

SUGGESTIONS FOR THE MILITARY SECTION OF THE VIOLENCE AGAINST WOMEN ACT OF 2005*

Submitted by Debby Tucker**

**National Center on Domestic and Sexual Violence
with consideration of the prior drafts of the Miles Foundation, the
NOW Legal Momentum, the VAWA Military Committee and Reports
prepared by and submitted to the Department of Defense**

I. The Defense Commission on Domestic Violence and Sexual Assault

- A. Establishment of a Commission to:
 1. Facilitate implementation of recommendations of past and present Task Forces on domestic violence and sexual assault addressing issues within the Department of Defense, the Military Services and the Academies.
 2. Facilitate continued collaboration between civilian authorities and military installations in responding to domestic violence and sexual assault;
 3. Facilitate consultation and coordination between the Department of Defense and other departments of the federal government which are working to address violence against women in our society;
 4. Review and recommend improvements to the Department of Defense's training and education programs;
 5. Facilitate the implementation of the provision of confidential services for victims of domestic violence and sexual assault at all military installations and the academies;
 6. Facilitate the development of strategies that address the victims and offenders found in the Department's contractors and civilian employees
 7. Facilitate the continued advancement of the Department's efforts to increase victim safety and offender accountability within CONUS and OCONUS locations;
 8. Facilitate the timely development of reports and evaluations that inform Congress, the public and the military community of the advances being made to prevent and more effectively intervene in domestic violence and sexual assault
 9. Supervise the research, data and evaluation activities within the Department and the military services with consultation with the National Institute of Justice, the Centers for Disease Control and Prevention, the Bureau of Justice

Statistics, and Department of Health and Human Services as appropriate to the design and analysis.

10. Facilitate the merging of the provision of services by Victim Advocates to victims of sexual and domestic violence.
11. Assist the Department to re-locate and co-locate of the Victim Advocacy Program for maximum effectiveness in meeting victims' needs and in supporting system improvement.
12. Facilitate changes to the UCMJ to ensure the effectiveness of law enforcement and ability to prosecute crimes endemic to sexual and domestic violence and stalking.

B. Comprise the Commission by:

1. Appointment of prominent military leaders from each of the four branches of the services by the Secretary of Defense;
2. Appointment of representatives of:
 - a. the Coast Guard in the Department of Homeland Security
 - b. the Office on Violence Against Women in the Department of Justice, and
 - c. the Family Violence Prevention and Services Office of the Department of Health and Human Services.
3. The appointment of civilian experts in domestic violence and sexual assault with experience working with the military community at the local, state and national levels by the President in cooperation with the Secretary of Defense, including:
 - a. a representative of the state coalitions against domestic violence
 - b. a representative of the state coalitions against sexual assault, and
 - c. representatives of the national groups providing training and technical assistance on military and civilian cooperation to improve the response to domestic violence and sexual assault.
4. Attention should be given to creating a balance of military and civilian members (12 military, 12 civilian) with terms of three years, initiated by designating the initial members with one, two and three year terms, permitting rotation of members.
5. Provide for the ability to reappoint members.
6. Ensure the Commission's continuation until disbanded by Congressional action and
7. Delete the requirement in the FY 05 NDAA sections 576 and 577 to expand the current Academy Task Force and

integrate the requirements of prior legislation to address and report upon:

- Victim Care
- Effective Prevention
- Collaboration among MCIOs
- Coordination and Resource Sharing between military and local community
- Reporting procedures, data collection, tracking of cases and use of data by senior military and civilian leaders
- Oversight of sexual assault programs, including measures of the effectiveness in responding to victims' needs,
- Military Justice issues
- Prosecuting foreign nationals
- Adequacy of resources for prevention and advocacy programs
- Confidentiality programs and policies and
- Any other issue related to sexual assault.

- C. Facilitate appropriate staffing for the Commission by members of the Department of Defense and the military services with policy development experience and capacity to implement recommendations of the Commission.
- D. Provide adequate funding for the staffing of the Commission to perform its duties, including staff, travel, resources and civilian consultants. (Note: The DTFDV cost \$2 million over 3 years.)
- E. The President, in consultation with the Secretary of Defense, shall appoint a military and civilian Co-Chair, who will jointly supervise and direct the staff and its resources.

