

UNITED STATES DEPARTMENT OF DEFENSE
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RESPONSE SYSTEMS TO ADULT SEXUAL ASSAULT
CRIMES PANEL

VICTIM SERVICES SUBCOMMITTEE

+ + + + +

CONFERENCE CALL

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THURSDAY
JANUARY 23, 2014

+ + + + +

The Subcommittee convened telephonically at 2:30 p.m., Eastern Standard Time, Mai Fernandez, Chair, presiding.

PRESENT

MAI FERNANDEZ, Chair
DEAN MICHELLE J. ANDERSON
WILLIAM CASSARA
MEG GARVIN
REP. ELIZABETH HOLTZMAN
JUDGE CRISTEL E. MARQUARDT
DEAN LISA SCHENCK

ALSO PRESENT

CANDACE HUNSTIGER, Designated Federal

Official

JULIE CARSON

COLONEL PATRICIA HAM

CDR SHERRY KING

TERRI SAUNDERS

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SITE VISIT BRIEFING FROM FORT HOOD
AND JBSA (LACKLAND).80

CALL ENDS

1 P-R-O-C-E-E-D-I-N-G-S

2 2:37 p.m.

3 CDR KING: Okay, at this time we
4 can start. We have an alternate DFO,
5 Lieutenant Colonel Hunstiger, to start the
6 meeting. Is that correct?

7 DFO HUNSTIGER: Yes. Sure you can
8 start it off whenever you're ready.

9 COL. HAM: Okay. We want to remind
10 everyone we have a court reporter transcribing
11 today, as always, and he's here with us, so
12 you can't see him but he's here.

13 CDR KING: And in order to help him
14 out and make the record clear, if you can
15 remember, please try to state your name before
16 you talk so that he can recognize your voice
17 and attribute the statements to the right
18 people.

19 Ms. Fernandez, do you want to
20 start?

21 CHAIR FERNANDEZ: Sure. First, I
22 want to welcome everybody on the conference

1 call and thanks for making time for this, and
2 also the additional meetings for the
3 Subcommittee.

4 I met last week with all the staff
5 to review the outline that they had created.
6 I know that the last time we all met we
7 thought that putting together sort of the
8 outline of what we wanted to report on was a
9 little too early, and that we needed an
10 opportunity to really kind of talk and talk
11 about the structure. So, my hope is with the
12 revised outline we have and this opportunity
13 to speak together that we can start putting
14 together a structure on what we're going to
15 want to report on based on all the information
16 that we have accumulated thus far, and the
17 work that the staff has done. And that's
18 really all I have to say.

19 COL. HAM: Does everybody have the
20 outline? Have you had a chance to review it?
21 This is Colonel Ham.

22 MEMBER MARQUARDT: I think it looks

1 good. This is Christel Marquardt.

2 CHAIR FERNANDEZ: What do other
3 folks think? Do they just want to start
4 walking down the outline as a way to begin or
5 do people have comments straight off the bat?

6 MEMBER ANDERSON: This is Michelle.
7 I think it would help for us to go through the
8 outline as you've constructed it.

9 CHAIR FERNANDEZ: Sherry, do you
10 want to start walking us through or Julie?

11 CDR KING: Sure, we can do that.
12 The first page kind of just describes what the
13 Subcommittee objectives and the scope is along
14 with new NDAA provisions that apply to this
15 Subcommittee. And we also listed the
16 provisions for the next Subcommittee on the
17 Judicial Process Panel, partly because we're
18 studying a lot of those things already, so you
19 may want to make recommendations. You also may
20 end up deciding that you don't have enough
21 information or time to make all the
22 recommendations, so we put this in here

1 because some of your recommendations may end
2 up being that the specific issues should be
3 reviewed by the Judicial Process Panel
4 further.

5 But the outline we put together
6 really starts with methodology, Subcommittee
7 analysis, describe -- and we'll put this
8 together, describing what meetings were held,
9 the presenters we heard from at each of the
10 meetings. We'll describe all the material we
11 received that you've reviewed, the
12 installations we visited, views we solicited,
13 written comments we received. And we'll put
14 that together for you. That'll probably be a
15 pretty long part, but it's really necessary
16 just to give the reader an overview of what
17 was done by the Subcommittee.

18 The next part is the Victim
19 Rights, and Section 8 just describes all the
20 policy, and a lot of that stuff we'll also be
21 putting together for you. But then we wanted,
22 or we thought you might want to talk about the

1 rights in the CVRA, the NDAA rights, and then
2 in Section C, and then perhaps talk about the
3 additional rights, such as the right to be
4 heard at a plea, which could involve changing
5 Article 34 Advice to include whether the
6 victim was consulted in the pretrial advice to
7 the Commander. And then post-trial clemency.
8 And also we put in a section on restitution
9 even though technically that's something that
10 the Judicial Process Panel is required to
11 review, along with enforcement mechanisms. And
12 that's something that you may want to discuss,
13 is what type of enforcement mechanism should
14 be available to military victims because
15 that's not in the statute, and that's
16 something that the military is going to be
17 looking at.

18 And we also -- Section D, we left
19 a section for additional rights that our
20 Subcommittee may want to recommend if, indeed,
21 there are any.

22 The next section describes Victim

1 Services. And this is kind of a comprehensive
2 list of Victim Services. You've heard from a
3 lot of people, SARCs, victim advocates, and
4 Family Advocacy Program which also has similar
5 counselors and advocates, so we thought we
6 would set out, or at least in the outline we
7 kind of set out where we'll describe what
8 there is now. And it seems like in the last
9 few years that there's new programs being set
10 up all the time, so we thought it might help
11 if we at least set those out for you. And then
12 you can talk about what they do, what you
13 think is important to provide, what you think
14 should be changed if there's additional
15 services you think there should be. But we'll
16 be able to at least set out who there is and
17 what their roles are for you partly based on
18 the information we've gotten so far. And then
19 you can talk about what else you want, or what
20 you saw, or what you think is lacking.

21 MEMBER ANDERSON: Commander King?

22 CDR KING: Yes.

1 MEMBER ANDERSON: This is Michelle.

2 Could I just jump in for a second and -

3 CDR KING: Sure.

4 MEMBER ANDERSON: -- ask if
5 there's a method to the color coding?

6 MS. CARSON: Yes. The color coding,
7 we looked at each -- each of these bars is a
8 subject area, and the colors are -- we've
9 broken it into three different basic areas to
10 dig deeper into it. I think Commander King
11 sent the list.

12 CDR KING: Yes.

13 MEMBER ANDERSON: I was wondering
14 if this referred to that list.

15 MS. CARSON: This is referring to
16 that list.

17 MEMBER ANDERSON: Thanks for that
18 clarification.

19 MS. CARSON: So, that's kind of how
20 we're grouping the different areas of focus or
21 points of contact for each different subject
22 really. This is the way they naturally kind of

1 broke, so the color coding is just to help you
2 kind of see that.

3 MEMBER ANDERSON: Thank you.

4 MEMBER HOLTZMAN: Can I just ask
5 another -

6 CDR KING: Sure.

7 MEMBER HOLTZMAN: Sorry, this is
8 Liz Holtzman. Can I just ask a quick question?
9 What is the date of that email containing the
10 outline, please?

11 COL. HAM: It's Friday, the 17th.

12 MS. SAUNDERS: This is Terri. I'd
13 be happy to resend that if you can't find it,
14 or if you didn't get it.

15 MEMBER HOLTZMAN: I'm sure I can.

16 MS. SAUNDERS: Okay.

17 MEMBER HOLTZMAN: Thank you.

18 CDR KING: If you can't find it or
19 you need another copy we can send it out
20 again.

21 MEMBER SCHENCK: This is Lisa. Can
22 I just ask a question?

1 CDR KING: Sure.

2 MEMBER SCHENCK: We're going
3 through the outline and everything, but I
4 wondered about -- I know you're going to
5 provide us with a bunch of this information
6 but under the Victim's Rights section you have
7 right to be heard. And are we discussing --
8 are we listing those as voids in NDAA or are
9 we going to also address additions in the
10 NDAA? In other words, the victims now don't
11 have to participate in the Article 32 process,
12 so are these just voids in the NDAA we're
13 hitting on?

14 MEMBER CASSARA: Hey, Lisa, it's
15 Bill Cassara. I'm not sure I understood your
16 question.

17 MEMBER SCHENCK: Okay. In the
18 outline under Victims rights on page 2 of the
19 outline for the report that Sherry sent us,
20 that she's going through line by line.

