

134. Provide any policy or instructions developed to change the language used in sexual assault reports to better reflect the actual acts reported in order to avoid victim blaming language.

USA	<p>In Fiscal Year 2013, the annual refresher training for all CID agents involved in the investigation of, or supervision/management of, sexual assault allegations required the agents to join and complete the Ending Violence Against Women International (EVAWI) online course entitled “Effective Report Writing: The Language of Non-Consensual Sex.” Over 700 agents completed that training. Additionally, CID Regulation (CIDR) 195-1, para. 15-1, states that explicit and graphic descriptions of sex acts will be avoided in the investigative summary of all reports of investigations, but that the specific details of such offenses will be described in statements and Agent Investigative Reports which are available for review by those persons having a specific “need to know.” Additionally, the policy in CIDR 195-1 states the terminology of “sexual intercourse,” “fellatio,” and “cunnilingus” should not be used to describe a criminal sexual act as the terms tend to infer a consensual sexual act.</p>
USAF	<p>AFOSI Manual 71-121, <i>Processing and Reporting Investigative Matters</i>, 13 Jan 2009, sets forth AFOSI policy pertaining to AFOSI expectations for reporting investigative information. Relevant excerpts from AFOSI policy are provided below:</p> <p>“5.11. Investigative Writing Practice and Style. AFOSI reports provide an objective, factual basis upon which commanders make decisions affecting AF and DoD personnel, programs, and resources. Therefore, AFOSI reports must contain accurate and impartial information. The real measure of the quality of investigation is the objectivity, thoroughness, and accuracy with which it is pursued and reported.”</p> <p>“5.11.1. When possible, verify facts independently to ensure accuracy. Care must be exercised to ensure logical development of all investigative leads. There is no place in AFOSI reports for hasty conclusions, personal bias, personal prejudice, or inaccurate data. By following each lead to its logical conclusion, these pitfalls will be avoided...”</p> <p>In the August 2013 revision to policy contained in AFOSI Manual 71-122V1, <i>Criminal Investigations</i>, the following expanded guidance was provided to caution investigators not to assess the sexual history of victims, unless there is a specific and relevant reason to do so.</p> <p>4.3.3.1.3. Victim’s Sexual History. In general, do not conduct investigative activities to explore a victim’s sexual history. Military Rule of Evidence (MRE) 412 states that evidence offered to prove that any alleged victim engaged in other sexual behavior is not admissible. It also states that evidence offered to prove an alleged victim’s sexual predisposition is not admissible...”</p> <p>AFOSI feels the best approach to reducing “victim blaming language” in reports is through training geared to sensitize agents to the cognitive biases they have that lead to</p>

	<p>inaccurate judgments which, in turn, can contribute to the use of inappropriate language in reports. AFOSI now provides such training in both its basic and advance courses.</p>
USN	<p>NCIS has not developed policy or instructions specific to changing the language used in sexual assault reports. It is NCIS' position that blaming attitudes are largely a result of a lack of awareness or education of investigators. NCIS aggressively and consistently pursues training to educate the agency's agent corps, focusing on the effect of trauma on memory, counter intuitive behaviors, and strategies for successful interaction with victims.</p> <p>Further, NCIS agents assigned to the Adult Sexual Assault Program (ASAP) teams and first line supervisors learn interview techniques designed for trauma survivors when they attend the Advanced Adult Sexual Violence Training Program (AASVTP). The AASVTP is a two week advanced course collaboratively created by NCIS and U.S. Army Criminal Investigation Command (USACID). Within the AASVTP, students receive advanced training on victim and offender dynamics. Students conduct case reviews and "table top" exercises facilitated by nationally recognized experts and military senior prosecutors. Students must complete a comprehensive examination at the conclusion of the course. The AASVTP is the NCIS version of the U.S. Army Criminal Investigation Command Special Victim Unit Investigations Course (SVUIC) held at Ft. Leonard Wood, MO. Investigators and prosecutors from the USN and USA have the option to attend the course at either FLETC or Ft. Leonard Wood as the curriculum and instructors are the same.</p> <p>On a related issue, NCIS investigators and Navy and Marine Corps prosecutors are actively developing more complex skills using techniques that are generally referred to as "trauma-informed" investigation and prosecution. These skills include complex interviewing techniques, like Forensic Experiential Trauma Interviewing (FETI), and use of early expert assistance to develop a more realistic understanding of the context surrounding an allegation. "Trauma-informed" investigation is complex and requires advanced training and experience. In this area, not all agents and prosecutors are equal. However, aggressive training and collaboration using initiatives like the NCIS ASAP teams, Naval Justice School's Prosecuting Alcohol Facilitated Sexual Assault course, and Navy and Marine Corps Trial Counsel Assistance Program mobile training teams have improved and continue to improve the skills of our special agents and trial counsel. Additionally, Navy trial counsel work closely with NCIS in all sexual assault investigations, to include consultation with the Special Victims Capability (SVC) teams within 48 hours of a case being designated as meeting SVC requirements, and at least monthly thereafter (SVC Directive-type Memorandums 14-002 [MCIO] of 11 Feb 14 and 14-003 [Prosecution] of 12 Feb 14).</p>
USMC	<p>NCIS has not identified any negative trends regarding victim blaming language within the agency's sexual assault reports; therefore, NCIS hasn't created specific policy or instructions for this topic. NCIS is aware of stereotypical victim blaming attitudes that have and do exist throughout the law enforcement community. It is NCIS' position</p>

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USCG	<p>The Coast Guard does not have a policy for use, however, a CGIS Sex Crimes Tactics, Techniques and Procedures (TTP) has been written and is currently under final review before being promulgated for CGIS field agents' use. This TTP will assist CGIS agents when responding to reported incidents of sexual assault. The TTP addresses the use of language when documenting findings associated with these complex investigations, including cautions to avoid "victim blaming language".</p>