

## **Response Systems Panel – Victim Services Subcommittee**

December 13, 2013 Preparatory Session Minutes

Lackland Air Force Base Site Visit – San Antonio, Texas

The Response Systems to Adult Sexual Assault Crimes Panel (RSP) is a federal advisory committee within the Department of Defense (DoD) operating pursuant to the National Defense Authorization Act for Fiscal Year 2013, Section 576(a), the Federal Advisory Committee Act of 1972, the Government in Sunshine Act of 1976, and other appropriate federal regulations. The Response System Panel held a preparatory session on December 13, 2013, at Lackland Air Force Base, Texas, to gather information, conduct research, and analyze relevant issues and facts in preparation for future RSP meetings. The preparatory session at Lackland AFB began at 0900 with a briefing for all RSP participants. The initial briefings were attended by members of all three subcommittees.

### **Victim Service Subcommittee Participants:**

BG(ret) Colleen McGuire, RSP Panel and Victim Services Subcommittee (VSS) member  
Ms. Michelle Anderson, VSS member  
Ms. Meg Garvin, VSS member and Acting VSS Subcommittee Chair  
Judge Christel Marquardt, VSS member  
Ms. Terri Saunders, Deputy Director, RSP Panel  
CDR Sherry King, VSS Staff  
Ms. Julie Carson, VSS Staff

### **Lackland AFB Participants:**

Participants are not listed by name as all discussions were non-attributional.

### **Tour of BMT Complex**

COL HAM reminded the committee and panel members that there was no DFO present and the purpose of the preparatory meetings was to gather facts and not deliberate, based on FACA no deliberation is allowed in this setting. Unless noted in brackets, text below is from the speakers.

The RSP participants and staff were given a briefing by military instructors (MI) and taken on a brief walking tour of a new BMT complex to acquaint them with updates and changes made to increase the safety of trainees.

*Briefing by BMT Personnel included the following information:*

Changes to the complex include retrofitting initiatives to improve visibility and minimize any chance of instructor/trainee misconduct going unnoticed. Stairwells which have open-grating allowing an inappropriate view of those above will be retrofitted. There are over 60 cameras in the barracks with 100 more planned, all instructor offices are being retrofitted with window. There is a 24/7 CQ office manned with MIs that have the video surveillance monitors. There are no cameras in any location where trainees might be disrobed. MIs no longer change clothes in their offices which are visible/on camera. Flights (term for military unit, group of incoming trainees) are gender specific but MIs may be of the opposite sex. There is a dayroom on each floor with a panic button, and a phone that only allows calls to four numbers: the SARC, Chaplain, Help/tip line, or the weather. When trainees graduate they move to advanced training which is integrated.

### **Welcome/In-Brief: 37<sup>th</sup> Training Wing**

*The senior officer from Lackland AFB welcomed the participants, and provided the following overview:*

All personnel at the training wing are totally engaged and filling gaps that were identified as contributing to the incidents involving instructor and trainee misconduct. The entire command staff is committed to providing professional response and continues to deal with serious issues as a team. The command was dumbfounded at what was going on and how to get it under control; some great things have been done to protect airmen.

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The participants were provided with a historical overview of the 37<sup>th</sup> Wing and the installation, which included the following information:

Lackland AFB is the sole BMT unit for the Air Force, Airman Training Complex Program. Facilities were recently updated with new dorms and training facilities. The new complexes providing all the trainees needs in one consolidated location. The mission is to train, develop, and strengthen. There are 9,000 trainees on base at any one time. The BMT course lasts 8.5 weeks and transforms civilians into motivated airmen. BEAST (Basic Expeditionary airman skills training) is a four-day field exercise. After BMT graduates attend Tech (technical) training. Advanced training schools on Lackland AFB trains all five services and allies. The base hosts the English DLI, DLIELC, which teaches the English language and culture to allied services. The base also hosts the Inter American AFA IAAFA/CC conducted completely in Spanish, hosting students from 21 countries. It was noted that “Airman” was used as a gender-neutral term throughout the briefings.

