

## Response Systems Panel

Public Meeting November 7-8, 2013

The Response Systems to Adult Sexual Assault Crimes Panel (RSP) is a federal advisory committee within the Department of Defense (DoD) operating pursuant to Section 576(a) of the National Defense Authorization Act for Fiscal Year 2013, the Federal Advisory Committee Act of 1972, The Government in Sunshine Act of 1976, and other appropriate federal regulations. The RSP held a public meeting on November 7-8, 2013.

The public meeting on November 7, 2013, began at 8:50 a.m. and concluded at 5:30 p.m. at the U.S. District Court for the District of Columbia, 333 Constitution Avenue NW, Washington, D.C. 20001. These minutes reflect the substance of the meeting on November 7, 2013. The minutes for the November 8, 2013 portion of the public meetings are filed separately.

### Participants

Honorable Barbara S. Jones – Chair  
Honorable Elizabeth Holtzman  
Brigadier General (ret) Malinda Dunn  
Colonel (ret) Holly Cook  
Professor Elizabeth Hillman  
Vice Admiral (ret) James Houck  
Brigadier General (ret) Colleen McGuire  
Mr. Harvey Bryant  
Ms. Mai Fernandez

### Response Systems Panel Staff:

Colonel Patricia Ham, USA, Staff Director  
Mr. David Gruber, Branch Chief, Victim Services

### Other Participants:

Ms. Maria Fried, Designated Federal Officer

### Presenters:

Major General Gary S. Patton, Director, Department of Defense Sexual Assault Prevention and Response Office (DoD SAPRO)  
Bette Stebbins Inch, Senior Victim Assistance Advisor, DoD SAPRO  
Major General Margaret Woodward, U.S. Air Force  
Rear Admiral Maura Dollymore, U.S. Coast Guard  
Rear Admiral Sean Buck, U.S. Navy  
Brigadier General Russell Sanborn, U.S. Marine Corps  
Dr. Christene Altendorf, U.S. Army, Sexual Harassment/ Assault Response and Prevention Director

Master Sergeant Carol Chapman, U.S. Army  
Christa Thompson, Victim Witness Liaison, Fort Carson, Colorado  
Dr. Kimberly Dickman, U.S. Air Force  
Master Sergeant Stacia Rountree, U.S. Air Force  
Liz Blanc, U.S. Navy Sexual Assault Response Coordinator, National Capitol Region  
Torie Camp, Deputy Director, Texas Association Against Sex Assault  
Gail Reid, Director of Victim Advocacy Services, Baltimore, Maryland  
Autumn Jones, Director, Victim/ Witness Program, Arlington, Virginia  
Ashley Ivey, Victim Advocate Coordinator, Athens, Georgia  
Nancy Parrish, President, Protect our Defenders  
Miranda Peterson, Program and Policy Director, Protect our Defenders  
Greg Jacob, Policy Director, Service Women's Action Network  
Scott Berkowitz, President, Rape, Assault, and Incest Network  
Dr. Will Marling, Executive Director, National Organization for Victim Assistance

### Public Comment

Donna Adams

### PANEL MEETING

At 8:50 a.m., Ms. Maria Fried, the designated federal official, opened the public meeting. Colonel Patricia Ham, RSP Staff Director, and the Honorable Barbara Jones, RSP Chair, provided opening comments. The Honorable Barbara Jones recited the panel's responsibility to review and assess the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and to provide recommendations regarding how to improve the effectiveness of those systems. Judge Jones then provided the anticipated agenda for the meeting and described how each topic would assist the panel with their responsibilities. Following her initial remarks, Judge Jones briefed the entire panel on the Role of the Commander Subcommittee meeting which had previously taken place on October 23, 2013. She informed the panel the subcommittee found that our allied services could not attribute any changes in the reporting of sexual assault to removing the commander from the military justice process. The subcommittee also found no evidence that the removal of the commander from the decision making process of non-U.S. military justice systems affected the reporting of sexual assaults. The panel did not object to these findings and the Honorable Judge Jones noted the findings were now the consensus of the entire panel. The meeting was recorded and transcribed by a court reporter. A copy of the transcript will be appended to these minutes and is incorporated by reference.

