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RESPONSE SYSTEMS TO ADULT SEXUAL
ASSAULT CRIMES PANEL

PUBLIC SESSION

Thursday,
November 7, 2013

United States Federal District Court
for the District of Columbia
333 Constitution Avenue, N.W.
Ceremonial Courtroom No. 20
Washington, D.C.

1 PANEL MEMBERS PRESENT:
2
3 HONORABLE BARBARA JONES
4 HONORABLE ELIZABETH HOLTZMAN
5 BRIGADIER GENERAL (RET.) MALINDA DUNN, USA
6 COLONEL (RET.) HOLLY COOK, USA
7 PROFESSOR ELIZABETH HILLMAN
8 VICE ADMIRAL (RET.) JAMES HOUCK, USN
9 BRIGADIER GENERAL (RET.) COLLEEN MCGUIRE, USA
10 HARVEY BRYANT
11 MAI FERNANDEZ
12 MARIA FRIED, Designated Federal Official to the
13 Response Systems Panel
14 COLONEL PATRICIA HAM, USA, Staff Director
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1 P R O C E E D I N G S

2 (8:50 a.m.)

3 MS. FRIED: Good morning, everyone.

4 Welcome to the Response Systems Panel. I'm Maria
5 Fried. I'm the Designated Federal Official for the
6 Response Systems Panel. Welcome, members. And I'd
7 like to turn it over to Colonel Ham, Staff
8 Director. And this meeting is now open.

9 COLONEL HAM: Thank you, Ms. Fried, and
10 good morning again, everyone. Welcome to this
11 Public Meeting of the Response Systems for Adult
12 Sexual Assault Crimes Panel.

13 Congress directed the Secretary of Defense
14 to establish the Panel in Section 576 of the
15 National Defense Authorization Act for Fiscal Year
16 2013. This Panel operates under the provisions of
17 the Federal Advisory Committee Act.

18 Just a couple of notes before the Panel
19 Chair, Judge Barbara Jones, makes her opening
20 remarks. First, we're starting a little bit late,
21 and there is one additional slight change to the
22 agenda. There'll be a Subcommittee briefing this

1 morning that was supposed to start at about 8:35
2 and go until 9:05, which is a little different than
3 the published agenda. Second, the public meeting
4 is being video recorded by Department of Defense
5 officials at the Panel's request in order to post a
6 video recording on the Panel's website. Other
7 members of the media have also requested to audio
8 record portions of this meeting.

9 Third, the Panel received written public
10 comments from the following individuals: Donna
11 Adams, who has also requested to speak during the
12 public comment session this afternoon, Caprice
13 Manos, Heath Phillips, Diana Gonzalez, and
14 Christina Thundathil. We also received public
15 comments from the organization Protect our
16 Defenders for the following individuals: Terri
17 Odom, Terri Youngs, Jen McClendon, Georgena Gray,
18 and Heath Phillips. The members have all been
19 provided hard copies of the public comments, and
20 they are also posted on the Panel's website, which
21 can be found at responsesystemspanel.whs.mil.

22 All materials presented today or provided

1 to the members will also be posted on the website
2 over the next week or so, including a verbatim
3 transcript of the proceedings.

4 Madam Chair, are you ready to make your
5 opening remarks?

6 CHAIRMAN JONES: Yes, thanks, Colonel. I
7 want to welcome everyone, as Colonel Ham just has,
8 and say good morning. This is our third public
9 meeting of the Panel, and this is a two-day meeting
10 which will run today and tomorrow. For your
11 information and your planning, our next public
12 meeting is December 11 and 12 at the University of
13 Texas in Austin.

14 Congress charged this Panel to conduct an
15 independent systemic review and assessment of the
16 systems used to investigate, prosecute, and
17 adjudicate crimes involving adult sexual assault
18 and related offenses under Article 120 of the
19 Uniform Code of Military Justice for the purposes
20 of developing recommendations regarding how to
21 improve the effectiveness of those systems. The
22 Panel has focused much of its efforts so far on the

1 role of the military commander in the military
2 justice system, and we will continue to examine
3 that role during this and later meetings.

4 In addition, we will continue our
5 comprehensive examination and assessment of the
6 systems and procedures the Department of Defense
7 currently has in place to support and protect
8 victims in all phases of the investigation,
9 prosecution, and adjudication of adult sexual
10 assault offenses. Our assessment also includes a
11 comparison to civilian systems that provide support
12 and protection to victims, including identifying
13 civilian best practices that may be incorporated
14 into the military justice system.

15 I want to extend the Panel's sincere
16 thanks to all of the presenters from civilian
17 jurisdictions who will participate in this meeting
18 today. Your assistance is really invaluable to us,
19 and we fully understand that you have very busy
20 jobs in all of your jurisdictions, and we greatly
21 appreciate you all taking the time to be here today
22 and tomorrow.

1 With those goals in mind, today's session
2 begins with an overview of the Department of
3 Defense's current systems and policies in place to
4 support and protect victims. This first session
5 will also include a short update on the latest data
6 about reporting of sexual assault offenses and
7 other items that the Department of Defense is
8 measuring in order to assess whether all of these
9 policies are having any positive or negative
10 effects.

11 The Department of Defense Sexual Assault,
12 Prevention, and Response Office prepared a 2013
13 update for us and in response to questions that I
14 and other Panel members raised during our last
15 public meeting in September and my request during
16 that meeting for this information. I want to thank
17 the Secretary of Defense and Major General Patton,
18 who's here -- General Patton -- who's the head of
19 the DoD Sexual Assault, Prevention, and Response
20 Office, for expediting the release of this data so
21 that the Panel could hear and consider it as
22 quickly as possible. We understand that it is

1 still being compiled and finalized, and we'll hear
2 from General Patton on this.

3 After we hear the policies that DoD is
4 currently -- has currently in place to support and
5 protect victims, during our second session this
6 morning the services will tell us how they
7 implement those policies. Then we'll hear from
8 providers on the ground, so to speak, people who
9 actually provide some of these services to victims
10 at military installations around the world. In
11 that same session, presenters from civilian
12 jurisdictions in Texas, Maryland, Virginia, and
13 Georgia will provide us their perspectives as a
14 means to allow this Panel to begin to compare DoD
15 policies and programs with programs in the civilian
16 world.

17 The Panel will also hear today from victim
18 advocacy organizations, including Protect Our
19 Defenders, the Service Women's Action Network, and
20 others. We look forward to hearing their
21 perspectives and ideas on how to improve victim
22 services and the investigation, prosecution, and

1 adjudication of sexual assault offenses in the
2 military.

3 We are very fortunate to have the
4 opportunity to also hear from victims and survivors
5 of sexual assault as well. And we thank them for
6 agreeing to appear before the Panel to discuss
7 their personal experiences. We understand how
8 difficult it is to talk about these experiences,
9 and the Panel deeply appreciates these survivors'
10 willingness to come here.

11 Tomorrow we will also have two panels
12 discussing victim participation in judicial
13 proceedings. First, we'll hear from the heads of
14 all the services' Special Victim Counsel Programs.
15 This is a new program that Secretary Hagel directed
16 be provided or actually be implemented. And the
17 purpose is to provide lawyers to sexual assault
18 victims. This grew out of an Air Force pilot
19 program that began last January. Our second panel
20 on this same issue includes perspectives from
21 civilian jurisdictions on victim participation.

22 Finally, we will hear from the Military

1 Defense Bar tomorrow, including the Chiefs of all
2 the military -- of all of the services' trial
3 defense organizations and some civilian attorneys
4 as well who practice in the military justice
5 system. This Panel is very attuned to the
6 requirements of due process, and we'll discuss
7 that, and the presumption of innocence. And we
8 look forward to the Defense Bar's perspective on
9 the issues before the Panel.

10 Before we begin hearing from all of our
11 presenters, I want to provide an update from one of
12 our subcommittees, which is the Subcommittee on the
13 Role of the Commander. As you may remember, as the
14 Chair I decided to establish three subcommittees so
15 that we can better -- be better organized to do the
16 work of the Panel. They are the Role of the
17 Commander, Victim Services, and Comparative
18 Systems.

19 In addition to serving as the Chair of the
20 Panel, I also serve as Chair of the Role of the
21 Commander Subcommittee, and this committee --
22 Subcommittee met on October 23rd. All the

1 materials from that meeting, including a verbatim
2 transcript, are available on the Panel's website.
3 And as Chair of the Role of the Commander
4 Subcommittee, what I'm going to do now is turn to a
5 briefing of the full Panel on the Subcommittee's
6 activities on October 23rd and an initial
7 assessment, which our Role of the Commander
8 Subcommittee has reached a consensus on.

9 And I guess just to make sure everyone
10 understands, there are Panel members, one or more
11 -- well, more than one Panel member on each of
12 these subcommittees, usually at least three or
13 four. The remaining Subcommittee members are
14 separately appointed through the same process that
15 the Panel members were to these subcommittees as
16 subject matter experts and to help the Panel with
17 its work.

18 So the October 23rd meeting, which, as I
19 said before, you can read the discussion in its
20 entirety, has reached some assessments here with
21 respect to one issue relating to the role of the
22 commander.

1 Just as background, one of the tasks
2 established for the Role of the Commander
3 Subcommittee is to assess the roles and
4 effectiveness of commanders at all levels in
5 preventing sexual assault and responding to reports
6 of sexual assault crimes. One focus of the
7 Subcommittee's work has been the authority assigned
8 to designated senior commanders to refer criminal
9 offenses for trial by courts martial. A specific
10 focus of our inquiry has been to assess whether
11 removing the commander as convening authority will
12 increase the confidence of sexual assault victims
13 in the military justice system, and thereby
14 increase reporting of sexual assault offenses.

15 To examine the impact on reporting of
16 sexual assault crimes in the militaries -- so one
17 of our first issues was to examine the impact on
18 reporting of sexual crimes in the militaries of our
19 allies. And in order to do that, we reviewed both
20 the justice systems for -- we reviewed both the
21 justice systems for military personnel and the
22 systems of sexual assault reporting in other

1 nations.

2 Experts on the allied military justice
3 systems and their senior military representatives
4 from Australia, Canada, Israel, and the United
5 Kingdom explained these non-U.S. military justice
6 systems. They described their evolution, and they
7 provided statistics and information about sexual
8 assault reporting and response systems. They also
9 offered their opinions as to how the structures of
10 various -- of their various military justice
11 systems affected the ability of non-U.S. militaries
12 to address the problem of military sexual assault.

13 This information was provided to our
14 Subcommittee for its consideration, and on October
15 23rd, as I mentioned, we met to review and discuss
16 the materials and the testimony on our allied
17 systems. The following represents the findings and
18 assessments of the Subcommittee:

19 Prosecutorial authority has been removed
20 from commanders in the military justice systems of
21 our allies for reasons unrelated to military sexual
22 assault. These legal reforms were made as early as

1 1955 and as recently as 2009. Israel adopted the
2 Military Justice Law in 1955, which vested
3 prosecutorial discretion in an independent military
4 advocate general, and the adjudication system for
5 members of the IDF has remained largely the same
6 since that date.

7 Canada removed the chain of command from
8 the prosecutorial decision for serious criminal
9 offenses and created a Director of Military
10 Prosecutions through the 1999 amendments to the
11 National Defense Act. Changes to the Canadian
12 military justice system were made subsequent to
13 fundamental changes in the Canadian Charter of
14 Rights and Freedoms which necessitated these
15 changes and reflected general societal concern for
16 the rights of the accused.

17 In 2006, the Australian Parliament enacted
18 legislation to establish the Director of Military
19 Prosecutions as the convening authority to convene
20 courts martial under the Defense Force Discipline
21 Act. This legislation was also enacted out of
22 concern that the public perceived the system as

1 unfair to defendants.

2 In the United Kingdom, the Armed Forces
3 Act of 2006 became effective on November 1, 2009,
4 thereby removing authority for prosecution of
5 serious offenses from the chain of command and
6 placing such authority in a new, independent
7 Director of Service Prosecutions. These changes
8 were also made out of a concern for the rights of
9 defendants raised both within the United Kingdom
10 and before the European Court of Human Rights, the
11 rulings of which the United Kingdom is bound by
12 treaty to follow.

13 Now, comparing U.S. military sexual
14 assault to military sexual assault in foreign
15 militaries is difficult, and it's made difficult by
16 a significant variance in critical data points,
17 including the definitions of sexual assault, the
18 various means of disposition of allegations, and
19 the rates of incidence, reporting, and prosecution.
20 The nature of the offenses described within the
21 reported statistics vary by country based on the
22 systems available for tracking sexual assault data

1 and the specific statutory offenses encompassed
2 within each country's definition of sexual assault.

3 For example, sexual assault under the DFDA
4 in Australia refers only to rape and attempted
5 rape, while sexual offense reporting data provided
6 by the IDF includes the offenses of rape and
7 attempted rape, indecent assault, physical and/or
8 verbal harassment, and peeping.

9 Likewise the time factors for reported
10 information also varied. Data from Canada was
11 provided from 2007 to 2010, while the United
12 Kingdom provided data from 2005 to 2012. The
13 variations in tracking methods, offenses reflected,
14 and reporting periods make comparisons of the data
15 to different -- of different countries difficult.

16 Despite the difficulty of comparing
17 systems with incomplete data, we asked current and
18 former military officials from our allied partners
19 to assess whether the structural changes that
20 removed the commander from the prosecution of cases
21 had a connection to reporting trends for sexual
22 assault offenses. None of the representatives made

1 this connection. The Deputy Military Advocate
2 General for the IDF noted an increase in sexual
3 assault complaints in the IDF between 2007 and
4 2011. However, the reason for the increase in
5 reporting is unclear. The Military Advocate
6 General stated that the increase could represent an
7 increase in the number of offenses or it could be a
8 result of campaigns by service authorities to raise
9 awareness on the issue.

10 The Judge Advocate General of the Canadian
11 armed forces found no discernible trend in data
12 between 2005 and '10. The Canadians were unable to
13 present statistics addressing whether the change in
14 the military justice system affected sex crime
15 reporting.

16 The Commodore of the Navy Legal Services
17 for the Royal Navy assessed that recent structural
18 changes to the military justice system in the
19 United Kingdom had no discernible effect on the
20 reporting of sexual assault offenses.

21 The Director General Australian Defense
22 Force Legal Service noted that Australian reforms

1 were not targeted at sexual offenses in particular,
2 and he noted no significant trend for reporting
3 statistics after the 2003 and 2006 reforms.

4 So the Subcommittee has examined the
5 military justice systems of Israel, the UK,
6 Australia, and Canada, as I've just noted. And
7 we've done this to determine the impact of the role
8 of the commander on the reporting of sexual
9 assaults.

10 We make no suggestions or recommendations
11 to the Panel at this point as to whether the
12 commander should or should not be removed as the
13 convening authority for sexual assaults and other
14 serious crimes in our military justice system. We
15 do find that none of the military justice systems
16 of our allies was changed or set up to deal with
17 the problem of sexual assault, and none of them can
18 attribute any changes in the reporting of sexual
19 assault to changing the role of the commander.
20 Lastly, we have seen or found -- we have found no
21 evidence that the removal of the commander from the
22 decision making process of non-U.S. military

1 justice systems has affected the reporting of
2 sexual assaults.

3 And that concludes the report out from the
4 Role of the Commander Subcommittee to the full
5 Panel.

6 At this time, I would like to open this up
7 for discussion among our Panel members, and I'd
8 like to hear any comments, objections, or
9 suggestions that you might have to the Subcommittee
10 for further information.

11 (No response.)

12 CHAIRMAN JONES: Okay. Well then, I would
13 just mention to all of you here that this report
14 out was the consensus of the Subcommittee, and in
15 substance is the consensus of the full Panel. And
16 it is not, just so you know, intended to be the
17 final text, which -- or the report and
18 recommendation that we make. But it is our
19 consensus on the issue that I described.

20 MR. BRYANT: Madam Chairperson, I would
21 just comment --

22 CHAIRMAN JONES: Mr. Bryant, yes?

1 MR. BRYANT: Thank you. For those who are
2 present and those on the Panel that this is just
3 one aspect of what the Subcommittee is looking
4 into, whether or not the role of the commander,
5 they found any evidence that would affect the
6 reporting. But there are still other aspects that
7 the Subcommittee is looking into regarding the role
8 of the commander in the entire process.

9 CHAIRMAN JONES: Absolutely. I want to
10 make it clear if I didn't earlier that this is the
11 examination of one issue, and that is what we could
12 or not learn from our military justice allies and
13 the changes that they made in their military
14 systems. That's the only aspect that this
15 Subcommittee report relates to.

16 MR. BRYANT: Yes, thank you.

17 CHAIRMAN JONES: Anything else?

18 (No response.)

19 CHAIRMAN JONES: All right. We're not too
20 far off time. At this time, I'd like to ask
21 General Patton to come up with -- Dr. Galbraith,
22 are you joining us again or are you remaining back

1 there? Okay.

2 This is going to be the General's overview
3 of Department of Defense Victims' Services. And
4 I'd also like to introduce Ms. Bette Stebbins Inch,
5 who is the Senior Victim Assistance Advisor at DoD
6 SAPRO. Welcome, Ms. Inch. General, pleased to see
7 you again.

8 MAJOR GENERAL PATTON: Judge Jones, thank
9 you. Thank you, Judge Jones and distinguished
10 Panel members. Good morning, and thank you for
11 this opportunity to return to the Panel and provide
12 you information on an initial set of sexual assault
13 prevention and response metrics. We called this
14 set of metrics Version 1.0. We have developed
15 these metrics to help assess and measure the
16 effectiveness of our SAPRO Program.

17 In a previous Panel hearing on 25
18 September, Lieutenant General Michael Linnington
19 was here and made reference to these metrics. At
20 that time, they were under development, and today I
21 have provided you all in separate binders -- each
22 of you should have a binder in front of you. And

1 it has the six metrics that comprise Version 1.0,
2 and it's populated with the most currently
3 available data that we have available at the
4 Department of Defense level and the most current
5 available data that I've seen. Also in the binders
6 at Tabs B through F are service-specific data on
7 these six metrics for the Army, Navy, Marines, Air
8 Force, and National Guard, respectively.

9 In the interest of time, Judge Jones, I'm
10 only going to briefly address some of the enclosed
11 slides at Tab A. I will be using the slides at Tab
12 A, but only briefly address some of them, allowing
13 time for your questions and also to focus on
14 several of the key metrics. So next slide, please.

15 The Panel has seen this slide before.
16 It's the summary of our Department of Defense SAPRO
17 strategy. We had this in an earlier presentation.
18 I only want to highlight on this slide the
19 assessment line of effort. That's at the very
20 bottom. It's outlined in red. And just to point
21 out that assessment is a key element, a key line of
22 effort in our multi-pronged, multi-disciplined

1 Department of Defense strategy. And this is
2 exactly where the metrics fit into our program as
3 an assessment tool to help standardize measure,
4 analyze, and assess program progress.

5 And these lines of efforts are defined in
6 our Department of Defense strategy, which was
7 revived -- revised and published in May under
8 Secretary Hagel's signature. And in that strategy,
9 we said -- we tasked ourselves essentially to
10 develop a set of metrics that could feed into that
11 line of effort. And so, that's what I'm here to
12 bring you today is the first set of metrics that
13 support that assessment line of effort. Next
14 slide, please.

15 Our program is a dynamic program. It's
16 not a static program. We launch new initiatives
17 frequently to prevent crime, foster victim
18 confidence, and increase accountability.
19 Therefore, it is important that we continually
20 assess our program, our progress, and effectiveness
21 as a key part of our strategic plan. And that's
22 where we come to the initial set of six SAPRO

1 metrics.

2 And so, at the bottom of this slide, the
3 sources, these are the sources that provide the
4 data for Version 1.0 and also for our future
5 version of metrics, which I'm calling Version 2.0.
6 I will preview some of the metrics that we have
7 under development for Version 2.0 later in this
8 briefing. But these four sources are the sources
9 that will be consistently used for both Version 1.0
10 and 2.0. Next slide.

11 A number of our new initiatives have been
12 squarely aimed at improving victim confidence in
13 our response system DoD wide. And victim
14 confidence is a necessary stimulus for more victim
15 reports, and with more victim reports, it provides
16 a bridge to greater victim care and increased
17 offender accountability.

18 The Panel is familiar with many of the
19 initiatives covered on this chart, so I just wanted
20 to highlight one of them that has achieved a recent
21 milestone. So the second bulleted initiative is
22 entitled "Legal Representation for Victims."

1 Judge Jones mentioned in your opening
2 comments about the Special Victims' Counsel
3 Program, which has been piloted by the United
4 States Air Force since January of this year. In
5 August, Secretary Hagel directed that all of the
6 services would implement a similar program -- we're
7 calling it a Special Victims' Advocacy Program --
8 and directed that all the services have those
9 programs in place with an initial operating
10 capability by 1 November and a full operating
11 capability by 1 January of 2014. So I'm here today
12 to report that all the services have achieved their
13 initial operating capability of the Special
14 Victims' Counsel Program effective 1 November. I
15 know you're talking to some individuals later today
16 that will give you -- be able to provide more
17 details on that. And that's the only initiative on
18 this chart that I wanted to highlight, so we can
19 move onto the metrics piece. Next slide, please.

20 A number of other recent initiatives are
21 aimed at advancing culture change, which we see as
22 a necessary condition to reducing sexual assault in

1 the military. So these are initiatives that have
2 been recently implemented or are under development.
3 And I wanted to highlight two of these off of this
4 chart as promising initiatives that have been
5 recently implemented or are under development for
6 future implementation in the near term. And the
7 one I wanted to address is the third one from the
8 top entitled "Enhancing Commander and Leader
9 Accountability."

10 Back in May of this year, Secretary Hagel
11 directed all the services to develop methods to
12 increase commander accountability in the area of
13 sexual assault prevention and response. In
14 response to that task, the Army, the Navy, and the
15 Air Force Departments have developed and published
16 recent directives that change their respective
17 evaluation policies.

18 And with these changes -- the changes that
19 are made are that officer and non-commissioned
20 officer evaluation reports now will be formally
21 evaluated -- you know, on their -- in the Army, it
22 would be their Officer Efficiency Reports or Non-

1 Commissioned Officer Efficiency Reports. In the
2 Air Force they're known as Performance Reports. In
3 the Navy, they're known as Fitness Reports. But
4 that series of evaluation reports on all the
5 services will now, according to these directives
6 that the services have put out, will assess the
7 officers and NCOs on their contribution and
8 establishment of positive command climates in their
9 respective units, and the degree to which they
10 adhere to the principles of sexual assault
11 prevention and response.

12 And all three services have published
13 those directives and will be taking effect either
14 currently in effect, or in the near term will be in
15 effect.

16 The other initiative on this chart that I
17 wanted to highlight is the last one entitled,
18 "Elevating Command Oversight of Response Systems."
19 This is still under development, but I just wanted
20 to give you a preview of what we're working on
21 here. This is what we identified as a promising
22 practice that was used in the United States Marine

1 Corps, and we are looking to standardize this
2 practice as a common practice and policy across the
3 Department of Defense.

4 And what this practice is is that the
5 first general officer in the chain of command is
6 advised in a formal setting and in a report format
7 by the chain of command about certain things that
8 occur in the wake of a report of a sexual assault.
9 And namely that that report would come to the
10 general officer and be able to assess the
11 involvement or sufficiency of advocacy services,
12 healthcare services being provided to the victim,
13 the victim's safety, the assessment of protective
14 military or civilian protective orders in place,
15 the investigative response.

16 Again, only military criminal
17 investigative officers have the authority to
18 investigate sexual assault reports, so this is an
19 important thing for the commander to make sure that
20 the report is being investigated in a proper
21 investigative authority. And then also the legal
22 support in place, such as, you know, if a victim

1 requested a special victims' counsel, has special
2 victims' counsel been appointed to that individual.

3 So this report is essentially a follow up,
4 and a review report will be presented. It will be
5 standardized across the Department, and the intent
6 is that it then be presented following a report of
7 a sexual assault presented for review by that first
8 general or flag officer in the chain of command so
9 they can assure that these services and support
10 systems are in place for every victim. Next slide,
11 please.

12 So that brings us to the initial set of
13 metrics. This chart lays those out. We have four
14 trends. The trends are simply areas where we have
15 data for more than one quarter, and the snapshots
16 are metrics where we only currently have data for
17 one quarter. Some of the snapshots, as we populate
18 and track these over time, will become trends. And
19 these -- this initial set of metrics is designed to
20 measure how we're doing in these particular areas.

21 So moving onto the next slide for Metric
22 1. Metric 1 is a year-to-year trend of restricted

1 and unrestricted reports received by the
2 Department. We intend to refresh this data and
3 report this on a quarterly basis. And just so you
4 know, the forum that we will use as oversight for
5 these metrics is the Joint Chiefs of Staff Tank, or
6 when they meet in this deliberative body, this
7 deliberative venue, it will be known as the Sexual
8 Assault Prevention and Response Joint Executive
9 Council.

10 This Council meets every quarter. That
11 was established in the DoD strategy, and the
12 metrics are designed with full Joint Chiefs of
13 Staff approval and review to provide to them
14 updates and program updates here on a quarterly
15 basis. This will be one of the metrics that we
16 update on a quarterly basis.

17 So moving to the chart then, the data on
18 the chart shows the top line is the total reports,
19 the blue line is the unrestricted reports, and the
20 red line is the restricted, those reports that
21 remain restricted. And you can see the data points
22 and trend lines there since Fiscal Year '07.

1 The call-out box to the right then takes
2 the most current data available, which is Quarter 3
3 of Fiscal Year '13, and then draws a comparison
4 between the -- along the same trend line with the
5 data that was available at the end of Quarter 3,
6 Fiscal Year '12. So this is a Quarter 3 to Quarter
7 3 comparison of all three types of -- all three
8 lines there.

9 So I would just draw your attention to the
10 top line in the call-out box where in Quarter 3,
11 Fiscal Year '12, the total number of reports, both
12 unrestricted and restricted, was 2,434. In Quarter
13 3, Fiscal Year '13, that total was 3,553. And so,
14 the percentage there shows a 46 percent change from
15 Quarter 3 '12, to Quarter 3 '13. You can also note
16 that the 3,553 total at the end of the third
17 quarter exceeds the total number of reports
18 received at the end of Fiscal Year '12.

19 And so, here's a point that I have not
20 depicted on this chart because I don't have the
21 full data yet from all the services on their fourth
22 quarter data. But I have seen some preliminary

1 data, and so I would like to share with the Panel
2 that the preliminary data that I have seen for the
3 fourth quarter, Fiscal Year '13, which when
4 completely compiled and assessed would allow us to
5 put essentially another column on this chart, that
6 data shows that the trend that we've seen through
7 Quarter 3 continues into Quarter 4. The upward
8 trend continues in terms of the increased number of
9 reports.

10 And again, based on preliminary data, what
11 I have for Fiscal Year '13 shows that the total
12 number for Fiscal Year '13 will exceed 4,600. We
13 know it will exceed 4,600. I don't have the final
14 figure yet, and I will share that with the Panel
15 when we have compiled and audited the final Fiscal
16 Year '13 numbers.

17 The other thing I'd like to point out is
18 if you look at the trend lines over the years,
19 we've only seen a five percent increase from year
20 to year along these lines. And so, the five
21 percent from year to year in average increase
22 compares to what we've seen here from Quarter 3,

1 Fiscal Year '12 to Quarter 3, '13, as a 46 percent
2 increase. It's a significant increase from any
3 previous year we've seen. And again, we expect
4 that the trend we've seen through Quarter 3 to
5 continue into Quarter 4. So I would project that
6 the percentage we see at the end of Fiscal Year
7 '13, the percentage change will be something
8 approximate to the 46 percent that we see, plus or
9 minus some number of percentages.

10 PROFESSOR HILLMAN: Judge Jones?

11 CHAIRMAN JONES: I'm sorry?

12 PROFESSOR HILLMAN: Judge Jones, down
13 here. May I ask a question?

14 CHAIRMAN JONES: Sure.

15 PROFESSOR HILLMAN: General Patton, I just
16 noticed that restricted reports are way up. To
17 what do you attribute that increase?

18 MAJOR GENERAL PATTON: Well, I was going
19 to give you my assessment on the increase in the
20 overall reports, and then I will fold in the
21 restricted piece as well.

22 PROFESSOR HILLMAN: Thank you.

1 MAJOR GENERAL PATTON: So overall on
2 the --

3 CONGRESSWOMAN HOLTZMAN: May I just ask
4 one question as long as someone else has
5 interrupted? The definition of "sexual assault"
6 that you're using here, would you just mind
7 refreshing our memories -- at least mine -- on that
8 point?

9 MAJOR GENERAL PATTON: Yes, ma'am. These
10 are reports of sexual assault that cover the full
11 range of offenses under Article 120 of the Uniform
12 Code of Military Justice ranging from rape, to
13 sexual assault, to forcible sodomy, to attempts, to
14 aggravated and abusive sexual contact. So it
15 includes the full range of the penetrating crimes
16 to the contact crimes.

17 CONGRESSWOMAN HOLTZMAN: And do you break
18 those out at any point?

19 MAJOR GENERAL PATTON: Yes, we do.

20 CONGRESSWOMAN HOLTZMAN: And would be able
21 to see that?

22 MAJOR GENERAL PATTON: Yes. Yes, ma'am.

1 CONGRESSWOMAN HOLTZMAN: Thank you.

2 MAJOR GENERAL PATTON: We have that
3 information. Again, I don't have that for the
4 fourth quarter of this Fiscal Year, but we do have
5 that broken out -- we can break out the -- those
6 types of offenses by the past Fiscal Years. And
7 we'll take that question from the Panel.

8 So we've assessed these trend lines, and
9 that's the first thing I'd like to say is that more
10 reports means more victims coming forward, and more
11 victims coming forward to get healthcare. And we
12 also see more reports meaning it's a bridge to more
13 cases being investigated by law enforcement, and
14 ultimately a bridge to greater offender
15 accountability, more offenders being held
16 appropriately accountable.

17 Our assessment of the total -- the
18 increase of the total number of reports that we see
19 is that this is -- we know that this is a
20 historically under reported crime both in the
21 military and the civilian sector. So we expected
22 to see an increase in the number of reports as an

1 indicator, as a measure that our response systems
2 are being effective, that they're working.

3 And so, with this upward trend in
4 increased reports, we specifically assess the
5 significant increase in Fiscal Year '13 as a strong
6 indicator of increased victim confidence, increased
7 victim confidence attributable to improved victim
8 support services, sustained leader engagement,
9 sustained soldier, sailor, airman, and marine
10 awareness as a result of our education programs,
11 and enhanced legal support and investigative
12 support and capabilities.

13 And, Professor Hillman, to get to your
14 question on the restricted piece, we do see a
15 significant increase there in restricted reporting.
16 We view this as a sign that victims view this as a
17 valuable and trustworthy means to access support
18 while maintaining their confidentiality.

19 BRIGADIER GENERAL MCGUIRE: General
20 Patton? Ma'am, I've got a question for General
21 Patton.

22 CHAIRMAN JONES: Sure, General.

1 BRIGADIER GENERAL MCGUIRE: While you note
2 that you're making this assessment that this is
3 potentially increased reporting, what's to discount
4 the fact that there could be, in fact, increased
5 instances of sexual assault?

6 MAJOR GENERAL PATTON: Yeah. So our
7 assessment is that the increase in reports is
8 attributable and may suggest an increase in victim
9 confidence and more victims coming forward and
10 making their reports.

11 We combined this Metric 1 with Metric
12 Number 3, and so I can turn to that now and tie the
13 two in, and I think that'll answer your question,
14 General McGuire.

15 BRIGADIER GENERAL (RET.) MCGUIRE: Okay.

16 MAJOR GENERAL PATTON: And then we can
17 come back to Metric 2 if we choose.

18 So moving to Metric 3, and I'm going to
19 come back to the answer to that question. But I
20 wanted to show this metric because it does support
21 that assessment. Metric 3 is a description of the
22 restricted and unrestricted reports received this

1 year, but tracked -- but tracking the portion of
2 sexual assaults that are reported by members that
3 occurred prior to military service. So these are
4 sexual assaults that occurred before the victims --
5 the survivors -- assessed into the military.

6 Again, we've refreshed this and report
7 this on a quarterly basis. And looking at the
8 chart, you can see the data over the years climbing
9 to 3.9 percent with 132 reports made in Fiscal Year
10 '12. We do not have the compiled and complete
11 totals for Fiscal Year '13, but I have seen some
12 preliminary data, and so I want to share that with
13 you because I think it is important at this point.

14 And based on the preliminary data that
15 we've seen, we project that the Fiscal Year '13
16 total for this metric will exceed 400. And the
17 math on that then would make that approximately
18 about a nine percent increase from Fiscal Year '12.
19 So again, if you continued the chart to the right
20 under Fiscal Year '13, you'd see based on
21 preliminary data, we have a data point at 400, and
22 that equates to a nine percent increase -- I'm

1 sorry. Nine percent of the total reports are those
2 reports that are those that occurred prior to
3 service. So nine percent compared to 3.9 percent
4 in the previous year is the percentage of those
5 type reports. So we --

6 COLONEL (RET.) COOK: Sir, if I may
7 interrupt. On that point, though, on the increase
8 in these reports of prior to service, are they for
9 new accessions during Fiscal Year '13, or are these
10 people that may have been in the service already,
11 maybe they didn't report it in the past, but now
12 they're coming forward and reporting it because
13 they received a survey? And how do you account for
14 that not being reported on a prior survey they
15 might've gotten and just adding another reporting
16 of the same incident?

17 MAJOR GENERAL PATTON: These are reports
18 of crime that occurred prior to joining the
19 military.

20 COLONEL (RET.) COOK: Right, but if they
21 had been -- the people surveyed are not just new
22 accessions as part of this, though.

1 MAJOR GENERAL PATTON: Ma'am, this
2 information here is not based on the survey, but
3 the actual reports of people coming forward. And
4 so, these are victims who were victimized prior to
5 joining the service and then came forward.

6 COLONEL (RET.) COOK: Right.

7 MAJOR GENERAL PATTON: And our assessment
8 is that an indicator here is that, you know, this
9 is another indicator of victim confidence. This is
10 not new crime. This is old crime. And there's a
11 decision made by a survivor at this point to come
12 forward and make the report and seeking victim
13 services and support.

14 COLONEL (RET.) COOK: Okay. But your
15 survey accounts for the fact that it's a new report
16 as opposed -- it is old crime before they came in
17 the military, but it's a new report. They hadn't
18 reported this somehow through our system before,
19 through the military systems before.

20 MAJOR GENERAL PATTON: Correct. These are
21 reports that have not been previously reported, and
22 they're based on crime that occurred prior to

1 joining the military. And I think you're referring
2 to the survey which surveyed people's responses
3 focused on the previous year prior to the survey.
4 And so, it's a different frame of reference.

5 COLONEL (RET.) COOK: This one is not
6 based on that at all. It's based on just the four
7 sources you identified up front.

8 MAJOR GENERAL PATTON: The data here is
9 based on people coming forward that are in the
10 military now reporting crimes that occurred to them
11 prior to coming into the service. And so, what
12 we're showing is the percentage of the total number
13 of reports in that year that are based on those
14 reports of prior incidents -- prior to service
15 incidents.

16 MS. FERNANDEZ: General Patton? Am I on?
17 Yeah. I guess that's what looms in the back of our
18 minds. The survey that we all saw and what was
19 reported in the media was that there was 26,000
20 sexual assaults in the military. So even at your
21 highest marks, that would be about 17 -- what's
22 reported is about 17 percent of what the world of

1 sexual assaults could be. But we've also been told
2 that that survey was problematic.

3 And I guess, is there going to be another
4 survey that gives us a better idea of what's not
5 being reported as compared to what is being
6 reported?

7 MAJOR GENERAL PATTON: I think the survey
8 was useful in a number of ways, but one way in
9 demonstrating that it is a vastly under reported
10 crime. And so, I think, that is the point we're
11 trying to get at here with assessing and working
12 improvements into our program so as to encourage
13 more victims to come forward, because as I said
14 earlier, more victims coming forward -- making the
15 very difficult step of coming forward and reporting
16 their crime means more victims being cared for and
17 more cases being investigated by law enforcement,
18 and the unrestricted reports, and then ultimately
19 more offenders being held appropriately
20 accountable.

21 When it comes to the future of surveys,
22 surveys are a valuable tool in our assessment line

1 of effort. We have a couple of different
2 varieties. One variety that will harvest a lot of
3 data for our future Version 2.0 SAPRO metrics is
4 the Command Climate Survey, and I'm going to get to
5 the -- and the other biannual survey here in a
6 second. But I think it's important to understand
7 the distinction between the different types of
8 surveys. The Command Climate Surveys --

9 CONGRESSWOMAN HOLTZMAN: Sir, may I ask a
10 question just to follow up on a prior question that
11 was asked in terms of victim confidence? Are these
12 -- people who are coming forward to make the
13 complaints of rape that occurred before their
14 entrance into the military, do you -- have you
15 broken that down by the number of years they've
16 been in the service?

17 In other words, are many of these cases
18 involving service members who have been in the
19 military for a number of years and are now just
20 reporting it, or are these brand new entrants, or
21 do you have this broken down in some way so that we
22 can begin to get an assessment, and maybe you've

1 made an assessment, about whether it's these new
2 programs that have encouraged people, or whether
3 it's something else?

4 MAJOR GENERAL PATTON: No, I think that's
5 a good point. We haven't matured these metrics to
6 the point that you just mentioned. But the latency
7 of the reporting essentially is something I think
8 is definitely worth looking at. And so, especially
9 if, you know, the 400 or more that have come
10 forward here in Fiscal Year '12 to report crimes
11 that occurred prior to service, what is the latency
12 between that period? And I think that would give
13 us a more precise view of this.

14 But, I mean, what we do have is the data
15 that shows a significant increase from any other
16 year where victims are coming forward and making
17 that report. And so, again, getting back to
18 General McGuire's question, when you combine the
19 fact that this not new crime. This is crime that
20 occurred prior to coming to service, and we have
21 victims coming forward in significantly increased
22 numbers and making those reports, combined -- and

1 this increase contributes to the increase we saw in
2 Metric 1. And taken together, our assessment is
3 that these increases are a strong indicator of
4 increased victim confidence in the response systems
5 that we've put in place.

6 If I could go back and finish the question
7 I had earlier, I'm going to try and connect you all
8 here with one answer here. But getting back to Ms.
9 Fernandez' question on surveys, the Command Climate
10 Surveys that we administer are now standardized
11 across the Department. There's a survey that every
12 command and more than 50 people in a unit get a
13 survey at 120 days and then every year thereafter.
14 And the survey assesses sexual harassment, sexual
15 assault, sexist behavior, racist behavior, equal
16 opportunity, and all those types of things.

17 And we get to see about 100,000 surveys a
18 month. And we have 10 questions that we've just
19 refined and placed in the future versions of this
20 survey. And we will be using the data collected
21 from those Command Climate Surveys every month to
22 populate Version 2.0 of our metrics. So that's the

1 preview on that.

2 But getting back to the biennial survey,
3 Secretary Hagel, and if I could refer you all to
4 page -- in the briefing to page 15 entitled
5 "Workplace and Gender Relations Survey." This is
6 one of the surveys that the National Defense
7 Authorization Act mandates for the Department,
8 mandates that we do this on a biennial basis. And
9 Secretary Hagel made a decision last week that the
10 Workplace and Gender Relations Survey that we
11 conduct in 2014, which is the next year required to
12 do that, that we will contract with an outside
13 organization to conduct this particular survey.
14 It's the active duty survey, and it's the one that
15 measures prevalence, retaliation, and incidence
16 rates, and those types of things. I think the
17 Panel has seen a lot of data from the previous
18 years of surveys.

19 This external survey will be part of our
20 assessment line of effort, which we use to
21 regularly evaluate our Prevention and Response
22 Program. And so, I want to make sure the Panel was

1 aware of this decision that Secretary Hagel has
2 recently made with regard to using an external
3 organization to conduct this next survey.

4 The details are under development and
5 something that we have to work out as to, you know,
6 what organization it is and the business rules, and
7 applications, and things. But that's under
8 development, and I'm sure that's something we'll be
9 bringing back to the Panel in the future.

10 MR. BRYANT: Madam Chairman, I have a
11 question for General Patton, if I may.

12 CHAIRMAN JONES: Yes, go ahead, Mr.
13 Bryant.

14 MR. BRYANT: To help us wrap our heads
15 around, or at least mine, around the numbers that
16 we're talking about, and because all of this is
17 being recorded, could you give us -- my first
18 question is, what is the universe of people in
19 uniform right now in the United States? So it's a
20 million something, and I don't expect you to know
21 down to the specifics, but --

22 MAJOR GENERAL PATTON: The active duty

1 force is about 1.3 million.

2 MR. BRYANT: Yes, thank you. And do these
3 figures and these metrics and these charts include
4 active duty and national -- I mean, Reserves and
5 National Guard reports or not?

6 MAJOR GENERAL PATTON: Sir, we actually
7 have a National Guard tab in your binder.

8 MR. BRYANT: Okay. I'm ahead of you.

9 MAJOR GENERAL PATTON: And as you all
10 know, their system does have some variance with
11 regard to especially the investigative piece. If
12 the Guardsman is in non-Federal status, there are
13 different investigative authorities for those
14 cases. The National Guard Bureau has developed an
15 Office of Complex Crime, which is essentially a set
16 of investigators that they'll use internally.

17 But also it's more difficult to track the
18 cases in the National Guard Bureau due to that many
19 of their cases that don't fall under the Federal
20 Title 10 authority are investigated by civilian --
21 in the civilian sector and tried in the civilian
22 courts. But we do have some data in the binder

1 there -- I believe it's Tab F -- that does show the
2 reports.

3 MR. BRYANT: If you're going to cover that
4 later, I certainly didn't mean to get ahead of you.
5 But I thought it would be helpful to me at least to
6 understand what the numbers mean in the broader
7 context in terms of these percentages.

8 You specifically addressed the National
9 Guard, Army and Air Force Reserves. And all the
10 Reserve units, are they included in this reporting
11 when they are on active duty, when they've been,
12 you know, they're in Afghanistan or wherever they
13 might be that they're on active duty? Those
14 figures are contained in what we're looking at in
15 these current tabs, is that correct?

16 MAJOR GENERAL PATTON: Yes. The Guardsmen
17 who report their sexual assault while in an active
18 duty status are included in the -- their respective
19 service active duty figures.

20 MR. BRYANT: Okay. All right. And what
21 is the universe of the National Guard roughly? I
22 don't, again, don't expect you to know --

1 MAJOR GENERAL PATTON: Sir, I will have to
2 get back -- I'll take that question. I'll have to
3 get back to you on that figure.

4 MR. BRYANT: All right. Thank you very
5 much.

6 MAJOR GENERAL PATTON: Judge Jones, I'm
7 mindful of the time allotted for this portion. And
8 if I -- I will briefly touch on Metric 5 and 6 and
9 then wrap this up if that's satisfactory.

10 CHAIRMAN JONES: All right. That's fine.
11 That's great.

12 MAJOR GENERAL PATTON: So Metric 5,
13 please? Thank you. This is one of the two
14 snapshot metrics that we have, and snapshot meaning
15 we only have one-quarter of data to show at this
16 point. But we intend to populate this as we go
17 through the -- into the next Fiscal Year.

18 This metric provides a baseline average
19 and median investigation links of sexual assault
20 investigations for each of our military criminal
21 investigative organizations -- the CID in the Army,
22 the NCIS in the Navy Department, and the OSI in the

1 Air Force. So the average is in the median or
2 taken from those three MCIOs. And then the length
3 of an investigation is measured from the date of
4 the victim's report to the date that all the
5 investigative activity is completed. We'll be
6 tracking this on a quarterly basis.

7 It establishes a baseline for future
8 comparisons and also can be used to provide
9 victims' expectations about investigative length.
10 We know that investigations vary greatly depending
11 on the complexity and the location of the crimes
12 and so forth. So we're not establishing a
13 standard, but rather depicting an average and a
14 median, and we think this will be very helpful in
15 order to set expectations for victims, but also to
16 be used by the services and the respective MCIOs so
17 they can help assess the adequacy of the resourcing
18 of their respective criminal investigative
19 organizations and also the crime lab, which is a
20 factor in the investigative activity that's
21 included in this investigative link. Next slide,
22 please.

1 This is our last metric in the initial
2 set, Version 1.0. This metric measures the status
3 of manning and certification of sexual assault
4 response coordinators and victim advocates required
5 by the NDAA '12 Act. The percent certified shows
6 the number of SARCs and VAs, respectively, that are
7 filling the positions that were mandated in the
8 National Defense Authorization Act. And that
9 specifically is filling full-time equivalent
10 positions, either government or military, at the
11 brigade or brigade equivalent level.

12 Now, there are thousands of other SARCs
13 and VAs out there, but the NDAA specified that we
14 have full-time equivalents at the brigade or
15 brigade equivalent level across all the services.
16 And when you add those up, it equals 492 SARCs and
17 492 victim advocates. Those are the numbers shown
18 in the right at the top of the graph. And so the
19 numbers on the left side of the graph show the
20 number of those positions against 492 as a
21 denominator of how many of those positions are
22 filled with certified SARCs and VAs, respectively,

1 91 percent and 84 percent.

2 Ms. Stebbins Inch will be describing the
3 certification process during her presentation, so
4 I'm not going to get into that. We do project that
5 these percentages will rise over time as more
6 government civilians are hired, more military are
7 trained, and we reach some more, I think, I
8 believe, steady state here in the near term. It
9 will fall between 95 percent and 100 percent for
10 the manning and certification of these two types of
11 positions. Next slide, please.

12 We've talked about this already. This
13 slide is only to show you what's coming in the
14 future in Version 2.0. These metrics are designed
15 to cover all five lines of effort. These 11
16 metrics shown in the chart here will be added to
17 the six that I've already explained to you, and
18 that'll comprise DoD SAPRO Metrics 2.0.

19 And again, I would envision -- these are
20 all under development. Many of them draw from the
21 Command Climate Survey data that I described for
22 you earlier, especially the ones there towards the

1 bottom. And this will be something that we'll be
2 glad to share with the Panel as we develop these
3 metrics in more detail. Next slide, please.

