

Staff summary of reading materials for JPP members in preparation for May 19, 2015 public meeting

A. Reports and Materials Addressing Retaliation in the Military

1. Written Statement of Matthew Soulier, MD (1 page)

Dr. Soulier presented to the Panel at the April 10 public meeting. He provided this written statement to clarify his testimony that it did not appear that victims had uniformed Service people to support them at trial. He indicates that he is aware of the Special Victim's Counsel Program, but he does not observed them to play a role in deterring unit retaliation in the courtroom.

2. Human Rights Watch, *Embattled: Retaliation against Sexual Assault Survivors in the U.S. Military and Detailed Recommendations for the Department of Defense, May 2015* (142 pages)

Report from Human Rights Watch regarding their October 2013 - April 2015 investigation into retaliation issues against members of the Armed Services who reported a sexual assault. The report describes the scope and types of retaliation, issues regarding collateral misconduct, issues that exacerbate retaliation, and avenues and failures to remedy retaliation. The report includes recommendations to Congress, the Secretary of Defense, and community service providers to reduce and respond to instances of retaliation.

3. Complaint brought by Susan L. Burke on behalf of Armed Forces personnel against Department of Defense for sexual discrimination, March 31, 2015 (44 pages).

Complaint filed on March 31, 2015, in the United States District Court for the Eastern District of Virginia, against the Department of Defense on behalf of four individuals (current and former members of the Armed Forces) alleging that the Services knowingly allowed incidents of sexual discrimination and a sexually hostile work environment and failed to take appropriate corrective action when efforts were made to address the problems at the unit and Service level.

4. Government Accounting Office, *Whistleblower Protection: DoD Needs to Enhance oversight of Military Whistleblower Reprisal Investigations, May 2015* (94 pages)

Report on results of GAO review of DoD IG's oversight of military whistleblower reprisal investigation in 2013-2014. The GAO found that DoD IG is not meeting timeliness standards and do not have comprehensive oversight of investigations conducted by the Services.

B. Service Responses to JPP Requests for Information on Victim Retaliation

5. Responses to RFI Set #3, Questions 67-80 (104 pages) (May 6, 2015)

Responses to requests for explanatory information about retaliation in the Services, and data call for statistical information on complaints made regarding reprisal and retaliation.

C. DoD Instruction

6. Department of Defense Instruction 7050.06, *Military Whistleblower Protection, April 17, 2015* (12 pages).

The instruction was revised to specifically adds as protected communication information that a Service member reasonably evidences a violation of a law or regulation prohibiting rape, sexual assault, or other sexual misconduct.

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D. DoD SAPRO Annual Report & SecDef SAPR Policy Memorandum

7. Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2014, April 29, 2015 (61 pages)

Annual report required by Congress that presents DoD's programmatic activities, policy enhancements, and analysis of reports of sexual assault made in Fiscal Year 2014

8. Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2014, Appendix A: Statistic Data on Sexual Assault, April 29, 2015 (48 pages)

DoD statistical data on sexual assault for Fiscal Year 2014, which includes demographic information on subjects and victims of reported incidents of sexual assault. The report also includes information from analysis conducted by RAND Corporation.

9. Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2014, Appendix B: Metrics on Sexual Assault, April 29, 2015 (34 pages)

Metrics evaluating DoD's progress in sexual assault prevention and response, including prevalence, attitudes, and confidence.

10. Secretary of Defense Memorandum, Initiatives to Address Sexual Assault Prevention and Response and Retaliation Associated with Reporting Crime, May 1, 2015 (3 pages)

Memorandum from Secretary of Defense Carter outlining DoD's key SAPR initiatives. Two of the four initiatives target prevention and training to reduce retaliation against sexual assault victims.

E. Proposed Legislation Addressing Victim Retaliation

11. Press Release and Text of H.R. 2026, The Support Uniformed Patriots; Prevent Offenses and Restore Trust Act (SUPPORT Act), April 2015 (11 pages)

Press release and bill offered by Congresswoman Niki Tsongas and Congressman Mike Turner that would require (among other provisions) the DoD to create a comprehensive strategy to prevent retaliation and protect those who experience it. Bill has been referred to the House Committee on Armed Services.

12. Press Release on S.1130, Legal Justice for Service Members Act, April 29, 2015 (2 pages)

Press release for bill offered by Senators Boxer, Wyden, Merkey and Speier to strengthen protections for military whistleblowers to provide the same protections as their civilian counterparts. Bill has been referred to the Committee on Armed Services. To date the text of the bill has not been published.