21 MEMBER CASSARA: Right.

22 MEMBER SCHENCK: It says 2013 NDAA

1 provision. 2013 NDAA provision, you mean --
2 does that mean the provision regarding our
3 responsibilities, or does that mean the NDAA
4 provisions regarding victims rights?

5 MS. CARSON: Victims rights.

6 MEMBER SCHENCK: Okay. So

7 MS. CARSON: That's specifically to
8 victims rights.

9 MEMBER SCHENCK: -- under the
10 victims rights where we have right to be heard
11 with the Article 34, we -- and other issues,
12 we don't talk about that victims now have the
13 right to deny appearance, refuse to appear.

14 MS. CARSON: Yes, we haven't gotten
15 -- we haven't completely gone through that
16 yet, so it's partial. It'll be in there.

17 CDR KING: Well, we said -

18 MEMBER SCHENCK: And then I have
19 another question on Victims Services. You guys
20 are going to lay out all those players in the
21 system, the roles that they play. Are you
22 going to address overlaps in those roles

1 because -

2 MS. CARSON: Absolutely.

3 MEMBER SCHENCK: -- I think
4 that's, to me, one of the issues we should
5 look at. There's a lot of resources being
6 expended on these different roles and
7 different services, but there's overlap when
8 you're talking about what roles they're
9 playing. There's overlap regarding different
10 services. There's different terminology. I
11 think the DTFSAMS talks about the terminology
12 being thrown around. There's a lot of
13 resources, but are they actually properly
14 assessed, I guess.

15 CDR KING: So, when I said that we
16 were going to list them, what I meant was we
17 were going to provide -- help provide you,
18 take from the transcripts, from the Requests
19 for Information that was provided back, and
20 any of the instructions that we've been given
21 and put -- fill in those blanks for you. But
22 it's for you to decide whether you think that,

1 like you were saying, that maybe there's
2 overlap or they're confusing. Those are things
3 that we're putting in here for you as
4 Subcommittee members to discuss to perhaps add
5 to flesh out -- this isn't a final outline,
6 this is a draft outline.

7 MS. CARSON: This is a working
8 document.

9 CDR KING: So, this is to -- some
10 of our ideas, it's not all the -- this has
11 everything that you're required to do, and
12 some of the things that we believed had been
13 brought up in the sessions that we've had so
14 far. But it's certainly not by any means
15 complete as to what you can or perhaps should
16 talk about depending on what you believe is
17 important or relevant.

18 CHAIR FERNANDEZ: You know, some of
19 the stuff listed in this outline is pretty
20 straightforward.

21 CDR KING: Right.

22 CHAIR FERNANDEZ: And I think we

1 just sort of started saying -- like if we
2 start with Section 2, Victims Rights, and the
3 prior DOD policy, services, regulation, that's
4 just an enumeration of what's out there.

5 CDR KING: Correct.

6 CHAIR FERNANDEZ: What is the
7 current -

8 CDR KING: Yes, ma'am.

9 CHAIR FERNANDEZ: I think what we
10 want to know from everybody is everybody okay
11 with just setting that out up front, just kind
12 of -- let's get some stuff off the plate so we
13 can really focus on those parts that need a
14 lot more discussion.

15 MEMBER ANDERSON: Mai, this is
16 Michelle, just in response to that. I think
17 that it's entirely unobjectionable and
18 appropriate to lay out a lot of this
19 background information. What I hope, though,
20 is that we can procedurally construct the
21 document so that it highlights our findings
22 and recommendations rather than burying the

1 lead, as it were, behind a lot of this
2 background, completely unobjectionable,
3 probably necessary information. It's possible
4 that some of this information we might want to
5 consider throwing into an appendix, although
6 I'm not sure. I think we're going to have to
7 wait and see how it kind of shakes out in
8 written form. But I want to make sure, I do
9 want our document to be effective, and I think
10 the only way for it to be effective is to
11 highlight the findings and recommendations
12 rather than the background.

13 CHAIR FERNANDEZ: I completely
14 agree.

15 CDR KING: Thank you.

16 COL. HAM: Ma'am, this is Colonel
17 Ham. One suggestion. Again, this is an outline
18 of potential issues for you, not necessarily
19 an outline -

20 CHAIR FERNANDEZ: Right.

21 MEMBER ANDERSON: -- of the
22 structure of the report. One suggestion is to

1 -- of course, your findings and
2 recommendations are a separate part of the
3 document, and one suggestion is to put them
4 right up front after the Executive Summary for
5 those who will not delve into the detail so
6 you have the Executive Summary, I'm losing the
7 word, but the findings and recommendations up
8 front that are described then in more detail
9 in the findings and recommendations section of
10 the report.

11 MEMBER ANDERSON: Right. That makes
12 a lot of sense.

13 CDR KING: The outline that's here,
14 isn't necessarily -- isn't certainly written
15 to like structure your report or your
16 recommendations in any way.

17 MS. CARSON: But it's to structure
18 the topics. It lays out what the statute terms
19 of reference require us to look at, so that's
20 laying it out in a very methodical way to
21 cover all the topics. Then how we want to talk
22 about what overlaps, and what interacts, and

1 where the problems are is the next step. But
2 the first step is to understand each of these
3 policy questions, and how they operate. And we
4 have all the different services to look at who
5 all do these things a little bit differently.
6 So, I mean, this is almost to help us put this
7 information in a digestible form for you so
8 that you can then look at it and make the
9 recommendations that some will be very
10 apparent need to be made, and others will be
11 matters for you to deliberate, discuss, and
12 decide.

13 MEMBER ANDERSON: Yes, thank you.

14 CDR KING: So, getting back to the
15 victims services, that is a big field. And
16 like Dean Schenck was saying, there's
17 overlaps, people have different titles. So, we
18 tried to kind of divide it up at least so that
19 we could write it and describe it for you. So,
20 we just included in Section B, Victim
21 Advocates/SARCs, what they do, what their
22 education is, how they compare to civilians.

1 And then at least we were thinking
2 for the outline here to try to divide up what
3 they do and who we've heard from, that a lot
4 of the people we've heard from provide mental
5 health treatment, victim support, victim
6 wellness kind of services. And then there's
7 another service that's provided mainly in the
8 military by victim witness liaison that come
9 into play during the court martial system, so
10 we made that a separate section.

11 And in the civilian world they're
12 more mixed up, and I think one of the things
13 you can do is compare those. So, we left them
14 under Victims Services, even though in the
15 military at this point they're kind of
16 divided. And I don't know that there's a huge
17 amount of overlay but at least we thought if
18 we laid them out that way you'd be able to see
19 what it is and be able to talk about it, and
20 decide what you think any recommendations
21 should be, or if there should be a different
22 format for it, or anything like that.

1 And then we included Special
2 Victims Counsel under this section as far as
3 Victims Services because it didn't really seem
4 to fit in a whole lot of other places.

5 MS. CARSON: This is a big issue in
6 itself.

7 CDR KING: And it is a big --
8 right. It's a whole big issue, but it is a
9 big area, so we included it under that. And
10 then we included other things like expedited
11 transfer under that because that is a benefit.
12 It's kind of a benefit to victims or
13 protection for victims, but we just put it
14 under that section to talk about with the --
15 people who work -- or the section relating to
16 Special Victims Counsel because Special
17 Victims Counsel seemed to fall under help with
18 the expedited transfers and stuff. So, that
19 was where at least when we were writing this
20 we kind of put it in there.

21 And then the Sexual Assault
22 Reporting, we kind of put in a different

1 section even though most of the people
2 involved in all the previous sections really
3 help with this, but it's kind of a whole other
4 issue -- a separate issue that you may want to
5 talk about.

6 MS. CARSON: We aren't specifically
7 asked to address reporting, but it's something
8 that we found -- uncovered some issues with as
9 we've made our visits, and heard from various
10 people. So, we just identified what it is
11 we've kind of heard and what things we may
12 want to talk about. We put these at the end
13 because it's not something that have to even
14 address, if you don't want to.

15 CDR KING: And then we left Best
16 Practices, we really did not -- that's
17 something that's -- we didn't do a lot of. I
18 think there's one left in there at this point,
19 but really that's something that will be part
20 of your recommendations and what you think
21 would be Best Practices for military victims,
22 so that's another thing for you to talk about;

1 that we didn't make a lot of -- or make a list
2 of what we think are the Best Practices. We
3 assume that once you go through the rest of
4 it, or you may have seen already things that
5 you think you should maybe add in there as
6 topics for Best Practices.

