

UNITED STATES DEPARTMENT OF DEFENSE

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RESPONSE SYSTEMS TO ADULT SEXUAL ASSAULT  
CRIMES PANEL

VICTIM SERVICES SUBCOMMITTEE

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CONFERENCE CALL

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THURSDAY  
APRIL 10, 2014

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The Subcommittee by teleconference  
at 2:30 p.m. Eastern Daylight Time, Mai  
Fernandez, Chair, presiding.

PRESENT:

MAI FERNANDEZ, Chair  
WILLIAM CASSARA  
MEG GARVIN  
THE HONORABLE ELIZABETH HOLTZMAN  
THE HONORABLE CHRISTEL MARQUARDT  
BG (Ret.) COLLEEN MCGUIRE  
DEAN MICHELLE J. ANDERSON  
DEAN LISA SCHENCK

ALSO PRESENT:

WILLIAM SPRANCE, Designated Federal Official  
COL PATRICIA HAM, Staff Director  
CDR SHERRY KING, Supervising Attorney  
JULIE CARSON, Attorney

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

(2:34 p.m.)

MR. SPRANCE: This is Bill Sprance,  
the Designated Federal Official, and this  
meeting of the Subcommittee is now open.

CHAIR FERNANDEZ: Hi. This is Mai  
Fernandez. Julie, I was hoping maybe you  
could give us a frame for what you did. It's  
very thorough and a lot of material, but maybe  
you could just give us a little bit of your  
thinking as you were putting all of this  
together.

MS. CARSON: Okay. The findings  
and recommendations come from the transcripts  
of the meetings that we have had, ideas that  
have been expressed by the Subcommittee.  
Then, we start off with kind of a history of  
the program, which that was Roman numeral  
three on page 8.

CDR KING: And just -- you know, we  
went around and around about how to put this  
in, and we are thinking that the history of

1 the program and some of the SAPR updates  
2 should probably be in some sort of a chart or  
3 diagram, and they may be better at the end of  
4 the report. But we wanted to at least list  
5 them here, so that you could all see them. So

6 --

7 REP. HOLTZMAN: This is Liz  
8 Holtzman. Can I just ask a question? I'm not  
9 sure what document you're reading from.

10 MS. CARSON: The Victim Services  
11 draft report from April 8th, the date on it.

12 REP. HOLTZMAN: Oh. April 8th. Do  
13 you know when you sent it?

14 MS. CARSON: April 8th.

15 REP. HOLTZMAN: Okay.

16 MS. CARSON: I don't know what  
17 time.

18 CDR KING: I can go forward it to  
19 you again, ma'am, if you want.

20 REP. HOLTZMAN: I think

21 MS. CARSON: I think I sent it --

22 REP. HOLTZMAN: Yes, on the 8th.

1 I have it.

2 CDR KING: Oh, she has it. Okay.

3 REP. HOLTZMAN: Sorry.

4 CHAIR FERNANDEZ: Julie, why don't  
5 you continue.

6 MS. CARSON: Okay. So I start out  
7 with the history of the SAPR Program and how  
8 it has all come to be, and then summarize the  
9 NDAA provisions that came after the DTF SAMS  
10 report.

11 So that gives the framework,  
12 really, of what the requirements and  
13 recommendations have been, and then we start  
14 discussing the history of sexual assault in  
15 the military with Section 4, and how we  
16 report, the restricted reporting, introduce  
17 the SARCs, and then we go, in Section 5,  
18 through the responsibilities of, really, the  
19 fundamental part of the SAPR Program, which is  
20 the SARCs and the victim advocates.

21 And the overview is kind of where  
22 they -- what they are and where they fall in

1 the program, and then Section B is their  
2 training. Section C is their  
3 responsibilities, and these are set out in  
4 policy, so they are just laid out there for  
5 you.

6 And Section D, then, is the victim  
7 advocate's responsibilities, which are not  
8 nearly as extensive as the SARC. So that  
9 shows you right there the difference between  
10 what a SARC is and a VA.

11 JUDGE MARQUARDT: Well, it would  
12 have been helpful to have that laid out at the  
13 very beginning of this document.

14 CDR KING: We've talked about ways  
15 to rearrange it, and I think that was one of  
16 Colonel Ham's suggestions to us, that when we  
17 write it or -- that we lay out the SARC and --  
18 you know, the people, and who they are and  
19 what their responsibilities are first, and  
20 then put the policy sections maybe in a chart  
21 or something in the back, or in the NDAA for  
22 the history.

1                   JUDGE MARQUARDT: This is Christel.  
2 I just meant to put where the sections are and  
3 what pages, and so forth.

4                   BG McGUIRE: This is Colleen. And  
5 I would recommend that we -- in your NDAA  
6 terms of reference, or even before then, just  
7 let us know what we can anticipate in this  
8 report. So, for example, you know, we are  
9 going to, you know, discuss, you know, the  
10 terms of this, the referenced terms of the  
11 NDAA. You'll find our recommendations and  
12 findings, and then you'll also see, you know,  
13 explanations of the military or the DoD sexual  
14 assault programs and so on, and then followed  
15 by the civilian. Just kind of, you know --  
16 kind of what our appetite what we can  
17 anticipate.

18                   One of the observations I wanted to  
19 make was that I think, Julie, this is a great  
20 compendium of a lot of all of the sexual  
21 assault programs and the players and  
22 everything. But I don't really see a

1 comparison. But we can justify that by saying  
2 it's kind of hard to compare a DoD series of  
3 programs with the programs of 34,000  
4 jurisdictions of civilian -- civilian  
5 jurisdiction programs.

6 But I think we just need to be very  
7 candid and up front that they are not going to  
8 see a one-for-one comparison, we do this and  
9 they do that. It's more than -- because I  
10 think it's more of a you read and you make  
11 your comparisons, because that's essentially  
12 how it's written right now.

13 CDR KING: I think that would help  
14 to put it all together, if we do something  
15 like that. Thank you, ma'am.

16 BG McGUIRE: And also -- this is  
17 Colleen again -- I'm missing a Part 7, by the  
18 way.

19 CHAIR FERNANDEZ: This is Mai. Did  
20 somebody just join us?

21 DEAN SCHENCK: Yes. This is Lisa.  
22 I just joined you. Sorry, I had another

1 conference call.

2 CHAIR FERNANDEZ: Okay. Thanks,  
3 Lisa.

4 JUDGE MARQUARDT: This is Christel.  
5 Does it make more sense to put the findings  
6 and recommendations at the end of that report?

7 COL HAM: Ma'am this is just for  
8 the ease of your review. This is Colonel Ham,  
9 I'm sorry. This is just for the ease of your  
10 review for the draft.

11 JUDGE MARQUARDT: Okay.

12 COL HAM: When the final report is  
13 put together, we can put them wherever you  
14 want them, if you want them after each  
15 section. But our overall plan is to have an  
16 abstract about the recommendations right at  
17 the front of the report, and a full table of  
18 findings and recommendations as an appendix,  
19 and then however you want to put them  
20 throughout the report, either section by  
21 section or all at the end of the report,  
22 whichever way you want to do it.

1 CDR KING: Just for clarification,  
2 it appears we miscounted when we did this, and  
3 there is no Section 7.

4 MS. CARSON: Yes. This was chopped  
5 several times, so we -- it looks like it goes  
6 from Section 6 to Section 8. So there is no  
7 Section 7. And Section 8 is not there, as  
8 you'll see. It is going to be inserted. It's  
9 special victims counsel. It's being worked on  
10 separately, so that will be a part of it when  
11 the final report is put together.

12 But before that is the Family  
13 Advocacy Program. That's Section 6. And so  
14 that's giving you -- laying out a bit about  
15 the Family Advocacy Program, which is the  
16 predecessor, really, of SAPRO and a much older  
17 organization, a very different structure than  
18 SAPRO. And so we've put it there next to the  
19 SARCs and VAs to give you an example of a  
20 different program and one that has been there  
21 since --

22 CDR KING: Well, and there were a

1 couple of issues with that program. We were  
2 trying to not make it too long, but a couple  
3 issues that we noticed is the victim advocates  
4 are certainly kind of organized different and  
5 they're full-time and they're mostly  
6 civilians.

7 And also, family advocacy handles  
8 the sexual assault cases for families and  
9 other domestic violence cases -- or cases that  
10 qualify as domestic cases, but then those are  
11 actually reported in a different database than  
12 all of the sexual assault cases handled by  
13 SAPR.

14 And so once we have sorted things  
15 out, that was one of the things we thought --  
16 I don't know if you want to make a  
17 recommendation about that, but that was one of  
18 the things that we found that were different.

19 MS. CARSON: I would say the  
20 primary differences in the Family Advocacy  
21 Program are it is much smaller, much fewer  
22 people. It is mostly civilians. They have

1 different job structures. They have the  
2 victim advocates, but they also have program  
3 managers and support staff and a separate  
4 group who does the education and outreach.  
5 And they are not deployable. None of them are  
6 deployable.

7 CHAIR FERNANDEZ: Hi, Michelle.

8 MS. ANDERSON: Hi, you all. I'm  
9 very sorry I'm late.

10 MS. CARSON: The other fundamental  
11 difference in the program -- hi, Ms. Anderson.  
12 I'm just going over the Family Advocacy  
13 Program. This is Julie Carson.

14 MS. ANDERSON: Right.

15 MS. CARSON: The other fundamental  
16 difference in the Family Advocacy Program is  
17 that they incorporate clinicians in their  
18 program. So they have the counselors that are  
19 also part of the Family Advocacy Program, and  
20 that is not the way -- like the civilians, and  
21 that is not a part of the SAPR Program. And  
22 that is much more like the civilian systems

1 operate.

2 CHAIR FERNANDEZ: Folks, why don't  
3 we start going through the recommendations.  
4 We'll start with Findings 1 and  
5 Recommendations 1 and 1a.

6 My only thing was that I thought 1a  
7 should come before 1. It seems like we need  
8 to get a full implementation and data-  
9 gathering before we evaluate. It's a small  
10 change, but I just thought it should be  
11 switched. Does anybody have any other  
12 comments on that?