II. **Research, Data and Evaluation**

A. Research Elements:

1. Facilitate that all research is broad in scope and incorporates behavior included in the adopted definitions of domestic violence and sexual assault, but also as those terms are commonly used to include stalking, violence among acquaintances who may not be included as intimate partners, and violence directed against children or other family or household members as appropriate
2. Open requests for proposals when projects initiated

3. Consider favorably the involvement of local, state and national domestic violence and sexual assault service providers in the research design
4. Facilitate all research is reviewed by qualified military and civilian experts and published for accessibility of the information
5. Make anonymous surveys a priority among all the military community, not just with new recruits, and facilitate the confidentiality of participants with protection of human subject protocols in consultation with appropriate federal agencies.
6. Separate out the various aspects of violence (physical, sexual, psychological) and include coercion, controlling behaviors and match variables such as age, gender, and prior childhood experience among victims and perpetrators in order to compare with civilian populations
7. Facilitate ongoing surveillance of homicides and suicides, in conjunction with and in addition to the implementation of fatality reviews by the military services, to allow for research with the review teams work as well as the ability to directly interview the family members of the victim and community responders
8. Research the returning Iraq vets in terms of PTSD and domestic violence and sexual assault. Compare, in cooperation with the military services and the Veteran's Administration, outcomes with those who receive PTSD interventions and those that do not.
9. Research the attitudes and beliefs of bystanders and facilitators of sexual assault
10. Research the capacity of military families and service members to access interventions and to refer appropriately for support
11. Research the efficacy of battering intervention programs offered at various military installations and recommend standards for the programs and the personnel training requirements
12. Research the challenges to civilian prosecution of offenders and compare the results of civilian and military prosecution to recidivism.

B. Data Elements:

1. Facilitate the implementation of DIBRS (Defense Incident Based Reporting System) including the command response to the offender

2. Develop an effective recidivism rate for sex offenders and batterers allowed to continue their military service
3. Consider how data can be collected and analyzed to generate findings useful to the Commission and the Department in determining prevention and intervention approaches
4. Develop and maintain a way to truly ascertain the incidence of domestic and sexual violence within the military community over time to determine if the incidence is declining
5. Facilitate strategies to assess the situations and environments in which sexual assault occurs
6. Determine the incidence of sexual assault committed against children or dependents within the military community
7. Develop strategies beyond self-reporting to collect information about sexual assault and domestic violence
8. Make transparent any adjustments to data to account for differences among the service branches, installations, and deployed, training and non-deployed units.
9. Facilitate that differences in training, legal, judicial, non-judicial and rehabilitative responses to domestic violence and sexual assault among the military services that affect the data are clear to the Commission and the Department for its use in policy decisions

C. Evaluation

1. Facilitate the evaluation of prevention and intervention programs being implemented by each military service for use by the Commission in reviewing and recommending improvements in these programs
2. Facilitate the evaluation of education programs for victim advocates, law enforcement, JAG/SJAs, commanders, senior enlisted, battering intervention specialists, medical personnel, chaplains, mental health staff, and for the rank and file to ascertain their effectiveness in supporting the implementation of prevention and intervention programs
3. Determine the saturation of training for each professional intervener in each service
4. Evaluate the retraining of the Family Advocacy Program personnel to support the advent of the Victim Advocacy Program, the Domestic Violence Intervention Process Model recommended by the Defense Task Force on

Domestic Violence and to enhance intervention with offenders

5. Examine the differences that may emerge with the implementation of the victim advocacy program among the various military services to determine the most and least responsive to victims' needs
6. Examine the strengths and weaknesses of the implementation of confidentiality for victim advocates and for medical personnel among the military services to inform policy change and training
7. Evaluate the understanding of the newly adopted definitions for domestic violence and sexual assault and report findings to the Commission to determine implications for victims services and offender accountability
8. Evaluate the barriers to reporting officially for victims who chose to receive services without making a report to command or law enforcement and make recommendations for improvement

III. Public Education and Prevention Campaign

- A. The Department of Defense, in consultation with the Commission, the Office on Violence Against Women in the Department of Justice and the Department of Health and Human Services shall initiate a comprehensive public education and prevention campaign to reduce the incidence of domestic violence and sexual assault and to facilitate awareness of services for victims and consequences for offenders.
- B. The Department shall contract with civilian organizations with proven expertise in public education and prevention to assist in the development and advancement of this campaign.
- C. Due to the remarkable diversity of ethnicity and culture serving in the military services, particular attention to the unique educational needs of various populations, languages, traditions and attitudes to communicate the Department's position of condemnation of domestic violence and sexual assault.
- D. The Department shall review the prevention strategy included in the report of the Defense Task Force of Domestic Violence and efforts to implement that campaign already initiated.

- E. The Department shall consider the challenges of exporting the campaign to OCONUS locations.
- F. The Department shall incorporate ways to advertise the availability of Hotlines providing services to victims of domestic violence and sexual assault.

