

129. (ALL) What additional tools, resources, or Congressional acts are needed to comply with the FY12 and FY13 NDAA requirements pertaining to the prevention of and response to sexual assault in the military?

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| DoD | <p>Some of the most recent actions to eliminate sexual assault changes spring from the 25 provisions of law passed by Congress during the last two legislative cycles, and some come directly from Secretary Hagel. They specifically address accountability, command climate, victim advocacy, victim support, victim safety, consistency of effort, oversight, investigative quality, and pretrial investigations. No additional tools or Congressional acts are needed as we allow these measures to be implemented and measured for effectiveness.</p> |
| USA | <p>There is no immediate need for additional tools, resources, or Congressional acts at this time to assist in the prevention of and response to sexual assault in the military.</p> <p>The Army is committed to achieving the five imperatives set forth by the Chief of Staff of the Army: (1) An emphasis on prevention and compassionate response for victims; (2) Thorough and professional investigations; (3) A climate that allows all Soldiers to reach their full potential and allows us to “see ourselves”; (4) To impose, where appropriate, accountability for individuals, units and organizations; and (5) to focus command emphasis on eliminating sexual assault and sexual harassment from our ranks. This commitment requires a monumental institutional effort led by commanders and fueled by sustained, predictable and fenced funding. Securing this necessary funding is a top priority for Army leadership.</p> <p>The Army has made substantial, measurable progress in the reporting, investigation, and prosecution of sexual assault offenses and in setting the appropriate climate for dignity and respect. This effort, however, will never be complete as the problem of sexual assault and sexual harassment cannot be solved once and set aside. Cultural change requires not merely a shedding of institutionalized attitudes or behaviors, but education of a new generation of Soldiers brought into our ranks each year.</p> <p>The Army programs have been in a state of near constant flux. From 2006 until present, there have been numerous legislative amendments and policy changes both external and internal. These policies and programs must be given time to be implemented and evaluated. Program effectiveness is difficult to ascertain in this environment but is essential to success.</p> |
| USAF | <p>Please see the attached background paper discussing the need to modernize the Air Force’s Automated Military Justice Analysis and Management System (AMJAMS). (Atch 8)</p> <p>As SAPR requirements grow and the bases are tasked to track more of the program, a need to increase manpower may become an issue. In order to keep victim care the focus of SARCS/SAVAs while still providing the necessary data requested by outside agencies and the Air Force, there will likely be a need for administrative positions to help support the voluminous data collection and reporting requirements.</p> |
| USN | <p><i>Personnel</i></p> |

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

- The combination of the Department of Defense Instruction requiring NCIS to investigate all allegations of sexual assault and the increased demand in the number of investigations has required NCIS to reassign criminal investigation billets from disciplines such as Reactive General Crimes, Special Operations, and Port Visit Support and place them in Family and Sexual Violence (F&SV) Units. NCIS received billet enhancements from the DON to support NCIS' ability to respond to the increased reporting of sexual assault. NCIS can effectively investigate allegations of sexual assault; however, future resource reductions will jeopardize NCIS' ability to respond to other criminal threats posed by Narcotics, Property Crime, Procurement Fraud, and Violent Crime. Previously, NCIS had the authority to defer misdemeanor investigations (touching and cases involving no penetration) to our USMC and USN investigators. These same misdemeanor offenses are now felony level crimes, and under DoDI, must be investigated by NCIS. USMC CID investigators are trained at the same installation and at the same course as our USACID counterparts. If the MCIOs had the authority to delegate touching and non-penetration investigations to trained and capable installation level investigators, such as the USMC and USN investigators, it would allow NCIS to better prioritize and focus on the more egregious instances of sexual assaults (penetration) and improve the quality, timeliness, and thoroughness of these investigations.

- Funding to hire designated Sexual Assault Forensic Exam trainers to staff Navy Medicine East and Navy Medicine West would allow the Bureau of Medicine to establish Centers of Excellence in Sexual Assault Forensic Medical care where these experts could be the service experts and provide hands-on skill training in addition to the BUMEDINST 6310.11A required, standardized, DVD training.

- The Navy Victims' Legal Counsel (VLC) Program began initial operating capability in November 2013 with a full operating capability expected in January 2014. Until all VLC are in place and the program is allowed to run its course for at least six months, it will be difficult to determine if adequate manning exists and if the manning in place is in correct locations to fit the need.

- NCIS has neither staff nor specified personnel trained to write internal policy to keep pace with constant changes in national policy as dictated by the NDAA. Currently, NCIS policy on sexual assaults is outdated and NCIS is not adequately staffed at NCISHQ to address the issue. Additional, dedicated manning, to review policy requirements and assist in writing and implementing internal policy, is needed to update and maintain NCIS policy.

