

Staff Summary of Reading Materials for JPP Members in Preparation for the Public Meeting on April 8, 2016

A. Materials Relevant to Military Sexual Assault Legislation

1. Chart: Chronological Legislative Overview (29 pages)

This chart, prepared by the JPP Staff, provides a chronological listing of legislation relating to sexual assault in the military from 2004 to March 2016, and the current implementation status.

2. Chart: Legislative Overview by Topic (32 pages)

This chart, prepared by the JPP Staff, contains the same legislative provisions from fiscal years 2004 to 2016, but organizes the provisions by topic.

B. Materials Relevant to Special Victims' Counsel

3. JPP Staff TJAGLCS SVC Training Course Summary (20 pages)

Ms. Julie Carson, JPP Staff Attorney, attended The Army Judge Advocate General Legal Center and School (TJAGLCS), SVC Training Course from January 19-22, 2016. She prepared these minutes to summarize the information presented during that course.

C. Materials Relevant to Special Victim Investigation and Prosecution (SVIP) Capability

4. Department of Defense, Establishment of Special Victim Capabilities within the Military Departments to Respond to Certain Special Victim Offenses: Report to the Committees on Armed Services of the U.S. Senate and U.S. House of Representatives (Dec. 12, 2013) (40 pages)

DoD published this report detailing each of the Services' efforts to establish a special victim capability, as required by FY 13 NDAA §573.

5. Department of Defense, Directive-type Memorandum 14-003, DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support (incorporating Change 1)(Feb. 5, 2015)(13 pages)

Section 573 of the FY 13 NDAA required DoD and the Services to implement a Special Victim Capability, consisting of specially trained prosecutors, investigators, paralegals, and victim witness personnel, that would provide a distinct, recognizable group to investigate and prosecute adult sexual assault offenses. DoD published this memorandum to the Services directing the Judge Advocates to ensure they have specially trained prosecutors, paralegals, and victim witness personnel available to work collaboratively with the MCIOs in order to comply with the statutory requirement. DoD and the Services refer to the Special Victim Capability as the Special Victim Investigation and Prosecution (SVIP) Capability.

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6. DoD Instruction 5505.19, Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)(Incorporating Change 1) (Sep. 4, 2015)(10 pages)

DoD issued this instruction to the MCIOs outlining the SVIP statutory requirement for specially trained investigators to work collaboratively with judge advocates and others who respond to sexual assault cases.

7. Excerpts from Report by the Response Systems Panel (RSP) Pertaining to the SVIP Capability: (19 pages)

- a. P.112-115: The Multidisciplinary Response to Investigate and Prosecute Sexual Assault Reports
- b. P. 117-124: Investigating Sexual Assault Reports
- c. P. 147-153 : Organizing and Resourcing Investigators, Prosecutors, and Defense Counsel

8. Excerpts from the Report by the Comparative Systems Subcommittee (CSS) of the RSP Pertaining to the SVIP Capability: (54 pages)

- a. P. 65: Overview of the Multidisciplinary approach to respond to reports of sexual assault
- b. P. 66-67: Special Victim Capability in the Military
- c. P. 71-107: Special Victim Unit Investigators
- d. P. 141-153: Organization of the Prosecution Offices and the Multidisciplinary Approach

D. Materials Relevant to the Withholding Policy of the Initial Disposition Authority

9. U.S. Dep't of Def., Memorandum from the Secretary of Defense on Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases (Apr 20, 2012) (1 page)

The Secretary of Defense issued this memorandum withholding the initial disposition authority in sexual assault cases to commanders who possess at least special court-martial convening authority and in the grade of O-6 (Colonel or Navy Captain). The policy went into effect on June 28, 2012.

10. Excerpt of Dep't of Defense Annual Report on Sexual Assault in the Military Fiscal year 2014 (Apr. 2015) (3 pages)

The FY 14 DOD SAPRO Report required each Service to “[d]escribe [their] effort[s] to ensure the withholding of initial disposition authority in certain sexual assault cases from all Commanders who do not possess at least Special Court-martial Convening Authority and who are not in the grade of O-6 or higher.” The Services’ responses contained in their respective enclosures to the FY 14 SAPRO Report are contained in this excerpt.

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11. Service Directives directing adherence to the Secretary of Defense's April 20, 2012 Memo Withholding Initial Disposition Authority In Sexual Assault Cases (10 pages)

- a. All Army Activities Message, 299/2013, 080700Z Nov 13, U.S. Dep't of Army, subject: ALARACT Army Responsibilities, Roles, Procedures, and Authorities for Responding to Sexual Assault Allegations
- b. U.S. Dep't of Air Force, Guidance Memo 2015-01 to Instruction 51-201, Administration of Justice (Jul. 30, 2015)(Extract)
- c. Navy Administrative Message 195/12, 280139Z Jun 12, Chief, Naval Operations, subject: Implementation of Sexual Assault Initial Disposition Authority
- d. All Marine Message, 372/12, 131427Z Jul 12, Commandant, Marine Corps, subject: Withhold of Initial Disposition Authority in Certain Sexual Assault Cases
- e. All Coast Guard Message, 308/12, 272000Z Jun 12, Commandant, Coast Guard, subject: Withholding Initial Disposition Authority Under UCMJ in Certain Sexual Assault Cases