4 We've already addressed the survey issue.
5 And last slide. I mentioned, I think, all of these
6 things already in the briefing, but if I can take a
7 minute to reinforce a few. Our program is not a
8 static program. It's a dynamic program. The key
9 to that program is conducting regular assessments
10 of our program in order to determine effectiveness
11 of a lot of these programs and initiatives we're
12 putting in place.

13 You've seen the initial set of metrics.
14 The data through Quarter 3 of Fiscal Year '13 shows
15 an expected increase in victim reports of sexual
16 assault when you compare the Quarter 3 data in
17 Fiscal Year '12. I say "expected." It's expected
18 because we knew -- we expected the reports to
19 increase as a function of services and support and
20 programs that we've put in place designed and aimed
21 at -- squarely at improving victim confidence in
22 our program.

1 It's a historically under reported crime.
2 More crime occurs than ever reported to our
3 authorities, be it military or in the civilian
4 sector. So under these conditions, we assess that
5 this increase in reporting in Fiscal Year '13 is
6 most likely due to greater victim confidence as a
7 result of some of the programs I described for you
8 here today. And then contributing to that overall
9 increase is the significant increase also as well
10 in the reports of sexual assault, for instance,
11 incidents that occurred prior to military service.

12 How we treat current victims impacts
13 future victims' decisions to report. We have to
14 treat survivors of this crime with the sensitivity
15 they deserve, the privacy they prefer, and the
16 responsive support they need. And these are the
17 principles that we have put in place across our
18 program, and the principles and the programs we
19 believe that we are seeing results of here in this
20 initial set of metrics.

21 Judge Jones and the Panel, that concludes
22 my formal presentation. I'll be glad to take any

1 follow-on questions. I will turn it over to Ms.
2 Stebbins Inch.

3 CHAIRMAN JONES: All right. Admiral
4 Houck?

5 VICE ADMIRAL (RET.) HOUCK: A lot of
6 metrics, and they're important. My understanding
7 of -- that there is a lot of data that you all have
8 that about -- that alcohol plays a role. It's
9 somewhere around 40 percent -- 40 to 50 percent of
10 the reports of sexual assault. So I don't see in
11 here any metric that goes to the issue of alcohol.
12 I don't see the word "alcohol" in here anywhere.
13 And I just wondered why that might be.

14 MAJOR GENERAL PATTON: Admiral, that's a
15 metric that could find itself in Version 2.0. We
16 are still in discussion with some different groups
17 as to how we might measure that. I know the
18 Department of the Navy -- you will hear from
19 Admiral Buck this afternoon, I believe, and I know
20 the Department of the Navy feels very strongly
21 about that point. And we're working with them to
22 figure out the best way in which we could capture

1 that metric and include it in a future set.

2 So I don't have it depicted on the Version
3 2.0, but it's the first one at the bottom of the
4 list that's not listed, and it is something that we
5 are deeply interested in including in a future way
6 that we assess program effectiveness for all the
7 reasons you mentioned.

8 BRIGADIER GENERAL (RET.) MCGUIRE: Madam
9 Chairman, I have a follow up as well. Along with
10 Admiral Houck's question was that in addition to
11 the alcohol involvement, the location, usually
12 barracks or other heavily-populated living areas,
13 if that's an indicator as well or a contributor.

14 MAJOR GENERAL PATTON: Well, the profile
15 that you're familiar with is the H Profile, 18 to
16 24, near peer or peer, not a stranger, on the
17 installation, military installation, and fueled or
18 accelerated by the use of alcohol. So those are
19 all factors we know to be characterized, the sort
20 of standard profile of the case there.

21 I think that'll be harder for us to look
22 at, and I'm going to have to confer with my data

1 experts to see if that's something that we can
2 capture in our Defense Sexual Assault Incident
3 Database. Our idea is that -- our intent is that
4 the majority of these metrics are populated by data
5 that we've been able to pull from our Defense
6 Database System. And I'm not sure that that's -- I
7 have to get back to you on whether or not that's
8 something that we can measure. I think it's an
9 interesting component. It's certainly something
10 that we would want commanders to be looking at in
11 their particular environment as to where these
12 crimes are occurring and then taking steps to, you
13 know, mitigate and prevent within that environment.

14 So it's something that I think belongs in
15 the local risk assessment, but at the DoD level
16 it's not something that we have really factored
17 into our collection yet.

18 CONGRESSWOMAN HOLTZMAN: Madam Chair --

19 CHAIRMAN JONES: Yes?

20 CONGRESSWOMAN HOLTZMAN: -- may I ask? I
21 have two quick questions. One is, do your
22 statistics apply only to active duty military or

1 does it apply to civilians in the Department of
2 Defense as well?

3 MAJOR GENERAL PATTON: These statistics,
4 ma'am, apply to the military only. Now, if the --
5 I want to get this right -- if the military member
6 was a perpetrator -- the result -- the reports
7 track the incidence in which the military member
8 was a victim or the military member was a
9 perpetrator.

10 CONGRESSWOMAN HOLTZMAN: Okay.

11 MAJOR GENERAL PATTON: And so, it is
12 possible that some of these cases are ones in which
13 the military was a perpetrator of a government,
14 civilian, or otherwise.

15 CONGRESSWOMAN HOLTZMAN: Okay. The second
16 question has to do with -- it's possible I'm not
17 understanding the additional trend metrics on page
18 14. But what metric do you have to test issues of
19 commander involvement in prevention?

20 MAJOR GENERAL PATTON: Okay. There's a
21 couple, and again, these are still under
22 development. But things that we're working on

1 would be in the area of Metric 14A and B is one,
2 and a couple of others. So let me describe.
3 Metric 14A and B would get at the point you just
4 made, you know. How confident -- what is the
5 degree of confidence that a member has in the unit
6 commander to protect their privacy when required,
7 to ensure all the victim support services are
8 provided, that it's fully investigated, or passed
9 over rather, to appropriate investigators, and
10 those sorts of things.

11 And these are a battery of questions that
12 we've called the Command Confidence Index, and
13 these questions are part of the Command Climate
14 Survey. So these Command Climate Surveys, again,
15 are administered 120 days after a new commander
16 comes in, and then every year thereafter.

17 We collect these surveys through the
18 Department's Equal Opportunity Management
19 Institute, and they provide my office the results
20 of the SAPRO-related questions. These are new
21 questions that we have under development that we
22 intend to be in some future surveys, and then we'll

1 collect this data. And we think that by looking at
2 this over time, we can see the degree to which
3 members of commands have confidence in their chain
4 of command on SAPRO-related programs.

5 Secondly, the other metrics, 15A and B and
6 16A and B, also get at victim confidence in the
7 sense that 15A and B is another one under
8 development, but it presents a hypothetical to the
9 person being surveyed. And it says if you are
10 sexually assaulted in your unit, would you make a
11 report? And then it separates it out by gender and
12 rank, and it's essentially capturing the intent.
13 And we think that's a measure of victim confidence
14 and intent to report within their current command.

15 And lastly, 16A and B are questions that
16 are posed to the surveyed audience. One is a
17 hypothetical that says, you know, based on what
18 you've been trained and instructed, would you
19 intervene to, in certain scenarios -- you know,
20 you're in a bar, and you see this or that, an
21 escalation of contact, that sort of thing. Would
22 you intervene? So hypothetically.

1 The other question says, in your
2 experience, have you been witness to a situation
3 like that, and did you intervene? So I think that
4 that is going to be helpful to help assess the
5 effects of the training that we've been providing
6 across the DoD on bystander intervention.

7 So, you know, I think these metrics taken
8 together through the Command Climate Survey --
9 we've got a lot of responses. They'll all be
10 analyzed. We'll track them over time. And we
11 think that it will depict the effects that we're
12 having and be able to allow us to measure whether
13 our training programs are having the effects we
14 desire.

15 CONGRESSWOMAN HOLTZMAN: Madam Chair, may
16 I just follow up on that?

17 CHAIRMAN JONES: Sure.

18 CONGRESSWOMAN HOLTZMAN: Sir, but that's
19 -- and that's well and fine, but it examines the
20 issue from the point of view of the victim or
21 possible bystander. But what information are you
22 collecting about what commanders are doing

1 themselves, because beauty is in the eyes of the
2 beholder, and sometimes the beholder may not have a
3 sense of what alternative actions could be taken by
4 a commander. So how are you collecting data, and
5 how does the military assess what preventive steps
6 the commander is taking regardless of how the
7 victim reports it or feels about it? Do we have
8 any information about that? Are you collecting
9 that? How would we know what's happening?

10 MAJOR GENERAL PATTON: Yeah. Well, I need
11 to be clear that these surveys go out to every
12 member of a command's unit. And so, these surveys
13 aren't surveys of the commanders, the Command
14 Climate Surveys. It's surveys of all -- it's a
15 survey of all the members of the command, so
16 essentially every member of the command, all ranks,
17 reporting back through the survey their assessment
18 of their commander.

19 And so, that's one -- we think that's very
20 valuable to have the view of all the members of the
21 commands' assessment of that -- of their commander.
22 And it's not the commander assessing himself or

1 herself, but it's rather every member of the unit
2 making their -- you know, answering these questions
3 in the environment -- the current environment they
4 have underneath their current commander.

5 CONGRESSWOMAN HOLTZMAN: Okay. So in
6 other words, I'm not quarreling with you at all
7 about the value of that. I think that's extremely
8 important, and I commend you for doing it. I'm
9 just asking you do you have or are you conducting
10 any surveys of what commanders say they are doing
11 to try to prevent instances of sexual assault and
12 to create an appropriate climate so sexual assault
13 won't happen?

14 MAJOR GENERAL PATTON: No, I understand.
15 I understand your question. I think that is the
16 subject, and I would -- I'm sure my Army, Navy, Air
17 Force, and Marine counterparts coming here this
18 afternoon may be able to give you some more
19 specifics on that. But I know that the leaderships
20 -- the leadership groups of the services are going
21 out and doing focus groups now routinely across all
22 commands where they go to. It's not only junior

1 enlisted and junior officers, but also commanders
2 and command sergeants major, and they are asking
3 them those questions. The Army is going to do a
4 formal focus group program in lieu of a survey this
5 coming year in which they will go out to, I
6 believe, three dozen or more bases and conduct
7 focus groups of commanders, command sergeants
8 major, and also members of, you know, lower
9 enlisted and junior officers to get at the point of
10 what are you doing in your unit, what effects are
11 you seeing, and what's working and what's not
12 working at that level. So I think that's very
13 important feedback that's being provided in each of
14 the services.

15 I was part of a leadership summit in the
16 Army a couple of months ago. And this is a summit
17 that General Odierno chaired, the Chief of Staff of
18 the Army chaired for two days, 19 hours. He had
19 every two-star general in the Army, every three-
20 star, and every four-star, and every counterpart
21 command sergeant major in those units in this
22 summit. And it was a very candid interaction

1 between the different commanders and command
2 sergeants major in terms of things that they're
3 doing in their units, what they're seeing. We
4 heard from a number of survivors in that venue also
5 bringing their point of view into the mix.

6 And one of the concluding comments that
7 General Odierno made based on that summit and
8 hearing from the survivors in that summit was that
9 we commanders in the Army need to do better at
10 taking care of our victims. And he made that
11 message loud and clear. I know the other service
12 chiefs have done -- have had similar summits and
13 directives and so forth.

14 And one of the things that General Odierno
15 said that every time he comes out to visit an
16 installation, he and Sergeant Major of the Army
17 Chandler and Vice Chief of Staff of the Army
18 Campbell will be coming out to the -- when they
19 come to the installation, they will be wanting to
20 confer with groups of people, survivors included,
21 commanders included, that will help them get a feel
22 for what's happening on the ground in terms of --

1 and I think that's a pretty good source of feedback
2 that our senior service leadership is undergoing
3 right now.

4 CONGRESSWOMAN HOLTZMAN: Thank you, sir.

5 CHAIRMAN JONES: I have one question,
6 General. With respect to the total number of
7 reports of sexual assault going up by 46 percent
8 between Fiscal Year '12 and third quarter -- I
9 guess third quarter of '12 and '13, that includes
10 male and female reports.

11 MAJOR GENERAL PATTON: Yes, ma'am.

12 CHAIRMAN JONES: Did you see any
13 difference in the increases in those two
14 categories? In other words, did -- was it uniform?
15 Was there a similar increase in reports by sexually
16 assaulted males as females, or was there an
17 incrementally larger increase within either
18 category?

19 MAJOR GENERAL PATTON: I'm going to have
20 to take that question and get an answer back to you
21 on that. I don't have that data in front of me. I
22 know we track it by gender, but I don't have that

1 in front of me. We will respond quickly to answer
2 that question for you.

3 CHAIRMAN JONES: That would be great.
4 Thank you.

5 PROFESSOR HILLMAN: Madam Chair?

6 CHAIRMAN JONES: Professor?

7 PROFESSOR HILLMAN: Thank you. General
8 Patton, I appreciate you bringing the data to us in
9 this preliminary phase, and I also appreciate the
10 signaling that you're doing that this as Version
11 1.0, and that's there's refinement ahead of us.
12 That said, I want to try to understand what
13 conclusions we might be able to draw from what
14 you've presented. And I'm trying to understand the
15 connections between Metric 1 and Metric 3.

16 So Metric 3 that you pointed to, you think
17 -- you have more 400 reports, so about nine percent
18 of the total number of assaults that are reported
19 are incidents that happened prior to that person
20 entering military service.

21 MAJOR GENERAL PATTON: Correct.

22 PROFESSOR HILLMAN: Okay. That seems to

1 indicate an increase in confidence that victim
2 assistance is available -- that's what we're about
3 to hear more about -- and that persons who seek to
4 access services for events that happened in the
5 past that are continuing to affect their ability to
6 function, that they're coming to the service
7 providers for that. That's a reasonable conclusion
8 to draw from that.

9 MAJOR GENERAL PATTON: Yes.

10 PROFESSOR HILLMAN: And is it also true
11 that then that nine percent, those are not persons
12 -- those reports would not lead to any
13 accountability, any investigation or any
14 prosecution because those incidents happened prior
15 to the person coming into the service. Do those
16 ever trigger an investigation and prosecution?

17 MAJOR GENERAL PATTON: I don't know the
18 extent to which they might trigger a civilian
19 sector investigation and justice process. I'm
20 going to have to research that.

21 PROFESSOR HILLMAN: Fair enough. But in
22 terms of the military process, it would not trigger

1 a military justice investigation or prosecution
2 because --

3 MAJOR GENERAL PATTON: Generally speaking,
4 unless it was somebody in the active -- in the
5 military as the perpetrator, it would not trigger a
6 -- it would not trigger a military investigation.

7 PROFESSOR HILLMAN: So that increase
8 doesn't tell us much about confidence and
9 accountability measures, but it does tell us about
10 confidence in victim services. And then let me tie
11 it back to Metric 1 and the point that I mentioned
12 that's troubling here is the increase in restricted
13 reports. You see a 64 percent increase over the
14 same period in the restricted reports, which again,
15 by definition, those are reports that trigger no
16 accountability at the preference of the victim, and
17 you seek to convert them. And I'm concerned about
18 that -- what message that's sending.

19 And just if I could draw the Panel's
20 attention to the service-specific statistics, which
21 you did not go through here for purposes of time.
22 At Tab D, there's the Marine Corps statistics. On

1 page 4, you show the Marine Corps statistics here.
2 They show triple that increase in restricted
3 reports. It's 194 percent compared to the overall
4 percentage. It's really high.

5 MAJOR GENERAL PATTON: So one of the
6 complementary metrics then that I didn't get to
7 describe because we jumped through a couple of the
8 metrics was Metric 4 in your packet. And Metric 4
9 is to look at the conversions, the voluntary
10 conversions for victims that choose to go from a
11 restricted report to an unrestricted report. And I
12 do not have the data or are able to make a
13 projection for Fiscal Year '13, so what's depicted
14 here is the data through Fiscal Year '12.

15 And I think it's fair to say that as we
16 see this increase in restricted reports in Metric 1
17 that we would want to see under those conditions an
18 increase or a sustained high rate in which
19 survivors are converting from
20 restricted/unrestricted reports. And that would, I
21 think, maybe more closely tie to confidence in
22 investigative and accountability systems, which is

1 why that's also in here as a companion metric.

2 BRIGADIER GENERAL (RET.) MCGUIRE: Madam
3 Chair, I just have one more follow up along that
4 line as well. General Patton, in that vein as
5 well, is there any possible way to start looking at
6 or are we including those that are victims that
7 have been previous victims as reported in their
8 civilian lives? So with this increase of victims
9 prior to military, how many of them then are
10 subsequent victims while serving?

11 MAJOR GENERAL PATTON: We do have that
12 question in our survey, and that is the question
13 of, you know, were you sexually assaulted before
14 coming in the military. And we do track that from
15 the survey piece, and we have seen -- we see a
16 significant portion -- I don't have that percentage
17 in front of you. But it's a significant percentage
18 of people who report that they've been victims of
19 crime prior to coming in the military, and we track
20 that on the biennial survey.

21 BRIGADIER GENERAL (RET.) MCGUIRE: Okay,
22 thank you.

1 MR. BRYANT: Madam Chairman, I have a
2 follow up on that then. General Patton, would we
3 know -- would you all know then whether or not the
4 sexual assaults that were reported to have occurred
5 before members entered the military, if they
6 reported those incidents to civilian law
7 enforcement authorities, or are they -- do we know
8 whether or not those were reported or are they
9 asked, or are these just figures that would show
10 somebody's responses -- I was sexually assaulted --
11 yes, I was sexually assaulted prior to entering the
12 military?

13 MAJOR GENERAL PATTON: As I recall, and
14 I'll confirm this for you. As I recall in the
15 survey question, it reflects on the occurrence of
16 the incident and not so much on the reporting of
17 it. But I need to go back into the survey and look
18 at how that question is posed. I believe that's
19 the way we've -- I believe that's the way we have
20 that in the Workplace and Gender Relations Survey.

21 MR. BRYANT: It would be very instructive,
22 I would think, to know whether or not they reported

1 in the civilian world or not in terms of these
2 figures. Thank you.

3 MAJOR GENERAL PATTON: Sure, thank you.

4 MS. FERNANDEZ: Madam Chair?

5 CHAIRMAN JONES: Yes, Ms. Fernandez?

6 MS. FERNANDEZ: General Patton, this Panel
7 has heard a lot on the role of the commander, and I
8 have a question that doesn't dig into the survey,
9 but has you look at all the data and all the
10 changes that you've made in your position.

11 Knowing that the role of the commander
12 could be changed in these cases, how much of that
13 is an incentive to commanders around the military
14 to start changing the cultures so that their roles
15 aren't changed?

16 MAJOR GENERAL PATTON: I think our
17 commanders are motivated by lots of things, but
18 primarily in the seven and a half years I've served
19 as a commander at three different levels, including
20 several years in combat, the motivation is for the
21 health and welfare of those that serve in your
22 command for their -- the cohesion of your unit and

1 the mission readiness of your unit. And I've
2 always gone by the "Mission first, soldiers always"
3 as the mantra that has guided me in my years of
4 command.

5 So I would say motivation of the commander
6 is to do the right thing, and doing the right thing
7 for the health and welfare of the men and women
8 assigned beneath you is to set clear standards of
9 behavior, to lead by example in those standards as
10 an individual, and then to enforce those standards
11 of behavior when they are -- when you have people
12 committing acts of indiscipline that deviate from
13 those standards.

14 And so, it's holding yourself -- it's
15 setting clear standards, holding yourself to those
16 standards, leading by example, and then being able
17 to enforce those standards in order to produce a
18 unit where you are taking care of the men and women
19 of your command, and you are producing a cohesive
20 and mission ready unit.

21 And so, that's what I would say is the
22 motivation for our commanders as we looked at this

1 problem because sexual assault, any form of it, in
2 our ranks erodes the very cohesion that our combat
3 units -- that our military units demand. And it is
4 a complete -- it is in complete opposite of the
5 very values that we defend and which we base the
6 core of our discipline on.

7 And so, the motivation of the commander is
8 to take care of your people, but also to root out
9 those people that would not meet the standards of
10 behavior, and thereby create a climate of dignity
11 and respect that yields cohesion and a high-
12 performing mission ready unit where your men and
13 women are taken care of -- their health and welfare
14 is always taken care of.

15 That's what motivates me as a commander,
16 and I believe that's what motivates our -- the
17 commanders across all our services.

18 CONGRESSWOMAN HOLTZMAN: Madam Chair?

19 CHAIRMAN JONES: Yes?

20 CONGRESSWOMAN HOLTZMAN: Sir, you had
21 mentioned the importance of the conversion rate in
22 assessing victim confidence. So based on what

1 Professor Hillman started to ask you about, I took
2 a look at the conversion rate for the Marines. And
3 if you turn to page 7 on Tab D, the chart in red
4 shows that in Fiscal Year '10, the conversion rate
5 from restricted to unrestricted was 16 percent, and
6 in Fiscal Year 2011 it went to zero, and then
7 Fiscal Year '12 it's up to 6.4 percent versus the
8 overall DoD conversion rate of 16.8 percent. What
9 does that tell us about the -- sorry.

10 BRIGADIER GENERAL (RET.) DUNN: I thought
11 you were finished.

12 CONGRESSWOMAN HOLTZMAN: No, no, if you
13 have a comment about the question, I'm happy to
14 have it amended. But what does this tell us about
15 the confidence of victims in the Marines to come
16 forward and report? I mean, I find -- what it
17 suggests is that there's -- at least the conversion
18 rate in the other branches is substantially higher.
19 And what is the Marine Corps doing to address this
20 issue?

21 MAJOR GENERAL PATTON: I think a very --

22 BRIGADIER GENERAL (RET.) DUNN: Excuse me

1 one second before you -- because there's also a big
2 dip in the Army and the Air Force. So in addition
3 to the Marines, there's also that dip in the other
4 services.

5 MAJOR GENERAL PATTON: I think the way I
6 will -- we want to apply this particular metric is
7 to look at, you know, what the effect is, you know,
8 in terms of assessing our current programs. And I
9 would -- that's something I would ask our service
10 counterparts to comment on later on as to what they
11 may be seeing as preliminary data because, you
12 know, the effects of the programs we've put in
13 place over the last 12 and 18 months would not be
14 reflected necessarily in the data up through Fiscal
15 Year '12.

16 I think Fiscal Year '13 will be a very
17 telling year in that metric. And so that's
18 something -- you know, again, I think it will --
19 especially when we get the Special Victims'
20 Counsel, direct legal representative program in
21 full swing and they meet full operating capability
22 here in January for the Army and the Navy to join

1 the Air Force that's been piloting this.

2 But we've seen a very small sample of data
3 with the Air Force pilot program, Special Victims'
4 Counsel Pilot Program, in the nine plus months that
5 that's been in place is that, again, a very small
6 sample size of victims who made an initial
7 restricted report and who requested a special
8 victim's counsel. That number is somewhere around
9 50, but of those 50, we saw about a 50 percent
10 conversion rate of those individuals who, again,
11 started out with a restricted report, had a special
12 victim's counsel, and made a conversion.

13 So we think that that'll be an important
14 metric here in the near term that'll help us assess
15 some of the effectiveness, not the only indicator,
16 but as an indicator of effectiveness of our Special
17 Victims' Counsel Program, which gets back to
18 Professor Hillman's point that, you know, maybe a
19 better metric. I think your point was that's a
20 metric that's more affiliated or associated with
21 investigative and justice matters.

22 CONGRESSWOMAN HOLTZMAN: Thank you.

1 CHAIRMAN JONES: General, we've kept you
2 well beyond your 10 minutes.

3 MAJOR GENERAL PATTON: I'll stay all
4 morning if you want.

5 CHAIRMAN JONES: I appreciate that. Would
6 you care to go forward, Ms. Stebbins Inch?

7 MS. STEBBINS INCH: Thank you. Good
8 morning, Chairwoman Jones and Panel members. Thank
9 you for this opportunity to provide you with
10 information on our Victim Assistance Program.

11 I am the Sexual Assault Prevention and
12 Response Office's Senior Victim Assistance Advisor,
13 and I have been with SAPRO since 2007. Prior to
14 joining SAPRO, I was the lead victim advocate on
15 staff with the Defense Task Force on Sexual Assault
16 in the Military Services and the Defense Task Force
17 on Sexual Violence at the Military Service
18 Academies where I performed extensive research on
19 victim assistance specific to sexual assault
20 victims.

21 Additionally, I have personally assisted
22 many victims through the military justice process

1 when I was a Victim Witness Liaison for the Army
2 for nearly 10 years. In addition to having a
3 paralegal certification and being a trained
4 inspector general, I have a master's of science
5 degree in counseling psychology, and I'm a
6 credentialed advanced advocate with the designation
7 of Comprehensive Victim Intervention Specialist
8 from the National Advocate Credentialing Program,
9 and a certified Department of Defense Sexual
10 Assault Level 4 Victim Advocate. I have leveraged
11 these experiences to inform the advice I provide in
12 my current position on victim assistance.

13 Now, I'm going to provide you with an
14 overview of the Victim Assistance Program. First,
15 I will review the victim advocacy line of effort --
16 next slide; oh, thank you -- then describe what
17 quality victim assistance is, and we will then
18 review who the Department's sexual assault victim
19 assistance personnel are. And I will highlight the
20 Department's requirements and finally review our
21 victim assistance initiatives.

22 I believe General Patton previously

1 briefed the Panel, and this morning he pointed out
2 again on that the Department strategy and five
3 lines of effort. Today we will focus on the
4 advocacy line of effort in red, and that effort is
5 to deliver consistent and effective victim support,
6 response, and reporting options with the goal of
7 providing high quality services and support to
8 instill confidence, inspire victims to report, and
9 restore resilience. Next slide.

10 I first want to provide you with a
11 baseline understanding of what quality victim
12 assistance is. In 1982, a task force was formed in
13 response to an executive order to conduct a
14 nationwide study to assess the treatment of crime
15 victims throughout the justice process. The
16 President's 1982 Task Force on Victims of Crime
17 found that the criminal justice system regularly
18 re-victimized victims, the system was out of
19 balance in favor of offenders, and the poor
20 treatment of victims was more widespread than they
21 had imagined. Their recommendations were aimed to
22 help make the victim as whole as possible and to

1 help prevent secondary victimization by the system.

2 The Task Force report provided a framework
3 to define victim services both in and out of the
4 criminal justice system, and it laid the foundation
5 for the establishment of victims' rights.

6 Established by the Crime Victim's Rights Act, these
7 rights provide victims with protection, addressing
8 the need for safety and security by protecting
9 victims from further harm and mistreatment and
10 witness intimidation.

11 Privacy. Ensuring private information
12 about victims and their cases is not shared with
13 anyone who does not have a legitimate need to know
14 at their current units and at the gaining units.

15 Respectful treatment. Victims of sexual
16 assault should be treated the way anyone would want
17 their family member treated if they were in a
18 similar situation, with respect and dignity.

19 Information. Victims need reliable and
20 accurate information in order to ensure they are
21 prepared and are able to predict what is the best
22 course of action for them to take.

1 Finally, victims need to have a voice in
2 the process. Sexual assault victims are more than
3 a witness to the crime. Their bodies are the crime
4 scene. By providing victims with a voice in the
5 process, we begin to empower them in a way that
6 will help in their recovery. Victims need to have
7 the ability to provide input to commanders,
8 investigators, and lawyers to ensure their
9 experiences and the facts of their case are
10 accurately communicated.

11 Victims' rights exist to ensure the
12 culture of the justice process allows for their
13 participation. This is especially critical for
14 sexual assault victims. The crime victims' rights
15 are embedded in Department of Defense policy, the
16 Victim Witness Assistance Policy. And it's ensured
17 by the DoD victim assistance personnel. Next
18 slide?

19 There are three different categories of
20 people related to sexual assault victim assistance
21 within the Department. They are first our sexual
22 assault prevention and response personnel, known as

1 the sexual assault response coordinators and sexual
2 assault prevention and response victim advocates,
3 who I'll just call SARCs and SAPR VAs. Their
4 purpose is to provide non-clinical crisis
5 intervention, referral, and ongoing non-clinical
6 support to adult sexual assault victims. And the
7 SARCs also have training in programmatic
8 requirements. They can accept restricted reports,
9 and they have privileged communication under
10 Military Rules of Evidence 514.

11 Next on the slide you'll see the Victim
12 Witness Assistance Program personnel. They're also
13 known as victim witness liaisons, victim witness
14 assistance personnel, and victim witness assistance
15 coordinators. Their purpose is to assist victims
16 with exercising their rights and with navigating
17 the military's criminal justice system. They do
18 not have confidentiality and no privileged
19 communication.

20 Lastly, you'll see the Family Advocacy
21 Program has domestic abuse victim advocates. They
22 assist family -- victims of family violence to

1 include spouse, intimate partners, and child
2 victims of sexual assault. And the purpose of the
3 Family Advocacy Program is to prevent, report,
4 identify, evaluate, treat, rehabilitate, and follow
5 up on child maltreatment and domestic abuse. So as
6 you can see, these three categories of people are
7 related, yet they are different.

8 So I will now focus our attention on the
9 Sexual Assault Response Team on the next slide.
10 Our Sexual Assault Response Team consists of these
11 nine categories of people. The top three are
12 highlighted in red because only these three people
13 can take a restricted report. However, a victim
14 can choose to report to anyone on this list. The
15 others you see there that the chaplains, unit
16 commanders, investigators, judge advocates, victim
17 witness liaisons, and the Special Victims' Advocacy
18 Program attorneys, are all available to a victim
19 who wants to make a report.

20 And I want to stress that a victim can
21 choose, again, any one of these people to report a
22 sexual assault to. And if they report to anyone in

1 the chain of command, then law enforcement will
2 immediately be notified and will conduct an
3 investigation.

4 I have heard it said that victims have to
5 report to their command, and that the commander is
6 the only one that can take that report. This is
7 absolutely not true as you can see by the slide.
8 Victims can choose any one of these people to
9 report a sexual assault to.

10 Everyone on the chart will notify a SARC,
11 with the exception of the chaplain, judge
12 advocates, and the Special Victims' Advocacy
13 Program attorney. They will only notify a SARC
14 and/or law enforcement with the victim's
15 permission.

16 Focusing your attention now on the SARC
17 responsibilities at the bottom of the slide, you
18 will see that in addition to SARCs providing direct
19 victim assistance, they are also program managers,
20 command liaisons, supervisors of victim advocates,
21 and they may train incoming troops, commanders, and
22 senior enlisted leaders, as well as the other on-

1 base responders.

2 Looking at the victim advocate
3 responsibilities, you see that victim advocates
4 work for the SARC when performing victim advocacy
5 duties. And they provide direct victim assistance
6 tailored to the individual needs of the victim they
7 are working with. Next slide?

8 Our response is well documented and
9 codified in our victim assistance policy. General
10 Patton has previously provided the Panel our major
11 policy requirements, and I've highlighted the major
12 requirements specific to victim assistance on slide
13 seven and eight. And we'll highlight several of
14 the key separate policy requirements for you now.

15 The first that I want to focus on, the
16 SAPRO policy, is to remind the Panel that the SAPRO
17 policy is focused on the victim and helping to make
18 that person as whole as possible, and to help
19 prevent secondary victimization by the system.
20 Additionally, every sexual assault case is treated
21 as an emergency case, which means emergency care is
22 not optional, even when there's no apparent injury.

1 Safety assessments, oversight of victim
2 safety, the formation of high-risk response teams,
3 and the monthly case reviews all work together to
4 ensure the Sexual Assault Response Team members are
5 communicating effectively and coordinating
6 effective care for the victim. This also helps
7 ensure we are meeting the needs for the victim's
8 safety and security, and that they are being
9 reasonably protected. Next slide?

10 We have continued to progress sexual
11 assault prevention and response training for
12 Department of Defense personnel that includes
13 specific categories of training intended to
14 increase a service member's knowledge about sexual
15 assault. We also have specialized training
16 requirements for judge advocates, law enforcement,
17 criminal investigators, and commanders. Next
18 slide?

19 Major program initiatives. I will now
20 highlight the major program initiatives. The first
21 initiative I want to talk about are the ongoing
22 collaborative efforts we have with the Department

1 of Justice Office of Victims of Crime. The first
2 initiative actually began in 2008 with the
3 development of a training curriculum for civilian
4 rape crisis center victim advocates who are located
5 near military installations and bases. This
6 training curriculum is called Strengthening
7 Military Civilian Community Partnerships to Respond
8 to Sexual Assault. And for the last three years,
9 we have a joint training team consisting of a SARC,
10 judge advocate, and a civilian rape crisis center
11 victim advocate providing regional trainings around
12 the country.

13 Additionally, we have also collaborated
14 with the Office of Victims of Crime in the
15 development of an advanced victim advocacy online
16 training course for SARCs and VAs. This is an
17 interactive and web-based training course. It's
18 expected to launch in 2014 and will meet
19 certification program standards for continuing
20 education. Next slide?

21 The next major program I want to talk
22 about is the Department of Defense Safe Helpline.

1 The Safe Helpline is administered through a
2 contract with the Rape, Abuse, Incest National
3 Network, RAINN -- also known as RAINN -- the
4 Nation's largest anti-sexual violence organization
5 in the country. The Safe Helpline was developed
6 based on research and in collaboration with the
7 military services and other agencies, such as the
8 Department of Veterans Affairs. Safe Helpline
9 staff have helped over 16,000 people through one of
10 the Safe Helpline services offered, and over 2,000
11 people received information provided on the Website
12 safehelpline.org.

13 The Safe Helpline was created to provide
14 additional channels for adult service members to
15 seek one-on-one sexual assault assistance and
16 crisis support tailored to their individual needs,
17 securely and anonymously. Research indicates when
18 sexual assault victims receive the needed care,
19 that system confidence builds, which increases the
20 likelihood victims will report the crime to law
21 enforcement. Users can access confidential support
22 anonymously from anywhere in the world by accessing

1 safehelpline.org. Here visitors can receive
2 information, referral contact phone numbers, and
3 they can provide us with feedback directly. The
4 other services available include a telephone
5 helpline, an online chat helpline, and a texting
6 referral service where victims can text their
7 requests for a referral contact phone number.

8 Our responder administration website can
9 search our extensive database for the nearest SARC
10 in any location. We have also developed a mobile
11 application, and most recently we launched a Safe
12 HelpRoom. And I will talk more about these
13 services on the following slides.

14 The telephone hotline has helped over
15 7,000 people since it launched, and the telephone
16 helpline provides crisis support for the DoD
17 community. We can offer a visitor a warm handoff
18 transfer to either a sexual assault response
19 coordinator, someone at Military OneSource, the
20 National Suicide Prevention Lifeline, and a
21 civilian sexual assault service provider.

22 The Safe Helpline staff, to give you a

1 little bit of background about them, we have
2 approximately 80 Safe Helpline staff. Most of them
3 are part-time who work out of RAINN's office in
4 Washington, D.C. They have to complete
5 approximately 70 hours of training on sexual
6 assault, and the military, and the neurobiology of
7 trauma. They participate in monthly in-service
8 trainings and receive clinical supervision and
9 ongoing support from professional supervisors. And
10 they also have to complete a background check.

11 We perform -- one of the duties of the
12 Safe Helpline staff in addition to assisting the
13 visitors is they perform semi-annual audits of all
14 the phone numbers in the responder database to
15 ensure they're accurate.

16 The next slide I'll talk about is the
17 online helpline. And this helpline allows users to
18 receive live one-on-one confidential help with a
19 trained professional through a secure chat forum.
20 It leverages RAINN's groundbreaking hotline that
21 was launched in, I think, 1994. And that hotline
22 was the first and only one of its kind to serve

1 members of the military community in a secure
2 online environment. And with the online helpline,
3 we have helped over 4,000 people.

4 I want to stress that this is a secure
5 application, and it is a secure environment because
6 we are -- we wanted to ensure that this would be an
7 anonymous service and that it would be
8 confidential. So there are no IP addresses stored
9 or collected. The application obscures the
10 connection between the user and the staff, and
11 there is no personally identifying information
12 collected or solicited.

13 We have stringent privacy and
14 confidentiality protections built in. The
15 transcripts of sessions -- all the sessions are not
16 stored, and we have a layered user agreement and
17 privacy policy that these visitors have to agree to
18 before they can begin their session. All sessions
19 are monitored by supervisors and have the capacity
20 to transfer when needed. Next slide.

21 The Safe Helpline mobile app is designed
22 specifically for military sexual assault survivors.

1 It enables users to connect with live sexual
2 assault response professionals via phone or
3 anonymous online chat from their mobile devices.
4 Users can also navigate transition-related
5 resources, for example, disability assistance,
6 medical benefits, housing help, and employment
7 assistance, or search for resources near their base
8 or installation.

9 Additionally, users can manage the short-
10 and long-term effects of sexual assault. The app
11 contains the option for users to record their
12 current emotional state and create a tailored self-
13 care plan that can be stored for future reference
14 and access without Internet connection. Users can
15 access the Safe Helpline free from anywhere in the
16 world by using the application's voice over
17 Internet feature, and the mobile application is
18 free.

19 Our final feature of the Safe Helpline is
20 the Safe HelpRoom. The Safe HelpRoom is our most
21 recent initiative with the Safe Helpline, and the
22 goal of the Safe HelpRoom is to -- for the Safe

1 HelpRoom to allow survivors to connect with one
2 another in a moderated, secure online environment
3 through the Safe Helpline website. The Safe
4 HelpRoom is built on the same platform as RAINN's
5 online hotline technology, and we have had over 100
6 sessions since it launched in April.

7 The Safe HelpRoom is the first secure
8 moderated online peer support service for survivors
9 of sexual assault. And the reason that we launched
10 this service was because of the feedback we
11 received from the Safe Helpline users. They
12 desired peer support, and we could not find a
13 confidential, secure forum to refer them to.
14 Survivors currently use social networking to
15 disclose their experiences and connect peers to an
16 unsecured manner. So the Safe HelpRoom provides an
17 alternative to unmonitored, inaccurate message
18 boards, chat services that may pose risk to a
19 user's privacy, interfere with criminal
20 prosecution, or negatively impact a user's
21 emotional health.

22 Research. The technology-enhanced

1 interventions on -- are effective in maintaining
2 treatment gains, and we've learned that through
3 some of the research that we did with Dr. Jerry
4 Finn out of the University of Washington.

5 So the final program I want to highlight
6 today is the DoD Sexual Assault Certification
7 Program, also known as D-SAACP because we don't
8 have enough acronyms. So the certification program
9 was launched in 2012 through a contract with the
10 National Organization for Victims' Assistance,
11 NOVA. NOVA is the Nation's oldest sexual -- well,
12 actually the Nation's oldest victims of crime --
13 victim assistance organization in the country. And
14 they are very well-respected and have a lot of
15 credibility. They've developed national standards,
16 and they have been very, very helpful to us in
17 establishing the certification program.

18 So we have been able to certify more than
19 22,000 SARCs and SAPR VAs through the certification
20 process. That is ensuring that we are complying
21 with the NDAA mandate to have victims offered the
22 services of a trained and certified sexual assault

1 prevention and response victim advocate and a SARC.

2 So the goals for the program is to provide
3 quality response to victims and survivors. We want
4 to deliver standardized advocacy and assistance by
5 trained professionals and enable the SARCs and
6 victim advocates to enhance military readiness with
7 standardized and effective training; mitigate the
8 impact of sexual assault on the military units with
9 informed commanders and leaders who actively
10 participate in victim assistance efforts; and build
11 on the expertise and infrastructure from the
12 civilian advocacy community.

13 D-SAACP is codified in law and policy, and
14 the services are required to offer victims'
15 assistance from a D-SAACP-certified SARC or victim
16 advocate.

17 Let me go back one slide. I'm sorry.

18 I want to talk a little bit about the
19 foundation and how we developed the certification
20 program. This was developed in collaboration with
21 the civilian subject matter experts from the Office
22 of Victims of Crime, NOVA, the National Advocate

1 Credentialing Program, and the National Victim
2 Assistance Standards Consortium.

3 And we wanted to identify qualities
4 required in a quality SARC and SAPR VA. And the
5 certification process helped us identify the
6 knowledge, skills, and attitudes required of a
7 victim assistance person that they would have to
8 demonstrate in order to perform these duties. It
9 incorporates a code of ethics and defines
10 professional standards of conduct.

11 The certification process begins with the
12 completion of the Department of Defense Form 2950,
13 which goes to NOVA for processing. The applicants
14 have to sign a Code of Professional Ethics. There
15 are two letters of recommendation required from the
16 SARCs commander and from the SAPR VAs, and an
17 additional recommendation from the SARC or the SARC
18 supervisor. A background check is completed
19 through the National Agency Check, and we have an
20 experience evaluation form required to be completed
21 for levels two through four.

22 Recertification is also required after two

1 years with 32 hours of continuing education. And
2 certifications may be revoked for failures to meet
3 program standards or misconduct. Next slide?

4 So now, I'll briefly review the
5 certification levels. Level one is required in
6 order to serve as a SARC or a SAPR VA. They have
7 to have received the approved training. NACP pre-
8 approves the services training. They have to show
9 proof of completion of that training, and they have
10 to submit the letters of recommendation I just
11 talked about. And experience at a level one is not
12 required.

13 For level two -- this is for the full-time
14 SARCs and SAPR VAs -- they have to have 3,900
15 hours, which works out to approximately two years
16 of sexual assault victim advocacy experience and
17 training. And they also have to have the letters
18 of recommendations, and the evaluations are
19 required to be completed by their supervisors. For
20 level three, that level of experience increases to
21 7,800 hours, and a level four it increases to
22 15,600 hours. Next slide?

1 Here is some feedback we received from two
2 of our certified SARCs about the program, and I'll
3 just give you a minute to read those. Okay, next
4 slide.

5 I also wanted to highlight some key
6 initiatives that have been completed and those
7 currently in progress. You can see that our
8 programs and initiatives continue to build upon
9 each other and move forward. Instead of going
10 through each one of these, I'd like to focus your
11 attention on the Completed Enhanced Training
12 Initiative.

13 Services are currently implementing core
14 competencies and learning objectives for SARCs and
15 SAPR VAs that are built upon civilian best
16 practices and lessons learned. They include eight
17 core competencies spanning the stages of response
18 that requires the SARC and victim advocate to
19 demonstrate their knowledge, skills, abilities, and
20 attitudes in delivering victim services. Next
21 slide?

22 I attended the Safe Helpline refresher

1 training this past weekend where I saw this
2 bulletin board covered in Post-it notes containing
3 encouraging feedback from Safe Helpline visitors.
4 Each one of these notes represents a person that
5 was helped. Next slide?

6 Our policies and programs and initiatives
7 are only as good as the systems in place and the
8 people that execute them. Victim assistance is, in
9 a nutshell, all about helping people. And this
10 concludes my presentation.

11 CHAIRMAN JONES: Thank you very much, Ms.
12 Stebbins Inch, unless there are any questions?

13 BRIGADIER GENERAL (RET.) DUNN: May I ask
14 just one?

15 CHAIRMAN JONES: Sure, General Dunn.

16 BRIGADIER GENERAL (RET.) DUNN: I have one
17 question. I know, Ms. Stebbins Inch, that you have
18 been involved in victim advocacy at least since
19 1996. You know, we know how highly trained you
20 are. I am really interested in just your personal
21 assessment of, you know, are we moving forward and
22 your level of confidence that this is really making

1 a difference. I'm just very interested in your
2 personal perspective.

3 MS. STEBBINS INCH: Well, thank you. I
4 appreciate that. I'd have to say absolutely
5 wholeheartedly, having worked this beginning in
6 1996 and helped so many military victims through
7 the military justice process, sitting in defense
8 counsel interviews, sitting in judge advocate trial
9 counsel interviews, attending the criminal
10 investigative interviews, escorting them to mental
11 health appointments, advocating on their behalf
12 with the commanders. Looking at that situation
13 from 1996 until what it looks like now, I would
14 have to say we have made so much progress.

15 And the command emphasis is tremendous on
16 this right now, and I believe that my assessment
17 would be that we have made tremendous progress.
18 The game changer in my mind would be the
19 availability of attorneys for the victims right now
20 from a victim assistance perspective. That is
21 going to provide them with someone that is in a
22 position of authority to help them with -- exercise

1 their rights throughout the entire process.

2 MS. FERNANDEZ: As a quick follow-up to
3 that, do you see the fact of victims' rights are
4 not enshrined in the UCMJ as a problem in really
5 upholding victims' rights in the military?

6 MS. STEBBINS INCH: Yes, I think they
7 should be in Title 10. And the reason for that is
8 because there's about 23 constitutional rights for
9 the accused, and victims do not have any
10 constitutional rights. So all they have are these
11 eight rights that we -- the Department has right
12 now in policy does not currently reflect the --
13 even the 2004 Justice for All Act, victims' rights.

14 So I know we're moving towards embedding
15 that in our policy, but I think that the
16 enforcement would be more consistent across the
17 services at the installations and bases if it was a
18 legal right in Title 10.

19 COLONEL (RET.) COOK: Following up on that
20 as well -- thank you for being here this morning
21 for both of you. General Patton and Ms. Stebbins,
22 you both mentioned the legal representation for the

1 victims. And we already have a victim witness
2 liaison, but the liaison is not necessarily an
3 attorney, and they're not -- there's no
4 confidentiality, as you've already mentioned.

5 Can you -- I know that it's still under
6 development, but this expansion to improve the
7 legal support and to actually assign a legal
8 representative to the victim. How is that going to
9 change what the victim liaisons are doing, or does
10 it just become what the role used to be? And what
11 are the rights or how far is that going to go? I
12 know they're going to have the opportunity to have
13 a say in the post-trial. But how far are those
14 rights going to extend as a result of this new
15 initiative?

16 MS. STEBBINS INCH: Well, I think I can
17 answer just the first part of that, and that is the
18 victim witness liaison is not able to represent the
19 victim at all. There is no privileged
20 communication. There is no confidentiality, and
21 they do not have any ability to advocate on their
22 behalf in things like rape shield.

1 COLONEL (RET.) COOK: No, I think the
2 initial intent for the victim liaison was to
3 explain the processes they were going to go
4 through --

5 MS. STEBBINS INCH: Exactly.

6 COLONEL (RET.) COOK: -- to take some of
7 -- you know, it's to provide them a source of
8 knowledge for somebody that was just -- to say,
9 look, this is what you're going to expect, this is
10 what's going on next. But it wasn't to advise them
11 or to represent them.

