

## **JUDICIAL PROCEEDINGS PANEL REQUEST FOR INFORMATION SET # 5**

**Update on previous JPP RFIs:** In October 2014, the JPP originally requested the Services' FY15 court-martial data in response to RFI 65 and 66 by October 28, 2015. Recognizing that FY15 case information is not yet available and to give the Services and DoD SAPRO time needed to compile accurate information, our previous request is rescinded. The JPP anticipates submitting a new request for FY15 case information in Spring 2016.

USCG: Please provide information about the Coast Guard's reports, investigation processes, and criminal justice resources to respond to each of the questions for the military Services.

***Please provide responses to JPP RFIs # 90 – 102 by December 3, 2015***

### **Status of Previous Recommendations**

**90. DoD and Services:** Please provide an update on the implementation of Response Systems Panel (RSP) recommendations. The last status we received was based on a memorandum DoD Secretary Hagel signed on December 15, 2014.

**91. DoD:** Will there be a formal DoD response or implementation plan to the Judicial Proceedings Panel's February 2015 initial report? If so, please indicate when we can expect to receive that information.

### **Retaliation**

**92. DoD and Services:** Based on the information previously provided to JPP RFI 74, there are multiple channels for a victim to report allegations of retaliation (chain of command, law enforcement, Victim Advocates, SARCs, SVC, IG, hotlines run by the Services or DoD IG), but there is not a standard form used among those reporting agencies.

- a. Are forms used by any agency for sexual assault victims to report retaliation? Please provide a copy of those forms and the procedures to submit the report.
- b. If DoD developed standardized procedures for victims of sexual assault to report retaliation, should that information be recorded on a new form, an existing form such as the DD 2910, DSAID Information form, or another form? Please provide the rationale for any preference.
- c. Would it be beneficial for victims and/or the Services to establish an option for victims to file either an informal or formal retaliation report, similar to the options for Equal Opportunity complaints? Please explain why.

**93. DoD:** What resources (cost, manpower) would be required to modify the DSAIDs database to include information from retaliation reports related to sexual assault? How long would it take to incorporate that capability into the DSAIDs?

**94. DoD and Services:** What changes (e.g. additional resources, authorizations, training) would need to occur to task SARCS to collect retaliation reports related to sexual assault allegations, enter the information into DSAIDs, and track the progress of the investigation and final disposition of all retaliation complaints, just as they currently do for sexual assault reports? What are the benefits and/or issues with having SARCs perform those additional responsibilities?

**95. DoD and Services:** Case Management Groups (CMG or Sexual Assault Review Board) monitoring retaliation of sexual assault victims (follow up questions to JPP RFI # 71).

- a. When a victim reports allegations of retaliation, who provides that information and updates to the CMG Chair?
- b. How can the Chair of the CMGs be fully informed of the scope of retaliation in sexual assault cases when several of the members at the CMGs, such as Victim Advocates and Special Victim Counsel, are bound by privileges with the victim-client, which prevent them from reporting that information when the CMG Chair asks?
- c. If the MCIO investigates the retaliation complaint, does the MCIO agent provide a status update to the CMG chair at the monthly CMG meetings?
- d. Do/could CMGs receive monthly updates on the status of IG investigations relating to retaliation?

**96. Services:** What documents are CMG chairs required to maintain to track retaliation related to sexual assault cases? Is this information tracked anywhere beyond the installation? If so, how and by whom? Provide the sample report an installation CMG Chair maintains to track retaliation in sexual assault cases.

**97. Services:** In response to JPP RFI # 71, several Services noted that if any incidents of retaliation are reported to the CMG Chair, the commander concerned will develop a plan to immediately address the issue and will forward the plan to the CMG Chair. Please provide three written examples of plans commanders briefed to CMG Chairs to address retaliation complaints in sexual assault cases. (Please redact names of the parties involved.)

**98. DOD IG and the Services:** Are the Services reporting all Military Whistleblower Protection Act complaints to DoD IG? What authority does DoD IG have over the Service IGs to make ensure the reporting occurs?

**99. DoD and Service IGs:** Please explain the protocol for DoD IG to investigate a sexual assault victim's claim of retaliation versus the Service IG. Provide any policies or regulations which explain which IG has primary jurisdiction to investigate the report.

**100. DoD and Service IGs:** How many claims of sexual assault retaliation have been reported through the DoD or Service IG hotlines in FY12, 13, and 14?

**101. DoD IG and Service IGs:** The following information is needed for the cases involving sexual assault victims who reported retaliation to DoD or Service IG's in order to fully understand the processing of their complaints. (follow up to JPP Question 84)

- a. How many sexual assault victims reported retaliation to the DoD or Service IG in FY12, 13, and 14.
- b. Provide a case synopsis for each of the cases identified above. Detail the complete processing of each of those complaints and the time frame for each stage of the process. In the explanation, identify which agency was involved at each stage of the process from the time of the complaint, preliminary investigation, full investigation, case closure, dismissal, or complaint withdrew, case disposition as substantiated or unsubstantiated, final approval by DoD IG. If the case is still pending, please describe the process completed to date.
- c. If the processing time did not meet the time frame prescribed by the regulation, please explain why.

**102. DOD IG and Service IGs:** In order to improve processing time for sexual assault victims who report retaliation to the IGs,

- a. What impact would there be to have all sexual assault victim reprisal complaints investigated by DoD IG to streamline the process?
- b. What resources would be necessary to implement a policy withholding those complaints to the DoD IG?
- c. Would it be beneficial to have a specialized investigative or processing section within DoD IG to specifically handle sexual assault retaliation complaints.