



Sexual Assault in the U.S. Coast Guard (FY 2016)

Report to Congress
April 21, 2017



U. S. Coast Guard

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Foreword

I am pleased to present the following report, “Sexual Assault in the U.S. Coast Guard (FY 2016),” as prepared by the U.S. Coast Guard.

Sexual assault is a crime and is a violation of the Service’s core values. The Coast Guard continues its efforts to promote prevention, encourage reporting, and improve response capabilities for victims of sexual assault. Addressing retaliation and responding to male victims have been focus areas this year. Creating a climate inhospitable to sexual assault and its enabling behaviors is paramount. Therefore, we make continual assessments and enhancements to our Sexual Assault Prevention and Response (SAPR) Program, with the goal of consistently offering professional and compassionate support for victims, eliminating fears of stigma, aiding in victim recovery, and holding offenders accountable.



These efforts have both set the foundation for and created improvements in training, policy, investigation and prosecution, communications, and workplace climate and culture. Our efforts to implement the SAPR Strategic Plan will continue beyond the significant fiscal year 2016 accomplishments by further developing sustainable processes and systems and, in collaboration with the White House and Department of Defense, identifying and instituting metrics to measure the effectiveness of these activities over time.

The *Coast Guard Authorization Act of 2010* directs the submission of a report on sexual assaults involving members of the Coast Guard. Pursuant to Congressional requirements, this report is being provided to the following members of Congress:

The Honorable Bill Shuster
Chairman, House Committee on Transportation and Infrastructure

The Honorable Peter DeFazio
Ranking Member, House Committee on Transportation and Infrastructure

The Honorable Michael McCaul
Chairman, House Homeland Security Committee

The Honorable Bennie Thompson
Ranking Member, House Homeland Security Committee

The Honorable John Carter
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Thune
Chairman, Senate Committee on Commerce, Science, and Transportation

The Honorable Bill Nelson
Ranking Member, Senate Committee on Commerce, Science, and Transportation

The Honorable John Hoeven
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester
Ranking Member, Senate Appropriations Subcommittee on Homeland Security.

I am available to answer any further questions you may have, or your staff may contact my Senate Liaison Office at (202) 224-2913 or House Liaison Office at (202) 225-4775.

Sincerely,



Paul F. Zukunft
Admiral, U.S. Coast Guard
Commandant



Sexual Assault in the U.S. Coast Guard (FY 2016)

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I. Legislative Language

This report responds to the language in section 217 of the *Coast Guard Authorization Act of 2010* (Pub. L. No. 111-281), which states:

SEC. 217. REPORTS ON SEXUAL ASSAULTS IN THE COAST GUARD.

(a) **IN GENERAL.**—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **CONTENTS.**—The report required under subsection (a) shall contain the following:

(1) The number of sexual assaults against members of the Coast Guard, and the number of sexual assaults by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Coast Guard concerned.

(4) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Coast Guard concerned.

II. Background

The Coast Guard remains fully committed to sustaining a robust Sexual Assault Prevention and Response (SAPR) Program, and continues to dedicate significant time and resources to making the Service inhospitable to sexual assault and its enabling behaviors.

Historically, the Coast Guard hired a Sex Crimes Program Manager within its investigative service in 2006, hired a dedicated SAPR Program Manager in 2008, and then chartered a SAPR Task Force in 2011 to examine sexual assault training, policy, investigations, communications, and culture. Based on a recommendation from that Task Force, the Coast Guard established a Sexual Assault Prevention Council (SAPC) in January 2013. The SAPC was a cross-directorate, Flag Officer and Senior Executive Service level body comprised of stakeholders in the SAPR Program. In June 2016, the SAPC was transitioned to a comparable Workforce Wellness and Resiliency Council (WWRC). This Council will focus not only on SAPR, but also other critical behavioral Health Service programs that target concerning behaviors such as domestic violence, substance abuse, etc.