### Major General (MG) Gary Patton, U.S. Army

MG Patton provided information about the current metrics used by the Department of Defense Sexual Assault Prevention and Response Office (DoD SAPRO) to assess the effectiveness of the DoD and service Sexual Assault Prevention and Response (SAPR) programs. He then briefly discussed a number of new initiatives implemented by DoD and the services to improve victim confidence in the military's handling of sexual assault cases. While discussing the new initiatives, MG Patton highlighted the "Special Victim's Counsel" programs and informed the

panel that each of the services had met their initial capability requirement of November 1, 2013. MG Patton then addressed specific data contained within the DoD metrics and noted the increase in reporting from fiscal year 2012 to fiscal year 2013. While there was an increase in restricted reporting, MG Patton attributed this to a heightened confidence in victim services and noted it was a bridge to unrestricted reporting. MG Patton did not attribute the increase in reporting to an increase in the number of sexual assaults. To support this assessment, MG Patton pointed to the increase in reporting from individuals who were sexually assaulted prior to their military service but reported while on active duty. He explained that DoD SAPRO will continue to modify the metrics based on different surveys presented to soldiers and commanders in the field.

#### Questions by the Panel

Following MG Patton's presentation, Judge Jones opened the discussion to questions from the panel members. The panel member's questions initially focused on why certain factors, such as alcohol consumption and location, were not reflected in the metrics used by DoD. MG Patton recognized these factors were not reflected but indicated such factors would be considered in future metrics. However, he was unsure of whether the location could be used as an indicator of sexual assault.

Subsequent questions by the panel members focused on the data presented in the metrics. MG Patton explained the statistics applied only to those occurrences where the perpetrator or the victim was a member of the military. He further explained that much of the data regarding victim satisfaction was obtained through surveys presented to military members. The surveys included questions about command climate, training and prevention, and the services provided to a victim following a sexual assault. MG Patton also informed the panel that each branch of service was conducting focus groups at different installations in order to determine whether commanders were satisfactorily handling issues of sexual assault within their units.

#### Ms. Bette Stebbins Inch

Ms. Stebbins Inch is the DoD SAPRO's Senior Victim Assistance Advisor. After providing a brief description of her qualifications, Ms. Stebbins Inch provided an overview of the DoD Victim Assistance Program. The main effort of the program was to deliver consistent and effective victim support which, in turn, would inspire victims to report incidents of sexual assault. She then provided an explanation of the positions, policies, and initiatives utilized to achieve the stated goal. Ms. Stebbins Inch then discussed the qualification process for the Sexual Assault Response Coordinators (SARCs) and Victim Advocates within the program.

#### Questions by the Panel

The panel asked Ms. Stebbins Inch to provide her personal opinion on whether the current programs were effective. Ms. Stebbins Inch relayed the current programs were absolutely effective and tremendous progress was being made in the realm of sexual assault reporting and victim assistance.

The panel's questioning then focused on the codification of victim's rights within the UCMJ. Ms. Stebbins Inch believes such rights should be codified and MG Patton indicated the DoD General Counsel's office was currently reviewing this issue. The questioning then turned to whether or not DoD conducted victim satisfaction surveys. Currently, DoD does not conduct victim satisfaction surveys but anticipated an Inspector General (IG) formulated survey would be implemented in the near future.

Lastly, the panel focused on the conversion rates from restricted to unrestricted reports of sexual assault. Ms. Stebbins Inch indicated the overall trend was seventeen percent of restricted reports were eventually converted into unrestricted reports where an investigation was initiated. MG Patton maintained several factors play into an individual's decision to convert a restricted report. These factors include the victim's stage of rehabilitation, a desire to seek justice, and prevention of future assaults.

