

Response Systems Panel  
Public Meeting - December 11, 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 December 11-12, 2013.

The public meeting on December 11, 2013 began at 8:49 a.m. and concluded at 6:07 p.m. in the Multipurpose Room in the San Jacinto Residence Hall at the University of Texas at Austin, 309 East 21<sup>st</sup> Street, Austin, Texas. These minutes reflect the substance of the meeting on December 11, 2013. The minutes for the December 12, 2013 portion of the public meeting are filed separately. 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.

Participants:

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

Response Systems Panel Staff:

Colonel Patricia Ham, USA, Staff Director  
Mr. Dillon Fishman, Staff Attorney

Other Participants:

Mr. William Sprance, Designated Federal Officer

Presenters:

Mr. Russ Strand, Chief, Behavioral Sciences Education and Training Division, U.S. Army  
Military Police School  
Major Ryan Oakley, U.S. Air Force, Deputy Director, Office of Legal Policy, Office of the  
Under Secretary of Defense for Personnel and Readiness  
Dr. Cara J. Krulewicz, Director, Women's Health, Medical Ethics and Patient Advocacy  
Clinical and Policy Programs, Office of the Assistant Secretary of Defense (Health  
Affairs)  
Captain Jason Brown, U.S. Marine Corps, Military Justice Officer, Military Justice Branch  
(JAM), Judge Advocate Division, Headquarters Marine Corps  
Captain Robert Crow, U.S. Navy, Director, Criminal Law Division (Code 20)

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Lieutenant Colonel Michael Lewis, U.S. Air Force, Chief, Military Justice Division  
Colonel Michael Mulligan, U.S. Army, Chief, Criminal Law Division, Office of The Judge Advocate General  
Mr. Darrell Gilliard, Deputy Assistant Director, Naval Criminal Investigative Service  
Mr. Neal Marzloff, Special Agent in Charge, Central Region, U.S. Coast Guard Criminal Investigative Service  
Mr. Kevin Poorman, Associate Director for Criminal Investigations, U.S. Air Force Office of Special Investigations  
Mr. Guy Surian, Deputy G-3, Investigative Operations and Intelligence, U.S. Army Criminal Investigation Command  
Deputy Chief Kirk Albanese, Los Angeles Police Department, Chief of Detectives, Detective Bureau  
Sergeant Liz Donegan, Austin Police Department, Sex Offender Apprehension and Registration Unit  
Deputy Chief Corey Falls, Ashland, Oregon Police Department, Deputy Chief of Police  
Sergeant Jason Staniszewski, Austin Police Department, Sex Crimes Unit  
Ms. Joanne Archambault, Executive Director of End Violence Against Women International and President and Training Director for Sexual Assault Training and Investigations  
Dr. Noël Busch-Armendariz, Professor, School of Social Work at The University of Texas at Austin, and Associate Dean of Research  
Dr. Kim Lonsway, Director of Research for End Violence Against Women International

Public Comment:

Major Melissa Brown  
Mr. Daniel Ross

**PANEL MEETING**

**Introductory Remarks**

At 8:49 a.m., Mr. William Sprance, the Designated Federal Officer, opened the meeting. Colonel Patricia Ham, RSP Staff Director, and the Hon. Barbara Jones, RSP Chair, provided opening comments. Chairwoman Jones discussed the meeting's focus and agenda, and thanked the University of Texas-Austin for the use of their facilities.

**Investigating the Problem of Sexual Assault in the Military and Civilian Society**

Mr. Russ Strand, Chief, Behavioral Sciences Education and Training Division, U.S. Army Military Police School

Mr. Strand described the problem of sexual assault in the military and civilian society and offered best practices for investigating sexual assault offenses. He explained that predators within the ranks of the military create an insider threat which is not easy to identify. Mr. Strand offered the following information and opinions: 95% of the male population will not commit a sexual assault; the problem is the 5% who will commit one or many sexual assaults. Sex

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offenders and investigations must be offender-focused, not victim-focused. Studies have shown that the chance of a sex offender being caught is about 3% and offenders often have multiple victims. Relying on registered sex offender information to identify offenders in your neighborhood provides a false sense of security because the larger problem is the unregistered sex offenders who never got caught. Key elements in understanding sexual assault responses include: how offenders are masters of deceit who target vulnerable victims, why profiling sex offenders is difficult, and how victims react to the trauma of sexual assault. Some “best, promising practices” to overcome common challenges in investigating and prosecuting sex offenses include the forensic experiential trauma interview (FETI) technique. Mr. Strand explained the Army MP School is teaching investigators to use the technique and apply current insights of the neuroscience of trauma to solicit and document victim interviews effectively.