7 And that's essentially the outline
8 that we made. If there's other different
9 subjects or subheadings or something that you
10 want us to include in here, we'll be happy to
11 do that and send out a new version.

12 MS. CARSON: Or if you have any
13 questions on why it's set up the way it is or
14 any of the terms in there, the organization if
15 it, we'll be happy to answer them.

16 MEMBER SCHENCK: Can I just ask a
17 question? This is Lisa.

18 MS. CARSON: Yes.

19 MEMBER SCHENCK: I was looking at
20 the outline of the overall report from the
21 panel that Barbara -- Judge Jones and Colonel
22 Ham handed out the last Subcommittee meeting,

1 and I just wondered to what extent our report
2 is going to parallel a format for the other
3 chapters. It looks like our report is Chapter
4 7. Is our report just going to be put in
5 verbatim into the overall report?

6 MS. CARSON: I think that was
7 something that was done before, so I think
8 you're referring to the document we handed out
9 that was the entire report, and that was a
10 very early outline. I don't think the final
11 document is going to look like that at this
12 point. Maybe Colonel Ham or Terri can address
13 it.

14 COL. HAM: I think, Dean Schenck,
15 this is Colonel Ham. I think what Judge Jones
16 envisions as the Chair is that each
17 Subcommittee produces a detailed report. Then,
18 as you know from your DTF SAMS experience, the
19 full panel has to deliberate on the report.
20 And they will determine which sections will go
21 in their final report, and how they will be
22 changed or accepted or rejected from what the

1 Subcommittees present.

2 MEMBER SCHENCK: Okay. So, our
3 report, is that predecisional, or is that
4 going to be provided to the public?

5 COL. HAM: That's provided to the
6 public. There is no -- are there are no FOIA
7 exemptions applicable.

8 MEMBER SCHENCK: Okay. So, our
9 final Subcommittee report may or will be or
10 could be taken in part by the entire panel in
11 their report. You know, I'm just wondering how
12 that's -- DTFSAMS we did not have Subcommittee
13 written reports.

14 COL. HAM: Right. And my
15 understanding with DTFSAMS were there were no
16 Subcommittees established by the Secretary of
17 Defense.

18 MEMBER SCHENCK: Correct. That's
19 correct, absolutely. In other words, we're
20 going to give our report. It's going to be
21 finalized. It goes to the panel. The panel --
22 it'll be, I guess it'll be an appendix to --

1 maybe an appendix to the overall report?

2 COL. HAM: It's the Subcommittee
3 report to the panel, and then I believe Judge
4 Jones envisions the members of the
5 Subcommittee, however the Chair, Mai
6 Fernandez, determines will brief the full
7 panel on your findings and recommendations,
8 and on your report, and that's done in, as you
9 know, an open public meeting.

10 MEMBER SCHENCK: Right.

11 COL. HAM: And they can deliberate
12 and debate on those issues during that
13 meeting.

14 MEMBER SCHENCK: When is our report
15 due? When is our Subcommittee report due?

16 COL. HAM: Right now the briefings
17 are tentatively established to go to the full
18 panel in April.

19 MEMBER SCHENCK: Thank you.

20 COL. HAM: So, March.

21 MEMBER CASSARA: Hey, it's Bill
22 Cassara. Patty, I would anticipate -- I mean,

1 there is some overlap it seems to me between
2 things that we're working on and some of the
3 other Subcommittees, or at least the other two
4 Subcommittees. Is there a process if we come
5 to different conclusions or there's a
6 disagreement between the two committees, et
7 cetera. What happens? Does it just go to the
8 full committee with each recommendation and
9 they decide, or do we put justification in
10 ours? I'm just kind of unclear on that
11 process.

12 COL. HAM: Lieutenant Colonel
13 Hunstiger can weigh in here, too, as the
14 Alternate DFO, but my understanding is each
15 Subcommittee report stands on its own.

16 MEMBER CASSARA: Okay.

17 COL. HAM: And then the panel makes
18 its -

19 MEMBER CASSARA: So, if we're right
20 and they're wrong, that's just the way it -

21 CDR KING: No, most of it we talk
22 about similar issues, but from different

1 aspects.

2 COL. HAM: Right, right.

3 CDR KING: So, as far as like, for
4 instance, one example that we were talking
5 about here in the staff was the SANEs, you
6 know, the Sexual Assault Nurse Examiner
7 program. The Comparative Systems Subcommittee
8 is looking at that for as far as their
9 process, how they do it, how they're
10 qualified, things like that. From our
11 perspective, I would think it would be more
12 like how the victim is treated, what the
13 surrounding rooms are like, what the -

14 MS. CARSON: How easy is the
15 access?

16 CDR KING: How accessible is the
17 facility? How comfortable is it for the victim
18 to get there, to be there? Do they have
19 services, other services for the victim
20 available, things like that. So, we're --
21 anything that we look at that's related to
22 something someone else might be is probably

1 going to be from a little bit different
2 vantage point.

3 COL. HAM: So, there's less overlap
4 than you think because the terms of reference
5 for each Subcommittee were set up attempting
6 to avoid those conflicts, so that although
7 there is some blurring of the lines a little
8 bit, they really are, for lack of a better
9 word, different buckets of information for
10 each Subcommittee.

11 MEMBER ANDERSON: This is Michelle.
12 Could I -- go ahead.

13 MEMBER CASSARA: No, go ahead,
14 Michelle, please.

15 MEMBER ANDERSON: Well, I was
16 actually going to go off on a different topic.
17 So, Bill, if you want to close this one?

18 MEMBER CASSARA: I'm fine. I'm
19 fine. I'll -- I'm good. Thank you.

20 MEMBER ANDERSON: Okay. So, I just
21 want to really, really thank the staff for
22 this outstanding organized outline that all

1 the information we've gathered. I think it's
2 extremely helpful, and it reassures me that
3 the staff is completely on top of the data and
4 assembling the evidence in a way that's really
5 going to be constructive and conducive to our
6 -- to facilitate the completion of our report,
7 so I really want to thank you all for that
8 first.

9 And then, second, I want to ask
10 about a couple of different things, and how we
11 might either want to tease them out as
12 separate sections, or whether or not they are
13 subsumed within the ways that you have
14 constructed the information here.

15 The first has to do with
16 resources. I would love a place in this
17 document to talk about the resources that the
18 military has given to the issue of sexual
19 assault over time, and also where we are now
20 with -- the sense I get is that we have
21 enhanced resources as we have enhanced
22 scrutiny. And my concern that we may have

1 lessened resources as scrutiny or focus of the
2 military turns to other subjects. So, I'd love
3 to have a place in the document where we talk
4 about the distribution of resources to this
5 particular problem over the past 10 years, and
6 where we are today relative to where we've
7 been in the past. How those resources differ
8 through the different Armed Services.

9 And that would then provide us,
10 should we want to make recommendation on this,
11 an opportunity to make findings about focused
12 and intentional resource distribution to try
13 to solve this problem.

14 COL. HAM: We have -

15 MEMBER SCHENCK: So that would -

16 COL. HAM: Oh, I'm sorry. Thank
17 you, Dean Anderson.

18 MEMBER ANDERSON: Go ahead.

19 COL. HAM: We requested from the
20 Services a list of all initiatives since 2007
21 which is really the start of the RSP's charter
22 and, if possible, the funds that have been

1 expended or anticipated cost of those. I don't
2 -- we'll see if they can provide that. We
3 know, for example, the appropriations, the
4 National Defense Appropriations Act just came
5 out and there's \$156.5 billion with a B for
6 boy -- no, million, I'm sorry. I'm sorry. It
7 is M, Major, \$156.5 million with an M dollars
8 appropriated to DOD SAPRO for this fiscal
9 year, and an additional \$25 million for
10 Special Victim Counsel for this year. So, we
11 can, I think, look at things like that. So, I
12 guess in sum, Dean Anderson, we're looking for
13 that information that you're seeking.

14 MEMBER ANDERSON: Yes. Well, I
15 definitely appreciate that because I think
16 what we don't want is to have -- I mean, I
17 think a lot of our report is going to be quite
18 positive toward the changes that the military
19 and the various Armed Services have engaged
20 in. And what I don't want is for that
21 congratulations to then be used as a reason
22 that -- or maybe not even a reason, but that

1 quietly then that support for those programs
2 goes away. These programs are very expensive,
3 they're very -- at times very healthy and
4 robust interventions on this problem, or in
5 this area. And I think to get a big handle on
6 this or to get a clear handle on this we're
7 going to want to know how the funds have
8 shifted since 2007, and what we might hope for
9 in the future.

