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LOUISE M. SLAUGHTER
CONGRESS OF THE UNITED STATES
28TH DISTRICT, NEW YORK

April 26, 2010

Chairman Ike Skelton
House Armed Services Committee

U.S. House of Representatives
2120 Rayburn House Office Building
Washington, DC 20515

Chairwoman Susan A. Davis
House Armed Services Committee
Military Personnel Subcommittee
U.S. House of Representatives
2120 Rayburn House Office Building
Washington, DC 20515

Ranking Member Howard P. "Buck"
McKeon
House Armed Services Committee
U.S. House of Representatives
2120 Rayburn House Office Building
Washington, DC 20515

Ranking Member Joe Wilson
House Armed Services Committee
Military Personnel Subcommittee
U.S. House of Representatives
2120 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Skelton, Chairwoman Davis, Ranking Member McKeon and Ranking Member Wilson:

Thank you for your leadership in addressing sexual assault in the military and ensuring that this issue remains at the forefront of Congressional attention. We have a duty to protect our men and women in uniform from the tragedy that is sexual assault and domestic violence in the military services.

We are encouraged to hear that the House Armed Services Committee is set to make changes to current Department of Defense Sexual Assault in the Military policy requirements in the National Defense Authorization Act based upon the recommendations in the Defense Task Force on Sexual Assault in the Military Services (DTFSAMS) report. This report fulfills the requirements of the National Defense Authorization Act of 2005. The Taskforce first convened August 11, 2008 and this report is a culmination of fact-finding and analysis.

As this is the first Taskforce report since its inception in 2005, we believe that the time is now to commit to making substantive sexual assault in the military policy changes based on DTFSAMS report.

We are currently working together, along with Legislative Counsel, to develop our policy recommendations for the Committee. These policy recommendations are based upon the DTFSAMS report and are as follows:

1. **Ensure More Complete Sexual Assault Data Reporting**

The Services all have different reporting structures so it is difficult to have DoD wide assault numbers.

The DTFSAMS report recommends that Reporting Procedures, Data Collection, Case Tracking, and Use of Data as mandated by Congress, the Secretary of Defense ensure that a database on sexual

assault incidents in the Armed Forces is implemented in an expedited manner. The Secretary of Defense ensures this database tracks case disposition. Congress should fund the information database on sexual assault incidents in the Armed Forces that it mandated the Secretary of Defense to implement pursuant to Section 563 of Public Law 110-417 to ensure the database is developed, implemented, and maintained.

2. Establish Victim Advocates, certified by the National Victim Assistance Academy

The DTFSAMS report recommends certifying all Victim Advocates DoD wide but the National Victim Assistance Academy. This will ensure that VA's are all being held to the same standard.

The Secretaries of the Military Departments establish Military Deployable Victim Advocates (DVAs) certified by the National Victim Assistance Academy who will train with the VA on their specific roles and responsibilities in preparation for deployment. DVAs should serve as back-up for the VA when not deployed. Appropriate number of DVAs should be a function of military population and mission; and The Secretary of Defense direct SAPRO to work with the Services to determine the appropriate number of Victim Advocates based on military population and mission.

3. Ensure Victims are Offered Adequate Legal Assistance and Appropriate Privileged Communications

DTFSAMS recommends that Congress should enact a comprehensive military justice privilege for communications between a Victim Advocate and a victim of sexual assault. The Secretaries of the Military Departments ensure that in all courts-martial in which victims of sexual assault testify, victims should, at their request, be provided a verbatim copy of the record of trial at no expense to the victims. Victims should be informed of this right.

Communications between victims and Victim Advocates, medical personnel and the chain of command are afforded no privilege under military law. Victims do not believe they can communicate confidentially with medical and psychological support services provided by the Department of Defense.

4. Establish Universal Hotline to Facilitate Victim Reporting

DTFSAMS recommends that the Secretary of Defense establish a universal hotline to allow victims to report and be connected with a local SARC in the United States or overseas.

5. Ease of Organization or Base Transfer

An estimated 90% of sexual assault cases in the military go unreported, and DOD reports that half of women who do not report rape or sexual assault do so for fear of retaliation. Easing the process of seeking an organization or base transfer provides incentives for victims to report the offense by reducing the possibility of retaliation, as was the case with Lance Cpl. Maria Lauterbach.

6. Legal Training for JAG Officers on Sexual Assault

Military prosecutors are often junior JAGs with less experience than their defense counterparts, and who are not trained specifically in prosecuting sexual assault cases. DOD does not provide JAGs with training specifically to handle sexual assault cases.

The Army has used temporary funding to provide this critical need. DOD should produce a report on the effectiveness of this program and consider establishing baseline funding to establish a permanent corp of professional civilian prosecutors to train each service's JAGs in prosecuting sexual assault.

The importance of addressing sexual assault in the military is paramount. In the midst of two wars overseas, the time is now to make major substantive changes to the Department of Defense sexual assault policy to better protect our men and women who fight for our freedom.

Sincerely,



Louise M. Slaughter
Member of Congress