sexual assault allegation data from fiscal year 2009 to 2013. Case data was then evaluated to determine the disposition of each victim's allegation and to determine what action was taken against each subject. Coast Guard is working with its DoD counterparts to develop additional metrics to measure effectiveness.</p>

1j. Overall victim satisfaction, and

DOD	<p>DOD SAPRO</p> <p>The Department regularly conducts Survivor Summits to receive direct feedback, assess the impact the SAPR program may be having on individuals, and evaluate possibilities for program improvements.</p> <p>Also, victim satisfaction has been addressed by questions on the WGR, including the degree to which victims were satisfied with Advocacy Services, Mental Health Care, Medical Care, and Legal Services.</p> <ul style="list-style-type: none"> • Based on information from the 2012 WGRA of women who experienced unwanted sexual contact and reported to a military authority: <ul style="list-style-type: none"> ○ 61% were satisfied with the quality of sexual assault advocacy services they received; ○ 52% were satisfied with the quality of counseling services they received; ○ 49% were satisfied with the quality of medical care they received; ○ 41% were satisfied with the Safe Helpline service they received; ○ 34% were dissatisfied with the reporting process overall; ○ 35% were dissatisfied with the amount of time the investigation process took/is taking; and ○ 48% were dissatisfied with how well they were/are kept informed about the progress of their case. • Based on information from the 2012 Workplace and Gender Relations Survey of Active Duty Members, of women who experienced unwanted sexual contact, made an unrestricted or converted report to a military authority, and used this resource:
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Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.

	<ul style="list-style-type: none"> ○ 56% were satisfied with medical personnel; ○ 52% were satisfied with the chaplain; ○ 45% were satisfied with the Safe Helpline staff; ○ 45% were satisfied with the criminal investigator(s) handling their report; ○ 44% were satisfied with the commander handling their report; ○ 25% were dissatisfied with the Legal Office personnel; ○ 32% were dissatisfied with the Trial Defense Office personnel; and <p>30% were dissatisfied with the legal assistance (not prosecution).</p>
USA	<ul style="list-style-type: none"> ● Chief of Staff of the Army Victim Advisory Panel Sensing Sessions ● DOD Safe Helpline feedback (for trends) ● Workplace inspections ● Army Operational Troops Survey (OTS) ● Health-of-the-Force installation visits ● Senior leader-conducted focus groups ● SHARP Red Team Assessment ● Secretary of the Army Directed - Army Sexual Harassment/Assault Response and Prevention (SHARP) Standdown Plan ● Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program) ● Workplace and Gender Relations Surveys (increased frequency – now every two years) ● Personnel Screening and Certification. ● DOD and DA Inspector General Inspections, Workplace inspections, and Annual Command Assessments ● Annual (Congress, OSD, J-1 and Army Senior Leaders) and Quarterly (OSD, J-1, and Army Senior Leaders) reports (statistics and analysis) ● Annual OSD and Army US Army Military Academy Assessments ● DOD Annual Report on Sexual Harassment and Violence at the Military Service Academies ● Annual “I. A.M. Strong” Sexual Harassment/Assault Prevention Summit Command Outbriefs ● Command Climate Surveys [within 30 days of assuming command (120 days for ARNG and USAR), again at six months and annually thereafter] ● Initial Entry Training Survey ● SAPR program compliance inspections
USAF	<p>i. (AF) Victim satisfaction (overall and for each individual/agency that victims may come in contact with in the process of making a report, proceeding through an investigation, etc.) will be measured with a victim satisfaction survey. This is currently being developed within AF/CVS.</p> <p>ii. JA implemented a Victim Impact Survey in March 2013 to obtain victim feedback and measure the effectiveness of the Special Victims’ Counsel Program and Victim and Witness Assistance Program.</p>
USN	Victims’ feedback on their satisfaction with the SARCs’ services is currently obtained

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	<p>by direct feedback to the SARC and/or SAPR VA, via a Fleet and Family Support Center (FFSC) Customer Satisfaction Survey, with the FFSC Director, and other FFSC professional staff such as the Clinical Counselors. The DOD Safe Helpline provides another avenue for a victim to share their feedback. Future SAPR initiatives include a specific victim satisfaction survey.</p> <p>Data on victim satisfaction with VLC is not available at this time. The initial VLC operating capability is 1 NOV 2013 with Full Operating Capability expected 1 January 2014. Feedback from SARCs and VAs to date has all been very positive.</p>
USMC	See consolidated answer at the top of this question.
USCG	There currently is no mechanism in place to measure overall victim satisfaction.

1k. Any other related metrics that DoD or the Services intend to implement in the near future.

DOD	<p>DOD SAPRO</p> <p>The Department has developed SAPR Metrics Version 1.0, with additional metrics under development. Please see the attached slides for metrics under development.</p>
USA	No other metrics at this time; however, should any others be developed or identified prior to the completion of the RSP report, the Army will provide them to the RSP.
USAF	<p>(AF) We will be measuring climate via the Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (replacing the existing Unit Climate Assessments). This will be implemented starting 1 January 2014.</p> <p>Also, the FY13 NDAA, Sec. 573, requires the services to establish a Special Victims Capability (SVC) to respond to allegations of certain special victim offenses. One of the requirements of the statute is to measure the effectiveness and impact of the SVC from the investigative, prosecutorial, and victim perspectives. Metrics to meet this requirement are currently in development for implementation in the near future.</p>
USN	None.
USMC	See consolidated answer at the top of this question
USCG	The Coast Guard has committed to aligning with our DoD counterparts in the use of DoD SAPR Metrics in the future (see Enclosure 2). Additionally, the Coast Guard submitted a request in October 2013 to participate the Department of Defense's Sexual Assault Incident Database (DSAIL) which will enhance our Service's ability to align with DoD from the point of data entry.

Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.

DOD /



DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE

DOD SAPR Metrics

000052

www.sapr.mil

DOD SAPR Metrics 1.0

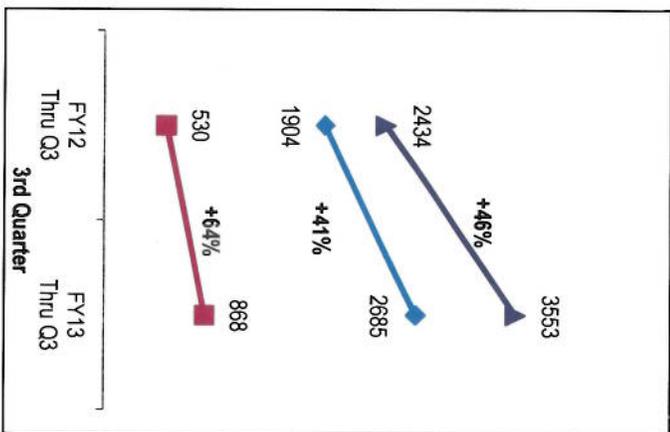
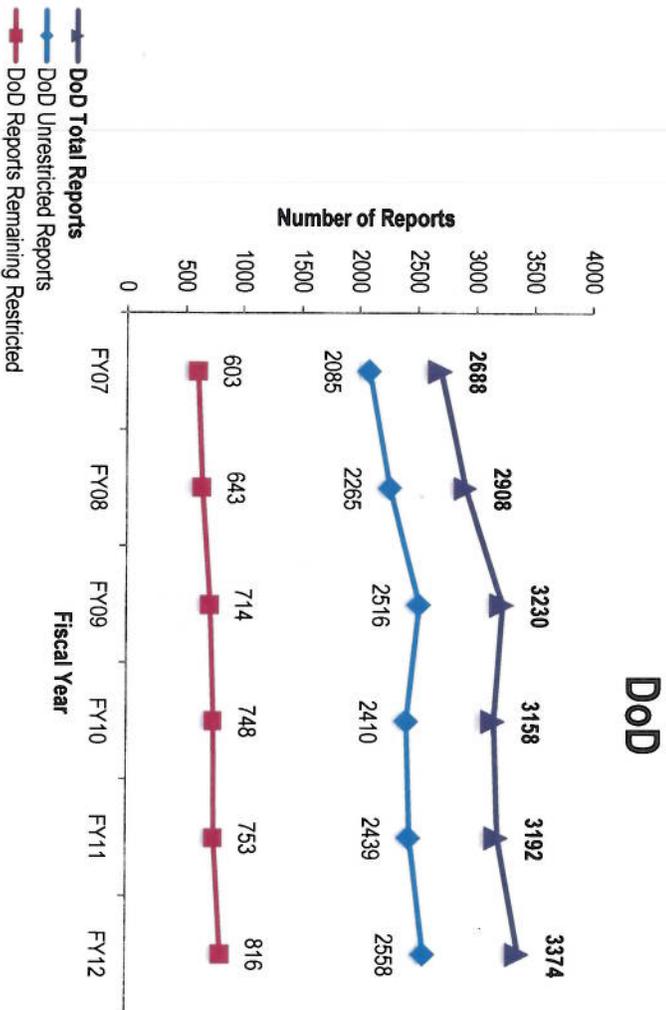
Trends

- Metric 1 – Reports of Sexual Assault
- Metric 2 – Military Victim Reports Per 1000 Service Members
- Metric 3 – Percentage of Sexual Assault Reports for Incidents Occurring Prior To Service
- Metric 4 – Voluntary Conversions from Restricted to Unrestricted Reports

Snapshots

- Metric 5 – Investigation Length
- Metric 6 – Full Time SAPR Personnel Certification

Metric 1: Reports of Sexual Assault



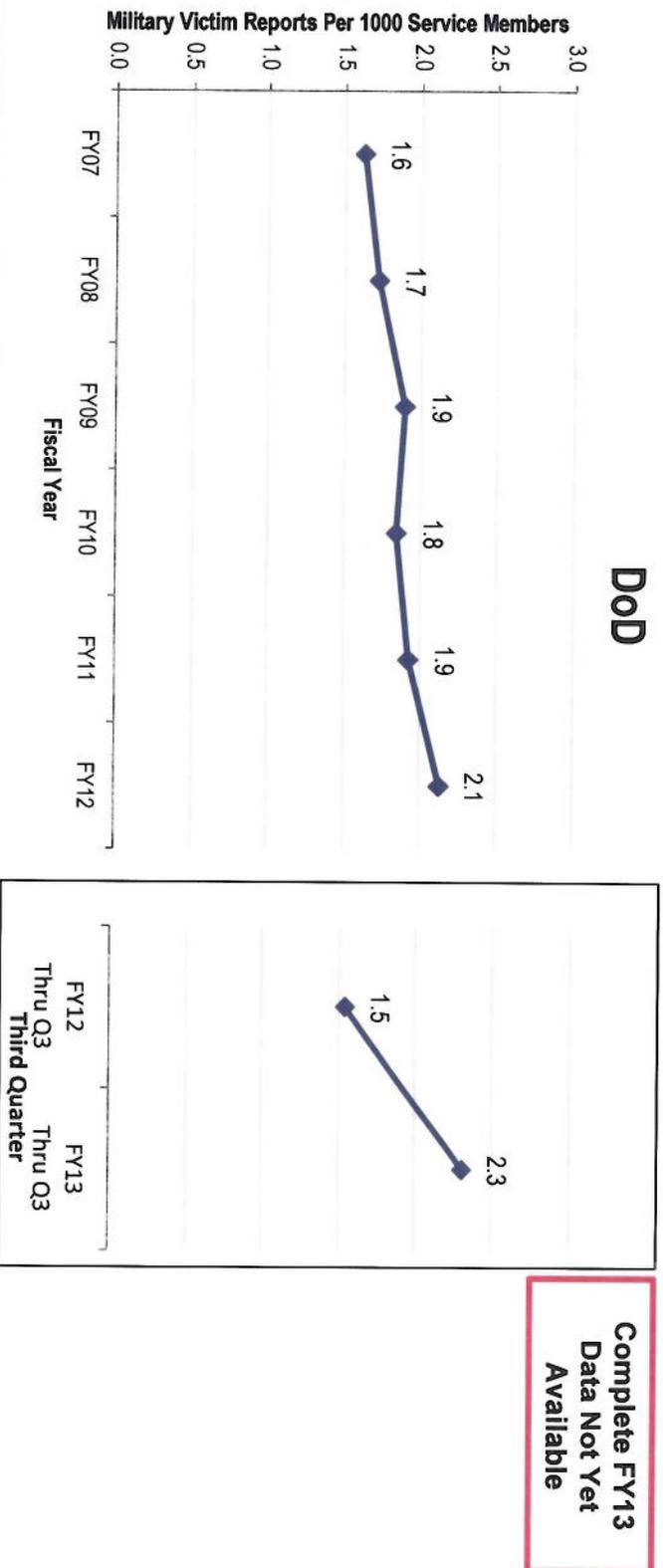
Complete FY13 Data Not Yet Available

Reports of Sexual Assault	Total (+/-)	Unrestricted (+/-)	Restricted (+/-)	% of Reports Restricted
DoD FY13 Thru Q3	3553 (+46%)	= 2685 (+41%)	+ 868 (+64%)	25%
DoD FY12 Thru Q3	2434	= 1904	+ 530	22%

Description: Year to year trend of restricted and unrestricted reports received by the Department.
Frequency: Reported to the SAPR Joint Executive Council (Trank) on a quarterly basis.
Source: Current Source = Service Reporting, Future Source = Defense Sexual Assault Incident Database (DSAID)
Implication: A change in reports of sexual assault may reflect a change in victim confidence in DoD response systems. The continuing growth of Restricted Reporting may be a sign that victims view this option as a valuable and trustworthy means to access support while maintaining confidentiality.
Summary Points:

- The data shows an unprecedented 46% increase in reports of sexual assault in DoD through Q3 FY13, compared with Q3 FY12. All four Services and the Guard show this increase in reporting through Q3, FY13.
- The increase in reporting of sexual assault creates more opportunity for victim care and holding offenders appropriately accountable.

Metric 2: Military Victim Reports Per 1000 Service Members



Victim Reports /1000 Service Members	
Rate/1000 Women	1.5
Rate/1000 Men	12.4

Description: Standardized, year to year trend of sexual assault reports by Service members, which can be used by commanders to assess their individual unit reporting rates. Calculated by taking the total number of military victims in Unrestricted and Restricted Reports, multiplying that total by 1000, and then dividing by Active Duty Service End Strength.

