

## Response Systems Panel

Public Meeting - June 27, 2013

The Response Systems to Adult Sexual Assault Crimes Panel (RSP) is a federal advisory committee within the Department of Defense (DoD) operating pursuant to Section 576(a) of the National Defense Authorization Act for Fiscal Year 2013, the Federal Advisory Committee Act of 1972, the Government in Sunshine Act of 1976, and other appropriate federal regulations. The RSP held a public meeting on June 27, 2013, from 11:00 a.m. to 5:07 p.m. at the U.S. District Court for the District of Columbia, 333 Constitution Avenue NW, Washington, D.C. 20001.

### Participants:

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Honorable Barbara S. Jones – Chair  
Mr. Harvey Bryant  
Colonel (ret) Holly Cook  
Brigadier General (ret) Malinda Dunn  
Ms. Mai Fernandez  
Professor Elizabeth Hillman  
Honorable Elizabeth Holtzman  
Vice Admiral (ret) James Houck  
Brigadier General (ret) Colleen McGuire

### Response Systems Panel Staff:

Colonel Patricia Ham, USA, Staff Director  
Ms. Terri Saunders, Deputy Staff Director  
Mr. David Gruber, Special Assistant to the Staff Director  
Chief Warrant Officer Five Dale Trexler, USA, Senior Administrator

### Other Participants:

Ms. Maria Fried, Designated Federal Officer  
Mr. William Sprance, Alternate Designated Federal Officer

### Presenters:

Dr. Lynn Addington  
Ms. Delilah Rumburg  
MG Gary S. Patton, USA

Dr. Nate Galbreath  
Colonel (ret) Fred Borch  
CAPT Robert Crowe, JAGC, USN

## PANEL MEETING

At 11:00 a.m., Ms. Maria Fried, Designated Federal Officer, opened the meeting. Colonel Patricia Ham, RSP Staff Director, and the Honorable Barbara Jones, RSP Chair, provided opening comments. The meeting was recorded and transcribed by a court reporter. A copy of the transcript is appended to these minutes and is incorporated by reference.

### Dr. Lynn Addington, Associate Professor, Department of Justice, Law, & Society, American University

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Dr. Addington spoke as an expert on civilian crime data and made comparisons with available military crime data. She used PowerPoint slides during her presentation to the Panel. Dr. Addington primarily spoke about the National Crime Victimization Survey (NCVS) and how it revealed the underreporting of crime to the police. She compared this survey with the Department of Defense's 2012 Workplace Gender Relations Survey (WGRS). She opined that one reason for the lower response rate for the WGRS was due to it being an online web-based survey, versus the NCVS, which is an in person/telephone survey.

Dr. Addington discussed some of the difficulties in comparing the civilian data from the NCVS with data from the WGRS. Primarily, while the NCVS data is confined to completed, attempted, and threatened rape and sexual assault, the WGRS also includes sexual touching offenses. Additionally, the NCVS provides sexual assault statistics for ages 12 and over, while the WGRS accounts only for adults. Dr. Addington provided comparative statistics between the rates of rape/sexual assault as reported in the NCVS and the WGRS, but emphasized that the populations, offenses, and methodologies of the two surveys are different. Dr. Addington had several recommendations with regard to the WGRS, such as breaking the data out by type of sexual offense and breaking the data out by restricted versus unrestricted reports and reasons for each.

### Ms. Delilah Rumburg, Chief Executive Officer, Pennsylvania Coalition against Rape

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Ms. Rumburg served on two previous sexual assault task forces, including the 2009 Defense Task Force on Sexual Assault in the Military Service (DTFSAMS). She spoke to the Panel as an expert on sexual violence. Ms. Rumburg stated that based on her experience, victims of sexual violence need five important things: to be believed, to have their right to privacy upheld, access to safe and confidential services, to be treated with care and respect, and to know that the

offender will be held accountable. She advocated for increased resources for victim advocates and sexual assault nurse examiner (SANE) services for sexual assault victims. Ms. Rumburg noted that she spoke with military sexual assault victims who stated they were afraid to report that they had been sexually assaulted for fear of negative repercussions to their military careers. She noted that when commanders tolerated an environment in which sexual harassment was allowed to go unchallenged, the rate of sexual assaults increased. She cited a 2009 study which showed that 70 to 90 percent of female veterans experienced sexual harassment while serving in the military. Ms. Rumburg then discussed the findings of DTFSAMS and their subsequent implementation within the Department of Defense. Ms. Rumburg advocated for stronger rape shield provisions and for removing an accused's military character as a consideration from the decision of whether to prosecute.