12 MS. STEBBINS INCH: Right.

13 COLONEL (RET.) COOK: That's what I
14 understand is changing.

15 MS. STEBBINS INCH: Well, I think I --
16 that might be a question to ask the services. I'm
17 not exactly sure what that's going to look like and
18 how that will unfold in the field. And General
19 Patton might be able to expand on that.

20 COLONEL (RET.) COOK: Do you know, even in
21 your realm, is the victim liaison going to go away
22 because now there is this person who will be able

1 to help them so much further?

2 MS. STEBBINS INCH: They're a member of
3 the Special Victims' Capability Team, so I don't
4 envision that they would go -- ever go away. If
5 anything, they should be -- in my opinion, I think
6 their role is a very valuable role. And I think
7 they should be -- there should be some full-time
8 victim witness liaisons within the system to help
9 them progress that role with the victims.

10 COLONEL (RET.) COOK: Then does that mean,
11 just for my understanding, that there could be a
12 victim witness liaison to each person who is a
13 victim of a crime and a victim representative?

14 MS. STEBBINS INCH: Correct.

15 COLONEL (RET.) COOK: Okay.

16 MS. STEBBINS INCH: They would have both.

17 COLONEL (RET.) COOK: Sir?

18 MAJOR GENERAL PATTON: I think the best
19 way to characterize that would be to say that the
20 victim witness liaison remains primarily an
21 informational role, and the special victims'
22 counsel is in a representative role and

1 representative in all the different venues of, you
2 know, for military justice, such as, you know,
3 starting with investigative interviews, defense
4 counsel interviews, and so forth. And so, I think
5 that it would be a good thing to delve into with
6 the service representatives here this afternoon as
7 to the -- you know, again, we have implemented
8 fully for the Army and the Navy this capability.
9 We have for the Air Force. So I think it would be
10 a good question to ask them what lessons they may
11 have learned with those two functions as they've
12 put this Special Victims' Counsel Program in place.

13 You asked about victims' rights, and I
14 think you referenced one, and that is the right for
15 a victim to be able to provide input into the
16 convening authority during the post-trial action
17 phase. That is a victim right that our DoD General
18 Counsel has drafted up a proposed change for an
19 executive order for a change to the *Manual for*
20 *Court Martial*. There are a number of other victim-
21 related issues as part of that recommendation, and
22 so I would ask the Panel -- well, we can provide

1 that information via the -- our DoD General Counsel
2 as to what -- all the elements with regard to
3 victims' rights that have been recommended for the
4 change in the *Manual for Court Martial*.

5 With regard to the expansion of victims'
6 rights, there is an initiative under way right now.
7 It was directed by Secretary Hagel back in May of
8 this year. It's coming due here in the coming
9 weeks. And it's an assessment by the Office of
10 General Counsel to DoD in terms of looking at
11 victims' rights and aligning military justice
12 practice with the Crime Victims' Rights Act. And
13 that is an active task. It's near completion, and
14 it's one that we should be hearing back from --
15 reporting back from the General Counsel in the
16 coming weeks.

17 COLONEL (RET.) COOK: Since you'll have
18 greater access to that or more immediate access to
19 that, then we will -- when that is finished, would
20 you please make sure that he does get a copy to the
21 staff -- this Panel?

22 MAJOR GENERAL PATTON: I'll take that back

1 for our General Counsel as a request from the
2 Panel.

3 COLONEL (RET.) COOK: Thank you.

4 MAJOR GENERAL PATTON: Thank you.

5 CHAIRMAN JONES: Thank you both, General
6 Patton, Ms. Stebbins Inch.

7 CONGRESSWOMAN HOLTZMAN: Madam Chair?

8 CHAIRMAN JONES: Yes, a question? Sure.

9 CONGRESSWOMAN HOLTZMAN: Just a couple.
10 One is, do you do a victim satisfaction survey or
11 analysis? Is that part of your --

12 MS. STEBBINS INCH: Not at this time, but
13 we do receive input from victims. We have -- at
14 the DoD SAPRO level, we have already conducted
15 three survivor summits to receive input from
16 victims, and I know the services are implementing
17 similar things in order to hear from victims. An
18 official survey we have not instituted yet.

19 CONGRESSWOMAN HOLTZMAN: Would there be
20 some way of assessing the satisfaction of victims?

21 MS. STEBBINS INCH: Well, there are
22 questions on the Gender Relations Survey that go to

1 victim satisfaction. And I don't know the plans on
2 that. General Patton might be able to elaborate.

3 MAJOR GENERAL PATTON: We can provide the
4 Panel the results that we've seen in the Workplace
5 and Gender Relations Survey asking specific
6 questions -- you know, if you've been victimized by
7 sexual assault in the past year, how would you rate
8 certain things, you know. One of them is the
9 response of the healthcare system. Another one is
10 how you were treated and cared for your SARC and
11 VA, and those sorts of things. And we have those
12 in the Workplace and Gender Relations Survey that
13 we do look at.

14 CONGRESSWOMAN HOLTZMAN: Do you think that
15 it should be more generalized or more systematic?

16 MAJOR GENERAL PATTON: Pardon me?

17 CONGRESSWOMAN HOLTZMAN: Should it be more
18 systematic, the effort to assess victim
19 satisfaction?

20 MAJOR GENERAL PATTON: There is a -- I'll
21 just say a program under development by our
22 Department of Defense Inspector General to develop,

1 in concert with the services, a specific victim
2 satisfaction survey. I'll just say it's under
3 development. We've had a hand in some of the data
4 elements for that. But the application and how it
5 would be administered is something that's still
6 being worked out between the IG and the services.

7 And so, I think from SAPRO's perspective,
8 that is something that we would want to have in the
9 field and be administered, but we don't have that
10 currently. It's something that we're working with
11 the IG and the services to kind of get to the final
12 phase for that implementation.

13 CONGRESSWOMAN HOLTZMAN: Thank you very
14 much. I just had one or two quick questions on the
15 rape evidence kit. When does that come into the
16 process? If there's a restricted report made, is
17 there some effort to get evidence taken at that
18 point?

19 MS. STEBBINS INCH: Yes.

20 CONGRESSWOMAN HOLTZMAN: What's the
21 protocol with regard to that?

22 MS. STEBBINS INCH: For restricted

1 reporting, victims have the ability to have SAFE
2 Kit, Sexual Assault Forensic Evidence Collection
3 Kit taken and stored anonymously.

4 CONGRESSWOMAN HOLTZMAN: And what
5 percentage of times -- of cases where you have a
6 restricted report are rape evidence kits generated?

7 MS. STEBBINS INCH: I don't have that data
8 right here. I think that's something we can get
9 back to you on if we have it. I'm not sure if we
10 do. I don't know if --

11 CONGRESSWOMAN HOLTZMAN: And in your
12 experience personally handling all these cases with
13 victims, why are they reluctant to switch to a non-
14 restricted report?

15 MS. STEBBINS INCH: To an unrestricted
16 report? Well, we know that for the reasons why
17 victims don't report, the number one reason 70
18 percent in the survey said is because they don't
19 want anybody to know. So the benefit of having the
20 restricted reporting option is that it gives them
21 availability and an avenue into getting the care
22 that they need. And that may be the very first

1 step they take in going into an unrestricted
2 report, because if we can meet their needs at that
3 early stage and get them into the counseling that
4 would help to deal with whatever is going on with
5 them, we're more likely to get them into the
6 unrestricted report. But there are some people
7 that may never go unrestricted, and we always want
8 to have the ability to offer them care in a
9 confidential setting.

10 CONGRESSWOMAN HOLTZMAN: I'm not being
11 critical. Thank you very much for your --

12 MS. FERNANDEZ: A follow up to that, Madam
13 Chair? With regards to the rape kits, in the
14 civilian system we've had a lot of problems with
15 rape kit backlogs. So the information isn't
16 tested, and, therefore, the information is not put
17 into any kind of database. Is there any corollary
18 to that in the military system, or are you taking
19 the evidence, testing it, and entering the data
20 into a database?

21 MS. STEBBINS INCH: Well, I know we report
22 in our annual report if the victim's care was

1 hindered because they didn't have access to getting
2 a safe kit. How the process works, I don't have
3 that information with me exactly. In the anonymous
4 reports, restricted reporting, obviously they're
5 not going to be moved forward unless the victim
6 chooses to go unrestricted. They'll be stored
7 anonymously at that point.

8 For the unrestricted cases, we would need
9 to get back to you on exactly what the process is
10 to answer your specific question.

11 MS. FERNANDEZ: I'm just saying the DNA
12 may be valuable in figuring out if you've got a
13 serial perpetrator. And even in the anonymous
14 situations it would be interesting to have that
15 information put into a database sort of that you
16 can check and see if this is somebody who has come
17 up before.

18 MS. STEBBINS INCH: Yes, absolutely.
19 Well, we can check and get that information back to
20 you.

21 BRIGADIER GENERAL (RET.) MCGUIRE: Madam
22 Chair, I have a question as well for Ms. Stebbins

1 Inch. Of the number that are restricted reporting,
2 how many end up becoming unrestricted?

3 MS. STEBBINS INCH: I think over time our
4 trend has been on average 17 percent have
5 converted, if I'm remembering correctly.

6 MAJOR GENERAL PATTON: Yeah. Metric 4 I
7 think gives you a pretty good -- at least for the
8 years that we've had the dual reporting, I mean, 15
9 percent is what we've used as our standard.

10 BRIGADIER GENERAL (RET.) MCGUIRE: What's
11 usually the reason?

12 MAJOR GENERAL PATTON: When the report
13 conversion is made, what we end up with is
14 generally a breakout of 25 percent of the total
15 reports being those that remain restricted and 75
16 percent of those that are then -- you know, the
17 total unrestricted. Twenty-five, 70 percent -- 75
18 percent has been the historic split, and then 15
19 percent were the ones of the restricted reports
20 that were converted to unrestricted.

21 BRIGADIER GENERAL (RET.) MCGUIRE: And do
22 we have any idea what prompted that change, I mean,

1 in that -- why they would go unrestricted?

2 MAJOR GENERAL PATTON: Say again, please?

3 BRIGADIER GENERAL (RET.) MCGUIRE: So do
4 you have any idea of those that went from
5 restricted to unrestricted, what was the catalyst
6 or the reason why they opted to go unrestricted?

7 MAJOR GENERAL PATTON: Well, I think
8 anecdotally we'd say that -- I mean, it's always a
9 personal decision. I have talked to survivors in
10 my recurring summits and asked them that question.
11 I've had some fall into that category. For some
12 it's a point that they reached a point of recovery
13 and felt that they have allowed sufficient space
14 between the time of the crime and that point in
15 time when they were -- felt they were comfortable
16 with moving forward. And what gives them that
17 comfort? In some cases it's a desire to seek
18 justice. In other cases it's to bring their report
19 forward so that others -- so that perpetrators can
20 be held accountable.

21 One woman I talked to as a survivor in the
22 Navy, a Navy non-commissioned officer felt -- I

1 always ask them do you feel you made the right
2 decision. In her case she said, I did because
3 after I came forward, several other women in my
4 same unit came forward with a similar report. And
5 so, there's that's the sense of bringing their case
6 to justice and allowing others to do the same.

7 So there are a lot of different
8 motivations. I think it's purely a personal
9 decision based on where the survivor is at that
10 point in time. But one of the more prevalent
11 reasons is the desire to seek justice and bring
12 perpetrators to justice so others are not -- others
13 are not victimized as well.

14 CHAIRMAN JONES: All right. Last
15 question, Professor?

16 PROFESSOR HILLMAN: Thank you. If you
17 could look at your -- Ms. Stebbins, and your
18 presentation is really valuable to us. One of your
19 charts I have a question on. It's chart six which
20 is about the restricted reports, which we focused
21 on as one of the key indicators of understanding
22 the interaction of victims with the responses that

1 we're providing.

2 That chart shows that only three of all
3 those potential recipients of a report can accept a
4 restricted report. I'm trying to make sure I
5 understand what that means because I also know that
6 the last -- the Special Victims' Advocacy Program
7 attorneys sometimes help convert a restricted
8 report to an unrestricted report. So how does that
9 person get involved in the process if they cannot
10 receive a restricted report?

11 MS. STEBBINS INCH: Right. So the people
12 that are in blue can all talk to the victims, and
13 the victims can take -- give a report to them. And
14 if the victim indicates that they would like to
15 make an official report, let's say, with a
16 chaplain, to talk to the chaplain. So if the
17 victim decides that they would like to go and make
18 an official report, the chaplain will go to the
19 SARC, and the SARC has a form called the Initial
20 Preference Statement. And in that form, they go
21 over all the pros and cons of making a restricted
22 versus an unrestricted.

1 So only these three people can actually do
2 that with the restricted report. Everybody else in
3 blue, like the Special Victims' Advocacy Program
4 attorney, they have -- this one in particular has
5 privileged communication because this would be the
6 victim's attorney. So if they're talking to a
7 victim and the victim discloses that they were
8 sexually assaulted and they would like to make a
9 restricted or unrestricted report, they will get
10 them to the SARC, and the SARC will fill out the
11 form, and they would complete that process.

12 PROFESSOR HILLMAN: So anyone on the list
13 could initially get a report that would end up
14 being restricted?

15 MS. STEBBINS INCH: The Special Victims'
16 Advocacy Program attorney and the chaplains.

17 PROFESSOR HILLMAN: Okay. So there is --
18 there's not a bright line between -- in other
19 words, the report gets channeled to the SARC to
20 make a decision to actually officially categorize
21 the report.

22 MS. STEBBINS INCH: Yes. And the SARC

1 will be called in every single instance where the
2 victim --

3 PROFESSOR HILLMAN: Okay. So the SARC is
4 the node to which all of those go. I'm just trying
5 to make sure that we're clear on how the restricted
6 report is processed so that I at least can
7 understand what that means, that the report comes
8 in restricted. Okay, thank you.

9 MS. STEBBINS INCH: You got it.

10 CHAIRMAN JONES: Thank you both very much.
11 We're going to now move to an overview of
12 the victim service programs by each of the
13 services.

14 Well, I've failed as a leader, ladies and
15 gentlemen. We're missing a few Panel members, so I
16 guess we'll wait about five minutes.

17 (Whereupon, a recess was taken.)

18 CHAIRMAN JONES: All right. Thank you all
19 for coming, and I'd like to begin with Major
20 General Woodward from the Air Force, who is the
21 Director of the Sexual Assault Prevention and
22 Response Office in the Air Force.

1 MAJOR GENERAL WOODWARD: Well, thanks,
2 ma'am, and I'll apologize. I'm going to be talking
3 right off the top of my head because we were told
4 not to have a prepared statement. So I apologize.

5 CHAIRMAN JONES: Oh, please don't
6 apologize. That's fine.

7 MAJOR GENERAL WOODWARD: That's
8 probably --

9 CHAIRMAN JONES: We've all done that,
10 yeah.

11 MAJOR GENERAL WOODWARD: If I ramble, I'll
12 just apologize up front. But I really appreciate
13 this opportunity to share what we're doing and,
14 most importantly, if I can, what I've learned over
15 the last four or five months of really taking a
16 look at this and delving into it.

17 Our perspective as we launched into this
18 was to try and delve deeply into the issue and talk
19 to our airmen who we believe have a much better
20 understanding of it than we in the leadership level
21 do. And in that, we've conducted focus groups
22 around our Air Force. I've met with about 1,500

1 airmen from the youngest ranks all the way through
2 our commanders, including our SARC teams, first
3 responders, and our survivors.

4 And what I've learned from them -- we've
5 also launched a blog that's still ongoing where we
6 have an ongoing dialogue with folks across the Air
7 Force on a wide range of topics related to sexual
8 assault prevention and response. Certainly we've
9 learned there's an awful lot of misperceptions out
10 there by folks in our airmen community. We
11 actually see an awful lot of victim blaming usually
12 proceeded by "I'm not victim blaming, but." And
13 that's all because they're people who are very well
14 intentioned, but we all tend to look at things from
15 different perspectives.

16 So as commanders, we tend to look at
17 things for how do I protect my airmen, and we try
18 to put in policies and procedures to protect our
19 airmen. And in doing that, unfortunately sometimes
20 from the airmen perspective, who turns around and
21 is unfortunately sexually assaulted, then they feel
22 I didn't do what my commander told me to, I wasn't

1 able to prevent this assault. And we have to
2 understand that really delicate nuance in the
3 problem.

4 But mostly what I found out is our airmen
5 want to be involved in fixing this problem, and
6 they want to talk about it. And I think that that
7 conversation that you all are actually a part of is
8 incredibly important to solving this problem, is
9 bringing this out of the closet, if you will, and
10 not just in the military certainly, but across our
11 society, and really having a conversation about
12 this on a deep level.

13 You know, what we have assessed is the
14 reason the problem hasn't been fixed is obviously
15 it's incredibly complex. And one of the things
16 we've been doing is dealing with it like we would
17 anything else force-on-force. We've been trying to
18 attack this head on. And I think as we've looked
19 at it, we think a lot more nuanced approach is
20 required, more similar, if you will, if I can make
21 the analogy to a counterinsurgency strategy.

22 We recognize that there's this incredibly

1 small percentage of perpetrators in our ranks who
2 are able to hide within the ranks and flow through
3 it. And what we really need to do is better
4 educate and have a better understanding for our
5 entire populace, and get the populace on our side
6 to turn against this small number of insurgents in
7 our ranks.

8 And so for that, we in the Air Force have
9 developed an end state that we're looking for in
10 the climate that all of our airmen are able to
11 support an environment where victims -- the rare
12 number of victims we have who are willing to come
13 forward and report and don't fear ostracization
14 from their peers, don't fear any reprisal, and
15 there's an environment where literally there's no
16 self-blame associated with being a victim.

17 To do that, we've laid out three
18 objectives that we think are very important, and
19 the first one is that we need to hold our
20 perpetrators fully accountable. We can't do that
21 unless we have victims coming forward. And that's
22 why, as you heard earlier in General Patton's

1 remarks about our reporting numbers going up is we
2 think that that's an important step in this because
3 we want to increase that confidence level. We want
4 a much higher percentage of our victims comfortable
5 with coming forward and reporting the crime, and
6 taking it forward through the investigation and
7 court process so that we can hold these
8 perpetrators accountable.

9 And then the third objective is everything
10 that goes into creating that climate of dignity and
11 respect that enables the first -- that enables us
12 to remove any sexual harassment environments in our
13 force, that enables us to have airmen that
14 understand what they need to do to support their
15 fellow airmen if they are victims of this crime.

16 We need a force that is empathetic towards
17 victims and understands a great deal more of the
18 dynamics of the crime. And that's part of the
19 climate that we are seeking to create, mostly, to
20 be honest with you, through education, because we
21 find that that's a very key piece of this is that
22 when I talk to these focus groups. For instance, I

1 will start with a group and ask them to raise their
2 hand if they know someone very closely who has been
3 a victim. When I have a group that has a -- and
4 usually it's the younger groups where more of them
5 raise their hands. That group tends to be much
6 more understanding of the crime, understanding of
7 what it takes to support victims, and understanding
8 of what it takes to hold the perpetrators
9 accountable. So I think that understanding of what
10 our victims are experiencing and being able to
11 support them through the prosecution is an
12 incredibly important part of this.

13 We're very proud of our SVC Program, which
14 I know you'll hear a great deal more about in
15 another panel, so I won't go into that. But I will
16 tell you that we believe that that has been a game
17 changer and is an important thing to the victims
18 that we have spoken to so far. And we'd like to go
19 ahead and grow and continue that program certainly.

20 And I know I've probably gone on for
21 longer than I should for opening remarks, but thank
22 you for this opportunity.

1 CHAIRMAN JONES: Thank you, General.
2 Admiral Dollymore?

3 REAR ADMIRAL DOLLYMORE: Good morning,
4 Judge Jones and distinguished panelists. Thank you
5 for allowing myself and my colleague sitting beside
6 me, Ms. Shawn Wren, who is our Sexual Assault
7 Prevention Program Manager.

8 I'm also going to take -- be brief and
9 take more of a conversational, different approach
10 with the Panel because I've certainly seen all the
11 requests coming from the Panel about huge amounts
12 of information. General Patton just did an amazing
13 job this morning giving you a huge outline of the
14 Department of Defense efforts.

15 So to start, I'll give you a little
16 context. The Coast Guard is a military service.
17 It's a member of the armed forces, but under the
18 Department of Homeland Security, not the Department
19 of Defense. It's quite a small service more the
20 size of the New York City Police Department, but
21 yet it's the small service that can. And the
22 amazing amount of missions that the Coast Guard

1 does really around the world is quite amazing.

2 We're small and we're also quite
3 dispersed, which is a challenge for us as we look
4 towards delivering services for victims. And so
5 with that context, let me give you a little
6 background on myself.

7 Sean is our Program Manager. I'm the
8 Director of Health, Safety, and Work Life, which
9 includes behavioral health and family services for
10 the Coast Guard, so I'm a three-fer for the Coast
11 Guard. I'm actually a public health service
12 officer.

13 And I'm a physician, so I come at this
14 from a little bit different perspective. And my
15 responsibilities are to look at the organic medical
16 system for the Coast Guard, coordinate the TRICARE
17 benefit, which is where we get a lot of our
18 services for our members with our colleagues in the
19 Department of Defense. I'm also the Safety Officer
20 for the Coast Guard, and I and deal with mishaps.
21 And lastly, the Work Life Services, which are a
22 huge panoply of family services are also under my

1 oversight.

2 And I say that because to set the context
3 for you, we have approached this problem slightly
4 differently because of our makeup in the field are
5 -- we don't have installations. We have few
6 installations across the United States. A lot of
7 Coast Guard folks are embedded in small towns and
8 small communities in the United States.

9 So we have used a group of professionals
10 to give victim services that come from our employee
11 assistance, our family advocacy. And so, we have
12 always kind of looked at this from a team
13 perspective. And even as we now take more direct
14 action to bring specialists, SARCs, into the field,
15 we will continue to look at this as a behavioral
16 health team.

17 And I want to -- that's my main point in
18 my opening today is that the lack of reporting is
19 really critical. It's really important. We need
20 to get folks to be able to come forward. And as a
21 doctor, I see a lot of synergy or a lot of
22 parallels between some other issues that we deal

1 with both as physicians in the military and outside
2 the military.

3 And what I'm talking about is stigma.
4 It's stigma. People are ashamed to come forward.
5 People are ashamed to come forward and say they
6 have a drinking problem. People are ashamed to
7 come forward and say they're depressed. People are
8 ashamed to come forward and reveal they've got
9 family violence or other issues going on in their
10 home.

11 We deal with this in many different
12 parallels, and as I approach it as a doc, I include
13 and think of this problem kind of in a bigger
14 context because I really do -- you've already heard
15 multiple times -- we've talked about the importance
16 of this issue of reporting. We need to get folks
17 to feel comfortable to come forward and report.
18 And I see similar issues with how we get people to
19 come forward and not be ashamed about their
20 drinking or substance abuse or their depression.

21 So stigma is a big issue, and across our
22 mission set we have made a huge effort, led by our

1 Commandant, Bob Papp, about reducing stigma.
2 Again, we take a lot of best practices from the
3 Department of Defense, so we've used Mr. Panetta's
4 line, "It's okay not to be okay." A lot of our
5 employee assistance we've revamped significantly to
6 look at -- we call it CG support, and to present it
7 to people both as an enhancement and a help, which
8 I think is an important way to fight stigma as well
9 as have leaders talk about stigma and come forward,
10 and talk about the fact that it's important for any
11 of us when we face trouble in life to come forward
12 and get help.

13 So I'm passionate about that, and as we
14 build our program for sexual assault, we are doing
15 it in a team approach. And we feel that improving
16 victim confidence, the phrase that General Patton
17 used this morning, it's just really critical.

18 The other last thing I'll talk about kind
19 of from a doctor standpoint is what I call care
20 continuum, and a lot of these points have been made
21 today. We have a small but significant percentage
22 of members entering our service who have been

1 assaulted. We need to make sure that -- and we
2 know that they are at higher risk to be assaulted
3 again. We need to be looking at, again, support
4 and services for folks to improve their resilience
5 and decrease their risk of having assault occur
6 again in the service.

7 We have members being assaulted in the
8 service. They need trustworthy services across the
9 board. A question was asked about going from
10 restricted to unrestricted and what do people say.
11 Shawn, who has our single kind of focus for the
12 Coast Guard, has quite a bit of knowledge about
13 this. But essentially, and correct me if I'm
14 wrong, it's because they trust their command. When
15 folks trust their command, they come forward and do
16 unrestricted from the beginning, or as they are in
17 a command climate where they have trust with their
18 commanders, they will shift from restricted to
19 unrestricted.

20 And last, we have members leaving the
21 service who may have been traumatized, and we need
22 to think about them as well. How do we -- it's one

1 of the things I'm struggling with right now. In a
2 system where we can't get people to report, but yet
3 they've been traumatized, then they leave the
4 service. Maybe they're going out on some kind of a
5 medical disability. That's one way we can document
6 to make sure they that they get VA services and
7 their transition to the VA is relatively smooth.
8 But if they don't, if they never get services, but
9 yet they've been assaulted in the service and
10 really meet the criteria for sexual trauma. That's
11 another thing we're struggling with right now, and
12 I think that's important as we all have better
13 awareness of this issue in our military. And I'll
14 stop there.

15 CHAIRMAN JONES: So shall we hear from Ms.
16 Wren then?

17 REAR ADMIRAL DOLLYMORE: We're just going
18 to answer questions.

19 CHAIRMAN JONES: Oh, okay. Very good.
20 Sorry. All right. Admiral Buck?

21 REAR ADMIRAL BUCK: Good morning.

22 CHAIRMAN JONES: Good morning.

1 REAR ADMIRAL BUCK: Judge Jones and
2 distinguished members of the Panel, thank you for
3 the opportunity to testify before this Panel to
4 outline and discuss the Navy's efforts to confront
5 the challenge of sexual assault and specific
6 initiatives, and to support victims, and promote
7 their recovery by providing care, counseling, and
8 advocacy.

9 Care and command support to victims play a
10 crucial role in our overall efforts to reduce and
11 ultimately eliminate this crime from our ranks. I
12 want to assure you that the Navy is moving forward
13 to achieve this goal. Beyond the immeasurable toll
14 on individual victims, sexual assault is a threat
15 to our core values and directly impacts operational
16 readiness and unit cohesion. This is rightfully
17 recognized as a leadership issue.

18 Confidence and trust in the system must
19 exist before a report of sexual assault can and
20 will be made. This trust and confidence comes from
21 awareness of reporting options and available
22 support mechanisms, and it also comes from belief

1 that commanders will take seriously all reports and
2 support the victim throughout the process.

3 In 2012, the Navy developed and
4 implemented three versions of a dynamic and
5 interactive training program for officers,
6 enlisted, and Department of the Navy civilians.
7 This training was specifically developed to keenly
8 focus all sailors on sexual assault and to help
9 them better understand the complex dynamics of this
10 crime and the negative behaviors that can foster
11 inappropriate conduct. It also focused on
12 bystander intervention, decision making, core
13 values, and the responsible use of alcohol. A
14 version of this training continues for the nearly
15 40,000 new sailors that enlist every year.

16 Sexual assault deterrence is enhanced when
17 sailors know that all allegations of sexual assault
18 will be investigated. Sailors inform us that
19 simple, multiple, reliable, and readily-available
20 means of discreetly reporting of sexual assault
21 enhances their confidence in the reporting process.
22 The Navy is committed to improving circumstances

1 leading to reporting by victims.

2 Sailors who report receive medical
3 treatment, including a sexual assault forensic
4 examination. They receive counseling services,
5 victim advocacy support, chaplain support, legal
6 assistance, and an assigned victims' legal counsel
7 as they desire.

8 As we collate and analyze the Fiscal Year
9 '13 statistics, we expect to see a marked increase
10 in reporting with reports trending up by as much as
11 45 percent. The Navy believes increased rates of
12 reporting indicate awareness of and confidence in
13 the report processes, in our efforts to hold
14 offenders appropriately accountable, and also an
15 enhanced awareness of the support and care
16 structure that is now in place to assist victims.

17 The Navy has recently hired 66 full-time
18 credentialed civilian SARCs, 66 full-time
19 credentialed civilian victim advocates, and will
20 soon assign 22 SARC-certified civilian deployed
21 resiliency counselors that we call DRCs, who will
22 be assigned to all of our aircraft carriers and

1 large deck amphibious ships to ensure continuous
2 victim care while deployed on the high seas. We
3 anticipate the first DRC will deploy in February of
4 2014.

5 Navy chaplains provide pastoral and
6 spiritual counseling to sexual assault victims.
7 Area-wide duty chaplain watch bills make chaplains
8 available to sailors, including victims of sexual
9 assault, for confidential counseling on a 24-hour,
10 seven day a week basis. Chaplains are also
11 embedded in tactical and operational units, and are
12 provided with logistical support for critically-
13 emergent sailor needs.

14 During the past year, the Bureau of
15 Medicine and Surgery, known as BUMED, developed a
16 robust, integrated, interdisciplinary program to
17 ensure the availability of a sexual assault
18 forensic examination capability 24 hours a day,
19 seven days a week in all of our major military
20 treatment facilities, as well as published victim
21 care protocols for each military treatment facility
22 so as to provide standard, coordinated care for

1 adult victims of sexual assault.

2 Due to the diversity of the missions the
3 Navy supports and the variability of the platform
4 size of our ships, providers selected for SAFE
5 training include nurses, advance practice nurses,
6 physicians assistants, independent duty corpsmen,
7 and physicians, all of whom are required to
8 complete a nationally-recognized online and hands-
9 on course.

10 All unrestricted reports of sexual assault
11 in the Navy from contact to penetration offenses
12 are referred to the Navy Criminal Investigative
13 Service for investigation. Seamless coordination
14 between the Navy's JAG Corps, NCIS, and SARC
15 personnel is essential. This fused capability
16 concept as it pertains to sexual assault cases
17 defines our special victim capability. The
18 investigative arm of this is known as the Adult
19 Sexual Assault Program.

20 Each investigation team consists of a
21 small group of specially-trained agents assigned to
22 sexual assault allegation investigations. This

1 multidisciplinary approach allows investigators,
2 prosecutors, and SARC personnel to troubleshoot
3 sexual assault investigations, prosecutions, and
4 victim care issues as they arise. It also promotes
5 early cooperation among stakeholders to improve the
6 quality of service.

7 On the legal front, the Navy is
8 implementing a Victim Legal Counsel Program known
9 as the VLC Program. The Navy will soon dedicate 30
10 judge advocates with military justice experience to
11 provide eligible victims of sexual assault with
12 legal support.

13 The Navy also offers victims who make an
14 unrestricted report of sexual assault the option to
15 request an expedited transfer to another command or
16 duty station. Other protection measures available
17 to victims include the issuance of a military
18 protective order against the accused prohibiting
19 further contact with the victim, a transfer of the
20 accused as opposed to the transfer of a victim, and
21 in appropriate cases, pre-trial confinement of the
22 accused.

1 In summary, the Navy is dedicated to
2 providing world-class victim support and services.
3 We continuously assess our program to identify
4 seams and areas needing improvement. It is
5 critical that we have created an environment in
6 which a sexual assault will be reported so that
7 victims will receive the support they deserve, and
8 the opportunity will exist to hold perpetrators
9 appropriately accountable.

10 I look forward to taking your questions
11 throughout this Panel session.

12 CHAIRMAN JONES: Thank you very much.
13 General Sanborn?

14 BRIGADIER GENERAL SANBORN: Members of the
15 Panel, thank you for the opportunity to be here
16 today. The individual marine is the greatest asset
17 of the Corps. Ensuring the well-being and safety
18 of marines is the first and highest priority of all
19 Marine Corps leaders. Sexual assault damages our
20 institution's capabilities. It undermines
21 readiness, cohesion, morale. But the impact that
22 sexual assault has on the victim, the individual

1 marine, is devastating, life-shattering, and that
2 is why the Commandant of the Marine Corps and
3 leaders are personally committing to eliminating
4 this crime.

5 With this in mind, the Commandant launched
6 the Sexual Assault Prevention and Response Campaign
7 in June of 2012. Since its launch 18 months ago,
8 we've implemented institutional changes that have
9 improved both our prevention efforts and our
10 response capabilities.

11 The first of the three phases of the
12 campaign plan is complete. We've made real and
13 tangible progress best represented by our increased
14 reporting. We have made structural changes to our
15 legal team, our response capabilities, and our
16 prevention training efforts as well.

17 The most promising outcome has been the
18 dramatic rise in reporting. Reports in Fiscal Year
19 '13 increased by approximately 85 percent in the
20 Marine Corps. This includes a spike in reports for
21 incidents that occurred over a year prior, and also
22 for incidents that occurred before the victim even

1 joined the Corps. Because of our effort to
2 increase awareness and trust, more victims are
3 coming forward. Reporting is the bridge to victim
4 care and offender accountability. Whether those
5 reports are unrestricted or restricted, just
6 reporting is important.

7 Many aspects of our Victim Care Response
8 System have been enhanced. In the last 18 months,
9 we implemented Sexual Assault Response Teams, or
10 SARCs, at every Marine Corps installation. SARCs
11 are the teams of first responders that work
12 together to help the victim navigate the multi-
13 faceted process to ensure a coordinated response.
14 We established a Sexual Assault Advisory Group at
15 the headquarters level. This group will meet
16 quarterly to discuss systemic issues raised by the
17 various SARCs at the installations for the purpose
18 of informing policy and improving our overall
19 response capability.

20 Also in the last 18 months we implemented
21 an intensified mandatory credentialing process for
22 all our SAPRO personnel. We maintain the best

1 practices in victim advocacy. SAPRO personnel must
2 now complete their 40-hour specialized victim
3 advocacy training program that covers every aspect
4 of the Marine Corps SAPRO Program, including
5 functioning in a deployed environment. They are
6 credentialed by the National Organization of Victim
7 Assistance, and are required to receive 16 hours of
8 continuing education annually.

9 In the last year we've added 27 full-time
10 sexual assault response coordinators, 22 full-time
11 victim advocates to strengthen our SAPRO workforce.
12 That already included 23 full-time SARCs, 45
13 collateral duty SARCs, and about 1,300 uniform
14 victim advocates that we have right now. We plan
15 on hiring 21 more full-time SAPRO personnel this
16 Fiscal Year.

17 This deep bench of trained and
18 credentialed first responders and program managers
19 sync with the focused efforts of our commanders to
20 ensure world-class care for those most impacted by
21 this crime. But it also offers the best line of
22 defense to prevent sexual assault up front.

1 We have also recently completed the
2 development of a Victim Advocacy Survey. This
3 anonymous survey will help to maintain both the
4 quality of care and the level of victim engagement
5 from the date of the report to the conclusion of
6 services, as well as help to establish a baseline
7 from which our support and advocacy capabilities
8 can be further enhanced.

9 The SAPRO campaign plan is currently in
10 its second phase now. It continues to guide the
11 implementation of large-scale efforts to combat the
12 crime of sexual assault. Prevention efforts
13 emphasize engaged leadership, bystander
14 intervention, two evidence-based best practices,
15 and SAPRO training, which has been implemented on
16 an unprecedented scale and frequency in the Marine
17 Corps.

18 SAPRO training programs have been
19 customized across the Corps to ensure that all
20 programs are commensurate with the grade and level
21 responsibility of each marine. No longer are we
22 taking the cookie cutter approach where one size

1 fits all. For example, our four-phase SAPRO
2 Commander's Course emphasizes the importance of
3 command climate, the central role of leadership in
4 both prevention and response and employs read
5 ahead, group lecture and discussion, small team
6 problem solving scenarios. And it's not complete
7 until the final phase in which the commander is
8 briefed by the SARC at their new duty station.
9 This course is mandatory for all prospective
10 commanders and senior enlisted advisors.

11 Our Take a Stand Program was specifically
12 designed for the NCOs who lead over 83 percent of
13 our force. NCOs are the corporals and sergeants in
14 the Marine Corps. Eighty-three percent of them are
15 of that rank or less. This teaches the principles
16 of bystander intervention. Based on the success of
17 this program, a new Bystander Intervention Program
18 is in development for the junior marines. This is
19 the E-1s, and E-2s, and E-3s. This is our highest-
20 risk demographic to be assaulted.

21 These and other standardized SAPRO
22 training programs and tools continue to be

1 implemented across the ranks, emphasizing the
2 values and traditions that have made the Corps the
3 finest expeditionary force in the world. While the
4 progress we've made is encouraging, we're not
5 dancing in the end zone. We still have a lot of
6 work to do to effect a lasting change in our
7 culture. Our leadership from the Commandant on
8 down remains personally committed to stopping all
9 forms of this crime within our ranks.

10 So I say thank you again for the
11 opportunity to speak with you today, and I look
12 forward to your questions.

13 CHAIRMAN JONES: Thank you, General.
14 We'll now turn to Dr. Altendorf, who is here as the
15 Director of the Sexual Harassment Assault Response
16 and Prevention Office for the Army.

17 DR. ALTENDORF: Thank you, Judge Jones and
18 members of the Panel, for this opportunity to speak
19 today. The focus of the next few days is on victim
20 support, and the Army would like to share the
21 initiatives that we have in place to improve
22 overall victim care and trust in the chain of

1 command.

2 The Secretary of the Army recently shared
3 his top priorities for Fiscal Year 2014, and
4 prevention of sexual assault was listed at the top.
5 He stated that "Every day around the world, the
6 overwhelming majority of soldiers and Army
7 civilians honorably and capably meet the standards
8 embodied in our Army values. Sexual assault is a
9 crime that we cannot tolerate at any level. We
10 have an obligation to do all we can to safeguard
11 America's sons and daughters as well as maintain
12 trust between soldiers, civilians, families, and
13 the Nation."

14 In 2008, the Army recognized that often
15 sexual harassment is a leading indicator for sexual
16 assault, and that separate programs may not fully
17 recognize environments conducive to sexual
18 offenses. Therefore, the Secretary of the Army
19 directed the integration of the two programs into
20 one, SHARP, Sexual Harassment and Response and
21 Prevention Program.

22 The Army is evaluating its SHARP personnel

1 structure for the field to include SARCs, victim
2 advocates, and program managers. Although there is
3 an NDAA 2012 requirement of one SARC and one VA per
4 brigade, the Army is working with all of its
5 commands to ensure there is proper coverage with
6 appropriately qualified personnel. Due to the size
7 of the Army, this results in thousands of certified
8 SARCs and VAs in roles to support the victims and
9 the commanders. The SARC advises the commander on
10 the SHARP Program response activities, conducts
11 prevention and training, and serves on the
12 commander's Sexual Assault Review Board.

13 The victim advocate is the champion for
14 the victim, provides professional and comprehensive
15 advocacy services, and assures victims receive all
16 needed guidance and emotional support. The SARC
17 and the VA are in different rating chains to
18 eliminate any perceived biases of actions.

19 The SHARP program manager manages the
20 program for the senior commander, provides command
21 program policy and oversight, and provides
22 direction to all concerning reporting procedures,

1 confidentiality, training, safety tips, and
2 resources. The senior commander is the Chair of
3 the Sexual Assault Review Board at each
4 installation.

5 From 2012 through October 2013, the Army
6 conducted a series of internal assessments of our
7 SHARP Program. A key feature of these assessments
8 was the Chief of Staff of the Army-directed Red
9 Team Focus Group. This group consisted of a broad
10 spectrum of subject matter experts from the Army
11 SHARP Program, the Office of the Provost Marshal,
12 the Office of the Surgeon General, the Inspector
13 General, the Office of the Judge Advocate General,
14 and the Office of the Chief of Chaplains.

15 One focus area for this team was to assess
16 the effectiveness, coordination, training, and
17 synergy of those responsible for the Army program,
18 and procedures in preventing, reporting, and
19 responding to sexual harassment, sexual assault,
20 and prevention at all levels in the command.

21 In July 2013, the Chief of the Staff of
22 the Army conducted the first in a semi-annual

1 series of panel discussions focused on receiving
2 victim and victim advocate input on the SHARP
3 Program. The next panel is slated for January
4 2014.

5 Finally, the Vice Chief of Staff of the
6 Army also has conducted sensing sessions to seven
7 Army installations where he's met with a wide
8 variety of leaders, soldiers, family members, and
9 victims to assess the climate in the field
10 regarding the SHARP Program.

11 Based on various findings, the Army has
12 implemented several initiatives to improve victim
13 support in sexual assault cases. On May 8th, 2013,
14 the Secretary of the Army issued guidance to ensure
15 the quality of SARCs, VAs, and other select
16 positions of significant authority. This guidance
17 reserves the authority to appoint SARCs to the
18 First General Officer or member of the Senior
19 Executive Service in the SARC's chain of command.
20 Likewise, VA appointments are reserved to the
21 brigade commander or equivalent level military or
22 civilian supervisor. These reserve authorities

1 cannot be transferred or delegated.

2 Personnel seeking SARC or VA positions
3 must meet strict selection and screening criteria
4 to qualify for consideration for these positions.
5 These include rank and one-year retainability
6 requirements, extensive background checks, and
7 screening against multiple systems containing law
8 enforcement and misconduct data. Additionally, all
9 military SARCs and VAs require face-to-face
10 behavioral health interviews. Once achieved, these
11 personnel must successfully complete the Army 80-
12 hour SHARP Certification Course and Department of
13 Defense certification standards.

14 Following his July engagements with SARCs,
15 VAs, and survivors, the Chief of Staff of the Army
16 identified gaps with the Army's 80-hour SHARP
17 Certification Course. Although this training is
18 recognized as a promising practice across DoD to
19 effectively respond to sexual assault, it is not
20 fully preparing our critical program personnel with
21 the enhanced capabilities to prevent sexual assault
22 and harassment and support cultural change efforts.

1 The Army is currently developing a SHARP
2 Schoolhouse Pilot Program to expand the knowledge
3 and skills of our SHARP program managers, SARCs,
4 and VAs. The initial eight-week pilot will provide
5 a growth of practical exercises and enhance human
6 relations, interpersonal, and leadership training.
7 This centralized training model for brigade and
8 higher full-time SHARP personnel will augment the
9 Army's decentralized training model conducted
10 across commands for battalion and company SHARP
11 personnel training. As we professionalize the
12 SHARP personnel roles, we are structuring the
13 program so that there will be defined career
14 progression for both military and civilians.

15 In addition to ensuring our SARCs and VAs
16 have a full spectrum of skills necessary to work
17 with victims, the Army also has a Special Victim
18 Capability. This program provides an Army-wide
19 capability for highly competent investigations and
20 prosecutions of sexual assault cases. Currently,
21 23 special victim prosecutors and 22 CID special
22 victim investigators located at 19 installations

1 provide Army-wide coverage. These personnel
2 function as a team and are trained in the unique
3 aspects of investigating and prosecuting sexual
4 assault cases and in victim care.

5 Within the Army, the SARC must report
6 information concerning unrestricted sexual assault
7 incidents to the senior commander on an
8 installation within 24 hours of the incident. This
9 report is done without information that could
10 reasonably lead to personal identification of the
11 victim. Army unit commanders must report all
12 incidents of sexual assault to CID in accordance
13 with Army regulations. Army policy withholds the
14 investigation of sexual assault crimes to CID only.

15 In addition to the 22 special victim
16 investigators mentioned previously, we have 32 lab
17 examiners and will hire eight additional
18 investigators in Fiscal Year 2014. We've also
19 developed an 80-hour Special Victim Capability
20 Investigation Course, a DoD best practice, and we
21 serve as an executive agent to train military
22 investigators and prosecutors from all services.

1 To improve victim support in sexual
2 assault cases, the Army has implemented the Special
3 Victim Counsel Program in addition to the
4 requirement that all investigating officers for
5 Article 32 hearings must be Army judge advocates.
6 The details of both of these programs will be
7 discussed in a later panel.

8 In our efforts to support victims
9 following an assault, our policies afford victims
10 the option of requesting an expedited transfer or a
11 reassignment from their unit to either a unit
12 within their current installation or a move to
13 another installation. Battalion commanders must
14 provide a response to the victim's request for
15 expedited transfer within 72 hours. If the
16 battalion commander's recommendation is to not
17 concur with the request, the request is sent
18 forward to the first general officer in the chain
19 of command, who must endorse the transfer or
20 recommend that the Commander of Human Resources
21 deny the request. The HRC Commander makes the
22 final decision.

1 The Army is currently finalizing its
2 policy requirements to support the Secretary of
3 Defense's recent guidance on enhancing protections.
4 The Secretary of the Army will develop and
5 implement policies allowing the administrative
6 reassignment or transfer of a member who is accused
7 of committing a sexual assault or related offense,
8 balancing the interests of the victim and the
9 accused. The Army's current policy provides the
10 commander the authority to move the offender from a
11 unit as the case proceeds and to issue a military
12 protection order.

13 The Army has also developed policy and
14 procedures to provide medical support to sexual
15 assault victims to include a timely, accessible,
16 and comprehensive medical management of care and
17 compassionate and confidential treatment aimed at
18 restoring health and well-being. We've appointed
19 specially-trained medical staff who coordinate and
20 provide care for the survivor through all episodes
21 of care related to the assault. The specialized
22 staff includes sexual assault care coordinators,

1 sexual assault clinic providers, sexual assault
2 nurse examiners, behavioral health, and social work
3 services.

4 We ensure that all patients with an
5 allegation of sexual assault receive a uniform
6 standard of care which is monitored and tracked
7 until the provision of healthcare related to the
8 sexual assaulted is completed. Finally, we
9 coordinate with our facility -- other facilities
10 and organizations to offer the most robust system
11 of support to survivors possible.

12 On September 27th, 2013, the Army
13 implemented a new policy for assessing officers and
14 non-commissioned officers to determine if they are
15 fostering climates of dignity and respect. This
16 ensures that commanders and NCOs are objectively
17 evaluated and measured on adherence to policies and
18 procedures that the Army has put in place to ensure
19 thorough, independent investigations and
20 compassionate victim response. All Army officers
21 and NCOs must include Command Climate and SHARP
22 Program goals and objectives in their support

1 forums. This directive enhances the evaluating and
2 reporting system to assess how officers and NCOs
3 are meeting their commitments to establish a
4 command climate in which victims feel comfortable
5 reporting misconduct and holds accountable all
6 leaders.

