

Response Systems Panel
Victim Services Subcommittee
Minutes of January 29, 2014 Meeting

The Response Systems to Adult Sexual Assault Crimes Panel (RSP) is a federal advisory committee within the Department of Defense (DoD) operating pursuant to Section 576(a) of the National Defense Authorization Act for Fiscal Year 2013, the Federal Advisory Committee Act of 1972, the Government in Sunshine Act of 1976, and governing federal regulations. The Victim Services Subcommittee (VSS) of the RSP held a meeting at the George Washington University Law School on January 29, 2014. The purpose of the subcommittee meeting was to begin deliberations on victim rights and discuss future meeting opportunities. The subcommittee meeting began at 10:03 a.m. and concluded at 4:03 p.m. A copy of the transcript is hereby incorporated by reference.

Participating VSS Subcommittee Members:

Ms. Mai Fernandez, Chair
Judge Barbara Jones
Judge Christel Marquardt
Representative Elizabeth Holtzman
Dean Michelle Anderson
Ms. Meg Garvin
Mr. William Cassara

Participating RSP Staff Members:

Colonel Patricia Ham, RSP Staff Director
Ms. Terri Saunders, RSP Deputy Staff Director
Commander Sherry King, VSS Branch Chief
Ms. Julie Carson, RSP Staff Attorney
Ms. Joanne Gordon, RSP Staff Attorney

Others Present:

Mr. William Sprance, Designated Federal Official

After the meeting was opened, Ms. Fernandez requested that the staff walk the subcommittee through a draft report on crime victims' rights, as well as a draft outline of the subcommittee report.

During the outline review, COL Ham explained that there are three major areas to the outline: victim rights; victim services, which includes special victims' counsel; and a catchall provision.

During the outline discussion, the subcommittee members discussed the different types of reporting and the need to have a section in the report on the reasons why people choose to report and why they choose not to report. The subcommittee members then spoke about structure of the outline.

The members then discussed the CVRA and how it compares to the rights provided victims in DoD policy and the FY 14 NDAA. The subcommittee members agreed that military victims have a right to be reasonably protected from the accused. The subcommittee members then discussed the proceedings that the victim has a right to attend. The CVRA gives the victim the right to be at all public proceedings. The subcommittee members then discussed the right to not be excluded from any public hearing.

Judge Jones then raised the right to reasonably be heard, granted by the CVRA, at any public proceeding in the district court involving release, plea, sentencing, or at any parole proceeding. She then stated that the reference to the plea proceeding is not in the NDAA. The members discussed that because of the differences in how pleas work, the subcommittee sees a reason why the CVRA right to be heard during a plea is not applicable to the military, but that the analogous point in time is to be heard before the convening authority decides the disposition of the case, leaving to the convening authority what the right to be heard means (for instance, in writing, through the attorney).

Judge Jones raised the right to proceedings free from unreasonable delay. Ms. Garvin explained that in the non-military context, this right has been used to move proceedings forward and has operated to prevent further continuances by the prosecution and defense. Because the provisions in the NDAA and the CVRA on this right are similar, the subcommittee members moved to the next right.

The subcommittee members then discussed enforcement and recommended that legislation be enacted which provides for a specific enforcement mechanism for those rights listed in the FY 14 NDAA.

The subcommittee members then continued to discuss the outline of the draft report, specifically discussing SARCs and victim advocates and attendant privileges. The subcommittee expressed a desire to look at duplication of services and to somehow get at the issue of collateral misconduct.

The members then discussed the date of the next meeting and possible travel and then closed the meeting. The meeting ended at 1603.

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

A handwritten signature in cursive script, appearing to read "Mai Fernandez".

Mai Fernandez
Chair
Victim Services Subcommittee
Response Systems to Adult Sexual Assault Crimes Panel

Attachments:

1. Agenda
2. Victim Rights Comparison Chart
3. Victim Rights Issues for Discussion