Question and Answer from the RSP Members to the Mr. Strand

RSP members asked about specific programs addressing the problem of male sexual assault. Mr. Strand replied that same-sex sexual assault is being addressed in investigator training. RSP members also asked for additional information on the recipients of the training including whether resources were adequate for the amount of training needed. Mr. Strand responded that they have trained Army investigators, as well as investigators from other Services. He stated they have also provided training to some prosecutors. Mr. Strand told the Panel that his training program is currently adequately funded, but there could be a problem in the future with reductions in forces and funding. There was a discussion on the fact that no test existed that can identify a potential sex offender, but that grooming behaviors can be identified.

**Special Victim Capability (SVC) – FY2013 NDAA, Section 573**

Major Ryan Oakley, U.S. Air Force, Deputy Director, Office of Legal Policy, Office of the Under Secretary of Defense for Personnel and Readiness

Major Oakley informed the RSP members about the FY2013 statutory requirements for Special Victim Capability (SVC) and the Department of Defense’s plans and policy to implement those requirements across the services. Major Oakley explained that the SVC establishes a coordinated, standardized, global capability to support the military justice process in sexual assault cases through trained investigators, prosecutors, victim witness liaisons, and paralegals. Major Oakley also provided the following information to the members: SVC is a capability, not a team, and it is a collaborative effort. The DoD Sexual Assault Prevention and Response Office (SAPRO) convened a working group to develop plans for implementing the requirement. The SVC is activated upon receipt of an unrestricted report of a qualifying offense. The personnel who make up the SVC will work closely with victim support services. Those selected as part of each Services’ SVC will receive specialized training. Further, metrics will be collected to evaluate the effectiveness of the SVC program.

Dr. Cara J. Krulewitch, Director, Women’s Health, Medical Ethics and Patient Advocacy Clinical and Policy Programs, Office of the Assistant Secretary of Defense (Health Affairs)

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Dr. Krulewitch discussed the role of healthcare providers in the SVC. The medical portion of the SVC response assures that the victims receive a sexual assault forensic examination from a trained provider, which could be military or civilian.

Captain Jason Brown, U.S. Marine Corps, Military Justice Officer, Military Justice Branch (JAM), Judge Advocate Division, Headquarters Marine Corps

Captain Brown explained that the USMC uses complex trial teams located regionally as part of their capability. The complex trial team includes a Senior Trial Counsel, a Marine CID agent, and support personnel. USMC defense counsel also operate from a centralized office in the Marine Corps.

Captain Robert Crow, U.S. Navy, Director, Criminal Law Division

Captain Crow explained that the Navy is also organized geographically. The Navy has a Military justice career litigation track allowing for more experienced counsel in the senior trial positions without risking future promotion. It uses a course entitled, “Prosecuting Alcohol Facilitated Sexual Assault Cases” to train their prosecutors. The Navy also sends counsel to the MP School’s SVUIC.

Lieutenant Colonel (Lt Col) Michael Lewis, U.S. Air Force, Chief, Military Justice Division

Lt Col Lewis explained that the Air Force has had a program for using senior trial counsel for its most complex cases for more than 40 years. The Air Force has set aside a group of senior trial counsel as special victim unit prosecutors, and provided them with specialized training. One of the senior trial counsel is the SVU Chief of Policy and Coordination who is teamed with an Air Force Office of Special Investigations (AFOSI) agent to provide reach-back capability for the field—that is, someone the field can call for guidance, and who monitors all SVU cases.

Colonel Michael Mulligan, U.S. Army, Chief, Criminal Law Division, Office of The Judge Advocate General

Colonel Mulligan explained that the Army implemented a program with Special Victim Prosecutors (SVPs) in 2009. The program started with 15 SVPs and now has 23 specially-trained litigators regionally based. The SVP program provided the basis for the Army’s SVC, which expanded the capability to include investigators, victim witness liaisons, and paralegals. The Army also uses highly qualified experts (HQEs) to augment their prosecutors’ expertise. The Army has the trial counsel assistance program (TCAP), which has a training function and provides a reach-back capability for prosecutors in the field.

Question and Answer from the RSP Members to the SVC Presenters

RSP members asked about the length of time an individual would be assigned to one of these positions to ensure they are there long enough to be effective, and the concern that specializing could limit the career progression of an otherwise exceptional officer, as well as the issue that a career military lawyer would not have the same number of years as a litigator as their civilian counterparts.