7 In June 2013, the Army transitioned its
8 annual SHARP Summit to a semi-annual Senior Leader
9 Summit hosted by the Chief of Staff of the Army.
10 The next summit will be held in January 2014 and
11 will focus on victim advocacy. Attendees will
12 include all commanding generals, their command
13 sergeants major, and select brigade and battalion
14 commanders. The agenda will include a series of
15 panel discussions on sexual assault victim
16 response, care, and treatment, as well as sharing
17 Army-wide lessons learned and best practices.

18 In closing, the Army is fully committed to
19 the utmost professionalism, care, and treatment of
20 any sexual assault victim. We promote an
21 environment of dignity and respect and will accept
22 nothing else than fulfillment of the Army values.

1 Thank you.

2 CHAIRMAN JONES: Thank you. All right,
3 questions? Admiral Houck?

4 VICE ADMIRAL (RET.) HOUCK: Is it DoD
5 policy now that all the services allow the alleged
6 victim to request a transfer of the alleged
7 perpetrator? That's a DoD policy? And so, you all
8 have that in place at this point?

9 SPEAKER: Yes, sir.

10 VICE ADMIRAL (RET.) HOUCK: I wonder if we
11 could get the regulations on how that's
12 implemented, if we could ask for that.

13 Dr. Altendorf, you mentioned in your
14 remarks that the Army, when considering one of
15 those requests, balances the interests of the
16 accused or the alleged perpetrator. Can you talk a
17 little bit more about that if a -- if someone
18 requests the transfer of a perpetrator or alleged
19 perpetrator, how does that work in practice?

20 DR. ALTENDORF: If the victim requests
21 that the perpetrator move on?

22 VICE ADMIRAL (RET.) HOUCK: Yes.

1 DR. ALTENDORF: Actually we haven't
2 totally defined that policy. We're working on that
3 policy right now. But what they would do is the
4 commander at that time would do an analysis, and
5 they would determine, you know, what the case is,
6 you know, what the extent of the sexual assault is.
7 And they would actually look and see what is
8 actually best for the unit. You know, will they
9 move the person out? Do they -- if the victim --
10 because many times the victim actually wants to
11 stay in their unit. That is something that they
12 want to be able to do, and that should be their
13 prerogative also. And so, that then comes up to
14 the commander, who does have to weigh, you know,
15 what is going on and what's the evidence that
16 they're aware of, because it is at the beginning,
17 and an investigation has not begun yet. And so, it
18 makes it a little bit difficult.

19 But what we try to do as quickly as
20 possible is to separate the two. And like I said,
21 we do have right now the expedited policy in place
22 for the victim, and we are working on it, and it's

1 not finalized for accused perpetrator.

2 VICE ADMIRAL (RET.) HOUCK: Do any of you
3 have experience implementing this? Admiral Buck,
4 you mentioned that the Navy has got it in place.
5 I'm just kind of curious if we have any kind of
6 track record with it and if it's being used.

7 REAR ADMIRAL BUCK: I do not have specific
8 experience in any of my commands that I've presided
9 over, but I do know that we consider 100 percent of
10 the requests. And similar to the Army, we probably
11 have a track record so far of over 99 percent of
12 those requests are acted upon and the victim is
13 expedited to a transfer to a new commander, a new
14 duty station.

15 There is the prerogative for the senior
16 officer there to review the circumstances and the
17 impact on the unit, and it might be determined that
18 it's better to remove the offender because of our
19 circumstances at sea.

20 MAJOR GENERAL WOODWARD: I'll tell you for
21 the Air Force, we've really looked at it. We've
22 done 100 percent of the victims' request for

1 expedited transfer, but we really see it as
2 problematic for the perpetrator. We're looking at
3 it, and I think you're hearing the same thing from
4 all of us. But right now we're doing permanent
5 changes of assignment within a specific
6 installation. But to direct an accused to actually
7 transfer stations involuntarily is something that
8 is somewhat problematic in that we're challenged in
9 trying to decide how do you balance that when
10 you're talking about, you know, an accused rather.

11 VICE ADMIRAL (RET.) HOUCK: So the one
12 last question then I'll back off of it. I'm just
13 trying to understand it. The initial question and
14 the answer was that this is a DoD policy that has
15 been implemented. So I'm keen on the part about
16 it's problematic, and I'm just trying to understand
17 where we are in that spectrum, and maybe we can do
18 it for the record or something. But I'm a little
19 unclear as to what that's all about at this point.

20 MS. WREN: I think maybe what we're
21 talking is about adherence to the STRONG Act.

22 VICE ADMIRAL (RET.) HOUCK: Pardon me?

1 MS. WREN: Maybe we're talking about
2 adherence to the STRONG Act, you know, to have
3 expedited transfers for victims.

4 VICE ADMIRAL (RET.) HOUCK: I'm talking
5 about alleged perpetrators, the transfers of the
6 alleged perpetrators.

7 MS. WREN: Accused transfers.

8 VICE ADMIRAL (RET.) HOUCK: Right.

9 DR. ALTENDORF: The perpetrator portion
10 actually is not a policy yet. Only the victim.

11 MAJOR GENERAL WOODWARD: The Department of
12 Defense has asked us to all look at that as an
13 option --

14 VICE ADMIRAL (RET.) HOUCK: Okay.

15 MAJOR GENERAL WOODWARD: -- and how we're
16 able -- so I think that's where you hear we're all
17 working on how do you apply that. And it's a lot
18 more challenging in the accused perspective than
19 for the victim that requests to move.

20 MS. FERNANDEZ: Why is it more
21 challenging?

22 MAJOR GENERAL WOODWARD: Because you have

1 someone who is innocent until proven guilty, and to
2 uproot them and move them based on an accusation, I
3 think, is something that, you know, we all want to
4 look at and is that the right thing to do. And
5 also, the difficulty that it places on the
6 investigation as well.

7 BRIGADIER GENERAL (RET.) DUNN: I think
8 it's probably relevant that the accused may have --
9 you know, may have counsel at the installation
10 where he or she is stationed and also access to all
11 of the witnesses, et cetera, so.

12 CHAIRMAN JONES: Quick question. What
13 level of commander makes this decision? Is it the
14 company or unit commander, or is it a higher level,
15 this decision to, you know, acquiesce to the
16 request or grant the request of the victim?

17 MAJOR GENERAL WOODWARD: For the Air
18 Force, it's the Wing Command level, the O-6
19 Installation Commander level.

20 MR. BRYANT: Madam Chairman, I have a
21 question if I may, please.

22 CHAIRMAN JONES: I think I have another

1 answer coming.

2 MR. BRYANT: Oh, I'm sorry.

3 CHAIRMAN JONES: Did you have an answer,
4 Admiral?

5 REAR ADMIRAL DOLLYMORE: We do it at a
6 flag level, our Personnel Service Center. It goes
7 up to a flag. But again, we're such a small kind
8 of flag organization.

9 CHAIRMAN JONES: Right. Thank you.
10 Admiral?

11 REAR ADMIRAL BUCK: In the Navy, it's
12 handled at -- the request is handled at the
13 victim's unit commander, and if the unit commander
14 has some reason why he cannot 100 percent honor
15 that request, it has to go to the first flag
16 officer in the chain.

17 CHAIRMAN JONES: So it would go up, yeah.

18 DR. ALTENDORF: And Army is the same way,
19 so if it's denied is when it goes up to the G-0.
20 And then if the G-0 at the installation denies it,
21 then it goes to the Human Resources Commander at
22 the Pentagon, and then that HRC Commander

1 ultimately will make the final decision. But it
2 very, very, very rarely gets to that point.

3 CHAIRMAN JONES: Mr. Bryant?

4 MR. BRYANT: Yes, thank you. My question
5 is for all the services in regard to the protective
6 -- so-called protective order situation. Who
7 initiates that? Is the victim advised that they
8 have a right to seek a protective order? To whom
9 does that request go? Who issues it? And if it's
10 violated, what is the process for handling an
11 alleged violation of the protective order?

12 BRIGADIER GENERAL SANBORN: Sir, are you
13 talking about just a regular military protective
14 order to separate the two?

15 MR. BRYANT: Yes. Several of the services
16 -- I didn't keep track until we got down to the
17 Army -- mentioned the availability of a protective
18 order to have no contact, et cetera, et cetera.
19 The same thing exists in the civilian world, too,
20 of course. I was just -- my question is, who
21 initiates that? Is it the victim who initiates it,
22 or a judge advocate that's been assigned to the

1 case, or a victim assistance worker? And who
2 issues the protective order, because you don't have
3 a pending case at that point. Is it -- maybe it's
4 a military judge. That's what I'm asking.

5 BRIGADIER GENERAL SANBORN: Yes, sir.

6 MR. BRYANT: And finally, if there's a
7 violation of that, the accused is found to have
8 violated the protective order, what process is
9 initiated to deal with that?

10 BRIGADIER GENERAL SANBORN: Well, if the
11 -- it's simply at the unit level, unit commander.
12 It's a direct order. So you're signing a direct
13 order to, and whatever parameters you want to put
14 in there as the commander. You will not have any
15 contact with him, you'll stay X number of feet
16 apart, or whatever. It's a signed document. And
17 then if he violates that, he's subject to the UCMJ
18 violation.

19 MR. BRYANT: The whole thing -- the whole
20 process kicks in --

21 BRIGADIER GENERAL SANBORN: Yes, sir.

22 MR. BRYANT: -- just as it probably would

1 for any other crime or failure to obey a direct
2 order.

3 BRIGADIER GENERAL SANBORN: Yes, sir.

4 MR. BRYANT: All right. When we say "unit
5 commander," is that, again, the O-6 level or down
6 to battalion company level?

7 BRIGADIER GENERAL SANBORN: Lieutenant
8 colonel command. Yes, sir.

9 MR. BRYANT: Okay. All right.

10 DR. ALTENDORF: And that's the same way
11 for the Army.

12 BRIGADIER GENERAL SANBORN: Whoever
13 executes -- whoever has UCMJ authority, it can go
14 down, you know, at the company level. An O-3 has
15 some UCMJ authority, lieutenant colonels and
16 colonels.

17 MR. BRYANT: And is the victim advised
18 when he or she makes the report that that is an
19 option and that they have to request that?

20 BRIGADIER GENERAL SANBORN: Absolutely,
21 sir.

22 MR. BRYANT: All right. Thank you.

1 CONGRESSWOMAN HOLTZMAN: Madam Chair, may
2 I ask some questions? Thank you.

3 CHAIRMAN JONES: Ms. Holtzman?

4 CONGRESSWOMAN HOLTZMAN: Do you have a
5 time frame for analyzing and coming up with a
6 decision with regard to how to implement a program
7 with respect to moving the accused out of the unit?
8 Do you have a deadline by which you're --

9 DR. ALTENDORF: The expedited transfer?
10 Oh, for moving the accused, I'm sorry.

11 CONGRESSWOMAN HOLTZMAN: Yeah, right.

12 DR. ALTENDORF: We're coming up with that
13 policy.

14 COLONEL (RET.) COOK: Ms. Holtzman, if I
15 can answer that. It might be helpful to the Panel,
16 I know -- I thought it was a legislative proposal.
17 I'm just not sure if that proposal has actually
18 been passed into law that was going to -- and if
19 any of the Panel members know, I'm asking the
20 question. I thought there was a -- in the
21 services, from what I understand, the victim may be
22 moved or the victim can be requested to be moved.

1 You still have the rights of the accused, and under
2 the Constitution you're presumed innocent until
3 proven guilty. But there's never been an
4 affirmative requirement in the services to move the
5 accused.

6 I think what the proposal was, unless
7 somebody can say it's actually passed, was that the
8 victim can ask not that they be moved, but that the
9 accused be moved. I don't know whether that has
10 actually passed into law. Admiral Houck, you may
11 know that. And if it has, then the question was,
12 the services -- whether it's passed or not, are you
13 looking at that for implementation? But I don't
14 think that's currently in place whether it's in the
15 law or in the services.

16 VICE ADMIRAL (RET.) HOUCK: Well, what I
17 took away from it was that the Secretary of Defense
18 has directed the services to look at this and to
19 get back and evaluate how it would be implemented
20 or if it should be implemented.

21 CONGRESSWOMAN HOLTZMAN: Right. And I'm
22 asking for what the time frame is for that looking

1 at.

2 VICE ADMIRAL (RET.) HOUCK: The timeline.
3 Right.

4 MAJOR GENERAL WOODWARD: And for your time
5 frame, ma'am, that you asked, 1 January is when the
6 Secretary has asked us to report back on how we
7 would apply that.

8 CONGRESSWOMAN HOLTZMAN: Okay. And my
9 second question then -- thank you -- is that --
10 okay, so that applies to everybody. I guess my
11 second question on that point, not on the time
12 frame, but weighing the benefit of the unit versus
13 the interest of the victim versus the concerns
14 about the accused. What kind of position does that
15 put the commander in when he or she is making a
16 decision about that? Does that make people say,
17 oh, the commander has taken the side of the victim
18 or, oh, the commander doesn't care about the
19 victim? Does that put the commander on the hot
20 seat in a way that -- in a problematic way? Do you
21 have a response to that?

22 BRIGADIER GENERAL SANBORN: I'd like to

1 take that one, ma'am.

2 CONGRESSWOMAN HOLTZMAN: Sure.

3 BRIGADIER GENERAL SANBORN: You know, that
4 is the burden of command, and it's also the
5 privilege of command that you have to weigh both of
6 those. But for a commander, his goal is obviously
7 to look after that unit. The unit consists of
8 people, marines in my case. And so, you know, a
9 lot -- most of our focus of effort in sexual
10 assault obviously is victim-centric, so we are
11 victim-centric. But you always have to remember
12 there's another side of that equation, and that is
13 the accused, and the accused is innocent until
14 proven guilty.

15 And so, most of the questions, most of the
16 effort, most of the programs that are out there you
17 will see are victim-centric. But at the same time,
18 that doesn't mean that we minimize what is going on
19 with the accused because a lot of these cases do go
20 to court, and they're found not guilty. And now,
21 so their reputation might've been soiled or, you
22 know, if we're doing the expedited transfer, you

1 know, you're already presumed guilty.

2 So for the commander, that is what he has
3 to do. He has to balance that. Take the facts
4 into account, make sure that he's following the
5 policy and the procedures across the board, and
6 then balance that with making sure that he doesn't
7 overstep any policy or law for both sides of it.

8 CONGRESSWOMAN HOLTZMAN: Anybody else want
9 to respond to that? Admiral?

10 REAR ADMIRAL DOLLYMORE: I'd just like to
11 add one other perspective on this, which I forgot
12 to bring up in my opening statement, that I think
13 is really important, and that is supporting the
14 victim to continue service. And so, it's a
15 tangential answer to you, but that it really is
16 complex, delicate decision making about whether
17 someone as a victim should leave their unit or not.
18 And, yes, sometimes it needs to happen. We happen
19 to have an organization where that actually moved
20 out of the local command because we're so small.

21 But I guess I would just say it's a -- it
22 is a kind of a team decision. The SARC is usually

1 involved with the victim in that many times
2 supporting the victim to stick in their unit, their
3 place, is actually maybe a goal we need to be
4 thinking about. I mean, I'm contrarian there a
5 little bit, but I think that's another piece of
6 this with victims in the service is making sure we
7 have as a goal for victims that they continue
8 successful service.

9 CONGRESSWOMAN HOLTZMAN: I guess --

10 MAJOR GENERAL WOODWARD: And, ma'am, if I
11 could -- I'm sorry.

12 CONGRESSWOMAN HOLTZMAN: Please.

13 MAJOR GENERAL WOODWARD: The only thing I
14 would add is we all have case management groups
15 that work through each of these cases that are
16 comprised of SARCs, victim advocates, judge
17 advocates, investigators, commanders. And those
18 case management groups will help advise the
19 commanders on what they think is in the best
20 interests of that victim.

21 So that is a very helpful group that even
22 when a victim asks for an expedited transfer

1 themselves, we want that case management group to
2 carefully look and make sure that where they want
3 to go is a healthy environment for them, and all
4 the pieces and parts of what are needed to help the
5 victim are assessed not just by the commander, but
6 by that case management group advising the
7 commander.

8 CONGRESSWOMAN HOLTZMAN: Right. Thank you
9 for that. My only question in terms of being on
10 the hot seat is that one of the objectives as I
11 understood it was for commanders to create an
12 environment in which victims would come forward.
13 But if the commander is making a decision that's
14 contrary to what victims see as their needs, what
15 does that do to that perception? That's all I'm
16 saying when I said that the commander gets in the
17 hot seat if he or she turns down a request saying
18 I'd like a transfer. And then the commander says,
19 well, for the unit this is for the best, but the
20 victim is crying. What does that do for other
21 victims? They're going to say, well, should I come
22 forward? This commander doesn't care about me.

1 That's the point I'm raising with you.

2 And I don't mean that commanders don't
3 make difficult decisions. Obviously they do. But
4 what does this do to the perception of a unit about
5 their commanders being pro-victim and willingness
6 to come forward? There's a dilemma here. I'm just
7 trying to raise it for you just to get your
8 comments, that's all. If anyone wants to comment
9 about that, or you feel you've already responded to
10 it.

11 MS. WREN: I can comment on that a little
12 bit because -- thank you for further explaining
13 that. I did direct service as a SARC for many
14 years, so I very often was working with a victim
15 and the command and trying to work out what was
16 best for the victim. And if the command is what we
17 would call a supportive command where the victims
18 do want to come forward and have obviously because
19 the command is involved at this point, I have often
20 found that the victims feel supported even when it
21 doesn't go exactly the way that they necessarily
22 would have liked or where the commander is in a --

1 in one of those positions where he's got to
2 balance. It's a tough balancing act, and they're
3 trying to do the best for all their people and for
4 these folks in front of them.

5 But I found that the majority of the time
6 the victims do feel that they were heard, they were
7 listened to, and the best possible outcome that
8 could've come out under the circumstances, they
9 generally -- at least they'll feel that they were
10 supported.

11 CONGRESSWOMAN HOLTZMAN: Thank you. I
12 appreciate that answer. Could I just ask one
13 question on a different point?

14 CHAIRMAN JONES: Of course. Go ahead.

15 CONGRESSWOMAN HOLTZMAN: Admiral, I just
16 wanted to ask you about the point you raised
17 because it's been troubling to me, that people who
18 come into the military with an experience of sexual
19 assault are more likely to be assaulted again in
20 the military. So if the military knows that, is
21 there some way of identifying these people when
22 they come in, and then trying to provide counseling

1 services at that point as opposed to waiting for
2 them to come forward at some later point and say,
3 you know, gee, just maybe when they're about to
4 leave or something like that. I mean, are you
5 doing some preventive work with regard to this
6 issue?

7 REAR ADMIRAL DOLLYMORE: Yeah. This is an
8 area of growth that we need to be looking at in the
9 service. The delicacy of it is it unfortunately
10 blows back into my statement about stigma. And so,
11 there's -- you know, as a doc I would love to be
12 identifying all this and getting those folks in,
13 but I know that within the culture we have, there's
14 "be tough" across the board, and there's a certain
15 amount of stigma for this even in going to get
16 counseling. We know that.

17 I personally feel this is an area, what I
18 would call secondary prevention. You know, we
19 focused a lot here on response, and maybe dabbled a
20 little bit on primary prevention talking about
21 command climate. But secondary prevention are some
22 of the areas I think of -- that we need to be now

1 really focused on, which is folks that may be at
2 higher risk, what kind of skills, what kind of
3 coping skills need to be a part?

4 CONGRESSWOMAN HOLTZMAN: But how do you
5 identify them? Excuse me for interrupting, but how
6 do you identify the people who are at higher risk?

7 REAR ADMIRAL DOLLYMORE: Well, all the
8 services have a pretty robust mechanism through
9 their boot camps and their academies actually to do
10 a lot of intensive physical screening. And as part
11 of that, there's oftentimes questionnaires that
12 relate to behavioral health issues. So there is a
13 mechanism.

14 CONGRESSWOMAN HOLTZMAN: So, Admiral, what
15 you're saying is that the military knows when
16 people come into the system that they have been
17 victimized in the past for the most part?

18 REAR ADMIRAL DOLLYMORE: There are various
19 questions, yeah, of --

20 CONGRESSWOMAN HOLTZMAN: But it's not
21 being systematically done.

22 REAR ADMIRAL DOLLYMORE: No.

1 CONGRESSWOMAN HOLTZMAN: Okay. But would
2 it be your view that it should be systematically
3 done so that programs could be developed? Someone
4 is nodding.

5 REAR ADMIRAL DOLLYMORE: Yes, it is.

6 CONGRESSWOMAN HOLTZMAN: Ms. Wren.

7 REAR ADMIRAL DOLLYMORE: Yes, it is. Yes,
8 it is.

9 MAJOR GENERAL WOODWARD: I can tell you
10 for the Air Force we do do that systematically. We
11 have a questionnaire that we ask our -- at our
12 sessions. And what we're working on doing is based
13 on that questionnaire, we have about anywhere from
14 15 to 25 percent self-reporting that they have been
15 sexually assaulted prior to entering. And we're
16 working with the University of North Carolina on an
17 intervention protocol for those members, and trying
18 to work carefully, you know, as Admiral Dollymore
19 mentions to avoid the stigma piece.

20 So as we do our BMT Capstone Program that
21 we're developing between basic military training
22 and technical training, to be able to provide that

1 intervention protocol for those specific members,
2 but do it in such a way that they aren't identified
3 by their peers so that we can do it without that
4 being known.

5 CONGRESSWOMAN HOLTZMAN: Do the other
6 services want to comment on that?

7 REAR ADMIRAL BUCK: In San Diego, one of
8 our key fleet concentration areas, we have started
9 a pilot of a support group for former victims or
10 survivors. It's voluntary. It's anonymous. But
11 it allows them, somewhat like an Alcohol Anonymous
12 type of meeting that they can go to, to talk to
13 people who have similar experiences and make sure
14 best practices on coping mechanisms, and feel as
15 though they're not alone on an island.

16 But as I say, it's voluntary. It's
17 anonymous. We're assessing its effectiveness right
18 now to see if we can't translate that to many of
19 our other fleet concentration areas.

20 CONGRESSWOMAN HOLTZMAN: Thank you.

21 DR. ALTENDORF: And I'll talk to the Army.
22 Same thing. We do all sorts of screening for

1 recruits, and actually the screening is getting
2 tighter and tighter as we're downsizing the Army
3 and as we're looking at things.

4 But it is self-reporting. You can't force
5 somebody to tell you if they had a sexual assault
6 in their past, and there aren't -- I mean, we can't
7 delve into their records because of privacy issues.
8 There are laws that prevent us from actually
9 looking, you know, into privacy issues and
10 especially when it comes to sexual assault. Now,
11 if they have a criminal record or they have -- or
12 they were a perpetrator, then we will find that out
13 because we actually do records check. But if
14 they're an accused and they do not sign any type of
15 privacy waiver, then we aren't able to check that
16 unless they self-report.

17 CONGRESSWOMAN HOLTZMAN: Thank you.

18 MS. FERNANDEZ: Madam Chair, I have a
19 question going back to the transfer. Is this
20 something that the legal representatives of the
21 victims are going to be able to advocate for one
22 way or the other to get the accused transferred at

1 some point? Is that an issue that's been dealt
2 with, the legal representatives involved in the
3 transfer?

4 MAJOR GENERAL WOODWARD: I can tell you I
5 don't know of a case. I think that'll be a great
6 question to ask our lawyers who talk about our SVC
7 Program, but I have not heard of one. But it's
8 something they certainly could help the victim with
9 to advocate if that was the victim's desire, just
10 as their victim advocate as well could do that in
11 that case management group.

12 But, you know, I would say I don't think
13 even with legal representation being required, it
14 is just advocating for them instead of a legal
15 proceeding. It would just be being their
16 representative to request that.

17 CHAIRMAN JONES: Professor Hillman?

18 MS. FERNANDEZ: But there's no appeal. If
19 the commander makes a choice not to transfer,
20 there's no appeal that the legal advocate could
21 then come and --

22 MAJOR GENERAL WOODWARD: Not in the Air

1 Force, not that way. I think there would be a
2 discussion, but if we're talking about they've
3 requested the perpetrator to be moved --

4 MS. FERNANDEZ: Correct.

5 MAJOR GENERAL WOODWARD: Yeah, I don't
6 know. And that probably is something we'd have to
7 think about how we would appeal that. I don't know
8 if anybody else has gone down that road yet.

9 VICE ADMIRAL (RET.) HOUCK: But again,
10 this all still under -- there's no policy. It's
11 under consideration at this point, so these are all
12 in flux, right?

13 REAR ADMIRAL BUCK: Yes, sir. That's the
14 point.

15 CHAIRMAN JONES: Professor Hillman?

16 PROFESSOR HILLMAN: Just a point of
17 clarification. Our Legislative Analyst will
18 confirm this for us. But the STRONG Act was
19 initiated to -- after a tragic incident in the
20 Marine Corps where a lance corporal was murdered by
21 her alleged perpetrator in a case of sexual
22 violence. And it was a response after that where

1 Congress directed -- and I don't want to do the
2 research on the fly here, but a change -- that
3 there could be an expedited transfer provision to
4 protect victims in cases of potential extraordinary
5 violence. So I don't want to under sell the
6 concern for victims that was manifested in the
7 expedited transfer provision.

8 If I could turn us a little bit and stick
9 to the Marine Corps here since we have General
10 Sanborn to help with us. The restricted reporting
11 conversion rate, the chart that General Patton
12 brought before shows a confusing pattern, in my
13 mind, as to what's been happening in the Marine
14 Corps with respect to the conversion rate over the
15 past few years.

16 So from 2007 -- Fiscal Year 2007 it's a
17 zero percent conversion. It goes up to 16 percent
18 in Fiscal Year '10, and then in '11 it goes back to
19 zero percent, zooming back up to 6.4 percent in --
20 which is just much different than the DoD trend,
21 which is relatively stable. To what should we
22 attribute that variation?

1 BRIGADIER GENERAL SANBORN: On the
2 variation, you've got to remember the Marine Corps
3 is very small. So, like, for 2011, I think there
4 were only seven conversions, actual conversions.
5 But that was -- then going from '11 to '12, I think
6 we went to -- I have my little stats here. There
7 were 37 conversions.

8 PROFESSOR HILLMAN: So you --

9 BRIGADIER GENERAL SANBORN: These are just
10 conversion rates. So, you know, when you take
11 seven and you convert to 37, you get a 200 percent
12 conversion rate percentage on them. The number,
13 why it's zero in 2011, I asked that specific
14 question, and I just said whether the data was bad
15 or we just didn't collect it that year. They
16 couldn't find the answer for me.

17 PROFESSOR HILLMAN: Okay. Thank you, sir.

18 BRIGADIER GENERAL SANBORN: I thought you
19 were going to ask me the question about why we had
20 200 percent mostly restricted --

21 PROFESSOR HILLMAN: Well, what do you
22 think about that now that you've brought it up?

1 (Laughter.)

2 BRIGADIER GENERAL SANBORN: I'm glad you
3 asked me, ma'am. Like I said in my opening
4 comments, we think any reporting is good because
5 it's telling the marines out there to have trust
6 and confidence in the system. And like you've
7 heard from the medical community here that, first
8 and foremost, there's that huge stigma out there.
9 And think about the Marine Corps's ethos. I mean,
10 we recruit people that, you know, are just supposed
11 to be tough as nails and never say it hurts. And
12 so, when you come into the Marine Corps and now you
13 say, I want you to change your thought process, I
14 need you to raise your hand and say I need help or
15 I want help.

16 And so, we have an even bigger hurdle, I
17 think, than any of the other services is to break
18 through that stigma. And so, anything we can do --
19 instituting programs, policy, Command Climate
20 Surveys -- whatever it takes to break through that
21 to get an individual to go at least for the first
22 part, okay, I need help, and I'm going to file a

1 restricted report. I don't want -- I'm not ready
2 to come forward and go after the perpetrator. I'm
3 not ready for everybody to know my name. But at
4 least I want that mental health. I want that
5 physical health and all that.

6 And now, you're going to also see that 200
7 percent of those have converted from the restricted
8 to the unrestricted because they're getting a
9 little bit more comfortable, like Major General
10 Patton talked about, that, you know, at some point
11 in that process, they finally said, okay, I'm ready
12 to go unrestricted. Also a lot of those restricted
13 reports are from those that were prior to coming
14 into the Marine Corps.

15 And it's just like the Army does and I
16 think the other services just said, that when you
17 first come into the Marine Corps at the recruit
18 depot, it's anonymous. We try to get them to at
19 least acknowledge and identify that, either to
20 write a formal report -- yes, I want a
21 restricted/unrestricted report. But even if you
22 don't want to do that, then there are plenty of

1 other mental health programs out there that you can
2 get the anonymous mental health counseling. And
3 then maybe at some point in time, you'll feel
4 strong enough to come forward and write a formal
5 report, and then start the process.

6 PROFESSOR HILLMAN: General, I'll just
7 follow up then by saying what my confusion is
8 there's no steady progress in the conversion rate.
9 And if what you're saying is correct, it seems
10 probable that we would see increasing conversion
11 rates over time because that is when the process
12 that you just described happens when the person who
13 initially sought to access services then manifests
14 faith in the system of accountability that exists
15 by turning to the unrestricted report and pursuing
16 an attempt to hold the person accountable so that
17 that person doesn't continue the behavior into the
18 future. And that's what troubles me about the data
19 that we see from the Marine Corps.

20 BRIGADIER GENERAL SANBORN: And put the
21 data up against when the campaign plan began 18
22 months ago, so the conversion rate in 2011, which

1 is zero. So everything prior to that, not a lot of
2 emphasis. We didn't hire all these SARCs. We
3 didn't have all the panels and so forth. The
4 Commandant started his Heritage Tour in June of
5 2012. Notice the statistics from that point on 18
6 months ago and you can see the line is getting more
7 vertical. You can go inside any garrison out there
8 and ask a marine, have you heard about sexual
9 assault? Do you know what to do about sexual
10 assault? Have you had bystander training? It's up
11 into the 98 percentile now, the awareness factor.

12 PROFESSOR HILLMAN: Madam Chair, can I
13 follow up with one more question?

14 CHAIRMAN JONES: Yes.

15 PROFESSOR HILLMAN: And that is, can you
16 tell me the -- when the Marine Corps hired all
17 these persons, do you have a track of the resources
18 that have been invested into the SARC Program
19 specifically, because, you know, one of the ways to
20 understand this is to look at the resources
21 specifically that have been used to focus on victim
22 services. And that data on the money that we're

1 spending to try to support our victims out there
2 and the services is helpful in understanding the
3 commitment and where we should see the changes in
4 the metrics that General Patton was giving to us.

5 BRIGADIER GENERAL SANBORN: Yes, ma'am.
6 In fact, that's a great talking point because I
7 have used that in lots of my conversations. If you
8 want to see if an institution is serious about
9 something, Power Point slides don't do it. It's
10 when you start applying resources, and money, and
11 effort.

12 And it's not just the SARCs that are being
13 hired, but it's the NCIS, 54 people that have been
14 hired. It's the training and the traveling dollars
15 because each of these people have to be trained.
16 They have to be credentialed. I'm not sure -- I'm
17 sure we could find the actual dollar amount, but it
18 would be -- you know, there's a lot of second and
19 third order dollars associated with the amount of
20 effort that has gone into the entire SAPRO Program.
21 But it proves your point that where you put your
22 money is where you're putting your effort.

1 PROFESSOR HILLMAN: Right. I'd love to
2 see some gestures at that data, the resources, if
3 that's available. Thank you.

4 DR. ALTENDORF: And for the Army --

5 CONGRESSWOMAN HOLTZMAN: And for all the
6 -- I think we should have it for all of the
7 services.

8 DR. ALTENDORF: And I do believe that
9 might be in some of the RFIs that were provided.
10 But for the Army, for our full-time, as you can
11 imagine, pretty large numbers. We have close to
12 400 SARCs and close to 400 VA full-time positions.
13 Then when it comes to the collateral duty when they
14 get down below the brigade level, we have close --
15 we're actually reevaluating right now because we
16 have to screen everybody. And when you screen and
17 we do very intensive screening in the Army for
18 SARCs and VA, even collateral duty. But we're
19 close to 9,000 SARCs and VAs right now throughout
20 the Army that aren't full time.

21 And so, we're going to scale that back
22 because we need to make sure that they are -- they

1 all have their 80-hour training, too, but we want
2 to make sure they absolutely are the right people.
3 And so, we need to make sure that it is actually in
4 balance, so that's what we're evaluating. Is that
5 the right number? Do we need something less, but
6 still everyone is covered? So there are a lot of
7 people in those positions, but we need to make sure
8 they are the right people in those positions.

9 REAR ADMIRAL BUCK: For the Navy, we've
10 heard the term this morning a couple of times that
11 the "Victim Legal Counsel Program was a game
12 changer," giving each victim of sexual assault an
13 assigned counsel with privileged communication and
14 the ability to shepherd them through both the
15 investigative and the adjudicative processes is a
16 very important thing.

17 The Navy, as I explained in my opening
18 remarks, is assigning 30 judge advocates to this
19 Victim Legal Counsel Program. And I can tell you
20 now, ma'am, that's come out of Hyde right this
21 second. It's very difficult.

22 The seniority of the JAGs that we wanted

1 to be part of this that are experienced in both
2 trial and defense counsel ended up taking some of
3 those JAGs out of our existing corps of lawyers.
4 So there's something in the Navy, legal services
5 wise, that we're not doing right now so that we can
6 dedicate those JAGs to these victims of sexual
7 assault.

8 I believe that's a very good indication.
9 I think it's appropriate -- I think it's applicable
10 across the services, and that's a very strong
11 indication of our commitment to this.

12 PROFESSOR HILLMAN: Thank you.

13 MAJOR GENERAL WOODWARD: Just to give you
14 an indication, ma'am, I think we calculated, and my
15 attorneys will let me know if this is the wrong
16 number. But I think about -- we looked at about
17 \$21.5 million -- is that right, Dawn -- for the SVC
18 Program this past year?

19 SPEAKER: \$2.25.

20 MAJOR GENERAL WOODWARD: Okay, I'm sorry,
21 but, you know, a significant investment to do that.
22 But we found it has paid back, you know, tenfold.

1 REAR ADMIRAL BUCK: To assess a
2 professional in our forces, either a medical
3 professional, a legal -- a lawyer professional, it
4 takes time to grow those. So to back fill the
5 commitment that we have right now will take a
6 number of years to get the force back up to what it
7 should be and what it is now.

8 CONGRESSWOMAN HOLTZMAN: Madam Chair?

9 CHAIRMAN JONES: Sure.

10 CONGRESSWOMAN HOLTZMAN: Could I just ask
11 basically a couple of questions about what happens
12 on smaller installations with regard to rape
13 evidence kits and evidence in general? I mean, I
14 think, Admiral Buck, you mentioned that you have
15 facilities at all your major installations. But
16 what about minor installations? And so then, that
17 also leads me to ask a question about what happens
18 in combat. We haven't really talked about that.
19 But what are the provisions in the field for
20 victims, for the collection of evidence, for
21 investigations, and so forth? Have you -- we
22 haven't really addressed that, and if you wouldn't

1 mind doing that, I'd appreciate it.

2 REAR ADMIRAL BUCK: Sure. To the first
3 part of your question of what do we do at smaller
4 installations, smaller facilities that are not
5 around a major military treatment facility. The
6 Bureau of Medicine, the Surgeon General of the
7 Navy, has put into place memorandums of
8 understanding, formal MOUs, with identified medical
9 treatment facilities, civilian hospitals, in those
10 local areas or that region in which we can
11 immediately any time of the day take a victim there
12 to receive.

13 Now, they have to -- you know, we have to
14 have identified that they have a SAFE capability
15 and that they have all the protocols in place to
16 take care of that victim. So I think that was the
17 first part of your question.

18 CONGRESSWOMAN HOLTZMAN: Thank you.

19 REAR ADMIRAL BUCK: And we will continue
20 to expand that to every place we have a presence
21 around the globe with Navy sailors.

22 The second part of your question, sailors

1 are in a different kind of combat environment.
2 We're generally floating on gray hulled ship in the
3 middle of the ocean. So I can just speak to that
4 aspect of it, but that's a remoteness and an
5 environment that's pretty unusual.

6 As I said in my remarks, we have to pick
7 different levels of medical professionals all the
8 way to independent duty corpsmen, which for the
9 most part are senior enlisted corpsmen, and give
10 them the credentialing and the training to stand on
11 their own on that ship until we can either get the
12 sailor off -- get the ship into port or be able to
13 transfer the sailor in some way to a shore
14 facility.

15 So we've worked very hard at the training
16 and credentialing to collect the evidence, to
17 preserve the evidence that would be taken on a ship
18 to support an investigation later if it ended up
19 being an unrestricted report. But I can't speak to
20 the other land combat environments.

21 CONGRESSWOMAN HOLTZMAN: But they could
22 speak for themselves.

1 DR. ALTENDORF: I'll speak for the Army,
2 and for our smaller installations, we do the same
3 thing. We do have MOUs in place with the local
4 communities. We also have developed a standardized
5 rape kit that we use. We worked with our CID lab
6 because a lot of times they would get rape kits,
7 and it wouldn't have really everything that they
8 needed. And so, that's part of the training that
9 we do for our victims' advocates is that they know
10 exactly, you know, the information that needs to be
11 in there as they take them to their medical -- the
12 medical community, whoever is going to be actually
13 servicing the victim.

14 And so, they actually either -- like I
15 said, they don't have a hospital on the
16 installation, then they will go to the local
17 provider and we will use them. And all of that is
18 laid out in the MOUs. And then those rape kits are
19 sent to the CID lab in Atlanta, and then that's
20 where they do the complete DNA analysis.

21 And one thing that you spoke about earlier
22 where you were questioning, yes, absolutely there

1 is a DNA database. And one of the things is this
2 is the only time that a restricted report will
3 possibly turn to an unrestricted because, as you
4 know, the victim does not want any of that
5 information out. But if there are two cases of the
6 same DNA from two restricted reports, then that
7 will actually move to an unrestricted because then
8 that shows, like, a serial perpetrator, and then we
9 need to do something about it. So just to follow
10 up on that.

11 But that's how we work with our rape kits
12 to the CID lab.

13 MS. FERNANDEZ: Can I just follow up on
14 that? Do you know if all the rape kits are tested?

15 DR. ALTENDORF: I'm sorry, say that again?

16 MS. FERNANDEZ: Do you know if all rape
17 kits are tested, or if there's a similar problem to
18 backlogs?

19 DR. ALTENDORF: Well, I actually -- and
20 I'll follow up exactly -- I mean, I'll follow up in
21 detail for the record. I don't know exactly. I
22 went down there to the lab, and they bring it in,

1 and I do think -- I don't think they have a backlog
2 like they do in regular society. I think they have
3 it very detailed as soon as something comes because
4 they want to get the evidence really quickly. They
5 usually say within 72 hours when it comes to DNA is
6 the best time to really do the analysis. But I
7 need to get the medical or the investigative people
8 to really comment on that, and we can follow up on
9 that.

10 REAR ADMIRAL BUCK: If I may, ma'am, I had
11 heard your question earlier, that question to Major
12 General Patton, and I'd like to follow up for the
13 Navy. Today, the 7th of November is the first day
14 that the Bureau of Medicine in the Navy has begun
15 to collect on a monthly basis and track the number
16 of SAFE kits used throughout the Navy's medical
17 system. Prior to that, we were not formally
18 tracking it.

19 So now, we'll have a formal database and
20 tracking mechanism, and in later months and over
21 time, we'll be able to more thoroughly answer your
22 question is there any kind of backlog created, or

1 are we able to expedite and analyze the data as we
2 get it if a safe kit has been used.

3 MS. FERNANDEZ: So there is a potential
4 that there is a backlog, that there could be kits
5 on a ship somewhere that nobody knows about.

6 REAR ADMIRAL BUCK: There is that
7 potential. I do not know. I'll have to take for
8 the record and talk to BUMED to see if they feel as
9 though there's a backlog or not.

10 MR. BRYANT: Madam Chairman?

11 CHAIRMAN JONES: Yes?

12 MR. BRYANT: In connection with the perp
13 kits or the various things they're called by, the
14 actual thing that's the most valuable to a
15 prosecutor is the examination by a sexual assault
16 nurse; that is, that physical examination which
17 tends to show whether this was forcible or non-
18 forcible.

19 The perp kit is of very little use if the
20 defense is consent because it doesn't tell you
21 whether or not there was the physical damage to and
22 the trauma to the victim that a sexual assault

1 nurse could testify to. So I'm just wondering what
2 capability or what use of that is being made
3 obviously at the large medical facilities. I know
4 in our area the Portsmouth Naval Hospital has
5 sufficient and great capability to do that, but I'm
6 just wondering about the other services and the
7 other installations. Do you understand?

8 Really because the perp kit says, okay,
9 here's the DNA, maybe we found some pubic hairs, we
10 found these sorts of things, and we can match that
11 to these people. But if he says -- he or she says,
12 yeah, but it was consensual, of course you're going
13 to find that.

14 The most important thing in a forcible
15 sexual assault situation is that examination by
16 what we call a SANE nurse, sexual assault nurse
17 examination. And that's where we get the photos,
18 we get admissible evidence. That person -- the
19 nurse -- can't testify this was consensual or non-
20 consensual, but she can testify -- he or she can
21 testify in court that the injuries that I saw were
22 inconsistent with consensual sex.

1 So I'm sorry to have gone on so long, but
2 do we have that out there?

3 MAJOR GENERAL WOODWARD: I'd just ask the
4 question if -- what percentage of SANE nurses do we
5 have across, and we don't -- I know for the Air
6 Force, we don't. And OSD says they don't have that
7 number. But I can tell you that at every
8 opportunity and every installation with the
9 memorandums of agreement you've heard previously,
10 we try to maximize the use of SANE nurses to
11 produce the kits.

12 REAR ADMIRAL DOLLYMORE: And again, we're
13 so small and so dispersed, we kind of made a
14 decision from the beginning that we needed to do
15 MOUs back out with our civilian partners where we
16 have the experience of SANE nurses available rather
17 than trying to produce it organically within our
18 system.

19 CHAIRMAN JONES: Thank you very much.
20 Anymore questions?

21 (No response.)

22 CHAIRMAN JONES: We very much appreciate

1 your coming in today and for all of your very
2 helpful information.

3 We're adjourned until five after 1:00.

4 (Whereupon, a luncheon recess was taken.)

5 CHAIRMAN JONES: All right. Good
6 afternoon, everybody. We're now going to hear from
7 a panel of victim service providers. And I'd like
8 to start with the Army. General Chapman?

9 COLONEL HAM: Ma'am, I do need to tell you
10 that we have a presenter by phone, Ms. Ashley Ivy.
11 She's from Georgia. Ms. Ivy, can you hear us?

12 MS. IVEY: Yes, I can hear you.

13 CHAIRMAN JONES: Apparently I've promoted
14 you. Master Sergeant Chapman?

15 (Laughter.)

16 MASTER SERGEANT CHAPMAN: Yes, ma'am,
17 good. I hope that comes in the future.

18 CHAIRMAN JONES: Good luck.

19 MASTER SERGEANT CHAPMAN: Thank you.

20 CHAIRMAN JONES: Go ahead.

21 MASTER SERGEANT CHAPMAN: Judge Jones and
22 members of the Panel, thank you for the opportunity

1 to testify today. I am Master Sergeant Carol
2 Chapman. I have served as a victim advocate in
3 garrison and deployed environments. I'm currently
4 serving as a non-commissioned officer in charge of
5 the SHARP Program for the 7th Infantry Division out
6 of Joint Base Lewis McChord, Washington State. I
7 understand that the Panel is planning a site visit
8 to JBLM in late January. I look forward to showing
9 you in person the incredible work being directed by
10 the 7th Infantry Division Commander, Major General
11 Lanza.

12 First, I would like to tell you a little
13 bit about myself. I joined the Army in January
14 1992, serving for almost 22 years. I began my
15 career as a maintenance soldier and served in a
16 variety of positions in the maintenance field. In
17 2004, I was selected to serve as one of the first
18 uniformed victim advocates and have been -- and
19 have had an opportunity to watch the Army SHARP
20 Program develop. After three years as a victim
21 advocate, I was appointed as a Deployable Sexual
22 Assault Response Coordinator with the 3rd Infantry

1 Division where I served as a D-SARC for
2 Afghanistan, Kuwait, and Iraq.

3 In 2010, I was appointed by the Brigade
4 Commander as a Brigade SARC for the 17th Fires
5 Brigade at Joint Base Lewis McChord. I was hand
6 selected by Major General Lanza to serve as the 7th
7 Infantry Division Program Manager. In 2004, I have
8 personally advocated -- since 2004 I have
9 personally advocated for over 50 victims. I have
10 advised subordinates, victim advocates, and SARCs
11 on numerous other cases.

12 I am active in a local community serving
13 on a panel for members called CHANGE, an advocacy
14 program in Thurston County, Washington, where
15 recently I was the guest speaker for a fundraiser
16 for SafePlace. The working relationship between
17 our installation and the local community is
18 critical in developing best practices in changing
19 the culture across both communities.

20 I was also previously a member of the
21 advocacy panel that came to the Pentagon in July
22 and spoke personally with General Odierno, the Army

1 Chief of Staff. As a result of this meeting with
2 General Odierno, the Army is moving forward with a
3 plan to professionalize victim advocacy and SARC
4 positions that Dr. Altendorf told you about
5 earlier.

6 Second, I would like to tell you about the
7 duties of the two positions I have held, as a
8 victim advocate, A, and as a SARC, B.

9 The victim advocate is designed and
10 trained to place a quick response and assist any
11 victim of sexual assault issues. The VA's mission
12 is to support, assist, and guide the victim through
13 the medical, investigative, and judicial processes.
14 The VA does not make decisions or speak for the
15 victim or to interfere with the legitimate
16 operations of the medical, investigative, and
17 judicial process.

18 The SARC oversees sexual assault awareness
19 prevention and response training, coordinates
20 medical treatment, including emergency care, the
21 SAFE kit. The SARC also provides the victim with
22 sexual assault assistance from the initial through

1 the final phases of the entire process.

2 The SARC explains that the victim --
3 explains the VA services available to the victim
4 that's assigned as the VA if desired by the victim.
5 The victim has a choice if he or she chooses to
6 participate in the Advocacy Program.

7 At JBLM, we bring together all the SARCs
8 and victim advocates for training every week to
9 collaborate on changes and challenges that we face,
10 and also to share best practices throughout the
11 installation. We also conduct monthly VA training
12 at the division level in order to share best
13 practices and lessons learned from cases throughout
14 the month.

