

April 8th, 2005 - Reps. Slaughter, Kilpatrick to Rumsfeld:

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DoD Not Complying with Congressional Intent on Sexual Assault Victim Protection & Advocacy

New DoD Guidelines on Sexual Assault Don't Support Victims

Washington DC. In a letter sent earlier this week to Secretary of Defense Donald Rumsfeld, Rep. Slaughter was joined by Rep. Kilpatrick in expressing serious concern that the Department of Defense is not complying with the will of the United States Congress in providing adequate protection for sexual assault victims and their advocates in the military. Congresswoman Slaughter made the following statement regarding the letter to Rumsfeld:

"Time and again, Congress has sent the Pentagon a clear message - we want to protect military victims of sexual and domestic assault; we want them to have confidentiality; and we want victim advocates to be allowed to do their jobs.

It is time for the Pentagon to take immediate steps to protect victims and ensure that they receive the necessary and appropriate care, in confidentiality.

American women who are assaulted should not be treated differently because they are in the military. Today we call on the Department of Defense to develop confidentiality protocols that are on par with existing civilian victim's rights policies.

In sending this letter, my colleague Carolyn Kilpatrick (D-MI) and I are calling upon DoD to act consistent with Congressional intent, and establish protections for victims and victim advocate services by implementing strong, comprehensive confidentiality protocols and creating a separate Office of the Victims' Advocate within Secretary Rumsfeld's office."

The text of the letter is included below:

April 4, 2005

The Honorable Donald Rumsfeld

Secretary

Department of Defense

The Pentagon

Washington, D.C. 20301

Dear Mr. Secretary,

We are writing to express our concern for the victim advocates and the Office of the Victims' Advocate within the Department of Defense (DoD). Reports of sexual harassment and assault in US Central Command Area of Responsibility (CENTCOM AOR) have revealed a disturbing trend of abuse of female servicemembers. Without a strong victim advocate program, attacks are dismissed by command, perpetrators go unpunished and victims are denied access to essential care and follow-up treatment services.

The victim advocate program has been in existence since 1994 to provide victims' access to treatment services, reduce bureaucratic hurdles for victims and survivors and remove barriers to reporting these violent crimes within the military departments. Congress has supported the victim advocate program and protocol since its inception to address sexual assault, domestic violence and stalking among servicemembers, family members and partners. Essentially, the victim advocates' role is to prevent sexual harassment and assault and intervene in a timely and appropriate manner to safeguard and support our troops who are defending our country and their families.

Congress has expressed support for increased utilization of victim advocates in the military, as reflected in the establishment of the Office of Victims' Advocate, within the Office of the Secretary of Defense in the Fiscal Year 2005 DoD appropriations bill (P.L. 108-297). Specifically, the law provides \$1.8 million for the Office of the Victims' Advocate to "initiate a program to standardize response protocols among the military services that ensure access to treatment services, reduce bureaucratic hurdles for victims and survivors, and remove barriers to reporting these types of violence cases". However, a recent account in the Hartford Courant raises serious questions about whether the Department is capable of complying with congressional intent and utilizing victim advocates to address sexual assault in the military. For your review, we have enclosed a copy of the article that uncovers a disturbing trend of roadblocks being placed before advocates that work with victims. The roadblocks include banishment from military installations, cancellation of contracts, threats, limited access to victims, reassignments, selective education and training of victim advocates, and even varying contracts among victim advocates serving on the same military installation.

We also are concerned that DoD's new directive outlining the reporting protocol for victims of sexual assault does not create sufficient confidentiality to support victims and their advocates. There are several deficiencies in this new directive. It fails to apply the confidentiality protocol to spouses, family members, contractors and employees of the military departments. While the new directive mandates reporting of an attack to command within 24 hours, there are no safeguards to ensure that if the perpetrator is part of the chain of command, he is not privy to the report. The application of confidentiality is unclear among health care professionals. Some health care professionals are protected under the confidentiality protocol while others are not. How can victims be expected to know which health care providers are covered? The new directive fails to extend confidentiality to victims of domestic violence and stalking. Finally, the Department has not changed the military rules of evidence to provide confidentiality in military justice proceedings. Without a strong, comprehensive confidentiality protocol, victims may be deterred from accessing needed health care, services, and treatment.

Congress has supported the rights of victims to confidentiality to ensure access to services through numerous provisions within Department of Justice, Department of Health and Human Services and Department of Defense authorization acts. In addition, Congress has authorized the development of confidentiality protocols following the homicides committed by servicemen at Fort Bragg, North Carolina in 2002. Regrettably, the Department has failed to develop confidentiality protocols consistent with existing victims rights policies.

We are committed to seeing that the Department aggressively and effectively addresses these crimes. We call upon DoD to act on Congress' intentions to establish protections for victims and victim advocate services, to implement strong, comprehensive confidentiality protocols, and to create a separate Office of the Victims' Advocate within your office.

Thank you for your time and consideration.

Sincerely,

Louise M. Slaughter

Carolyn C. Kilpatrick

Member of Congress

Member of Congress

cc: The Honorable David S. C. Chu, Undersecretary of Defense for Personnel and Readiness