The participants separated into subcommittees for the remainder of the day. The Victim Services Subcommittee met with the following groups of personnel:

### *Meeting with Special Victims’ Counsel Program Panel:*

The members received a briefing on the Special Victims’ Counsel Program from two Special Victims’ Counsel, a program paralegal, and a SARC. Prior to beginning, Ms. Saunders provided an overview of the purpose of the meeting and explained that everything said was non-attributional. Unless specifically noted, text below is from the speakers.

The presenters indicated that they work together as a team to support sexual assault victims. They indicated that the “team” concept works best when the members of the “team” work together at the same facility or base.

### *Special Victims’ Counsel:*

The Special Victims’ Counsel described the training that was provided for victim counsel. The training included an initial military SVC training was 3-4 days in December and another week of training in May. They have also attended an NCVLI training conference and a CALCASA conference and they have helped train Navy and Marine SVCs. Both of the SVC indicated that they had previous experience as a military prosecutor. One of the SVCs also helped train two Army SVCs at Fort Sam Houston.

The SVCs indicated that one of their biggest challenges is working with the military law enforcement during the investigation of a sexual assault case. Often a victim does not want an investigation to continue even after an unrestricted report has been made, but there is no mechanism to turn off an investigation once it has started. They compared this to local law enforcement who will quit investigating if a victim does not want to pursue the case.

The SVCs also discussed limitations in what they have been able to do to represent their clients. One limitation is the ability to call witnesses, and to have the government fund expert witnesses that the victim would like to have called for motion hearings. One example given was that of an independent psychologist that one of the SVCs believed would have been relevant and helpful for an ER 412 motion hearing. They would like to have a mechanism by which SVCs could request funding for expert witnesses, and then be permitted to call those experts as witnesses during the pre-trial hearing.

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The SVCs reported that most of their work is helping the victim to determine whether they want to file a restricted or unrestricted report.

The SVCs reported that access to information is a big problem they are facing and that a discovery process is needed. They are even having difficulty getting access to victims' own statements. Both indicated that they rely on friendships and connections to get the information they need. They noted that written statements from others should be available for them to review for 412 issues.

Lastly, the SVCs reported that squadron level commanders are very helpful and supportive, but that first line supervisors are often a problem.

The SVCs viewed their positions as a positive career move and expected their assignments to last for 2 to 3 years. Their recommendation for SVC selection criteria is to have been involved in 15-20 trials and to have had sexual assault trial experience.

### *Special Victim Counsel Paralegal:*

The subcommittee next heard from one of the ten paralegals assigned to the SVC Program by region. The paralegal provides support to the SVC's, and works with the enlisted clients. The paralegal described how there are too few paralegals, in that they manage the work at 15 different bases.

In discussing her role, the SVC program paralegal indicated that she was a regional paralegal covering 15 bases and 4 attorneys – including Lackland. She suggested sending the paralegals TDY to train SARCS on military justice issues. The SVC from New Mexico mentioned that his paralegal is in Las Vegas. He covers 3 bases and needs to travel to meet with clients and for outreach, but there is not always funding to support the amount of travel needed.

The paralegal noted that she had no previous training in working with sexual assault victims and that she reached out on her own initiative to the local rape-crisis center for training. She emphasized the need for training in learning how to deal with clients who are depressed and suicidal.

### *SARC:*

The Sexual Assault Response Coordinator who joined the discussion described her position, indicating that she reports directly to the commanding general at her assigned Army Base and she sought the SARC position.

The SARC reported that leadership involvement has been a big issue at Fort Sam Houston, but that it has improved in the last several months. She indicated that leadership is now attending the training sessions and also noted that she was interviewed by the first General Officer in the chain of command for the SARC position.

*Recommendations for Improvement:* Participants in the discussion were asked for recommendations to improve the system and sexual assault response for victims.