**Military Criminal Investigative Organizations (MCIOs)**

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Mr. Darrell Gilliard, Deputy Assistant Director, Naval Criminal Investigative Service

Mr. Gilliard described the Navy Criminal Investigative Service (NCIS)'s Adult Sexual Assault Program teams (ASAP). The teams are located to support major concentrations of Naval personnel. Mr. Gilliard provided the following information and opinions to the Panel: NCIS has had specialized teams to handle family and sexual assault billets for many years, but has augmented that capability with the teams dedicated to investigating adult sexual assault offenses. The limits of training and resources are a concern. NCIS is unique in that all of the agents are civilians who must serve a two-year probationary period after training at the Federal Law Enforcement Training Center (FLETC). NCIS has a text tip hotline and Tip Submit application for smartphones. NCIS is actively involved in providing sexual assault awareness briefings to commands. The requirement for NCIS to investigate all sexual assault allegations has required the reassignment of billets from other teams without being able to replace them.

Mr. Neal Marzloff, Special Agent in Charge, Central Region, U.S. Coast Guard Criminal Investigative Service

Mr. Marzloff addressed the Coast Guard's investigations of sexual assault. He conveyed that the Coast Guard is committed to aggressively investigating all unrestricted reports of sexual assault involving Coast Guard personnel, and works closely with the SARCs, VAs, SVCs, JAGs, and commanders. Coast Guard agents are also trained at FLETC. The Coast Guard's family and sexual violence investigators (FSVI) attend the MP School's SVU course. These agents conduct sexual assault prevention workshops with SARCs, VAs, and SJAs to train service members.

Mr. Kevin Poorman, Associate Director for Criminal Investigations, U.S. Air Force Office of Special Investigations

Mr. Poorman described the Air Force's approach to investigating sexual assault crimes. The Air Force has dedicated resources to sexual assault response training programs and the integration of cognitive research into interviewing techniques. The Air Force recently authorized an additional 24 civilian agents to work sexual assault investigations. The Air Force agents attend training at FLETC where they also provide an Air Force follow-on course called the Sex Crimes Investigations Training Program (SCITP). Both Air Force investigators and JAGs attend SCITP. The Air Force looks at biases and teaches a cognitive interviewing technique which uses open-ended questions.

Mr. Guy Surian, Deputy G-3, Investigative Operations and Intelligence, U.S. Army Criminal Investigation Command

Mr. Surian outlined the Army CID special victim units. Army CID agents are trained at the MP School. Mr. Surian explained that in 2008, CID found that its agents were applying their personal biases to how they handled sexual assault cases. Consequently, CID worked with the MP School and developed the two-week Special Victim Unit Investigations Course (SVUIC). This course addresses the agents' biases and teaches the FETI technique. The course has been designated a core competency requirement for all agents. The goal is for the senior SVU agents

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to also attend the advanced crime scene course, domestic violence course, and the child abuse course. Some of the innovative programs include co-locating the special victim prosecutor with the SVU at the CID office, or creating a multi-disciplinary team at a single location.

Question and Answer from the RSP Members to the MCIO Presenters

RSP members asked questions about the challenges faced when an agent has to read victims their rights for collateral misconduct and how the availability of special victim counsel for the victim may impact investigations. Mr. Poorman stated that the special victim counsel program has been working well and they are integrated into the process as quickly as possible. RSP members also asked when the MCIOs will reach their training goals, and what resources were needed to help reach that target quicker.

The Panel recessed for lunch.

**Civilian Police Departments and Investigators**

Deputy Chief Kirk Albanese, Los Angeles Police Department, Chief of Detectives, Detective Bureau

Deputy Chief Albanese discussed best practices and training in the Los Angeles Police Department (LAPD). Deputy Chief Albanese provided the following information and opinions to the Panel: LAPD's approach is to put the confidentiality and needs of the victim first. LAPD starts by believing, meaning that regardless of the circumstances, the responding officer will not be cynical. LAPD works closely with the DA's office from the beginning. LAPD has dedicated sexual assault detectives and a one week course on major assault crimes, plus a one week course specifically on sexual assault investigations that these detectives must attend prior to working in the unit.