10 COL. HAM: One other question we've
11 asked, Dean Anderson, is whether the funding
12 for the different initiatives is -- I don't
13 know a different word other than fenced. In
14 other words, is it specifically directed to
15 those

16 MEMBER ANDERSON: Yes.

17 COL. HAM: -- or does it have to
18 come out of -

19 MEMBER ANDERSON: Something else.

20 COL. HAM: Out of hide, in other
21 words, Operation and Maintenance funds which
22 a Commander uses to run his entire post and

1 all the training for his unit. So, we've asked
2 for that again. I don't know if the Services
3 will be able to drill down on that
4 information, but we have asked for them to
5 give us whatever they have.

6 MEMBER ANDERSON: Good, I
7 appreciate that. And if we are not able to get
8 that information that, I think, is reportable.
9 I think we should say we got this -- these are
10 the requests we made. This is the information
11 we got. Based on this information, then we can
12 draw findings and conclusions.

13 MEMBER HOLTZMAN: But the other
14 this is Liz Holtzman. To follow-up on that
15 point, just knowing how much money has been
16 allocated doesn't mean that we know at all how
17 much it costs, how much it actually would cost
18 if you were funding the program properly.

19 MEMBER MARQUARDT: Well, this is
20 Christel, and I wondered if we had to delve
21 into at least presenting a fiscal melt with
22 this, and with all of our recommendations

1 because that would be another whole process.

2 MEMBER HOLTZMAN: I don't know how
3 we know -- how would we know whether \$25
4 million is adequate for Victims Services?
5 Sounds like a small number to me.

6 COL. HAM: That's for Victim
7 Counsel.

8 MEMBER HOLTZMAN: I mean, Special
9 Victims Counsel. I mean, it sounds like a
10 pretty small number actually, because if you
11 were financing how many reported rapes, and
12 how many people doing this. I mean, I don't
13 know. Is that a good enough number? I mean,
14 how do they come up with that number? What's
15 the basis for that number? And how do we know
16 that it's an adequate number? And suppose, you
17 know, suppose reporting goes up substantially,
18 is that going to be sufficient? I don't even
19 know if it's sufficient now. I have no way of
20 knowing that.

21 MEMBER ANDERSON: Well, we can only
22 know what -- this is Michelle. We can only

1 know and make findings, I think, Liz -- your
2 questions are exactly right. And we're only as
3 good as the information that the Services
4 provide.

5 MEMBER HOLTZMAN: Right. Well, the
6 question is what are we asking them for? How
7 do they come up with a budget for these items?
8 What was it -- is it because they took last
9 year's budget and they added 2 percent? And
10 was last year's budget is sufficient? I mean,
11 I don't know how they develop the budget for
12 any of these things. And I don't know how
13 adequate it is.

14 MEMBER ANDERSON: Yes. Well, let me
15 turn to a couple -- two other possible topics
16 that I think crosscut some of these issues.
17 One is the concerns the victims have about
18 reporting. That's an issue that crosscuts
19 anybody we talked to, it seemed, victims'
20 fears, victims' concerns, and to some extent
21 that is captured under number 4, Sexual
22 Assault Reporting. And I appreciate that you

1 added that, because I think that's a crucial
2 area.

3 It's possible that within that I
4 think we might want to articulate some -- make
5 some findings about what, to the extent that
6 we can generalize, about the concerns the
7 victims have in terms of coming forward with
8 reports.

9 And then the other -- the third
10 thing I thought of from -- independent of kind
11 of the money question, and the victim concern
12 question, has to do with the military culture,
13 and what the processes are in place to try to
14 change military culture, particularly at
15 Lackland, which I thought was a terrific
16 visit.

17 We heard a lot about the
18 strategies to enhance the evolution of
19 military culture toward -- you know, away from
20 sexual assault and toward a more egalitarian
21 and safe community for victims. And that seems
22 to me to be a really important question, in

1 part because of the limitations of that
2 cultural shift around basic training, and the
3 concerns that some of the folks who are
4 delivering the basic training have about what
5 happens once the enlisted folk graduate from
6 that training in terms of the attempts at
7 changing culture that are happening at the
8 places that are best resourced and most
9 focused on this issue like Lackland, for
10 obvious reasons. But what happens once cadets
11 move on. So, the cultural shift question I
12 think it's worth trying to figure out where
13 that fits in this outline, or how we might
14 think about it as a cross current.

15 And then finally, the last thing
16 is something I know that I've hopped up and
17 down about a couple of times, and that is what
18 do we do about those who don't report at all?
19 And how are we thinking about -- the services
20 that we provide victims are almost entirely
21 for victims who either make unrestricted or
22 restricted reports. But there are many people

1 who don't make either, and a large percentage
2 that don't make either. So, I would love us to
3 think about what have we learned that might
4 shed some light on how we might support those
5 victims, as well.

6 CHAIR FERNANDEZ: Can we have a
7 little conversation on each one of those
8 issues from the Subcommittee?

9 MEMBER ANDERSON: I'm sorry, what?

10 CHAIR FERNANDEZ: I'd like to hear
11 from others and just get a response, Michelle,
12 to each one of those recommendations. I think
13 they're good, but I think they deserve a
14 little bit of conversation on each.

15 MEMBER ANDERSON: Okay.

16 CHAIR FERNANDEZ: And areas not in
17 this outline but that should be included.

18 MS. CARSON: Is this Mai speaking?

19 CHAIR FERNANDEZ: Yes.

20 MS. CARSON: Okay.

21 MEMBER MARQUARDT: I like the idea
22 of looking into those that don't report, but

1 I don't know how we change the culture. I
2 think, you know, Lackland was a great
3 experience, but is that being replicated in
4 the other Services?

5 CHAIR FERNANDEZ: Right.

6 MEMBER MARQUARDT: Where we might
7 put that in Best Practices.

8 CHAIR FERNANDEZ: I think we could
9 identify that -- we've identified that if you
10 don't change the culture you're never going to
11 -

12 OPERATOR: Meg Garvin is joining
13 the meeting.

14
15 CHAIR FERNANDEZ: Hi, Meg.

16 Let's start from the top.
17 Michelle, what was -- your first issue was?

18 MEMBER ANDERSON: My first issue
19 was money.

20 CHAIR FERNANDEZ: Money. I guess my
21 suggestion is -

22 MEMBER ANDERSON: I'm sorry, who's

1 speaking?

2 CHAIR FERNANDEZ: It's Mai, I'm
3 sorry.

4 MEMBER ANDERSON: Hi, Mai. Sorry,
5 go ahead. Sorry.

6 CHAIR FERNANDEZ: You can -- if the
7 staff can come up with as many different ways
8 of looking at the money issue as possible, I
9 think that Liz is correct that we don't really
10 know what it would cost to put all the
11 resources needed behind all these services. I
12 think that even just an indication like staff
13 was saying of -- or Michelle was saying of how
14 much we've been spending over the last 10
15 years and seeing the ramp-up, and making a
16 statement that we've got to continue this, and
17 not decline it because if not, the service --
18 we won't have the services that are making
19 the changes. But I think as many ways as we
20 can get to the money issue, how much is being
21 spent that we can look at would be helpful.

22 COL. HAM: Okay. Thank you, Mai.

1 One other issue that you might want to
2 consider on that is, of course, some of the
3 programs are very new, and how are they -- if
4 you have any information about how they're
5 measuring success in those programs. If you
6 have any opinions as a Subcommittee on which
7 programs are more valuable than others, or are
8 they all of equal value? And how do you
9 determine that? In other words, are some more
10 successful than others in your view. And, if
11 so, why?

12 MEMBER ANDERSON: I think we have
13 absolutely no data on that. I mean, I-

14 MEMBER HOLTZMAN: I was about to
15 say something, too, about this, which is
16 this is Liz Holtzman. I think I had raised
17 this point early on with regard -- I can't
18 remember what program it is, but what systems
19 are in place for evaluating all these
20 programs, whether -- well, evaluating it from
21 several points of view. Evaluating from victim
22 satisfaction, evaluating it from success,

1 whatever that is, and what programs exist for
2 that? Do they have any systems in place?