13 (No response.)

14 The last sentence in 1a is not  
15 really -- needs to be rewritten, because you  
16 can't improve and eliminate at the same time.  
17 But other than that, I think it's fine.

18 JUDGE MARQUARDT: This is Christel.  
19 Under Recommendation 1, it says, "The  
20 Secretary of Defense direct" -- is it "should  
21 direct"?

22 COL HAM: Ma'am, this is Colonel

1 Ham. I look -- my information about how to  
2 specifically draft these is evolving as we  
3 wrote those, the three different reports. I  
4 look to the DTF SAMS report for samples I  
5 guess of how to direct the different entities  
6 to do things. So that is how they were worded  
7 in that report. That doesn't mean that's how  
8 you would need to do it, but that's why they  
9 are worded that way.

10 It's a recommendation, so it's not  
11 a "you have to," so your recommendation is  
12 that he direct. But if you want to put  
13 "should direct," we could do that as well.  
14 I'm trying to -- I'm constantly trying to  
15 refine the recommendations to make sure that  
16 your recommendation is a direction to the  
17 right entity to do the thing that you are  
18 recommending, if that makes sense.

19 JUDGE MARQUARDT: Well, in the  
20 other sections that we've already talked  
21 about, I think we have inserted the word  
22 "should." I think it's awkward the way it is

1 written, even though it may have been in some  
2 other report.

3 COL HAM: Yes, ma'am. Whichever  
4 view the Subcommittee members want.

5 CHAIR FERNANDEZ: Well, let's go  
6 with Christel's recommendation.

7 DEAN SCHENCK: This is Lisa. It  
8 just sounds funny when you say, "Recommend the  
9 SecDef should." You know what I mean?  
10 Sometimes -- I think in the other report it  
11 says, "Recommend the following," and it just  
12 lists -- "recommend the following," and the  
13 following includes the SecDef doing things,  
14 not "should" do things.

15 CHAIR FERNANDEZ: Is everybody okay  
16 with that?

17 DEAN SCHENCK: I think at some  
18 point in the report from the DTF SAMS we have  
19 a list of just recommendations, not findings,  
20 and, therefore, someone could just pull that  
21 list out and give it to DoD. So that's why it  
22 says, "The following recommendations." And it

1 mirrored those recommendations that were in  
2 the -- spread out through the report.

3 COL HAM: This is Col Ham, and  
4 that's the overall structure that we put in  
5 your table of contents as well. So there is  
6 an abstract of the recommendations right up  
7 front, and then they are sprinkled throughout,  
8 however you want to put them throughout the  
9 rest of the report.

10 CHAIR FERNANDEZ: Okay. Should we  
11 move on to Recommendation -- Findings and  
12 Recommendations Number 2.

13 MS. ANDERSON: Yes. This is  
14 Michelle, and I think this one is too wishy-  
15 washy. It is basically we heard -- you all  
16 will remember we heard about disclosures to --  
17 of confidential information that without the  
18 victim's consent converts the report to an  
19 unrestricted report.

20 And recommendations -- the first  
21 one is that, "They shall evaluate the extent  
22 to which this happens." And the second is,

1 "They shall determine whether to implement a  
2 policy that permits restricted reports to  
3 remain restricted."

4 I would make a recommendation that  
5 the Secretary of Defense direct the DoD SAPRO  
6 to develop a policy that permits restricted  
7 reports on sexual assault to remain restricted  
8 in the event of an inadvertent or improper  
9 disclosure.

10 You know, we are doing a lot of  
11 directing that they evaluate when, if there  
12 are instances in which this happens, there  
13 should be a policy that it doesn't have to  
14 happen that way, and that a restricted report  
15 could remain restricted when there is  
16 inappropriate or inadvertent disclosure.

17 BG MCGUIRE: So, Michelle, can you  
18 clarify that? Because you're saying get rid  
19 of one of the recommendations? So under  
20 Recommendation 2 -- yes, you guys are looking  
21 at Recommendation 2, it's on page 2?

22 MS. ANDERSON: Yes.

1                   BG McGUIRE: Okay. There are two  
2 bullets. The first bullet says essentially  
3 SAPRO and the services should evaluate what is  
4 the extent of inadvertent or improper  
5 disclosures. I'm not sure why that's -- why  
6 we should spend time on this. Like it happens  
7 occasionally. Shouldn't we have a mechanism  
8 by which, and a policy by which, that  
9 inadvertent disclosure does not mandate or  
10 lead inexorably to an unrestricted report?

11                   And then, the second bullet doesn't  
12 say that there should be a policy that does  
13 that, but the Secretary of Defense shall  
14 direct SAPRO to determine whether to implement  
15 a policy.

16                   MS. ANDERSON: Right.

17                   BG McGUIRE: That seems like two  
18 steps that are not necessary. I think the  
19 recommendation should just be we direct that  
20 there should be a policy.

21                   DEAN SCHENCK: Okay. This is Lisa.  
22 I don't think we should make a recommendation

1 based on minor anecdotal information. We  
2 didn't talk to the cops. We didn't talk to  
3 the commanders about this inadvertent  
4 disclosure. But I think I -- I have talked to  
5 some folks, and they believe that their hands  
6 are tied. Once it's leaked out, it's leaked  
7 out. We can't revert back. You see what I  
8 mean? Because of all the policies in place  
9 requiring them to take action. Cops have to  
10 take action, commanders have to take action,  
11 once that is leaked out.

12 So I think it requires more -- I  
13 think it requires some research as to how  
14 widespread this problem is, how often it  
15 occurs, and whether or not a policy is a way  
16 to do -- to change this. Do you see what I  
17 mean? Because we're seeing anecdotal  
18 information. We either have hard facts, we  
19 have hard data, or we don't.

20 REP. HOLTZMAN: This is Liz  
21 Holtzman. First of all, do we have any  
22 testimony that I believe we've had, but I

1       could be wrong -- have we had any testimony  
2       that there have been inadvertent disclosures  
3       of restricted reports? Well, inadvertent,  
4       improper. Either it was deliberately done or  
5       inadvertently done, but a restricted report  
6       was made public either by -- do we have any  
7       information about that testimony about that?

8                   MS. ANDERSON: This is Michelle.  
9       Some of the victims talked about.

10                   REP. HOLTZMAN: Okay. So then  
11       assuming that that is the case, I completely  
12       agree with Michelle. We should say, number  
13       one, that we -- there should be a policy to --  
14       just because it has been inadvertent or  
15       improper, that the report should be treated as  
16       restricted.

17                   Now, to the extent that that  
18       creates other problems, the Secretary of  
19       Defense ought to examine what needs to be done  
20       to ensure the privacy under these  
21       circumstances to the fullest extent possible.  
22       But this is just -- I mean, I completely

1 agree. The way it is now, they don't have to  
2 do anything. I mean, maybe I have it  
3 reversed. Maybe -- but I think that the  
4 directive ought to be to the maximum extent  
5 possible, steps are to be taken to ensure that  
6 despite this breach of confidentiality that  
7 confidentiality should be awarded or preserved  
8 in some way. I don't know to -- you know, how  
9 to do it.

10 COL HAM: This is Colonel Ham.  
11 Just so everybody is clear on what the policy  
12 currently is, if there is an inadvertent or --  
13 if there is an improper disclosure, it's a --  
14 disciplinary action can be taken. If it's an  
15 inadvertent or improper disclosure, to anyone  
16 other than commander or law enforcement, it  
17 does remain restricted. So the person --

18 REP. HOLTZMAN: Yes. But, Colonel  
19 Ham --

20 COL HAM: -- or entity --

21 REP. HOLTZMAN: Right. But  
22 punishing it doesn't help the victim. This is

1 Liz Holtzman. That's my point. I think  
2 that's Michelle's point.

3 COL HAM: I understand. I  
4 understand what you're saying. I just want to  
5 make everyone clear on what the current policy  
6 is. So you're just talking about releases to  
7 commanders and --

8 REP. HOLTZMAN: Correct.

9 COL HAM: -- law enforcement. So  
10 --

11 REP. HOLTZMAN: Right. And by the  
12 way -- right. Right. And by the way --

13 COL HAM: I'm sorry, ma'am.

14 REP. HOLTZMAN: -- Direction 2  
15 doesn't even deal with the issue of what  
16 happens when it's referred to law enforcement.  
17 But I think -- I don't know if we could just  
18 say it's our recommendation that it should  
19 remain restricted, and the Secretary should  
20 just take steps to implement, you know, that  
21 policy. I don't know what they would be, but  
22 that might be one way to do it. I mean, that

1 would be my way to do it actually, thinking  
2 about it.

3 MR. CASSARA: Just so I'm clear,  
4 maybe -- I think we are all sort of saying the  
5 same thing, but I want to make sure. Are we  
6 all in agreement that if there is an  
7 inadvertent/improper disclosure of a  
8 restricted report that there should be a  
9 mechanism for that report to remain  
10 restricted? I think we're all saying that.  
11 Am I correct?

12 CDR KING: Yes.

13 MR. CASSARA: Okay.

14 CHAIR FERNANDEZ: This is Mai. Why  
15 is there the policy of -- with inadvertent  
16 that all of a sudden it has to become  
17 restricted -- I mean, unrestricted?

18 MR. CASSARA: Because commanders  
19 are required -- and, Patty, you can correct me  
20 if I'm wrong -- but commanders are required  
21 under the Uniform Code of Military Justice, if  
22 they find about an alleged act of misconduct,

1 to initiate an investigation. Is that the  
2 reason, Colonel Ham?

3 COL HAM: They are specifically  
4 required under the NDAA, if they find out  
5 about a sexual assault-related allegation,  
6 they must report it to the military criminal  
7 investigative organizations, without  
8 determining its credibility or conducting any  
9 investigation of their own.

10 MR. CASSARA: Yes. And RCM 303 or  
11 304 as well. So, I mean, the law is pretty  
12 clear that if the commander finds out about an  
13 allegation of sexual assault they have to  
14 report it.

