

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

**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?**

<b>DoD</b>	<p>(DoD SAPRO) Having SARCs collect data about retaliation reports is not as straightforward as one might think. While the Department has put policy in place that requires retaliation allegations to be discussed at monthly SAPR Case Management Group (CMG) meetings, not all retaliation-related data may be available to SARCs. This is especially true when the allegation is one of reprisal, as responsibility for investigation of such allegations falls to the Inspector General. By law, certain data elements may be unavailable to those outside the IG process, including SARCs. In addition, when allegations of maltreatment or abuse require the involvement of the Military Criminal Investigative Organizations or law enforcement, sensitive law enforcement data may not be made available to the SARCs. That being said, the Department is currently using its Retaliation Prevention and Response Strategy development process to identify the means and kinds of data that may be shared with the SARCs without violating current law or infringing upon investigative processes. These and other details will be worked out during the Implementation Planning Phase of the forthcoming Retaliation Prevention and Response Strategy, expected in Q2, FY16.</p> <p>The Department recognizes the benefit of having SARCs assist with retaliation data gathering and victim support:</p> <ul style="list-style-type: none"> <li>• DoD policy already requires SARCs to collect information from victims who wish to make a retaliation report related to a report of sexual assault, and then discuss the matter at monthly Case Management Group (CMG) meetings</li> <li>• SARC involvement avoids creating a new position to handle these cases where there is no policy or law in place allowing confidential and/or privileged communication, such as the protections specified in DoD Instruction 6495.01 and the Victim Advocate-Victim Privilege in MRE 514.</li> <li>• SARC involvement also reduces the number of personnel victims to whom victims must explain their story</li> <li>• SARCs are certified in a standardized DoD process, have been screened and vetted, and have had specialized training in supporting individuals who have been traumatized.</li> </ul>
<b>USA</b>	<p>The changes that need to take place in order for SARCs to collect retaliation reports related to sexual assault allegations would include: standardized definitions across the DoD, change to position description to include retaliation duties, evaluation of workload/case load to determine if additional resources are required, training and education. First the SARC would need a clear understanding (definition) of what constitutes retaliation for sexual assaults.</p>

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	<p>Additionally, the SARC would need to be trained on how to properly handle reports of retaliation consisting of the knowledge of who to contact, i.e. Criminal Investigation Command (CID), Inspector General (IG) or the Command pending the type of retaliation. The benefits of having the SARCs perform this additional responsibility would allow victims of sexual assault maintain connectivity with a familiar face and not having multiple case managers on a related case and avoid any form of re-victimization. SAPRO would also need to build a retaliation reporting and tracking module within DSAID to ensure accountability of those cases.</p>
<p><b>USAF</b></p>	<p>(AF/CVS) SARCs, to a large extent, are already accomplishing this. In the Air Force, SARCs are required to engage with victims to ask if they have experienced retaliation and if so, whether the victim wants to report it to the appropriate channels for investigation and resolution. When a victim decides they do want resolution, the SARC discusses the retaliation at the CMG and the case is tracked to resolution. SARCs also provide updates to the AF SAPR Office so that we can track retaliation across the Air Force.</p>
<p><b>USN</b></p>	<p>The SARCs would require additional and recurring training and clearly written policy in order to collect and track the progress of retaliation complaints. In addition, the other stakeholders (i.e., NCIS, IG,COs) would need training and written policy to clarify their role and process for ensuring the SARC is provided the complete and timely information needed to update DSAID.</p> <p>Prior to the implementation of the Sexual Assault Disposition Report (SADR), SARCs had difficulty obtaining accurate case disposition information. To accomplish such a significant change, SARCs would need additional manpower and logistical support. Taking on a role such as this would alter their role from victim support to one of greater data collection, analysis, investigation and law enforcement. Accordingly, they would need not just more manpower, but different types of personnel. We believe SARCs should be leveraged for their intended purpose of victim care, and do not believe tasking SARCs with additional duties of this type is in the best interest of individual victims.</p> <p>What are the benefits and/or issues with having SARCs perform those additional responsibilities?</p> <p>The benefits of having the SARC collect reports of retaliation are that it provides a single access point and maximizes visibility over the number and nature of complaints, while minimizing those with access to sensitive information based on need to know. This course of action also ensures continuity of care and allows advocacy from an individual with an already established rapport. Additionally, the SARCs already have access to DSAID, which is the best storage location for any documents related to a sexual assault case.</p> <p>A potential challenge associated with the SARC collecting the retaliation information is that not all victims elect to work with SARCs. In those instances, the SARC would have to work through other avenues to obtain the necessary information (VLC, CO, etc). The additional responsibilities would place an administrative burden on the SARCs and distract from their primary mission of caring for victims. SARCs doing</p>

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	<p>other work, even if tangentially related to clients, would take time away from their primary duties detract from their roles as providers of care and support for victims.</p>
<p><b>USMC</b></p>	<p>Conflict of Interest: The SARC’s primary purpose is to provide victim-centered advocacy services, to include providing direct support to victims; managing, training, and overseeing the credentialing of uniformed and civilian SAPR advocates; training all ranks of Marines how to prevent and respond to sexual assault; and serving as subject matter experts for Commanders to help them execute the SAPR Program in the field. Evaluating and mediating retaliation allegations—which requires considering perspectives other than the victim—would be a direct conflict of interest.</p> <p>Duplicity of Efforts: The Marine Corps is very concerned about utilizing SARCs to address retaliation. This effort is more in line with established processes already in place via the Military Criminal Investigation Organizations (MCIOs), Inspector General (IG) Offices, and/or Military Equal Opportunity (MEO) Offices. If SARCs had tracking and reporting requirements on cases where the IG also has cognizance and authority, an agreed-upon process would need to be developed for tracking those cases because IGs are not currently required to provide detailed status updates down to the command level (only to DoD IG).</p> <p>Staffing/Manpower: In addition to creating duplicity in terms of responsibilities, executing this strategy as currently written raises the manpower and staffing concerns with SARCS. The Marine Corps has 19 Installation SARCs who are already overburdened. Increasing their responsibilities to include gathering reports of retaliation and tracking their investigation would necessitate the hiring of supporting positions. Current SARCs would also need to undergo a substantial amount of training and formal education to properly address retaliation. It is unclear whether DoD SAPR will provide the required training products or whether Services will be required to quickly formulate and implement said training.</p> <p>Mission Incompatibility: Currently focused on an active-duty installation model, the proposed expansion of SARC responsibilities would leave forward-deployed expeditionary units and commands without these services. In addition, for Services other than the Army, sexual harassment and sexual assault are separate programs; therefore, requiring sexual harassment- related discussions at Case Management Group meetings contradicts current policy and dilutes SAPR’s primary purpose of providing prevention efforts and supportive services for sexual assault victims. Also, as discussed above, per 10 USC 1034, complaints involving reprisal must be referred to the Inspector General; they cannot be mediated via an informal resolution process.</p>
<p><b>USCG</b></p>	<p>The Coast Guard SARCs are currently using DSAID. Each SARC would simply need additional training during their training conferences and/or initial SARC training to help them collect retaliation reports related to sexual assault allegations, track progress, and enter the information into DSAID.</p>