3 MS. CARSON: That's an RFI
4 question, so we have -

5 MEMBER HOLTZMAN: That's a who?

6 MS. CARSON: That's one of our
7 Requests for Information that we've already
8 submitted.

9 MEMBER HOLTZMAN: Oh, sorry.

10 MS. CARSON: So, we have some
11 information -

12 MEMBER HOLTZMAN: Okay, sorry.

13 MS. CARSON: -- back on that, but
14 I just -- it's not super complete. I mean,
15 it's not as detailed as you would probably
16 like.

17 CDR KING: This is Sherry. That's
18 something that -- we'll put together what
19 we've gotten back. If you have other specific
20 ideas about information you think might exist
21 we can probably still make a request. But some
22 of your recommendations may be that they need

1 further study or further evaluation of certain
2 programs or something, so it may be that you
3 don't get the answers to everything perhaps
4 because they don't yet exist. But maybe
5 that'll be one of your recommendations, if you
6 can't figure out anything else, or we don't
7 have anything, is how to study it better and
8 make a determination.

9 MS. CARSON: I think something that
10 would be -- this is Julie. If maybe you wanted
11 to decide exactly what resource information
12 you want and how you want it, because I think
13 the more specificity we can make the more
14 likely we are to get something that's
15 meaningful. So, I don't know if you want to
16 agree on something specific, because just kind
17 of asking the questions makes kind of -- it's
18 kind of impossible for them to answer. So, if
19 we ask it in a specific way that we will use
20 to evaluate it, that might be the most helpful
21 way to do it.

22 MEMBER HOLTZMAN: Well, I mean, I

1 think some of the obvious questions to ask
2 them are, for example, they came up with \$27
3 million for whatever, the Special Victims
4 Counsel. What did they think they were
5 funding? How many people? What kinds of
6 facilities? Other than personal services, what
7 were they -- they were going to describe what
8 they were funding, what were they funding? How
9 many?

10 MS. CARSON: So, this is what
11 Congress was funding.

12 MEMBER HOLTZMAN: And were they
13 making a determination vis-a-vis the universe
14 of -- did they decide well we, you know, we
15 can't possibly fund the whole program so we'll
16 fund half of it. And it's only come on line
17 brand new so maybe it won't be up and running
18 in a full way, maybe next year we need \$55
19 million. I don't know what they themselves
20 have thought about. Do we have that? At least
21 that would be a start.

22 COL. HAM: That was Congress'

1 number, and I don't know how -

2 MEMBER HOLTZMAN: They arrived -

3 COL. HAM: I don't know if it was
4 based on a DOD request, or if Congress arrived
5 at that number on their own, but we can find
6 out.

7 MEMBER HOLTZMAN: Well, then we can
8 -- yes, that seems to me to be like pretty
9 basic. Yes.

10 CHAIR FERNANDEZ: So, what have we
11 concluded here, folks? I think we had two
12 questions. One is how much money is being
13 spent, and the other one is evaluation. And I
14 think we've come up with another topic, is
15 that I think that we need to have some way of
16 evaluating all these programs. Is there any
17 evaluation in place? Who's in charge? Is it
18 centrally located so all programs are being
19 evaluated by the same agency? I mean, I think
20 evaluation is just an additional topic area.

21 MS. CARSON: Well, we have a lot of
22 information on that to compile for you.

1 MEMBER ANDERSON: That's helpful.

2 This is Michelle. I think evaluation is
3 crucial, and it goes with the question of
4 money over time because we can't make a
5 recommendation on continued robust spending
6 without the ability to make recommendations on
7 how these programs would be evaluated. So much
8 of what we're hearing about is brand new and,
9 frankly, very differentiated across the
10 Services. And a number of people mentioned to
11 us, I know you all recall, we're not sure
12 what's working the best, or we just put this
13 in. Every day we get a new directive of how to
14 do this. So, I think giving us an opportunity
15 to talk about how resources are moving toward
16 this problem and how important it is to wisely
17 use those resources and to assess with some
18 rigor the programs that are being implemented,
19 particularly where there's overlap, which I
20 think Lisa talked about earlier in the
21 conversation, and I completely agree.
22 Resources are limited in this world and we

1 need to -- you know, I think the validity of
2 our recommendations depends on our ability to
3 support strong assessment.

4 MEMBER HOLTZMAN: And what are we
5 doing -- this is Liz Holtzman again. What are
6 we doing about culture? Where is that falling
7 into that category?

8 CHAIR FERNANDEZ: That was one of
9 the categories that Michelle brought up, so I
10 kind of want to bring us back. Do we have an
11 idea of what we want the staff to collect on
12 budget, and now we've got another category of
13 evaluation. What was your second or third
14 topic, Michelle?

15 MEMBER ANDERSON: So, I -- you
16 know, on evaluation of budget, I think the
17 answer to your question is anything and
18 everything they can in terms of what the staff
19 should collect. And I think they're already
20 doing that, and I appreciate those efforts.

21 The second was victim concerns
22 about the process. And I do think that this is

1 connected to both cultural change, which was
2 the third topic, and the fourth topic of
3 victims who don't report, victims who choose
4 not to report. In other words, those who don't
5 have confidence that the system is going to
6 treat them fairly enough, or don't think that
7 the issue is important enough to report. Those
8 ideas came out in some of the hearings, and I
9 think we -- it would be a wise idea to at
10 least touch on some of those concerns that
11 victims have, motivations for choosing not to
12 report and the cultural change, those issues.

13 COL. HAM: The DoD SAPRO report
14 with all of its statistics lists the reasons
15 that people that don't -- list the reasons
16 people give for not reporting, and the
17 percentage of people who give those reasons.
18 I think the number one reason for not
19 reporting is they didn't want anybody to know.

20 MEMBER ANDERSON: Yes, right.

21 COL. HAM: And then they go down
22 from there.

1 MEMBER ANDERSON: So, maybe that's
2 under the section called Sexual Assault
3 Reporting.

4 COL. HAM: Okay.

5 MEMBER ANDERSON: But it's not just
6 unrestricted reporting and restricted
7 reporting. It's choosing not to report, so
8 there are three different categories, I think.

9 CHAIR FERNANDEZ: Okay. And then
10 the next area that Liz and Michelle brought up
11 was culture. So, what did we want? Do we want
12 to collect more information, or do we think we
13 have enough information from what we've
14 already heard to talk about a section on
15 culture, on changing culture, I guess?

16 MEMBER ANDERSON: You know, it
17 might be under Best Practices. It doesn't
18 warrant -- because we don't have enough
19 information on it, it probably doesn't warrant
20 as big a chunk as some of these other large
21 chunks on Sexual Assault Reporting, and Victim
22 Services, et cetera. But I do think that one

1 of the things that we heard from the Lackland
2 visit was clear attempts to try to change the
3 culture. And those are outstanding. There's
4 just some outstanding work being done there
5 that I think we want to highlight, celebrate,
6 and use as a model for -- it's not clear to me
7 that what's happening at Lackland, which is
8 terrific, is happening at other bases. And
9 it's great stuff, and the folks at Lackland
10 talked about fears that it's not going to be
11 effective if these recruits are launched into
12 a community in the Service that doesn't hold
13 the same kind of rigorous protection of the
14 individual enlisted folk around issues of
15 sexual assault. So, I don't know. I think
16 we've got stuff to talk about.

17 MEMBER MARQUARDT: Going into
18 structures that haven't had that same kind of
19 background, and that's -

20 MEMBER ANDERSON: Exactly. Exactly,
21 Christel.

22 COL. HAM: There are -- I will tell

1 you, and Representative Holtzman knows this
2 because she also serves on the role of the
3 Commander Subcommittee that they are looking
4 in some detail on the Command climate and the
5 culture, and leadership of cultural change and
6 things like that, so there is some overlap
7 here with that.

8 MEMBER ANDERSON: Good. I think
9 that they may have talked to a different set
10 of folks and, clearly, they were talking to
11 leadership, which is great.

12 MS. CARSON: Yes, we'll have it
13 from a victim's perspective.

14 MEMBER ANDERSON: And from a
15 trainer's perspective, remember. I mean, and
16 from the enlisted folks themselves who are
17 sitting in front of us.

18 MEMBER HOLTZMAN: One of the issues
19 that -- this is Liz Holtzman again. One of the
20 issues that I'm not sure we've addressed, and
21 I couldn't actually pull up the document that
22 was sent, is the whole question of what's done

1 -- when we do -- when we talk about military
2 culture, are we talking or including in that
3 the whole issue of reprisal by peers, which is
4 a big issue for -- I mean, one of the reasons
5 that people don't want to report. Is that
6 being addressed in the issue of
7 climate, cultural values and so forth, or does
8 that need to be addressed separately?