15 So what we're saying is that we  
16 want to amend that to where if the victim  
17 says, you know, we want it to remain  
18 restricted, you know, then we need to put in  
19 there that that's what we're asking for and  
20 that there needs to be a mechanism for that to  
21 happen. Am I correct that that's what we're  
22 all saying?

1 MS. ANDERSON: Yes, Bill. This is  
2 Michelle. I think that when one looks at it  
3 from the victim's perspective, the fact that  
4 the disclosure was inadvertent; that is, a  
5 mistake, it was mistaken; or it was improper;  
6 that is, it was against procedure and violated  
7 confidentiality, both of those circumstances  
8 take the control out of the hands of the  
9 victim.

10 And I think one of the things that  
11 we are trying to do is try to wrest a little  
12 bit more of the control -- not all of the  
13 control, obviously, but a little bit more of  
14 the control in the hands of the victim when he  
15 or she wishes to make a restricted report.

16 MR. CASSARA: Right. And what I'm  
17 saying is as long as we're all aware that what  
18 we are saying is that the NDAA is going to  
19 have to be amended in order to implement that,  
20 then, you know, I'm fine -- frankly, I'm  
21 comfortable with that recommendation.

22 But, you know, I just want

1 everybody to understand that what we're  
2 basically saying is that the NDAA needs to be  
3 amended to the degree -- to allow a commander  
4 to not report under those exact circumstances.

5 MS. ANDERSON: Right.

6 MR. CASSARA: That's my point, and  
7 that's -- you know, so -- but, yes, I have no  
8 problem at all with saying that the -- you  
9 know, the Secretary of Defense should  
10 determine whether the NDAA needs -- should be  
11 amended to allow for a commander to not report  
12 an allegation of sexual assault, if that  
13 information came to the commander  
14 inadvertently or improperly, and if the victim  
15 wishes for that report to remain restricted.

16 MS. ANDERSON: Yes. I think that's  
17 exactly the language, Bill.

18 MR. CASSARA: Oh, come on. Because  
19 then I'm going to have to --

20 REP. HOLTZMAN: There's one little  
21 problem here, which is --

22 MR. CASSARA: Good thing we a Court

1 Reporter, because he wrote what I said. So,  
2 okay.

3 REP. HOLTZMAN: This is Liz  
4 Holtzman. There is one little problem here,  
5 which is, is the commander responsible before  
6 -- I mean, this could create a huge loophole.  
7 If you require the commander to check, before  
8 he or she has referred the case to  
9 investigation, with the victim, I think that  
10 would open a huge loophole, because where is  
11 the victim, how do I find the victim, what is  
12 happening, time could, you know, pass. God  
13 knows what would happen. So I would make it  
14 basically where the victim has somehow  
15 communicated that to the commander or to law  
16 enforcement, or somehow the commander has been  
17 advised that this was -- by official military  
18 personnel that this was an improper  
19 communication of information.

20 I would not -- the minute you have  
21 to have these -- some checking with the victim  
22 before a report is made, I think that that

1 creates a problem of time, and I'm not sure  
2 that I agree with that.

3 MS. ANDERSON: Well, this is  
4 Michelle. On that issue, I think that the  
5 problem is that a number of victims' testimony  
6 of instances happened in circumstances in  
7 which the victim found out that it had already  
8 gone unrestricted. In other words, what -- no  
9 one --

10 REP. HOLTZMAN: Right. That's --

11 MS. ANDERSON: Right. And that is  
12 the problem, is that it goes unrestricted,  
13 without consultation with the victim. If it  
14 goes unrestricted -- if we're talking about  
15 military investigators, for heaven's sake, the  
16 investigator can contact the victim. That  
17 should be one of the first things they do in  
18 assessing the validity of a complaint, in  
19 terms of whether or not it goes forward as an  
20 unrestricted report.

21 REP. HOLTZMAN: I just think

22 MS. ANDERSON: It just puts too

1 much burden on anyone for them to check with  
2 the victim first.

3 REP. HOLTZMAN: Well, it's not an  
4 issue of a burden. It's not -- this is Liz  
5 Holtzman. It's not an issue of burden. It's  
6 an issue of time. Maybe the victim -- you,  
7 maybe the victim is found -- you know, maybe  
8 -- what you're saying is that the victim has  
9 found out later that there is a -- that the  
10 report has been made. It seems to me the  
11 obligation is on the victim at that point to  
12 communicate that.

13 Otherwise, I'm just saying to you  
14 that if a commander, if a law enforcement  
15 person has to check with the victim before  
16 they start, you may say the first thing they  
17 should do is talk to the victim. Maybe the  
18 first thing they have to do, if they've gotten  
19 sufficient reports, is go and find, apprehend  
20 the culprit.

21 I mean, I don't want to be  
22 dictating to law enforcement personnel what

1 their first step should be to take. And  
2 finding the victim could be a problem. It  
3 could be a matter of minutes in some cases, or  
4 seconds, but it could be a matter of days. I  
5 don't think you should hold up the  
6 investigation or hold up the process because  
7 you are looking for the victim.

8 MS. ANDERSON: Well, I don't think  
9 that that --

10 REP. HOLTZMAN: It's a unique  
11 problem.

12 MS. ANDERSON: Yes. I don't think  
13 we need to micromanage how this shakes out.

14 REP. HOLTZMAN: This is a loophole  
15 that is -- but this is a loophole that is  
16 created that you --

17 MS. ANDERSON: But you're deciding  
18 -- or you're proposing that you decide or that  
19 we decide that they don't have to check with  
20 the victim when we are not on the ground and  
21 we don't know how realistic that is. Why not  
22 defer to the policymakers, the SAPRO office,

1 to come up with the appropriate kinds of  
2 policies to implement our basic position,  
3 which is that victims should have a mechanism  
4 by which it remains restricted.

5 Is this going to be foolproof? No.  
6 Is it going to work in every instance? No.  
7 There are going to be instances in which it  
8 doesn't. But I wouldn't want to dictate from  
9 our vantage point the precise contours of what  
10 the policy looks like vis-à-vis who gets, you  
11 know, assessed first or who gets consulted  
12 first.

13 (Simultaneous speaking.)

14 CHAIR FERNANDEZ: Hold on one  
15 second. This is Mai. Can I ask a quick  
16 question that might be clarifying? My  
17 understanding is you can go from restricted to  
18 unrestricted to restricted again.

19 COL HAM: No, ma'am. You can go  
20 from restricted to unrestricted, but you  
21 cannot go back to restricted.

22 CHAIR FERNANDEZ: You cannot go

1 back to restricted. That's what we're talking  
2 about.

3 COL HAM: You may decline to  
4 participate in the investigation, even if you  
5 make an unrestricted report or if you make a  
6 restricted report --

7 CHAIR FERNANDEZ: Okay. I thought  
8 that would be clarifying in that I thought  
9 maybe you could go back to unrestricted. I  
10 mean, back to restricted. So you can decline  
11 to participate, but the investigation pushes  
12 forward.

13 COL HAM: It may push -- it may go  
14 forward.

15 CHAIR FERNANDEZ: Okay. Liz, I  
16 don't understand what loophole you're talking  
17 about. What exactly is --

18 REP. HOLTZMAN: Well, if we were --  
19 I can't remember how somebody had phrased it,  
20 but the way it was phrased suggested that they  
21 had to check with the victim first, and that  
22 was just my only concern. I completely agree

1 with the suggestion that Michelle made and  
2 that everybody agrees with that we should,  
3 even if the report has become unrestricted,  
4 that if it's done in an improper way, against  
5 the -- that it should be -- it should go back  
6 to being restricted.

7 But I'm just wondering and worried  
8 about -- it's just a question of wording here,  
9 I think, because I think you could leave it  
10 open enough so that they could figure out the  
11 policy and how actually to implement such a  
12 direction. I just don't want us to leave the  
13 implication that they are required to check  
14 with the victim before they initiate any  
15 reporting or any investigation. Personally,  
16 I think that would be a mistake. But that's  
17 just my -- that's just my reaction, because --  
18 today.

19 CHAIR FERNANDEZ: I'm just trying  
20 to figure out the mechanics of that, though.  
21 I file a restricted report. I called my  
22 roommate, and she accidentally, while having

1 drinks with my commander, said something.

2 (Laughter.)

3 I'm putting it out there. Let's  
4 just say that's the scenario. I mean, the  
5 commander now knows and feels like he's got to  
6 go forward. But he needs to check with me  
7 first to find out if I was -- I mean, I think  
8 it just logically seems that you always have  
9 to check with the victim.

10 REP. HOLTZMAN: Well, let's take  
11 another example. Let's just take another  
12 example where this is -- the information is  
13 not over a drink, but the information comes  
14 from a SAPRO person or comes from a medical  
15 person or comes from a military investigative  
16 person. There is no reason to believe there  
17 is any question about the legitimacy of its  
18 being unrestricted.

19 And then the commander -- now what  
20 you're saying is that no matter what the  
21 circumstances are the commander then has to  
22 check with the victim before reporting. First

1 of all, I don't think this is going to -- you  
2 know, I think that that creates an unnecessary  
3 burden, particularly when you are talking  
4 about the way it's likely to happen, not over  
5 a drink, but because somebody got -- made a  
6 mistake or there is some -- something else  
7 like that, but that it's under indicia that  
8 it's totally -- that what the person is doing  
9 who is reporting it is totally -- acting  
10 totally appropriately.

11 But I think we haven't heard -- I  
12 mean, I'm just concerned that we create -- we  
13 are creating a new problem for the reporting  
14 cycle. And I would not like -- I would not  
15 recommend that. I would just -- I'd like to  
16 recommend making this unrestricted to the full  
17 extent it can be.

18 I mean, you've let the cat out of  
19 the box. Can you put it -- or the toothpaste  
20 out of the tubes? Can you ever put it back  
21 in? Probably not perfectly. But to the  
22 fullest extent of protecting the victim, I

1 completely agree with that. So --

2 MS. ANDERSON: I think we are -- I  
3 think this is just a matter -- this is  
4 Michelle. Sorry, you all. I definitely hear  
5 Liz's concern, and I also hear Mai's impulse  
6 to just have a policy whereby we inform the  
7 victim.