Frequency: Reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

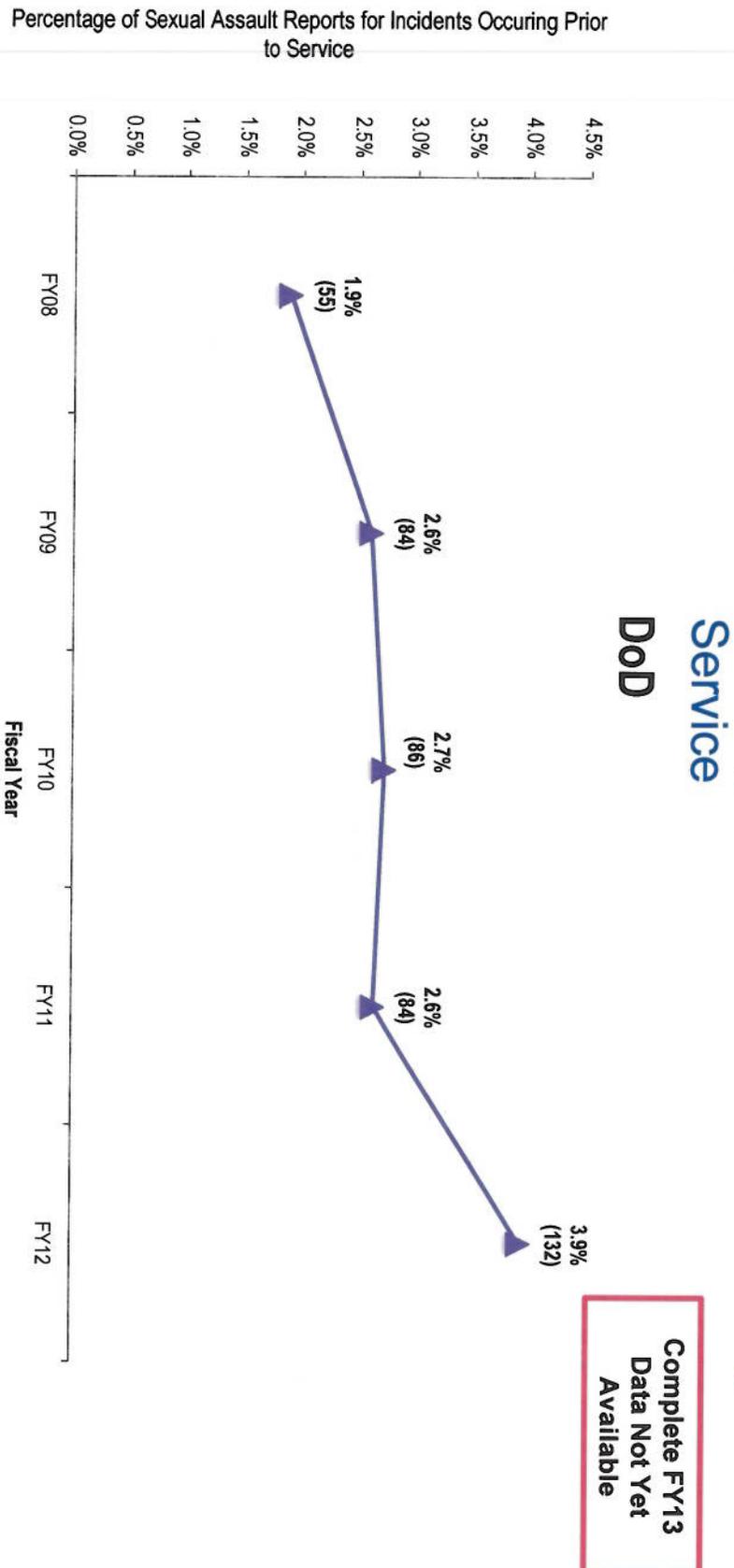
Source: Current Source = Service Reporting, Future Source = DSAID

Implication: The rate creates a reporting statistic which does not vary with force size and is comparable across Services. A change in reports of sexual assault may reflect a change in victim confidence in DoD response systems.

Summary Points:

- The data shows an unprecedented increase in reports of sexual assault in DoD through Q3 FY13, compared with Q3 FY12. All four Services and the Guard show an increase in reporting through Q3, FY13.
- The increase in reporting of sexual assault creates more opportunity for victim care and holding offenders appropriately accountable.

Metric 3: Percentage of Sexual Assault Reports for Incidents Occurring Prior to Service



Description: Of the restricted and unrestricted reports received each year, this metric tracks the portion of sexual assaults reported by Armed Forces members that occurred prior to military service. This percentage is calculated by dividing the number of Unrestricted and Restricted Reports made for an incident that occurred prior to military service by the total number of Unrestricted and Restricted Reports for the year.

Frequency: Reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

Source: Current Source = Service Reporting, Future Source = DSAID

Implication: The choice to make a sexual assault report for an incident occurring prior to service creates increased opportunity for victim care, and may imply a level of victim confidence in DOD response systems.

Summary Point:

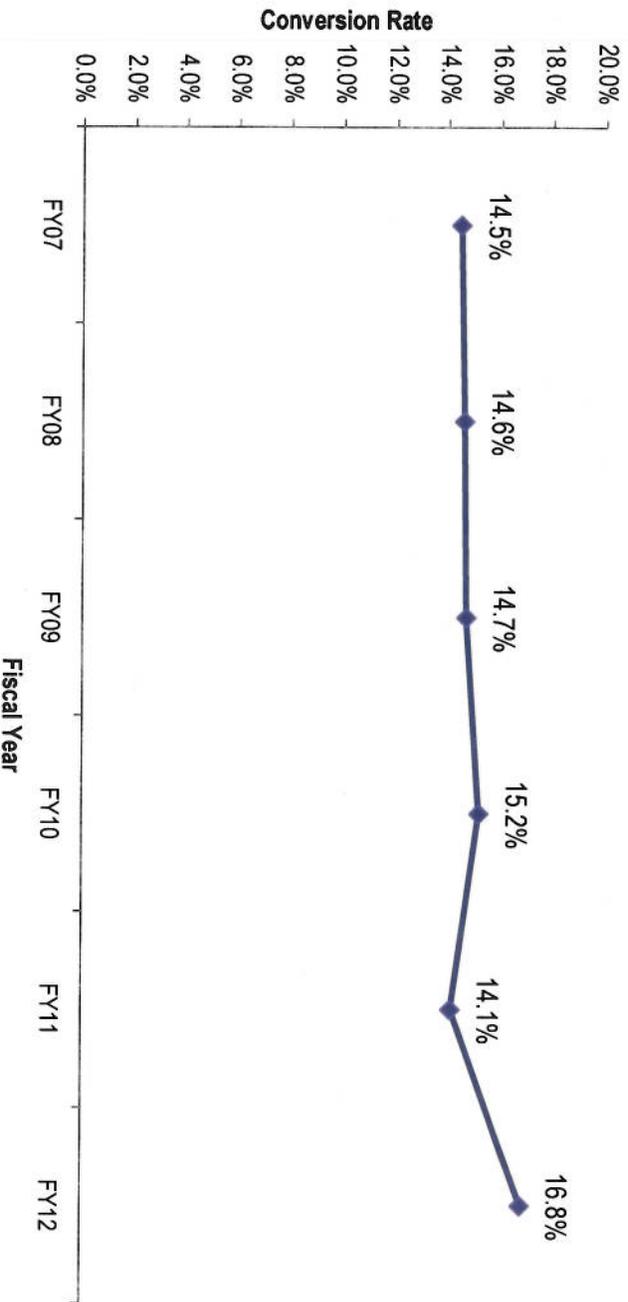
- Generally, there is an upward trend in the percentage of prior-to-service incidents being reported, which may reflect greater confidence in DOD response systems.

Metric 3

000056

Metric 4: Voluntary Conversions from Restricted to Unrestricted Reports

DOD Conversion Rate



Complete FY13
Data Not Yet
Available

Description: Year to year trends in the percentage of Restricted Reports converting to Unrestricted Reports of sexual assault. This percentage is calculated by dividing the number of Restricted Reports that converted to Unrestricted Reports by the initial number of Restricted Reports received during the year.

Frequency: This data will be reported to the SAPR Joint Executive Council (Tank) on an annual basis.

Source: Current Source = Service Reporting, Future Source = DSAID

Implication: Conversions by victims making Restricted Reports may indicate increased victim confidence and desire to participate in the military justice system.

Summary Point:

- In the DoD, rates of conversion to Unrestricted Reporting have stayed stable at about 14-15%, with the exception of FY12 (16.8%)

Metric 4

000057



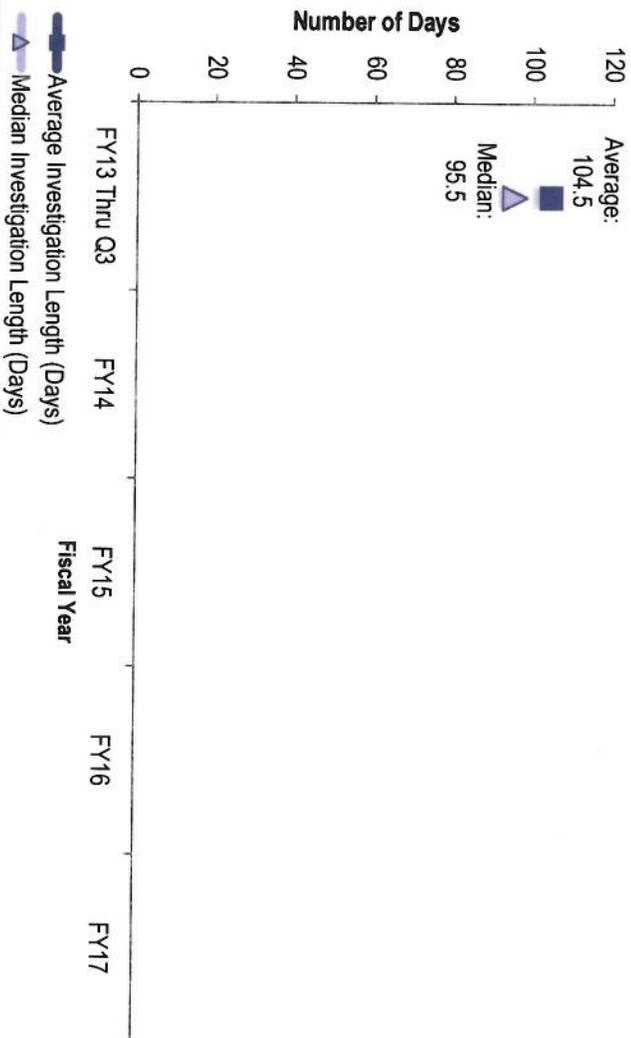
DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE

“Snapshots”

- Metric 5 – Investigation Length
- Metric 6 – Full Time SAPR Personnel Certification

000058

Metric 5: Investigation Length



Complete FY13 Data Not Yet Available

Investigations Information

Completed Year to Date	DOD Thru FY13, Q3
Average Investigation Length (Days)	147.9
Median * Investigation Length (Days)	104.5
	95.5

Description: Baseline average and median investigation lengths of sexual assault investigations for each Military Criminal Investigative Organization (MCI/O). Length measured from date of victim report to date that all investigative activity is completed.

Frequency: This data will be reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

Source: MCIOs (CID, NCIS, and AFOSI)

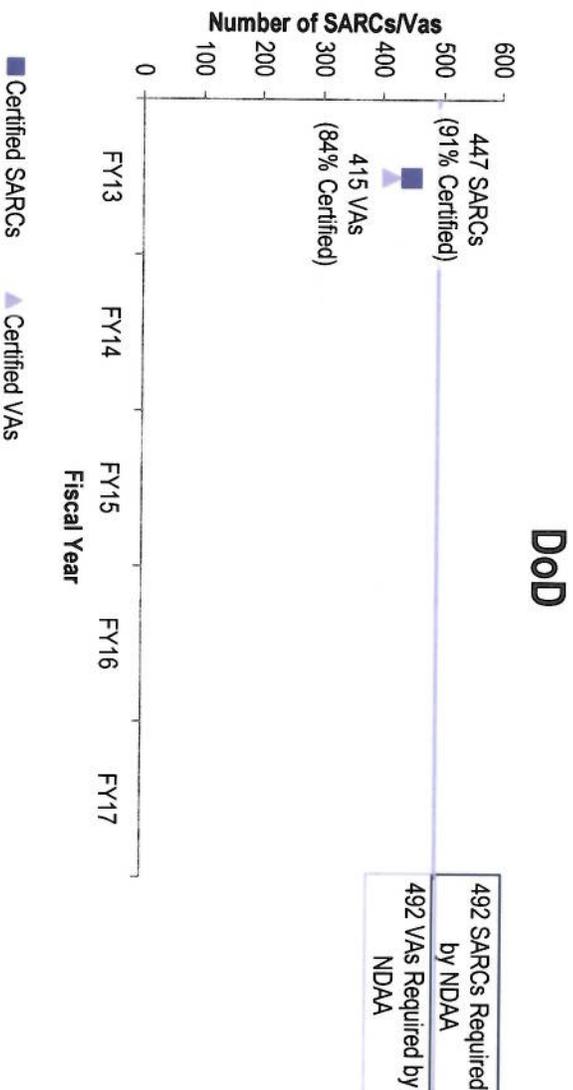
Implication: This establishes a baseline for future comparisons and expectations about investigation length. Investigation length is not a measure of a thorough and professional investigation and may vary greatly depending on the complexity of the allegation and evidence

Summary Point:

- On average, a criminal investigation in the DOD takes a little over 3 months

**Note: The median is a "midpoint" for a set of numbers; it is the value for which half are above and half are below. Unlike an average, the median is less influenced by outliers in a set of numbers.*

Metric 6: Full Time SAPR Personnel Certification



SARC FTEs Required by NDAA	DoD
On Duty	EoY
Certified (% of Required)	492
VAs FTE Required by NDAA	471
On Duty	444
Certified (% of Required)	415 (84%)

Description: Status of manning and certification of Sexual Assault Response Coordinators and Victim Advocates required by FY12 National Defense Authorization Act (NDAA). The “percent certified” is calculated by dividing the number of certified SARCs/VAs by the number of SARCs/VAs required by the FY12 NDAA.

Frequency: This data will be reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

Source: Service Manning Data

Implication: Shows certification status of the legally-required SAPR responders.

Summary Point:

- All Services on track for manning and certification in compliance with FY12 NDAA

Metric 6

000060

DOD SAPR Metrics 2.0

Proposed

Additional Trend Metrics

- Metric 7 – Command Action for Military Subjects under DoD Legal Authority
- Metric 8 – Sexual Assault Court-Martial Outcomes
- Metric 9 – Reporting vs. Prevalence (*Biennial Workplace and Gender Relations Survey*)
- Metric 10 – Percentage of Subjects With Victims Declining To Participate in Military Justice Action
- Metric 11 – Percentage of Penetrating Crimes in Workplace and Gender Relations Surveys
- Metric 12 – Interval Between Incident and Report

Additional Snapshot Metrics

- Metric 13 – DoD IG Closed Sexual Assault Investigation Review
- Metric 14a – Chain of Command Confidence Index by Gender
- Metric 14b – Chain of Command Confidence Index by Rank
- Metric 15a – Intent To Report a Sexual Assault by Gender
- Metric 15b – Intent to Report a Sexual Assault by Rank
- Metric 16a – Bystander Intervention Index by Gender
- Metric 16b – Bystander Intervention Index by Rank
- Metric 17a – Perceived Barriers To Reporting by Gender
- Metric 17b – Perceived Barriers To Reporting by Rank

Army Commander Dispositions

Army FY12 Annual Report

Rape

358 TOTAL Founded Allegations

-66 Civilian or Unknown Perp

292 Soldier offenders

-68 Civilian jurisdiction

224 Remaining Army Reports

-38 Still pending in FY12

186 Ready for Disposition

104 Courts-martial

22 Dismissed
7 Prosecuted
11 Prosecuted non-SA

17% Prosecution Rate (7/40)

28 cases pending
17 discharged while pending civilian trial

**56% Prosecution Rate
(104/186)**

Army Commander Dispositions

Army FY12 Annual Report

Aggravated Sexual Assault/Sexual Assault

(sleeping or intoxicated victim)