The SARC's suggestion for improving the system is to speed up investigations by CID. She noted that a case that was opened in July has been waiting for forensic testing results for over six months.

The recommendations from the SVC's were to allow victims to opt out of the investigative process once it has started. They also would like to see a policy for investigators that does not allow a victim to waive any rights before

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contacting an SVC. They noted that often victims are pressured to waive a victim advocate or mental health counseling by investigators who want to get on with the investigation and interview.

Another suggestion was to make expedited transfers available for victims who make restricted reports. The SVCs suggested having the legal office review the case in some way to evaluate the need for transfer.

The SVCs indicated that the issue of collateral misconduct is a problem, and recommended collateral misconduct amnesty provisions for a subset of UCMJ crimes if the sexual assault is reported first.

### Meeting with Sexual Assault Response Coordinators (SARC):

The subcommittee members received a briefing from installation SARCS. Prior to doing so, Ms. Saunders provided an overview of the purpose of the meeting and explained that everything said was non-attributional. Unless specifically noted, text below is from the speakers.

Presenters advised that Lackland has had an installation SARC since 2004.

In response to a question from a subcommittee member in which presenters were asked to describe issues or procedures that could be improved for their program, presenters provided the following:

#### *Funding:*

The first issue that was raised by the SARCs was that there is no funding to assist victims making restricted reports who have immediate needs, such as new housing, away from the accused. They noted that OSI has a budget for some of these things for unrestricted reports, but that restricted reporting victims have no source of funds.

A suggestion from one of the SARCs was that funds be made available for recognition of outstanding victim advocates with monetary awards and funding for supplemental training. They reported that this is done now, but out of their own pockets.

Additional funding for marketing tools: The participants also indicated that they need more funding for marketing type material for distribution at military installations. They said that pens and highlighters with the phone numbers on them were very popular as were stress balls. They find this a good way to “get the word out” with materials that people will keep and have available.

It was noted that the sexual assault wallet card distributed by the Army has been made an inspectable item, so the soldiers are required to carry it with them. SARCs noted that while there are cards with program information distributed to trainees which they are required to have, this is not something that many service members feel comfortable possessing, because of the indication it gives to others that the holder is a sexual assault victim.

A recommendation made to increase the ability to provide outreach was to have volunteer partners in the sexual assault prevention program who are not directly working with victims, but provide assistance with outreach and peer programs. These volunteer partners would not be required to complete the 40 hour training, just a one-day training session, so it would be easier to make them available.

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### *Issues related to initial entry training and personnel:*

One of the SARCs reported that during initial entry training, alcohol has been prohibited and overnight stays off post are not permitted. Though these restrictions have just started, sexual assaults are down and they believe that this is attributable to these new rules.

The SARCs reported that trainees would like expedited transfers to be available for those who make a restricted reports as well as unrestricted reports.

### *Issues related to hotlines and phone apps:*

It was noted that people don't know the Safe Helpline number and that one easy to remember phone number would be very helpful for sexual assault reporting such as 1-800 – DOD-SARC. They also reported that there is sometimes not a warm hand-off from DoD Helpline to the SARCs. The SARCs indicated that the Air Force One Source number is incorrect with RAINN and that they have a lot of incorrect numbers or transfers to bases with similar sounding names, such as connecting airmen at Laughlin to Lackland, and vice versa.

Additionally, they noted that there are a lot of problems with cell phone reception which is causing problems with SARCs manning the hotlines. Another issue raised is that civilian advocates do not have work cell phones, only uniformed advocates do.

When asked about the RAINN mobile app, they indicated that the average young person won't put the app on their phone, because it is a flag that they are a sexual assault victim to friends/peers.

### *Mental Health/SARC stigma:*

One barrier the SARCs noted is that soldiers do not want to go to mental health services because of the stigma. At Lackland, the AF has put a trauma counselor in the SAPR office and it is not considered part of behavioral health. They have found this to be very helpful.