8 I actually don't think that either  
9 of those things need to be in the  
10 recommendation. I think the recommendations  
11 need to be something like "to the fullest  
12 extent possible," you know, some of the  
13 language that Liz just said is fine. None of  
14 these things are going to be perfect, but  
15 currently there is no mechanism by which one  
16 can go from an unrestricted back to a  
17 restricted. And that's what we're trying to  
18 establish.

19 We're not trying to make it  
20 foolproof. We're not trying to make it happen  
21 every single time. But we are saying that  
22 there should be a mechanism by which these

1 reports can go from unrestricted back to  
2 restricted when the unrestricted nature of the  
3 report was a mistake or was violative of the  
4 rules. You know, it was inadvertent or  
5 improper.

6 REP. HOLTZMAN: I agree. I mean,  
7 it seems that there is just a wording issue.  
8 That's what I think, but --

9 REP. HOLTZMAN: Yes, I agree.

10 COL HAM: This is Colonel Ham.  
11 Again, Mr. Cassara pointed out that the NDAA  
12 requires the commander -- I'm looking at it,  
13 Section 1742, so you -- what I'm throwing out  
14 to you is, does your recommendation need to  
15 include enacting legislation? Right now,  
16 there are no exceptions.

17 The statute says, "The commanding  
18 officer who receives a report of a sex-related  
19 offense involving a member of the Armed  
20 Forces, and the chain of command of such  
21 officer, shall act upon the receipt --  
22 immediately after receipt of the report by the

1 commanding officer. The action required is  
2 referral of the report to the military  
3 criminal investigative organization with  
4 responsibility for investigating that  
5 offense."

6 MS. ANDERSON: I think you're right  
7 to point that out, Colonel Ham, and -- this is  
8 Michelle -- and I think that that is something  
9 that we would need to make a recommendation  
10 to --

11 REP. HOLTZMAN: Well, probably --  
12 this is Liz Holtzman. Probably -- I mean,  
13 just thinking about this practically, probably  
14 the commander is not going to be the person  
15 who is going to know because he or she has  
16 already transmitted the information. This  
17 probably is going to the -- this will probably  
18 be rectified when it goes to the -- when the  
19 matter is already in the hands of the  
20 investigators, the military -- the law  
21 enforcement personnel.

22 So, but even so, they have to --

1       there is nothing that allows them not to  
2       investigate something, even if the victim  
3       tells them they don't want to -- they don't  
4       want to have an investigation, they're still  
5       not compelled to listen to that.

6               So I do think that you may need a  
7       statutory change. That's all.

8               CHAIR FERNANDEZ: I think if a  
9       statutory change is needed, we are going to be  
10      asking for that. So are we in agreement we  
11      ask for Congress to make the statutory change?

12              MS. ANDERSON: I think so.

13              MR. CASSARA: I agree. I mean, you  
14      know, in order to enact the recommendation,  
15      that is what is going to have to happen.

16              DEAN SCHENCK: This is Lisa. I  
17      agree. There's got to be something, because  
18      the commanders sometimes are getting the  
19      information from the roommates of the victims  
20      or other parties, and the commander has got to  
21      investigate that. This is a very strict  
22      statutory requirement.

1 CHAIR FERNANDEZ: Okay. I think --  
2 I think we are all in agreement. Pass it back  
3 to Congress on this one.

4 Let's move on to Finding Number 3.  
5 I'm just -- for matters of logistics --

6 REP. HOLTZMAN: Oh, can I -- on  
7 Recommendation Number 2, by the way, it only  
8 relates to the commander. It doesn't relate  
9 to law enforcement, the second part of  
10 Recommendation Number 2. Anyway, but it may  
11 be moot because we have changed the  
12 recommendation, so -- okay.

13 CHAIR FERNANDEZ: Okay. We've been  
14 on the phone for 43 minutes. We have only got  
15 another 47 to go, and we have several  
16 recommendations to go. I'm just putting that  
17 out there.

18 So let's look at Recommendation  
19 Number 3. I thought that this one was pretty  
20 clear up front.

21 JUDGE MARQUARDT: This is Christel.  
22 I don't understand the last sentence in

1 Recommendation Number 3. I don't know what  
2 "post sexual assault prevention" means.

3 CHAIR FERNANDEZ: Julie?

4 MS. CARSON: I don't think that was  
5 my language. I --

6 COL HAM: No. This is Colonel Ham.  
7 I think that's language directly from the DTF  
8 SAMS recommendation. I just wanted -- which  
9 required putting up, you know, in poster form,  
10 making visibly apparent throughout the  
11 military entrance processing stations the  
12 sexual assault prevention --

13 JUDGE MARQUARDT: Well, it's  
14 putting something on a wall. That's the  
15 difference.

16 CHAIR FERNANDEZ: Christel, you are  
17 reading it as some -- like something that  
18 happens after the sexual assault, correct?

19 JUDGE MARQUARDT: Correct. But I  
20 think we could use some other word if it  
21 means, you know, making the information  
22 available to others, like by posting.

1 COL HAM: This is Colonel Ham. I  
2 was trying to -- I was trying to point out the  
3 difference between what you're recommending  
4 and what is already required.

5 JUDGE MARQUARDT: It is already  
6 required that the information be made  
7 available and be visibly posted.

8 COL HAM: My understanding was your  
9 recommendation was provide additional  
10 information on specific subjects, not by  
11 putting up a poster or something like that, or  
12 maybe that is what you mean. But that is  
13 already required.

14 MS. ANDERSON: So, Colonel Ham,  
15 this is Michelle. Just to clarify, the point  
16 of this recommendation is the 14-day  
17 differential between initial entry where the  
18 recommendation says we should be making at  
19 least an initial pass over this information  
20 and entry. Does that happen under the status  
21 quo?

22 COL HAM: My understanding is that

1 -- well, a couple of points. I think you  
2 heard from some recruits at Lackland who saw  
3 the information at the military entrance  
4 processing stations and the DTF SAMS  
5 recommendation, which to my understanding was  
6 implemented, was that information be made  
7 available and posted at the military entrance  
8 processing stations.

9           Maybe Dean Schenck remembers some  
10 more about that? Because she was a legal  
11 advisor to -- or a senior advisor to DTF SAMS.

12           My understanding was you wanted  
13 additional information made available earlier  
14 than the 14-day briefing.

15           CDR KING: This is Sherry. My  
16 understanding was, based on Bill Cassara's  
17 language also, is that you wanted the material  
18 provided to be more specific than just  
19 information about the SAPR Program and what  
20 victims could do, and that that information  
21 should include the definition of what sexual  
22 assault is and what can happen to an offender

1 also who commits those acts in the military,  
2 as well as now information about the DoD  
3 helpline.

4 So that it is more specific  
5 information being provided at the MEP station  
6 also. Because there is already a policy, or  
7 at least in some places there is already being  
8 some information provided at the MEP. So when  
9 I was trying to interpret your  
10 recommendations, I was trying to make it as  
11 specific as possible to make it not be the  
12 same as what is already happening in some  
13 places.

14 CHAIR FERNANDEZ: This  
15 recommendation seems pretty clear, I mean, to  
16 me. Unless somebody has any real problems I'd  
17 like to move on to Recommendation Number 4.  
18 Okay. Going once, going twice, Recommendation  
19 Number 4.

20 MS. ANDERSON: Sorry. Back on  
21 Recommendation 3 -- I know it just went --  
22 this is very minor, but I would just suggest

1 -- this is Michelle, sorry. I would just  
2 suggest the word "visibly" in front of the  
3 word "post," because then it identifies post  
4 as a verb and not an adjective, because I have  
5 the same read that Christel did. I was like,  
6 post sexual assault? What happened after the  
7 sexual assault? Rather than the verb. So I  
8 think the adverb "visibly" is -- would solve  
9 that problem.

10 On to four.

11 REP. HOLTZMAN: This is Liz  
12 Holtzman. I don't really understand what the  
13 objective here is. Is the point, do we need  
14 it earlier than eight days? Or what is the --  
15 what are we trying to get at with Number 4?

16 COL HAM: Ma'am, this is Colonel  
17 Ham. The requirement only applies to  
18 unrestricted reports, and our understanding  
19 was that you wanted it to apply to all  
20 reports, restricted reports as well.

21 REP. HOLTZMAN: Okay. Thank you.

22 MR. CASSARA: Hey, it's Bill. I

1 just had a quick question. On Recommendation  
2 4, on the first bullet, I assume that we are  
3 leaving it up to the services as to who  
4 actually does the reporting? When it says we  
5 require written --

6 CDR KING: I think Julie was -- we  
7 were just trying to list what was in the NDAA  
8 already.

9 MR. CASSARA: That's fine. That's  
10 fine. All right. Thank you.

11 MS. ANDERSON: This is Michelle.  
12 I think that this is a pretty straightforward  
13 recommendation, and I support it. And perhaps  
14 if that's true of many of you, or all of you,  
15 it seems pretty -- yes, it's just  
16 straightforward.

17 CDR KING: Is there anything  
18 anybody wants to tell us to change or --

19 REP. HOLTZMAN: Where are you? On  
20 Section 4, Recommendation 5 or 4?

21 CDR KING: Four.

22 JUDGE MARQUARDT: Well, you're

1 going to say "require written incident  
2 reports," I think it should be either  
3 "required written into the incident reports"  
4 or "requires an incident report."

5 CDR KING: Okay.

6 CHAIR FERNANDEZ: If we're good on  
7 Recommendation Number 4, let's go to  
8 Recommendation Number 5.

9 BG McGUIRE: This is Colleen. I  
10 only have a recommendation for Number 5 in  
11 that we may want to leave room for waiver for  
12 law enforcement units, so that if military  
13 police is sexually assaulted, and they just  
14 want to confide with their buddy that also  
15 happens to be an MP --

16 CHAIR FERNANDEZ: That makes sense,  
17 Colleen, if I understand you, to say that the  
18 friend, roommate, or family member may also be  
19 an MP. Is that what you're saying?