15 Third, I would like to tell you about the
16 way the SHARP Program runs from my perspective. In
17 the Army the SHARP Program is owned by the
18 commanders. The commander is responsible for
19 setting the vision and intent of the program within
20 his or her unit. The SARC is responsible for
21 executing that vision. As the senior SHARP NCO for
22 the largest division in the Army, I report directly

1 to Major General Lanza and have an open door access
2 to raise any issues with any individual case.

3 As a SARC, I am required to report
4 regularly to the commanders on the status of
5 training, new initiatives for prevention and
6 response in ongoing cases. The commander is
7 responsible for ensuring soldiers receive required
8 training, that all victim response capabilities are
9 in place for 24 hours a day, seven days a week.
10 Additionally, the commander is tasked with finding
11 innovative programs to address sexual misconduct in
12 their ranks.

13 Attendance at the monthly Sexual Assault
14 Review Board, also known as SARB, is one of the
15 venues where the program is assessed by the
16 commanders so that we can share their lessons
17 learned, both positive and negative. All brigade
18 commanders and above attend this SARB with their
19 brigade SARCs, which is chaired by the senior
20 commander of the installation.

21 During the SARB, the commanders, along
22 with CID, the Criminal Investigation Division, the

1 staff judge advocate, the sexual assault
2 counselors, and the behavioral health personnel,
3 review all ongoing sexual assault allegations to
4 ensure victim care and response, to examine and
5 address trends in reporting, and to identify gaps
6 and seams existing in the services. This board
7 also relooks at cases to ensure that we update and
8 we're making contact with the victims monthly.

9 Major General Lanza's priority is
10 establishing a culture of trust where every soldier
11 is treated with dignity and respect. As an
12 innovative and engaged commander, Major General
13 Lanza has directed that within 7th ID, all SHARP
14 training must be interactive and focused on every
15 population from our youngest enlisted soldier to
16 the most senior officer. Power Point is not the
17 standard, and instead we use small group
18 discussions, role playing exercises, and skits such
19 as "Sex Signals," just to name a few.

20 The 7th Infantry Division program has
21 changed and developed further in response to
22 sensing sessions that General Lanza personally

1 conducts each quarter. For example, in these
2 sensing sessions, junior soldiers stated that some
3 victims feel intimidated about approaching a
4 higher-ranking individual about reporting a
5 suggested incident that could've happened to them.
6 So they requested a peer-to-peer and permission to
7 go to a soldier of the same rank to talk to. In
8 response, the 7th ID initiative, the Peer-To-Peer
9 Program, which trains junior soldiers and junior
10 officers to be an additional resource outside of
11 SHARP and VA for the soldiers to encourage them to
12 report the incident to the SARC or the victim
13 advocate. This pilot program has trained 31
14 personnel to date, and Major General Lanza is re-
15 engaging with the trained soldiers and their
16 battalion commander teams in December to further
17 enhance the Peer-To-Peer Program.

18 In addition to interactive training in 7th
19 ID initiatives, JBLM also offers the Army's first
20 Sexual Assault Response Team, or SART. The
21 commanding general of JBLM recognized that with an
22 i-course, there was the ability to merge various

1 entities and take the idea of special victims'
2 teams even further in order to collaborate on
3 behalf of the victim of sexual assault. The
4 civilian sector was examined to determine best
5 practices and to solicit input from local
6 resources, which led to premiere special victim
7 system capabilities.

8 At the SART, CID, the staff judge
9 advocate, special victim prosecutor, the victim
10 witness liaison, victim advocates, and sexual
11 assault care coordinators are co-located to create
12 essentially a one-stop-shop for victim services and
13 needs. This physical co-location creates
14 collaboration and efficiency to help each victim
15 with their individual needs.

16 The members of this team provide
17 independent insights for each case, which in turn
18 provides commanders, VAs, and victims with the best
19 advice possible.

20 Finally, I would like to close with some
21 of my personal observations from a 22-year career
22 as a female soldier.

1 I see a real difference in the way the
2 commanders understand the issues of sexual assault
3 and sexual harassment. I see a 100 percent
4 increase in the amount of attention paid to the
5 education of all soldiers about the crime. And as
6 a result, I think the training of sexual assault
7 and sexual harassment is some of the best training
8 in the Army, I believe, that is making a
9 difference.

10 I am proud to have been a part of a change
11 in our Army's culture, to truly live up to our Army
12 values. And I want to know -- I want you to know
13 that I'm just one of over 9,000 advocates across
14 the Army putting our hearts into these cases.
15 Thank you.

16 CHAIRMAN JONES: Thank you, Master
17 Sergeant Chapman. We'll now hear from Ms. Christa
18 Thompson.

19 MS. THOMPSON: Judge Jones and members of
20 the -- distinguished members of the Panel, thank
21 you very much for having -- giving me this
22 opportunity to address you today. My name is

1 Christa Thompson, and I serve as the Victim Witness
2 Liaison for the Army at Fort Carson, Colorado. I
3 would like to tell the Panel about my background,
4 my education, my training, my duties, the Army's
5 future plans for my position, and finally, my
6 personal observation of the Army's response to
7 victims, particularly sexual assault victims.

8 First, my background. I have served as a
9 victim witness liaison for over 18 years, and like
10 the majority of victim witness liaisons, I am a
11 civilian paralegal in the Office of the Staff Judge
12 Advocate, who has been appointed by the Staff Judge
13 Advocate or the Chief Legal Advisor of the
14 installation.

15 I have an Associate's of Arts Degree and a
16 Paralegal Certificate from the University of
17 Southern Colorado. I have worked in several
18 divisions of the legal offices. But I have been a
19 part of the Criminal Law Division for the
20 Prosecution Team for the past 18 years. I have an
21 in-depth practical understanding of the military
22 justice system.

1 As for my training, I have attended over
2 30 victim advocacy-related conferences run by the
3 Department of Justice, State, and national victim
4 organizations, and the Army. I would estimate that
5 I have met with approximately 2,700 victims over
6 the years, and in a typical year I meet with
7 approximately 150 victims and 100 witnesses.

8 Second, I would like to tell you about my
9 duties. I assist all types of victims, such as
10 victims of robbery, murder, sexual assault, child
11 molestation, domestic violence, and child abuse.
12 When the victim is deceased or a minor, I provide
13 liaison services to the next-of-kin or guardian.

14 The victim or the witness does not have to
15 be a military ID card holder or affiliated with the
16 military to receive my services. He or she must be
17 a victim of a crime or a witness to a crime in
18 which the accused is an active duty soldier and the
19 military is investigating the case.

20 Some of the assistance I provide is
21 logistics for these victims or witnesses. For
22 example, I prepare subpoenas, letters of

1 instruction for travel orders, and vouchers for
2 witness travel, and requests for civilian witnesses
3 to be paid their witness fee. I arrange for
4 available services, such as transportation,
5 parking, child care, lodging, and court martial
6 translators for victims and witnesses. I
7 coordinate with the victim witness liaisons at the
8 confinement facility, the Army Criminal Appellate
9 Courts, and at the Army Clemency and Parole Board.

10 I want to ensure that my victims are
11 notified when an offender's case is scheduled for
12 appellate argument and when the case is either
13 affirmed or overturned. I work with victims
14 immediately after trial to provide victim impact
15 statements not just for the immediate post-trial
16 action, but for future proceedings before the
17 parole and clemency board.

18 The military criminal justice system is a
19 lengthy process, and the Army provides victim
20 support throughout. I have victims contact me long
21 after the court martial is complete with questions
22 about confinement appeals, parole, and I'm glad to

1 help them knowing that I am still a face they can
2 turn to no matter where they are in the process.

3 I also serve as the liaison between the
4 Office of the SJA and my counterparts at other Army
5 installations, the military corrections confinement
6 facilities, local city, county, and state offices,
7 law enforcement, social services, victim advocates,
8 sexual harassment assault response coordinators,
9 commanders and first sergeants, and Federal
10 offices. The victim witness liaison has to be
11 aware of all the services that are available to all
12 victims and government witnesses.

13 When possible, our Special Victims' Team
14 attends a monthly civilian policing -- military
15 policing collaborative breakfast and a quarterly
16 special victims' section meeting to maintain an
17 open dialogue with the outpost police and law
18 enforcement agencies. I provide training about the
19 Victim Witness Assistance Program to the military
20 agencies involved in the detection, investigation,
21 and prosecution of crimes, and to the advocates who
22 work with victims, and the agencies responsible for

1 the incarceration of the offender.

2 The most challenging and the most
3 rewarding part of my duties is working with victims
4 to help them understand the military criminal
5 justice process, the role of the victim or witness
6 will play in the process, and how the victim or
7 witness can obtain additional information
8 concerning the process. It is my responsibility to
9 provide comfort and reassurance to victims and
10 witnesses who may be upset by the process and/or
11 reluctant to go through it.

12 In order to meet the needs of each
13 individual victim, I act as a facilitator and a
14 coordinator for services and programs available to
15 victims and government witnesses. I educate
16 victims and witnesses about their rights as
17 outlined in Department of Defense and Army
18 regulations. I am required to provide all victims
19 and witnesses with the standardized Department of
20 Defense forms that cover basic rights throughout
21 the process, post-trial information and rights, and
22 victim rights to notification from the confinement

1 facility regarding prisoner status, parole, and
2 clemency and release.

3 I am the primary point of contact for
4 victims for information about the progress of their
5 case. I accompany victims to courts martial and
6 provide support and information about the process
7 as it is taking place. In most cases, I act as an
8 intermediary between a witness and a representative
9 of the government and defense for the purpose of
10 arranging witness interviews in preparation for
11 trial. The victim witness liaison's role in
12 arranging witness interviews is to ensure that
13 witnesses are treated with courtesy and respect,
14 and that interference with their private lives is
15 kept to a minimum.

16 I am a part of a larger Army team,
17 particularly when it comes to sexual assault
18 victims. The military has developed a multi-
19 disciplinary approach to assisting victims and
20 witnesses. The special victim CID agent, the
21 special victim prosecutor, and the victim witness
22 liaison work as a cohesive special victim unit in

1 assisting victims of crime. With this team
2 approach, I believe we are seeing better results
3 regarding the investigation, prosecution of these
4 difficult cases. The team relies on the victim
5 witness liaison to assist in setting up interviews
6 and providing support to the victim during the
7 interviews. The prosecutors value my opinion on
8 the victim's demeanor and credibility, but they
9 also want me there to help the victim get through
10 the interview process and to provide the victim
11 with an easily-accessible source for follow up
12 questions.

13 As we look to the future, the Army intends
14 to continue the professionalization of the victim
15 witness liaison positions. The Army hopes to
16 obtain additional authorizations to hire full-time
17 civilian victim witness liaisons with a social work
18 or legal educational background and experience, and
19 with an additional intensive training requirement
20 similar to the prosecutors to serve as full-time
21 members of the Special Victim Units.

22 Third and finally, I would like to take

1 this opportunity to provide you with my
2 observations over the nearly 28 years that I have
3 been in civil service and worked in Army legal
4 offices. I know the Army can do the right thing.
5 I have seen the Army commanders take forward cases
6 that our local civilian prosecutors have declined.

7 I worked with a recent soldier victim who
8 reported a sexual assault by her supervisor at an
9 outpost hotel. The civilian authorities failed to
10 take blood during the SANE exam that could have
11 corroborated the soldier's claim that she had been
12 drugged. The civilian police wanted -- waited six
13 weeks to interview the victim, and I will say that
14 she was interviewed, of course, at the time of the
15 crime, but it was six weeks later before the
16 investigator -- the skilled investigator brought
17 her in for an interview.

18 The CID investigators pushed hard on the
19 civilian authorities to let them take over the
20 case. Once CID took over, they got a search
21 warrant for the soldier's phone, and forensic
22 analysis revealed deleted photos of naked passed

1 out women, including our victim. CID was able to
2 identify three other female soldiers on the phone
3 as CID has Army-wide jurisdiction and assets.

4 I assisted the special victim prosecutor
5 in this case, ultimately resulting in a conviction
6 with a 35-year jail sentence. I am proud to have
7 been a part of getting justice for these victims.
8 I still get calls from victims that were involved
9 in cases that are 16 and 17 years old, and these
10 victims are always glad to know that I am still
11 working cases and they can contact me even now.

12 I am personally glad to see the push from
13 Congress, the media, and the Army to help active
14 sexual assault victims. I am seeing a much more
15 caring attitude from the chain of command and
16 fellow soldiers toward soldiers who report a sexual
17 assault. Having been involved with victims over
18 the past two decades, I understand the crucial
19 nature of the command response and the response of
20 the victim's unit.

21 Over the years, I have seen how difficult
22 it is for soldiers to believe that a fellow soldier

1 that they admired and respected could possibly
2 commit a sexual assault. Education is changing
3 that attitude, but that is a cultural problem
4 across our whole country. The changes in the way
5 the Army investigates and prosecutes these cases,
6 along with all of the policy changes and the
7 messages about our culture, I think have made a
8 real and significant difference.

9 If you ask me what else I think needs to
10 be done, I would suggest three primary things.
11 Number one, that the Army would benefit greatly
12 from having full-time civilian professionals as
13 witness liaisons. Most victim witness liaisons
14 have collateral duties that can distract them from
15 their responsibilities to the mission.

16 Number two, I think that victim witness
17 liaisons should have privileged communication. The
18 current privilege applies only to victim advocates.
19 I think this is confusing for victims and can
20 hamper communication between myself and victims.

21 And number three, I think that the Army
22 should continue to professionalize the victim

1 advocate's position, providing more intensive and
2 longer training in some kind of career track. In
3 my experience, not everyone is qualified
4 emotionally or possesses the necessary maturity and
5 temperament to work with victims. It is a job that
6 I think somebody should want and not a job that
7 somebody should be assigned to as an additional
8 duty.

9 Thank you.

10 CHAIRMAN JONES: Thank you very much, Ms.
11 Thompson. Dr. Dickman?

12 DR. DICKMAN: Yes. Good afternoon, Judge
13 Jones, distinguished members of the Panel. My name
14 is Kimberly Dickman, and I have been a Sexual
15 Assault Response Coordinator for five years. The
16 last year I have been the SARC at the 70th ISRW at
17 Fort Meade in Maryland, again for the Air Force,
18 and the previous four years before that I was the
19 SARC at RAF Alconbury and RAF Mildenhall, both
20 located in the UK. My background is in mental
21 health counseling, and I am a licensed mental
22 health professional, and have a doctorate's degree

1 in education and training.

2 The two previous speakers gave a lot of
3 detail about what we do and what we see and details
4 about being on the ground doing this work. And I'd
5 like to first thank you and say that I respect that
6 you have given time for us here on this Panel to
7 come and speak, to help and describe how policy and
8 procedures are done on the ground, and also to
9 share some challenges that we have. So I'm not
10 going to go into details of the job, and we'll
11 reserve that for the questions that you have.

12 But I would like to share more on a
13 personal level that being a SARC, and working with
14 victim advocates, a lot has been laid on our
15 shoulders. The change that's needed in this field
16 has oftentimes been given and pushed forward by
17 this small group of people, and that's not enough.
18 And I see that that is changing.

19 The job as SARC is very challenging and
20 yet very rewarding at the same time. It's
21 challenging intellectually, but extremely
22 challenging emotionally. At times it is rewarding

1 beyond belief when you see a victim come so far
2 whether there is a legal judicial process that they
3 want or not. But to see them change, to see them
4 grow, to see them have power, and to see them be
5 able to embrace life and perhaps stay within the
6 military has been very, very rewarding. At the
7 same time, there are many -- numerous times when it
8 is disheartening to see the challenges that our
9 victims go through and to work to educate our
10 military around that.

11 I am currently on special detail to the
12 Pentagon to Headquarters Air Force SAPR to work on,
13 to review, and to recreate the training. And as
14 the Master Sergeant has already said, the training
15 that we have is the best, the latest that's out
16 there. It's not just put together halfheartedly.
17 There's evidence-based, research-based information
18 that we're putting together.

19 So within my five years as a SARC, I have
20 seen a lot of change, a lot of improvement.
21 Unfortunately, sometimes that comes as a reactive
22 process for what has happened or hasn't happened

1 and has failed. But I also feel that currently we
2 are on the edge of making incredible, real societal
3 change that can make a difference.

4 So I continue to be honored to be in this
5 position, especially at this time where I believe
6 we are going to make some significant differences
7 and change. I also, again, am honored that you're
8 willing to take a look at that and to be a part of
9 that. And I am very open to any and all your
10 questions that you have today. Thank you.

11 CHAIRMAN JONES: Thank you very much, Dr.
12 Dickman. Master Sergeant Rountree?

13 MASTER SERGEANT ROUNTREE: Good morning,
14 ma'am, and members of the Panel. My name is Master
15 Sergeant Stacia Roundtree. I've been in the
16 military for 15 years. I joined the Air National
17 Guard, and I've been serving as an Air Force victim
18 advocate since 2008 when the Guard was able to go
19 ahead and receive advocates.

20 When I transferred to the NCR -- I'm based
21 out of Joint Base Anacostia-Bolling -- I supported
22 the active duty programs over on Andrews and

1 currently support the active duty program over on
2 Joint Base Anacostia-Bolling/Pentagon.

3 I have over 2,000 hours working with
4 clients, and I've held support -- I've helped co-
5 chair Sexual Assault Awareness Month within the NCR
6 in 2011 and 2012. I am looking forward to
7 answering any questions that you may have.

8 And I'm very excited about what Dr.
9 Dickman was saying. With the program changes that
10 have been made since 2005 until now, I think
11 expedited transfers have been huge for victims, and
12 I honestly think that special victims' counsel have
13 also added a huge gain for our victims.

14 CHAIRMAN JONES: Thank you very much. Is
15 it Ms. Blank or Ms. Blanc?

16 MS. BLANC: Ms. Blanc.

17 CHAIRMAN JONES: Liz Blanc.

18 MS. BLANC: Thank you, ma'am.

19 CHAIRMAN JONES: Go ahead.

20 MS. BLANC: Good afternoon, Judge Jones
21 and --

22 CHAIRMAN JONES: You might want to pull

1 the microphone a little closer.

2 MS. BLANC: Sorry, I'm going to get --
3 we're going to get quite friendly. Better?

4 CHAIRMAN JONES: We'll know in a minute.

5 MS. BLANC: A little better?

6 CHAIRMAN JONES: Yes.

7 MS. BLANC: Okay. Apologies. Good
8 afternoon, Judge Jones, members of the Panel. My
9 name is Liz Blanc, and for the past seven years
10 I've had the honor and privilege of serving as a
11 Sexual Assault Response Coordinator for the U.S.
12 Navy. I have extensive experience working with
13 victims of sexual assault both in the military and
14 civilian environments, and I hold a master's degree
15 in psychology.

16 My career in the field of sexual assault
17 prevention and response began as an intern at a
18 civilian rape crisis center more than a decade ago.
19 After college, I served as the AmeriCorps Victim
20 Assistance Program Member at a civilian rape crisis
21 center providing 24/7 direct services to victims of
22 sexual assault. I went on to the services program

1 at that center for four years before moving to a
2 position at the Child Advocacy Center where I
3 conducted forensic interviews of child abuse
4 victims.

5 In 2006, I was one of the first SARCs that
6 the Navy hired, and I moved to Annapolis, Maryland
7 and began working as a Sexual Assault Response
8 Coordinator for the installation at Annapolis, as
9 well as the Navy Assets at Fort Meade, Maryland. I
10 held that position until June of this year when I
11 assumed responsibilities as the National Capital
12 Region SARC, responsible for more than 10,000
13 active duty personnel at the Washington Navy Yard,
14 the Pentagon, Federal Center at Suitland, Fort
15 Belvoir, and Quantico, among others.

16 During my seven plus years that I've been
17 a SARC, I've managed the SAPRO program in a number
18 of diverse environments, including on Navy
19 installations, Reserve centers, recruiting
20 districts, military medical treatment facilities,
21 on board ships, joint commands, and joint bases.

22 As an installation SARC, I'm responsible

1 for victim care and support, which includes victim
2 advocate screening, training, and supervision,
3 awareness and training, and data collection and
4 management. While I'm trained to provide advocacy
5 services and I'm credentialed at the advanced level
6 in both the military and civilian sexual assault
7 certification programs of the National Organization
8 for Victim Assistance, my more than 100 active duty
9 advocates and full-time civilian advocates are the
10 ones who do the majority of the direct work with
11 victims. I provide the initial 40-hour training,
12 monthly refresher training, and ongoing direct
13 supervision of advocates when working a case, which
14 includes phone check-ins as soon as they get a
15 call, debriefs of cases, and support on an ongoing
16 basis.

17 All of my victim advocates have completed
18 the Defense Sexual Assault Certification Program
19 process to ensure that victims of sexual assault
20 within the military receive the highest standard of
21 care. Additionally, for those victims who would
22 prefer to work with a civilian, the Navy employs

1 civilian SAPRO advocates who report directly to the
2 SARC and are a vital additional resource for us to
3 offer to a sexual assault victim.

4 Victim care after an assault is very much
5 a team effort that includes investigative -- I'm
6 sorry -- intensive and ongoing collaboration
7 between myself, my victim advocate, and command in
8 order to ensure that every victim has their needs
9 met and is taken care of.

10 An important tool that helps us to achieve
11 this goal in unrestricted cases is the Sexual
12 Assault Case Management Group meeting. As a SARC,
13 I serve as the co-chair of this meeting with the
14 installation commanding officer where we discuss
15 individual cases to ensure victim care as well as
16 address any systemic issues needing improvement.
17 Additionally, to ensure victim safety, we have a
18 designated individual at the meeting whose sole
19 responsibility is to provide ongoing safety
20 assessments as the case progresses.

21 The training and awareness activities that
22 I provide includes everything from training newly-

1 checked-on-board personnel to ensure that they're
2 aware of local procedures, policies, and SAPRO
3 resources, annual general military training,
4 assisting with stand-downs and other command-led
5 trainings, as well as raising awareness during
6 Sexual Assault Awareness Month.

7 In addition to these trainings, I also
8 provide in-briefs to all new members of the command
9 triad -- commanding officer, executive officer, and
10 senior enlisted leader -- within 30 days of them
11 assuming command. This raises an opportunity to
12 have important conversations about victim needs,
13 trends within the command, ways that we can
14 continually work to improve our command climate and
15 culture around the sexual assault, as well as the
16 command role in cultivating the climate that
17 focuses on prevention and response.

18 When I first came to work for the
19 military, I had no prior military experience other
20 than what I saw portrayed in the media. And to be
21 frank, what was portrayed in the media in 2006 was
22 not good. Forensic civilian rape crisis centers

1 told me that the military was not serious about
2 addressing the issue of sexual assault. They told
3 me that I would burn out and be back in six months.
4 They could not have been more wrong, and I could
5 not be prouder to be sitting here this morning
6 representing the U.S. Navy SAPRO Program.

7 It has been seven years since I packed up
8 my tattered copy of Susan Brown Miller's seminal
9 work, *Against Our Will*, and began my journey with
10 the U.S. Navy. Since then, I have been continually
11 humbled and awed by the men and women I work with
12 who care deeply about this issue and want to make
13 the military a better place for sexual assault
14 victims and who work diligently to create a climate
15 where acts of sexual violence are unheard of.

16 We have made incredible progress on
17 initiatives like the Victims' Legal Counsel and
18 Deployed Resiliency Counsel Program, which places
19 SARC-trained assets aboard our largest Navy ships.
20 We'll continue to build victims' trust in our
21 system.

22 Well, there are certainly negative stories

1 about how the military has handled sexual assault
2 allegations. What I would like for you to know is
3 another story, the story of hundreds of SAPR VAs
4 that I have worked with over the years who give up
5 their nights and weekends and take precious time
6 away from their friends and family to make sure
7 that no victim has to be alone, and there is always
8 someone to walk beside them.

9 I want to share with you the story of
10 admirals and commanding officers -- Admiral Buck
11 among them -- who make it a priority to reach out
12 to me so they can be more educated on this issue,
13 not because they have to, but because they want to.

14 And finally, and perhaps most importantly,
15 I want to share the story of the incredibly strong
16 and resilient victims of sexual assault that I have
17 worked with who have received exceptional support
18 and care while in the military, and who go on not
19 only to survive the assault, but to thrive.

20 This is only a brief snapshot into my life
21 as a Sexual Assault Response Coordinator. This is
22 a program and an issue that I am passionate about

1 and I care deeply about. Thank you for your time,
2 and I welcome your questions about my experiences
3 in the military as well as civilian worlds. Thank
4 you.

5 CHAIRMAN JONES: Thank you very much, Ms.
6 Blanc. Next we'll hear from Ms. Torie Camp, who is
7 the Deputy Director of the Texas Association
8 Against Sex Assault.

9 MS. CAMP: Good afternoon. Thank you,
10 Panel members, for having me here today. I
11 appreciate your time.

12 I have 16 years in the anti-sexual assault
13 movement. I am an adjunct professor at the UT
14 School of Social Work and a gubernatorial appointee
15 for the Crime Victims' Institute in Texas. I'm
16 also the Deputy Director at the Texas Association
17 Against Sexual Assault. I have a very macro view
18 of sexual assault services in Texas, and that's
19 what I'm planning on bringing to you today.

20 My organization is divided into five
21 different departments. We provide public policy on
22 a statewide level. We provide primary prevention

1 activities across the state. We provide training
2 for our rape crisis center staff, as well as law
3 enforcement and other members in communities who
4 are responding to sexual assault victims. And we
5 provide technical assistance to our rape crisis
6 centers.

7 I have learned a lot just this morning and
8 just now about how the military is responding to
9 sexual assault, and already I see a lot of the
10 strengths that are happening in the civilian world
11 being echoed in the military world. And so, I
12 commend you all for that.

13 In particular, I have always been very
14 proud of the training that the sexual assault
15 advocates in Texas get. There's 40 hours of
16 regulated training that every advocate needs to go
17 through before they provide any of the minimum
18 services to a sexual assault survivor. And now I'm
19 going to look at you all's training because I think
20 maybe I have found some training that might be even
21 better than what we've got in Texas, so I'm really
22 excited to take a look at that.

1 I do want to share a little bit about one
2 of the things that we've learned long and hard
3 about that makes a community response the very best
4 it can be is Sexual Assault Response Teams, and it
5 sounds like there's something similar going on.
6 But I want to emphasize that bringing together a
7 group of professionals to staff and work those
8 cases and that they should remain victim-centered
9 and collaborate while they're having those meetings
10 will make an enormous difference in the lives of
11 those victims.

12 I have provided to this Committee a model
13 protocol that my organization developed almost 10
14 years ago, but it still stands as one of the very
15 strongest documents that we have ever put together.
16 And in it we laid out some of the vision that a
17 sexual assault response team should have when they
18 are carrying out their work. And I'm going to read
19 to you the eight pieces of that vision just to make
20 sure that I don't miss out on any of them.

21 The first one is that the ideal system for
22 response to sexual assault needs to have crime --

1 needs to allow crime victims to assume control back
2 over their lives, and that that is recognized and
3 supported by the professionals that are around
4 them. The second is that victim safety is a top
5 priority always. The third is that cases are
6 vigorously investigated. Fourth is that offenders
7 are apprehended and aggressively prosecuted in a
8 timely manner.

9 The fifth is that crime victims are kept
10 informed at each stage of the criminal proceedings.
11 The sixth is that victims are given the opportunity
12 to express a preference for what they would like to
13 happen. And the seventh is that special
14 sensitivity and awareness is demonstrated when
15 working with special populations, minorities, and
16 underserved populations. And finally, a very high
17 level of coordination between responding agencies.

18 When those things happen, victims feel
19 supported. And from a very selfish perspective, I
20 think many of the professionals will say that
21 making victims the center of their response makes
22 their jobs easier. Victims are more likely to work

1 with the system when the system is listening to
2 what they have to say and keeping their interests
3 as the very top priority.

4 The Austin SART, for example, meets
5 monthly. I think that's very common. It is an
6 excellent sexual assault response team model.
7 Critical in that they are professionals in the
8 medical world, in the law enforcement world, on the
9 prosecution team, and the advocacy team. That
10 advocate is typically from a rape crisis center
11 that is a non-profit, so that means that they are
12 independent from the criminal justice system, which
13 gives them a very unique position on that sexual
14 assault response team.

15 That advocate's top priority is that
16 victim. They have no ulterior motive, no other
17 priority besides the best interests of that sexual
18 assault survivor. That advocate can also be there
19 with the victim from the very moment that they
20 start through the system, and they can follow them
21 and be that consistent face whether they're at a
22 law enforcement interview, whether they're in the

1 hospital getting an exam, whether they're in the
2 prosecutor's office, whether they're at trial, and
3 even afterwards. So that advocate can build a
4 relationship with that survivor like nobody else
5 can do because generally the other professionals
6 involved in that system, their position is time
7 limited.

8 I provided you with two other documents
9 besides the model protocol for responding to sexual
10 assault. One is our sexual assault training
11 program manual. It's 300 pages. I don't really
12 expect you to read the whole thing. But I am very
13 proud of it, and that is generally the curriculum
14 that our advocates go through in Texas before
15 training.

16 And then finally, we have a survivor's
17 booklet. It's about a 20-page document that we
18 hope every sexual assault survivor gets in Texas.
19 And the idea is that if for some reason they don't
20 get an advocate, if for some reason they're not
21 getting all the information that they could
22 possibly have through some oral communication, that

1 they have this information written down, and they
2 can carry it with them, and that it will really be
3 resources for them to learn and also connect them
4 to assistance if they need that in the future.

5 The last things that I'd like to mention
6 are a couple of good things. The training, I think
7 it sounds like it's phenomenal. I really need to
8 check it out. Also the special victims' counsel, I
9 cannot wait to see how that turns out. And then
10 really hoping that one day in the civilian world we
11 will have attorneys for all of our sexual assault
12 victims. And I envision this courtroom with the
13 defense counsel, and then the counsel for the
14 state, and then the counsel for the victim right up
15 there next to the other two tables. So that's
16 where I'd really like to get with that.

17 I think that's probably all I have for
18 now. I would love your questions later. Thank
19 you.

20 CHAIRMAN JONES: Thank you very much.
21 Next we'll hear from Ms. Gail Reid, who's the
22 Director of Victim Advocacy Services for

1 Turnaround, Incorporated of Baltimore.

2 MS. REID: Thank you very much for
3 inviting me to be a part of this Panel.

4 CHAIRMAN JONES: Would you pull that --

5 MS. REID: Closer?

6 CHAIRMAN JONES: It may not be on. Can
7 you pull it closer to you, please? There we go.

8 MS. REID: So, yes. My name is Gail Reid.
9 I'm the Director of Victim Advocacy Services in
10 Baltimore. I believe that -- and I'm also a
11 licensed clinical social worker. And I believe
12 that I was asked to be a part of this Panel because
13 of Baltimore's dubious distinction of having been
14 in 2010 identified -- exposed might be a better
15 word -- as leading the Nation in the number of
16 unfounded sexual assault cases. Unfounded. I
17 haven't heard people really talking about that too
18 much this morning, but unfounded meaning we don't
19 believe you, or whatever happened to you we don't
20 think was a crime.

21 So we have worked very hard over the last
22 three years to make a difference, and I'm happy to

1 answer any questions you all have about some of the
2 lessons that we have learned and some of the things
3 that we have been able to turn around in that
4 process.

5 I was here this morning, and I did make
6 some notes on a couple of things that stood out for
7 me that were things that we also encountered, and I
8 wanted to comment on, but I do want to also
9 somewhat reframe the question. I think there is a
10 lot of understanding that sexual assault is grossly
11 under reported, and how do we get victims to come
12 forward to report. And I think the issue of
13 restricted reporting is very helpful, but then I
14 think the question that was -- there was some
15 attention on why are those cases not converting to
16 reporting then, and what's happening in that
17 process.

18 And I really think one of the questions we
19 should be asking is why would victims want to
20 report? Why do they? The reality for victims in
21 reporting and the process that they are put through
22 is extremely difficult, sometimes damaging. And

1 there have been studies that have shown that
2 victims actually have worse outcomes personally
3 when they do go through the criminal justice
4 system. So I think the idea of restricted
5 reporting is becoming much more popular because
6 people are able to access services and still
7 maintain some privacy.

8 But I think the real challenge then is
9 what's in it for victims to come forward? And we
10 can never hold perpetrators accountable unless that
11 happens. And I think the reality is that, you
12 know, sexual perpetrators are really very, quite
13 successful. Only about two percent I think is the
14 estimate, about two percent of rapists ever
15 actually do time in prison. So the outcomes for
16 reporting for the criminal justice system are
17 really very poor. And so, I think what will help
18 victims decide to report is when that changes and
19 when victims can have a different experience and
20 see different things in the media that are
21 happening. So I think that's an important question
22 to keep in mind.

1 I think the other thing that's very
2 important is we have, I think, strange ways of
3 thinking about victims and perpetrators. And we
4 all -- in the criminal justice system, we want our
5 victims to be good witnesses. And if they're not
6 good witnesses, many times the cases don't go
7 anywhere. And I once heard a prosecutor -- I wish
8 I could remember who it was. But she said that bad
9 witnesses make good victims.

10 So when you have victims who are drinking,
11 or victims who are using drugs, or have problems,
12 or who are troubled and so on, these are great
13 victims for successful rapists to prey upon. And
14 so, I think that's something we have to really
15 understand. And also we expect our perpetrators to
16 be sort of monstrous people, and when they're --
17 when the perpetrators are upstanding citizens, I
18 mean, in the civilian world -- we have judges, we
19 have police officers, we have all kinds of upright
20 citizens who are also sexual predators. And that
21 becomes a problem in the criminal justice system.
22 And then you hear cases where it comes down to,

1 well, he said/she said, and she's not very
2 credible, and so on. So I think that we have to
3 challenge those notions as well.

4 When a rapist says to the victim, they're
5 not going to believe you, who do you think they're
6 going to believe, and then that victim goes to
7 report, and the first thing the investigators do is
8 begin to poke holes in her story, question this,
9 look at inconsistencies, then what does that victim
10 understand? They don't believe me. I'm going to
11 recant.

12 And I do think it's important while the
13 military is collecting all this data, to be looking
14 at what happens when a victim does report. Are
15 cases being unfounded? Are victims recanting?
16 What is the case attrition rate? You cannot go
17 forward through prosecution very successfully
18 without a victim. Many times we have victims say,
19 I don't want to do this anymore. I'm done, nothing
20 more to do with this. And the case really can't go
21 too much farther.

22 The second point I want to make is, and

1 several of our panel have mentioned the same
2 things. And one of the things that we're very
3 successful in Baltimore with is empowering advocacy
4 as part of that response, that many times the
5 advocate does not have as much power and influence
6 in the response situation. And we in Baltimore now
7 have advocates present when investigators are
8 conducting interviews. They are present if a
9 victim is recanting. I just started July 1st with
10 some funding to -- I actually have several
11 advocates based in the Sex Offense Unit. They
12 often go out with detectives, but they work for the
13 community-based agency. They do not work for the
14 police department.

15 But that introduces a level of
16 transparency that you really need because you can
17 have great policies and procedures, and I'm very
18 excited about what the military is doing and the
19 training and the advocacy and so on. But if you
20 have these transactions that go on that you can't
21 see and can't monitor, when you have an
22 investigator say to a victim something like, you

1 know, we can charge you with making a false report
2 if you're not telling us the truth, or, we have an
3 investigator -- I've heard many times an
4 investigator say to a victim, you know, you're
5 going to ruin this person's life, and better be
6 sure about what you're saying. And until you can
7 change those kinds of interactions --

8 I'll give you a very specific example.
9 Our investigators in Baltimore used to interview
10 victims the same way they interviewed suspects.
11 And so, they interview in a certain way that has to
12 do with, again, highlighting inconsistencies.
13 Their whole goal was to make sure that this victim
14 was telling the truth and telling a consistent
15 story, and would be -- and this is immediately
16 post-trauma, so many people are not good at, you
17 know, facts and details and so on.

18 And we have changed the way our
19 investigators are trained. We have changed the way
20 they interview people. And it was even as simple
21 as they were interviewing victims in the
22 interrogation/suspect rooms. And we now have a

1 very different space for victims to be interviewed
2 in.

3 But you have to have advocacy be a part of
4 that response because that's what's going to bring
5 about those kinds of changes. And I think it's
6 interesting if the advocate is supposed to be the
7 voice of the victim and the advocate is not very
8 empowered, you know, it doesn't really accomplish
9 as much as you would like.

10 The other thing I wanted to say, the
11 restricted reporting is we have a similar process
12 in the civilian community that is the anonymous
13 reports. Our anonymous reports, when we were doing
14 a very bad job, our anonymous reports were very,
15 very high because people could come in and get
16 services, have evidence collected, have exams,
17 access services.

18 Since I think our response has gotten
19 better and our victims are more willing to report,
20 our anonymous reports have come down, and our
21 conversion rate is actually pretty good. But we
22 find that most of the conversions happen within the

1 first week or so, that when victims decide to
2 report, it happens pretty quickly. And so I think
3 that has to do with people testing the waters and
4 the kind of response that they get. So I think if
5 you're looking at conversion rates, you also want
6 to look at when and at what point that is
7 happening.

8 And then I wanted to make a final comment
9 about the DNA rape kits that came up. One of the
10 things that we learned in Baltimore that was
11 happening with the rape kits is that they were
12 actually not being used for any type of
13 investigative value, that they were being -- they
14 were sitting there untested until -- you know, it
15 probably won't make sense to you. It didn't make
16 sense to us either. So they would sit there until
17 a suspect had been identified, charged, there was
18 going to be a prosecution. Then they wanted the
19 case -- the kit tested because that had evidentiary
20 value and could potentially help with a plea deal
21 or something like that, you know, a guilty plea.

22 So that changed. All the kits are tested

1 now because if you actually can identify a suspect,
2 that helps you go catch someone. So they are
3 tested. And one of the things we have found is we
4 have our cold cases, and identifications have
5 suddenly shot up. And we have had several --
6 recently several very successful prosecutions
7 actually with cases that were identified because
8 people were now testing those kits, and they were
9 connecting people to a series of kits. And since
10 most sexual predators are serial offenders, that
11 can be very helpful information.

12 So other than that, I wanted to make those
13 points, and I'm happy to answer any questions.

14 CHAIRMAN JONES: Thank you very much, Ms.
15 Reid. Ms. Autumn Jones will be next, the Director
16 of the Victim Witness Program for Arlington County
17 and City of Falls Church.

18 MS. JONES: Yes. Thank you so much for
19 having me. I just wanted to talk a little bit
20 briefly about myself and just the program. I have
21 worked with the Commonwealth Attorney's Office here
22 in Arlington -- well, in Arlington, Virginia for

1 nine years. I have held every position in the
2 program. As soon as I graduated from college with
3 a major -- I majored in criminal justice. I went
4 right to work. I did do some volunteering at a
5 shelter and worked specifically with domestic
6 violence before working in the Victim Witness
7 Program. I have worked every type of case to
8 include sexual assault with adults and child
9 victims. Currently because of my case load and my
10 duties as the Director, I can only take on the more
11 serious cases. So I typically will do homicides
12 and sexual assault cases.

13 The Victim Witness Program is housed in
14 the Commonwealth Attorney's Office, and we have a
15 dual role in the sense that we don't just advocate
16 for victims. We also facilitate prosecution. We
17 interact with victims on a daily basis. We make
18 referrals. We assist them throughout the criminal
19 justice process. We explain that process to them.
20 As soon as we get a police report, I actually
21 assign the police reports every day to my staff as
22 well as to myself. So we have that case from the

1 time that we have the police report to whatever
2 happens with that case.

3 We're in constant communication with the
4 detectives, with the victims, explaining to them
5 what their rights are, explaining to them what
6 their options are, making sure that they understand
7 what they're getting involved in, and letting them
8 make the decision of whether or not they want to go
9 forward. That might be a little contradictory
10 since I do help facilitate prosecution, but at the
11 same time we still are having discussions with them
12 and explaining to them these are your options, this
13 is what the process will be if you choose to go
14 forward with prosecution.

15 This is my role, and we also explain to
16 them, you know, not only about what the person is
17 charged with, but the penalty ranges, sentencing
18 guidelines. We accompany them to every court
19 proceeding. And even the cases that are not
20 prosecuted, we still provide services to that
21 victim, make sure that they understand, you know,
22 what they can -- what they qualify for out in the

1 community. And also, too, with crime victims'
2 compensation funds, we make sure that we also
3 assist them as well. So even though we do have
4 that dual role and we are housed in the
5 Commonwealth Attorney's Office, we still handle
6 cases where there's no prosecution, regardless if
7 that's the victim making that decision on their own
8 or our office.

9 Being there nine years and kind of coming
10 up the ranks and seeing a lot of different things,
11 I've got a lot of opinions and perspectives on how
12 things were when I started versus how they are now.
13 I think that our working relationships with the
14 community agencies, the committees that we sit on
15 that we discuss cases with out in the community, I
16 think that it helps to make our response to sexual
17 assault a much better and improved response so that
18 way we have everyone sitting at the table talking,
19 discussing these cases, you know, including the
20 prosecutors, including law enforcement, as well as,
21 you know, other community-based organizations.

22 So I can answer any other questions that

1 you may have. But I just wanted to kind of keep it
2 brief.

3 CHAIRMAN JONES: Thank you very much, Ms.
4 Jones. Ms. Ashley Ivey, who I think is still here
5 with us. Is that right, Ms. Ivey?

6 MS. IVEY: Yes, I'm here.

7 CHAIRMAN JONES: Thank you so much. Is
8 Victim Advocate Coordinator in Athens, Georgia.
9 Please go ahead.

10 MS. IVEY: Hi. I'm Ashley Ivey, and I
11 thank you so much for allowing me to --

12 CHAIRMAN JONES: Do we have a technical
13 wizard around here anywhere?

14 MS. IVEY: Hello?

15 CHAIRMAN JONES: Hi, Ms. Ivey, are you
16 back?

17 MS. IVEY: Yes.

18 CHAIRMAN JONES: Okay. Go ahead.

19 MS. IVEY: I want to thank you all for
20 allowing me to do this by phone. I had a trial
21 that did not finish up until this week, so I wasn't
22 able to attend in person. I have heard, you know,

1 everyone --

2 CHAIRMAN JONES: Ms. Ivey?

3 MS. IVEY: Yes.

4 CHAIRMAN JONES: We keep not being able to
5 hear you at certain points.

6 MS. IVEY: Is this better?

7 CHAIRMAN JONES: Let's go ahead. It seems
8 like it's just blocking out at certain points.

9 MS. IVEY: Okay. Again, thank you for
10 allowing me --

11 CHAIRMAN JONES: Are you on a speaker?

12 MS. IVEY: I'm not.

13 CHAIRMAN JONES: Okay.

14 MS. IVEY: In Athens, it's home to the
15 University of Georgia, and we have a lot of sexual
16 assault cases that involve females between the age
17 of 18 and 25 due to our population. We have a
18 coordinated community response here, and we do use
19 a SART model.

20 I am the Director of the Victim Assistance
21 at the Western Judicial Circuit in Athens in Oconee
22 County. And I've basically been in this position

1 either at the Solicitor's Office doing misdemeanors
2 or the District Attorney's Office doing felonies
3 for almost 18 years now.

4 We have the Cottage. It's the Sexual
5 Assault Center, Rape Crisis Center. And we
6 coordinate with them on doing our non-arrest cases
7 housed in the prosecutor's office, again, the
8 District Attorney's Office. And I have six victim
9 advocates that work under me and with me, and we
10 have a Special Victims' Unit. We have three
11 Special Victims' Unit prosecutors, and we have
12 three Special Victims' Unit investigators housed in
13 our office.

14 We began our program in 2002, and it
15 expanded into all three of our Superior Courts in
16 2009. We have something a little bit different in
17 our community. We have a Family Protection Center,
18 which houses the prosecutors, and the Special
19 Victims' Unit detectives from the police
20 department. We have our Department of Family and
21 Children Services Advocate also located there. We
22 have our battered women's shelter advocate located

1 in the center. We have interview rooms for adult
2 victims of sexual assault and our Child Advocacy
3 Center, and children interview rooms are there.

4 We also have a SANE Sexual Assault Nurse
5 Examiner Program, and our SANE nurses perform all
6 of our exams in our Family Protection Center. And
7 that center was opened in 2006, so we do have a
8 one-stop-shop. Our victims, once a crime is
9 reported or even if they want to do a non-report,
10 they do not go to our local hospital. We actually
11 have an examination room in our center, and the
12 victims are all taken there. The advocates all
13 respond to the center. Law enforcement responds to
14 the center. And all of the needs of the victim are
15 taken care of in that center.

16 Once the case -- or there's an arrest made
17 in a case, it's referred over to the Special
18 Victims' Unit Assistant District Attorney, and
19 those attorneys are assigned that case and stay
20 with that case all the way through appeal. The
21 advocates work under my direction, and we report
22 directly to the District Attorney. We are, again,

1 housed in the DA's office; however, we have freedom
2 to express the views of the victims through our
3 Special Victims' Unit prosecutors without feeling
4 any type of need to temper that feeling of the
5 victim. We work exclusively for the victim, and to
6 support the victim, and relay that information to
7 the Assistant District Attorney.

8 We stay with the case, again, all the way
9 through the appeal process. We notify the victims
10 based on the Georgia Crime Victims' Bill of Rights.
11 All victims have to be notified of every hearing,
12 have the right to be present, and have the right to
13 speak at any phase of the process.

14 That's pretty much what we have in our
15 community.

16 CHAIRMAN JONES: Thank you very much, Ms.
17 Ivey.

18 All right, that was terrific. It was
19 great to hear from each and every one of you.
20 Questions from the Panel? Professor Hillman?

21 PROFESSOR HILLMAN: Thank you, Madam
22 Chair. Thanks to everybody for your comments. I

1 have one small question first for Ms. Reid. You
2 said you had a pretty good conversion rate. What
3 constitutes a good conversion rate?

4 MS. REID: Oh, when I was saying that, I
5 was wishing I knew -- I had that number in my head.
6 You know, I can find that out for you, and I can
7 also make available our annual reports from the
8 SART that I believe -- I might even have it in my
9 purse that will tell me. But I don't know the
10 exact rate, but it is quite high, probably like 80
11 percent or so. Very high.

