

May 2, 2006 - Slaughter Introduces Bill to Protect Military Women and Families

FOR IMMEDIATE RELEASE

Tuesday, May 2, 2006

Slaughter Introduces Bill to Protect Military Women and Families
Act Will Combat Thousands of Cases of Sexual and Spousal Assault in the Military Each Year

Washington, DC - Rep. Louise M. Slaughter (D-NY-28), Ranking Member of the House Rules Committee, recently introduced a bill which aims to combat sexual and other forms of violence against female members of the Military and military families.

"I find it indefensible that we haven't yet granted women members of the military the very legal protections that they are fighting to protect," Rep. Slaughter said. "We can't stand by while thousands of servicewomen and families suffer sexual and other forms of abuse every year. It's time we stood with those who stand up for us," she added.

The Military Domestic and Sexual Violence Response Act will establish an Office of Victims Advocate within the Department of Defense to investigate allegations of abuse within the military. It will also create comprehensive confidentiality protocols to protect the rights of victims within military law, as well as codify policies for preventing, responding, treating, and prosecuting cases of family violence, domestic violence, sexual assault, and stalking with the military and among military families.

A summary of Rep. Slaughter's bill can be found below.

BACKGROUND

In March 2006, the Department of Defense (DoD) released their second annual sexual assault report, which stated that there were 2,374 allegations of sexual assaults reported in 2005; this is up from 1,700 the previous year. In 2004, the DoD reported 9,000 incidents of spousal abuse. A 2005 Sexual Harassment and Assault Survey of the Service Academies found 6 percent of females and 1 percent of males said they were sexually assaulted in 2004-2005, and less than half the females who experienced sexual assault reported it. In this same survey, 60 percent of female cadets indicated sexual harassment was about the same as when they first enrolled at their academy.

While the DoD has been making efforts to improve its prevention and response to domestic and sexual violence, services remain incomplete and inconsistent among the various branches. There have been reports that victims advocates, charged with protecting the victim's rights, have been denied resources to do their job, and in some instances been forced off the base all together. DoD policies are not codified and do not offer the same protections afforded to civilian victims. And, perhaps most importantly, victims are unable to seek confidential counseling and treatment without fear that their records might become public if they press charges against their assailant.

Military Domestic and Sexual Violence Response Act

Bill Summary

TITLE I-VICTIMS' ADVOCATE PROGRAMS IN THE DEPARTMENT OF DEFENSE

- Subtitle A- Provides definitions for sexual assault, domestic violence, family violence, and stalking.

- Subtitle B-Creates an office of victims' advocate (OVA), with a director to oversee the office. Outlines the roles and responsibilities of the director and the victims advocates, including facilitating a victim's access to health and legal services. Charges the director with conducting training and providing technical assistance to enhance the military's prevention and response to sexual assault, domestic violence, family violence, and stalking. Stipulates that a victim advocate must ensure confidential assistance for a victim. Expands upon current whistleblower protections in the UCMJ. Modifies the responsibilities of the existing Department of Defense Interdisciplinary Council, charging them with overseeing the victims advocate program, and creates military department liaisons to liaise with their respective service branch and the Interdisciplinary Council.

- Subtitle C- Allows the OVA to enter into contracts for the operation of national and international hotlines for victims of sexual assault and domestic violence and for the implementation of awareness and intervention campaigns.

- Subtitle D- Allows the OVA to enter into contracts with eligible entities to provide training and technical assistance to DoD relative to prevention of sexual assault, domestic violence, family violence, and stalking.

- Subtitle E- Requires that DoD convene a biennial conference to review its policies on sexual assault, domestic violence, family violence, and stalking and to make recommendations for changes in policies as warranted.

- Subtitle F- Allows DoD to enter into Memorandums of Understanding with civilian organizations to improve response and treatment to victims of sexual assault, domestic violence, family violence, and stalking.

TITLE II-RIGHTS, RESTITUTION, TREATMENT, AND SERVICES FOR VICTIMS

- Subtitle A- Extends a confidential privilege to communications between victims and advocates, as well as victims and health care professionals. Institutes a protection for personal identifying information.

- Subtitle B- Requires DoD to employ at least one professional with medical training in sexual assault response and at least one psychiatrist at each military treatment facility. Requires DoD to conduct outreach programs for military personnel and their families on seeking counseling and obtaining medical services if victimized by sexual assault, domestic violence, family violence, or stalking. Requires the DoD to provide a seamless transition in care for victims leaving the military and seeking veterans services.

- Subtitle C- Permits DoD to contract with civilian organizations to provide shelter programs and services to victims of sexual assault, domestic violence, family violence, and stalking.

- Subtitle D- Establishes victims rights following an allegation of sexual assault, domestic violence, family violence, and stalking. Requires DoD to furnish a victim with updates on his/her case. Expands UCMJ restitution provisions to include crimes of sexual assault, domestic violence, family violence, and stalking. Mandates that DoD transmit case records to the FBI upon separation from the military of anyone undergoing disciplinary action for sexual misconduct.

TITLE III-REPORTING, PROSECUTION, AND TREATMENT OF PERPETRATORS

- Subtitle A- Requires a commanding officer to initiate an investigation within 72 hours of an alleged report of sexual assault, domestic violence, family violence, or stalking. Requires military law enforcement officials to respond to domestic violence incidents. Requires DoD to develop policies to respond to domestic violence. Establishes a Director of Special

Investigations to further review investigations referred by the OVA, an investigative organization at DoD, or a commander of an alleged assailant and make recommendations on how to proceed with the case.

- Subtitle B- Amends the federal criminal code and the UCMJ to allow for prosecution of crimes related to sexual assault, domestic violence, family violence, and stalking. Establishes maximum sentences for crimes related to domestic and family violence. Expands the UCMJ failure to obey order or regulation to include failing to obey a no contact order or protective order.

- Subtitle C- Permits the DoD to contract with eligible entities to provide treatment services for perpetrators of sexual assault, domestic violence, family violence, or stalking. Does not permit the entity to provide couple counseling, but allows for referrals after a perpetrator's successful completion of a batterers program and at the request of the victim.

TITLE IV-COUNSELING AND TREATMENT PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS

- Encourages the Department of Veterans Affairs (VA), in cooperation with DoD, to conduct research into best practices that allow men and women who have been victims of sexual assault to overcome stigma in order to report the crime, seek treatment and recover. Requires the VA to have all primary care providers employed by the VA or who treat veterans for the VA on a fee or contract basis trained in effective screening methods for identifying veterans who have suffered from military sexual trauma and the referral process. Stipulates that the VA should pilot effective ways of screening and referral processes for primary care providers to identify veterans who are victims of military sexual trauma. Requires a pilot program between the DoD to enter into MoUs with the VA in order to provide active duty personnel with confidential treatment for military sexual trauma.

TITLE V-MISCELLANEOUS

- Subtitle A- Prohibits the DoD from promoting anyone receiving a disciplinary action, an adverse personnel action, or convicted of a criminal offense involving sexual assault, domestic violence, family violence, and stalking. Requires commanders to give particular consideration to closing Article 32 hearings to the public for cases of sexual assault and domestic violence. This is similar to Grand Jury proceedings in civilian courts.

- Subtitle B- Strengthens the Armed Forces Domestic Security Act by striking dependent and replacing it with family member. This permits a family member, not just a dependent, to seek a restraining order when a service member is not present.

- Subtitle C- Requires the DoD in cooperation with other US agencies to conduct research and report on the prevalence and causation of sexual assault, domestic violence, family violence, dating violence, child abuse, suicide and homicide in the armed forces.