20 BG McGUIRE: Yes. Yes.

21 CHAIR FERNANDEZ: Got it. I think  
22 that's right. That's a good clarification.

1                   REP. HOLTZMAN: With regard to the  
2 recommendation, it should be clear that --  
3 that it can be -- it can remain confidential,  
4 not just file a restricted or unrestricted  
5 report. I mean, I'd just like it to say  
6 somewhere that, you know, it's confidential  
7 and the person does not preclude the  
8 opportunity, that the -- that the confidence  
9 can remain -- or that the statements can  
10 remain confidential, and that the victim still  
11 has the opportunity to file a restricted  
12 report, because this doesn't -- you know, it's  
13 just too technical, and I just want to make it  
14 clear that it's confidential still.

15                   COL HAM: Ma'am, this is Colonel  
16 Ham. The wording was chosen I guess -- well,  
17 I'll just -- current policy very clearly  
18 states that it is not confidential. It just  
19 isn't a -- it doesn't --

20                   REP. HOLTZMAN: Okay. Well, so  
21 then there -- so if you don't want to use the  
22 word "confidential," then just say "before

1 determining whether to" -- and does not --  
2 does not mean that the person can still -- and  
3 means that the person can still file an  
4 unrestricted -- a restricted report.

5 "Before determining" sounds like --  
6 it's just a very complicated and abstract way  
7 of describing the situation, and I'd like it  
8 just to be more practical, so that someone who  
9 is reading this -- I don't know if there is  
10 any victim that would ever read this -- would  
11 understand what this is about.

12 COL HAM: Ma'am, yes. This is  
13 Colonel Ham. Thank you. I'm sorry. This one  
14 was very hard to draft because of the way the  
15 current policy is worded, which may be why you  
16 saw that it's confused out in the site visits.  
17 It's not --

18 REP. HOLTZMAN: Okay. So then  
19 start out by saying, "Clarify policies to make  
20 it clear to the victim that he or she can  
21 discuss" -- you can use the word  
22 "confidentiality." I don't -- just because

1 the policy doesn't say it doesn't mean we  
2 can't use that word.

3 COL HAM: Yes, ma'am.

4 REP. HOLTZMAN: I think. So we  
5 would just it -- that statements made in  
6 confidence, you know, to a roommate, friend,  
7 or family member, can remain in confidence and  
8 don't -- you know, don't preclude or don't  
9 prevent -- I don't know. I can't figure out  
10 the language. You can figure it out better.

11 But I just think it's just too  
12 technical. That's all.

13 COL HAM: Yes, ma'am.

14 REP. HOLTZMAN: Not that it's  
15 inaccurate.

16 CHAIR FERNANDEZ: Are we good with  
17 five?

18 (No response.)

19 Let's move to six, then.

20 BG McGUIRE: This is Colleen, and  
21 I just wanted to start a conversation on this  
22 particular recommendation. Speaking on behalf

1 of all of the experience of a commander, I  
2 don't know -- this particular recommendation  
3 is very weak, and I think it's kind of a --  
4 it's wrought with all sorts of concerns.

5 One, we're asking them to -- we're  
6 asking the Secretary of Defense to direct  
7 SAPRO to extend the option to request an  
8 expedited transfer following a credible report  
9 of sexual assault for a victim.

10 Well, how are you going to justify  
11 that to a commander, that this person needs to  
12 leave, or needs to transfer? Well, why? What  
13 is the reason? You know, immediately just by  
14 identifying that a particular individual needs  
15 to leave the area is a red flag that, you  
16 know, something is up. And if you're not  
17 going to tell me why they have to leave, then  
18 I am going to assume it's because of a sexual  
19 assault, because that's the only reason, if  
20 that's the case here, that they would leave a  
21 unit just to leave the unit.

22 Also, I see that this is -- the

1 potential for abuse for this is huge. If I  
2 don't like my unit, I don't like my job, I can  
3 make a request to transfer. This  
4 recommendation is going to be very hard to  
5 implement, let alone explain.

6 CHAIR FERNANDEZ: My initial  
7 reaction is to -- this is Mai -- is to agree  
8 with Colleen. But I understand that in  
9 certain circumstances you want to provide that  
10 flexibility. I just don't know if you can  
11 have both.

12 BG MCGUIRE: I think they currently  
13 already have it. There is nothing to preclude  
14 a compelling reason for -- you know, if the  
15 SAPRO community got together and talked to the  
16 commander and said, "This person needs to  
17 leave," this option already exists on the  
18 table. I mean, I would suspect that they are  
19 already doing it to some degree. But to  
20 mandate it is just wrought with potential  
21 abuse, and hard to implement.

22 COL HAM: This is Colonel Ham. Who

1 just joined the meeting, please? I'm sorry.

2 I couldn't hear.

3 (Brief interruption by a  
4 participant who joined the  
5 incorrect teleconference.)

6 MR. CASSARA: Wait. This isn't the  
7 symphony meeting? What have I been doing here  
8 for the last six months?

9 (Laughter.)

10 Sorry. A little levity here and  
11 there.

12 I actually -- not actually, I tend  
13 to agree with General McGuire. I think that  
14 the option that we are seeking under  
15 Recommendation 6 already exists for  
16 commanders, and I'm not sure -- because I  
17 think we have to draw that balance that I  
18 think it was Mai was talking about, I think we  
19 would have to water down the recommendation so  
20 much that it really would have no -- little to  
21 no effect outside of what we currently have in  
22 place.

1                   Colleen, am I understanding your  
2 concerns correctly?

3                   BG McGUIRE: Yes, you are. And the  
4 potential for abuse by mandating this.

5                   MR. CASSARA: Yes.

6                   REP. HOLTZMAN: General McGuire --  
7 this is Liz Holtzman -- my only question about  
8 this, and I think you've raised very  
9 legitimate points, is if you had the -- if the  
10 requests were supported, for example, by -- by  
11 the SAPRO person, by the -- by medical -- you  
12 know, medical recommendation, it wasn't just  
13 the victims were alone --

14                   BG McGUIRE: Right.

15                   REP. HOLTZMAN: -- does that solve  
16 part of the problem here? And whether the  
17 commander suspects or doesn't suspect it's one  
18 thing. But the commander doesn't actually  
19 know. So if the -- if there could be some,  
20 you know, medical, mental health, or --

21                   BG McGUIRE: Liz, I would tell you  
22 that it doesn't tell you that --

1 COL HAM: The person joining the  
2 meeting, who -- this is not the same meeting.

3 PARTICIPANT: I apologize. This is  
4 the number that we were given by Louis Gardner  
5 at Zuckerman. So maybe we're not supposed to  
6 be on this, but this is the number he gave  
7 everyone. So do you want the parties to drop  
8 off?

9 COL HAM: Yes, please. And we'll  
10 have to clarify with them.

11 PARTICIPANT: Okay. Thank you.

12 BG MCGUIRE: This is Colleen again,  
13 and I want to quickly try to answer Liz's  
14 point -- is that the scenario you described,  
15 if the commander today -- and I'm going to  
16 make the assumption that a good percentage of  
17 the commanders are good commanders, would take  
18 that and permit this individual to leave.  
19 They would accept that currently, without this  
20 --

21 REP. HOLTZMAN: So we wouldn't need  
22 this. So this is not -- what you're saying is

1 that it's unnecessary.

2 BG MCGUIRE: Yes. Yes. Because  
3 there have also been instances of the  
4 commanders refusing to --

5 (Simultaneous speaking.)

6 CHAIR FERNANDEZ: You all, I'm  
7 having trouble hearing. I think there's a lot  
8 of people on who aren't necessarily -- I'm not  
9 sure what's going on, but I just wanted to put  
10 that out there, that --

11 COL HAM: If everybody can hold on  
12 for one minute, we're going to make sure the  
13 line is clear. If everybody could just hold  
14 on for one minute.

15 (Whereupon, the proceedings in the  
16 foregoing matter went off the  
17 record at 3:32 p.m. and went back  
18 on the record at 3:36 p.m.)

19 CHAIR FERNANDEZ: Let's go to  
20 finding number six. It looks like we're all  
21 pretty much in consensus that we should  
22 eliminate it.

1                   BG MCGUIRE: I move we can  
2 eliminate it. This is Colleen.

3                   MS. ANDERSON: And Colleen, this is  
4 Michelle. Just to understand for sure for  
5 someone who's not and has never been a  
6 military officer, your understanding is that  
7 there is already the authority --

8                   BG MCGUIRE: Yes.

9                   MS. ANDERSON: -- to engage in  
10 this expedited transfer --

11                   BG MCGUIRE: Yes.

12                   MS. ANDERSON: -- for someone who  
13 files a restriction report.

14                   BG MCGUIRE: Correct.

15                   MS. ANDERSON: Do we want to  
16 clarify that that's the policy?

17                   BG MCGUIRE: Well, it's not a  
18 policy, it's always, you know, for the health  
19 of the individual, the organization, whatever  
20 and based on the recommendations of, you know,  
21 dental, medical, health, mental health,  
22 whatever, without a report, they will have

1 that meeting with the commander and make that  
2 recommendation that this individual needs to  
3 go. The commanders might want to keep that  
4 individual there.

5 But if we put it as a  
6 recommendation, that also means that, okay,  
7 it's now -- we're holding the potential that  
8 this could be used by those other than that  
9 would need to use it. It is just what was a  
10 potential of, like I said, abuse.

11 Now we're getting into how do you  
12 define credible? And that I can tell you  
13 right now, in the implementation of this,  
14 you're going to have different installations  
15 coming up with a check list of what defines a  
16 credible, restricted report that would be  
17 eligible for a transfer without identifying  
18 the individual to the, you know, whole  
19 population.

20 It would -- this would just be very  
21 difficult to implement. Not only, I mean, as  
22 you've written it now, it already is an option

1 and is already available to commanders. I  
2 will tell you I've used it. It wasn't for  
3 sexual assault but it was something else. It  
4 was bullying and it made sense to move the  
5 individual.

6 We do this all the time. It's call  
7 rehab transfers. It doesn't even have to be  
8 tied to sexual assault. We have instances  
9 where we knew the individual was of a  
10 particular sexual persuasion, they weren't  
11 getting along with the individuals in the  
12 unit, we transferred them.