12 PROFESSOR HILLMAN: Eighty percent. So
13 it's honestly what's in your head. As I'm doubtful
14 of some of the -- I see the truth is in the
15 numbers, and the numbers are a difficult thing.
16 Yet we're relying on them.

17 Do you think then most restricted reports
18 should be convertible into unrestricted reports?
19 And the reason I ask is because you specifically
20 raised the point that some studies say recovery is
21 better for those who don't trigger the
22 investigative process and go through, which can be

1 damaging at some points. So is an 80 percent rate
2 something we should aspire to if that's, in fact,
3 what the numbers tell us about --

4 MS. REID: I think that the interesting
5 thing about the numbers really has to do with the
6 relationships between the numbers. So I think it
7 is very good that your numbers of reported -- of
8 the incidents of sexual assault is going up. And I
9 know that sounds like a bad thing, but I think it's
10 not really the incident. I think it's the fact
11 that there is more accurate information about
12 sexual assault. So I think those numbers are kind
13 of odd. And we said the same thing in Baltimore
14 that everyone needed to be prepared for the fact
15 that it would look like suddenly we had a lot more
16 sexual violence in Baltimore, but it was really
17 that there was so much that was reported.

18 So what we have seen is reports going up.
19 And now that is starting to come down. But what's
20 important, we want to know is that coming down
21 because we think we've actually had an impact and
22 there is less sexual assault? So what we don't

1 want to see is our number of unfounded cases going
2 up. So it's important that some of those numbers
3 are coming down and the unfounded numbers are
4 staying down, if that makes sense.

5 So I think it's the same issue with the
6 restricted and unrestricted reporting. And I think
7 that it is certainly our agenda in Baltimore that
8 we want victims to be able to report because that
9 is the only way that we can hold offenders
10 accountable and try to make the community safer.

11 So we do aspire to victims reporting, and
12 we want to make that system work better for them.
13 And I think we're really challenged with still
14 trying to get better outcomes in terms of
15 prosecution.

16 PROFESSOR HILLMAN: Thank you.

17 MS. REID: Does that make sense?

18 PROFESSOR HILLMAN: Yes, that's very
19 helpful. And my next question is really for
20 everyone. To what extent do male victims of sexual
21 assault have distinctive needs, and how are we
22 providing for them?

1 MR. BRYANT: Professor, could you repeat
2 the question? I didn't hear it all. I'm sorry.

3 PROFESSOR HILLMAN: To what extent do male
4 victims of sexual assault have distinctive needs,
5 and how are we meeting those?

6 MR. BRYANT: Thank you.

7 MS. BLANC: I guess I can just speak a
8 little bit from the military perspective. We do
9 see that we do have a disproportionate number of
10 men relative to women compared to in the civilian
11 world. We are predominantly a male service,
12 although we do absolutely have female service
13 members as well. I would think -- I think the
14 number is around 13 percent, although that does
15 vary for each of the services. However, if you
16 look at the number of reported sexual assaults that
17 we have, it is predominantly female victims who are
18 coming forward and reporting.

19 I think one of the challenges -- I think
20 there are male victims who do have unique needs,
21 but I think they're victims of sexual assault, and
22 so they have many of the same needs that a female

1 victim of sexual assault -- mental health,
2 counseling, medical care, those types of things.
3 And I think one challenge is how we frame our
4 program and how we frame this issue. And I think
5 historically, and I think part of it comes from our
6 roots in the civilian crisis movement and coming
7 from the women's movement, that there hasn't always
8 been a space for men in this work and in this
9 movement.

10 And I think one of the things that I've
11 been really encouraged -- and obviously my military
12 peers, please, share your thoughts. One of the
13 things I've been encouraged in working with the
14 military is I think we do a pretty good job of
15 being holistic in our approach in terms of talking
16 about this issue as it impacts both males and
17 females, and making sure that male victims
18 understand that they are absolutely entitled to the
19 same care, support that female victims are entitled
20 to as well. And so, I see those conversations
21 happening now at an unprecedented level, and I'm
22 excited to see what that will look like further on.

1 So I do think that we are working towards that.

2 MR. BRYANT: Madam Chairman?

3 MASTER SERGEANT CHAPMAN: Good evening,
4 ma'am. If I could state for JBLM, we do have male
5 victims because we have Stryker brigades and we
6 have field artillery, and we do not have any
7 differences in how we treat the soldiers. The
8 training is open to everybody. That's why we set
9 up the resource center so if the male victim does
10 feel embarrassed or some shame, that he doesn't
11 want to approach a female, we ensure that all units
12 have a male and a female advocate. They have
13 different resources.

14 In our latrines, we have the stick-up and
15 Post-it of pull tabs that they can go into the
16 latrine as soon as they close the door and they
17 stand in front of a stall, a urinal, they can pull
18 the tab, and they can call anywhere. In our
19 training, we tell them I don't care if you call the
20 White House, but call someone and let them know
21 that something has happened to you. We just want
22 you to report it to get the help.

1 They are appointed an advocate. With a
2 lot of the males, they do ask if they can seek
3 counseling off post, so that's why we work with
4 SafePlace, and we work with the Vet Center because
5 they can provide that counseling to give that
6 soldier some secret -- some anonymity about what's
7 going on with him so that we can provide -- take
8 care of his needs as well.

9 DR. DICKMAN: I think as both presenters
10 answered that question, I do want to highlight that
11 for any victim of sexual assault, it's difficult to
12 come forward, that that's known. But we also know
13 there's additional stigmas and barriers for males
14 to come forward, whether it's in the military or on
15 the civilian side. Part of that is the whole
16 societal idea of masculinity, being able to take
17 care of yourself, what it is to be a man. And you
18 can imagine, and I know some of you know, that in
19 the military environment that's even a higher
20 commodity or a higher feeling and understanding.

21 And so, from our aspect of responders and
22 educators, it's getting that message out that it

1 does not have to do with sexuality. It doesn't
2 have to do with manhood and so on. And I believe
3 that -- I know that -- from our response side from
4 the military, that is the message that we give is
5 that this service is for everyone. It's not about
6 your strength or lack of strength or any of that,
7 and that our response and services after a sexual
8 assault occurs is equal across the board regardless
9 of gender.

10 MS. FERNANDEZ: Madam Chair?

11 CHAIRMAN JONES: Yes, Mr. Bryant? I think
12 it was your question next, and then Ms. Fernandez.

13 MR. BRYANT: I'll actually defer to Ms.
14 Fernandez because she has some expertise in this
15 area.

16 CHAIRMAN JONES: Okay. Mai?

17 MS. FERNANDEZ: My question was, Ms. Camp
18 testified that all her -- the advocates that you
19 work with are independent. They work in non-
20 profits. I wanted to ask, those folks that come
21 from the military, does it ever become a problem
22 that you receive your paycheck from the same

1 organization as the commanders, the attorneys, and
2 everybody else involved in the military? Are there
3 moments that you wish that you had a level of
4 independence, and, if so, when are those
5 circumstances?

6 MASTER SERGEANT ROUNTREE: Speaking from a
7 victim advocate standpoint, I don't think there's
8 an issue with me receiving a paycheck, you know,
9 from the military and also being a victim advocate.
10 Through being a victim advocate, I've actually
11 discovered what I want to be when I grow up and
12 when I retire. And so that's going to be a sexual
13 assault response coordinator.

14 And looking at it, I think the problem is
15 if you have an advocate within the same unit as
16 your client or as the perpetrator, because the
17 thing is if I'm advocating for somebody within
18 my --

19 CHAIRMAN JONES: Could you just talk into
20 the microphone? I'd like to be able to hear you.

21 MASTER SERGEANT ROUNTREE: This is the big
22 thing. If I'm advocating for somebody who's a

1 victim within my command, then my commander is the
2 person that is -- that I'm actually reporting to
3 the SARC and we have a case management group. If
4 there's something going wrong, then I'm able to
5 tell the SARC, hey, this is what's going on. It's
6 hard to do that if it's within your own command
7 because there could be a reprisal.

8 The way that we've set it up in my
9 experience on -- for the Air Force side of the
10 house is that we do not have advocates serving --
11 victim advocates do not serve victims within their
12 own chain of command. You can respond. You may
13 have somebody within your own squadron, but we will
14 go ahead and get somebody from a different squadron
15 to serve as a victim advocate. That way we don't
16 create those kinds of issues because if you're
17 afraid that your performance report is going to be
18 downgraded for how you're advocating, you're not
19 helping anybody. And so, that pretty much
20 eliminates everything.

21 CONGRESSWOMAN HOLTZMAN: Do you mind if I
22 just followed up on that because I didn't

1 understand that answer. Why would there be
2 retaliation? Would you go through this chapter and
3 verse, please, because I'm not in the military, and
4 I haven't been, and I don't understand.

5 MASTER SERGEANT ROUNTREE: No, no, it's
6 okay. It's not so much retaliation, but --

7 CONGRESSWOMAN HOLTZMAN: You used that
8 word.

9 MASTER SERGEANT ROUNTREE: Yeah. If my
10 -- retribution I guess or reprisal. I think if --
11 in certain units, and especially from the way that
12 it used to be, like, in '05, we definitely made
13 great changes. But if I'm -- if my commander
14 doesn't agree, and this is plausible, if my
15 commander doesn't agree with something that I'm
16 advocating for with my client because they think
17 that they don't need to be transferred or that the
18 mission is coming first, there could be a whole
19 bunch of different operational reasons. If I'm
20 advocating for my client within my command, it can
21 be a little hairy for that advocate. So I think
22 the Air Force has done a great job as far as making

1 sure that the advocate does not come from the same
2 squadron.

3 I haven't seen that in my experience
4 because, you know, what we've been able to do, and
5 I haven't ran into commanders where I've had
6 issues, you know, as far as bringing up what's been
7 going on with their people because we've done a
8 fantastic job of educating commanders and
9 supervisors as far as the trauma of a sexual
10 assault.

11 And I think the biggest issues that we've
12 seen aren't so much from leadership as much as it
13 can be from peers. And what peers are saying to
14 victims when they come to work and making it harder
15 on them when they're trying to decide -- when they
16 start taking sides between the perpetrator, the
17 accused, versus the victim themselves. And that's
18 what causes issues for a victim.

19 MS. FERNANDEZ: Do we know if -- how the
20 Air Force is doing it is the same in the other
21 services?

22 MASTER SERGEANT CHAPMAN: Not for Army,

1 ma'am. For me and my advocates, we find that it is
2 better for the victim in many situations. We allow
3 the victim to choose. When the victim comes
4 forward and they report, right away that advocate
5 is trained to ask that victim are they comfortable
6 with them or do they want someone else that they
7 want to report to because we let them report
8 anywhere within the installation they want or
9 outside the installation. Just report.

10 With our experience, who knows that
11 soldier better than that advocate in that unit?
12 Who knows that unit's OPTEMPO better than that
13 advocate? So the commanders' and the leaders'
14 training, they're trained on SHARP. So when the
15 advocate reports to the SARC, the SARC goes to the
16 O-6. So the O-6 has complete control over the
17 victims and advocates. So the VA is able to
18 provide resources for that soldier because we're
19 supposed to know our soldiers.

20 Some of the soldiers have families, and
21 they might have some other special needs that still
22 need to be taken care of. So if I get someone

1 outside to advocate, which we have done, then I've
2 still got to get the unit to help give that new
3 advocate information on that soldier. So in the
4 Army we do not have an issue with the advocates
5 within that unit advocating for that soldier
6 because soldiers mostly report to the people that
7 they trust and that they feel comfortable with. So
8 our main goal in our training is building a culture
9 of trust and dignity and respect.

10 Now, to piggyback off what the Master
11 Sergeant said about reprisal, in 2000 -- between
12 2004 and '08, I would say I've seen a little bit of
13 that. But with the new change in the program and
14 the education that we're giving the soldiers and
15 the leaders, I see the very minimum of that. They
16 understand with SHARP, it's at the O-6 level. They
17 don't interject in that and ask a lot of questions.
18 If it's a brutal assault or something that may hit
19 the news, or the ambulance has to be called, we try
20 to safeguard that victim. And we can do an inter
21 post transfer if we need to. We have North Fork,
22 we have Main Post, and we can do whatever we need

1 to make sure the victim is safe.

2 But our main focus is what do you want.
3 We ensure that the victim makes all of his or her
4 choices on their own.

5 MS. BLANC: Ma'am, if I could just speak
6 to the Navy's response, we have sort of -- our
7 policy is sort of the same. We're in between. One
8 of the things is as a Sexual Response Coordinator,
9 my responsibility is to supervise my victim
10 advocates. So if the initial responding victim
11 advocate is someone who is in the direct chain of
12 command of the victim they're working with, I will
13 step in and assign a different victim advocate. We
14 feel if that that is a conflict of interest that
15 would jeopardize the ability of that -- of,
16 frankly, both individuals to have that supportive,
17 open, trusting, empowered advocacy relationship
18 that is so crucial for sexual assault victims in
19 their process.

20 So we will talk to the victim and say what
21 is it that's best for you? Would you prefer to
22 work with someone who's geographically close to

1 you, maybe at a different command? Would you like
2 to work with someone within your same command but
3 in a different work space so there's not those same
4 conflicts?

5 One challenge, too, is that because our
6 military folks do work together, oftentimes we find
7 that they have lots of friendships, and that can be
8 a challenge in terms of if the person that I'm
9 responding to as a victim advocate is someone that
10 I care about as a friend, that's going to
11 jeopardize their ability to be that sort of
12 neutral, impartial safe space for that victim. And
13 so, we want to make sure -- my priorities as a SARC
14 are, number one, the victims, and number one, my
15 victim advocates. And part of that is making sure
16 that I'm protecting the best interests of both
17 folks.

18 And so, in that situation, we would look
19 at offering another advocate. I also have my full-
20 time civilian victim advocate at my disposal as
21 well, so I could have her step in and be the
22 advocate for that case.

1 MS. THOMPSON: I'd also like to say that
2 as a Victim Witness Liaison, I'm working right
3 there with the attorneys that are prosecuting these
4 cases. And so, if a victim comes to me and they
5 tell me that there's a problem in the unit, I can
6 go to that attorney and I say, look, you need to
7 talk to this commander. We need to get something
8 done for this victim, X, Y, or Z, whatever it may
9 be. And they really appreciate that.

10 They need to know when they come to the
11 JAG Office that the people that they're talking to,
12 the prosecutors that they're talking to, and the
13 victim witness liaison is on their side, and that
14 they're there to help them, and they know that when
15 they come in to see us. So I have never had a
16 problem with that being a government employee and
17 working with them.

18 MR. BRYANT: Madam Chair?

19 CHAIRMAN JONES: Yes, Mr. Bryant?

20 MR. BRYANT: I have a question now. Those
21 of you who are working with -- in the military, not
22 to the exclusion of you on this end of the table --

1 CONGRESSWOMAN HOLTZMAN: Could you speak
2 into the mic? Speak into the mic.

3 MS. FERNANDEZ: Okay, I'm sorry. Thank
4 you. My question is for those of you who are
5 working with victims in the military. Have you
6 ever experienced in your -- and you have many years
7 -- experienced instances where the convening
8 authority has either reduced the sentence that was
9 imposed in a court martial or reversed a
10 conviction? And if so, how is that communicated to
11 the victim, and does the victim have any input
12 prior to that decision?

13 MS. THOMPSON: I have never had a sexual
14 assault case that was overturned by our convening
15 authority, nor have I seen a reduction in the
16 sentence by the convening authority. In my 18
17 years, I've never seen it at Fort Carson.

18 MR. BRYANT: All right. Thank you.
19 Master Sergeant?

20 MASTER SERGEANT CHAPMAN: No, I haven't
21 seen one on post, but one example, I have had a
22 case off post where the civilian authorities said

1 there wasn't enough information in the case or
2 evidence to prosecute. Now, weekly when we come
3 together for our network meetings, we talk about
4 each case within that individual brigade.

5 MR. BRYANT: I'm talking about where
6 there's already been a conviction in a court
7 martial, not whether somebody decided not go
8 forward, because I have to believe even at Fort
9 Lewis where you are, there are cases where they
10 don't go forward for a variety of reasons. So that
11 happens in every system.

12 MASTER SERGEANT CHAPMAN: Yes, sir. Okay,
13 I have another sergeant first class. She was a
14 brutal sexual assault victim. Hers was overturned,
15 and it threw her for a loop. But one of -- on our
16 checklist, we have an intake form that we use with
17 our victims that the VAs have to monthly -- because
18 by the regulation, monthly they have to make
19 contact with their victim even after the case is
20 over as long as that victim feels they need.

21 When this was overturned, it was a
22 disaster for her. She fell apart. But she was

1 able to have an open door policy with the Chief of
2 Staff at 7th ID, because General Lanza was not on
3 post, to talk about what had taken place in her
4 case. And immediately the command got on the
5 phone, because it was overturned at Fort Bliss. So
6 I guess cases are relooked at in Bliss for the
7 appeal.

8 So it was overturned. They got on the
9 phone to find out what was the information, why was
10 it overturned. So as soon as they collected the
11 information, the victim was called to the Division,
12 and she was given the information by the JAG
13 lawyers.

14 MR. BRYANT: All right. That's on the
15 appellate level. But my question was, and I think
16 you answered it already, at the convening authority
17 level for the courts martial, in your experience
18 have you seen a sexual assault case where the
19 conviction has been overturned or where the
20 sentence has been reduced by that convening
21 authority?

22 MASTER SERGEANT CHAPMAN: That's the only

1 one, sir, that I've seen. And they did reduce it.
2 He was initially given 12 years.

3 MR. BRYANT: Fort Bliss was not the
4 convening authority. They didn't --

5 MASTER SERGEANT CHAPMAN: The appeal.

6 MR. BRYANT: Right.

7 MASTER SERGEANT CHAPMAN: So that's what
8 he did. He appealed it.

9 MR. BRYANT: Your answer is, no, in your
10 experience you haven't seen it done by the
11 convening authority.

12 MASTER SERGEANT CHAPMAN: Yes, sir.

13 MR. BRYANT: All right.

14 DR. DICKMAN: Sir, I've never experienced
15 that, no.

16 MR. BRYANT: All right.

17 MASTER SERGEANT ROUNTREE: Sir, in my
18 experience I've never.

19 MR. BRYANT: All right. Ma'am? Ms.
20 Blanc?

21 MS. BLANC: No, sir.

22 MR. BRYANT: All right, thank you very

1 much.

2 COLONEL (RET.) COOK: Madam Chair?

3 Ladies, thank you all for being here today. The
4 scope of your experience and the information
5 provided has been very helpful.

6 I have two questions. One is for those
7 that work on the military side of the house and one
8 for those that work from the civilian perspective.
9 And I'll ask you first because the last question
10 was directed just to the military providers.

11 Ladies, from what you've heard today -- I
12 mean, we've heard some great initiatives, some
13 great developments that have happened within the
14 military systems, but everything can be improved or
15 built upon. Based on what you've heard, is there
16 anything, with your experience and your knowledge
17 of providing victim services -- you've heard what
18 we are doing. Are there any suggestions that
19 you're hearing that we're not doing or things from
20 your experiences that we might benefit from? And
21 they're all looking at you now from the table.

22 MS. CAMP: Right. I think one of the

1 potential areas to really look at that you are in a
2 unique situation, that there can be a criminal
3 justice response, and we've spent a lot of time
4 talking about that today. But there may also be a
5 response to provide support for that victim and
6 some level of justice that does not involve a court
7 martial.

8 And if you can consider how to make that
9 happen, and I'm thinking in the civilian world of
10 Title 9 and how that happens on college campuses,
11 that there can be a judiciary review, which is
12 similar to court on a college campus. But there
13 can also be other things that happen on that campus
14 to assist that survivor and potentially you can
15 discipline the offender for bad behavior without
16 going -- having a criminal prosecution.

17 And I think that in all of the military
18 branches, you have that type of ability. If you
19 can't get through the court martial, if the victim
20 doesn't want to participate in that for some
21 reason, perhaps that there is some other way to
22 find justice for that survivor. And that you can

1 ensure that that victim can have a place to work
2 and do the type of job that they came to the
3 military to do, and hopefully keep the rest of the
4 military population safe as well.

5 So, you know, I would consider looking at,
6 you know, some of the stuff that some of the
7 universities are doing. They're taking a lot of
8 heat right now, so they're working on coming up
9 with systems that will work better, but Title 9 is
10 leading them in the right direction.

11 MS. REID: I would just add that I think
12 there's a lot of data being collected. And perhaps
13 this is included in that, but I haven't heard
14 anything about that this morning or today. But I
15 do think it's important to know what is happening
16 to those cases where a report has been made, and
17 then what happens to those. How many of those
18 cases is a suspect actually arrested or charged, or
19 how many cases go forward through some kind of
20 prosecution, or what are those outcomes? What are
21 the outcomes for the victim?

22 I think that, again, if we have an

1 interest in victims reporting, your unrestricted
2 reporting, we have to know what's happening to
3 those victims in those cases that are being
4 reported.

5 MS. JONES: Well, I have limited -- very
6 limited knowledge, you know, in everything that has
7 happened or transpired as far as the improvements
8 of, you know, reporting sexual assaults. From what
9 I've heard in the media and what has been presented
10 to me in the recent months has kind of been my
11 experience, my knowledge. But everything that I
12 hear today in terms of having a victim-centered
13 approach and how things used to be back in, you
14 know, the early 2000s, and how things are changing,
15 and how you all are working towards improving that,
16 I think the only thing that I could say with my
17 limited knowledge is that it seems that you guys
18 are moving in the right direction as far as making
19 sure that that is your goal is to make sure that
20 you have a victim-centered approach, as well the
21 issue that all you just raised in terms of if --
22 making sure that they're asking, "do you want this

1 advocate to be assigned?" So that's the only thing
2 I would add.

3 MS. THOMPSON: And I would agree with
4 that. The big difference between when I started
5 and now is astronomical. And one of the biggest
6 things that I think has made the difference is that
7 special victim CID agent because instead of
8 investigating the case like she might be lying and
9 let's start with that, they're starting up with,
10 hey, she's probably telling the truth and let's go
11 with that. So I think that's a huge difference.

12 And those specially-trained CID agents are
13 the first people that they're coming in contact
14 with, so that's really, really important. And I
15 love that program.

16 And then the special victim prosecutor to
17 be there to mentor those brand new trial counsels
18 and make sure that they're teaching them how to
19 take that case forward, and making sure that
20 everything is done, you know, just right along the
21 way, and being in that courtroom to question the
22 victim in the sentencing phase, and making sure

1 everything is going the way it's supposed to. It's
2 been a huge difference.

3 And then with the SHARP Program, actually,
4 you know, even if nobody that goes through the
5 training becomes an advocate, it's okay because
6 they're starting to learn and change the culture
7 that is in the military about how we think about
8 sex assault victims. And I think that is just
9 wonderful.

10 MR. BRYANT: Madam Chairman?

11 COLONEL (RET.) COOK: Thank you. On the
12 military side, the question that I had for you all,
13 several of you mentioned -- we're charged with
14 looking at the military's response to sexual
15 assault. And several -- and one aspect of that is
16 the role of the commander, and several of you
17 mentioned the commander's role in incorporating
18 lessons learned. The fact that your -- the crucial
19 nature of the command's response and the support
20 Ms. Thompson mentioned, Ms. Blanc had mentioned,
21 the fact that the SARC, the victim's assistant, and
22 the commander is a team effort.

1 One of the proposals we've heard or one of
2 the suggestions being made is what would happen if
3 we took the -- you know, is the commander's role in
4 the prosecution portion, you know, the convening
5 authority or just even the recommendation chain for
6 sexual assault cases, does that in any way impede a
7 victim's coming forward? Would it be better if we
8 took that commander out of that aspect?

9 Based on your experience with the
10 commanders, based on your experience with the
11 victims, what would be your thoughts on that
12 particular proposal? Should the commanders have a
13 say in any part of the criminal justice process
14 when it comes to sexual assaults?

15 MASTER SERGEANT CHAPMAN: I would say yes
16 because from day one when we join the Army, we are
17 groomed and we are taught that the commander is a
18 figure of authority. So most soldiers -- when I
19 was a private, I went to my first duty station in
20 Korea for about nine months before I even really
21 talked one-on-one with my commander because we were
22 taught when you see the commander -- a first

1 sergeant coming, something is wrong. You've done
2 something wrong. If you've got to go report,
3 there's an issue.

4 (Laughter.)

5 MASTER SERGEANT CHAPMAN: So the commander
6 is a figure of authority that's very well
7 respected. Most soldiers, if you take it outside,
8 my experience, soldiers that go off post for a
9 case, they get their civilian lawyers, and they
10 figure out all this stuff how to get past it, not
11 realizing when they come back they've still got
12 their leadership to answer to. So when they come
13 back on post, they line up. We're taught
14 discipline. We're taught integrity. We're taught
15 respect. And those are Army values that we have to
16 follow.

17 The commander is, from my perspective, is
18 doing an awesome job with it, especially now with
19 the new directives from the Secretary of Defense
20 where the commanders are now the first face they
21 see in the training. The commanders are standing
22 up there letting them know this is my program, and

1 I own it, and this is what we're going to do. And
2 soldiers respect that because that's what we're
3 taught to do.

4 Even me with 22 years of service, I work
5 for a two-star, but when it's time for me to go see
6 him, I get the jitters because that is a sign of
7 authority. That's a sign of the person that you
8 respect. That's like your home, mom and dad. Kids
9 mostly can get away with things with mama, but they
10 don't play with dad. So it's kind of the same
11 thing in the military.

12 If you remove the commander from that
13 equation, then what we're starting out in basic
14 training and AIT teaching these junior soldiers,
15 now you're confusing it by saying, oh, but they
16 don't have the authority to deal with you on this.
17 So it kind of messes up the thought process and
18 what we've done for many years in training and
19 teaching these soldiers the discipline and respect.

20 MS. THOMPSON: And I would say that I have
21 not seen it -- can you hear me? I have not seen it
22 as a problem to get a case preferred. If you want

1 a case preferred, if that attorney is sitting there
2 with that victim, the victim wants to go forward,
3 the attorney thinks he can go forward, and
4 everybody is on board except for the commander,
5 that's okay because you've got other commanders to
6 go to. You can get that case preferred if you want
7 it preferred.

8 So it has not been an issue where I've
9 seen we didn't get a case to go forward. Now,
10 maybe somewhere back in the, you know, years, I
11 don't know. But it hasn't been anything recently
12 anyhow that I've ever seen where it's been a
13 problem.

14 Commanders are -- they're listening to
15 this program, and they're paying attention. And
16 so, they are now -- they're sometimes saying let's
17 push a case forward when the attorneys are saying I
18 don't think I have enough evidence. And they'll
19 say I don't care. I want to find it, figure it
20 out, go forward with the case.

21 COLONEL (RET.) COOK: But do you think
22 they were pushing it forward even before this

1 Panel, before this increased scrutiny? Do you
2 think the commanders were sending the cases forward
3 anyway if they had a service member in their
4 command --

5 MS. THOMPSON: I can't --

6 COLONEL (RET.) COOK: I'm sorry. Do you
7 think -- you said that now they're going forward.
8 They're watching what we're all doing. Were they
9 doing it before? Were they -- if a victim of a
10 sexual assault or a complaint was brought to them,
11 were they taking it seriously? Were they sending
12 it forward?

13 MS. THOMPSON: You know, I think that
14 there's definitely been a change in that attitude.
15 There was a time where it was very difficult for
16 the command to understand or believe that, you
17 know, one of their good sergeants possibly raped
18 one of their female soldiers, or even if it was an
19 E-4 that raped another female soldier, that they
20 had a difficult time when they knew that that was
21 one of their best soldiers. So it was tough for
22 them. But I think that the training has taught

1 them to think a little differently on that.

2 But even then, when we had commanders who
3 did not want to go forward and the JAG said, hey,
4 this case needs to go forward, we went forward.
5 There was somebody in that chain of command that
6 would sign off on that charge, and it would go
7 forward.

8 MR. BRYANT: I wanted to just clarify what
9 you said a minute ago. So I think maybe you just
10 did. You said that if we couldn't find a commander
11 who would go forward, there would be other
12 commanders, and we'd go find one, words to that
13 effect. That struck me as very unusual, but maybe
14 what you meant was that it might get reviewed up
15 the chain of command above that commander? Okay.

16 MS. THOMPSON: Yes, sir.

17 DR. DICKMAN: I would like to respond to
18 that. I have had some great debates out there with
19 our military members about this issue because it is
20 in the news and a top concern for the military.
21 And there are commanders and all different ranks
22 that are on both sides.

1 My bottom line concern is that if we
2 remove this from commanders, it removes it from
3 being their issue, and we can't do that. In order
4 to address this problem, it is more than a SARC and
5 a victim's advocate issue to address this problem.
6 It is a commander's issue. It is a leadership
7 issue from supervisor, to squadron commander, to
8 wing commander, to, you know, all the way up. It
9 is a commander's issue.

10 And very naturally as humans, if someone
11 says, hey, you don't have to worry about this, then
12 I'm not going to probably educate myself further
13 and know what I need to do and how to respond if
14 it's my airman because, oh, that's not my issue,
15 it's this other panel's issue. I personally really
16 worry about removing commanders because of that
17 aspect of that. Thank you.

18 MS. BLANC: And just to piggyback on that,
19 ma'am, I think what's really important, we have to
20 understand what is actually the underlying question
21 that's being asked. I mean, the question around
22 should we remove commanders from this process,

1 really is, is that going to help bring more victims
2 forward, right?

3 And I think one danger with this issue is
4 that there is unfortunately no silver bullet.
5 There's no one piece of the program that I think we
6 can change or shift that is going to all of a
7 sudden, you know, unleash the floodgates of, you
8 know, all these victims who have been waiting years
9 to report are now going to feel comfortable coming
10 forward.

11 I think we need to understand that the
12 trauma of a sexual assault is a very dynamic trauma
13 that impacts victims very, very differently. So
14 for some victims, removing the commander from that
15 role may feel -- may give them the confidence that
16 they need to come forward and report, and that
17 might be helpful for them. However, there may be
18 other service members out there similar to Master
19 Sergeant where removing the commander from that
20 role would not help them feel more confident in the
21 system.

22 So I think one challenge is that we have

1 to be really careful about what are some unintended
2 consequences of making these types of changes. And
3 I think we can look at other ways to help victims
4 feel comfortable and confident in the system that
5 may not have the same unintended consequences of
6 removing the commanding officer from the process
7 that I think may be more effective.

8 But at the same time, we also need to
9 recognize, and this is sort of going back to,
10 Professor Hillman, your question earlier around
11 what is that conversion rate that we're looking
12 for. I think we need to be careful around saying
13 we want 100 percent of cases reported or 100
14 percent of our restricted reports to go
15 unrestricted, because that's not the right answer
16 for some victims. And I think it's really
17 important that we recognize that we have the
18 capacity within our response systems to honor what
19 that victim's needs are. If a victim needs to not
20 report or if a victim needs to not change their
21 report from a restricted report to unrestricted,
22 there needs to be space to allow for that.

1 And the final thing I would say is that in
2 my experience, most victims, when deciding whether
3 or not to report or to do an unrestricted report
4 versus a restricted report, the main predictor is
5 really their peer group, not what is my commanding
6 officer going to think, or are they going to be
7 involved in this process, but what is my mom going
8 to think? What is my best friend going to say?
9 How is my boyfriend going to react? And I think
10 those are the pieces that unfortunately we're not
11 able to address at our level.

12 MS. FERNANDEZ: Madam Chair?

13 CONGRESSWOMAN HOLTZMAN: Madam Chair?

14 CHAIRMAN JONES: Yeah?

15 MS. FERNANDEZ: This is what I find a
16 little inconsistent. On some level you're saying,
17 well, if an advocate has to go up against their
18 commander, that's a problem. And so, you might
19 want to have an advocate that's outside the
20 command. But having the victim go up against the
21 commander isn't a problem.

22 I mean, you could have somebody coming

1 forward that the commander looks at and goes, you
2 know what, I don't believe this person. Just like
3 the commander would say, I don't believe this
4 advocate. What's the difference in those two
5 situations? Why is it okay to have it in the same
6 unit in one circumstance and not okay in the other?

7 MS. THOMPSON: I don't think that it's
8 where the victim goes into the commander's office
9 and the commander does an inquiry or anything like
10 that. The victim is going to the CID Office,
11 they're reporting the crime, and then the
12 information is passed to the command that this was
13 reported.

14 I don't know too many -- I mean, they
15 don't go in and sit and talk to the commander --

16 MS. FERNANDEZ: No, I understand that.

17 MS. THOMPSON: -- about their case. Yeah.

18 MS. FERNANDEZ: Do you want to clarify?

19 MR. BRYANT: Oh, no, you've got it. We
20 understand that process. We understand that
21 process that the victim doesn't go into the
22 colonel's office and discuss this.

1 CHAIRMAN JONES: I'm sorry, I'm having a
2 little trouble hearing you.

3 MR. BRYANT: We understand that the
4 victim --

5 CONGRESSWOMAN HOLTZMAN: Could you speak
6 into the mic?

7 MR. BRYANT: -- does not go into the
8 colonel's office -- still no? What's the matter?
9 I don't know. Is this better?

10 CHAIRMAN JONES: Yeah.

11 CONGRESSWOMAN HOLTZMAN: Yes.

12 MR. BRYANT: Finally? All right.

13 CHAIRMAN JONES: Thank you.

14 MR. BRYANT: I should've left this with
15 you. We understand that the victim does not go in
16 and talk to the colonel, to the O-6, about her
17 case. But it at some point comes to that convening
18 authority's attention what the evidence is and who
19 the parties are. And that's the inquiry here in
20 terms of the answers earlier about maybe there
21 isn't a conflict when the victim advocate is
22 working for that commander and when the victim is

1 also working for the commander. And that's the
2 inconsistency that Ms. Fernandez was asking about.

3 MASTER SERGEANT CHAPMAN: Okay. I
4 understand now what she's asking. The process goes
5 if a victim -- if I get a call right now -- say I'm
6 the on-call victim advocate and I get a call. I'll
7 arrange to meet with that victim, sit down and talk
8 to the victim. The victim never really goes to the
9 commander. The victim advocate does an intake
10 statement. They explain to the victim you have
11 choices. You've got a no report, restricted, or
12 unrestricted. And they have -- and we give them an
13 opportunity to think about it, take a break.
14 Sometimes it takes all day.

15 Once the soldier feels comfortable and
16 begins to tell us exactly what happened, it goes
17 from the victim advocate to the SARC, the sexual
18 assault response coordinator, who works for the O-
19 6. Then the SARC writes the report, does the
20 initial report to the commander that, sir,
21 something happened.

22 MS. FERNANDEZ: Let me give this one more

1 try because I still think that we're off. This is
2 my question. So somebody comes to an advocate and
3 reports a case, and in the -- let's give this as a
4 hypothetical, and the victim says, I want to be
5 transferred. And that advocate needs to go up to
6 the SARC now and say this person wants to be
7 transferred. And then the SARC goes up to the
8 commander, and the commander says, no, I don't
9 think we're going to transfer here.

10 Why could that possibly be a problem for
11 the advocate who is advocating for something that
12 the commander doesn't want while you're saying it
13 is not a problem for the victim? The request is
14 actually initially coming from the victim?

15 DR. DICKMAN: I would like to try to
16 answer that. I don't -- well, first, let me
17 clarify that in terms of the case disposition, it
18 is the offender's commander that gets to make that
19 decision. So it's not the victim's commander.
20 Now, in some cases it's the same commander, but in
21 terms of the case disposition, it's not the
22 victim's commander that makes that decision.

1 The reason that oftentimes the victim
2 advocate does not come from that same command with
3 the same commander is that because the scenario you
4 just gave can happen. And for a victim advocate to
5 say, sir, ma'am, very politely, but firmly, we need
6 to have this done for our victim, it allows for the
7 removal of that supervision or oversight or here's
8 your rating as a senior NCO or as an officer, and
9 it's going to be affected because you went against
10 me as the commander. That whole aspect is taken
11 out when that victim advocate is not under that
12 same command.

13 CHAIRMAN JONES: Yes?

14 CONGRESSWOMAN HOLTZMAN: Okay. I'd just
15 like to put a finer point or a different point on
16 the very important question that was asked before
17 about the role of the commander. In your
18 experience -- anyone. I'm just asking this of the
19 military, although if any of you want to answer, of
20 course you can. But those of you in the military,
21 people who supervise victim advocates or are victim
22 advocates, have you ever had the experience of a

1 victim or a survivor saying to you that I did not
2 report because of the commander, because of my
3 concern about the commander's attitude? Have you
4 ever had -- if the victim -- if you've never heard
5 a victim said, have you ever heard anyone say that
6 they know people who have not reported in the
7 military because of their concern about the
8 commander, whether it's reprisal, whether it's
9 promotion, whether it's whatever. Has that ever
10 been in your experience, anyone here who's in the
11 military?

12 MASTER SERGEANT CHAPMAN: I have not.

13 CONGRESSWOMAN HOLTZMAN: No.

14 MASTER SERGEANT CHAPMAN: Not specifically
15 the commander, no.

16 CONGRESSWOMAN HOLTZMAN: Okay.

17 MS. THOMPSON: And I have, but it's been
18 several years ago, so not since we started the
19 SHARP Program.

20 CONGRESSWOMAN HOLTZMAN: And how long was
21 that?

22 MS. THOMPSON: Oh, what has it been, five

1 -- I don't know.

2 CONGRESSWOMAN HOLTZMAN: Five years?

3 MS. THOMPSON: Five years or so.

4 CONGRESSWOMAN HOLTZMAN: And you?

5 DR. DICKMAN: I have not, ma'am. I have
6 had to educate commanders in terms of after a case
7 has come forward. So the first answer is, no, I
8 have not had anyone say I've never reported or I
9 wouldn't report because of my commander. Now, I
10 have had unrestricted cases, and as a sexual
11 assault response team issues have come up, and I
12 have had to follow through by educating commanders
13 on, "have you thought of this? Or, "you're not
14 looking at that," or, "please look at that."

15 CONGRESSWOMAN HOLTZMAN: But that's a
16 different story. Have you ever had that
17 experience, Master Sergeant?

18 MASTER SERGEANT ROUNTREE: No, ma'am.

19 CONGRESSWOMAN HOLTZMAN: And you, Ms.
20 Blanc?

21 MS. BLANC: No, ma'am. And I think one of
22 the things I referenced in my statement is that 30-

1 day in-brief with the command triad. And I find
2 that that's a great opportunity to talk about
3 expectations that the role of the victim advocate
4 may at times, you know, is a sort of unique role
5 that they advocate for the needs of the victim.
6 And so, that way everyone is really clear from the
7 get-go around sort of responsibilities and roles.

8 And in my experience, I have not had what
9 has been shared by some of my colleagues in terms
10 of having negative attitudes towards victim
11 advocates by commanding officers. That is not my
12 experience at all.

13 CONGRESSWOMAN HOLTZMAN: But you've never
14 had this incident of a victim --

15 MS. BLANC: No, ma'am.

16 CONGRESSWOMAN HOLTZMAN: -- refusing --

17 MS. BLANC: No, ma'am.

18 CONGRESSWOMAN HOLTZMAN: -- to come
19 forward or advising you that she or he wasn't going
20 to come forward because of the commander.

21 MS. BLANC: No, ma'am.

22 CONGRESSWOMAN HOLTZMAN: You've never

1 heard of that either.

2 MS. BLANC: No, ma'am.

3 CONGRESSWOMAN HOLTZMAN: Okay.

4 MS. BLANC: Just what I heard on CNN.

5 CONGRESSWOMAN HOLTZMAN: Right, but in
6 your experience, right. Okay. Let me ask another
7 question. A reverse of the question was asked
8 before, which is what would you learn from the
9 military. What have you heard about the private
10 sector here today, people in the military, that you
11 would like to follow through on? And for example,
12 one thing that occurs to me is the statement that
13 the victim -- I think it's Ms. Camp who said that
14 every appearance, the victim's advocate is present,
15 or you had said that, Ms. Reid. Okay. Is that
16 something that exists in the military?

17 SPEAKERS: Yes.

18 CONGRESSWOMAN HOLTZMAN: Every appearance.
19 So is there anything else you've heard in the
20 military about the private sector here today that
21 you think would be -- that should be emulated or
22 that you'd like to adopt?

1 COLONEL (RET.) COOK: And, ma'am, I think
2 that was Ms. Ivey on the phone who had said every
3 victim has the right to be present at the
4 proceedings, the right to speak during every part
5 of the process, and she had gone through that. So
6 she's still on the phone, I think.

7 MS. IVEY: Yes, I'm here.

8 CONGRESSWOMAN HOLTZMAN: Anyone from --
9 I'm sorry.

10 MASTER SERGEANT CHAPMAN: Now, we are with
11 our SARC that we set up at JBLM, we are taking best
12 practices from our civilian counterparts by having
13 the resource center because it's not located
14 anywhere around any of the brigades or any of the
15 unit areas. It is totally separate so that the
16 soldiers can go there and report if that's what
17 they want to do. So we have pulled some of the
18 best practices from the civilian sector.

19 CONGRESSWOMAN HOLTZMAN: Okay. Another
20 question I have quickly. Do you do -- how do you
21 assess the satisfaction of the victim with your
22 services, because I haven't seen -- is there a

1 standard practice for doing that either in the
2 civilian sector or in the military so that you know
3 what kind of job you're doing?

4 MS. JONES: We actually give client
5 surveys to all of our victims and have them mail it
6 back into us, or they can just fill that out in
7 court. They typically will mail it back into us,
8 the information. They can leave their name and
9 stuff, optional. But we make sure that we -- they
10 fill out as much as possible as far as the charge,
11 what type of you know, what was the outcome of the
12 case, and ask them a list of questions not only
13 having to do with the prosecution of the case,
14 their interactions with the prosecutor, but also
15 their interactions with us. Did they feel that
16 their rights were met? Did they understand their
17 rights, so forth and so on? So that also helps us
18 as far as moving forward, you know, what are we
19 doing and making sure that we're on the up and up.

20 MR. BRYANT: And Ms. Jones could tell you
21 also that in her jurisdiction, and correct me if
22 I'm wrong, the witnesses or the victims are given

1 an opportunity to speak prior to sentencing.

2 MS. JONES: Correct.

3 MR. BRYANT: They can either speak or they
4 can submit a written statement what the effect of
5 the crime has been on them. And the prosecution
6 could actually get a continuance if, for instance,
7 there's a bond hearing and her office has not had
8 an opportunity to get in touch with the victim to
9 let them know the bond hearing is tomorrow morning
10 at 8:30. The prosecution can get a continuance
11 until that person can be notified.

12 MS. JONES: Absolutely. Victims can give
13 a written or oral statement at the --

14 CONGRESSWOMAN HOLTZMAN: I'm not asking
15 about that.

16 MS. JONES: Okay.

17 CONGRESSWOMAN HOLTZMAN: I'm asking about
18 how people -- how you know that the people you're
19 serving are satisfied with the services you
20 provide. That's every --

21 MS. JONES: They tell us as well as give
22 us --

1 CONGRESSWOMAN HOLTZMAN: You have a survey
2 that you give them and you say are we doing a good
3 job.

4 MS. JONES: Correct.

5 CONGRESSWOMAN HOLTZMAN: Anybody else do
6 that? You do that, too, Ms. Reid?

7 MS. REID: Yes.

8 CONGRESSWOMAN HOLTZMAN: You do that, too,
9 Ms. Camp?

10 MS. CAMP: We have a -- most of our rape
11 crisis centers can do satisfaction surveys, but
12 some are also trying to measure outcome evaluations
13 based on how a survivor -- on what a survivor's
14 goals that they set for themselves. So asking a
15 survivor what do you want to happen here. And
16 then, once moved along in the process for a while,
17 check in with them again. How are you doing on
18 those goals that you set for yourself?

19 CONGRESSWOMAN HOLTZMAN: Okay. Military,
20 what do we do?

21 MASTER SERGEANT CHAPMAN: We have -- like
22 I said, we have the checklist that the VAs use. We

1 have a checklist where we check back with our
2 victims on a monthly basis, and we ask them have we
3 met your needs, what do you need next, what can we
4 do to help you further your career. So we talk to
5 them one-on-one. And they're also invited to the
6 sensing session that the CG has every 90 days with
7 previous victims if they want to participate.

8 DR. DICKMAN: I think that that's my
9 experience as well for the victims that stay
10 connected with us and stay involved with our
11 services. And so, when they come to that end
12 point, it's that same discussion of have you met
13 your goals. Why do you feel you're ready to move
14 on?

15 But I will share that there are cases when
16 we don't hear back from victims and cases are
17 closed because they do not return phone calls, they
18 do not return emails. You know, when someone
19 approaches them, they just are done. And in that
20 case I don't know where either they were
21 dissatisfied, or where we failed them, or where
22 they didn't get what they needed, or if they were

1 satisfied and are ready to move on. There's no
2 connection in some of those cases.

3 CONGRESSWOMAN HOLTZMAN: Do you think
4 there needs to be some more systematic way of --

5 MS. CAMP: Absolutely.

6 CONGRESSWOMAN HOLTZMAN: -- of assessing
7 victims' satisfaction?

8 MS. CAMP: Absolutely. And I know that --

9 CONGRESSWOMAN HOLTZMAN: Everybody in the
10 military I see shaking their heads. Here's another
11 real quick one. Is there a standard for how many
12 victim advocates there should be per size of the
13 number of troops, because we've been told, oh,
14 we're hiring another 50 this, another 40 this,
15 another 80 that. Is that enough? How do you know
16 when enough -- what's adequate? Is there some
17 standard that you are all using in the military? I
18 mean, maybe there's some standard in the private
19 sector, too. But how do we know what we need?

20 MS. BLANC: I can answer for the Navy.
21 There is currently no standard in terms of we need
22 to have X number of advocates per X number of

1 sailors. However, I have conversations with my
2 commands, and we look at the number of personnel we
3 have. And then I talk about wanting to make sure
4 that we have a sufficient advocacy population that
5 will accurately reflect our total population. So
6 making sure that we have a combination of both male
7 and female advocates, making sure that we have a
8 good mix of ranks, a good mix of ages, a good mix
9 of job functions, and different things like that,
10 so that way we can make sure that we're meeting the
11 needs of that victim.