379 TOTAL Founded Allegations

-23 Civilian or Unknown Perp

356 Soldier offenders

-37 Civilian jurisdiction

319 Remaining Army Reports

-53 Still pending in FY12

266 Ready for Disposition

157 Courts-martial

14 Dismissed
4 Prosecuted
10 Prosecuted non-SA

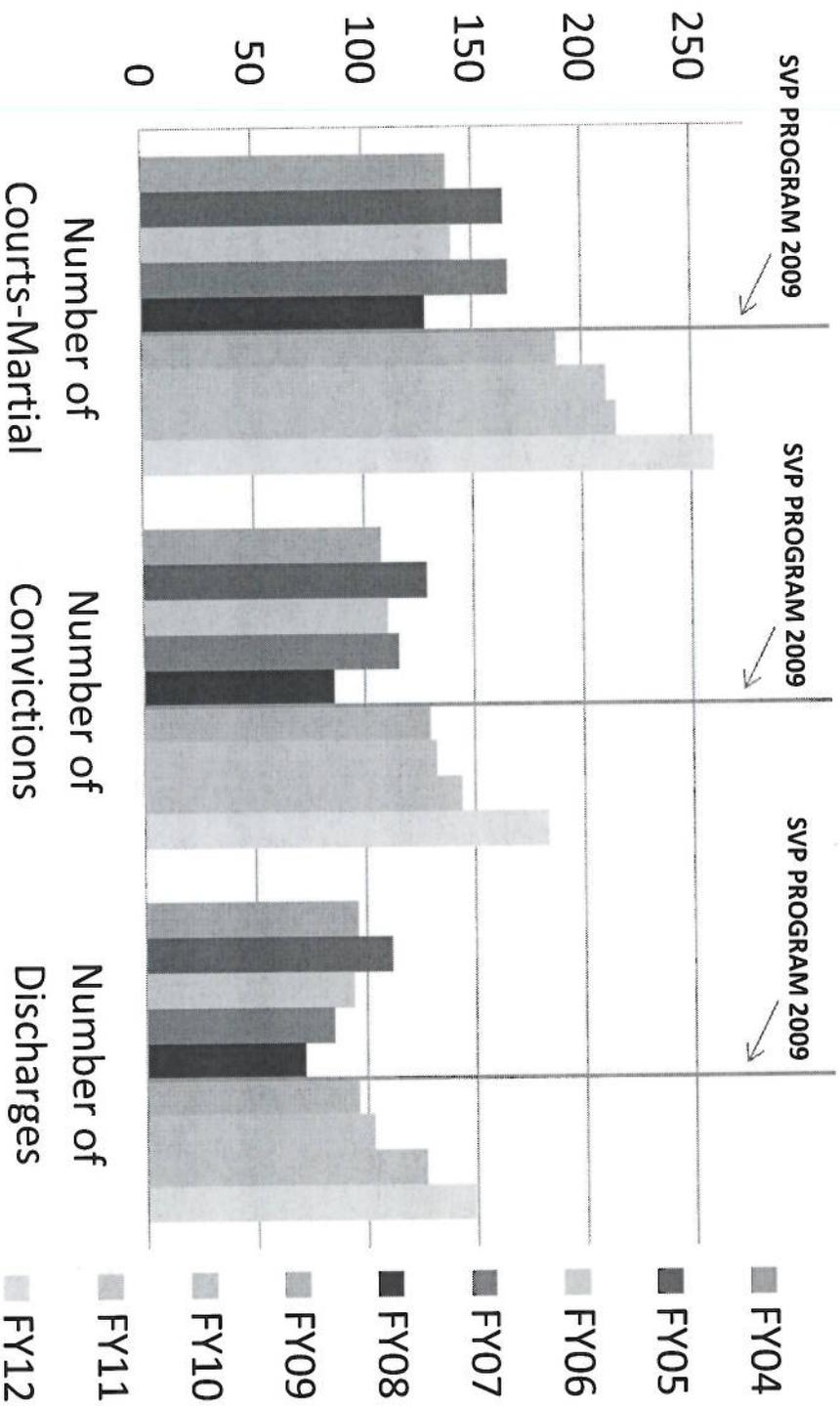
14% Prosecution Rate (4/28)
10 cases pending
10 discharged while pending civilian trial

59% Prosecution Rate (157/266)

Before & After SVP Program (2004-2012)

ARMY-WIDE

SVP Offenses Only- SA/DV Adult/Child





SECRETARY OF THE ARMY
WASHINGTON

27 SEP 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)

1. References:

- a. Memorandum, Secretary of Defense, May 6 2013, subject: Sexual Assault Prevention and Response.
- b. Army Regulation (AR) 600-20 (Army Command Policy), 18 March 2008, Rapid Action Revision Issued 20 September 2012.
- c. AR 623-3 (Evaluation Reporting System), 5 June 2012.
- d. Department of the Army (DA) Pamphlet 623-3 (Evaluation Reporting System), 5 June 2012.

2. Both officers and noncommissioned officers (NCOs) must commit themselves to eliminating sexual harassment and assault and to fostering climates of dignity and respect in their units. The Army is taking important steps to provide new training for our leaders, strengthen our training enterprise for all Soldiers, improve our investigative and military justice capabilities and further professionalize our first responders. Even with strong leader emphasis and innovative new programs, we continue to strive for greater progress in preventing sexual assault in our ranks. In response to the guidance in reference 1a, this directive enhances the Evaluation Reporting System to assess how officers and NCOs are meeting their commitments and to hold them appropriately accountable.

3. Effective immediately for any officer or NCO whose rating period begins after the date of this document, I direct the following changes to the Evaluation Reporting System:

- a. All officers and NCOs will include goals and objectives in furtherance of the commitments outlined in paragraph 2 when completing DA Form 67-9-1 (Officer Evaluation Report Support Form) or DA Form 2166-8-1 (NCOER Counseling and Support Form).

- b. When completing Part V, block b of DA Form 67-9 (Officer Evaluation Report), or Part IV, block d of DA Form 2166-8 (NCO Evaluation Report), raters will assess how

200651

SUBJECT: Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)

well the rated officer or NCO fostered a climate of dignity and respect and adhered to the Sexual Harassment/Assault Response and Prevention (SHARP) Program. This assessment should identify, as appropriate, any significant actions or contributions the rated officer or NCO made toward:

- promoting the personal and professional development of his or her subordinates;
- ensuring the fair, respectful treatment of assigned personnel; and
- establishing a workplace and overall command climate that fosters dignity and respect for all members of the group.

This assessment should also identify, as appropriate, any failures by the officer or NCO to foster a climate of dignity, respect and adherence to the SHARP Program. Additionally, if the rated officer or NCO had a substantiated incident of sexual harassment or sexual assault in his or her unit, the assessment must note the incident and explain how the officer or NCO addressed it.

4. Raters and senior raters will document any substantiated finding, in an Army or Department of Defense investigation or inquiry, that an officer or NCO:

- committed an act of sexual harassment or sexual assault;
- failed to report a sexual harassment or assault;
- failed to respond to a complaint or report of sexual harassment or sexual assault; or
- retaliated against a person making a complaint or report of sexual harassment or sexual assault.

In such cases, the rater and senior rater will take the following actions:

a. The rater will mark "No" in Part IV, block a5 (Respect) of DA Form 67-9 or Part IV, block a3 (Respect/EO/EEO) of DA Form 2166-8. The rater will also include a statement describing why he/she marked "No" in either Part V, block b of DA Form 67-9 or Part IV, block a of DA Form 2166-8 (for example, "Does not support the SHARP Program because of failure to report an incident.").

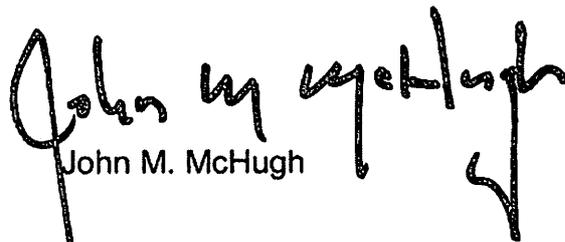
b. The senior rater will further comment on the matter in Part VII, block c of DA Form 67-9 or Part V, block e of DA Form 2166-8, as appropriate.

SUBJECT: Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)

5. The Deputy Chief of Staff, G-1 is the proponent for this policy and, in coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs), will issue appropriate guidance to implement this directive. This directive cancels and takes precedence over any contrary guidance in references 1b through 1d, or in any other relevant Army policy document.

6. The Deputy Chief of Staff, G-1 will incorporate this directive into the next revision of references 1b through 1d and will ensure that the policies set forth herein are incorporated into future versions of regulations, forms, policies, procedures and guidance for officer and NCO evaluations. This directive will remain in effect until each regulation and form is revised.

7. The point of contact for this action is U.S. Army Human Resources Command (AHRC-PDV-E), commercial 502-613-9019, DSN 983-9019, or usarmy.knox.hrc.mbx.tagd-eval-policy@mail.mil.



John M. McHugh

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(CONT)

SUBJECT: Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program)

DISTRIBUTION: (CONT)

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Army Victim/Witness Liaison Program Evaluation

For use of this form, see AR 27-10; the proponent agency is TJAG.

Victim/witness assistance is extremely important to the Army. Military installations around the world have established comprehensive programs to enhance and protect the rights of victims throughout the military criminal justice system. To assist victims/witnesses of crimes investigated or prosecuted by the U.S. Department of the Army, *Army Victim/Witness Liaisons* are appointed by Army Staff Judge Advocates at the various posts in the United States and overseas.

The Army Victim/Witness Liaison Program Office requests your input to evaluate the current services provided by Army Victim/Witness Liaisons. Your responses and comments will provide valuable information that will be used to improve current victim/witness support.

1. I was a victim/witness in a crime that was investigated or prosecuted by the U.S. Department of the Army:

- Yes, I was a victim.
 Yes, I was a witness.

2. I was provided with contact-person information for a Victim/Witness Liaison:

- Within the first 24 hours of my involvement in the investigation.
 Within one week (but longer than 24 hours).
 Longer than one week (number of day _____).
 I was not provided with Victim/Witness Liaison contact information.

3. I was informed of my victim/witness rights:

- Within the first 24 hours of my involvement in the investigation.
 Within one week (but longer than 24 hours).
 Longer than one week (number of _____).
 I was not informed about my victim/witness rights.

4. I was informed of my victim/witness rights by: *(MARK ALL THAT APPLY)*

- The Victim/Witness Liaison.
 Law enforcement (MPs, CID, FBI, etc.).
 Trial counsel (prosecutor).
 Other Government representative _____).
 I was not informed about my victim/witness rights.

5. I was provided with information on victim/witness services available to me (i.e., Victim/Witness Information Packet, verbal discussion, reading materials, etc.):

- Within the first 24 hours of my involvement in the investigation.
 Within one week (but longer than 24 hours).
 Longer than one week (number of day _____).
 I was not informed of victim/witness services that were available to me.

6. I was provided with information on victim/witness services available to me (i.e., Victim/Witness Information Packet, verbal discussion, reading materials, etc.) by: *(MARK ALL THAT APPLY)*

- The Victim/Witness Liaison.
 Law enforcement (MPs, CID, FBI, etc.).
 Trial counsel (prosecutor).
 Other Government representative _____).
 I was not informed of victim/witness services that were available to me.

Army Victim/Witness Liaison Program Evaluation

Please rate each of the following statements as they apply to your interactions with the Victim/Witness Liaison (VWL). If a question does not apply to your interactions, select "Does not apply."

Overall, please rate your satisfaction with your interactions with the Victim/Witness Liaison on the following:

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Does not apply
7. Accessibility of the Victim/Witness Liaison.	X					
8. Precautions taken to ensure my privacy.	X					
9. Precautions taken to ensure my physical safety.	X					
10. Precautions taken to ensure my emotional well-being.	X					
11. The amount of information I received on victim/witness services available to me.	X					
12. The amount of information I received on the legal process I was involved in.		X				
13. Overall support provided to me by the Victim/Witness Liaison.	X					

14. What did the Victim/Witness Liaison do best in meeting your support needs?

Provided emotional and personal support during the trial process. She always was concerned about my emotional well-being. She made herself available during times that she didn't have to.

15. What could the Victim/Witness Liaison have done better to meet your support needs?

Nothing

Thank you for your cooperation!



SECRETARY OF THE ARMY
WASHINGTON

INFO MEMO

09-05-13 15:51 OUT

FOR: SECRETARY OF DEFENSE

FROM: John M. McHugh, Secretary of the Army

SUBJECT: Fiscal Year (FY) 2012 Sexual Assault Report

- The Army's Sexual Assault Report for FY12 is attached. The report is prepared in accordance with the Under Secretary of Defense for Personnel and Readiness memo dated 12 Oct 12, SUBJECT: Data Call for FY12 Department of Defense Annual Report on Sexual Assault in the Military. The report highlights attributes of the Army's Sexual Harassment/Assault Response and Prevention Program, including:
 - The Army's continued commitment to creating a climate where Soldiers live the Army Values, thereby reducing incidents of sexual harassment and assault.
 - The Army's actions and future plans for our comprehensive sexual harassment and sexual assault prevention strategy and related "I. A.M. Strong" campaign. FY12 marks the fourth year for the "I. A.M. Strong" campaign which focuses on leaders maintaining a positive command climate where Soldiers do not tolerate behavior that, left unchecked, may lead to sexual assault.
 - The rate of reported cases of sexual assault in the Army during FY12 was 2.2 per 1000 Soldiers, compared to 2.5 per 1000 in FY11.
- The report contains the following data spreadsheets in the prescribed DoD format:
 - Summary Spreadsheet
 - Spreadsheet 1: Army sexual assault unrestricted report data
 - Spreadsheet 2: Army sexual assault restricted report data
 - Spreadsheet 3: Support services for victims of sexual assault
 - Spreadsheet 4: Combat area of interest (CAI) unrestricted report data
 - Spreadsheet 5: CAI restricted report data
 - Spreadsheet 6: Support services for victims of sexual assault in CAIs
 - Spreadsheet 7: Service Member sexual assault synopses report

COORDINATION: None

Attachments: As stated

Prepared By: Ms. Carolyn Collins, 703-571-7353

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Prior RFI Response – Training for Trial and Defense Counsel

All Air Force judge advocates (JAG) receive significant trial advocacy training and preparatory moot court experience during the initial training course to become JAGs, the Judge Advocate Staff Officer Course (JASOC). To become certified as trial and defense counsel, JAGs must graduate from JASOC, serve effectively as trial or assistant trial counsel courts-martial, and be recommended for certification by his or her supervisory Staff Judge Advocate (SJA) and by a military judge.

The Air Force litigation training roadmap includes foundational courses offered by the Air Force Judge Advocate General’s School (AFJAGS), which include: JASOC, the Trial and Defense Advocacy Course (TDAC), and the Advanced Trial Advocacy Course (ATAC). In order to foster a collaborative approach to SVC investigations and prosecutions, judge advocates are attending jointly with the Air Force Office of Special Investigations (AFOSI) the Sex Crimes Investigation Training Program at the Federal Law Enforcement Training Center and the Advanced Sexual Assault Litigation Course (ASALC) at AFJAGS. Area Defense Counsel (ADC) receive initial training as defense counsel at the Defense Orientation Course.

AFJAGS implemented ASALC in 2013, incorporating course material focused on sexual assault, domestic violence, and child abuse. All Special Victims Unit-Senior Trial Counsel (SVU-STC) are required to attend this course annually. AFJAGS also provides continuing litigation training through its TRIALS program which visits multiple Air Force legal offices each year, and Trial Advocacy Courses, which are held at regional locations so that JAG Corps personnel may receive updated training.

In addition to TDAC, ATAC, and ASALC, trial counsel and STCs may also take advantage of the advanced training courses offered by the other Military Departments and interagency partners. Examples include the Army’s Sexual Assault Investigations & Prosecution Course, Army Special Victims Unit Investigations Course, Prosecuting Complex Cases, and the National District Attorney's Association Prosecution of Sexual Assault Course. These courses hone the skill sets of both trial counsel and AFOSI investigators while facilitating effective partnership in investigating and prosecuting special victim cases.

Trial Counsel:

- JAGs are required to self-report their court-martial experience. “Court-martial experience” is defined as any case that actually proceeds to court-martial (including summary, special, and general courts-martial).
- Court-martial experience is not tracked by whether the case involved sexual assault offenses.
- For JAGs serving in installation level legal offices, the average number of courts-martial is 5.5. This ranges from 0 to 40. There are very few JAGs with more than 20 courts-martial. Most of these JAGs are prior Area Defense Counsel (ADC). Most of those with 0 courts-martial are within their first year in the JAG Corps.