#### Major General (MG) Woodward, U.S. Air Force

MG Woodward is the director of the Sexual Assault Prevention and Response Office for the Air Force. The goal of this office is to create a climate in which victims are comfortable coming forward with reports of sexual assault. MG Woodward informed the panel of objectives created by her office to achieve this goal.

#### Rear Admiral (RADM) Maura Dollymore, U.S. Coast Guard

RADM Dollymore is the Director of Health, Safety, and Work Life for the U.S. Coast Guard. She began with a brief overview of the Coast Guard and how it differed from the other services. She informed the panel that, because of the difference, the Coast Guard has historically dealt with sexual assault from a behavioral health perspective. RADM Dollymore then discussed current objectives and initiatives implemented by her office to increase reporting.

#### Rear Admiral (RADM) Sean Buck, U.S. Navy

RADM Buck is currently assigned as the Director of the Twenty-First Century Office. As part of his duties, RADM Buck is responsible for the Navy's Sexual Assault Response and Prevention Program. After a brief overview of the Navy's views on sexual assault, RADM Buck described the training used by the Navy to combat sexual assault. He then described several different tactics used by the Navy to increase reporting by victims.

#### Brigadier General (BG) Russell Sanborn, U.S. Marine Corps

BG Sanborn, as the director of the Marine and Family Programs, is responsible for the Marine Corps' Sexual Assault Prevention and Response Campaign. BG Sanborn briefly discussed the Marine Corps efforts to combat sexual assault through both prevention and response improvements. These efforts include increased training and education for commanders. He also discussed multiple new initiatives on sexual assault prevention.

#### Dr. Christene Altendorf, U.S. Army

Dr. Altendorf is the Director of the Army's Sexual Harassment/ Assault Response and Prevention Program. Dr. Altendorf briefly discussed the initiatives implemented by the Army to improve overall victim care and trust in the command. She also provided an overview of the programs aimed at prevention, training, and increased reporting.

#### Question and Answer from the Panel to the Presenters

Judge Jones opened the discussion for questions from the panel members to the presenters. The initial questions revolved around the expedited transfer of both the victim and the accused. All presenters confirmed policies were in place to facilitate the expedited transfer of the victim. However, each service representative indicated the expedited transfer of the accused was under review due to concerns about possible violations of the accused's constitutional rights.

Next, the panel asked about the procedural aspects of military protective orders. Each service representative agreed commanders, at every level, are able to implement and enforce a military protective order. The questions then focused on whether there was a mechanism to identify previous victims of sexual assault as they were more likely to be victimized a second time. The presenters agreed this information could be obtained through initial medical screening but only if the victim consented to providing such information. Professor Hillman then asked BG Sanborn to explain the conversion rates for restricted to unrestricted reports for the Marine Corps. Following BG Sanborn's answer, the discussion turned to the amount of resources expended by the services for their SAPR programs. Finally, in response to questioning by the panel, each presenter discussed the procedures and tactics used to collect and preserve evidence from a sexual assault.

Judge Jones thanked the presenters and the panel broke for lunch.

#### Master Sergeant (MSG) Chapman, U.S. Army

MSG Chapman briefly described her experiences as a victim advocate and SARC in both a deployed and garrison environment. She then described her current duties and obligations as the Non-Commissioned Officer in Charge of the 7<sup>th</sup> Infantry Divisions's SHARP program. She then explained the SHARP program from her own perspective.

#### Ms. Christa Thompson, U.S. Army

Ms. Thompson currently serves as the victim witness liaison for the Army at Fort Carson, Colorado. Ms. Thompson provided a brief overview of her training, qualifications, and experiences as a victim-witness liaison. She then described her current duties and the overall function of a victim-witness liaison. Lastly, Ms. Thompson provided recommendations on how to improve the victim-witness liaison program.

#### Doctor Kimberly Dickman, U.S. Air Force

Dr. Dickman currently serves as the SARC for the 70<sup>th</sup> ISRW at Fort Meade, Maryland. Dr. Dickman provided an overview of her qualifications and previous duty assignments. She then discussed the importance of the SAPR program and the enormous strides that have been made in the last several years to improve the program.

