

From: [Ayres, Ian](#)
To: [Ham, Patricia, COL, DoD.GC](#)
Cc: [Fidell, Eugene](#)
Subject: 576 Independent Panel
Date: Saturday, July 20, 2013 12:05:59 PM

Col. Ham,

Gene Fidel suggested that I might email you to express my interest in participating or possibly presenting to the panel of sexual assault in the military.

I have recently published an article in Michigan Law Review (downloadable here: [Information Escrows <http://www.michiganlawreview.org/articles/information-escrows>](http://www.michiganlawreview.org/articles/information-escrows)) which I think might have relevance to improving the current "restricted complaint" process:

1. **Conversions Triggered By Subsequent Unrestricted Complaints:** It might be better to make clear to victims that they will have an opportunity to convert their restricted complaint into an unrestricted complain, if an unrestricted complaint is subsequently made against the same harasser. The idea is to make clear that a victim making a restricted complaint will be told if an unrestricted complaint is later lodged against the same person. At the moment, it is not clear if this option of subsequent conversion is in place and, if it is, it is not disclosed to victims at time of electing whether to make a restricted or unrestricted complaint. To make this policy work, a system would need to be in place so that SARCs would be informed about the identity of people accused in unrestricted complaints so that they could compare those identities to the names of people who had previously been accused in restricted complaints. The SARCs would then be tasked with contacting those victims making previous complaints to see if they would be willing to convert their claims.
2. **Conversions Triggered By Subsequent Restricted Complaints:** It might be better to allow victims making restricted complaints to agree in advance (at the time of making the restricted complaint) that their restricted complaint will automatically convert to an unrestricted complaint if some pre-specified number of other restricted complaints are lodged against the same harasser. This more substantial change would add what my Michigan article describes as an "Information Escrow" to the Restricted Reporting process. For example, giving the victim the option of automatically converting if a second-complaint against the same harasser might lead to more disclosures than the current system. This escrow option with the possibility of triggered conversion would respond powerfully to a retaliation concern because the conversion to unrestricted would only occur if there was more than one complaint that would become unrestricted.

I have other more detailed suggestions on how current restricted complaint process could be improved that I would be happy to provide to you (and to the panel) if you would like. Please let me know if I can help your important work in any way.

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