13 CHAIR FERNANDEZ: I think in this  
14 one, we have to give some deference to the  
15 commander, that's my take on that.

16 BG MCGUIRE: Yes.

17 CHAIR FERNANDEZ: Is that you can't  
18 -- somebody can't automatically say I've been  
19 sexually assaulted, transfer me because you'd  
20 get havoc. So I think to me, we need to give  
21 deference to the commander in this one. And  
22 I think we need to eliminate this.

1 I get why we put it in, but I think  
2 after Colleen's talked about it, we need to  
3 take it out.

4 MS. ANDERSON: But I just -- this  
5 is Michelle, again, just to try to understand  
6 the reason that you want to take it out is if  
7 there's already the authority to do this.

8 BG MCGUIRE: Yes.

9 MS. ANDERSON: So, why wouldn't we  
10 just have a recommendation that we clarify  
11 that this authority to engage in expedited  
12 transfer for restricted reports, that the  
13 authority that they have to engage in any --  
14 that the authority they have to engage in  
15 transfer applies to those who file  
16 unrestricted reports.

17 Because apparently, there is some  
18 confusion about that or we would not have this  
19 in front of us because -- go ahead.

20 BG MCGUIRE: Yes, I think that if  
21 we use the verbiage of rehabilitation  
22 transfer, that that would resonate better.

1 MS. ANDERSON: Well, let's do that.  
2 Let's do that. Say that the current DoD  
3 policy on -- what did you call it?

4 BG MCGUIRE: Well, I'm not so sure  
5 there's a policy on that, it's just a tool  
6 that's available to commanders for rehab  
7 transfers.

8 MS. ANDERSON: Well, so what would  
9 be the problem with saying that the current  
10 DoD policy should provide explicitly that  
11 rehab transfers apply and can be used for  
12 circumstances of unrestricted reports.

13 BG MCGUIRE: Okay.

14 REP HOLTZMAN: Can I just make a  
15 point. This is Liz Holtzman.

16 You know, the recommendation is  
17 just to study whether this needs to be done.  
18 It's not --

19 BG MCGUIRE: It's already being  
20 done.

21 REP HOLTZMAN: Okay. Well because  
22 my concern about this would be to see whether

1 there is any issue even what do you call it,  
2 rehabilitation transfer? With each -- whether  
3 there are problems in terms of getting  
4 rehabilitation transfers in these  
5 circumstances.

6 MS. ANDERSON: Right.

7 REP HOLTZMAN: So I have no problem  
8 with studying that. That's what I, you know,  
9 so I don't think General McGuire, that your  
10 concern about this is really 100 -- I mean I  
11 agree with the content of your concern. I  
12 definitely do with that. But I think all  
13 we've asked for here is to study the issue.

14 So I don't know. I mean you still  
15 may be right, maybe we should just eliminate  
16 it. I mean I'm not necessarily --

17 BG MCGUIRE: But you know, I'm  
18 looking at the credibility of the report and  
19 the credibility of the work that we have been  
20 doing now for the last six months. To make a  
21 recommendation like this on something that  
22 already exists or is a tool that's available

1 to commanders just kind of looks like we're  
2 filling up the report. I'll be blunt.

3 REP HOLTZMAN: Okay.

4 BG MCGUIRE: We felt compelled to  
5 add another recommendation.

6 CHAIR FERNANDEZ: We have three  
7 options here. We have the option to leave it  
8 as is as a study. We have an option to  
9 eliminate it completely and we have the option  
10 to state specifically that the rehabilitative  
11 transfer applies to restricted reports, people  
12 who have filed a restricted report.

13 BG MCGUIRE: Well I don't know if  
14 it even says it's a study, it says  
15 recommendation is to determine whether or not  
16 to extend the option to request an expedited  
17 transfer following a credible report. It  
18 doesn't say study.

19 MS. ANDERSON: Yes, so this is  
20 Michelle. I think that the recommendation is  
21 not really a recommendation, it's a  
22 recommendation to think about and I guess then

1 determine whether or not there's something  
2 that already exists apparently, according to  
3 Colleen, and I defer to her expertise on this.  
4 How about the recommendation is just to  
5 clarify that the rehabilitation transfer  
6 mechanism can apply to restricted sexual  
7 assault victims.

8 BG MCGUIRE: There you go.

9 CHAIR FERNANDEZ: This is Mai. Can  
10 I ask who we're clarifying for? And I'm  
11 asking that in earnestness. Do commanders  
12 need clarification on this or are we saying it  
13 needs to be clarified to the victims and their  
14 SVCs that are advocates know that this might  
15 be something they ask for?

16 CHAIR FERNANDEZ: Well, there is a  
17 finding that we have here that the policy does  
18 not permit expedited transfer for those who  
19 file restricted reports and Colleen has  
20 indicated that actually it does go through a  
21 different route.

22 It does seem that if the policy

1 says you can engage in temporary or permanent  
2 expedited transfer for an unrestricted report,  
3 but not for a restricted report, that by  
4 implication, many commanders would conclude  
5 that they may not be able to engage in a  
6 transfer. All we want to do is clarify for  
7 both victims, SARC folks who are set up to  
8 support the victims and for commanders for  
9 anyone in the military that this is an option.

10 BG MCGUIRE: Okay, I understand.

11 REP HOLTZMAN: Well, this is Liz  
12 Holtzman. Have we had any testimony though  
13 that people don't know that they can do this  
14 with restricted reports? I mean I'm just  
15 going to play devil's advocate here.

16 Do we have any testimony that  
17 commanders don't know about this power? Do we  
18 have any testimony that victims don't?

19 BG MCGUIRE: We had the testimony  
20 on March the 13th --

21 COL HAM: You heard from one victim  
22 who filed a restricted report and then changed

1 it to an unrestricted report so she could  
2 request an expedited transfer.

3 REP HOLTZMAN: She lived next door  
4 to him.

5 COL HAM: She lived next door to  
6 him in a --

7 REP HOLTZMAN: Right, right, right,  
8 I heard that. So maybe Mai's point is exactly  
9 right that the clarification is really to the  
10 victims and their, you know, as opposed to the  
11 commanders.

12 And maybe the clarification is that  
13 even though an unrestricted report -- even  
14 though a restricted report does not  
15 automatically confer the right to a transfer,  
16 a transfer still can be made, clarify to  
17 victims and to whoever, you know, their SARC  
18 people and their counselors that a request for  
19 transfer can still be made under the  
20 rehabilitation.

21 COL HAM: That's the Army term --  
22 this is Colonel Ham. I don't know if the

1 other services use that term but it refers to  
2 -- General McGuire, correct me if I'm wrong --  
3 it's the inherent authority of the commander  
4 to do what's best for their unit and request  
5 that personnel be moved for many, many reasons  
6 or not moved for many reasons.

7 CHAIR FERNANDEZ: Could I just --  
8 okay, while we're at this, okay, so I go and  
9 my SARC to my victim's advocates advocates to  
10 my commander and say, we've got to move this  
11 woman to another base.

12 Now isn't the commander at that  
13 point informed of my case and needs to move my  
14 case -- make it unrestricted?

15 COL HAM: No, they don't need to  
16 say for what reason, I mean it could be for  
17 mental health, behavioral health and even  
18 after -- as a result of, you know, sexual  
19 assault. She's seeking, you know, counseling  
20 or whatever. He doesn't know or she doesn't  
21 know -- the commander does not need to know  
22 those kinds of specifics.

1                   And so it could be for a whole host  
2 of reasons that it would be medical and/or  
3 staffer or a FAP or whatever community can  
4 come together and make that recommendation.

5                   DEAN ANDERSON: But if it's the  
6 SARC and the VA that's coming forward, isn't  
7 that inherently just going to be like this is  
8 for a sexual assault. Otherwise it would be  
9 somebody else coming forward.

10                  MS. CARSON: Yes, we'll have to  
11 work through those mechanisms and that's what  
12 that recommendation six is going to generate  
13 is some other interpretation.

14                  DEAN ANDERSON: It just seems that,  
15 I get what you're saying, Colleen, that this  
16 is available, but it's only available if the  
17 commander knows. And once the commander  
18 knows, it needs to go unrestricted.

19                  BG MCGUIRE: I mean that is a --  
20 because even as a commander, I think that I  
21 could still work around it. I could. And if  
22 I was a SARC or a staffer or individual, I

1 would probably work with maybe the mental  
2 health community to maybe make my argument.

3 CHAIR FERNANDEZ: Well I think it's  
4 important for us to acknowledge how truly  
5 innovative a leader Colleen is and I am  
6 impressed by that.

7 BG MCGUIRE: I know, I don't it  
8 though, too, I'm sorry.

9 CHAIR FERNANDEZ: However, I guess  
10 I'm just concerned about the clarification  
11 question.

12 I think allowing both victims and  
13 SAPRO offices and commanders understand that  
14 they can creatively deploy, and that's not the  
15 verb because that's something specific in the  
16 military, but that they can creatively use  
17 their ability to transfer people in the best  
18 interest of the troops and that that can apply  
19 to a circumstance in which there's an  
20 unrestricted report, I think is worthy.

21 BG MCGUIRE: Okay.

22 CHAIR FERNANDEZ: That way,

1 everyone is as creative and innovative as  
2 Colleen is.

3 MS. GARVIN: We can certainly lift  
4 it and see how it falls out, but my fear is  
5 that not everybody is as creative and  
6 innovative as Colleen. I have --

7 BG MCGUIRE: I don't have faith in  
8 most of mankind. So I just don't know that  
9 once that commander finds out that they're  
10 going to feel compelled to go unrestricted.

11 REP HOLTZMAN: Well, but the  
12 commander's not going to find out the details.  
13 The commander doesn't know what this has to do  
14 with. The commander's just going to know that  
15 a SARC has come, maybe there's a sexual  
16 assault involved but the commander may not  
17 know when the sexual assault took place. Did  
18 it take place in the military? Did it take  
19 place some other time? Exactly what the  
20 reason is for the need to move.

21 I mean I think that a smart SARC or  
22 a smart anybody doesn't have to give the

1 details and a commander can understand. So I  
2 don't think it necessarily would trigger a  
3 report.