IV. Crisis Intervention Services by Hotlines

- A. The Department of Defense, in consultation with the Commission, shall determine the appropriate contractual relationships with the National Domestic Violence Hotline, the RAINN, the American Women Overseas Hotline and the National Victims of Crime Hotline in order to support the availability of effective, anonymous or confidential information, referral and support for victims of domestic violence, sexual assault and stalking.
- B. In establishing the contracts, the Department shall consider the provision of a toll-free numbers that are accessible and visibly advertised at all military installations and methods for ensuring the contracted Hotlines have updated data on the available civilian and military services available to victims.
- C. The Hotlines shall cooperate in the development of training that enhances the abilities of their staff and volunteers to provide information about the military's programs, requirements, procedures and reporting systems.
- D. The Hotlines shall develop and provide linguistically and culturally appropriate services or linkages to existing services in the community tailored to the needs of victims and survivors associated with the military service
- E. The Hotlines shall promote cooperation and collaboration among local domestic violence and sexual assault agencies and military resources on installations and shall work in cooperation with other national organizations and state coalitions to promote the philosophy of working collaboratively to improve services to victims and increase offender accountability.
- F. Maintain strict procedures for the confidential provision of services and the reporting on the provision of those services in a manner that does not compromise that individual

confidentiality but provides aggregate data in a manner that is de-identified and reasonably protects the individuals who prefer their services access to remain confidential.

- G. Provide access to information, referral and support by email with the same requirements for protection of the confidentiality.
- H. In the event that breach of confidentiality is compelled by a legal proceeding, reasonable efforts must be made by the Hotline to give notice to any individual affected.
- I. The contracts shall limit the use of funds for administration, defined as supervision, training, attendance at conferences and evaluation to no more than 15%.

V. Sexual Assault Nurse Examiner Program

- A. The Department, in consultation with the Commission, should facilitate the availability of Sexual Assault Nurse Examiners (SANE) to respond to any sexual assault victim seeking medical services.
- B. The Department shall consider the extent to which SANE nurses must be established in military hospitals using Departmental personnel and the extent to which contracting with local providers can meet the needs of that installation.
- C. The Department must establish its training and certification for SANE nurses, with an analysis of the requirements within each state and territory.
- D. The Department shall consult with the state coalition against sexual assault within each state for assistance in determining the availability of SANE nurses and the training or certification requirements within the state.

VI. Victim Advocacy Program Development

- A. The Department, in consultation with the Commission, shall facilitate the implementation of the victim advocacy program to provide supportive, confidential services to victims of domestic violence and sexual assault, including service members and family members.
- B. The Department, in consultation with the Commission, shall establish a training and certification program for victim

advocates. The Department shall consult with those national organizations with experience in the design of training for victim advocates.

- C. The Department, in consultation with the Commission, shall determine an effective supervision and consultation model to permit Victim Advocates access to seasoned professionals who can assist them with difficult cases, with determinations to breach confidentiality under the provisions of the policy and the challenges of advocating for victims within a chain of command.
- D. The Department, in consultation with the Commission, shall facilitate the effective co-location of personnel to provide victim services when joint operations are occurring among two or more military services.
- E. The Department, in consultation with the Commission, shall facilitate the effective delivery of victim services OCONUS and in deployed environments.
- F. The Department, in consultation with the Commission, shall determine the policies and practices that enhance the acceptance of the Victim Advocacy Program with particular attention to cooperation with the Family Advocacy Program and the chain of command.

VII. Military and Civilian Collaboration

- A. The Commission shall develop strategies for increasing community collaboration to enhance victim safety and services and to promote offender accountability.
- B. The Commission shall consult with the Battered Women's Justice Project of Minneapolis and the National Center on Domestic and Sexual Violence of Austin which are conducting the Military/Civilian Collaboration Demonstrations Projects with the Navy in Jacksonville, FL and the Army at Fort Campbell with Hopkinsville, KY and Clarksville, TN to determine lessons learned and methods for exporting information to other communities.
- C. The Commission shall establish a grant program to encourage collaboration and shall consider the establishment of a Resource Center on Military Civilian Collaboration under contract with appropriate national organizations with the

expertise to support the Department, local installations and surrounding communities.

- D. The Commission shall establish a model Memorandum of Understanding for military installations and local domestic violence and sexual assault agencies.

**Note that these recommendations were submitted in a meeting of the Task Force in January 2005 and revised in February 2005. This represents a starting point for new discussions and Committee work.*

The inclusion of military related concerns in VAWA has been a challenge since the Senate and House Armed Services Committees typically oversee all things military. VAWA legislation is referred to Judiciary Committees which do cross-over to some other Congressional Committees for input, however the military related concerns have not been included in prior drafts of VAWA legislation submitted by the authors.

Options for the Military Committee include developing separate legislation, working with any other legislation that may be filed by other members of Congress or encouraging the inclusion of a military section in this next reauthorization. We welcome participation of new members on the Military Committee and will seek advice and counsel as to the most appropriate way to encourage Congressional action on these matters.

Debby, May 4th, 2009

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**** The Co-Convener for VAWA IV's Military Committee is Monika Johnson-Hostler, North Carolina Coalition Against Sexual Assault who could not be on today's call. Her email address is: Monika@nccasa.org.**

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