Training

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As part of the National Defense Authorization Act for FY13 (Title V, Subtitle H, Section

571) passed by the House, and expected for FY14, all the MCIOs "shall establish special victim teams for the purpose of investigating allegations of child abuse, serious domestic violence, and sexual offenses." Additionally, each MCIO will "prescribe standards for the training, selection, and certification of personnel assigned for the special victim teams." This has since been renamed as having "special victim capability" or SVC, which is defined as a "group of specially trained/skilled professionals." NCIS is continually evaluated on its progress towards this capability. NCIS has established three (3) specific training iterations in order to meet the SVC requirement. The two (2) week advanced adult sexual assault training is funded and provided by the US Army. Another two (2) week course specific to child abuse and domestic violence investigations is conducted by NCIS Training department but is only funded for two (2) courses a year. The last course, Trial Counsel Training Program (TCTP), is a one day course presented by installation prosecutors, which is affected by the availability of funding.

It should be noted, in order for the MCIOs to meet SVC requirements, the funding for training must be available. The US Army developed the advanced adult sexual assault course and was awarded control of the funding to train this course through 2017. The course is taught once a month and MCIOs and prosecutors are awarded a certain number of training seats per course of instruction. This makes it difficult to train an entire special agent corps consisting of over 800 agents. Further, it is problematic for the smaller NCIS offices to send several special agents at once to a particular iteration of training as it is difficult for offices to maintain investigative balance if an agent is away attending training for two (2) weeks. Also, this course is two (2) weeks long and there are only a handful of subject matter experts (SMEs) who provide different portions of the course. These SMEs also have other job requirements they must meet. More iterations of training are needed, but resources and funding are limited.

The Defense Sexual Assault Incident Database (DSAID), which serves as the official database for all services, requires ongoing updates and maintenance to maximize capabilities. In addition, training for the SARCs on the system is ongoing. This requires a commitment of funds and personnel.

Initial and continued education for the Special Victims Capability (SVC)

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| | <p>requires initial and continuing education.</p> <p><i>Continued Advanced Training</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> In this continuous and rapid evolving subject matter, it is important for each agency to maintain a level of expertise (effects of trauma, memory, victimology, etc.) to ensure congressional and DoDI compliance. Participation in community working groups and attendance to conferences such as End Violence Against Women and Crimes Against Children should be considered in furtherance of attaining and maintaining a level of specialized personnel solely focused on special victim crimes. <input type="checkbox"/> Additionally, a review of NCIS cases revealed that child sexual abuse and exploitation is one of the highest number of NCIS investigations. Working these cases requires advanced training, to include the forensic interviewing of children, undercover online certification, and training in computer forensics (OsTriage or STRKE). DOD is currently attempting to address the prevention of child abuse and neglect. Although NCIS has limited involvement in the prevention of child abuse and neglect, a recommendation was made that training and expertise is still needed to take proactive measures in protecting children from being future victims of abuse. <p><i>Additional Resources</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Dedicated funding must be made available to publicize SAPR through the purchase of marketing materials. <input type="checkbox"/> The development of a DOD Administrative Management Tool that tracks sexual assault data without PII to support the collection of metrics in the development of prevention and response programs would assist the services in understanding and better targeting programs to combat sexual assault. |
| USMC | The Marine Corps has all the necessary tools and resources to comply with each of the SAPR- related provisions included in the FY12 and FY13 NDAA. |
| USCG | The SAPR Program has not done a side-by-side comparison as the NDAA's do not typically include the Coast Guard, but the Coast Guard aligns closely with the DoD on all SAPR policy and procedures whenever possible. |

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**BULLET BACKGROUND PAPER
ON
MODERNIZING
THE AUTOMATED MILITARY JUSTICE ANALYSIS AND MANAGEMENT SYSTEM
(AMJAMS)**

PURPOSE

Provide AF CCs a case management system to work, track, and provide analysis of all disciplinary actions: (1) across the entire continuum of discipline, from any administrative action to court; and (2) in time, from date of discovery to final disposition.

BACKGROUND

- Effective C2 to accomplish the mission requires disciplined Airmen, and CCs ensure disciplined Airmen by timely operating across the entire continuum of discipline.
- JA's current AMJAMS assists CCs in carrying out responsibility for good order and discipline but this system is limited by aging technology (1970s era), inefficient management of processes/timelines (investigative phases and follow-up administrative actions are excluded), and stunted venue selection/disposition (tracks only courts-martial and Arts 15).
- CCs, Congress, and the media have recognized the limitations of this legacy AMJAMS as sexual assault cases were managed and historical analysis of similar cases were analyzed.

LEGACY AMJAMS MAJOR DEFICIENCIES

- Insufficient data analysis and decision support tools to advise and enable CCs to operate in a modern, time-sensitive, highly scrutinized decision-making environment.
 - Hampers CCs ability to identify, analyze, and respond to trends (e.g., Maj Gen Woodward's CDI report highlighted the inadequacy of misconduct tracking mechanisms and its adverse impact on leadership awareness of trends in trainee abuse cases at Lackland AFB).
 - Hinders timely and responsive reports to Congress, media, and other justice data requests.
 - Month needed to respond to Congress info request on jurisdiction transfer of sex assault cases, requiring two data calls to MAJCOM JAs and multiple manual searches through legacy AMJAMS, installation office files, and e-mails with civilian prosecutors.
 - Recent time-sensitive AF/CVS data request on sex assault investigations required 80+ man hrs of 6 personnel over a 2-day period to manually examine/categorize results in 500 cases.
- Inadequate "cradle-to-grave" case management to facilitate CC oversight of disciplinary cases from date of discovery to completion.