Master Sergeant Stacia Rountree, U.S. Air Force

Master Sergeant Rountree is currently a victim advocate for the National Capital Region. She briefly discussed her experience with victims of sexual assault.

Ms. Liz Blanc, U.S. Navy

Ms. Blanc has served as a SARC with the U.S. Navy for the past seven years. She briefly provided an overview of her training, qualifications, and experiences as a SARC and advocate for victim's rights. She then provided a detailed description of the Navy's SAPR program and the training and qualifications required for all personnel involved in the program.

Ms. Torie Camp, Texas Association against Sexual Assault

Ms. Camp currently serves as the Deputy Director of the Texas Association against Sexual Assault. Ms. Camp provided a brief overview of her professional experience and the function of her office in the anti-sexual assault movement. She then described the training required for victim advocates in Texas. Ms. Camp believes a unified sexual response team centered on the victim will best assist victims and lead to increased reporting and prosecution within the military. She then provided recommendations on how to best assist victims following a sexual assault.

Ms. Gail Reid, Turnaround Incorporated, Baltimore, Maryland

Ms. Reid currently serves as the Director of Baltimore's Victim Advocacy Services Organization. She is also a licensed clinical social worker. Ms. Reid briefly discussed her recommendations on how to increase reporting of sexual assault. This includes having a victim advocate present throughout the entire investigative and adjudicative processes. Such a practice will ensure all rights of the victim are protected which, in turn, increases the victim's confidence in the system. She also provided reasons a victim would be reluctant to report an incident of sexual assault.

Ms. Autumn Jones, Victim/ Witness Program, Arlington, Virginia

Ms. Jones serves as the Director of the Victim/ Witness Program for Arlington County and the City of Falls Church, Virginia. After providing a brief overview of her professional experience, Ms. Jones explained the role her office plays in assisting victims of sexual assault in Virginia. She then described the overall functions and duties of a victim advocate.

Ms. Ashley Ivey, Athens, Georgia

Ms. Ivey currently serves as the Director for Victim Assistance Office for the Western Judicial Circuit in Athens, Georgia. Ms. Ivey's office utilizes a coordinated community response in an effort to care for victims of sexual assault. The office is located in a family protection center which also houses the special victim prosecutors, the special victim investigators, SANE nurses, and the department of family services. Ms. Ivey believes the co-location of these offices facilitates the best response and care for victims of sexual assault.

#### Question and Answer from the Panel to the Presenters

Judge Jones opened the discussion for questions from the panel members to the presenters. Professor Hillman initially asked Ms. Reid to comment on what constitutes a good conversion rate. Ms. Reid explained that it is a positive sign when reporting increases. However, in order to constitute a "good" conversion rate, the number of unfounded reports must not increase. This is accomplished through the successful prosecution of the offender.

The next set of questions focused on the individual needs of male victims of sexual assault and whether these needs were being met in both the military and the civilian sectors. The presenters agreed that, while most of the needs were the same, male victims did have distinct needs regarding the stigma of being an assault victim. Ms. Fernandez then questioned the presenters on the possibility of a perceived bias by the victims because the victim advocates were employed by the military. The presenters did not believe there was any issue with victim advocates receiving their paycheck from the military. The presenters believe the systems in place, while varying with each service, support victims and enable them to come forward with reports of sexual assault.

The presenters were then questioned on whether they had witnessed a convening authority reduce a sentence following a conviction of sexual assault. While one presenter was aware of a case being overturned on appeal, none of the presenters were aware of a convening authority reducing the sentence or overturning the conviction. The presenters then offered their personal opinions on how to improve victim care and increase reporting. The military representatives did not believe removing the commander from the military justice process would increase reporting or enhance victim care. To the contrary, each of them believed the commander was a necessary tool to providing the care and assistance necessary for victims. The presenters were not aware of any occurrence, since the implementation of the SAPR programs, when a victim was dissuaded from reporting due to her chain of command.