It was noted by one of the participants that the word "SARC" is viewed as a joke and as synonymous with the "command." They suggested setting up something that doesn't scream sexual assault and is more generic, such as an "Advocacy Center" where these programs can be housed.

In response to another question from a subcommittee member about what works well, the following information was provided:

### *Victim Legal Counsel:*

The SARCs reported that there has been a "night and day" difference in the handling of sexual assaults since the SVC program was launched and they were extremely laudatory about the benefits of the program in helping reporting. One said that the regional Navy SVC got 72 cases in a week.

### *Victim Advocate presence during training:*

The Air Force noted as a best practice, always having victim advocates on site during BMT and Tech School sexual assault prevention training, because the trainings tend to trigger victims that need to talk with someone about prior incidents. Because of the high risk behavior that begins in Tech School, the AF at Fort Sam has started a program called Peer Advisors for Change which is a student run program that puts together activities, speakers, community service projects, etc., to give airmen constructive things to do with their free time and to highlight awareness of sexual assault risks, alcohol and drug abuse.

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### *Co-located services:*

Lastly it was noted that all of the services review the sexual assault cases together at Fort Sam and that they have collocated offices together as well with a satellite office at the student center. Presenters indicated that this has worked well at the facility for providing access to services for victims.

### Meeting with BMT Trainee Session:

The subcommittee members received a briefing from a group of co-ed trainees from the BMT program at Lackland. Prior to beginning the discussion, Ms. Saunders provided an overview of the purpose of the meeting and explained that everything said was non-attributational. Unless specifically noted, text below is from the speakers.

The female trainees expressed some concern about the likelihood of sexual assault happening to them. They felt safe in the highly restricted environment of basic training, but were uncertain what they would face afterwards. They all felt that the “wingman” program is a good program to help ensure each other’s safety and security.

One suggested that they would like to have self-defense training offered. The trainees reported that they received a sexual assault briefing in each class and that they were taught what to do after a sexual assault occurs but not what to do during or before. They indicated that signs were very prevalent across the base with information about what to do if you have been sexually assaulted.

One trainee suggested emergency phones be placed outside around the base like they are on college campuses. Another had a concern about inappropriate relationships with contractors being monitored. They felt they had the training about relationships with other military members, but not as much about relationships with contractors.

Lastly, there was a suggestion about having people screened before being selected to join the military and having psychological evaluations to screen out potential problems.

The trainees all felt that if their “wingman”, or another peer disclosed a sexual assault to them, that they would have a duty to report it to the chain of command.

### Meeting with BMT Instructors:

The members received a briefing from several BMT Instructors. Prior to the discussion beginning, Ms. Saunders provided an overview of the purpose of the meeting and explained that everything said was non-attributational. Unless specifically noted, text below is from the speakers.

The instructors praised the “wingman” system as a great method of teaching the trainees to look out for each other and to be accountable for one another.

They noted that every SAPR briefing has a SARC and VA present and ready to pull out any trainees that become uncomfortable or upset to talk with them. The reports that they are getting are largely incidents that occurred to trainees prior to their entering the military and prior to BMT. These trainees are provided victim advocates and other services as needed.

A Subcommittee member advised the instructor group of the concern trainees had expressed regarding of what will happen to them after the restrictive environment of BMT is over, and asked instructors about the same issue.

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The instructors expressed similar concerns, and noted that the trainees need a way to transition out of BMT and into Tech School. It used to be that freedoms were phased in for trainees at Tech School, but that is not the way it is handled currently. There seemed to be consensus that it would be a good idea to go back to phasing in the freedoms, starting with the wearing of civilian clothes when off duty, to leaving the base, to ultimately, being allowed to consume alcohol.

The instructors report that their job is to indoctrinate the trainees with integrity, but they are unsure if this is sufficiently reinforced once they get to Tech school and beyond. They noted that midlevel leadership is where the problem has been – where there are jokes and immature behavior that leads to an environment tolerant of behaviors that can be inappropriate. They also expressed that it is important to re-create the new BMT atmosphere into the rest of the Air Force – where there is no tolerance for harassment in the form of jokes or other inappropriate behaviors.