9 MEMBER MARQUARDT: I think that
10 should be covered under the reporting. At
11 least that seems to fit in pretty well there.
12 This is Christel.

13 MEMBER HOLTZMAN: So, what do you
14 mean by -- you say that under reporting. What
15 -

16 MS. CARSON: The category is
17 reporting.

18 MEMBER MARQUARDT: The
19 repercussions not only from the Commanders but
20 from their fellow peers.

21 MEMBER HOLTZMAN: Right, but what
22 are we -- what is the military doing about

1 that, is my question?

2 MEMBER MARQUARDT: Well, that's
3 something we need to address.

4 MS. CARSON: That will be more in
5 the -

6 MEMBER HOLTZMAN: That was the
7 point. I was -- that's the point I was
8 raising. I'm sorry I didn't make it clear.

9 MS. CARSON: I think you'll be
10 going into prevention. Do you want to go that
11 route, into what they're doing for prevention?

12 MEMBER HOLTZMAN: Is there a reason
13 not to?

14 MS. CARSON: No. It's not
15 specifically mandated for us to do that.

16 MEMBER HOLTZMAN: Oh.

17 MEMBER CASSARA: It's Bill. Is that
18 within the scope of our report?

19 MEMBER HOLTZMAN: Okay. Well, if
20 not, then that's fine, too.

21 MEMBER CASSARA: I'm asking. I
22 mean, I certainly think it would

1 MS. CARSON: No.

2 MEMBER CASSARA: As you know, it's
3 probably the issue from my perspective that's
4 nearest -- one of the issues that's nearest
5 and dearest to my heart, which is how do we
6 just -- how do we prevent some of these issues
7 from arising in the first place, you know. I
8 would think that that is within the scope of
9 our report, but are we in agreement?

10 MEMBER ANDERSON: Yes, I completely
11 agree, Bill. This is Michelle, completely
12 agree.

13 MEMBER CASSARA: Okay.

14 MS. CARSON: If that's what you --
15 if you want to report on that -- one of the
16 other provisions is whatever you feel is
17 important.

18 CDR KING: This is Sherry. I
19 suspect this is something that's being looked
20 at by Role of the Commander. I haven't sat in
21 on their meetings, but I suspect this is
22 something that would certainly fall under

1 their scope as much or more than our's. And it
2 may be something that we can get information
3 from transcripts or whatever that they heard
4 information about also. So, I suspect this is
5 going to be one of those that are just
6 overlapped, also, at least.

7 MEMBER ANDERSON: Yes, and I take
8 it -- this is Michelle. You're saying by
9 overlap that we should not address it, just
10 that two different committees are going to
11 come with different perspectives given the
12 evidence they've looked at on these same
13 crucial issues. Is that right, or are you
14 suggesting that we not tackle it because
15 another committee is looking at the issue, as
16 well?

17 CDR KING: Well, I mean, I wouldn't
18 suggest that you not tackle anything related
19 to victims, but what I'm suggesting is that
20 when we do it, that it's probably more from
21 the victim's standpoint as much as from what
22 the Commanders should do as their role.

1 MEMBER ANDERSON: Yes.

2 CDR KING: So, that they'll
3 probably address that kind of -

4 MEMBER ANDERSON: Yes, I agree. I
5 agree, that's helpful.

6 MEMBER CASSARA: Hello? Oh, I just
7 heard an interesting noise that made me sound
8 like we'd been disconnected.

9 CDR KING: No. Did we have someone
10 who joined the conversation? Okay. It was just
11 some random beeping.

12 MS. CARSON: I think maybe we can
13 wrap that into reporting as the climate,
14 environment that leads victims to be willing
15 to report, is very related to that.

16 CDR KING: Anybody else have
17 comments?

18 MEMBER HOLTZMAN: Well, this is Liz
19 Holtzman again. I mean, my concern also is
20 about the right of the victim, and that's in
21 the Victim's Rights portion. The right of the
22 victim to be heard at all the stages of the

1 process, including -- and it's not now,
2 including the right to be heard by the
3 Commander before the Commander makes a
4 decision about how to refer the matter,
5 including at other stages in the process,
6 whenever there's a decision like that that's
7 being made. I don't know that that's part of
8 what was already talked about, or what the
9 paper you said includes.

10 CDR KING: I don't know if we
11 specifically listed that out so much as a
12 right, but that's certainly something that
13 we'll address, or you may want to consider. A
14 little bit of it goes to when we talked about
15 the right to be heard at plea, and then
16 talking about Article 34, which is information
17 given to the Commander by his or her staff
18 Judge Advocate regarding what has happened.
19 So, that's one place I think that at least the
20 military is looking at putting in what the
21 victim's views are. And you may have other
22 suggestions about how those victim's views

1 should be heard or not other than that. So,
2 one of the things, especially for people who
3 haven't practiced in the military, we probably
4 should give you and tell you what Article 34
5 is, and show it to you in the UCMJ so at least
6 you're familiar with that process, also.

7 MEMBER HOLTZMAN: That would be
8 very useful.

9 CDR KING: Yes.

10 MEMBER MARQUARDT: I think so, too.
11 And I wondered about the victim's right to
12 appeal if the Commander decides not to proceed
13 with the case and dismisses it.

14 CDR KING: Well, that's certainly
15 something you could discuss, and perhaps look
16 at it and compare it with -- in the civilian
17 jurisdictions about what victims have a right
18 to do if a prosecutor decides not to go
19 forward with a case. I mean, that would be
20 about similar, I guess, so that would at least
21 be a way to look at that and consider whether
22 military victims should have a similar right,

1 or a different right that's more expansive or
2 not.

3 Are these -- some of these
4 comments, are these things you would like us
5 to include in the outline as potential topics
6 for your next Subcommittee meeting on the 29th
7 where you're going to do more deliberation and
8 discussion?

9 MEMBER ANDERSON: I think that
10 would be great. This is Michelle.

11 CHAIR FERNANDEZ: Yes, I agree,
12 that's fine.

13 MS. CARSON: We've got a Request
14 for Information already to the Services for
15 each of their sexual assault initiatives from
16 2007 to the present, and that's where we've
17 asked for the cost. But their deadline is
18 February 7th, so we may not have that in time
19 for the January 29th meeting, just to let you
20 know.

21 CDR KING: Just to let you know, we
22 probably won't be able to put together all the

1 material we've gotten from all the sources by
2 the next meeting. We'll try to do some of it,
3 if we can. But, also, I wanted to let you know
4 that our website has been updated a lot in the
5 last week or two. I don't know if any of you
6 have had a chance to look at it recently, but
7 you might want to look at it under Victim's
8 Services, and under Meetings and Victim's
9 Services, or give me a call and I can help
10 walk you through where some of the material
11 is, because there's actually a lot of material
12 on there that if you happen to have time this
13 week and would want to go through yourself
14 before the next meeting, it would probably be
15 very helpful for you to do that to refresh
16 your recollection about what you might have
17 heard, or even what you might have missed
18 during some of the meetings or hearings that
19 you were not at.

20 And it's kind of -- some of it's
21 not necessarily real intuitive, especially at
22 first, so if you want to give either me or

1 Julie a call we can walk you through it, and
2 help you find it. But we'll try to at least do
3 some of it before the next meeting. I just
4 don't see that -- there's no way that we'll
5 get it all put together and get all the
6 information pulled from all the sources, but
7 at least we can get started, and we can try to
8 work on updating the outline to include other
9 possible things that you've discussed, and
10 that you might want to deliberate on at the
11 next meeting.

12 Is there any other topics or
13 subjects that anybody wants to bring up that
14 you think we missed that you might want to
15 deliberate on?

16 MEMBER CASSARA: The only thing
17 that I was thinking of, and I don't think this
18 needs to be an enumerated topic, but just
19 something we may want to keep in the back of
20 our minds as we talk about victim's services
21 are, there's going to come a point in time
22 when we delineate between those victims that

1 are in the military and those that are not.
2 And, again, you know, I don't think there's
3 anything we need to write down, but just
4 something we might want to keep in mind, that
5 there may come times when some of these are
6 applicable to one and not the other.