Senior Trial Counsel:

- In general, Senior Trial Counsel (STC) have served for 2-4 years as an installation level trial counsel prosecuting courts-martial, followed by 2 years as an ADC. Once they become an STC, they will serve an additional 2-3 years as prosecutors, typically promoting from Captain to Major during this time period.
- A subset of STCs are members of the Special Victims Unit (SVU-STC). These JAGs follow the same general career path as detailed above. None are elevated to the SVU until they have served at least one year as an STC and not all STCs are elevated to the SVU. In general, a SVU-STC will stay in that position for 2-3 years before moving to their next assignment.
- A bullet background paper (BBP) provided discusses the criteria for elevation to the SVU. These JAGs have also attended a majority of the following training courses:
 - Trial and Defense Advocacy (Air Force)
 - Advanced Trial Advocacy (Air Force)
 - Advanced Sexual Assault Litigation (Air Force)
 - Prosecuting Complex Cases (Navy)
 - Intermediate Trial Advocacy (Department of Justice)
 - Criminal Law Advocacy Course/Prosecuting Sexual Assaults (Army)
 - Special Victims Unit Course (Army)
 - Sex Crimes Investigation Training Program (Air Force)
 - Prosecuting Alcohol-Fueled Sexual Assaults (Navy)
 - National District Attorneys Association Sexual Assault Prosecution

Defense Counsel:

- The Trial Defense Division conducted a data call in August 2013. The statistics provided represent a snapshot in time.
 - Cases were double counted if both an ADC and Senior Defense Counsel (SDC) reported representing the client.
 - These numbers do not reflect cases where the Air Force member under investigation has not yet sought representation.
 - The Air Force JAG Corps experiences high turnover during the summer. These numbers do not include ADC/SDC numbers for personnel who recently rotated to new assignments (and because they were at the end of their tour would have been among the most experienced defense counsel).
 - There are currently 85 ADCs and 19 SDCs in the Air Force JAG Corps.
 - Of the 32 JAGs who entered ADC billets in Summer 2013, the average number of courts-martial (not limited to sexual assault offenses) was 10.5, ranging from 5 to 16. The average number of years in the JAG Corps was just over 3, ranging from 2 to 5. The average number of assignments was 1.56.

<u>Total Clients</u> Accused of Sexual Assault	<u>Average</u> Clients Accused of Sexual	<u>Total Clients</u> Accused of Sexual Assault	<u>Average</u> Clients Accused of Sexual	<u>Total Clients</u> Accused of Sexual Assault	<u>Average</u> Clients Accused of Sexual

	Offenses	Assault Offenses	Offenses Who Had Charges Preferred	Assault Who Had Charges Preferred	Offenses Whose Case Went to Trial	Assault Offenses Whose Case Went to Trial
ADC	645	7.58 (range from 0 to 18)	332	3.9 (range from 0 to 14)	229	2.7 (range from 0 to 14)
SDC	182	9.5 (range from 2 to 25)	135	7.1 (range from 2 to 13)	112	5.9 (range from 2 to 11)

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**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 51-201

6 JUNE 2013



Law

ADMINISTRATION OF MILITARY JUSTICE

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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Certified by: AF/JAA
(Colonel Patricia McHugh)

Pages: 400

Supersedes: AFI 51-201, 21 December
2007

This instruction implements the Uniform Code of Military Justice (UCMJ), the Manual for Courts-Martial (MCM), and Air Force Policy Directive (AFPD) 51-2, *Administration of Military Justice*. It provides guidance and procedures for administering military justice. Users of this instruction must familiarize themselves with the UCMJ, MCM, and applicable Department of Defense (DoD) Directives. It applies to individuals at all levels, including Air National Guard (ANG) members and Air Force Reserve Command (AFRC) members. Commands may supplement this instruction only with the prior, written approval of Air Force Legal Operations Agency, Military Justice Division (AFLOA/JAJM), 1500 West Perimeter Road, Suite 1130, Joint Base Andrews Naval Air Facility Washington, MD 20762; DSN 612-4820. This instruction requires the collection and maintenance of information protected by the Privacy Act of 1974. The authority to collect and maintain this information is in 10 U.S.C. §§ 854 and 865. Privacy Act System of Records Notice F051 AF JA I, *Military Justice and Magistrate Court Records*, applies. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through Major Command (MAJCOM) functional managers. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFRIMS).

13.7.1. Release of Court-Martial Record of Trial. RCM 1103(b)(2) defines a court-martial record of trial. The court-martial record of trial is subject to release determination under the Privacy Act and Freedom of Information Act. Information marked as classified, controlled, or sealed by judicial order should not be released absent an authoritative determination of releasability. A transcript of oral proceedings is not a record until authentication. When releasing records of trial under this paragraph, redact all Victim and Witness Protection Act and Privacy Act protected data, to include the names of victims of sex offenses, the names of children (under the age of 18), and the identity of victims who could be harmed by disclosure of their identity.

13.7.2. Release of Other Military Justice Documents or Records. All other documents or records, including documents which will become part of a record of trial, and including those which are attached to the court-martial record of trial but not made a part of the record of trial under the provisions of RCM 1103 (for example, an Article 32 report and its attachments) are also subject to release determination under the Privacy Act and Freedom of Information Act. However, due regard will be given to the potentially heightened privacy interests of an accused where a case has not been fully adjudicated as well as to whether any exemption, such as those included to protect ongoing deliberative processes or investigative processes should be invoked. Information marked as classified, controlled, or sealed by judicial order should not be released absent an authoritative determination of releasability. When releasing military justice documents or records under this paragraph, redact all Victim and Witness Protection Act and Privacy Act protected data, to include the names of victims of sex offenses, the names of children, and the identity of victims who could be harmed by disclosure of their identity.

13.7.3. Cases Disposed of by Acquittal or Action Other Than Court-Martial. When the charges against an accused were disposed of by an action other than court-martial, or when a court-martial results in an acquittal, due consideration must be given to the likelihood that the accused may have increased privacy interests in the protection of information contained in military justice documents or records. Less serious misconduct, which is handled administratively rather than judicially, generally is not considered of sufficient public interest to outweigh the privacy interest of the individual.

Section 13E—Special Interest Reports (SIRs)

13.8. Reporting Special Interest Cases to HQ USAF. Certain offenses committed by Air Force members generate requests for information within HQ USAF, regardless of the member's grade or disposition by military or civilian authorities. Similarly, an accused's grade itself may generate requests for information, or necessitate HQ USAF knowledge of an alleged offense. SJAs must be sensitive to reporting requirements in this chapter, and make complete and timely reports. Reporting Special Interest cases is a base level responsibility. Reports should be prepared and forwarded within 24 hours of learning of the incident to AFLOA/JAJM by the base legal office prosecuting the case or, if the case is in a civilian court, the base legal office servicing the unit where the accused is assigned. None of the reporting requirements are intended to preclude a commander's complete evaluation of a case before deciding what action, if any, to take.

13.8.1. Officer, Cadet, CMSgt and SMSgt Cases. Regardless of offense, report all investigations into allegations involving officers, cadets, CMSgts, and SMSgts.

13.8.2. Serious Crimes. Regardless of grade, report cases involving the following crimes, including attempts, conspiracies, and solicitations to commit these crimes:

13.8.2.1. homicide;

13.8.2.2. sexual assault;

13.8.2.3. espionage, subversion, aiding the enemy, sabotage, spying, or violations of punitive regulations or statutes regarding the handling of classified information or the foreign relations of the United States;

13.8.2.4. environmental crimes, including civilian felony prosecution;

13.8.2.5. fraternization and unprofessional relationships; and

13.8.2.6. anthrax or smallpox refusals.

13.8.3. Cases with Command or Media Interest.

13.8.3.1. Report any case where the local chain-of-command for the accused or subject would likely provide information about the case to the MAJCOM commander and/or Headquarters Air Force (HAF). SJAs should also work with their respective command post to ensure they are made aware of criminal activity and other legal-related events or incidents reported to higher headquarters via OPREP3 as provided for in AFI 10-206, *Operational Reporting*.

13.8.3.2. Report any other case with potential community reaction, or potential or actual media coverage.

13.8.4. Report Format. Use the Special Interest Report in AMJAMS to generate reports. Ensure the initial report includes a detailed summary of the case by filling in all AMJAMS data fields. Include a thorough description of offenses, dates, UCMJ articles allegedly violated, the number of specifications under each offense, sufficient detail to provide senior leadership with a clear understanding of the facts and circumstances involved, whether media attention is anticipated, and any other unusual or significant features of the case. Identify incomplete facts in the report and follow-up as soon as possible.

13.8.4.1. Ensure sensitive investigative information is not included in the SIR without concurrence of the AFOSI Detachment Commander/Special Agent-in-Charge (SAC) or other investigating agency. See paragraph 13.31 for examples of sensitive investigative information.

13.8.4.2. For matters investigated by commander-directed investigation (CDI), IG or MEO, summarize the allegations, and when final, identify both substantiated and unsubstantiated findings.

13.8.4.3. For cases disposed of by NJP or administrative action (e.g. LOR or LOC), identify the wrongdoing or offenses alleged (e.g. "On (date), Subject served NJP/LOR for...").

13.8.4.4. For cases disposed of by civilian authorities, include information that identifies the court and jurisdiction and summarize the charges, pleas, findings and sentence.

- 13.8.4.5. If a matter was disposed of without action, explain why.
- 13.8.4.6. With sexual assault cases, make sure to put whether or not an STC was consulted under the “Pending Offense” subfolder, “Case Information” tab.
- 13.8.5. When to Report. Submit reports:
- 13.8.5.1. Within 24 hours after learning of an incident in any of the above-mentioned categories;
- 13.8.5.2. When a significant event in a reported case occurs after initial reporting. Significant events include disposition of investigation, when jurisdiction is obtained from civilian authorities, preferral of charges, trial, results of trial, Convening Authority action, date Article 15 offered, date Article 15 punishment imposed, and media interest;
- 13.8.5.3. Continue to submit reports until completion of administrative or disciplinary action, to include the decision whether to file the action in an OSR, or as directed by AF, MAJCOM or NAF legal offices. Exception: in officer cases involving involuntary separation, continue to report until completion of discharge processing.
- 13.8.6. When updating or reporting initial SIRs in accordance with triggering events listed in the previous paragraph, use the following format for the e-mail subject line as appropriate: (FOUO) NEW SIR: CASE ID # - RANK SURNAME – BASE; (FOUO) UPATED SIR: CASE ID # - RANK SURNAME – BASE.
- 13.8.6.1. All current event updates to a SIR should be completed no later than the 25th of each month.
- 13.8.7. AMJAMS Process. All special interest reporting should be accomplished via AMJAMS using the reports located on the AMJAMS reports page. Reporting special interest cases is a base responsibility. Updates should be made after every significant event until final disposition (e.g., Article 15, administrative action, preferral, Article 32, referral).
- 13.8.7.1. SAF and NAF/MAJCOM SIR buttons are located in the Special Interest Folder of AMJAMS. Click the “Special Interest reporting required” button for all cases listed in the paragraphs 13.8.1 to 13.8.4. The “NAF/MAJCOM SIR” button is selected when a NAF/MAJCOM requires additional reporting not required by this AFI and the information is for use by each individual NAF and MAJCOM.
- 13.8.7.2. Transmitting SIRs to AFLOA/JAJM. In addition to the requirement in paragraph 13.8.4, updates are made in AMJAMS by going to the AMJAMS Reports page on the web and selecting Special Interest Report. Next, put in the case ID and select case notes and run the report. Save a “pdf” copy of the SIR and send it to AFLOA/JAJM via e-mail to JAJM.SIR@pentagon.af.mil.

Section 13F—Reporting Referral of Additional Charges in Cases Pending Review

13.9. Reporting Referral of Additional Charges in Cases Pending Review. If a case is pending review under Articles 66, 67 or 69, UCMJ, the headquarters referring new charges must notify AFLOA/JAJM of the facts relating to the new charges.

Section 13G—Reporting Foreign National USAF Member Cases

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SUBJ/DEPARTMENT OF THE NAVY COMPREHENSIVE VISUAL INSPECTION OF ALL DON WORKPLACES//

REF/A/DOC/SECDEF/MEMO/06MAY13//
REF/B/DOC/SECNAVINST/5300.26D/03JAN06//
REF/C/DOC/SECNAVINST/5350.16A/18DEC06//
REF/D/DOC/OPNAVNOTE/5400/SNDL/01OCT12//
NARR/REF A is Secretary of Defense memo on Sexual Assault Prevention and Response. REF B is SECNAVINST 5300.26D, The Department Of The Navy (DON) policy on Sexual Harassment. REF C is SECNAVINST 5350.16A, Equal Opportunity within the DON. REF D is OPNAVNOTE 5400, Standard Naval Distribution List.//

RMKS/1. IAW REF A, this ALNAV directs that the Under Secretary of the Navy, Chief of Naval Operations (CNO), and Commandant of the Marine Corps (CMC) perform a comprehensive visual inspection of all DON workplaces to ensure they are free from materials that create a degrading, hostile, or offensive work environment. Inspections of all DON workplaces, including the U.S. Naval Academy, must be completed NLT 28 June 2013, and inspection results reported to me by 12 July 2013.

2. Applicability. this ALNAV applies DON-wide. The government workplaces of all DON Sailors, Marines, and civilian employees are subject to comprehensive visual inspections.

3. Purpose. All DON personnel shall be treated with dignity and respect. As stated in REFs A through C, fostering a command climate free of all forms of unlawful discrimination, including sexual harassment, is essential to maintaining high morale, good order, discipline, and readiness. The inspections directed by this ALNAV aim to eliminate materials that create a degrading, hostile, or offensive work environment and to ensure a professional workplace for all DON personnel.

4. Procedures

4.A. Authorized inspection locations. All DON Commanders, Commanding Officers, Officers-in-Charge, and civilian directors shall direct comprehensive and regular inspections of all workplaces and common access spaces under their control for materials listed in subparagraphs 4.D and 4.E.

4.B. Workplaces include but are not limited to:

4.B.1. Office buildings, facilities, naval vessels, aircraft, government vehicles, hangars, ready rooms, conference rooms, individual offices, cubicles, storage rooms, tool and equipment rooms, workshops, break rooms, galleys, recreation areas, Navy and Marine Corps Exchanges, and heads.

4.B.2. Sensitive compartmented information facilities, and other secure facilities.

4.B.3. Common areas of on-base military barracks and bachelor quarters, to include onbase Private-Public Venture (PPV) barracks.

4.B.4. Common areas of off-base PPV barracks if entry/inspection is allowed by the terms of the PPV agreement or if the PPV operator allows entry for this purpose.

4.B.5. All DON school houses and training facilities including, but not limited to, the U.S. Naval Academy, the Naval Academy Preparatory School, Officer Candidate School, Naval Reserve Officers Training Corps Units, the Basic School, Officer Development School, Recruit Training Command, and Marine Corps Recruit Depots.

4.C. Limitations. For purposes of this specific inspection, DON Commanders, Commanding Officers, Officers-in-Charge, and civilian directors will not inspect assigned government laptop or desktop computers (with the exception of visible screensavers), assigned individual barracks rooms/living quarters, assigned desk drawers, assigned cabinet drawers, clothing (e.g., coats), assigned lockers, purses, brief cases, backpacks, private automobiles, and personal electronic devices (e.g., iPads, iPhones, etc.).