12 CONGRESSWOMAN HOLTZMAN: Do you have
13 enough do you think?

14 MS. BLANC: I'm sorry?

15 CONGRESSWOMAN HOLTZMAN: Do you have
16 enough victim advocates?

17 MS. BLANC: I believe I do, absolutely.

18 CONGRESSWOMAN HOLTZMAN: Does someone else
19 want to answer?

20 DR. DICKMAN: Ours is the same. It's
21 based on working with the commander. We have many
22 units that are out individually with maybe 20

1 airmen, and we make sure there's at least one
2 victim advocate. So it is based on the population
3 and size.

4 In terms of having enough, I have enough
5 to service what's needing to be served. Would I
6 like a thousand, a hundred thousand victim
7 advocates? Absolutely.

8 CONGRESSWOMAN HOLTZMAN: Okay.

9 CHAIRMAN JONES: Any other questions?

10 (No response.)

11 CHAIRMAN JONES: Thank you so much. This
12 was really very, very helpful. Thank you, Ms.
13 Ivey. And we'll take a 10-minute break now.

14 (Whereupon, a recess was taken.)

15 CHAIRMAN JONES: All right. We're now
16 going to go to the portion of today's Panel that
17 are presentations from advocacy organizations. And
18 I want to just apologize for keeping you here so
19 late and getting such a late start, but you have
20 our full attention, believe me.

21 We'll begin with Ms. Parrish, who's
22 President of Protect Our Defenders, and then we'll

1 take it from there.

2 MS. PARRISH: Thank you.

3 CHAIRMAN JONES: Ms. Parrish?

4 MS. PARRISH: Madam Chairwoman,
5 distinguished Panel members, thank you for
6 providing the opportunity to speak about this
7 crisis.

8 In 2012, 26,000 service members
9 experienced unwanted sexual contact -- rape, sexual
10 assault, and other sexual crimes -- a 35 percent
11 increase from 2010. Some have tried to cast doubt
12 on these, the DoD's, own statistically valid
13 survey-based estimates. In fact, the estimate does
14 not include sexual harassment. Unwanted sexual
15 contact is clearly and graphically defined and
16 provided to all respondents before they answer the
17 survey, and we welcome further questions on this
18 issue.

19 Protect Our Defenders was founded on the
20 simple notion that our servicemen and women deserve
21 a professional and unbiased justice system equal to
22 the system afforded to the civilians they protect.

1 We come here today on behalf of both veterans and
2 active duty service members who were raped and
3 assaulted. For decades and today, their cases have
4 been swept under the rug. They have been silenced,
5 pushed out, left to pick up the shattered pieces of
6 their lives.

7 The Veterans Administration reports
8 veterans diagnosed with military sexual trauma
9 visited VA facilities 696,250 times in 2010.
10 Through veterans and service members sharing their
11 stories and through our peer support and pro bono
12 legal network, we have learned much about the
13 broken system. Through this network, we regularly
14 receive requests from victims who are facing
15 harassment, ostracism, retaliation, and barriers at
16 every step of the process. The system is
17 encumbered with command conflict of interest and
18 bias.

19 One individual can and often does
20 intervene in support of the higher-ranking and more
21 valued perpetrator. The culture of victim
22 disbelief and intimidation is deeply ingrained.

1 According to the Department of Defense, 50 percent
2 of victims report their perpetrator was of higher
3 rank, and 25 percent of victims indicated the
4 offender is someone in their chain of command. Of
5 those few who did report, 62 percent stated they
6 were retaliated against. Our intake work supports
7 those numbers.

8 One service member put it this way. "I
9 still cannot grasp what happened to me. When
10 mentioned to commanders, nothing is done. Your
11 report gets lost. People turn their backs on you.
12 For 10 years I was honored to wear the uniform, but
13 I was treated like a second class citizen."

14 This system is plagued by inexperienced
15 and under trained staff, arbitrary and inconsistent
16 application of legal requirements and procedures.
17 Evidence and documents, including victims' medical
18 and personnel records, are inappropriately
19 accessed, modified, falsified, or misplaced. Each
20 base commander seems to determine how or whether a
21 given law or procedure is implemented. Expedited
22 transfers are a prime example. We recently

1 provided legal counsel to a victim who fought for
2 eight months for such a transfer, and it took
3 intervention by a member of Congress to make it
4 happen.

5 While the military brass calls on fellow
6 service members to step up on behalf of victims,
7 those that do often find their careers at risk.
8 Several months ago, a commander wrote me. "I have
9 a young female soldier. As her commander, I have
10 supported and encouraged her reporting but have
11 been disappointed in the way it has been handled
12 and the lack of support given by her command,
13 higher than me. I would appreciate any direction
14 you could advise. As I am still in the command,
15 discretion would be appreciated."

16 The military justice system is arbitrary.
17 There are no sentencing guidelines. Article 32
18 hearings are often a defense free for all where the
19 rules of evidence don't apply and victims' privacy
20 rights are regularly violated. SARCs are called
21 upon to violate victims' confidentiality. Good
22 military character defense is used as an excuse not

1 to convict. The clemency process disregards the
2 victim and gives the accused a second chance to
3 avoid punishment, to argue their case, this time
4 with no rules of evidence or participation by the
5 prosecution.

6 We suggest the following reforms to
7 improve the experience of victims and deliver
8 professional and unbiased, effective justice for
9 all concerned:

10 Require those that assign the
11 responsibility to convene general courts martial
12 not to be in the chain of either the accused or the
13 victim. This reform would increase trust,
14 reporting, and transparency, and, therefore,
15 command accountability. Shifting the convening
16 authority out of the chain would reduce the
17 possibility or even the appearance of unlawful
18 command influence. In the now infamous Naval
19 Academy case, counsel of both the victim and the
20 accused filed motions alleging bias.

21 We see commanders who delay or resist
22 taking the step to prefer charges. Prosecutors

1 should have the authority to, based on the
2 available evidence, decide whether to go forward to
3 an Article 32 hearing. Commanders are often
4 conflicted and, almost without exception, are not
5 as prepared as trained prosecutors to make a
6 judgment based on available evidence whether a case
7 should go forward to an Article 32.

8 We must improve training, controls, and
9 facilities to ensure victims are not
10 inappropriately deterred from reporting and to
11 properly gather and protect evidence. There is a
12 history of evidence getting lost, tampered with, or
13 even fabricated. In fact, we have such evidence
14 here today, and we will be glad to show you
15 privately because we still have a case ongoing.

16 While the military touts seemingly endless
17 ways in which a victim can report, the fact is that
18 those victims who want to come forward are often
19 directed not to report. They are often
20 inappropriately threatened with collateral
21 misconduct, and if they do go forward, targeted
22 with a barrage of minor infractions as a pretext to

1 force them out of the service. One soldier
2 reported, "I was on my second deployment doing
3 missions in Iraq when I was initially harassed and
4 finally raped. When I tried to talk to my squad
5 leader, I got shut down. I waited and spoke with
6 my platoon leaders. I got told if I say another
7 word to anyone, that I was going to be charged with
8 adultery. In May 2012, I was sent back to the
9 States and tried to pursue it. The next thing you
10 know, I got told they are chaptering me on an
11 adjustment disorder. I am one of the unreported
12 statistics, but not without trying. He is free and
13 able to do it again as long as he wears the
14 uniform. The uniform represents a protective
15 shield if you're a rapist with rank."

16 Victims, whether or not they report, often
17 face retaliation from their perpetrator looking to
18 get rid of the evidence, reduce the risk. In
19 contrast to the civilian justice process, the UCMJ
20 and *Rules of Court Martial* have been broadly
21 interpreted to require victims to submit to
22 multiple, often abusive, interviews with defense

1 counsel and their forensic psychologists. The
2 defense should not have a right to interview the
3 victim before the actual court martial proceeding.
4 Today Article 32 hearings have evolved into mini-
5 trials used by the defense to violate victims'
6 privacy rights, harass, exhaust, confuse them to
7 the point they risk contradicting their own
8 testimony, and pressure them to the degree that
9 they often decide to no longer participate in the
10 judicial process.

11 MRE 412 Privacy Right Rule -- Rape Shield
12 Rule of Evidence must be barred from admission in
13 preliminary hearings. Article 32 hearings should
14 be reformed to more closely resemble the civilian
15 justice Federal system 5.1 Preliminary Hearing to
16 determine whether probable cause exists with the
17 additional requirement that victims' testimony be
18 voluntary. Judges should preside.

19 Victims should be represented by legal
20 counsel to advise them on their options, protect
21 their rights, and avoid inappropriate questions.
22 They should be available from the beginning prior

1 to their filing the initial unrestricted report and
2 continuing throughout the entire processes.

3 Good military character defense should be
4 eliminated in all but unique -- military unique
5 offenses, such as disobeying an order. There is no
6 civilian equivalent. It encourages witnesses to
7 choose sides rather than only address the relevant
8 facts. Commanders and senior officers use the
9 opportunity to send messages in favor of the
10 defendant, such as, "Do you think I'd be testifying
11 for him if I thought he was guilty?" This defense
12 tends to turn the trial into a popularity contest.

13 Uniform sentencing guidelines modeled upon
14 existing Federal civilian sentencing standards
15 should be established. Further, military judges
16 should pronounce a sentence, not the panel.
17 Currently sentences are extremely inconsistent and
18 often devoid of any relationship to the severity of
19 the offense. Military court martial panels are
20 notorious for recommending light sentences. They
21 are often swayed by concerns for the accused and
22 their families. They are influenced by mandatory

1 instruction that list alternatives, including no
2 incarceration, extra duty, and even no punishment
3 at all, while frequently not listing the maximum
4 sentences allowed for these felonies.

5 The convening authority should not be
6 allowed to set aside a conviction or reduce a
7 sentence pronounced at trial. Any clemency
8 procedure should be elevated to higher authority
9 and only occur after all available appeals have
10 been exhausted.

11 For any post-trial review process that is
12 retained, it should require consideration of input
13 from the victim. If reduction or clemency is to be
14 granted, the victim should be personally informed
15 by the convening authority.

16 A unique justice track should be created
17 in all service branches similar to that recently
18 created by the Navy. It should enable JAGs who
19 prefer and are particularly good at criminal
20 justice work to specialize and continue to advance
21 in rank. Today, those with special aptitude and
22 interest in the field, after having gained valuable

1 experience in criminal justice, must rotate into
2 other specialties to gain eligibility for
3 advancement in rank.

4 In conclusion, as retired Lieutenant
5 General Claudia Kennedy recently said, "The
6 imbalance of power and authority held by commanders
7 in dealing with sexual assault must be corrected.
8 There has to be independent oversight over what is
9 happening in these cases. Simply put, we must
10 remove the conflict of interest in the current
11 system."

12 This summer former Pentagon General
13 Counsel, Jay Johnson, took the extraordinary step
14 and publicly stated, "I have recently come to the
15 conclusion the problem, the bad behavior so
16 pervasive, we need to look at fundamental change."

17 Why should a legal decision be left to a
18 non-lawyer often connected with those involved and
19 with personal interests at stake? How could this
20 be expected to consistently produce a just outcome?

21 Thank you for your time and attention to
22 this crisis.

1 CHAIRMAN JONES: Thank you very much, Ms.
2 Parrish. Ms. Petersen, did you have a
3 presentation?

4 MS. PETERSEN: I don't have opening
5 statements.

6 CHAIRMAN JONES: Okay, thank you. Mr.
7 Jacob? And this is Greg Jacob who's a former
8 marine and the Policy Director now for Service
9 Women's Action Network.

10 MR. JACOB: Thank you, Judge Jones.
11 Sorry, I'm fighting a cold, so I'll continue to
12 fight on.

13 Good afternoon, Judge Jones and
14 distinguished members of the Panel. On behalf of
15 the Service Women's Action Network, I'd like to
16 thank you for the opportunity to provide testimony.

17 The Service Women's action Network, or
18 SWAN, is a veterans' founded, veterans' led non-
19 profit. SWAN's mission is to transform military
20 culture by securing equal opportunity and freedom
21 to serve without discrimination, harassment, or
22 assault, and to reform veteran services to ensure

1 high quality healthcare and benefits for women,
2 veterans, and their families. We accomplish our
3 mission through policy reform, media advocacy,
4 litigation, and direct services.

5 Prior to my work as the Policy Director
6 for SWAN, I spent -- served from 1994 to 2004 in
7 the United States Marine Corps. I was deployed in
8 harm's way and combat as an infantry non-
9 commissioned officer. And after my commissioning,
10 I served as an infantry officer, and platoon
11 commander, company commander, and operations
12 officer billets.

13 During my last tour, I was the company
14 commander at an entry level training command where
15 I learned of the presence of what I would call a
16 sexual predator in the company, an E-6 who
17 systematically targeted, harassed, and assaulted
18 the young privates and PFCs who were in his charge.
19 After conducting a thorough investigation and
20 referring this individual to higher headquarters
21 for discipline, I saw firsthand how senior
22 commanders discredited the victim, punished her

1 supervisors, and in the end simply transferred the
2 perpetrator to another unit.

3 At the last hearing, the Panel discussed
4 the role of the commander, and based on my
5 experience, I'd like to share a few comments on
6 that issue before I move forward with the remainder
7 of my testimony.

8 During my service as an enlisted infantry
9 marine and later as an infantry officer, I found
10 myself on both the giving and sometimes receiving
11 end of military discipline. I can tell you from
12 experience, unequivocally, time and again, that it
13 is the force that shapes the conduct of units,
14 determines the climates of units, ensures the
15 readiness and morale of units, and enables units to
16 accomplish everything from marching to the chow
17 hall to seemingly impossible combat missions. It's
18 leadership exhibited daily from the ranks of the
19 non-commissioned officers, staff non-commissioned
20 officers, and company grade officers, none of which
21 have the sacrosanct court martial and convening
22 authority that the DoD likes so much.

1 For the Pentagon to assert that such
2 authority is the linchpin of good and discipline is
3 not only incorrect, it actually insults the
4 services and sacrifice of these front line leaders.
5 Ask any marine and they'll tell you that troops
6 don't charge uphill or kick down doors or drag
7 wounded comrades to safety because they fear a
8 court martial. Simply put, they follow orders
9 because good leadership inspires and good
10 discipline compels.

11 When a sexual assault occurs, it actually
12 does damage to a unit. It traumatizes everyone to
13 some degree and puts the operational readiness of
14 the unit at risk. The commander's priorities must
15 be to ensure that the victim is cared for if
16 they're in that chain of command and to restore
17 unit cohesion and operational readiness. Under the
18 current system, commanders are forced to split
19 their priorities and their resources between
20 managing the unit and managing the court martial
21 process. And along with the time and resources of
22 commanders, the staff judge advocates and the

1 senior staff NCOs have to expend their resources on
2 advising that commander, leaving the unit, and at
3 times even the victim, to twist in the wind.

4 On top of all that, commanders are already
5 swimming upstream trying their best to change the
6 culture around sexual violence. But under the
7 current command-centric system, commanders lack the
8 freedom to talk directly and effectively about
9 preventing sex crimes due to the looming specter of
10 undue command influence. The command-centric
11 system ties the commander's hands so they're unable
12 to exercise the critical proactive leadership that
13 is key in preventing retaliation, maintaining unit
14 readiness, and enforcing good order and discipline.
15 The current system forces commanders to put a
16 priority on prosecuting sex crimes rather than
17 preventing them in the first place.

18 My experience shows that the issue is with
19 the system, not the people. Most commanders want
20 to do the right thing when it comes to playing the
21 role they've been given in the current command-
22 centric system. The problem is, though, when it

1 comes to the prosecution and conviction of serious
2 criminal conduct, good intentions are not enough.
3 Commanders must be leaders, not lawyers, in the
4 battle against sexual violence, and we cannot
5 expect them to win as long as they are forced to
6 carry a rifle in one hand and a gavel in the other.

7 Much has improved in the past few years
8 with regard to victims' responsive services to
9 assist men and women who have experienced crimes of
10 sexual violence while serving in the military, yet
11 more needs to be done. SWAN has been leading the
12 charge in sexual violence prevention and policy
13 reform since it was founded in 2007. We've been
14 encouraged to see traction and momentum on these
15 issues continue to grow both in the public, in the
16 services, and in Congress. For example, in 2009,
17 there were only five provisions in the National
18 Defense Authorization Act on this issue, and this
19 year's bill already has dozens. Legislation around
20 this issue is bipartisan, bicameral, and strongly
21 supported by the Administration.

22 In addition, many provisions found in our

1 bills are being directly adopted for implementation
2 by the Secretary of Defense and the service chiefs
3 outside of the legislative process. Continuing to
4 reform victims' protection services is critical,
5 not just ensuring that these men and women who have
6 suffered these crimes are cared for, but also so
7 they're resilient enough to assist in the
8 prosecution of perpetrators. DoD numbers show that
9 year after year, between 10 and 20 percent of
10 criminal cases against alleged perpetrators cannot
11 be tried because a victim has refused to
12 participate in the criminal justice system.

13 SWAN's work on sexual violence, in
14 particular, our policy agenda, centers on what we
15 see as a broad continuum of care for sexual assault
16 victims. This includes effective prevention
17 training, improving reporting, ensuring victims'
18 protections, effective prosecution and conviction
19 of perpetrators, and changing the culture of the
20 military to include advocating for victims and
21 access to civil courts. We also work on post-
22 service issues concerning VHA and VBA reforms.

1 The continuum begins with proper training
2 of troops and leaders in understanding sexual
3 violence as early in their enlistment as possible
4 to include 360-degree instruction on how to
5 properly respond to an incident in the ranks. I'd
6 refer the Panel to an enclosure in my written
7 testimony for a closer analysis of the current
8 bystander intervention approach that DoD is
9 currently using. But in brief, current SHARP and
10 SAPRO training is fraught with victim blaming,
11 ignores male victims, is disempowering in its
12 messaging, and lacks much of the needed emphasis on
13 offender deterrence and consent training.

14 The next touchstone I'd like to mention
15 occurs after an assault has occurred. DoD reports
16 that nearly nine out of 10 victims do not report
17 their assault primarily due to fears of retaliation
18 and the belief that nothing will happen to their
19 perpetrator. This is a huge issue since in the
20 military, most policies designed to provide victim
21 care are not activated until the report, either
22 restricted or unrestricted, is made. Once a report

1 is made, victims face additional hurdles, such as
2 the issue of collateral misconduct and privacy
3 issues. SWAN has found that in many instances,
4 victims are discouraged from moving forward with
5 the prosecution due to possible discipline for
6 relatively minor offenses.

7 SWAN recommends that the military adopt
8 the policy of a myriad of civilian jurisdictions of
9 setting aside collateral charges entirely so
10 victims are free to do their part to move the case
11 along and prosecutors are not forced to lose a
12 conviction over some relatively minor victim
13 misconduct.

14 SWAN has advocated for years now for a
15 shift away from the current command-centric
16 criminal justice system to restore faith and
17 confidence in military law, and empower commanders
18 to protect victims from retaliation, and ensure
19 continued unit cohesion and readiness. Should a
20 commander fail in her or role of victim care,
21 policies that allow victims to transfer away from
22 hostile units, as well as a new proposal that

1 reaffirms the commander's ability to transfer
2 accused perpetrators from units, go a long way in
3 ensuring that victims are not in continued
4 jeopardy.

5 Additionally, providing victims with legal
6 counsel, as the Air Force Special Victims' Counsel
7 Program, assists them in navigating a confusing and
8 difficult legal system. SWAN supports the adoption
9 of this program by all the services.

10 SWAN has also worked on and supports
11 current legislation that would change the Article
12 32 hearing in order to improve this now hostile,
13 arduous, and traumatizing process for victims, and
14 include a provision that prevents victims from
15 being compelled to testify in an Article 32.

16 In addition to the specific issues
17 highlighted in this oral testimony, I'd refer the
18 Panel to my written testimony for enclosures
19 related to changing Article 120 to a consent-based
20 statute, and analysis and recommendations on
21 current DoD SHARP and SAPRO training, and a much
22 needed exception to Question 21 on the

1 Questionnaire for National Security Positions,
2 Security Clearance Form, Standard Form 86 for
3 sexual assault survivors.

4 CONGRESSWOMAN HOLTZMAN: Excuse me. Would
5 you mind just slowing down so we can understand
6 what you're saying, please? Thank you.

7 MR. JACOB: Sure. Sure.

8 CONGRESSWOMAN HOLTZMAN: I mean, some of
9 us are not as quick as you are.

10 MR. JACOB: Oh, I'm sorry. A needed
11 exception to Question 21 on the Questionnaire for
12 National Security Positions' Security Clearance
13 Form, Standard Form 86, for sexual assault
14 survivors.

15 I appreciate the Panel's time, and I'm
16 happy to answer any questions you may have. Thank
17 you.

18 CHAIRMAN JONES: Thank you, Mr. Jacob.
19 We'll now hear from Mr. Scott Berkowitz, who is the
20 President and Founder of Rape, Assault, and Incest
21 Network, RAINN. Mr. Berkowitz?

22 MR. BERKOWITZ: Thank you very much, and

1 thanks to members of the Panel for including me
2 today. Before I begin, I'd like to just make --
3 share just one note about my remarks. As was
4 mentioned this morning, RAINN operates the Safe
5 Helpline for DoD. As a contractor to DoD, we're
6 prohibited from speaking on behalf of the
7 Department, so I can't answer questions
8 specifically about Safe Helpline. But I do look
9 forward to talking to you today about our
10 perspective from 20 years of experience serving
11 civilian populations.

12 As the Nation's largest anti-sexual
13 violence organization, RAINN works in three keys
14 areas. Our primary focus is helping survivors. We
15 created the National Sexual Assault Hotline, which
16 we operate in partnership with about 1,100 local
17 service providers and which provides help 24/7.

18 Over time, we observed that many victims,
19 particularly younger survivors, were more
20 comfortable reaching out for help online. And so,
21 in response we created the web's first crisis
22 support platform, the National Sexual Assault

1 Online Hotline. Our staff and supervisors provide
2 advice to more than 3,700 survivors through the
3 online platform, and that is also the platform that
4 serves military victims through the Safe Helpline.

5 In addition to extensive training that
6 we've developed for our hotline staff, we also
7 provide a lot of training and technical assistance
8 for Federal agencies, private companies, and
9 thousands of staff and volunteers at local service
10 providers. We also educate the public about
11 prevention, recovery, and the criminal justice
12 response to rape, and through programs on hundreds
13 of college campuses. I'm working closely with the
14 national media and partnerships with the
15 entertainment industry. Our programs educate more
16 than 130 million Americans each year.

17 So while your focus is on the military, I
18 think there are many parallels to the civilian
19 sector. First, sexual violence is the rare crime
20 that doesn't discriminate except against the young.
21 Race, income level, sexual orientation, geography
22 all matter very little in the statistics. Youth is

1 the defining demographic. In the civilian
2 population, nearly half of all victims are under
3 18, and eight out of 10 are under 30.

4 The age distribution with the military I
5 think is -- there's a lot of similarity to colleges
6 with 43 percent of active duty service members
7 being 25 and younger, and over two-thirds being
8 under 30. And so, like every college in the U.S.,
9 it has a significant problem of sexual violence
10 within its community.

11 All too often, rape tends to be a crime
12 without any consequence. The Justice Department
13 estimates that 60 percent of civilian victims don't
14 report their assault to police because many reports
15 don't lead to an arrest, and many arrests fail to
16 lead to conviction. Only about three out of every
17 100 rapists will ever spend even a single day in
18 prison.

19 So what have we learned and what can we do
20 to improve? First, by far the most effective and
21 most important prevention program is arresting and
22 prosecuting more rapists. From DoJ data and

1 academic research, we know that rapists tend to be
2 serial criminals, which is hardly surprising since
3 they learn early on that they can commit crimes
4 with impunity with little risk of apprehension.

5 The most effective way to stop a serial
6 criminal is, well, to stop them before they commit
7 more crimes. While other sorts of prevention
8 programs have value, and I'll talk more about them
9 in a moment, the primary method of preventing
10 sexual violence is to lock up those who commit it.
11 Obviously that's a lot easier said than done, and
12 it remains as big a problem in the civilian sector
13 as it does in the military one. But it starts with
14 doing everything possible so that victims want to
15 report, and that's, I think, where our biggest
16 hurdle is now.

17 With its extensive data, DoD actually has
18 an advantage in this area over the civilian world.
19 Thanks to the DMDC last year, I think we have a
20 clear view directly from victims of why they're
21 reluctant to report. Of women who didn't report
22 their unwanted sexual contact, 50 percent said they

1 believe nothing would be done. Forty-three percent
2 had heard of others' negative experiences and said
3 that that influenced them not to report. So I
4 would encourage you to make addressing that list a
5 top priority because until we've created an
6 environment and a system in which the norm is to
7 report, we're never going to solve the problem.

8 As far as secondary prevention, there are
9 three distinct audiences, each of which needs to
10 hear and tends to respond to different messages.
11 These audiences are perpetrators, those at risk of
12 assault, and bystanders.

13 Perpetrators need to know that sexual
14 violence will not be tolerated, but this needs to
15 be more show than tell. Keep in mind that
16 perpetrators have been listening to these messages
17 all their lives from their parents, and pastors,
18 teachers, and TV shows. They know that sexual
19 violence isn't legal, but they often just don't
20 care. Many perpetrators rationalize their behavior
21 with distorted logic, or they conclude that the
22 benefits outweigh the risks. Even so, helping them

1 understand what the law is and what behavior won't
2 be tolerated may lead some to make better
3 decisions, and I still think it should still be
4 part of the mix.

5 But here's the show part. Messages about
6 zero tolerance need to be credible to be effective.
7 I think these messages are credible in one sense.
8 In working with the military leadership, it's
9 pretty clear to me that there's a desire to change.
10 There's a desire to fix the system. But until the
11 data show that there is a real significant chance
12 that someone who commits an act of sexual violence
13 will actually be caught and prosecuted,
14 perpetrators will continue to discount zero
15 tolerance messages. Only once the results catch up
16 to the intent will we start reaping the deterrence
17 benefits of these messages.

18 The next level of messaging is to those at
19 risk of assault. I know that this approach is
20 controversial. Some believe that talking about
21 risk reduction tactics leads to blaming victims for
22 not having avoided the crime. I think it should go

1 without saying that not every crime can be avoided,
2 and certainly we should never blame the victim no
3 matter the circumstances were. That said, risk
4 reduction messaging is valuable. It's widely
5 applicable to all crime prevention from property
6 crimes to other violent crimes, and it needs to be
7 part of DoD's continuing messaging.

8 These messages, I think, to a listener can
9 sound simplistic sometimes, but hearing repeated
10 reminders of the risks and hearing about the steps
11 that one can take, even if they're simple steps --
12 things like trusting your instincts, drinking
13 safely, relying on friends -- hearing those
14 messages over and over can lead to changes in
15 individuals' behavior and do lead to such changes,
16 and ultimately lead to a safer community.

17 The final audience is bystanders, teaching
18 men and women strategies and tactics for helping
19 out a friend or for safely intervening to head off
20 an assault. It treats people as potential allies
21 rather than predators and educates friends to
22 identify situations that may lead to a sexual

1 assault. Bystander intervention is the most
2 promising approach in the field right now, and I
3 know it's already being extensively used by DoD.
4 I'd encourage DoD to continue that, to expand those
5 programs, which give service members the tools and
6 confidence to step in and help prevent assaults.

7 I know that part of your Panel's mission
8 is to assess victim care, and while I said I'm
9 limited in what I can say because of Safe Helpline,
10 I think there are many things that DoD is doing
11 well in this area, and I want to mention just a few
12 points.

13 First, crisis intervention and counseling
14 are vital to survivors. We know from serving
15 civilians that these services increase survivors'
16 ability to address the trauma and that they aid and
17 speed up the recovery. We also know that the
18 treatment a survivor receives directly impacts his
19 or her decision to report. So services like the
20 work of SARCs and victim advocates, as well as that
21 of the Helpline, which are based on best practices
22 from the civilian sector, not only help survivors,

1 but they help support the criminal justice process.

2 And in a couple of ways, DoD victim care,
3 I think, is actually ahead of the civilian world.
4 They've recognized that technology can be valuable
5 and cost-effective in treating survivors, and that
6 we need to create new tools to address the reality
7 that recovery is a process that can take months or
8 years. This understanding has led DoD to create
9 two services that have no civilian parallel: the
10 Safe HelpRoom and Safe Helpline app.

11 Safe HelpRoom is an online peer-to-peer
12 support system which allows survivors in the
13 military to help each other in a safe and anonymous
14 community. Well-trained moderators provide help
15 while the service members themselves get to discuss
16 the topics most important to them. It's a tool
17 that could be of great use in the civilian world,
18 and one that survivors -- civilian survivors have
19 been asking us for for years.

20 The Safe Helpline app enables survivors to
21 create a customized self-care plan, and so it's
22 particularly useful for those who are stationed

1 abroad. The plan, along with the recovery tips and
2 recommended exercises, is stored only on their
3 device for privacy, and it's successful even if
4 they're offline. And this app, which is the first
5 of its kind, won this year's American Telemedicine
6 Association's Innovation Award.

7 As others have talked about, I'm also
8 impressed with DoD's creation of the Special
9 Victims' Counsel Program. I'm encouraged by the
10 results of the Air Force pilot, and glad to see
11 that members of the other services are going to get
12 access to this legal aid. And I'm also glad to see
13 that the Navy is a partner in the Justice
14 Department's Office for Victims of Crime's pilot
15 program on telehealth. This is going to provide
16 access to SANEs through telemedicine, and it's a
17 project that RAINN is also a partner in. And I
18 think it's great that the Navy is really in the
19 lead here.

20 So with that, I'll thank you again for
21 this opportunity, and I'm happy to answer any
22 questions.

1 CHAIRMAN JONES: Thank you very much, Mr.
2 Berkowitz. Now we'll hear from Dr. Will Marling,
3 who is the Executive Director of the National
4 Organization for Victim Assistance.

5 DR. MARLING: Thank you, Madam Chair and
6 Panel. I'm certainly humbled to be here today to
7 speak to you. I believe my task is to provide a
8 bit of color commentary, and I also know that so
9 many important things have already been said. So
10 being the last panelist of this day, I'm going to
11 try to be efficient for your sake. I cannot
12 imagine how you're tolerating those very comfy
13 chairs. As I sat back there in the church pews, it
14 was much easier to endure the day. So I'm
15 impressed by your resilience, quite frankly.

16 I'm also impressed by the skill and the
17 extensive capacities that you have on the topics
18 we're discussing, but I want to affirm that your
19 credibility is enhanced to me and in the work
20 because of Ms. Fernandez' appearance on this Panel,
21 representing the victim's perspective as a very
22 competent and well-respected leader in our field.

1 And that's important because even as I
2 received this wonderful letter from Colonel Ham and
3 the extensive information regarding your mandate, I
4 wanted to -- I noted this, and I hope do not sound
5 pedantic by this because I'm not intending to at
6 all. But your mandate that was given to you was,
7 "the Secretary of Defense shall establish a panel
8 to conduct an independent review and assessment of
9 the systems used to investigate, prosecute, and
10 adjudicate crimes involving adult sexual assault
11 and related offenses under the Code for the purpose
12 of developing recommendations regarding how to
13 improve the effectiveness of such systems."

14 The reason that I bring that up is because
15 throughout the mandate, this is one of the
16 struggles victims face, and that is they don't
17 actually appear anywhere but one time in this
18 document. And they are latent in there. I know
19 that's been the discussion for the day. But it is
20 a societal struggle as well as a system struggle to
21 talk about all of the processes and all of the
22 systems and assume that we're talking about the

1 needs of victims when we never actually say that.
2 I found the word "victim" under the guidance in
3 this document: "The review shall include the
4 following..." I think I found the word "victim"
5 once.

6 And I'm impressed by your commitment to
7 victims and the desire to serve them, but I would
8 affirm that this is, again, the societal struggle
9 to remind people who is at the core of the need
10 here. While most assume that victims are in view
11 with the improved effectiveness of such systems,
12 technically speaking, victims find themselves
13 between the lines of investigation, prosecution,
14 and adjudication.

15 In the late '60s and early '70s when our
16 societal consciousness was driving a lot of change
17 in this country, it's important, I think, to
18 remember, if we do not know, that the protestations
19 against rape and sexual violence were actually the
20 early galvanizing force for the victims' movement
21 at large, and so that's why this is a powerful and
22 important discussion to have.

1 NOVA was born out of that movement in
2 1975, and as the first, but certainly not the last,
3 of many noble organizations and agencies that
4 continually serve and commit to serving and
5 reminding people in society of the needs of those
6 who are harmed by other people. We are proud of
7 that, but we're also proud of this extensive
8 expertise that is represented in this room and, of
9 course, in this day.

10 As the victim assistance and advocacy
11 movement began to take shape, this recognition of
12 emotional trauma was central. And I bring this up
13 not because, again, you necessarily need to know
14 this, but it features in a few recommendations that
15 I want to make later. The notion of trauma is at
16 the heart of the issue, and it surrounds loss.
17 People are reacting to loss -- physical, emotional,
18 even the loss of innocence. And giving people
19 control has been mentioned already, and advocates
20 know that it's about giving people back control.

21 The violations can ultimately be so
22 profound that the losses are almost incalculable

1 unless the person calculates them for you. And so,
2 we work hard never to determine what we believe the
3 loss is for another person, but to certainly allow
4 them to articulate for themselves. And, of course,
5 because of those losses, they can view society very
6 differently or their military service now because
7 of the loss of what they would say is innocence.

8 The victims' rights movement has
9 continually focused on and consistently focused on
10 affirming dignity and respect for victims of crime,
11 and we've heard that reiterated over and over.
12 And, of course, I join in that vocal cadre.
13 Practically speaking, that means that those who are
14 a part of a system working for justice, as we
15 describe it, either formally or informally, they
16 need to have competence, commitment, and
17 compassion.

18 All three are necessary values for
19 effective service. No one wants a compassionate
20 doctor who knows nothing about medicine. And when
21 it comes to a victim, I haven't found a victim that
22 wants an incompetent investigator, an incompetent

1 prosecutor, an incompetent adjudicator. We need
2 those skills and that commitment, along with the
3 necessary compassion.

4 And so, as I mention these issues of loss
5 of control for victims and the need for competent,
6 committed, and compassionate professionals, as well
7 as volunteers, as well as folks in our society who
8 care about other people in need, I would suggest
9 some simple -- well, they're not simple. They
10 sound simple, but I'm going to suggest some changes
11 to the system. And, again, since so many other
12 important things have been said, I'm going to try
13 to avoid too much redundancy and maybe offer some
14 other perspectives to join -- to add to what we've
15 discussed already.

16 First of all, there should be an official
17 empowered mechanism installed in this military
18 process to address the complaints from victims
19 about their treatment by those in the system. I
20 don't know of any official holistic approach.
21 There are mechanisms I know through the Office of
22 the Inspector General for the Department of

1 Defense. But to my knowledge, there is no place
2 for a person to say, you know, my protections were
3 not honored, I did not get what I needed, and that
4 can be raised. The information can not only be
5 aggregated, but also investigated for the notion of
6 protection of victims' rights or enforcement of
7 victims' rights.

8 I would also add to that if the military
9 is going to take care of its own when it comes to
10 crime victims, and a discussion earlier was about
11 the sizable investment that revolves around victim
12 services, which clearly is in view there, there
13 should also be commensurate funding mechanisms
14 associated with, for instance, the needs of those
15 victims even with maybe compensation and the like.
16 Again, I don't know of specific mechanisms apart
17 from them seeking their State Victim Compensation
18 Fund. We have parallels, of course, in the
19 civilian world with the Office for Victims of Crime
20 and the Victims' Crime Act Fund. But as was
21 affirmed even by the officers who spoke earlier,
22 competence and commitment flow from resourcing.

1 You know, we put our money where our mouth is
2 supposed to be.

3 Along with empowering a mechanism to
4 investigate the potential for the victims' rights
5 violations and commensurate funding mechanisms for
6 the victims themselves, I might also suggest that
7 even changing the culture at large in the military
8 is so crucial because the notion of sexual assault
9 perpetrated by intimate partners should not
10 necessarily be -- should not be treated any
11 differently than those that are experienced by non-
12 intimate partners. Sexual assault is sexual
13 assault, and we have categories and classifications
14 for the codification of these things.

15 But we need an attitude that says it's
16 wrong. If you're doing it, it's wrong. It doesn't
17 matter that you're doing it to somebody you know,
18 or somebody you don't know, or somebody you're
19 married to, or have an intimate relationship with.
20 Sexual violence is wrong. And so, a commitment to
21 that to change the culture that this is wrong needs
22 to extend and not create different classifications

1 of victims.

2 Number four, we should also focus on
3 enforcement of victims' already existing legal
4 protections because it appears that they are in
5 some good measure inadequate, which is why it's
6 certainly -- it is, as has been described, game
7 changing to have special victim counsel. That is a
8 very meaningful commitment to offer legal counsel
9 to provide that kind of guidance and assistance in
10 support to victims.

11 But I want to suggest that we actually
12 have to ask the word -- we have to ask ourselves
13 what does it mean for victims to have rights? What
14 are we saying by those rights? There are legal --
15 certainly legal protections that exist in the
16 civilian side, but it's a military order that's on
17 the military side. It's not even, as such, law.
18 And when you talk about the concept of rule of law
19 and the notion of victims' rights, there is some
20 inherent notion that victims should have rights,
21 and we just naturally respect that, yes, but they
22 need to be codified.

1 Along with that, sexual assaults, as my
2 colleague, Mr. Berkowitz, has pointed out, should
3 be prosecuted fully, extensively. And here's the
4 hope that I bring in terms of the military tackling
5 this issue and going at it. What happens to these
6 people when they leave the military who are
7 perpetrating? We have just released them back into
8 society where the potential for control, or change,
9 or prosecution might be lessened because they're
10 not in an environment where actually there's direct
11 supervision and direct confrontation for their
12 behavior, and a determined effort to confront and
13 hold them accountable.

14 I am profoundly concerned that if the
15 military is not able to address this in meaningful
16 ways, they simply push it out into society once
17 again, and these people will continue to do what
18 they do best, and that is harm other people. And
19 so, to me it's a post-service concern because
20 while, you know, people might serve long careers at
21 the same time as perpetrators, they're still going
22 to get out at some point.

1 Number six, continuing integration of the
2 sexual harassment and sexual assault programs. The
3 connection between the two in terms of the growing
4 escalation of the violation is clear, and people
5 need to be educated about that. And as the
6 military -- I'm sorry -- as the Army is the one
7 that fully integrates those at present, it appears
8 that those kinds of programs should be distributed
9 more widely among the services.

10 And number seven and my last
11 recommendation is this. I offer it humbly, and
12 probably you'll say brazenly. But I would suggest
13 this, that victims of crime in the military need
14 United States' constitutional protections. As was
15 noted earlier, there are 23 protections for the
16 accused in the United States Constitution. Right
17 at this point, there's not one for a victim of the
18 same crime of which that individual is being
19 accused.

20 And I'm not a lawyer, so I'm giving you
21 the layperson's version of this. But I would
22 understand that under the Uniform Code of Military

1 Justice, actually victims don't have any rights as
2 such, not as I understand what I would want to have
3 as a United States citizen under the United States
4 Constitution.

5 Right now, sexual assault victims are
6 continually crushed by justice systems within the
7 military and outside of the military, and they have
8 no recourse. They have no standing actually under
9 the law, and already violated by another human
10 being. It might be one reason why they're
11 reluctant to report because there is no ultimate
12 highest standard under our rule of justice, rule of
13 law, where they can stand and have a footing, a
14 place, where their personal liberty is protected
15 under the law.

16 So I'll close with this having walked out
17 the plank on that. Some 30 years ago, President
18 Reagan's Task Force on Victims' Crime made some 60
19 recommendations to enhance dignity, compassion, and
20 fairness for victims. The final recommendation of
21 that impressive task force was that a United States
22 constitutional amendment for victims of crime

1 should be pursued.

2 In 1996, President Clinton also endorsed a
3 Crime Victims' Rights amendment. And the reason I
4 bring this up ultimately is because in our society,
5 a constitutional amendment could cover a multitude
6 of sins, including the egregious struggles that
7 victims of sexual assault in the military face.

8 Ultimately, our society deserves justice
9 for all. That includes the victim, and I would
10 suggest that it also includes victims like those
11 harmed by sexual violence. Thank you.

12 CHAIRMAN JONES: Thank you very much. Mr.
13 Jacob, I wonder if I could begin with you, and
14 possibly ask you the same question, Ms. Parrish. I
15 understand that you believe that having an
16 independent military prosecution system might be a
17 helpful construct for -- to inspire more confidence
18 in victims. But let me ask you this. Do you have
19 any confidence that that system will result in
20 either more prosecutions or better results?

21 MS. PARRISH: Well, I think transparency
22 will increase accountability. And the reality and

1 perception that someone -- a professional outside
2 the accused's or victim's chain of command will be
3 making the determination whether or not to prefer
4 charges to Article 32 will in itself instill more
5 confidence in victims to report.

6 So you'll have, I believe, more increased
7 reporting. You'll have, in reality, more
8 transparency. You'll be able to hold those in the
9 chain of command accountable, those who are failing
10 victims and failing to take these crimes seriously.

11 So on all counts, I think it's absolutely
12 critical that you give the determination whether to
13 prefer charges to a professional, trained, legal
14 expert to create, as I said, for transparency, for
15 victim confidence, for both the real and perceived
16 notion, and also to rid the -- begin to rid the
17 problem that we're facing more and more in these
18 cases of unlawful command influence.

19 CHAIRMAN JONES: Mr. Jacob?

20 MR. JACOB: Yeah. I think the core of
21 this problem is the lack of reporting. Over the
22 past couple of years, we've done a lot of work with

1 Congress to make a lot -- really big inroads in
2 terms of victim services, which obviously can't be
3 accessed unless there are reports. And this past
4 year, we've done a lot in terms of increasing
5 punishments and accountability for perpetrators.
6 Obviously none of those attach unless there's a
7 conviction.

8 So to have an independent system where
9 cases are going to trial based on the evidence,
10 based on the facts of the matter, I think that
11 increases the likelihood for a conviction, which
12 increases the likelihood for these deterrent type
13 of actions to attach. And that ultimately sends a
14 signal to the troops because what it does is when a
15 potential perpetrator is making a choice in a
16 situation where he's at a party and somebody is
17 drunk, and, you know, he wants to pursue something
18 that he probably shouldn't pursue, he has to make
19 that choice. And if in his mind he knows that if
20 he makes that choice and he gets caught, there's a
21 likelihood that he'll be convicted, incarcerated,
22 and kicked out of the military, and required to

1 register on a sex offender registry, that is going
2 to -- that's what's going to keep him from making
3 that decision.

4 So that is really the deterrent that we're
5 looking at. So we're looking at increased
6 convictions. If your belief is that increased
7 prosecutions are the solution, just simply
8 funneling more cases into court, then you're going
9 to want a command-centric system. You're going to
10 want a system where the facts of the case just
11 don't apply, are totally irrelevant, and I can
12 prosecute anybody I want to because I'm a
13 commander. You're going to want that kind of
14 system.

15 But what that kind of system does is it
16 sends a signal to perpetrators that even if I get
17 caught, even if I make this choice and I commit
18 this crime, I get caught, I get prosecuted, there's
19 still a chance I'm going to get off. It's probably
20 going to be a pretty good chance because the
21 numbers indicate that the percentages of
22 convictions are really low, but the percentages of

1 prosecutions are really high.

2 So for us, the question is, do you want
3 victim -- do you want perpetrators convicted,
4 thrown in jail, thrown out of the military, and
5 forced to register on offender registries to
6 protect civilian society, or are you just
7 interested in seeing prosecutions go up and cases
8 go to trial?

9 CHAIRMAN JONES: Well, I guess I'm not
10 sure or certain that an independent set of military
11 prosecutors is going to make any decisions that are
12 very different from the ones that are being made
13 now. Having listened and seen a lot of statistics
14 these days, I'm not sure what they always mean.
15 But in most instances, it hasn't been the military
16 judge advocate who's been saying don't prosecute.
17 It's been prosecutors who have presented it and
18 said, "we don't want to prosecute this. We may not
19 have enough evidence." And it's been a decision
20 made by the judge advocate with the commander that
21 has changed that decision to, "let's prosecute."

22 Whatever you may think of that, that's a

1 different result than what you might get in a
2 system of independent military prosecutors. And I
3 just wonder if results matter or not, because I
4 think a set of military prosecutors who are -- like
5 a DA's office or whatever, will make decisions
6 about cases, and they'll want to bring cases.
7 Well, certainly no one should bring a case where
8 there's insufficient evidence, but they are going
9 to be reluctant to also not bring cases that, you
10 know, may not in their view be winnable. I think
11 it's the nature of an independent prosecution
12 system.

13 MR. JACOB: Yes, but --

14 CHAIRMAN JONES: And that would result, I
15 would think, in somewhat -- possibly somewhat
16 different results, or maybe the same results. So I
17 guess I'm just going back to do results matter or
18 is this about transparency?

19 MR. JACOB: I think it's about restoring
20 the faith in the system. I think it's about making
21 sure that individuals that are in the military
22 recognize they have an independent system, and they

1 know that they get a fair shake. I think that that
2 is really what the ultimate -- you know, the
3 ultimate effect is going to be. And we struggle
4 with this, too. I mean, what metric are we
5 measuring? How do we define success?

6 You know, I spent six years working for GE
7 as a Six Sigma guy, and it's all about data, and
8 it's all -- you know, it's a data driven world we
9 live in. So how do you measure success? What stat
10 are you looking at? What do you want to see go up
11 and what do you want to see go down?

12 I think what we're looking at is a
13 complete -- a complete lack of faith and confidence
14 in the system, and that's what's keeping victims
15 from reporting. I think if we restore that faith
16 and confidence in the system, that's going to lead
17 to increased reporting, and that's really the key
18 to the entire process.

19 CONGRESSWOMAN HOLTZMAN: Excuse me. Can I
20 just ask, just to follow up on that? Why will an
21 independent bureaucracy create the faith that you
22 say doesn't exist now? I mean, what is the faith

1 that anybody has got in bureaucracy?

2 MR. JACOB: Well, yeah, that's a huge --

3 CONGRESSWOMAN HOLTZMAN: I just -- I mean,
4 so I'm just -- that's why I'm asking you the
5 question. I mean, when you tell -- when you say,
6 well, we're going to have faith in this independent
7 bureaucracy, what's more transparent? You've got a
8 big bureaucracy with unknown, unnamed bureaucrats
9 making -- prosecutors making the decision. What's
10 transparent about that? So I just -- I'm really
11 concerned -- I really think your arguments are
12 important, and I want to understand them.