Sergeant Liz Donegan, Austin Police Department, Sex Offender Apprehension and Registration Unit

Sergeant Donegan explained some of the methods employed by the Austin Police Department (APD) and discussed the transformation of the APD sex crimes unit. She provided the following information and opinions to the Panel: Previously the primary focus was sexual assault cases involving strangers and false reports. In 2003, there was a shift in training, policy, and practice of the investigation of sexual assault crimes. Non-stranger cases became the focus of the unit. Changes were also made in the academy training to educate officers about how important the first contact with a victim is, and to address myths and biases. A major change was in the language used to document the facts of the case removing terms that sound consensual. APD also made changes to the Sexual Assault Nurse Examiners (SANE) program and evidence collection standards by extending the time period in which an examination is performed. Training and education of investigators in victim behaviors and advanced interview techniques, focusing on a supportive, victim-centered investigation, are important. APD's motto is, "We believe."

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Deputy Chief Corey Falls, Ashland, Oregon Police Department, Deputy Chief of Police

Deputy Chief Falls discussed changes his department made to address under-reporting. They addressed the barriers to reporting a sexual assault by fostering an environment where people want to report. They also saw the need for a victim-centered response and an offender-focused investigation. Victims are provided with options regarding the investigative process, giving the victim control, which also gives the victim confidence in reporting. None of this is possible without collaboration with the other agencies involved in the response and command-level support.

Question and Answer from the RSP Members to the Civilian Law Enforcement Presenters

RSP members asked questions about the importance of having advocates and investigators who want to be in the position, rather than being told they had to take the position. RSP members also asked about the various police departments' relationships with colleges in their areas. The RSP members asked what the departments did when a case was initiated and the victim later decided not to participate. All three departments answered that the victim is never forced to go forward, and are given time to make an informed decision.

**Academic Discussion - Civilian Police Response and Handling of Sexual Assault Reports**

Dr. Kim Lonsway, Director of Research for End Violence Against Women International (EVAWI)

Dr. Lonsway stated that her goal was to ensure there was training to bridge the gap between research and practice. She addressed the attrition rate from the number of sexual assaults committed to the number of incidents that are prosecuted. She also identified victim reporting barriers and methods for avoiding and overcoming those barriers, specifically, the potential impact of victim support on reporting and continued participation in the investigative and prosecutorial phases. She stated that "Start by believing" is not just about the police believing a report, it is also about friends and family believing the victim.

Ms. Joanne Archambault, Executive Director of EVAWI and President and Training Director for Sexual Assault Training and Investigations

Ms. Archambault discussed best practices and challenges of investigation in both military and civilian sexual assault cases. She stated that accurate data reporting, listening to victims, and specialized training and experience for investigators are all important.

Dr. Noël Busch-Armandariz, Professor, School of Social Work at The University of Texas at Austin, and Associate Dean of Research

Dr. Busch-Armandariz addressed the tools and strategies needed by professionals to adequately combat sexual assault. Dr. Busch-Armandariz explained her research methodology and that her research results support the effectiveness of a comprehensive review and interdisciplinary approach to improving sexual assault investigation and prosecution.

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Question and Answer from the RSP Members to the Academic Panel Presenters

The RSP members asked questions about how to measure if a program is successful, and discussed future research to address not just victimology, but also the characteristics of the perpetrator.

Public Comments

Major Melissa Brown, Texas National Guard.

Major Brown shared her story as a survivor of a sexual assault. When she was sexually assaulted in 2005, she felt the need to fix the problem and get back to work. She did not want to appear weak or jeopardize her upcoming deployment. Major Brown did not report the assault. Later, when she did report the incident, she said she felt supported and believed. However, she still thinks that the system can be improved.

Mr. Daniel Ross, Attorney, Chairman of the Advisory Committee, Institute on Domestic Violence and Sexual Assault

Mr. Ross discussed the importance of addressing the rape myths that are still prevalent in American society. He addressed concerns with possible retaliation for making a report, including the stigma that is still associated with being a victim of sexual assault.

**Review of Meeting Summary**

The Panel members reviewed a summary of the day's discussions for release to the public.

The Designated Federal Officer closed the public meeting at 6:07 p.m.

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



Barbara Jones

Chair

Response Systems to Adult Sexual Assault Crimes Panel



## Attachments

### **Documents:**

#### **Materials provided to panel members prior to meeting:**

1. Holleran, D., Beichner, D., & Spohn, C. (2008). Examining Charging Agreement Between Police and Prosecutors in Rape Cases. *Crime & Delinquency*, 56(3), 385 – 413.
2. Lonsway, K.A. & Archambault, J. (2012). The “Justice Gap” for Sexual Assault Cases Future Directions for Research and Reform. *Violence Against Women*, 18(2), 145-168.
3. Munch, A. Sexual Assault: Naming the Unnamed Conspirator. Examining Myth and Incorporating Truth into the Investigative and Prosecutorial Process.
4. Strand, R. (2013). The Forensic Experiential Trauma Interview (FETI)
5. Article 120 and Sex Crimes Comparisons
6. IACP. Sexual Assault Report Review Checklist
7. Sex Offense Case Checklist
8. Ashland Police Department. You Have Options Program Materials