4.D. Removal and documentation of degrading or offensive materials.

4.D.1. DON Commanders, Commanding Officers, Officers-in-Charge, and civilian directors will effect the removal of material that a reasonable person would consider degrading or offensive and document any

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material discovered during the course of workplace inspections.

4.D.2. Degrading or offensive material includes, but is not limited to, documents, logs, books, pictures, photographs, calendars, posters, magazines, videos, props, displays, or other media, including electronic media, that contain inappropriate depictions and are detrimental to a professional working environment.

4.D.3. Degrading or offensive materials are to be immediately removed from the workplace by the service member/civilian who possesses such materials or by the responsible supervisor if the responsible individual is not present for the inspection.

4.D.4. Appropriate disciplinary or administrative action may be considered if an individual fails to comply with an order to remove degrading or offensive material from the workplace.

4.D.5. If there is doubt as to whether material is degrading or offensive, the individual conducting the inspection shall remove the material from the workplace to ensure a professional work environment.

4.E. Command seizure and documentation of contraband.

4.E.1. Individuals conducting the inspection will immediately seize and document any contraband discovered during the course of workplace inspections.

4.E.2. Contraband includes materials that are patently lewd, lascivious, obscene, or pornographic, as well as supremacist images, publications, or materials.

4.E.3. If evidence of a crime is discovered during an inspection (e.g., child pornography, illegal drugs or paraphernalia, unauthorized weapons, stolen property, etc.), individuals conducting the inspection are to immediately contact the Naval Criminal Investigative Service and comply with applicable standard procedures.

5. Additional guidance

5.A. The authority to conduct workplace inspections may be delegated to an appropriate level within a command, unit, or activity, but no lower than the E-7 or civilian supervisory level. Individuals conducting an inspection shall have the appropriate access and clearance.

5.B. While not the focus of this inspection, government computers remain subject to inspection pursuant to applicable laws and regulations. Commanders, Commanding Officers, Officers-in-Charge,

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and civilian directors have a continuing responsibility to ensure appropriate procedures are in place which prevent degrading, offensive or unlawful material from being stored on government computers.

5.C. DON Commanders, Commanding Officers, Officers-in-Charge, and civilian directors remain responsible and accountable for ensuring compliance with this ALNAV, and must provide clear guidance and intent to those members delegated authority to conduct inspections.

5.D. Each area and person affected by the inspection is to be subject to the same level of inspection.

5.E. Commands should leverage their Equal Opportunity Advisors, Staff Judge Advocates, and Command Counsel when determining what material creates a degrading or offensive work environment. Commands should consult their Staff Judge Advocate or Command Counsel on any questions related to the handling of contraband or suspected criminal activity revealed during the inspection.

5.F. With respect to PPV inspections, installation Commanding Officers will coordinate with the responsible PPV partner.

5.G. DON Commanders, Commanding Officers, Officers-in-Charge, and civilian directors will insure that a copy of this ALNAV is provided to their local bargaining unit pursuant to the terms of the applicable collective bargaining agreement.

6. Reporting

6.A. Deadline for submission to SECNAV. The Under Secretary of the Navy (for the Office of the Secretary of the Navy), CNO, and CMC will submit final reports of inspection results from their respective claimancies to the DON SAPRO NLT 12 July 2013.

6.B. Inspection results from each echelon shall report the amount and type of inappropriate material found, the location where discovered (individual workspace, common workspace, or electronic media), and how the material was removed.

6.C. All commands shall document inspection results using the standardized reporting template that can be downloaded at: [HTTP://WWW.DONSAPRO.NAVY.MIL](http://www.donsapro.navy.mil).

6.D. Report submission

6.D.1. The Office of the Secretary of the Navy. The Heads of Echelon I commands/activities under the direct supervision of SECNAV per REF D shall receive and consolidate inspection results from their

subordinate commands/activities, and submit results to the DON Assistant for Administration.

6.D.2. Commands Administrative Control (ADCON) to CNO. Echelon II Commanders shall receive and consolidate inspection results from their subordinate commands/activities as delineated by REF D, and submit results to Director, Navy Staff.

6.D.3. Commands ADCON to CMC. Echelon II Commanders shall receive and consolidate inspection results from their subordinate commands/activities, and submit results to Director, Marine Corps Staff.

7. DON Commanders, Commanding Officers, Officers in Charge, and civilian directors will ensure that visual inspections of all DON workplaces are conducted on a regular basis, not less than annually. The Naval Inspector General and Deputy Naval Inspector General for Marine Corps Matters are directed to review and address this ongoing requirement during regular command inspections and assessments.

8. Leaders at all levels are responsible and accountable for ensuring DON workplaces remain professional and free from degrading, hostile, and offensive material.

9. Released by Ray Mabus, Secretary of the Navy.//

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DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

OPNAVINST 5800.7A
N131
4 Mar 08

OPNAV INSTRUCTION 5800.7A

From: Chief of Naval Operations

Subj: VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)

Ref: (a) DoD Directive 1030.1 of 13 Apr 04
(b) DoD Instruction 1030.2 of 4 Jun 04
(c) SECNAVINST 5800.11B
(d) MCO P5800.16A
(e) 10 U.S.C., Chapter 47
(f) Manual for Courts-Martial, 2005
(g) SECNAVINST 1752.4A
(h) SECNAVINST 1752.3B
(i) BUPERSINST 5800.3A
(j) 5 U.S.C. § 552a
(k) 5 U.S.C. § 552
(l) DoD Instruction 1342.24 of 23 May 95
(m) OPNAVINST 1750.3
(n) DoD FMR Vol. 7B, Chapter 59 of Jun 01

Encl: (1) Definitions

1. Purpose. To establish policy, designate responsibility and provide guidance for the implementation of the Victim and Witness Assistance Program (VWAP) per references (a) through (c). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 5800.7.

3. Definitions. Definitions used in this instruction are provided in enclosure (1).

4. Discussion

a. The military justice system operates to ensure good order and discipline is maintained and for the protection of persons and property. Without the cooperation of victims and witnesses, the military justice system would cease to function. In order to ensure the needs of the victims are properly

addressed, Congress enacted a series of laws intended to inform victims and witnesses of their rights and responsibilities in the criminal justice system. Per references (a) and (b), the Department of Defense (DoD) has established policy in this area and directed implementation of relevant provisions of law. This instruction provides further guidance on the implementation of VWAP pursuant to reference (c).

b. Victims and witnesses of crime normally suffer some adverse impact from the crime. The VWAP is designed to minimize the effects of crime and to help victims and witnesses understand and participate in the military justice system. The VWAP ensures that Navy personnel are trained to provide appropriate information, referrals, and services.

5. Applicability. The provisions of this instruction apply to all Navy Sailors engaged in the detection, investigation, or prosecution of crime and to Navy Sailors assisting crime victims and witnesses. Guidance on VWAP as it pertains to Marine Corps personnel is found in reference (d). This instruction pertains to crime victims and witnesses of offenses committed in violation of reference (e) and to witnesses of offenses involved in proceedings conducted under reference (f). The provisions of this instruction are not limited to criminal offenses prosecuted at courts-martial. Crime victims do not forfeit their status when offenses are referred to Non-judicial Punishment (NJP) or administrative separation proceedings. In overseas locations, this instruction is limited to victims and witnesses who are Sailors and their families, DoD civilian employees, contractors and their family members.

6. Policy

a. Department of the Navy (DON) personnel will treat all victims and witnesses of crime with dignity and respect. Navy activities and personnel shall mitigate, within the means of available resources and per applicable law, the physical, psychological, and financial hardship suffered by crime victims and witnesses of criminal offenses under reference (e). All reasonable efforts shall be made to foster cooperation of crime victims and witnesses.

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b. Victims of domestic abuse or sexual assault often require assistance beyond the information and referrals required under the VWAP. References (g) and (h) provide additional guidance and specific programs for victims of those crimes.

c. While special attention must be provided to victims and witnesses of serious, violent crime, all crime victims and witnesses shall receive the assistance as outlined in this instruction.

d. The provisions of this instruction are intended to provide internal Navy guidance for the protection and assistance of victims and witnesses and the enhancement of their roles in the military criminal justice process without infringing on the constitutional and statutory rights of the accused.

e. This instruction is not intended to, and does not, create any entitlement, cause of action or defense, substantive or procedural, by any victim or witness or any other person, arising out of the failure to accord a victim or witness the services enumerated in this instruction. No limitations are placed on the lawful prerogatives of the DON or its officials.

f. A crime victim has the following rights:

(1) The right to be treated with fairness and respect for the victim's dignity and privacy.

(2) The right to be reasonably protected from the accused offender.

(3) The right to be notified of court proceedings.

(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

(5) The right to confer with the attorney for the government in the case.

(6) The right to receive available restitution, if appropriate.

(7) The right to information about the conviction, sentencing, imprisonment, and release of the offender from custody.

g. A witness in a court-martial proceeding has the following rights:

(1) The right to be treated with fairness and respect for the witness' dignity and privacy.

(2) The right to be reasonably protected from the accused offender.

(3) The right to be notified of any scheduling changes that will affect the witness' appearance at court-martial.

(4) The right to be notified of the apprehension of an accused, the initial appearance of an accused before a military judge, the release of the accused pending court-martial, and trial proceedings (including entry of a guilty plea).

(5) The right to information about the conviction, sentence, confinement and release from custody of the accused.

7. Program Overview. VWAP is a multi-disciplinary model, as described in reference (b), designed to identify and assist victims and witnesses of crime through the criminal justice process, beginning at the initial report of a crime and continuing through the investigation, prosecution, sentencing, confinement and release of the accused offender.

a. Per reference (c), Chief of Naval Operations (CNO) (N131) is the Component Responsible Official (CRO) for implementation of VWAP in the Navy.

b. Regional Commanders and Type Commanders are responsible for the overall implementation of VWAP in their geographic areas and for acting as the central point of contact for victims and witnesses in the criminal justice process. Program oversight is administered through the Staff Judge Advocate (SJA) office that provides legal support to the Regional and Type Commander.

c. Unit Commanders, commanding officers (COs) and officers in charge (OICs) are responsible for ensuring that victims and witnesses (whether military or civilian) of crimes under military jurisdiction are afforded their rights and kept informed on the status of the case until administrative (non-judicial punishment, administrative separation, or other) or judicial disposition.

d. All disciplines in the military justice process (e.g., law enforcement, security, criminal investigations, convening authorities, legal/judge advocates, and corrections/confinement facilities) are responsible for ensuring a smooth transition of victim and witness assistance as provided for in this instruction during each stage of the criminal justice process.

e. Service providers (e.g., Fleet and Family Service Center (FFSC) personnel, family advocacy counselors, health care personnel, chaplains and legal assistance attorneys) are responsible to provide available services to victims and witnesses and to provide referrals to community based services where appropriate.

8. Responsibilities

a. The CRO is CNO (N131). Responsibility for oversight and administration of the VWAP is delegated to Navy Personnel Command (NAVPERSCOM), Office of Legal Counsel (PERS-00J). NAVPERSCOM (PERS-00J) shall:

(1) Exercise oversight and overall administration of the VWAP in the Navy.

(2) Ensure that victim and witness materials are distributed to the Local Responsible Officials (LROs).

(3) Receive the reports required by reference (b) from the LROs, Commander, Naval Legal Service Command, Director, Navy Criminal Investigative Service (NAVCRIMINVSVC) and NAVPERSCOM, Navy Corrections and Programs (PERS-00D1) concerning the assistance provided to victims and witnesses and prepare DD 2706, Annual Report on Victim and Witness Assistance, for submission to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)).

(4) Act as the liaison with the Department of Justice (DOJ), Office for Victims of Crime, in obtaining and distributing victim and witness assistance materials to the fleet.

(5) Through NAVPERSCOM (PERS-00D1), act as the Central Repository for maintaining data on the number of victims and witnesses to whom Navy brig personnel provided notice of confinee status changes via DD 2705, Victim/Witness Notification of Inmate Status, and the cumulative total of each service's prisoners for whom brig must provide victim or witness notifications. NAVPERSCOM (PERS-00D1) will also ensure confinement facilities meet their responsibilities per reference (b) and this instruction.

b. Echelon 2 commands shall ensure:

(1) VWAP administrative procedures and programs are implemented and maintained.

(2) VWAP is included as an item of interest during regular inspections.

(3) Subordinate commands actively support VWAP initiatives of Regional Commanders and Type Commanders; appoint Victim Witness Liaison Officers (VWLO) and Victim Witness Assistance Coordinators (VWAC) per this instruction; comply with this instruction and with the requirements, if any, of Regional Commanders and Type Commanders within whose geographic area the commands are located.

c. Regional Commanders and Type Commanders are designated the LROs as required by references (b) and (c). For purposes of VWAP, Regional Commanders have responsibility for shore establishments within their geographic area of responsibility and Type Commanders have responsibility for fleet units within their area of responsibility. LROs shall:

(1) Ensure close coordination is maintained between local VWAP representatives from NAVCRIMINVSVC, base security personnel, Staff Judge Advocates (SJA), legal assistance attorneys, COs, health care providers at military treatment facilities, corrections facilities staff, FFSC staff and chaplains.

(2) Establish a Victim Witness Assistance Council in significant geographic areas or where needed to coordinate the efforts of the above named disciplines in providing a comprehensive assistance program.

(3) Ensure data is maintained on the number of victims and the number of witnesses who are provided DD 2701, Initial Information for Victims and Witnesses of Crime, by staff assigned to law enforcement and base security and from command VWACs. Submit an annual report with this data via DD 2706 to NAVPERSCOM (PERS-00J) covering the period 1 January through 31 December of the previous year no later than 15 February of the current year.

(4) Establish and maintain, with the assistance of the local FFSC, a directory of military and civilian programs, services and crime victim compensation funds available within their geographic area to which a victim or witness may be referred; and when appropriate, enter into a Memorandum of Agreement with civilian agencies to ensure victim and witnesses are provided needed services.

(5) Appoint, in writing, including name, title, duty address, and telephone number, a Victim Witness Liaison Officer (VWLO). The VWLO is the representative for the Regional Commander or Type Commander and is responsible for coordination of victim and witness assistance within their area of responsibility. A copy of the appointment letter shall be forwarded to NAVPERSCOM (PERS-00J).

(6) Ensure commands within their area of responsibility are educated and comply with the requirements of VWAP and appoint a command VWAC as required by this instruction.

d. Unit Commanders, COs, and OICs are responsible for understanding and ensuring compliance with VWAP. Specifically, they shall:

(1) Ensure staff involved in criminal investigations, law enforcement, and security are trained in VWAP policies and requirements, provide crime victims and witnesses with DD 2701, Initial Information for Victims and Witnesses of Crime, and maintain the reporting data for submission to the LROs per paragraph 15.b of this instruction.

(2) Appoint in writing (including name, title, duty address, and telephone number), a command VWAC and ensure the command VWAC fulfills the duties delineated in this instruction. The command VWAC shall be an E5 or above (or civilian equivalent). Chaplains shall not serve as VWAC.

(3) Educate command personnel as to the rights of crime victims and witnesses.

e. Commander, Naval Legal Service Command shall ensure:

(1) Trial counsel fulfills their responsibilities under VWAP as delineated in this instruction.

(2) Trial counsel provides the confinement facility and the Central Repository with DD 2704 Victim/Witness Certification and Election Concerning Inmate Status at the conclusion of every court-martial in which confinement is awarded.

(3) Data is maintained on the number of victims and the number of witnesses who received DD 2702, Court-Martial Information for Victims and Witnesses of Crime; DD 2703, Post-Trial Information for Victims and Witnesses of Crime, and the number of victims and witnesses who elected to be notified of confinee status changes via DD 2704. Personal information on victims and/or witnesses shall not be kept together with this data. Provide NAVPERSCOM (PERS-00J) with an annual report using DD 2706 covering the period of 1 January through 31 December of the previous year no later than 15 February of the current calendar year.