7 MS. CARSON: Meaning DoD employee
8 civilians?

9 MEMBER CASSARA: I'm sorry?

10 COL. HAM: For example, Special
11 Victim Counsel are not available to -

12 MS. CARSON: Civilian employees.

13 COL. HAM: -- most non-military
14 victims. Is that what you're talking about,
15 Mr. Cassara?

16 MEMBER CASSARA: Yes, absolutely.

17 COL. HAM: So, the description of
18 the policy or initiative would include what
19 victims it applies to. Well, for example, the
20 Crime Victims' Rights Act, of course, applies
21 to all victims, not just victims of sexual
22 assault, for example, but a lot of these

1 initiatives only apply to victims of sexual
2 assault, as you know, and specific categories
3 of victims of sexual assault.

4 MEMBER CASSARA: Some may apply
5 only to military members, and not to -

6 COL. HAM: Correct.

7 MEMBER CASSARA: -- civilians, and
8 vice versa.

9 COL. HAM: Right.

10 CDR KING: Especially like the SARC
11 or Victim Advocate Services, things like that,
12 the counseling services and things like that
13 are going to probably be more -- or almost
14 exclusively military victims.

15 MS. SAUNDERS: This is Terri. Some
16 may be open to dependents, as well, but not to
17 other civilian victims.

18 MEMBER CASSARA: Yes, that would be
19 my only comment on that.

20 CDR KING: Right.

21 MEMBER CASSARA: Something to keep
22 in the back of our brains.

1 CDR KING: Okay. Anybody else have
2 any comments or additions to the outline that
3 we have right now?

4 MEMBER GARVIN: This is Meg Garvin.
5 I came in late, so you all may have discussed
6 this already, and if so just tell me. As I was
7 reading -- did we at the beginning of this
8 call have a discussion about what the meaning
9 of our mandate is, because I think there's a
10 couple of ones that were added by the NDAA
11 that I would just like to make sure we have
12 our heads around, like including the one about
13 standing. And I wasn't sure if we did that at
14 the beginning of this call, or if we're going
15 to do that next week, because I think it has
16 ramifications for a drafting at least in my
17 mind, making somebody understand that mandate
18 and what the words mean.

19 CDR KING: We did not specifically
20 discuss that, especially not standing, for
21 instance. So, that certainly might be
22 something that you want to discuss, or we want

1 to put in someplace in the outline
2 differently, or discuss, at least.

3 MEMBER GARVIN: Well, I would just
4 like to make sure that we have walked through
5 as a group the actual words of our mandate,
6 including the new additions from the new NDAA,
7 because a couple of them are very awkwardly
8 phrased, at least in my assessment.

9 CDR KING: I agree.

10 MEMBER GARVIN: And I think we need
11 to have some level of agreement on what those
12 mean in order to draft responsive information.
13 So, it can be at the very beginning of the
14 next meeting. And I'm not saying that derails
15 anything that we've talked about because I
16 think it all fits, but I would just like to
17 make sure we as a Subcommittee have clarity on
18 -- or agreement as much as possible on the --
19 what the request to us is.

20 CDR KING: Well, that's probably a
21 good idea. I think different people view
22 standing as a whole lot of different things,

1 and that's one example of something that would
2 be good to describe what exactly -

3 MEMBER GARVIN: Right. How we're
4 interpreting the question to us I think has to
5 be included in our report, because I think
6 that will help people understand our answer.
7 If we decide that it means that we think
8 Congress said they don't yet have standing for
9 certain things, and that's how we're
10 interpreting it, and therefore our
11 recommendations are A, B, or C, that's one
12 thing. If we say well, we think Congress meant
13 Appellate -- I mean, there's a very specific
14 question on this in our mandate. And I'm only
15 -- I'm fine-tuning. I'm honing on one piece of
16 the mandate. I would just like us -- and I
17 know, Sherry, you did a little bit of this at
18 the last meeting. You guys handed out kind of
19 the outline which was organized by our
20 mandate, which I really appreciated, but I'm
21 not sure we as a Subcommittee have talked
22 about some of the ones that I think are a

1 little awkwardly phrased, and those are the
2 ones from the most recent -- from the NDAA.

3 MS. CARSON: We'll do that for the
4 29th.

5 MEMBER GARVIN: Okay.

6 CDR KING: I think that would be
7 something that probably everybody would want
8 to think about until then maybe, unless it's
9 something everybody else is ready to discuss
10 right now. It seems like perhaps that would be
11 a good chance for people to think about that,
12 and look this over, and look over some of the
13 information they have at this point so that
14 you're probably more ready to discuss it at
15 the next meeting.

16 MEMBER ANDERSON: That sounds right
17 to me. This is Michelle.

18 CDR KING: Okay.

19 CHAIR FERNANDEZ: That makes sense.

20 MS. CARSON: You want to go to site
21 visits?

22 CDR KING: Okay. Are there any

1 other subjects or issues that people -- that
2 Members wanted to bring up for this discussion
3 here today, or that you want us to add to the
4 outline for -- or discuss at the next meeting?

5 MEMBER HOLTZMAN: Yes, I had one.

6 Again, you may have covered this in the
7 outline, but one of the things that intrigued
8 me -- this is Liz Holtzman. I've said this a
9 few times in our various sessions, that what
10 we've heard is that a very substantial
11 percentage, something like 45 percent of
12 victims of sexual assault have been previously
13 sexually assaulted, whether for the military
14 or in the military. And my interest is what's
15 being done about that number? In other words,
16 what does it tell us, and what can we do? If
17 we know a group, if we've identified a group
18 that's a likely victim, what services, if any,
19 are being provided to those people to help
20 them avoid becoming revictimized? Because, you
21 know, if there was some way of dealing with
22 that, we might be able substantially to reduce

1 the number of sexual assaults.

2 CDR KING: Okay.

3 MEMBER HOLTZMAN: Now, obviously, I
4 mean, how do you get that information? You got
5 it when people first came in, there's some way
6 of getting it? I don't know if there are any
7 programs. I don't know if there's any -- you
8 know, what you would do with it even if you
9 knew that. How would you help the victims?

10 MS. CARSON: Well, the policy is
11 you can get a Victim Advocate or a SARC. You
12 can't get a Special Victim Counsel, but you
13 can get a Victim Advocate and SARC who can
14 lead you to services.

15 MEMBER HOLTZMAN: Well, you might
16 not need a counsel because what you're talking
17 about is really some kind of way of handling
18 yourself that keeps you out of situations
19 where you may be likely to be victimized
20 again. I don't really know what the
21 significance is of that number. That's also
22 what I'm saying. It's just a very big number,

1 that's all.

2 CDR KING: It may be something

3 MEMBER HOLTZMAN: And maybe it -

4 CDR KING: I'm sorry, go ahead,
5 ma'am.

6 MEMBER HOLTZMAN: It doesn't mean
7 anything.

8 CDR KING: Well, it may be
9 something that the group can work out, or can
10 talk about, or come up with something that we
11 could request from the Services. I'm not sure
12 off the top of my head, at least. And some of
13 these things may be things once you've had
14 your meeting next week that you will decide
15 you think you need to hear more information
16 on, so we could perhaps organize another
17 session where we bring in speakers or
18 witnesses of some kind. We still have some
19 meetings scheduled. I think I sent out the
20 list of meetings that we have scheduled, and
21 some of those could certainly be meetings
22 where we bring in other panel members or

1 somebody to provide you information. So,
2 perhaps having an all-day meeting on the 29th
3 will help you kind of focus a little bit and
4 be able to tell us what more you'd like to
5 learn, if there's anything.

6 MS. SAUNDERS: This is Terri. One
7 thing, too, if we find through looking that
8 there's just not sufficient information on
9 that at this point in terms of how we're
10 tracking those numbers, how people are
11 identifying that they were previous victims of
12 sexual assault, that might be some -- that
13 could be a potential recommendation for future
14 study, if there's just not sufficient evidence
15 out there right now.

16 CDR KING: Are there any other
17 issues at this time that the Members want to
18 bring up?

19 (No response.)

20 CDR KING: I wanted to mention to
21 you, did all of you get my email about
22 potential opportunities for additional travel

1 with the Comparative Systems Subcommittee?
2 They've planned I think four different trips
3 that they're still working on, but we can
4 certainly join with them if anybody's
5 interested. I think the rule is I think we
6 need two Subcommittee members in order for us
7 to attend. So far, I've only had interest in
8 the Washington trip, so far, but if anybody is
9 interested in any of the other trips, if you
10 could let me know, or if you're able to attend
11 any of them, or if you want more information
12 about it, I could perhaps get that for you,
13 also.

14 MEMBER MARQUARDT: Well, I'd be
15 interested in some of the others, but I
16 certainly can't do the Washington trip.

17 CDR KING: Right.

18 MEMBER GARVIN: Oh, come on,
19 everybody, come to the West Coast.

20 (Laughter.)