#### **Additional Material Provided to Members**

- Factors Leading to Wrongful Convictions 2000
- 2013 OSI Fact Book
- Jeffrey W. Rosky, (2012). The (F)utility of Post-Conviction Polygraph Testing. *Sexual Abuse: A Journal of Research and Treatment*.
- ABA Ten Principles of a Public Defense Delivery System
- IACP Action Plan Template
- IACP Alcohol Facilitated Roll Call Card
- Washington State Bar Association, Performance Guidelines for Criminal Defense Representation
- Washington Defender Association Standards for Public Defense Services
- Dr. Cassia Spohn & Dr. Katherine Tellis, (2012). Policing and Prosecuting Sexual Assault in Los Angeles City and County: A Collaborative Study in Partnership with the Los Angeles Police Department, the Los Angeles County Sheriff’s Department, and the Los Angeles County District Attorney’s Office.
- Mark D. Evans Consequences of Conviction, Sanctions Beyond the Sentence Under Colorado Law.
- You Have Options, Sexual Assault Reporting within the City of Ashland
- Email from Laurie Kepros
- Exonerations in the United States 1989-2012, Report by the National Registry of Exonerations

## Attachments

- IACP National Law Enforcement Leadership Institute on Violence Against Women
- Laura Widman, Michael A. Olson & Rebecca M. Bolen (2013). Self-Report Sexual Assault in Convicted Sex Offenders and Community Men. *Journal of Interpersonal Violence*.
- Training Announcement, North Dakota
- IACP Non-Stranger Sexual Assault Roll Call Card
- The National Registry of Exonerations, Update 2012
- The OnLine Training Institute for Sexual assault Investigations, EVAWI
- IACP First Line Supervisor Training
- IACP Realities of Violence Against Women
- IACP Sexual Assault Report Review Check List
- Sexual assault Crimes Executive Summary LAPD
- Sexual Assault Crimes Presentation, LAPD
- IACP Enhancing Law Enforcement Response to Sexual Assault Violence on Campus flyer
- IACP Training schedule Savannah GA
- Sex Crimes Detective Operational Manual, 2012-2014, Austin Police
- Austin Police Department Sex Crimes Unit Standard Operation Procedures, 2013, rev 2/24/2012
- Austin Police Department Sex Crimes Unit Standard Operation Procedures, 2013, rev 12/14/2012
- IACP Sexual Assault Case Management, Agency Self-Assessment
- Police Executive Research Forum, (2012). Improving the Police Response to Sexual assault: Summary of a Conference
- State v ANJ 168 Wash.2d 91 (2010)
- IACP Supervisor Training on Violence Against Women Curriculum Daily Outline
- The Alley (Spring 2010) 1(1)
- IACP First-Line Supervisor Training Summary
- IACP Agency Violence Against Women Climate Survey
- IACP Promising Practices and Recommendations for Improving Law Enforcement Response to Violence Against Women
- You have Options Program Materials
- Austin PD Public Awareness Message (Video)

## Agenda

### Biographies for Presenters:

- Mr. Russ Strand
- Dr. Cara J. Krulewitch
- Captain Jason Brown

## Attachments

- Lieutenant Colonel Michael Lewis
- Mr. Kevin Poorman
- Mr. Guy Surian
- Deputy Chief Kirk Albanese
- Sergeant Liz Donegan
- Deputy Chief Corey Falls
- Ms. Joanne Archambault
- Dr. Kim Lonsway
- Dr. Noël Busch-Armendariz

### **Presentations and Provided Documents**

- RSP Seminar-Mr. Strand
- Statement of Lt Col Lewis
- Statement of MAJ Oakley
- MCIOs
  - CID Sexual Assault Investigation
  - Statement of Mr. Surian, CID
  - Statement of Mr. Gilliard, NCIS
  - Statement of Mr. Marzloff, USCGIS
  - USCGCI Presentation
- Academics Regarding Civilian Police Response-Dr. Lonsway and J. Archambault
- Presentation of Dr. Busch-Armendariz

### **Public Comments:**

- Comment from Paula Bushon
- Email from Maj Brown
- Email from A. Finn
- Submission from D. Boss
- Submission from The Innocent Warrior Project

### **Material Provided After Meeting**

- Email from Mr. Surian Regarding percentage of female agents in CID