(4) Formal training is established and maintained for VWAP in the Basic Lawyer, Legal Officer, Legalman, SJA, and Senior Officer Courses offered by the Naval Justice School.

f. Director, NAVCRIMINVSVC is responsible for ensuring all investigative personnel under their cognizance are educated and trained on the requirements of VWAP. Ensure field components maintain data on the number of victims and the number of witnesses who receive DD 2701 from investigative agents. Provide NAVPERSCOM (PERS-00J) with an annual report using DD 2706 covering the period of 1 January through 31 December of the previous year no later than 15 February of the current calendar year.

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9. Victim Witness Liaison Officers (VWLO) are appointed by the Regional Commander and Type Commander to provide overall supervision and oversight of the VWAP within their area of responsibility. The designated VWLO shall be appointed from the legal office to provide legal support to the Regional and Type Commander, preferably a Staff Judge Advocate, civilian attorney, or paralegal who has legal training/experience with VWAP in the grade of GS-9 or above. VWLOs shall:

a. Ensure each command within their area of responsibility appoint a VWAC. A copy of the appointing letter shall be forwarded to the VWLO.

b. Maintain a list of VWACs within their area of responsibility.

c. Ensure VWACs in their area of responsibility receive training materials and appropriate guidance on VWAP.

d. Obtain and maintain a directory of military and civilian programs and services within their area of responsibility that are available for counseling, treatment, and other support to victims. VWLOs shall distribute this list to VWACs within their area of responsibility.

e. Obtain reporting data from VWACs and physical security/base security staff on the number of victims and witnesses who received DD 2701 during the period of 1 January through 31 December of the previous year for inclusion in the annual report to NAVPERSCOM (PERS-00J) due no later than 15 February of the current year.

f. Chair meetings of the local Victim Witness Assistance Council, if locally established.

10. Investigative and law enforcement staff. The term "investigative and law enforcement staff" includes NAVCRIMINVSVC, base police, installation security, and other professionals trained to conduct criminal investigations (onboard ship or ashore). (For purposes of this instruction, this term does not include people appointed to conduct investigations under JAGINST 5800.7C (JAGMAN), chapters II, III, IV, VIII, and XII.) Investigative and law enforcement staff shall:

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a. Be trained in VWAP and provide victims and witnesses information as provided in this instruction.

b. Threat assessment. All law enforcement and investigative personnel have a continuing duty to take reasonable measures within their means to protect victims and witnesses from further threat, harm or intimidation. To that end, investigative and law enforcement personnel shall make an immediate assessment of the situation and take action to minimize, within available means, threats to the victim and witnesses. Military Protective Orders (MPOs) and civilian protective orders are options that should be explored, when appropriate. Exercise care in discussing any protective measures that may be afforded the victim or witness to avoid creating unrealistic expectations concerning the level of protection available.

c. Provide victim and witnesses with DD 2701, complete with contact information listed on the back of the form. Victim identifying information will be maintained in the investigative file.

d. Assist victims and witnesses, upon request, with contacting the individuals responsible for providing services and relief described in DD 2701. A directory of service and relief providers may be obtained from the FFSC and VWLO.

e. If requested by the victim, the person in charge of the investigation will keep the victim informed of the status of the investigation/inquiry, to the extent providing such information does not interfere with the investigation.

f. If requested, the person in charge of the investigation shall promptly notify the victim/witness of the apprehension of the suspected offender.

g. Investigative and law enforcement staff shall safeguard the property of a victim held as evidence and shall assist in returning it as soon as possible.

11. The Command VWAC is the command's primary point of contact for victim witness assistance matters. The VWAC is responsible for obtaining and distributing VWAP materials and for providing VWAP training to the members of the command. In cases involving

victims, witnesses, or accused from different commands, the VWACs for the respective commands may have overlapping duties and responsibilities. In this situation, coordination between several VWACs is essential.

a. Victim or Witness is a Member of a VWAC's Command. Ensure the victim or witness has been advised of their rights by providing DD 2701. Additionally, the VWAC shall:

(1) Provide the victim with information concerning military and civilian resources available to the victim, including legal assistance, counseling, treatment and available compensation through Federal, State, and local agencies.

(2) Maintain contact with other VWACs and other VWAP personnel (such as Trial Counsel) involved in the victim's case.

(3) Assist victims and witnesses as appropriate and necessary in the exercise of their rights.

b. Accused is a Member of VWAC's Command. Once the command is aware that the accused is a member of the command, the command's VWAC shall identify the victim and determine whether the victim has been advised of their rights via DD 2701. Additionally, the VWAC shall, upon request of the victim:

(1) Inform the victim of the accused's pretrial confinement status, including release from pretrial confinement.

(2) If the convening authority is not the accused's command, notify the convening authority's VWAC of the identity of the victim and of the victim's election of rights.

c. VWAC's Command is the Convening Authority. After charges have been preferred against an accused, the VWAC shall identify the victims and witnesses, determine whether they have been advised of their rights, and determine the victims' elections concerning those rights. Additionally, the VWAC shall, upon request from the victim:

(1) Confirm the Trial Counsel assigned to the case has obtained the victim's views concerning disposition of the offenses and plea negotiations and has forwarded this information to the convening authority.

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(2) When a victim has requested notification, the VWAC will advise the victim of the accused's pretrial confinement status.

(3) Confirm the Trial Counsel has complied with the victim's request to be notified of the following:

(a) The date charges are referred and the nature of the charges;

(b) Acceptance of a pretrial agreement;

(c) The court-martial findings concerning guilt;

(d) The sentence adjudged; and

(e) The convening authority's action on the findings and sentence of the court-martial.

12. Trial Counsel shall adhere to the requirements of VWAP, ensuring the following specific responsibilities are met:

a. Once Trial Counsel has been assigned to a case, they shall identify the victims and witnesses in the case and provide them with a DD 2702.

b. Trial Counsel shall ensure victims and witnesses are provided information concerning their role in the criminal justice process, including what to expect from the system, what the system expects from them and the stages of the criminal justice process.

c. Victim Notification. When a victim has requested notification, Trial Counsel shall ensure at the earliest possible convenience, the victim is advised of:

(1) The pretrial confinement status of the suspected offender;

(2) The date charges are forwarded for investigation at an Article 32 hearing and/or referred to a court-martial, and the nature of the charges;

(3) The acceptance of a pretrial plea agreement;

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- (4) The scheduling of each court proceeding;
- (5) The findings of the court-martial;
- (6) The sentence adjudged; and
- (7) The convening authority's action concerning the findings and the sentence.

d. Witness Notification. When a witness has requested notification, Trial Counsel shall ensure at the earliest possible convenience, the witness is advised of:

- (1) The acceptance of a plea;
- (2) The findings of the court-martial;
- (3) The sentence adjudged; and
- (4) The convening authority's action concerning the findings and the sentence.

e. Victims views concerning Pretrial Plea Negotiations. Victims have a statutorily designated advisory role in decisions involving prosecutorial discretion, such as plea-bargaining. Trial Counsel shall ensure victims are aware of their right to act in this advisory capacity. In those cases in which a victim has elected to exercise the right to act in such an advisory capacity, Trial Counsel shall ensure the victim's views concerning prosecution and plea negotiations are obtained and forwarded to the convening authority.

f. Rescheduling of Court-Martial Proceedings. Trial Counsel shall ensure, as soon as possible, all victims and witnesses who have been scheduled to attend criminal justice proceedings are notified of any scheduling changes that will affect their appearances.

g. Separate Waiting Room. Trial Counsel shall ensure, to the extent possible, victims and prosecution witnesses are provided with a waiting area during court-martial proceedings that is removed from and out of the sight and hearing of the accused and defense witnesses.

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h. General Assistance at Trial. Trial Counsel shall ensure victims and witnesses are provided with information concerning the availability of, and, to the extent possible, assistance in obtaining, services such as transportation, parking, child care, lodging, and court-room translators or interpreters.

i. Notification of Employer. Upon request of a victim or witness, the Trial Counsel shall take reasonable steps to inform the employer of the victim or witness the reasons for absence from work due to court-martial.

j. Explanation to Creditors. In appropriate cases, Trial Counsel shall contact the creditor of a victim or witness who is subjected to serious financial strain caused by the crime or cooperation in the investigation or prosecution of an offense.

k. Victim's Property. Trial Counsel shall safeguard the property of a victim held as evidence and shall return it as soon as possible.

l. Sentencing. Trial Counsel shall inform victims of the opportunity to present evidence to the court at sentencing. In compliance with applicable law and regulation, the victim may submit a statement concerning the impact of the crime, including financial, social, psychological, and physical harm suffered by the victim.

m. Post-Trial Information. At the conclusion of a court-martial, the Trial Counsel shall provide victims and witnesses the DD 2703 to convey basic information about the post-trial process.

n. Any consultation or notification required by paragraph 12 may be limited to avoid endangering the safety of a victim or witness, jeopardize an ongoing investigation, disclosing classified or privileged information or unduly delaying the disposition of an offense. Although the victim's views should be considered, this instruction is not intended to limit the responsibility or authority of Navy Sailors to act in the interest of good order and discipline.

o. Post-Trial Confinement Status of the Accused. At the conclusion of every court-martial in which confinement is adjudged, Trial Counsel shall prepare a DD 2704 wherein the

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victim or appropriate witness (those who fear harm by the offender) may elect to be notified of changes in the offender's status in confinement. The DD 2704 should not be attached to any record to which the confinee has access. Trial Counsel will ensure that copies are provided to:

(1) Either NAVPERSCOM (PERS-00D1) as the Central Repository for the Navy, or the Commandant of the Marine Corps (POS-40) as Central Repository for the Marine Corps;

(2) The confinement facility where the accused offender will be confined; and

(3) Victims and/or witnesses whose entitlement to receive confinement information has been certified by Trial Counsel.

p. Trial Counsel shall maintain data on the number of victims and the number of witnesses who received a DD 2702, DD 2703, and the number of victims and witnesses who elected to be notified of confinee status changes via a DD 2704. This data shall be forwarded annually to the Naval Legal Service Command using DD 2706 as required by paragraph 16 of this instruction.

q. Trial Counsel shall ensure victims receive information concerning compensation programs available from the State and other sources of financial relief. Trial Counsel will also ensure the victim is apprised of Transitional Compensation for Abused Dependents, if applicable.

13. Confinement facilities shall adhere to the requirements of the VWAP per references (a) through (c), reference (i) and this instruction. The CO (or OIC) of the confinement facility shall appoint a VWAC in writing to ensure compliance with VWAP. The VWAC shall thoroughly understand their responsibilities and comply with the requirements of VWAP pursuant to this instruction, reference (i), and any additional guidance promulgated by higher authority.

a. Upon entry of an offender into post-trial confinement, the VWAC shall verify receipt of a DD 2704 provided to the brig by Trial Counsel. Reference (i) provides further guidance in the event the DD 2704 did not accompany the prisoner. If the DD 2704 provides information concerning the victims/witnesses who are entitled to information concerning the prisoner's status, ensure

the inmate's brig file is marked with a white label with "VW" written at least 1 inch high in black and the DD 2704 is kept in a separate adjunct file. The adjunct file shall be Privacy Act Protected and not made available to the prisoner, their counsel, friends or family or anyone without official need to know. The VWAC shall be vigilant to ensure the victim and witness information is not disclosed to the prisoner or any third party at any time.

b. If a prisoner requests information from the adjunct file about a victim or witness per the access provisions of the Privacy Act (PA) per reference (j), the request may be denied under the PA exemption (j) (2). If a request for such information is made under the Freedom of Information Act (FOIA) per reference (k), access to these records will normally be denied per FOIA exemptions 6 and 7(c). All brig files shall be maintained per the Privacy Act System Notice N01640-1, Individual Correctional Records.

c. Upon receipt of a request for notification from a victim or witness entitled to information concerning the confinement status of an inmate, commanders of confinement facilities will ensure DD 2705 (with a cover letter if appropriate) is completed and mailed to the requesting victim or witness. The purpose of this letter is to provide the victim or witness with instructions on how to be kept apprised of an inmate's location as well as inform them of their own responsibility for keeping the Central Repository, NAVPERSCOM (PERS-00D1) informed of any changes in their address or telephone number. A copy of the form will be retained in the inmate's adjunct file.

d. DD 2705 shall be utilized to notify victim and witnesses of inmate status changes, including:

- (1) The scheduling of a clemency or parole hearing.
- (2) The transfer of an inmate from one facility to another. The commander of the sending facility shall forward the inmate's adjunct file to the personal attention of the commander of the gaining facility. The commander of the gaining facility shall send DD 2705 to those victims and witnesses who have requested notification within 14 days of the inmate's arrival at the gaining facility.

(3) The escape (and subsequent return to custody), work release, furlough, emergency leave, or any other form of release from custody. Telephonic notification shall be made to victims and witnesses of an inmate's escape and return to confinement. Telephonic contact shall also be made when the inmate is unexpectedly released or placed on emergency leave and a DD 2705 will not be received prior to their release date.

(4) The release of the inmate to parole supervision.

(5) The death of an inmate, if the inmate dies in custody.

(6) A change in the scheduled release date of more than 30 days from the last notification due to a disposition or disciplinary and adjustment board.

e. Certified Mail. All correspondence forwarded to a victim or witness, including the Standard Notification, shall be sent via certified mail, return receipt requested. At no time will the inmate's name or identification number be noted on the receipt. Once the receipt is returned to the confinement facility, it is to be filed in the inmate's adjunct file.

f. All contacts with a victim or witness, including unsuccessful contact attempts, shall be documented and recorded in the inmate's adjunct file. The information contained in this record, as well as the remainder of the adjunct file, shall not be disclosed to the inmate, their counsel, friends or family, or to anyone without an official need to know. Paragraph 13.b contains further guidance.

g. Eligibility. A victim or witness is considered eligible for notification of an inmate's confinement status when:

(1) The Trial Counsel has provided verification the individual is entitled to notification in the DD 2704, or

(2) The individual later requests to be notified after first electing on DD 2704 not to be notified.

h. Reports. The number of victims and witnesses who were notified of changes in inmate status via DD 2705 must be reported per reference (b). The VWAC shall retain data on the

number of victim and witness notifications from 1 January to 31 December and report those numbers to the Central Repository, NAVPERSCOM (PERS-00D1), for inclusion in the annual report due to NAVPERSCOM (PERS-00J) on 15 February of the current year.

14. Service providers include family advocacy counselors, FFSC personnel, chaplains, health care personnel, legal assistance attorneys, and other advocates who assist victims and witnesses of crime. Service providers shall:

- a. Understand and support VWAP and know the rights of victims and witnesses under VWAP.
- b. Inform crime victims and witnesses about VWAP when they present for counseling, treatment or advice.
- c. Inform victims of dependent abuse offenses of the benefits available under Transitional Compensation for Abused Dependents.
- d. Inform crime victims of State crime compensation funds that may be available to reimburse victims for certain expenses incurred as a result of crime.
- e. Know the VWAP points of contact at their duty stations, specifically base police, NAVCRIMINVSVC, SJA, FFSC, Family Advocacy Program Representative, medical clinics or hospitals, and chaplains for victim and witness assistance issues.