4 COL HAM: It could be a case of a  
5 civilian assault as well.

6 REP HOLTZMAN: Correct, correct.

7 CHAIR FERNANDEZ: Okay, so then,  
8 Michelle, I think you had some phrasing. Why  
9 don't you give it -- try to give it one more  
10 shot?

11 MS. ANDERSON: Okay. That the  
12 Secretaries in the military departments,  
13 actually, I'm on the wrong one, hold on.

14 That the Secretary of Defense  
15 direct SAPRO in conjunction with the services  
16 to clarify that commanders can use their  
17 inherent authority to engage in transfers of  
18 an expedited nature when there is an  
19 unrestricted report of sexual assault. I'm  
20 sorry, when there is a restricted report of  
21 sexual assault.

22 CHAIR FERNANDEZ: Everybody okay

1 with that language?

2 COL HAM: This is Colonel Ham. I  
3 think it raises the same issue you've been  
4 discussing, that if the commander knows it's  
5 a restricted report, he's got to take action.  
6 So perhaps some language just to move -- to  
7 transfer service members for a myriad of  
8 reasons, including mental, physical health, or  
9 whatever. Something like that. I have not  
10 run into that problem.

11 REP HOLTZMAN: Yes, maybe we should  
12 just -- let's not write -- my suggestion, this  
13 is Liz Holtzman, is not to write it right here  
14 but to get some -- maybe the staff can write  
15 up an option for us and we can maybe finish.

16 CHAIR FERNANDEZ: Agreed. Okay,  
17 let's go to recommendation seven.

18 JUDGE MARQUARDT: This is Christel  
19 and on the second recommendation there, I  
20 thought that we wanted to make sure that DoD  
21 Safe Helpline was established so that it would  
22 be available for all the services and that it

1 would be manned for 24-hours. Because it  
2 seems like some of them were not manned 24-  
3 hours.

4 COL HAM: This is Colonel Ham,  
5 Judge Marquardt. I think you did hear that a  
6 local SARC or a local helpline was not  
7 answered by one victim who appeared in March.  
8 That would be the local one, not the DoD SAFE  
9 Helpline.

10 I think this recommendation is  
11 directed to your concern, if that makes sense.

12 JUDGE MARQUARDT: Didn't we suggest  
13 that the same helpline be available -- the  
14 same number be available for all the services?  
15 Because it would be easy to remember if you  
16 had one number.

17 MS. ANDERSON: Yes, could folks  
18 just clarify, this is Michelle, I think what  
19 I'm a little unclear on is why we publish our  
20 RAINN number as well as information numbers  
21 which are not 24/7 apparently.

22 CDR KING: I think we were trying

1 to accommodate what the regulations actually  
2 are. So there's a SAFE helpline number that  
3 RAINN runs. It is 24/7 and the agreement is,  
4 per my understanding, is that they answer the  
5 line when anyone calls that number and then  
6 transfers the individual to a SARC or a Victim  
7 Advocate at a local installation. And the  
8 local installations are supposed to give  
9 accurate phone numbers.

10 But the regulations also says that  
11 military installations can have their own  
12 phone lines that the RAINN number doesn't  
13 prohibit installations from having their own  
14 phone lines also.

15 MS. ANDERSON: Sorry, just to  
16 clarify a question, Sherry, that's really  
17 helpful what you just said.

18 Is the problem that when RAINN  
19 gives the number to the local facility, that  
20 local facility may not be staffed 24/7 or is  
21 the problem that when we advertise two  
22 numbers, the RAINN number which is always

1 supposed to be up, and the military  
2 installation Safe Helpline that sometimes the  
3 Safe Helpline is not always answered.

4 CDR KING: Yes, what DoD policy is  
5 intending to do here is to establish this one  
6 DoD help line as the universal phone number to  
7 call for any kind of crisis sexual assault  
8 support that will then connect you to a SARC  
9 on the local installation.

10 The SARCs are required to have a  
11 24/7 capability but what the installations are  
12 doing is setting up their own 24/7 hotline.

13 If you go to the Fort Hood website  
14 homepage, they advertise the SHARP hotline,  
15 not the DoD hotline, on their homepage. And  
16 so that's where the confusion is going. So  
17 they're calling the local installation which  
18 that's not monitored. We don't know whether  
19 it's always going to be staffed 24/7. It's up  
20 to the installation.

21 But the DoD policy intent is for  
22 the helpline to be that 24/7 number and the

1 additional recommendation we have currently,  
2 they only have to provide the -- commanders  
3 only have to provide one phone number and one  
4 alternate number for the SAFE helpline  
5 responders to call.

6 And our recommendation, or your  
7 recommendation, is that the installations need  
8 to provide enough contact information so that  
9 the DoD helpline responder can find someone on  
10 that installation to help find a Victim  
11 Advocate or a SARC.

12 MS. ANDERSON: So are the -- sorry,  
13 this is Michelle, I've just got one clarifying  
14 question on that. Is the local SAPRO office  
15 or not the SAPRO office, the local SARC, are  
16 they sort of on a 24/7 availability to victims  
17 as they emerge?

18 CDR KING: Yes, they are required  
19 to go to the victim wherever the victim is, if  
20 it's in the emergency care, they are required  
21 to go there 24/7, there's someone on call.

22 MS. ANDERSON: So I guess my

1 question is, what's falling through the  
2 cracks?

3 CDR KING: Well, the falling  
4 through the cracks I think is the immediate  
5 availability and the clear understanding of  
6 having someone always answer the phone at  
7 whichever number they call.

8 MS. ANDERSON: Whatever number that  
9 is. Is that they have to be there.

10 CDR KING: Right, so --

11 MS. ANDERSON: Go ahead.

12 CDR KING: We heard from some of  
13 the victim advocates that sometimes the number  
14 is a cell phone number, they have places where  
15 there's not cell reception on the installation  
16 and there's just a lot of problems. And then  
17 we heard in Texas and we heard here in victim  
18 testimony that when they call, they will  
19 sometimes get a voice mail and the policy is  
20 to call back within 15 minutes. So their  
21 policy itself doesn't require someone to pick  
22 up the phone.

1 MS. ANDERSON: Right. Okay, so is  
2 the local safe helpline an advance over the  
3 issue if RAINN is always available 24/7. I  
4 mean that's pretty much all RAINN does is this  
5 hotline.

6 MS. CARSON: That's right because  
7 they have a staff of 80. They have crisis  
8 counseling backgrounds. They have a Master's  
9 degree supervisor who is there, so they've  
10 invested a lot in this service the DoD has.

11 MS. ANDERSON: So I guess I'm just  
12 wondering why we're not always directing folks  
13 to the RAINN hotline. It does seem like  
14 there's a little bit of slippage with the  
15 local help line but maybe I'm -- that's what  
16 I understood from the testimony. And the  
17 staff is closer to the testimony having  
18 reviewed it more carefully and more recently.  
19 Is that accurate?

20 MS. CARSON: That's right. If you  
21 search the website of installations, and I  
22 made a couple of different checks, all the

1 Navy installations, the only number that they  
2 post is the DoD SAFE Helpline. But you can  
3 click on that link and get there.

4 The Air Force and the Army both, or  
5 I believe it was Air Force -- no, the Air  
6 Force was difficult to find any number and  
7 then they had a local number. And Army  
8 advertises SHARP as their program and their  
9 hotline.

10 So it's different by service  
11 really.

12 MS. ANDERSON: So the  
13 recommendations are that there's clear  
14 guidelines for the SAFE Helpline and to  
15 establish an easy-to-remember number. Is that  
16 sufficient to attend to the problems? In  
17 other words, having an easily remembered  
18 number doesn't attend to the --it may be good  
19 or interesting but it doesn't necessarily --  
20 it doesn't attend to the 24/7. But it looks  
21 like the first bullet does. So right, I think  
22 we're okay.

1                   CDR KING: I think we added the  
2 second bullet based on your discussions maybe  
3 when we were in Texas. I know at some point,  
4 we heard some subcommittee members discuss  
5 that and that's why we put that in there.

6                   And some of the things we put in  
7 were just based on other discussions, not the  
8 formal discussions here when we related to  
9 Victim Services, so you may or may not want  
10 that now. We just put it in there so it  
11 didn't get lost in the paper, you know, in all  
12 the prior discussion we'd had.

13                  MS. ANDERSON: Yes, I don't have a  
14 problem with recommendation seven. I think  
15 I'm still somewhat interested in the  
16 relationship between the RAINN hotline and the  
17 DoD SAFE Helpline but not necessarily --

18                  CDR KING: Those are the same --  
19 the DoD SAFE Helpline and RAINN, they're the  
20 same one. It's their local installations that  
21 have separate lines. And maybe we're not  
22 making it clear.

1 MS. ANDERSON: Yes, I'm not sure,  
2 but I think I understand now.

3 BG MCGUIRE: RAINN also operates  
4 their own hotline separate from the DoD  
5 specific hotline. Is that maybe what the  
6 confusion is?

7 MS. ANDERSON: Yes, that is. And  
8 so we have 80 staff that are dedicated to the  
9 Department of Defense SAFE Helpline  
10 specifically, those two things don't cross.

11 CDR KING: I think we need to  
12 change finding one to add the word SAFE  
13 Helpline -- that it's called the SAFE Helpline  
14 under the first finding under number seven  
15 just to add SAFE Helpline to that for sure.

16 CHAIR FERNANDEZ: Doesn't it say  
17 SAFE help line?

18 CDR KING: It's DoD SAFE Helpline  
19 is what it's called.

20 CHAIR FERNANDEZ: Okay. What is  
21 the E in there?

22 CDR KING: It's a typo.

1                   CHAIR FERNANDEZ: Can we not use  
2 the term warm hand-off and explain that that's  
3 a referral to a person?

4                   REP HOLTZMAN: Well the footnote  
5 says that.

6                   COL HAM: I'll change it to refer  
7 the caller.

8                   CDR KING: We can change that so  
9 that if you want so that it says refer the  
10 caller to a local SARC or connect the caller  
11 to a local SARC.