21 MEMBER MARQUARDT: I would like to
22 but I have a conflict.

1 MEMBER GARVIN: No, I know. I'm
2 just teasing everyone.

3 MEMBER CASSARA: I'd like to but I
4 have a job.

5 (Laughter.)

6 CDR KING: That's a problem, but if
7 you are interested in any of these or able to
8 participate in any of them, we can do that,
9 but we need to know as soon as possible to
10 help with the planning and organization, and
11 getting travel orders and stuff like that. So,
12 if you can let me know so that I can at least
13 keep that in mind and start working on that
14 for you.

15 The trip to Washington, and also
16 to Philadelphia for those on the East Coast I
17 think would be -- or at least I thought they
18 might be useful to our organization if only to
19 see what a multi-disciplinary facility in the
20 civilian world looks like. And, also, in
21 Washington they're doing one for the Army that
22 I thought might be interesting for our group

1 to look at.

2 A lot of the services in the
3 civilian community are being provided at
4 multi-disciplinary facilities where they have
5 the SANEs, and the Victim Advocates, and
6 counselors, and police, sometimes prosecutors
7 all in one location. And that's a model that
8 they think is very helpful to victims. And it
9 seems to be more and more places are going
10 with, so that's why I thought we might want to
11 attach on with the Comparative Systems people
12 in case any of you have the opportunity to go
13 to any of those. If we don't, I'm going to
14 hope they ask some of the questions that might
15 be relevant to us and can provide us with some
16 of their meeting notes.

17 MEMBER MARQUARDT: After the
18 Washington trip, which of the others do you
19 think has about the same kind of information
20 that would be helpful?

21 CDR KING: Well, ma'am, the
22 Philadelphia Collaborative Center, it's a

1 multi-disciplinary center for adult victims.
2 When I was on the other study on the Joint
3 Services Committee we went there, but we
4 didn't get to see that - they have a new
5 building since I've been there, but it's run
6 -- the SANE program is actually run by a
7 retired police lieutenant, I believe he was
8 from the Philadelphia Police Department. And
9 they're very victim-oriented, and they have
10 the other services all located in the same
11 place, so that one might be useful. And if you
12 just want to get some information about -- see
13 what a Navy facility, or a Marine facility are
14 like you might want to join in the February
15 19th and 20th to Norfolk, or the March 5th trip.
16 I think they're looking at Quantico more than
17 the Navy Yard.

18 MEMBER MARQUARDT: Well, when is
19 the Philadelphia?

20 CDR KING: That's on 19-20
21 February, so you'd have to fly out here the
22 day before.

1 MEMBER MARQUARDT: Okay.

2 CDR KING: So, if you're interested
3 in that, if you could just email me, or give
4 me a call, or something, and we can talk about
5 that. But I think we do need two people to --
6 in order for our group to get to go to it.

7 MEMBER MARQUARDT: All right.

8 COL. HAM: And those are all
9 described in an email that Commander King sent
10 out on January 16th, and we can certainly
11 resend that if you can't find it.

12 MEMBER MARQUARDT: Oh, I'm sure I
13 can find it.

14 CDR KING: I keep sending out
15 emails but they probably get lost sometime in
16 all the rest you get. But if you need anything
17 else on that, let me know.

18 MEMBER MARQUARDT: All right.

19 CDR KING: Speaking of which,
20 emails I just sent out -- we were going to
21 have verbal briefings by Ms. Fernandez and Meg
22 Garvin on the trip we took to Texas. We're

1 kind of running out of time now, but I did
2 send out kind of an outline of what we're
3 putting in the minutes. And it was -- we just
4 revised it again trying to get it to be what
5 we need to have in there if we're going to use
6 written minutes instead of just verbal ones.
7 So, unless somebody wants to go over those
8 today, maybe you want to take a look at those
9 and then discuss it at the beginning of our
10 meeting on the 29th. Some of you, I'm
11 guessing, might have some additions or other
12 things you want to discuss that we didn't
13 include in the summary, especially you, Dean
14 Anderson, since you were at the one, and
15 probably there's a lot more specifics that you
16 might want to talk about that we weren't able
17 to put just in this summary.

18 MEMBER ANDERSON: Thanks for that.
19 I appreciate that, Commander King. I will take
20 a look at the -- I haven't had a chance to
21 read through those summaries, and will cross-
22 reference them with my own notes which were

1 limited, but I tried to jot down a couple of
2 things after we attended Lackland. So, yes,
3 thanks for doing that. I think reading them
4 and then discussing them at our -- when we
5 meet on the 29th makes sense.

6 COL. HAM: Okay. And we might -- we
7 may have the minutes done then. We have drafts
8 already. The minutes are in much more detail,
9 and will be reviewed and signed by the Acting
10 Chair of that visit, whoever was designated
11 the Acting Chair for the visit. And then those
12 become publicly accessible, as well.

13 MEMBER ANDERSON: Colonel Ham, are
14 you talking about the individual meetings we
15 had at Lackland? There was a court reporter
16 there?

17 COL. HAM: No, there wasn't a court
18 reporter, but we're required to do minutes of
19 the meeting.

20 MEMBER ANDERSON: I see.

21 COL. HAM: Which is generally the
22 FACA requirement. It's very unusual to have

1 the benefit of the court reporters that we're
2 getting at all your Subcommittee meetings.

3 MEMBER ANDERSON: Right.

4 COL. HAM: And, in fact, the public
5 meetings. Most Federal Advisory Committees do
6 not transcribe anything, they just do minutes.
7 So, we'll have minutes of the preparatory
8 sessions at Fort Hood and Lackland.

9 MEMBER MARQUARDT: Those were
10 great. And, by the way, I did look for my
11 January 16th email and it has disappeared, so
12 if you could resend that, I'd appreciate it.

13 CDR KING: I'll do that, ma'am.

14 CHAIR FERNANDEZ: Folks, it's about
15 eight minutes before we said we'd get off, but
16 if there's no further discussion I say that we
17 break a little bit early, and then we take
18 everything up next -- anything else up next
19 week. This is Mai.

20 MEMBER ANDERSON: I think that's
21 great, Mai. This is Michelle. I just want to
22 clarify what -- whether or not the staff

1 who've done such an outstanding job with the
2 outline that we have right now, whether or not
3 there's going to be a more filled out outline
4 before the 29th, or if we're going into the
5 discussion on the 29th with this outline?

6 CDR KING: We can try to add things
7 from -- that we got from this discussion
8 today, if that's what you're looking for. Are
9 you looking for more than that?

10 MEMBER ANDERSON: I'm not actually
11 looking for anything. I'm just wondering what
12 are the materials that we're going to
13 deliberate with when we convene on the 29th.

14 MS. CARSON: Well, we'll try to
15 have more detail in the outline for you. We
16 can definitely do that.

17 MEMBER ANDERSON: That's great.
18 Yes, that would be terrific. I really
19 appreciate the work.

20 CDR KING: There's an awful lot of
21 stuff out there as far as the transcripts, and
22 our intention is eventually to get through all

1 the transcripts and pull out every relevant
2 discussion from them and put them into this
3 outline, perhaps like on individual pages or
4 something. That takes a lot longer than you
5 would think it does. We've tried to do that
6 for a couple, so I'm not promising we'll have
7 all that done by any stretch of the
8 imagination. But we'll try to do some of it,
9 at least show you what we can get for you. But
10 we -

11 MEMBER ANDERSON: Thanks for all
12 your work. Thank you.

13 CDR KING: Thanks. We -

14 MEMBER SCHENCK: I know how much
15 work you guys are going to have to do for
16 this.

17 CDR KING: But if there's other
18 topics that you want to include in the outline
19 for the discussion at least, we'll try to take
20 what you've told us now. If there's anything
21 else anybody has right now that -

22 COL. HAM: Yes, if there are any

1 other suggestions anyone else has -

2 CDR KING: We could -

3 COL. HAM: -- please send them
4 directly to Commander King and not to each
5 other, and she can gather them all up and then
6 disseminate them.

7 CHAIR FERNANDEZ: Great.

8 CDR KING: Thanks.

9 CHAIR FERNANDEZ: Thank you all
10 very much.

11 (Whereupon, the proceedings went
12 off the record at 3:55 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Response Systems to Adult Sexual
Assault Crimes Panel Meeting

Before: US DOD

Date: 1-23-14

Place: teleconference

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

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