15. Military Victim Assistance Programs. The following are additional resources and benefits available to crime victims:

- a. Sexual Assault Victim Intervention (SAVI) Program. Victims of sexual assault require the services of a victim advocate specially trained to provide additional emotional support and information to the victim outside of the victim services available under VWAP. Reference (g) contains further guidance.
- b. Family Advocacy Program (FAP). FAP provides counseling services to victims of domestic violence and referrals to civilian agencies, and works as a liaison for the victim with

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the command in obtaining military protective orders and removal of an abusive Sailor from the home. Reference (h) contains further guidance.

c. Transitional Compensation for Abused Dependents.

Congress authorized monthly payments to spouses and dependent children who have been the victims of abuse by their sponsor. This entitlement applies when the Sailor has been separated from the service for misconduct resulting from the abuse of their family members. The separation can be either the result of court-martial or administrative processing. Refer to references (l) and (m) for further guidance. The victim's spouse and/or family member should be referred to the Sailor's CO for assistance with completion of the DD 2698, Application for Transitional Compensation. Duration of payments will be at least 12 months but not more than 36 months. If, as of the commencement date of payments, the unserved portion of the Sailor's End of Active Obligated Service (EAOS) is less than 36 months, the duration will be the greater of the unserved portion or 12 months. Applicants may also be eligible for medical and dental care and commissary and exchange privileges for the duration of the payments. Refer to references (l), (m), and NAVADMIN 231/01 for further guidance.

d. Benefits for Dependents Who Are Victims of Abuse by Sailors Losing Right to Retired Pay. Reference (n) provides the spouse (or former spouse) and dependent children of a Sailor are entitled to receive a portion of the sponsor's disposable retired pay if:

(1) The sponsor, after becoming retirement eligible on the basis of years of service, has their eligibility to receive retirement pay terminated as a result of misconduct involving abuse of a spouse or dependent child;

(2) The spouse, or former spouse, obtains a divorce decree with a court order, in the manner applicable to a division of property, for the payment of an amount from the disposable retired pay of the sponsor; and,

(3) The spouse or former spouse was married to the sponsor for at least 10 years or more during which the sponsor performed at least 10 years of creditable service. While receiving payments pursuant to this program the sponsor or

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former sponsor, is entitled to medical, dental, commissary, exchange and other benefits as though the sponsor or former sponsor were entitled to retired pay. A dependent child, who was a member of the household of the sponsor or former sponsor at the time of the misconduct, is entitled to medical, dental, commissary, exchange and other benefits as though the sponsor or former sponsor were entitled to retired pay. Defense Finance and Accounting Service (DFAS) manages this program and should be contacted for additional guidance.

16. Reporting Procedures. References (b) and (c) require an annual report to the Under Secretary of Defense (Personnel and Readiness) (USD) (P&R) via ASN(M&RA) that provides data on the assistance provided to victims and witnesses of crime. To assist in the completion of this report, the commands listed below shall maintain and forward data covering the preceding calendar year to NAVPERSCOM (PERS-00J) no later than 15 February each year.

a. Director, NAVCRIMINVSVC is required to track the numbers of victims and the number of witnesses who received a DD 2701 from field components.

b. LROs (Regional Commanders and Type Commanders) are responsible for the number of victims and the number of witnesses who received a DD 2701 from military police, installation police/base security and command VWACs within their area of responsibility.

c. Commander, Naval Legal Service Command, is responsible for the number of victims and the number of witnesses who received a DD 2702; the number of victims and number of witnesses who received a DD 2703; and the number of victims and the number of witnesses who elected via DD 2704 to be notified of changes in inmate status.

d. NAVPERSCOM (PERS-00D1) is responsible for the number of victims and witnesses to whom Navy brig personnel provided notice of confinee status changes via DD 2705 and the cumulative total of each service's prisoners for whom brigs must provide victim or witness notifications.

17. Resources. The Department of Justice, Office for Victims of Crime, 633 Indiana Avenue, N.W., Washington, D.C. 20531,

(202) 514-6444, can provide information concerning training and available materials. The following web sites are also excellent tools for information on victim and witness assistance:

The DoD Victim Witness Assistance Council:
<http://www.dod.mil/vwac/>

Commander, Navy Personnel Command VWAP Web site:
<http://www.npc.navy.mil/CommandSupport/VWAP/>

Department of Justice, Office for Victims of Crime
<http://www.ojp.usdoj.gov/ovc/>

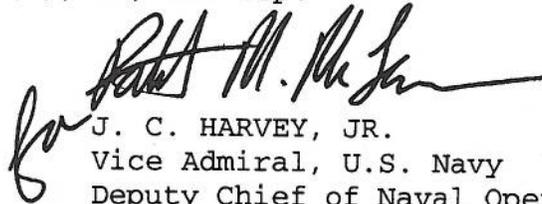
18. Forms and Reports

a. All of the forms listed below are available at
<http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>:

- (1) DD 2698, Application for Transitional Compensation
- (2) DD 2701, Initial Information for Victims and Witnesses of Crime
- (3) DD 2702, Court-Martial Information for Victims and Witnesses of Crime
- (4) DD 2703, Post-Trial Information for Victims and Witnesses of Crime
- (5) DD 2704, Victim/Witness Certification and Election Concerning Inmate Status
- (6) DD 2705, Victim/Witness Notification of Inmate Status
- (7) DD 2706, Annual Report on Victim and Witness Assistance

4 Mar 08

b. Report Control Symbol DD-P&R(A)1952 is assigned to paragraphs 8a(3), 8c(3), 8e(3), 8f, and 12p.



J. C. HARVEY, JR.
Vice Admiral, U.S. Navy
Deputy Chief of Naval Operations
(Manpower, Personnel, Training
and Education)

Distribution:

Electronic only, via Department of the Navy Issuances Web site
<http://doni.daps.dla.mil/>

DEFINITIONS

1. Central Repository. A headquarters office, designated by the Secretary of the Navy to serve as a clearinghouse of information on confinee status and to collect and report data on the delivery of victim and witness assistance, including notification of confinee status changes.

2. Component Responsible Official (CRO). Person designated by the Chief of Naval Operations (CNO) primarily responsible for coordinating, implementing, and managing the VWAP within the Navy. The CRO is CNO(N131). Responsibility for oversight and administration of the VWAP is delegated to Navy Personnel Command, Office of Legal Counsel (PERS-00J).

3. Local Responsible Official (LRO). Person designated by CNO who has primary responsibility for identifying victims and witnesses of crime and for coordinating delivery of services through an interdisciplinary approach as described in reference (b). The Regional Commanders and Type Commanders are the LROs for the Navy.

4. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime in violation of the Uniform Code of Military Justice (UCMJ), reference (c), or in violation of the law of another jurisdiction in cases where military authorities have been notified. Such individuals shall include, but are not limited to, the following:

a. Military sponsors and their family members.

b. When stationed outside the continental United States (OCONUS), Department of Defense (DoD) civilian employees and contractors, if provided for by contract, and their family members. This program applies to services not available to DoD civilian employees and contractors, and their family members, in stateside locations, such as medical care in military medical facilities.

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c. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following: (in order of preference) a legal guardian, parent, child, sibling, another family member, or another person designated by the court or LRO, or designee.

d. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice, even though the individual may be one of the representatives described above.

e. For a victim that is an institutional entity, an authorized representative of the entity. Federal Departments and State and local agencies, as entities, are not eligible for services available to individual victims.

5. Witness. A person who has information or evidence concerning a crime, and provides that knowledge to a Department of the Navy (DON) representative about an offense in the investigative jurisdiction of DON. When a witness is a minor, that term includes a parent or legal guardian. The term "witness" does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.



DEPARTMENT OF THE NAVY
CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

5370
Ser N00/100107
8 Nov 11

MEMORANDUM FOR ALL PROSPECTIVE COMMANDING OFFICERS

Subj: THE CHARGE OF COMMAND

Ref: (a) U.S. Code Title 10 and Title 50
(b) Navy Regulations Chapters 8 through 11
(c) Navy Standard Organization and Regulations Manual
(SORM) Chapter 3

1. Command is the foundation upon which our Navy rests. Authority, responsibility, and accountability are three essential principles which are the heart and soul of Command. Effective command is at risk if any of these principles are lacking or out of balance. Further, a Commanding Officer's authority must be commensurate with his or her responsibility and accountability. This immutable truth has been the very foundation of our Navy since 1775.

2. As a prospective Commanding Officer, you have been identified as worthy of Command. You are to be entrusted with all of the authorities commensurate with your responsibilities. The decision to select you for Command was not made lightly; you were selected based on your demonstrated successful past performance and a determination by Senior Officers who have served in Command that you have the capacity to command, to accomplish the missions assigned and to uphold the standards of our Navy. This selection is an indication of the trust placed in you.

3. Just as Navy purposefully and deliberately selected you for Command, so too must you accept the extraordinary responsibility of Command with full regard for its consequences. It is the duty of every Commanding Officer to understand his or her authorities and responsibilities, prior to assuming Command.

4. While certain authorities and responsibilities will be specific to your command, there are some which are universal to all Commanding Officers; they are rooted in law, regulation,

Subj: THE CHARGE OF COMMAND

doctrine, and Navy tradition. The key laws and regulations that both empower and bind Commanding Officers are detailed in references (a) through (c).

5. Included as a part of your responsibilities is the charge that you will be held accountable to the highest standards of personal and professional conduct. The requirement for exemplary conduct by a Commanding Officer was included in the establishment of our Navy; Article I of the "Rules for the Regulation of the Navy of the United Colonies of North America," from 1775 stated:

"The Commanders of all ships and vessels belonging to the thirteen United Colonies are strictly required to show themselves a good example of honor and virtue to their officers and men."

Today, the requirement for exemplary conduct of Commanding Officers is mandated by law. Title 10 Section 5947 of US Code states:

"All Commanding Officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge."

It is your responsibility to meet the highest standards of personal and professional conduct at all times. Indeed, meeting these standards of conduct is as critical as meeting our high standards of material, personnel, and operational readiness.

6. There are two accountability standards that we use to measure officers in Command. The first is the standard for measuring criminal behavior. This standard belongs to the

Subj: THE CHARGE OF COMMAND

courts and uses rules of evidence and procedure to determine, beyond a reasonable doubt, whether a violation of a specific criminal code has occurred. The second accountability standard is trust. Our Navy's decentralized command and control structure is built on trust. Without trust, we cannot delegate authority. Without authority, we cannot fulfill our responsibilities. Therefore, without the delegation of authority, we simply cannot effectively operate our Navy. Trust is a fundamental building block of our command and control structure and our ability to achieve mission success.

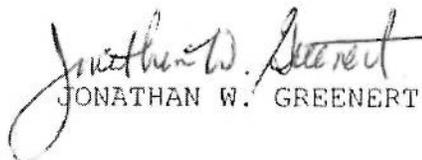
7. As a Commanding Officer, you must build trust with those Officers and Sailors under your command. You build trust through your character and in your actions which demonstrate professional competence, judgment, good sense, and respect for those you lead. This trust can only be built through personal interaction on a daily basis at every level in your chain-of-command. Human interaction remains the dominant factor in leading Sailors; do not fall prey to the belief that a variety of contact through electronic media can substitute in a meaningful way for the direct contact afforded by daily Quarters, Officer's Call or similar "face-to-face" leadership opportunities.

8. Once built, that trust is sustained by personal accountability - accountability to those same standards to which you hold those you lead. When trust and accountability are institutionalized in the routine of a command, the result is long-term success. When accountability is not enforced, the command and control structure, which is held together by trust, falls apart and the command eventually fails. Sustaining trust is what makes accountability critical to command. The Wall Street Journal captured this very well in an editorial column some years ago:

"It is cruel, this accountability of good and well-intentioned men. But the choice is that or an end to responsibility and finally, as the cruel sea has taught, an end to the confidence and trust in the men who lead, for men will no longer trust leaders who feel themselves beyond accountability for what they do. And when men lose confidence and trust in those who lead, order disintegrates into chaos and purposeful ships into uncontrollable derelicts." - Hobson's Choice Wall Street Journal, May 14, 1952

Subj: THE CHARGE OF COMMAND

9. A Commanding Officer must possess professional competence, intelligent good sense, the "nicest sense of personal honor" and meet our high standards of personal conduct and leadership. Our Navy has determined that you possess these attributes, and therefore, has entrusted you with the privilege and immense responsibility of Command. I congratulate you on this singular achievement and charge you to conduct yourself everyday in a manner worthy of the responsibility you have been given.


JONATHAN W. GREENERT



DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE

DOD SAPR Metrics

DoD SAPR Metrics 1.0

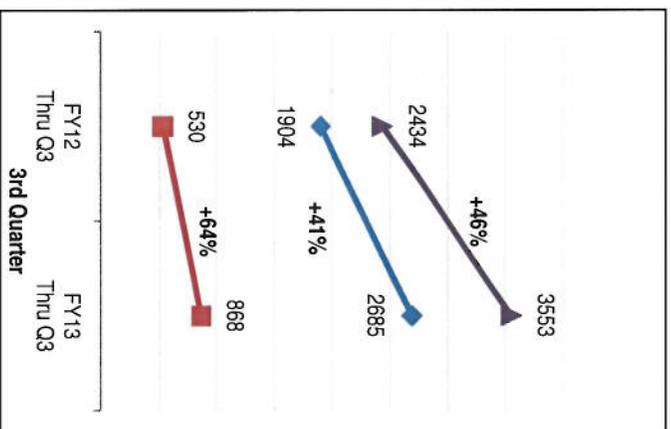
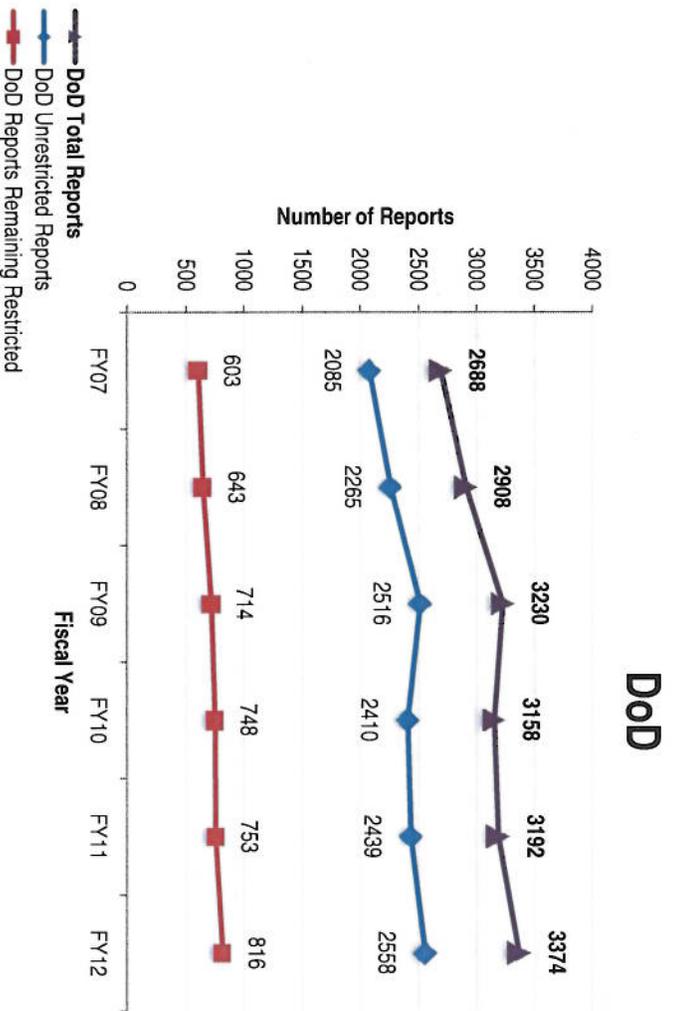
Trends