12                   BG MCGUIRE: That's actually the  
13 language in their contract with RAINN.

14                   CHAIR FERNANDEZ: It's 4:04 folks,  
15 if we're okay with recommendation number  
16 eight, we're done with the recommendations but  
17 there also seems be these things that we could  
18 work on and there's quite a few of those.

19                   Sherry, do we have a suggestion on  
20 how to move forward?

21                   CDR KING: I'm sorry, on how to  
22 move forward as far as the rest of these

1 discussions?

2 CHAIR FERNANDEZ: Yes.

3 CDR KING: Okay. Just to clarify,  
4 we want to keep number seven somewhat as it is  
5 but to be the main number and someone should  
6 always -- and they should always make sure  
7 someone answers.

8 CHAIR FERNANDEZ: Yes.

9 CDR KING: And as far as looking  
10 forward on the additional recommendations,  
11 they're really --

12 CHAIR FERNANDEZ: Number eight,  
13 Sherry, let's do number eight. I skipped  
14 over.

15 CDR KING: Oh, I'm sorry, I missed  
16 that one. Yes.

17 MS. ANDERSON: Folks, this is  
18 Michelle, I need to sign off and I appreciate  
19 the hard work of everyone and we'll talk to  
20 you all later.

21 CHAIR FERNANDEZ: Thanks Michelle.

22 MR. CASSARA: Hey Sherry, it's

1 Bill. I've got a meeting in like four  
2 minutes, are we going to have enough for a  
3 quorum?

4 CHAIR FERNANDEZ: We'll wait, Bill,  
5 and if you've got to go, you've got to go but  
6 let's --

7 MR. CASSARA: Oh, no, no, no, I  
8 mean, if I'm going to bust quorum, then I'll  
9 postpone my other call for a bit.

10 CHAIR FERNANDEZ: I think we can  
11 keep going. If we have to without you.

12 MR. CASSARA: Okay, well I'm sure  
13 it will be terribly difficult, but I'm sure  
14 you all will manage, so.

15 CHAIR FERNANDEZ: I'm sure  
16 everybody would prefer that you were here but  
17 if you have to go, you have to go and we can  
18 --

19 MR. CASSARA: All right, I'll talk  
20 to y'all next week.,

21  
22 CHAIR FERNANDEZ: Bye Bill.

1 MR. CASSARA: Take care, bye-bye.

2 CDR KING: Eight was just -- and  
3 you may or may not even want this in here, we  
4 had talked some about the evaluations and the  
5 DoD evaluating the training for SARCs and VAs  
6 and that the evaluation forms or the way they  
7 do it are not even consistent at this point.

8 So, we were trying to make a  
9 recommendation that the periodic evaluations  
10 be consistent across the services.

11 JUDGE MARQUARDT: This is Christel.  
12 I thought it was a good thing to include  
13 because if we're going to ask for money or ask  
14 money to continue the program, you need some  
15 kind of evaluation. So I thought it was good  
16 to include this.

17 COL HAM: And this is Colonel Ham.  
18 They were directed -- this was their initial  
19 evaluation. There's a document that the  
20 National Defense Authorization Act required,  
21 unfortunately, had to do 120 days from when  
22 the Act was passed, which is the end of April,

1 so it's going to come out after your reports  
2 are due that has the Secretary of Defense  
3 report to Congress on the evaluation of this  
4 training.

5 So we know there's something else  
6 coming, we don't have it and we're not going  
7 to have it for your reports. We may have it  
8 for the whole Response Systems Panel final  
9 report.

10 So, these were the initial  
11 evaluations that were done. Evidently,  
12 there's more coming. I don't know if we  
13 didn't note that in the recommendation, you  
14 might want us to do that. That's up to you  
15 that you're aware there's additional  
16 evaluation coming or a report to Congress on  
17 this.

18 CHAIR FERNANDEZ: What are you  
19 saying, that we should mention these  
20 evaluations in any forthcoming evaluations?

21 COL HAM: We know that the NDAA  
22 requires a report to Congress evaluating the

1 training. So the information that you have  
2 right now is current but we know there's more  
3 coming that we don't have and we're not going  
4 to have. I don't know if that affects you or  
5 your thoughts on the recommendation.

6 CHAIR FERNANDEZ: I guess it's  
7 still that they be consistent. I mean I think  
8 that whatever we have now, whatever is coming,  
9 that they have to be consistent across the  
10 services is what we're recommending.

11 CDR KING: Do you want us put in  
12 the mention that of the NDAA requirements just  
13 to show in case they make the same  
14 recommendations that you are making yours  
15 before theirs came out?

16 CHAIR FERNANDEZ: I think that  
17 would be a good idea.

18 CDR KING: Okay. Okay, and then as  
19 far as the additional recommendations if  
20 there's no more on that, we kind of went  
21 through the reports and kind of put in things  
22 that you had mentioned in other deliberation

1 sessions and other -- or talked to witnesses  
2 about and the first one -- maybe these are  
3 kind of -- it might take too long for now.

4 I don't know if you want to give us  
5 written comments about what you want, if you  
6 want to include these or what you want --  
7 which ones you might want to include and then  
8 I can combine them and send them out to you so  
9 you can read each other's and decide if you  
10 even want them.

11 CHAIR FERNANDEZ: I think that's  
12 fine. The only thing I didn't see in here,  
13 Sherry, and tell me if I'm wrong, one of the  
14 things that we discussed was that some of the  
15 other services have civilian counterparts and  
16 that the SARCS maybe should have some civilian  
17 counterparts included. I didn't see anything  
18 like that in here.

19 CDR KING: You mean as far as  
20 having a certain part of them be civilians  
21 like some in the Air Force might be civilians  
22 and in the Navy they're not or vice versa or

1 in the Army? Is that --

2 CHAIR FERNANDEZ: Well, my sense  
3 was that all the SARCS were active military,  
4 that's not the case. No?

5 MS. CARSON: This is Julie, no, the  
6 SARCS can be civilians or uniform in all the  
7 services except the Coast Guard, I believe,  
8 they're all civilians.

9 CHAIR FERNANDEZ: I know it was an  
10 issue when we compared the family victim  
11 services to the SARCS and they all have sort  
12 of a consistent tour of people that don't --  
13 that don't deploy, if they're Victim  
14 Advocates.

15 MS. CARSON: We thought we had  
16 talked about that in one of our deliberations  
17 that maybe the SARCS should also have a  
18 consistent number of civilian employees so  
19 that you have a consistent core of individuals  
20 at any given spot.

21 JUDGE MARQUARDT: Well I noticed,  
22 this is Christel, I noticed in the report on

1 Page 26 that it's -- the Quick Compass Survey  
2 noted that the SARCS had too many  
3 responsibilities.

4 CHAIR FERNANDEZ: Right.

5 JUDGE MARQUARDT: And maybe that's  
6 something that we should comment on.

7 CDR KING: I think we did in number  
8 three of the additional recommendations. And  
9 maybe it got kind of a little bit blurred but  
10 we commented -- I think we tried to comment  
11 that they have different recommendations.

12 We could make that one a little --  
13 or different jobs, so many different jobs.  
14 And so maybe you want to include that in both  
15 that maybe they should break those out and  
16 determine if some of them would be better as  
17 civilian positions instead of all military or  
18 instead of military or I'm not exactly sure  
19 but I think that's where we tried to address  
20 that issue.

21 BG MCGUIRE: I think we need to  
22 talk about it maybe a little more clearly.

1                   CDR KING: Do you want to do that  
2 now or do you want to do that at the next  
3 meeting or at another meeting?

4                   CHAIR FERNANDEZ: I think at  
5 another meeting. I've got to get going.

6                   CDR KING: Okay, do you want us to  
7 take that one and try to write it more clearly  
8 and make an actual recommendation -- a  
9 proposed recommendation for you?

10                  CHAIR FERNANDEZ: Yes.

11                  CDR KING: Okay. Are there any  
12 other of these slots that we had that you want  
13 us to work on making a more specific  
14 recommendation?

15                  CHAIR FERNANDEZ: I think we need  
16 to get through them, Sherry. I mean or people  
17 need to recommend on their own.

18                  CDR KING: Okay.

19                  BG MCGUIRE: I think folks need to  
20 go through these and at least list out which  
21 ones they think need to go forward into a  
22 recommendation. I think if you could send a

1 message like that to all the subcommittee  
2 members.

3 CHAIR FERNANDEZ: Okay.

4 CDR KING: I don't think we can  
5 just say three, four, five right now.

6 CHAIR FERNANDEZ: Okay, I'll do  
7 that and then people can let me know and then  
8 I can send it out to everybody for at least  
9 some more thought on it and more discussion at  
10 another meeting and we can try to write it.  
11 If people tell me they want recommendations on  
12 these, we can try to write them out.

13 COL HAM: Or any others.

14 CDR KING: Right, or anything else  
15 you have that we haven't mentioned.

16 CHAIR FERNANDEZ: Okay.

17 CDR KING: Okay, so I'll send out  
18 an e-mail after this meeting with that so that  
19 everybody can look at that since some of the  
20 people aren't on the phone call anymore.

21 CHAIR FERNANDEZ: Okay.

22 REP HOLTZMAN: Okay. This is Liz

1 Holtzman. I'm going to get off now. I think  
2 we're finished, right?

3 CDR KING: Okay.

4 REP HOLTZMAN: Thanks, bye.

5 CDR KING: Okay.

6 CHAIR FERNANDEZ: Okay. Thank you  
7 guys.

8 COL HAM: Okay, thank you very  
9 much.

10 CHAIR FERNANDEZ: Thanks everyone.

11 COL HAM: Oh, I think we need to  
12 say the magic words.

13 CHAIR FERNANDEZ: Oh, yes.

14 MR. SPRANCE: This is Bill Sprance,  
15 the DFO, and the meeting is closed.

16 CHAIR FERNANDEZ: Meeting  
17 adjourned.

18 (Whereupon, the foregoing matter  
19 went off the record at 4:15 p.m.)  
20  
21  
22

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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: Victim Services Subcommittee

Before: Mai Fernandez, Chair

Date: Thursday, April 10

Place: Teleconference

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



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Court Reporter

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