A question was asked regarding the duty to report an incident of sexual assault when a trainee or military member confides in a friend or an instructor that they have been a victim.

In response, all BMT instructors indicated that when told of a sexual assault by another trainee or “wingman,” that trainee has a duty to report to the chain of command. They also emphatically agreed that as staff members, they do have a duty to report any incident they have knowledge has occurred or any report of sexual assault they receive. They indicated that they believed that the exception to the reporting policy should be better explained for situations where one friend confides in another friend that they have been a victim of sexual assault.

### Meeting with VA/VWL:

The last session of the day included a discussion with Victim Advocates, a trauma counselor, and a Victim Witness Liaison. Prior to beginning the discussion, Ms. Saunders provided an overview of the purpose of the meeting and explained that everything said was non-attributional. Unless specifically noted, text below is from the speakers.

In response to a question from a subcommittee member in which presenters were asked to describe issues or procedures that could be improved for their program, presenters provided the following:

The participants reported that Lackland AFB has the largest AF SAPR office. 138 of the 798 AF cases of sexual assault last year were at Lackland. There are 6 Victim Advocates on call for the hotline. The group recommended more trauma counselors be made available for supportive care at the SAPR office.

The VAs indicated that the SAPR training videos are out of date, but that the instructors have done a good job of making the training more interactive. The training sessions are conducted by retired civilian BMT trainers and victim advocates. The basic trainees get 4 hours of instruction and 3 instructors do the training.

One of the VAs reported that commanders are finding out who those making restricted reports are, often by pressuring SARCs or getting the information from SARCs who don't care.

Another VA made the point that often the victim is confronted with so much trouble in the unit after reporting that they will go back to the investigator and recant, then find themselves facing involuntary separation for making a false report.

It was also noted that how collateral misconduct is handled is currently left to the discretion of the commander. There was some frustration expressed because it is not always handled consistently from one commander to the next.

One of the participants suggested that civilian DoD employees should have a restricted reporting option.

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It was also noted that how collateral misconduct is handled is currently left to the discretion of the commander. There was some frustration expressed because it is not always handled consistently from one commander to the next.

The participants also indicated that there is a “huge stigma” associated with seeking services from mental health and that everyone knows that it is the 4<sup>th</sup> floor or Woodford Hall.

It was mentioned that the Sexual Assault Stand-Down held this summer triggered a number of victims who were very upset, primarily because they didn’t understand that something that had happened to them was a crime, or because of a situation which hadn’t been reported. Advocates hear all the time from victims who didn’t realize what happened to them was a sexual assault.

They also noted that calls taken and forwarded by the Safe Helpline are often misdirected (i.e., a call from Laughlin, Nevada is misdirected to Lackland, Texas). They suggested this may be due to the unfamiliarity of the Safe Helpline counselors with the various military installations. The comment was made that that the “warm handoffs are sometimes not so warm.”

When asked what is working well, the participants discussed the following:

SANE Services are provided by a civilian facility 20 miles away. However, there is a policy that the policy which requires that two victim advocates must accompany the victim. In addition, a vehicle is provided from the motor pool to provide this transportation.

The Victim Advocates also noted that there is a strong relationship with the rape-crisis center at Lackland.

There was considerable praise from the panel speakers for the SVC program.

The Victim Witness Liaison noted that the position of a VWL is collateral duty in the AF, and the increase in the use of SVCs has reduced the role victim witness liaisons play in the criminal justice process for sexual assault cases. The VWL is normally a paralegal.

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The meeting ended at 1700 and the subcommittee members departed from Lackland AFB.

I hereby certify, to the best of my knowledge, the trip report is accurate and complete.

Meg Garvin  
Acting Chair, Victim Services Subcommittee,  
Response Systems to Adult Sexual Assault Crimes Panel