- Metric 1 – Reports of Sexual Assault
- Metric 2 – Military Victim Reports Per 1000 Service Members
- Metric 3 – Percentage of Sexual Assault Reports for Incidents Occurring Prior To Service
- Metric 4 – Voluntary Conversions from Restricted to Unrestricted Reports

Snapshots

- Metric 5 – Investigation Length
- Metric 6 – Full Time SAPR Personnel Certification

Metric 1: Reports of Sexual Assault



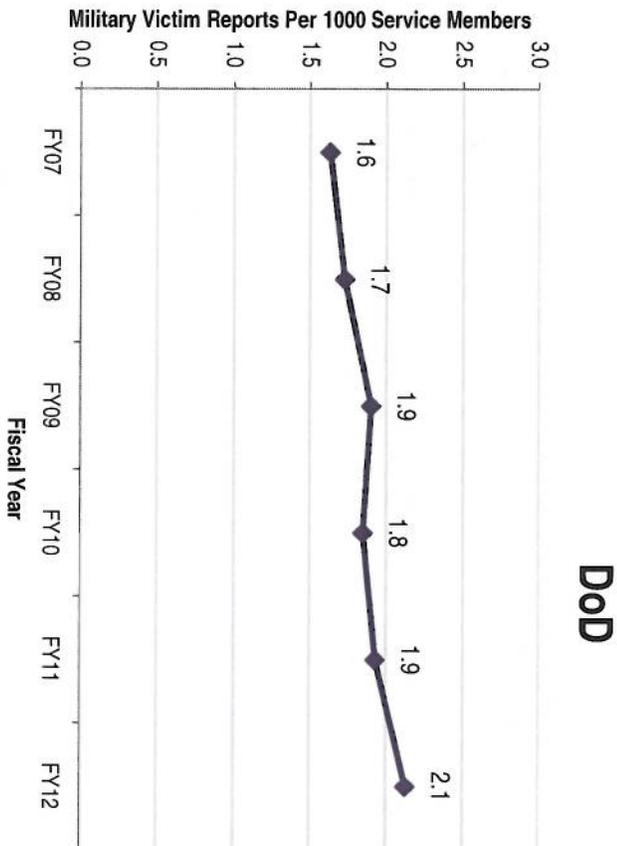
Complete FY13 Data Not Yet Available

Reports of Sexual Assault	Total (+/-)	Unrestricted (+/-)	Restricted (+/-)	% of Reports Restricted
DoD FY13 Thru Q3	3553 (+46%)	2685 (+41%)	868 (+64%)	25%
DoD FY12 Thru Q3	2434	1904	530	22%

Description: Year to year trend of restricted and unrestricted reports received by the Department.
Frequency: Reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.
Source: Current Source = Service Reporting, Future Source = Defense Sexual Assault Incident Database (DSAID)
Implication: A change in reports of sexual assault may reflect a change in victim confidence in DoD response systems. The continuing growth of Restricted Reporting may be a sign that victims view this option as a valuable and trustworthy means to access support while maintaining confidentiality.
Summary Points:

- The data shows an unprecedented 46% increase in reports of sexual assault in DoD through Q3 FY13, compared with Q3 FY12. All four Services and the Guard show this increase in reporting through Q3, FY13.
- The increase in reporting of sexual assault creates more opportunity for victim care and holding offenders appropriately accountable.

Metric 2: Military Victim Reports Per 1000 Service Members



Complete FY13 Data Not Yet Available

Victim Reports /1000 Service Members	DOD Thru FY13, Q3	DOD Thru FY12, Q3
Rate/1000 Women	2.3	1.5
Rate/1000 Men		12.4 0.4

Description: Standardized, year to year trend of sexual assault reports by Service members, which can be used by commanders to assess their individual unit reporting rates. Calculated by taking the total number of military victims in Unrestricted and Restricted Reports, multiplying that total by 1000, and then dividing by Active Duty Service End Strength.

Frequency: Reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

Source: Current Source = Service Reporting, Future Source = DSAID

Implication: The rate creates a reporting statistic which does not vary with force size and is comparable across Services. A change in reports of sexual assault may reflect a change in victim confidence in DOD response systems.

Summary Points:

- The data shows an unprecedented increase in reports of sexual assault in DOD through Q3 FY13, compared with Q3 FY12. All four Services and the Guard show an increase in reporting through Q3, FY13.
- The increase in reporting of sexual assault creates more opportunity for victim care and holding offenders appropriately accountable.

Metric 3: Percentage of Sexual Assault Reports for Incidents Occurring Prior to Service



Description: Of the restricted and unrestricted reports received each year, this metric tracks the portion of sexual assaults reported by Armed Forces members that occurred prior to military service. This percentage is calculated by dividing the number of Unrestricted and Restricted Reports made for an incident that occurred prior to military service by the total number of Unrestricted and Restricted Reports for the year.

Frequency: Reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

Source: Current Source = Service Reporting, Future Source = DSAID

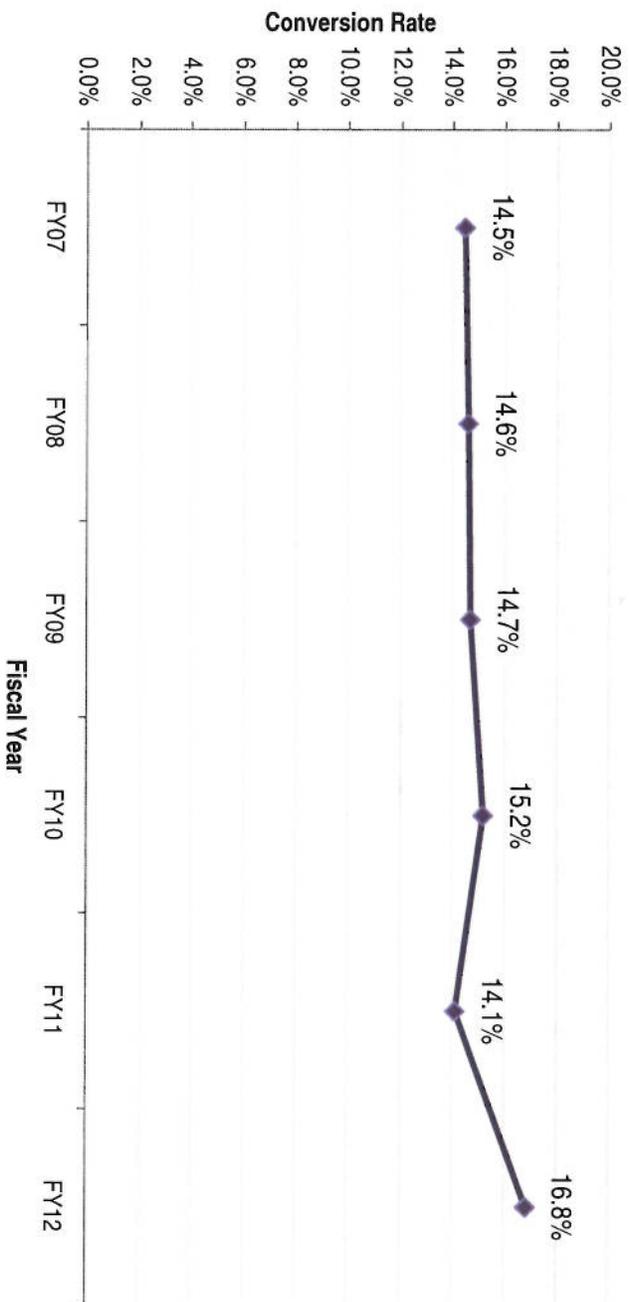
Implication: The choice to make a sexual assault report for an incident occurring prior to service creates increased opportunity for victim care, and may imply a level of victim confidence in DoD response systems.

Summary Point:

- Generally, there is an upward trend in the percentage of prior-to-service incidents being reported, which may reflect greater confidence in DoD response systems.

Metric 4: Voluntary Conversions from Restricted to Unrestricted Reports

DOD Conversion Rate



Complete FY13
Data Not Yet
Available

- Description:** Year to year trends in the percentage of Restricted Reports converting to Unrestricted Reports of sexual assault. This percentage is calculated by dividing the number of Restricted Reports that converted to Unrestricted Reports by the initial number of Restricted Reports received during the year.
- Frequency:** This data will be reported to the SAPR Joint Executive Council (Trank) on an annual basis.
- Source:** Current Source = Service Reporting, Future Source = DSAID
- Implication:** Conversions by victims making Restricted Reports may indicate increased victim confidence and desire to participate in the military justice system.
- Summary Point:**
- In the DoD, rates of conversion to Unrestricted Reporting have stayed stable at about 14-15%, with the exception of FY12 (16.8%)

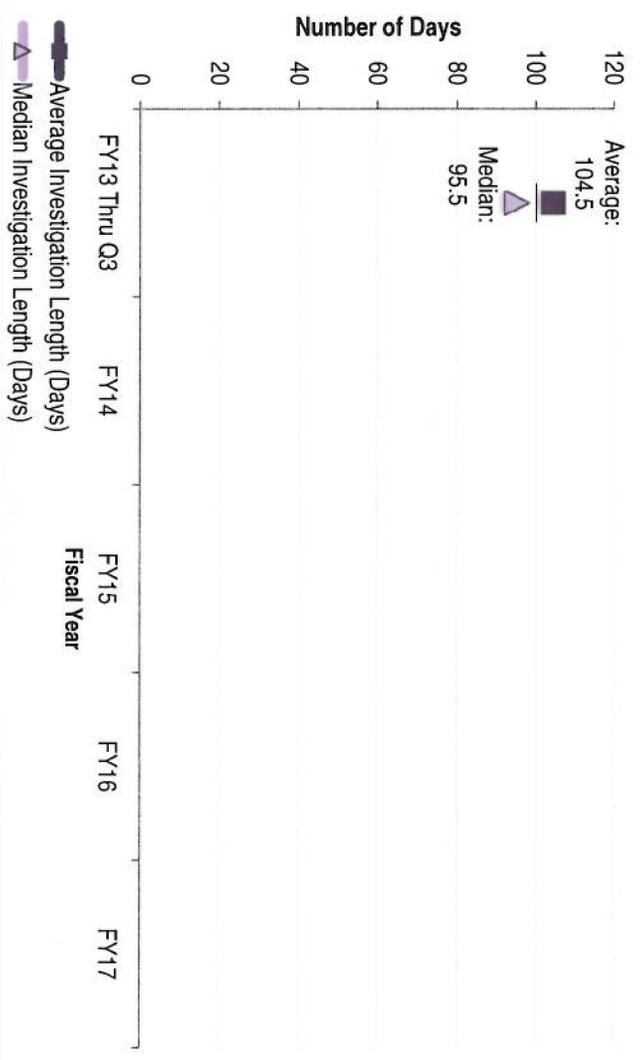


**DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE**

“Snapshots”

- Metric 5 – Investigation Length
- Metric 6 – Full Time SAPR Personnel Certification

Metric 5: Investigation Length



Complete FY13 Data Not Yet Available

Investigations Information	
Completed Year to Date	
Average Investigation Length (Days)	147.9
Median* Investigation Length (Days)	104.5
	95.5
DOD Thru FY13, Q3	
Average Investigation Length (Days)	104.5
Median* Investigation Length (Days)	95.5

Description: Baseline average and median investigation lengths of sexual assault investigations for each Military Criminal Investigative Organization (MCI). Length measured from date of victim report to date that all investigative activity is completed.

Frequency: This data will be reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

Source: MCIOS (CID, NCIS, and AFOSI)

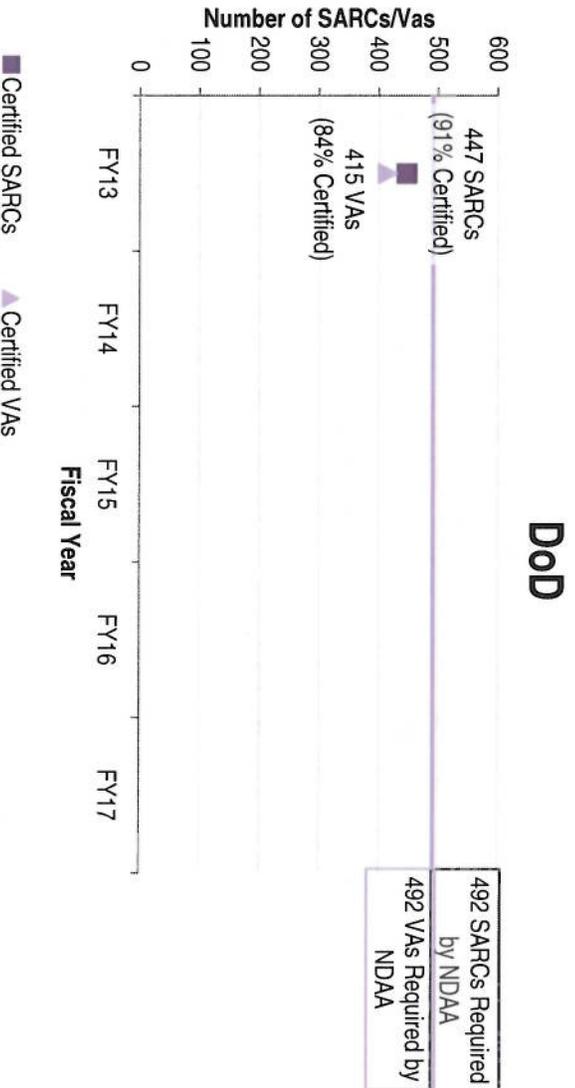
Implication: This establishes a baseline for future comparisons and expectations about investigation length. Investigation Length is not a measure of a thorough and professional investigation and may vary greatly depending on the complexity of the allegation and evidence

Summary Point:

- On average, a criminal investigation in the DoD takes a little over 3 months

**Note: The median is a "midpoint" for a set of numbers; it is the value for which half are above and half are below. Unlike an average, the median is less influenced by outliers in a set of numbers.*

Metric 6: Full Time SAPR Personnel Certification



SARC FTEs Required by NDAA On Duty	
Certified (% of Required)	492
VAS FTE Required by NDAA On Duty	444
Certified (% of Required)	415 (84%)

Description: Status of manning and certification of Sexual Assault Response Coordinators and Victim Advocates required by FY12 National Defense Authorization Act (NDAA). The "percent certified" is calculated by dividing the number of certified SARC/VAS by the number of SARC/VAS required by the FY12 NDAA.

Frequency: This data will be reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

Source: Service Manning Data

Implication: Shows certification status of the legally-required SAPR responders.

Summary Point:

- All Services on track for manning and certification in compliance with FY12 NDAA

DoD SAPP Metrics 2.0

Proposed

Additional Trend Metrics

- Metric 7 – Command Action for Military Subjects under DoD Legal Authority
- Metric 8 – Sexual Assault Court-Martial Outcomes
- Metric 9 – Reporting vs. Prevalence (Biennial *Workplace and Gender Relations Survey*)
- Metric 10 – Percentage of Subjects With Victims Declining To Participate in Military Justice Action
- Metric 11 – Percentage of Penetrating Crimes in Workplace and Gender Relations Surveys
- Metric 12 – Interval Between Incident and Report

Additional Snapshot Metrics

- Metric 13 – DoD IG Closed Sexual Assault Investigation Review
- Metric 14a – Chain of Command Confidence Index by Gender
- Metric 14b – Chain of Command Confidence Index by Rank
- Metric 15a – Intent To Report a Sexual Assault by Gender
- Metric 15b – Intent to Report a Sexual Assault by Rank
- Metric 16a – Bystander Intervention Index by Gender
- Metric 16b – Bystander Intervention Index by Rank
- Metric 17a – Perceived Barriers To Reporting by Gender
- Metric 17b – Perceived Barriers To Reporting by Rank