-- "Cradle" systems: multiple intake sources of misconduct allegations (e.g., SARC, AFOSI, SF, CDIs, civilian authorities, etc.) create reporting inconsistencies and monitoring gaps if court or Art 15 action not pursued (e.g., recent CSAF child-abuse roundtable highlighted that SF "blotter" entry may be only record documenting abuse if UCMJ action not pursued).

-- "Grave" systems: multiple output sources for case disposition (e.g., A1, AFPC, JA, civilian jurisdictions) involving numerous functional databases (e.g., ARMS, MilPDS, Web-based Airman Separation Program (WASP), legacy AMJAMS, Foreign Criminal Jurisdiction Program) creates redundancies as well as monitoring gaps.

-- Legacy AMJAMS specifically lacks document and case management capabilities to automate counsel case briefs, to manage Special Victims Counsel (SVC), military judge, defense counsel, and victim/witness scheduling and processes, and to track court cases on appeal.

--- IG inspections have identified a consistent deficiency in how wing's execute the Victim Witness Assistance Program, as legacy AMJAMS does not track victims and support.

--- Legacy AMJAMS provides no capability to track cases on appeal, the subject of scrutiny by both the Court of Appeals of the Armed Forces (CAAF) and Congress. Since the inception of CAAF-created post-trial standards in 2010, 51 AF C-Ms have exceeded standards, risking set-aside of convictions or sentence relief.

- Aging underlying legacy AMJAMS code and near-obsolete software components.

-- Decreases the flexibility to meet ever-changing military justice laws, rules, and developments (e.g., re-coding of the legacy AMJAMS to incorporate tracking of SVC and victim support was not possible when AF leadership initiated the SVC Program in Jan 13 and the system still does not allow SVCs to manage this SECDEF requirement).

-- Subjects the system to increasingly sophisticated cyber threats and heightened AF security requirements, which are costly and time-consuming to implement.

MODERNIZED AMJAMS CAPABILITIES

- Increased reporting and analysis capabilities that will enable analytics and interactive reports to better track misconduct trends (e.g., sexual assault, child abuse, alcohol-related offenses, abuse of "Spice"/other drugs, etc.), saving hundreds of yearly man hours required to manually pull data and improving responsiveness of data.

-- Deliverable: Full-featured, business intelligence tool that allows modifiable searches at the installation and HQ-levels, mines data, and generates timely/responsive reports for CCs, Congress, and the public. Estimated Development & Sustainment Costs: \$4.25M.

- Improved "cradle-to-grave" case management capabilities to increase CC oversight of all cases, speed processing, and ensure due process rights.

-- Interface Deliverable: Service-oriented architecture for increased interface with multiple AF systems (e.g., SAPR's DSAID, AFOSI's I2MS, SF's SFMIS, DoD's DIBRS, and AFPC's MILPDS) to enable sharing of information across organizations, reducing redundancies in data entry, and improving consistency of reports among organizations. Estimated Development & Sustainment Costs: \$2M.

-- Document/Case Management Deliverable: Document and case management system, to include electronic trial brief/proof analysis, court scheduling, electronic filing, and victim/witness assistance management, which will increase case oversight, speed processing, and eliminate/incorporate numerous redundant applications (e.g., SVC Tracker; Area Defense Electronic Reporting, Judicial Docketing System, WASP, Witness Funding Management System, Foreign Criminal Jurisdiction Program), potentially saving \$350K in maintenance costs required for these legacy applications. Estimated Development & Sustainment Costs: \$11.75M.

-- Appellate Court Deliverable: Tracking module that eliminates internal databases for five separate appellate offices, reduces man hours, and ensures required due process rights, avoiding additional potential costly litigation. Estimated Development & Sustainment Costs: \$1.5M.

- Enhanced code and software agility to meet new security requirements, to adopt ever-changing military justice rules, and to adapt to future DoD IT changes.

-- Deliverable: A modernized platform and database, incorporating identity and configuration management features, to more easily adapt to rule changes and ensure system security. Estimated Development & Sustainment Costs: \$4.25M.

DEVELOPMENT OPTIONS

- Prior JA-sponsored needs assessment/IT requirements contract considered three options for re-engineering AMJAMS:

-- Procure/Customize COTS product or Another Gov't Agency's System - no single product satisfies all AF requirements and potential modifications hindered by substantial restrictions;

-- In-house with Civilian Personnel - JA's Legal Information Services Directorate (JAS) lacks the internal resources to develop a complex project of this magnitude;

-- Contractor Using Modular Contracting (FAR Part 39) - allows AF to harness expertise, innovation, and resource flexibilities of industry to meet AF requirements;

RECOMMENDATION

Approve \$23.75M in funding for contractor development of a modernized AMJAMS.