Lastly, the panel focused their questions on the evaluation of victim satisfaction. The presenters indicated surveys were not routinely conducted throughout the military services and victim satisfaction was evaluated through personal contact with the victims. The presenters did agree surveys could be a beneficial tool to evaluating victim satisfaction.

Judge Jones recessed the hearing for ten minutes.

Ms. Nancy Parrish, Protect our Defenders

Ms. Parrish currently serves as the President of Protect our Defenders, a non-profit organization focused on assisting service members who are victims of sexual assault. Ms. Parrish addressed the panel and discussed concerns about sexual assault in the military. She asked the panel to consider removing the commander from the military justice process, eliminating the good soldier defense, implementing uniform sentencing guidelines, and reforming the jury selection process and the Article 32 process. She raised concerns about victims being ostracized by their peers and leaders, and concern about a commander's ability to set aside a conviction.

#### Mr. Greg Jacob, Service Women's Action Network

Mr. Jacob is the Policy Director for the Service Women's Action Network (SWAN). SWAN is a veteran's founded and veterans' led non-profit organization focused on creating a military environment free of sexual assault, sexual harassment, and discrimination. Mr. Greg provided an overview of SWAN and his experience both in the military and working for SWAN. He then discussed his concerns with the military justice system. He offered recommendations on how to improve victim care and the prosecution of sexual offenders in the military. This included removing the commander from the military justice process.

#### Mr. Scott Berkowitz, Rape, Assault, and Incest Network

Mr. Berkowitz is the President and Founder of the Rape, Assault, and Incest Network (RAINN), a non-profit organization aimed at assisting victims of sex related crimes. Mr. Berkowitz provided an overview of the programs offered by RAINN to assist victims of sexual violence. He then provided several recommendations to improve training, reporting, and prevention methods within the military.

#### Dr. Will Marling, National Organization for Victim Assistance

Dr. Marling currently serves as the Executive Director for the National Organization for Victim Assistance (NOVA). Dr. Marling provided a brief overview of his organization and the history of victim assistance. He then provided several recommendations on how to improve victim care within the military.

#### Question and Answer from the Panel to the Presenters

The first questions focused on whether the presenters believed removing the commander from the military justice system would increase reporting of sexual assaults. Several presenters responded in the affirmative to this line of questioning. The presenters felt removing the commander would improve confidence in the system which, in turn, would increase reporting.

Next, the panel asked the presenters if victim satisfaction had risen in the recent years due to the military's implementation of new policies and training. While the presenters acknowledged the military had made improvements in the sexual assault arena, the presenters did not feel the improvements were enough and victims were still unsatisfied by the military's handling of their cases. Specifically, the presenters argued victims were still unable to seek redress for acts of



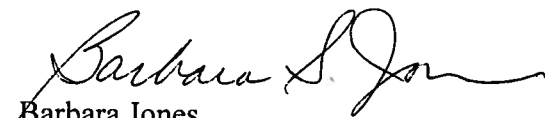
reprisal following reports of sexual assault. The questions and answers then focused on reasons a victim would choose to report or not report an incident of sexual assault.

Public Comment from Ms. Donna Adams

Ms. Adams addressed the panel and discussed concerns about sexual assault in the military based on her personal experiences as a victim of sexual assault. Ms. Adams argued commanders must be held accountable for their decisions and actions regarding allegations of sexual assault. She then posited that more oversight is necessary to ensure commanders take allegations of sexual assault seriously and retaliation is not sought against victims who come forward. Ms. Adams then offered several recommendations, including removing the commander from the military justice system, to improve the military's handling of sexual assault.

The Designated Federal Officer closed the public meeting at 5:30 p.m.

I hereby certify, to the best of my knowledge, the foregoing minutes are accurate and complete.



Barbara Jones  
Chair

Response Systems to Adult Sexual Assault Crimes Panel