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MG Gary S. Patton, USA, and Dr. Nathan Galbreath, DoD Sexual Assault Prevention and Response Office

MG Patton and Dr. Galbreath spoke to the Panel as the Director and Senior Executive Advisor of the DoD Sexual Assault Prevention and Response Office. They used PowerPoint slides during their presentation to the Panel. They informed the Panel about procedures for reporting sexual assault in the military and also discussed victim and perpetrator demographics. MG Patton defined restricted and unrestricted reporting of sexual assault and discussed the differences between the two and how they are handled. He informed the Panel of the different entities to which a report of sexual assault may be made and stated that the victim would be immediately referred to a sexual assault response coordinator or victim advocate to discuss reporting options. MG Patton and Dr. Galbreath provided sexual assault statistics to the Panel members from their annual reports. MG Patton stated that there had been an approximately 30-percent increase in reports of sexual assault from 2011 to 2012, which he attributed to increased victim confidence in the system. Dr. Galbreath discussed the Workplace and Gender Relations Survey as a means of collecting data on sexual assault in the military. He stated that there was a strong statistical relationship between the amount of sexual harassment in a unit and the number of incidents of sexual assault. Dr. Galbreath opined that using a workplace survey to gather this type of data gave a more complete picture of these types of statistical correlations. He stated that the statistics from the survey, when compared with the National Intimate Partner and Sexual Violence Survey, show that the incidence of sexual assault in the military is on par with that in the civilian community. MG Patton also explained how Unit Climate Assessments are used to capture data on command climate to determine whether there are problems in a unit and explained a recent change from the Secretary of Defense that requires these assessments to go to the next higher commander in the unit commander's chain of command. MG Patton also explained some of the recent DoD advocate and victim assistance initiatives.

Mr. Fred Borch, U.S. Army Regimental Historian and Archivist

Mr. Borch discussed the history of discipline and justice in the military, as well as the role of the commander in the military justice process. He used PowerPoint slides in his presentation to the Panel. He discussed the history of the commander as being at the root of the military disciplinary system and how the commander's role has evolved over time. Mr. Borch informed the Panel about the evolution of military courts-martial into a system that more closely resembles civilian criminal courts with the introduction of an appellate process, military judges, and the enactment of the Uniform Code of Military Justice and the adoption of the Military Rules of Evidence. He stated that the military justice process provides more protections for an accused than are typically available in civilian systems. He expressed his concern that if the commander were removed from the military justice system, the commander would no longer have an interest in disciplinary matters in his or her unit. He explained that the commander has historically been at the root of the disciplinary system and that the commander needs that system as part of a greater disciplinary effort to achieve mission success.

Captain Robert Crow, USN, Deputy Assistant Judge Advocate General for Criminal Law

Captain Crow presented information about the Uniform Code of Military Justice and the military justice system. He used PowerPoint slides in his presentation to the Panel. Captain Crow discussed how a sexual assault case would progress through the military justice system from reporting of the offense through the court-martial process, as well as other alternate dispositions. He discussed the relationship between convening authorities and judge advocates in the court-martial process. Captain Crow compared Military Rule of Evidence 412, the military's rape shield law, with its federal counterpart. Captain Crow concluded by discussing pre-trial agreements and sentencing in courts-martial, along with possible secondary effects, such as loss of military retirement.

The Designated Federal Officer closed the public meeting at 5:07 p.m.

I hereby certify, to the best of my knowledge, the foregoing minutes are accurate and complete.

  
Barbara Jones

Chair

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