13 MR. JACOB: Yeah. I appreciate that.

14 CONGRESSWOMAN HOLTZMAN: So explain to me
15 where the transparency is and why people will have
16 more faith in a bureaucracy.

17 MR. JACOB: I appreciate that. I think
18 that having professionals make professional
19 decisions is where people will place their
20 confidence. When I go to a doctor's office and I
21 consult with my physician, and my physician makes a
22 recommendation that I should have some type of

1 surgery or take some type of medication, it's that
2 confidence in his professional -- his or her
3 professional expertise that gives me the faith
4 that, yeah, I'll take the medicine or, yeah, I'll
5 have the surgery.

6 CONGRESSWOMAN HOLTZMAN: But that's your
7 doctor. This is a faceless bureaucrat. This is
8 just a faceless prosecutor you've never heard of
9 before.

10 MR. JACOB: Yes, but I know --

11 CONGRESSWOMAN HOLTZMAN: What's the
12 difference?

13 MR. JACOB: But I know he is a prosecutor.
14 I know that he's a professional, and I know that
15 he's trained to make these decisions. My commander
16 isn't, and having been a commander I can tell you
17 that I am encouraged as a commander -- one of the
18 things that made me a good commander was the fact
19 that I knew my troops. I knew their birthdays. I
20 knew who had kids. I knew where they lived. I
21 knew what they did on the weekends. I knew what
22 kind of car they drove. You know, I knew

1 everything about them. And when it came time for
2 me to make some type of a decision where I'm
3 supposed to suddenly assume some sort of mantle of
4 impartiality, that's just not human nature. That's
5 just not the way that it works.

6 So if the system is independent, then I
7 know -- and it's being -- and these issues and
8 things are being decided by professionals, then I
9 know and I have faith in the fact that the decision
10 that's made, whether it's to prosecute, whether
11 it's not to prosecute, at least I know that the
12 decision was made by a person that was competent,
13 and a person that understood the law, and
14 understood the nature of crime and understood the
15 nature of punishment. And that doesn't exist with
16 commanders I don't believe.

17 CHAIRMAN JONES: Admiral Houck?

18 VICE ADMIRAL (RET.) HOUCK: Yeah. I would
19 like to continue to pursue this because I've also
20 been a commander. And I've also -- I'm probably
21 qualified as one of those trained military
22 professions that Ms. Parrish was talking about.

1 And I'm still trying to understand the
2 difference between a trained military professional
3 who advises a commander, who is charged, and as
4 you've pointed out, with making a decision with
5 respect to the people that he or she supervises,
6 how it's different when that trained military
7 prosecutor gives advice to the commander. And
8 we've heard lots of testimony about the
9 indistinguishable difference in outcome.

10 So I'm trying to understand the difference
11 between the advice from the prosecutor or from the
12 trained professional to the commander in a system
13 where you simply take that legal advisor, that
14 trained professional, and allow them to make the
15 decisions on their own. I'm still trying to
16 understand that difference.

17 MS. PARRISH: May I just say there's a
18 difference between, of course, prosecutors and a
19 staff JAG. Staff JAGs don't usually have military
20 justice training.

21 VICE ADMIRAL (RET.) HOUCK: That's not
22 correct.

1 MS. PARRISH: Well, they aren't permitted
2 to be prosecutors under UCMJ. And they are jack-
3 of-all-trades. They are not highly trained in
4 military justice.

5 BRIGADIER GENERAL (RET.) DUNN: I'm afraid
6 I would take great exception to that statement, as
7 I'm sure would Admiral Houck and Colonel Cook over
8 here.

9 MS. PARRISH: Well, I appreciate that --

10 BRIGADIER GENERAL (RET.) DUNN: Lawyers
11 come up in the military system and prosecute on
12 their way up, and then as you get into a
13 supervisory role, you supervise those prosecutorial
14 functions. And it is your responsibility as a
15 lawyer in the military to understand everything
16 that you need in order to service your command,
17 whether it's environmental law, whether it's
18 criminal prosecution, et cetera, and, you know, to
19 make sure that those who work for you who are
20 actually in the courtroom are properly trained,
21 properly supported, have access to the resources to
22 get expert witnesses, whatever they need to succeed

1 in their mission as prosecutors. And, oh, by the
2 way, it's also your responsibility to make sure
3 that the defense counsel gets those resources.

4 So to say that staff JAGs, you know, don't
5 know anything about military prosecutions or are
6 ethically prohibited from getting involved in them
7 is just not, in fact, the case certainly in the
8 United States Army.

9 MR. JACOB: Yeah, I would agree with that.
10 I think for the role of the staff judge advocate,
11 and obviously I wasn't one. But I think the
12 problem with the system with having the JAG in an
13 advisory capacity is really the problem that exists
14 within the military when you're looking at any sort
15 of -- any sort of regulatory function, like, say,
16 for example, equal opportunity, the EEO -- MEO
17 Program, the Military Equal Opportunity Program.
18 That equal opportunity officer can make a
19 recommendation to a commander, but the commander
20 ultimately makes the decision.

21 The same thing is true with medical
22 issues. I mean, the doctor makes a recommendation

1 to a commander that this individual be on light
2 duty or limited duty or no duty. It's up to the
3 commander to make that choice. And there was a
4 real terrible case in Hawaii recently where a woman
5 went into premature labor and lost her child
6 because the commander refused to take the medical
7 officer's recommendation to put the soldier on bed
8 rest.

9 So ultimately, the choice -- the decision
10 is made by the commander. All these other folks
11 that are experts in equal opportunity issues, in
12 medical issues, in legal issues simply advise that
13 commander. So the problem is the disconnect that
14 occurs when the commander chooses to ignore that
15 advice, I think, to answer your question. I think
16 that's where the friction lies in that system.

17 MS. PETERSEN: I think the larger argument
18 that we're trying to make about having an
19 independent prosecutor make these decisions instead
20 of the commander is about participation and about
21 perception as much as it is about who ultimately
22 makes that decision. And I'll just say my personal

1 experience really comes more from just speaking
2 with survivors. So my role for the past several
3 years has really been intake, interviewing victims.

4 And before there was a proposal or a
5 policy out there suggesting to take this out of the
6 chain of command that was being debated publicly,
7 we were talking to survivors every day who were
8 calling us and saying, I was raped, I was sexually
9 assaulted. And that wasn't the trauma that they
10 were calling to talk to us about. The trauma that
11 they were calling to talk to us was about how their
12 cases were mishandled, and how their commanders
13 chose a side. And whether that's a perception or
14 whether they ultimately took an action to retaliate
15 against them, that had a lasting impact on them.

16 And we still get calls every day from
17 people who have that perception, and many who have
18 talked about they've been raped more than once.
19 But their initial experience was so bad that they
20 never come forward again. They never said
21 anything, or they saw someone else who lost their
22 promotion or, you know, was transferred away and

1 was ostracized because of that experience. And I
2 think for them, having that perception, the impact
3 on them of knowing that the commander is the one
4 who made that decision and said, no, this case is
5 not going forward when they -- in the cases where
6 they do know both the perpetrator and the victim.
7 That has -- that's a betrayal. That's a betrayal
8 to them, and that has a lasting impact and trauma
9 that they were not able to let go of.

10 So I think that's where we came from in
11 approaching this in terms of how do you get people
12 to participate in a process where they know that
13 there's a person at the top who knows them, who has
14 to make decisions not only about whether this case
15 goes forward, but about their possibly -- their
16 career path or the career path of the accused. And
17 to have those decisions made by the same person, I
18 think is systematically unfair, but also seems
19 unfair to those survivors.

20 MS. FERNANDEZ: Madam Chair?

21 CHAIRMAN JONES: Yes?

22 MS. FERNANDEZ: You know, we've listened

1 today and in previous hearings about all the
2 changes that have gone on in the military. Have
3 you been able to track over, let's say, the last
4 five years if victims are more satisfied with how
5 they're being treated now, and if these changes are
6 -- it seems like there's a lot of changes that are
7 occurring, that things are getting much better. At
8 least that's the way the testimony feels when it's
9 coming to us. But do you have any evidence to
10 bring to us as to really, no, there hasn't been
11 that much of a change, and it's not penetrating --
12 the changes aren't penetrating the troops,
13 particularly, I would say, in the last five years?

14 MS. PARRISH: Well, first, let me say
15 between 2010 and 2011, commanders' actions went
16 down in terms of these cases. The number of courts
17 martial went down. The percentage of those tried
18 and were convicted went down. So this notion that
19 commanders will do more than prosecutors in terms
20 of trying -- proceeding with these cases and trying
21 them and sending them forward to trial is false.

22 And, in fact, there were 100 cases, I

1 think, that some of the generals purported in front
2 of the Senate Armed Services Committee saying that
3 these were instances in which civilian prosecutors
4 had not taken cases forward, but, in fact, that the
5 military had taken them back and had been more
6 aggressive on them.

7 We find those numbers unpersuasive in
8 that, first of all I would tell you, for four
9 months we have FOIA'd and asked for those cases so
10 we could, in fact, have the opportunity to go back
11 to those civilian prosecutors to determine why they
12 turned those cases over, and we've been stonewalled
13 for four months. You would think since those cases
14 were brought forward to the Senate Armed Services
15 Committee they would give us -- that they would not
16 have difficulty in presenting those cases to us,
17 that we have letter after letter from every service
18 branch telling us they don't know what we're
19 talking about or where these cases are. And that
20 when we asked the Department of Defense directly
21 for them, they were told -- we were told they
22 didn't have that information, ask the service

1 branches. We've had this finger pointing going on
2 about these cases.

3 We've had civilian prosecutors who've come
4 to us to say if I knew what would've happened in
5 this case, I would have never sent that case over
6 because the military is very aggressive at asking
7 civilian prosecutors to take these cases back.
8 They're not given over. They're asked to be given
9 over. So I think that there is unpersuasive
10 evidence that has been thrown out there to say that
11 commanders somehow are more aggressive than
12 prosecutors in trying these cases.

13 MR. JACOB: Yeah. There has been a lot of
14 -- a lot. There's been a lot of changes in
15 programming and in policy within the DoD around the
16 issue sexual assault over the past five, six years.
17 A lot of -- much of that has been due to action in
18 Congress and through the National Defense
19 Authorization Act.

20 So we've seen a lot of, you know, many,
21 many programs that are in place now that weren't in
22 place before that have been effective. At one

1 point, everything was wrapped around the commander.
2 At one point reporting in the sexual assault was
3 wrapped around the commander. Victim services were
4 wrapped around the commander. And we've gradually
5 sort of teased those out and made those particular
6 functions independent as well.

7 I think the issue that I see as a policy
8 advocate is in implementation. We see an issue
9 that gets brought to our attention that we then
10 find a solution for that then gets legislated and
11 that then gets passed down to the services. And
12 each service then implements it on their own.

13 And the disconnect that we see, and a lot
14 of times I think a lot of places where victims fall
15 through the cracks are in the different
16 implementations of the different policies. You
17 know, the Special Victims' Counsel provision -- the
18 Special Victims' Counsel Program that was developed
19 by the Air Force stems from a provision in the
20 National Defense Authorization Act. The other
21 services came up with their own versions which
22 weren't quite as robust, so we've revisited that

1 and essentially got all the services to adopt that.
2 So there's not a lot of best practice sharing that
3 goes on.

4 And, you know, the rationale is that,
5 well, the Navy is on boats, and the Air Force flies
6 planes, and the Army, you know, drives tanks, and
7 the Marine Corps does all three of those. So
8 there's this sort of idea that there's a special
9 culture that exists within each service; therefore,
10 when it comes to implementing sexual assault
11 policy, we should have sway. You know, our own
12 independent ideas should hold sway, which we kind
13 of have an issue with. I think that's really been
14 -- lately has been the weakness in terms of the new
15 policies and programming that's been done.

16 MS. FERNANDEZ: But each of the services
17 has testified that they've made changes, and the
18 changes are going well.

19 MR. JACOB: Yes, they have, but each one
20 of the services has done it in a different kind of
21 way. So if the reason why -- the reason why the
22 DoD created the SAPRO Office was to consolidate

1 sexual assault prevention and response because the
2 services were all doing it differently. We just
3 simply think that there either needs to be better
4 guidance or some sort of a collectivistic approach
5 to implementation to prevent things from happening,
6 such as the transfer provision when -- this victim
7 transfer provision was first implemented -- the
8 Navy was having issues with it, and we had to get
9 congressional intervention on a couple of the
10 transfers because they misread -- they read the
11 directive differently than the other -- simply than
12 the other services did.

13 And there's still confusion around the
14 latest policy memo that prescribes a perpetrator,
15 you know, or the accused transfer. There's still
16 confusion about that within the services as to how
17 that actually is --

18 MS. FERNANDEZ: But I guess at the end of
19 the day, are we -- I mean, they've shown us that
20 more victims are reporting, and that the policies
21 -- I mean, that the procedures in each service are
22 going pretty well. I mean, whether there's

1 consistency and uniformity is another issue. But
2 at the end of the day, are victims being treated
3 better, and so are we seeing really an exponential
4 process or not is my question.

5 MR. JACOB: I believe we are. I believe
6 the services are doing a much better job at dealing
7 with the victims than they have been in the past.

8 MS. PETERSEN: I want to just note --

9 CHAIRMAN JONES: Oh, I'm sorry.

10 MS. PETERSEN: I feel bad -- I don't want
11 to wrench the microphone away from him.

12 CHAIRMAN JONES: Go ahead, Ms. Petersen.
13 Sorry.

14 MS. PETERSEN: I think that the problem is
15 that we're hearing all of that from the military
16 providers who are implementing those services, and
17 I think that they are working to do that. But like
18 one of our fellow panelists -- I don't want to
19 misrepresent who said it. There isn't a systematic
20 way of measuring where the victims' problems are.
21 Where are they experiencing the problems? The
22 people who come to us are the people who are

1 falling through the cracks, the people who are not
2 accessing these systems or who the systems aren't
3 working for.

4 You know, I have in front of me the
5 numbers. You know, basically the best way right
6 now as a victim to try to deal with retaliation or
7 problems is to file an IG complaint. First of all,
8 if you're a victim facing trauma, and you're in the
9 middle of a unit, and you're dealing with
10 everything else, you don't know how to file an IG
11 complaint. It's already a harrowing system.

12 But between 2006 and 2011, the IG Office
13 only fully investigated about 29 percent of the IG
14 complaints of retaliation that they received. And
15 only, overall, six percent of those complaints were
16 substantiated and could be acted upon. So if you
17 face retaliation and then you get out of the
18 service and you try to change your service record,
19 and you're trying to rely on a report, only six
20 percent of people who filed a complaint were able
21 to do so. So no one is listening to the victims.

22 And it's great to say these programs

1 should work this way, but what we hear is they
2 don't always work that way. And then where do they
3 go? Do they have to call a member of Congress
4 every single time that they have this problem? Do
5 they have to file an IG complaint? There doesn't
6 seem to be a system in place to adequately measure
7 that. And so, it's really hard for us to say other
8 than anecdotally that we see people aren't getting
9 access to the help that they need and can't fight
10 the retaliation when it occurs.

11 MS. FERNANDEZ: That's very helpful.

12 BRIGADIER GENERAL (RET.) MCGUIRE: I'm
13 going to shift the discussion a little bit to the
14 other end of the table to Dr. Marling. One of your
15 recommendations, and I may have misunderstood, was
16 that one of the things that would help to empower a
17 recommendation for a victim was the prosecution.
18 Prosecutions help in that we need to hold these
19 perpetrators accountable. Yet we've also heard
20 that the whole prosecution process in and of itself
21 can actually be harmful for a victim. Can you talk
22 a little bit about that?

1 DR. MARLING: Well, the standard for us in
2 terms of victims goes back to the control issue,
3 and we give victims as much control as we can
4 throughout the process. So the emphasis would be a
5 holistic commitment to empower victims, and if they
6 want to report, we want them to report. If they
7 don't want to report, then we want to empower them
8 to report.

9 The big question seems to be, or one of
10 the big questions in that area is what would keep
11 them from reporting, and if it's a fear of what
12 would happen in the system, obviously we want to
13 give them confidence.

14 So what I'm emphasizing is that the
15 opportunity to prosecute is about the offender, and
16 that should be pursued to the best of our ability
17 because that's what happens to people who do bad
18 things, and we confront them with that, and we
19 convict them of that. Understanding how we support
20 victims in that process is what victim advocacy is
21 all about, and helping them either cooperate or not
22 with that system to the best of our ability as an

1 advocate.

2 BRIGADIER GENERAL (RET.) MCGUIRE: Just a
3 quick follow up between you and then also Mr.
4 Berkowitz then is, when -- the reason why they want
5 to -- or they prefer unrestricted or they don't
6 want to report unrestricted reports, do you have
7 any statistics or reasons as to why they don't want
8 to? I heard you say that there was concern about
9 going through the process, but we've also heard
10 anecdotally a lot of times it's out of
11 embarrassment, privacy. They don't want their
12 parents or friends and family to know.

13 So through your either surveys or the
14 information you get on your calls or interaction
15 there, or from your experience at NOVA, what is the
16 main reason why a lot of folks don't want to
17 report?

18 DR. MARLING: Well, I'll give the
19 anecdotal side of it, and maybe Mr. Berkowitz,
20 because he's more precise with his statistics,
21 might want to speak to that or other things.

22 We have a victim assistance line, a

1 national victim assistance line. And we take calls
2 from around the country and sometimes from Canada
3 as well. And people -- in that context it's not
4 speaking specifically to military victims, but we
5 do get an occasional victim -- a call from somebody
6 associated with the military, either married into
7 the military or part of the system. And they have
8 a number of reasons why they might not want to
9 report, and the struggles that they have can
10 revolve around that embarrassment even on the
11 civilian side, declaring that they've been
12 vulnerable, or the embarrassment associated, from
13 their perspective, what we call the cataclysm of
14 emotion -- shame, guilt, and all of these things
15 associated with such a horrific personal violation
16 of sexual violence.

17 So I can't speak specifically
18 statistically, and that's why, again, we try to
19 give victims control to say I get to define how --
20 what control I've lost and where I want control
21 back. That helps.

22 MR. BERKOWITZ: The service victims I've

1 seen over the years, the reasons have evolved.
2 Twenty years ago, the biggest reasons tended to be
3 I think I'm going to be blamed, I think that -- I
4 don't think they're going to believe me, I think
5 that they're going to put me on trial. That has
6 fallen down the list of reasons.

7 And there tend to be sort of two big
8 reasons, one personal and one systemic. The
9 personal tends to revolve around it's a private
10 matter. I'm embarrassed about what happened. I
11 don't want my family to know. I don't want my
12 boyfriend to know. I don't want my colleagues to
13 know, which is particularly relevant in the
14 military context.

15 And then the systemic reason is that -- is
16 their evaluation of the odds of anything coming of
17 it. Almost every victim I've ever talked to wants
18 justice. You know, that's something that's almost
19 universal. And if they believe that the outcome of
20 this process, despite its personal embarrassment,
21 despite how hard it's probably going to be, is
22 going to lead to justice, they're going to be

1 vastly more likely to report and to be willing to
2 put themselves through that.

3 It's when they think that at the end of
4 that process they're going to just put themselves
5 through a terrible time and nothing is going to --
6 there's not going to be any good result at the end
7 that they decide it's not worth it.

8 BRIGADIER GENERAL (RET.) MCGUIRE: Thank
9 you.

10 MR. JACOB: If I could just put the
11 privacy issue sort of into a military context.
12 When you're dealing with junior members of the
13 military, which a preponderance of these victims
14 are, they don't have a lot of agency. They don't
15 have a lot of control. They are accountable to
16 either their squad leader, or their team leader, or
17 their platoon sergeant for every second of the day.
18 They can't just up and head to medical or go --
19 even, you know, go see a VA or a SARC. The first
20 question they get is, where are you going? Who are
21 you taking with you? Where's your buddy?

22 I mean, in an infantry unit when we have

1 -- we have giant, we call them, "new join dumps"
2 that come, and we'll get 30 new joins at a time.
3 And we march them around. We assign them an NCO
4 and we march them to medical, we march them to
5 dental, and we march them to the chow, and we march
6 them to supply, because they don't know where
7 they're going. And I'm -- as the platoon commander
8 I'm accountable for these people, so I'm going to
9 make sure that somebody is with them all the time.

10 So this issue of privacy goes -- extends
11 far beyond whether or not just my co-workers find
12 out or my mom finds out. You are literally having
13 to, you know, reveal the intimate details of your
14 day in terms of your scheduling to your superiors
15 when you're in the military.

16 So that piece about control, I think, is
17 critical, and I think it's something that the
18 military is going to wind up struggling with in the
19 long run.

20 MS. PARRISH: And I would just say if you
21 listen to the victims, of the few who did report,
22 62 percent said they were retaliated against.

1 That's real, and it's throughout the chain. And
2 it's whether -- and a victim who struggles to even
3 understand the confusing process much less finds
4 when they look at a medical report, wait a minute,
5 I didn't go there because of behavioral health, I
6 went there because I was sexually assaulted.

7 And they see this happen in so many
8 informal ways throughout the process with feeling
9 no -- that the chain of command is the control of
10 this -- of their case. And if there is no
11 independence, no impartiality, if the conflict that
12 is inherent in believing the hierarchy, right, and
13 the higher up you are in rank, the more believed,
14 the more credible you are, the more authority you
15 have. So it is not unusual to find that the
16 higher-ranking perpetrator is believed over the
17 lower-ranking victim. And it's part of that
18 conflict of interest and bias that is inherent in
19 the system.

20 And so, what does a victim do? Even
21 General Harding said by the time they go through
22 the arduous process of reporting an investigation,

1 and through that process 30 percent drop out before
2 the courthouse door. So you can talk about all the
3 changes and all the reforms and how good a job
4 everybody is doing, but the system is failing.

5 CHAIRMAN JONES: Some of what we're in the
6 process of trying to do is comparing something like
7 how many drop out after having made a charge in the
8 military with the civilian systems. And I wonder
9 if any of you have those kinds of statistics.

10 MR. JACOB: No. I just have the data that
11 came out of the SAPRO report with regard to the
12 percentages, overall percentages. That's something
13 that's not very granular in that report. They
14 don't drill down and find out the reason why the
15 victim refused to participate. It's a category --
16 that's a categorical statistic. It's an aggregate
17 number.

18 CHAIRMAN JONES: And where is the -- Ms.
19 Parrish, I'm sorry. Where is the 62 percent
20 number? What's that from? I'm just --

21 MS. PARRISH: That was from the -- do you
22 remember?

1 MS. PETERSEN: That's from the Workplace
2 and Gender Relations Survey, which is in -- it's
3 volume two of the 2012 SAPRO report.

4 CHAIRMAN JONES: Okay, thank you.

5 CONGRESSWOMAN HOLTZMAN: May I ask a
6 question?

7 CHAIRMAN JONES: Yes, of course.

8 CONGRESSWOMAN HOLTZMAN: Just to follow up
9 on some of the points you've made, which are really
10 important. First of all, one of the criticisms you
11 made was that the victims -- that the staff was
12 inexperienced and untrained dealing with victims in
13 the military. Has any progress been made -- you
14 might've heard the testimony of some of the SARCs
15 and victim advocates. There's now a requirement
16 that there be certification of all victims'
17 advocates and so forth. Do you think that that
18 will address that problem, or this problem of
19 inexperience and untrained staff, does that take
20 those changes into account?

21 MS. PARRISH: I think it takes those
22 changes into account. I think --

1

2 CONGRESSWOMAN HOLTZMAN: Despite the
3 changes, it's still --

4 MS. PARRISH: Despite the changes, what we
5 are seeing with the victims who come to us through
6 the intake process, through our pro bono legal
7 network who are in desperate straits asking for
8 help, we have found just inconsistency across the
9 board in terms of level of training and knowledge
10 by their special victims' advocate, by their SARC,
11 you know.

12 But really worse than that, it is that at
13 every step of the way from the first decision to
14 report to whomever, they are so intimidated and in
15 too many instances convinced that the damage to
16 their own career will -- that the career will be
17 destroyed if they move forward with the case.

18 And so, you know, it's -- I think there
19 are many SARCs who mean well. There are some who
20 are very well trained. Many reach out to us and
21 ask for help. Special victims' counsel reaches out
22 to us and ask for help. So what they're finding --

1 those who are trying to do the right thing in the
2 system, we find them more and more, you know,
3 coming to us saying, I have a victim, and they're
4 about to be drummed out of the service, can you
5 help me. This is from victim -- special victims'
6 counsels. This is from SARCs. So something is
7 rotten in the system.

8 CONGRESSWOMAN HOLTZMAN: Okay. So, and
9 let me ask you about retaliation. How do you think
10 that problem is going to be solved? What
11 recommendation do you have for solving that
12 problem?

13 MS. PARRISH: I think if you can create an
14 impartial professional justice system --

15 CONGRESSWOMAN HOLTZMAN: That doesn't --
16 how would that deal with retaliation? The
17 commander still could know someone is bringing the
18 case or making a report to the prosecutor. How do
19 you deal with the retaliation? I think those are
20 separate issues in my judgment.

21 MS. PARRISH: Well, I do think they're
22 connected, but I would also say that retaliation,

1 when it is there and apparent, is not investigated.
2 As I said, we have just one of many cases, but one
3 we're dealing with right now where for a couple of
4 years now, we've been -- this victim is -- has been
5 showing these falsified health records to one
6 commander after another. And that's the other
7 problem that happens is you'll have five
8 investigators. This poor victim can go through
9 three, four, five investigators during the course
10 of the same case. And so, but no one is
11 investigating who falsified this document.

12 CONGRESSWOMAN HOLTZMAN: So what would be
13 your --

14 MS. PARRISH: So retaliation is not taken
15 seriously.

16 CONGRESSWOMAN HOLTZMAN: What would be
17 your recommendation for reform in that respect?

18 MS. PARRISH: You know, Congresswoman, I
19 just strongly feel that until you remove the
20 conflict and bias out of the system, you're not
21 going to remove the -- that is how you begin to
22 reduce the retaliation is you take that -- both

1 real and perceived bias out of the system.

2 CONGRESSWOMAN HOLTZMAN: I see.

3 CHAIRMAN JONES: I think in the same vein,
4 a big problem is, if you just put the commander
5 aside for a moment, it's ostracism from the peer
6 group. And so, how would removing the convening
7 authority help that? What would you recommend to
8 help that?

9 MS. PARRISH: Well, you're talking about
10 some cultural issues here, which are real. And I
11 think that the peers are following their leader. A
12 commander is in charge of the command climate, and
13 it is his or her responsibility to assure that
14 there's a climate that does not condone sexual
15 assault and harassment. And I think there's still
16 a pervasive culture of victim blaming and disbelief
17 and of not taking these crimes seriously.

18 And I think we've seen an open wound of it.
19 We've had opportunity here to see the general view
20 into some of the thinking of commanders when we saw
21 the case of Lieutenant General Franklin when he set
22 aside the conviction of Lieutenant Colonel

1 Wilkerson. You got to see his reasoning, his
2 rationale, 18 pages of explanation, which
3 essentially said Lieutenant Colonel Wilkerson was a
4 doting father and a good husband. He did not
5 understand or either misused his role as the
6 convening authority. And he took the clemency
7 documents into account that were not permitted at
8 trial. So when you have this -- what kind of
9 message did that send?

10 And then you had his superior, General
11 Breedlove, speak in front of 500 majors, rising
12 commanders, months later saying that -- slamming
13 the prosecution and the court, and saying that
14 General Franklin could better determine guilt or
15 innocence than the court or the prosecution. When
16 you have that attitude, that culture ingrained, and
17 you have a system that supports and protects it,
18 you will not have justice for these victims. You
19 will not improve the system until you remove the
20 bias and conflict of interest.

21 BRIGADIER GENERAL (RET.) MCGUIRE: Madam
22 Chair, one question. In those instances of

1 successful prosecution on the side of the victim,
2 what do you know -- well, for the victim. I mean,
3 have you heard why they're happy or if they're
4 happy, that sort of thing, when it actually has
5 been a successful prosecution? Well, I'd like to
6 know what are those things that prove successful
7 because that could also help to inform.

8 MS. PETERSEN: I think having a victim
9 who's informed all the way along the way of what's
10 happening, which is why the special victims'
11 counsel is so crucial to the process. And we do
12 know that victims do have a more positive
13 experience. I think having experienced trial
14 counsel who know what they're doing. And one thing
15 we hear often is that, you know, especially with
16 the Article 32, which is where victims lose
17 confidence, that they have these more junior JAGs
18 who are handling the 32s, they don't feel like they
19 have their back, or they're just not being
20 explained -- they don't know how to explain the
21 process correctly.

22 So I think it's a balance. I think it's

1 when they're -- you know, if everything goes
2 smoothly, which we just don't hear that often, it
3 would be, you know, that their privacy rights were
4 protected, that their prior sexual history isn't
5 being brought in public hearings in Article 32s,
6 that they're being explained all the way along the
7 way, and that they have someone to advocate for
8 them.

9 And I think that's why we really with
10 Special Victims' Counsel Program, while it is very
11 promising, that there has to be strong backing and
12 support from Congress to say does special victims'
13 counsel have the right to represent these victims
14 during these hearings, that they're, you know, able
15 to intervene if the court is getting out of hand,
16 if the trial counsel isn't handling the proceedings
17 in the best interest of the victim, that there's
18 someone there to step in and speak on their behalf
19 when they don't know what to expect or what rights
20 they even have. So we do think that that's a
21 crucial part of the process when you have a
22 successful -- when you have a case that's actually

1 going to trial.

2 MS. PARRISH: That's right. Special
3 victims' counsel need to be able to fully represent
4 the victim, not just advise. And we've fought very
5 hard for that. We filed an amicus brief in our
6 *Katzenberg* case before CAAF to fight for the
7 victim's right for representation, not just advice.

8 And too many -- the Air Force Pilot
9 Project, which started in January, was a great
10 start. But even those special victims' counsel who
11 we hear from have to get permission from the court
12 to be able to represent the victim. Well, that's
13 absurd. They need to have the right for
14 representation.

15 CHAIRMAN JONES: Well, I think in the
16 civilian world, certainly the analogy would be that
17 a lawyer could come in and represent a victim. The
18 only question would be how much participation each
19 individual court would permit.

20 MS. PARRISH: Right. Well, in these
21 instances, we hear from special victims' counsel
22 that they're not -- that they're often told they

1 may sit, they may not speak at all, that they can't
2 object if MRE 412 evidence or 513 evidence is
3 trying to be admitted in court. So they're
4 hamstrung.

5 CHAIRMAN JONES: What if it's a new
6 concept?

7 MR. JACOB: We hear a lot of good feedback
8 about the special victims' counsel from the Army.
9 We hear really good feedback about their new
10 Special Victims' Unit approach. The training that
11 the investigators are getting at Leavenworth that's
12 being provided by Russell Strand has really made a
13 remarkable difference in the way that the victims
14 are being treated, handled, interviewed. And I
15 think it's making positive inroads and increasing
16 their participation.

17 Just to go back to the retaliation piece,
18 what we've found was that there -- because we
19 checked into this after retaliation started to come
20 up as a real big issue. And we were like, well,
21 how many people are prosecuted for retaliation?
22 And, you know, the answer to that was, well, none

1 because there's no law that says you can't
2 retaliate. But they are prosecuted under Article
3 93 or Article 134, the General Article. So we
4 thought it was important to distinguish that as a
5 separate violation. So this year's NDAA has
6 language in it that would establish retaliation as
7 a prosecutable crime in the UCMJ.

8 The other piece of that in terms of the
9 culture, and, you know, as a commander and having
10 seen these cases and how they play out in the long
11 run and how they play out in the context of the
12 unit, we think that it's valuable that the
13 commander be able to focus on the unit, focus on
14 the victim, focus on preventing the retaliation,
15 and ensuring unit cohesion and unit readiness.

16 And what I've seen in speaking to other
17 commanders as well is that, you know, they have to
18 maintain, you know, sort of the daily duties of
19 keeping their unit, you know, up to speed. So
20 there's -- they sort of have a triple priority at
21 that point. They have to split the resources
22 between three separate things.

1 And from my -- from our perspective, you
2 know, to have a professional cadre taking care of
3 managing the military criminal justice system frees
4 the commander up from that. It's no longer a
5 burden for him so he or she can focus on preventing
6 retaliation within the unit, making sure the victim
7 is taken care of, and making sure that the unit is
8 cohesive, and is combat ready.

9 VICE ADMIRAL (RET.) HOUCK: It's
10 interesting. We had -- at a previous Panel we had
11 testimony that commanders wanted to get rid of the
12 authority. One witness testified that she was
13 aware of commanders who wanted to get rid of this
14 authority for some of these reasons. And then at a
15 subsequent Panel, we had an array of panelists and
16 commanders, and we asked them this question, and
17 not a one subscribed to the notion that they wanted
18 to get rid of the authority and that it was too
19 much for them, that they would rather abdicate that
20 authority.

21 MR. JACOB: I think that it was General
22 Odierno who said during the Senate hearing that if

1 there was a member -- if there was an officer that
2 didn't want that authority, that he really had no
3 business being an officer in his Army. So I think
4 you're going to hear from folks that are in the
5 military. You know, that's their duty. That's
6 their job. That's one of their primary functions.
7 They're not going to sit here and tell you in
8 uniform that they don't want to do something or
9 that they're willing to shirk it.

10 I think what was more revealing was the
11 testimony that came from the subsequent Panel on --
12 from the foreign military experts and from the T-
13 JAGs. And I went to Yale University for a global
14 conference on military justice reform and spoke to
15 some of the foreign military people there,
16 including the top JAG, the T-JAG, for the entire
17 UK. And what he said was that the commanders said
18 the exact same thing before they made the change.
19 They said we want this, we need this, you know,
20 it's no problem, I can handle it. And then they
21 made the change, and then there was no -- there
22 were no complaints.

1 I think more significant, there was no
2 movement in the legislative branches of those
3 countries to overturn that decision, which to me
4 just basically says that it wasn't important enough
5 for them to legislate it back into existence.

6 CHAIRMAN JONES: Anything else?

7 (No response.)

8 CHAIRMAN JONES: All right. Thank you
9 very much. We appreciate your comments. Should we
10 take a break, Colonel Ham?

11 COLONEL HAM: Yes, ma'am. We have one
12 request for public comment --

13 CHAIRMAN JONES: All right.

14 COLONEL HAM: -- from Ms. Donna Adams. I
15 understand she's here. So if we could take a
16 couple of minutes to allow her to be seated.

17 CHAIRMAN JONES: That's fine.

18 COLONEL HAM: And she, as I mentioned this
19 morning, submitted a public comment in writing as
20 well, which is in your binders.

21 CHAIRMAN JONES: All right, thank you. So
22 we'll take a five-minute break.

1 (Whereupon, a recess was taken.)

2 COLONEL HAM: Members, this is Ms. Donna
3 Adams, and she's here from Arizona.

4 CHAIRMAN JONES: Good afternoon, Ms.
5 Adams. Thank you for coming all the way from
6 Arizona. And it's wonderful that we're going to be
7 able to hear from you this afternoon. Please go
8 ahead.

9 MS. ADAMS: Okay. Good afternoon, ladies
10 and gentleman. I thank you for allowing me to
11 speak before this Committee.

12 I'm a victim of a gang rape and recently
13 sexual harassment, and have experienced the
14 investigation, the prosecution, and the
15 adjudication. This is documented by my submission
16 to the Panel.

17 I would like to identify the problems and
18 offer viable solutions to improve the effectiveness
19 of these tools utilized in military rape and sexual
20 harassment cases. Like your goal, my goal is to
21 improve the effectiveness of how the Department of
22 Defense deals with crimes involving adult sexual

1 assault and related offenses for our present
2 soldiers and future soldiers.

3 According to a recent DoD study, one out
4 of three soldiers is a victim of military sexual
5 trauma. This is a readiness issue. I would like
6 to offer three recommendations on how to improve
7 the effectiveness of our system. These
8 recommendations address, first, the chain of
9 command, secondly, visibility, and third, the
10 protection of the complainant and the victims.

11 First, in my opinion, the chain of command
12 must continue to be held responsible and
13 accountable. I know much has been written in the
14 press recently concerning oversight. However, to
15 remove or reduce this responsibility from the chain
16 of command would adversely impact the victim. If
17 you want something done in the military, then the
18 chain of command must be responsible and involved.

19 Secondly, visibility must be increased at
20 all levels of command. This visibility must be on
21 a continuous basis. Third, complainants and
22 victims must be protected from retaliation and

1 reprisals.

2 Now, I'd like to explain a problem.

3 CHAIRMAN JONES: Please, go ahead.

4 MS. ADAMS: Despite the fact that these
5 soldiers that raped me, that carried out this
6 brutal crime against one of their own, a betrayal
7 of everyone, everything the military stands for,
8 their supervisors testified on their behalf
9 claiming that they would remain proud to serve with
10 them and pleaded that they be allowed to remain in
11 the Army. Moreover, despite my request to
12 transfer, I was forced to remain in the unit until
13 the courts martial were completed, nearly a year
14 later.

15 These men's sentences were later
16 dramatically reduced. One sentenced to 20 years
17 only ended up serving four years. Another
18 sentenced to 40 years served only three. The worst
19 among them who held a knife to my throat as the
20 others carried out the crime before taking his own
21 turn served only seven years of a 50-year sentence.

22 My recommendations to address that

1 problem: The Department of Defense must continue
2 to hold individual commanders accountable for such
3 serious errors in judgment. Continuous visibility
4 at all levels of command must be implemented. This
5 can be achieved by requiring commanders to report
6 on the status of these cases through the complete
7 chain of command to include the Armed Services
8 Committee.

9 Commanders must be held responsible to
10 ensure each phase of the process is handled
11 correctly and timely. This can be accomplished by
12 requiring commanders to meet timelines for each
13 phase and to have in place a review process.

14 Now, I'd like to address another problem.
15 Over the course of these hearings you have heard
16 many similar stories from veterans of the campaigns
17 in Iraq and Afghanistan. Even as the military
18 continues to increase the recruitment and
19 participation of women, not nearly enough has been
20 done to correct the underlying culture with regards
21 to female soldiers and sexual violence. In fact,
22 many efforts have not been effective.

1 Last year, immediately after SHARP
2 training, one of my male co-workers mused that he
3 didn't see what the big deal was. He "wouldn't
4 mind being raped by a bunch of women." My
5 immediate supervisor was present and did nothing.
6 This incident triggered my PTSD, adversely affected
7 my work. Efforts at addressing these comments,
8 which would constitute sexual harassment under any
9 circumstance, let alone as a response to SHARP
10 training, fell largely on deaf ears.

11 As part of this training, Army Test and
12 Evaluation Commander -- that's ATEC -- Major
13 General Del Rocco, came to Fort Huachuca and gave a
14 special session on sexual harassment and rape
15 prevention. As part of his presentation, he held
16 up a SHARP phone and provided us the number to this
17 phone. He assured us it would be manned 24/7 in
18 order to allow those who had concerns or needed
19 assistance related to sexual harassment or sexual
20 assault to have immediate contact with someone who
21 could address their complaints.

22 I attempted to call the General on this

1 line in order to relay my horror at how the
2 training was not being taken seriously and to talk
3 him about further measures which could be taken to
4 help combat the epidemic of sexual violence in the
5 military. However, I could not get through. In
6 fact, I called about 7:30 in the morning Arizona
7 time. I left a voice message, even sent email to
8 the General in order to convey the urgency of my
9 concerns, to no avail. I shudder to think how
10 abandoned someone would feel if they called this
11 number in the midst of a crisis to report a rape
12 and was treated with similar disdain.

13 In any case, after waiting in vain for
14 Major General Del Rocco to get back with me, I
15 brought his negligence to the attention of Colonel
16 Jacobs, the Commander of EPG where I was working at
17 the time. He prompted the General to finally
18 return my call, but neither he nor the General took
19 any meaningful action in response to my broader
20 complaints and concerns. In fact, although the
21 General agreed to meet with me in person to discuss
22 my grievances, I did not feel as though he took me

1 seriously, not on the phone and not in the meeting.
2 And just for the record, when he did call me back,
3 it was 1:30 in the morning his time, 10:30 in the
4 evening Arizona time.

5 Instead, my efforts merely resulted in a
6 hostile work environment, alienating me from my
7 colleagues. I was fired from my position soon
8 after. I believe it was retaliation for having to
9 rock the boat. I had worked for the Electronic
10 Proving Ground for a total of 16 years, two as a
11 soldier, 12 as a contractor, and one as a BA
12 civilian.

13 I am in the midst of an EEO lawsuit to
14 redress this wrong, a process which has also been
15 extremely frustrating. Rather than advocating on
16 my behalf, the EEO seems primarily concerned with
17 protecting the government.

18 As things currently stand, the inaction of
19 superior officers contributes to the culture of
20 complacency which allows these events to persist.
21 In fact, these supervisors often intercede on
22 behalf of the very people who carry out these acts

1 rather than standing up for the victims or the
2 Military Code of Conduct, at times even retaliating
3 against those who file complaints. This adds on an
4 additional layer of betrayal and alienation,
5 leaving the victims with nowhere for help.

6 In this support -- if this is the support
7 available to us now, despite the fact that the
8 spotlight is shown on sexual violence in the
9 military, little more than lip service and empty
10 promises, I cannot fathom how alone victims will be
11 once the attention begins to fade. Not nearly
12 enough progress has been made in the decade since I
13 was raped. More significant changes need to be
14 made now.

15 Now, I'd like to address some
16 recommendations to resolve those issues.

17 The chain of command must be held
18 responsible and accountable for serious errors in
19 judgment. Complainants and victims must be
20 protected from retaliation and reprisal. A process
21 must be in place now to ensure this does not
22 happen. This is the only area that should be taken

1 out of the Department of Defense. I feel it should
2 be someone outside of the -- completely outside of
3 the Department of Defense.

4 There must be increased continuous
5 visibility at all levels of the chain of command to
6 include the Armed Services Committee. This can be
7 achieved by requiring commanders to report on the
8 status of these cases through the complete chain of
9 command with timeliness for each phase of the
10 process, and have in place a review process. Like
11 your goal, my goal is to improve the effectiveness
12 of how the Department of Defense deals with crimes
13 involving adult sexual assaults and related
14 offenses for our present soldiers and future
15 soldiers.

16 Thank you for your time and consideration.
17 And if you have any questions, I would gladly
18 answer any questions you might have.

19 CHAIRMAN JONES: Well, Ms. Adams, let me
20 just say -- make a couple of comments in response.
21 First of all, this Panel is very concerned and
22 interested in accountability, which I think is one

1 of the first issues that you hit. There is no
2 doubt that unless commanders are held accountable
3 we're not going to see changes in the command
4 climate. And we've had some testimony about this,
5 and there'll be more review of accountability for
6 commanders.

7 As we understand it, the Department of
8 Defense service wide has already begun to do more
9 in surveying command climate and including
10 questions that do relate to sexual assaults so that
11 that type of problem in a command can be found and
12 the commander can be held responsible. So that's
13 one reform that we've had testimony about, and I
14 think everyone recognizes how important
15 accountability is. And we're in agreement.

16 Secondly, I think you probably know this.
17 There is a provision in, I believe it's the House
18 bill to have -- to create the crime of retaliation.
19 And I think, Admiral, you'll correct me if I'm
20 wrong, but right within the Uniform Code of
21 Military Justice. So that would add a specific
22 crime.

1 Now, you've just mentioned that you think
2 those crimes should be prosecuted separately or
3 that there should be another separate body that
4 would take a look at that. Is that your
5 recommendation?

6 MS. ADAMS: Ma'am?

7 CHAIRMAN JONES: Yes?

8 MS. ADAMS: Honorable Jones, the reason I
9 say that is because, like I said, with that thing
10 of sexual harassment -- I feel it's sexual
11 harassment -- it was the command climate. So I
12 tried to my best, like I said, to do the EEO thing.

13 CHAIRMAN JONES: Right.

14 MS. ADAMS: And to no avail. This is a
15 two-star general, and probably like a lot of those
16 young soldiers that they were talking about in this
17 Panel just a few minutes earlier, I honestly don't
18 see any recourse to get that command climate thing
19 addressed. This is a two-star general, the bottom
20 of the food chain. I don't see it happening. It's
21 like banging my head against the wall. It really
22 is.

1 And I wanted to make a comment about the
2 reason I put that thing in there about the year of
3 having to be -- and I know the Army has now
4 addressed that and now transfers people out of the
5 unit.

6 CHAIRMAN JONES: Yes.

7 MS. ADAMS: But the reason I even brought
8 it up was -- is because, I mean, that was almost as
9 bad as the gang rape. It caused me just as much
10 PTSD issues because no one would talk to me for
11 almost a year. And, I mean, for your psyche, that
12 is definitely not a good thing.

13 CHAIRMAN JONES: Well, we've heard that
14 just today from a number of victims' advocates
15 who've had a lot of experience with sexual assault
16 victims. And it's like being victimized all over
17 again, I guess is what you're telling us. And we
18 can certainly understand that.

19 MS. ADAMS: Yes, Your Honor.

20 CHAIRMAN JONES: Did you have any other
21 recommendations, or does anyone else on the Panel
22 have any additional remarks or questions?

1 MS. FERNANDEZ: I just wanted to thank you
2 for your courage for coming forward and telling us
3 about your assault. This Panel needs to hear
4 victims' voices, and we're very happy that you came
5 forward. And I just want to say it takes a lot of
6 courage to do that.

7 MS. ADAMS: Thank you.

8 CHAIRMAN JONES: Thank you very, very
9 much, Ms. Adams.

10 MS. ADAMS: Thank you.

11 CHAIRMAN JONES: Safe trip.

12 All right. We'll be adjourned. The next
13 public meeting is December 11 and 12.

14 COLONEL HAM: We'll be here tomorrow,
15 ma'am.

16 CHAIRMAN JONES: Oh, I forgot. I was
17 skipping a few days.

18 CONGRESSWOMAN HOLTZMAN: Yeah, right.

19 (Laughter.)

20 SPEAKER: Long day.

21 CHAIRMAN JONES: I was hoping to come back
22 on December 11th.

1 (Whereupon, at 5:30 p.m., the public
2 hearing was concluded.)

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