The SAPC developed and published the *U.S. Coast Guard SAPR Strategic Plan for Fiscal Years 2013-2017* in May 2013. The SAPR Strategic Plan organizes the Coast Guard's SAPR efforts along four strategic goals:

- **Climate:** Create a culture intolerant of sexual assault and behaviors that enable it.
- **Prevention:** Eliminate sexual assault in the Coast Guard through the foundation of a strong preventive culture.
- **Response:** Improve the availability and quality of response support for sexual assault victims. Increase victim confidence and lessen the stigma associated with reporting.
- **Accountability:** Ensure those who commit sexual assault in the Coast Guard are held appropriately accountable. Improve capability and capacity for the reporting, investigation, and prosecution of sexual assault; and elevate leadership engagement in response to sexual assault.

In June 2013, the SAPC developed the first Plan of Action and Milestones (POAM), a list of discrete tasks to advance the SAPR efforts organized around the four strategic goals. Also in June 2013, the SAPC chartered the SAPR Military Campaign Office (MCO) to manage the implementation of the SAPR Task Force recommendations and SAPR Strategic Plan POAM. In February 2015, with a majority of the POAM tasks completed, the Commandant directed the SAPR MCO to update the POAM to incorporate findings of the *2014 RAND Military Workforce Study* and an internal assessment of Coast Guard culture. Having campaigned for three years, in June 2016 the MCO stood down and management of the updated POAM transitioned to the SAPR Program Office.

To advance the SAPR effort and to implement the tasks within the POAM, the Coast Guard has undertaken numerous efforts under each of the four strategic goals, including:

- **Climate:** The Service continually assesses climate and culture and implements improved training programs and targeted communications as warranted. A Sexual Assault Awareness and Prevention Month (SAAPM) was observed in April 2016, again using last year's theme of "Not In My Coast Guard."
- **Prevention:** The Coast Guard continued to raise Service-wide awareness of sexual assault issues and improve bystander intervention training. The Coast Guard developed specific trainings for command cadre and incorporated these new modules into 17 existing command cadre courses. In addition, six regional "Not In My Coast Guard" SAPR Summits were conducted between June and September 2016. These facilitated discussions and focus groups involved over 1,000 Coast Guard personnel, including officers, enlisted, and civilians. Additionally since 2014 all members have been required to annually take the online SAPR training during SAAPM described above.

The SAPC determined that sexual assault training must also address respect issues to improve Coast Guard culture. As a result, the Coast Guard established an Integrated Process Team to develop innovative multi-level organizational training and performance support solutions targeting all members of the Coast Guard. The team focused on advancing the Coast Guard's "culture of respect" by focusing not just on sexual assault, but also on related enabling behaviors including sexual harassment, bullying, hazing, discrimination, retaliation, and intimidation. Recommendations specifically targeted leadership development and command cadre performance support and are now being incorporated into all training efforts.

- **Response:** The Coast Guard continued its work in improving response efforts throughout FY 2016. All Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs) are credentialed through the National Advocate Credentialing Program offered by the National Organization for Victim Assistance. Coast Guard Investigative Service (CGIS) special agents continue to conduct professional, thorough investigations as well as receive advanced, specialized trainings to glean best practices and lessons learned regarding responding to and investigating these complex and sensitive cases. The Special Victims Counsel (SVC) Program has further matured and provides dedicated attorneys to represent the interest of individual victims throughout the investigatory and military justice process.

The National Defense Authorization Acts for Fiscal Years 2014, 2015, 2016, and 2017 contain amendments to the Uniform Code of Military Justice (UCMJ), the Rules for Courts-Martial, and the Military Rules of Evidence specifically aimed at concerns regarding handling of sexual assault cases within the military justice system. Pursuant to an Executive Order making rule changes within the military justice system, the Coast Guard Office of the Judge Advocate General worked with the other military services to educate practitioners regarding the most significant changes to the military justice system since the 1980s.

Accountability: The Coast Guard is committed to training its members at all levels to ensure all members have a role in creating an environment that is free from sexual assault, and all members are able to prevent and respond to sexual assault appropriately. Commanding Officers and other members of leadership are held responsible for failures in climate, prevention, and response through proceedings for temporary/permanent relief for cause.

The Coast Guard removes officers and enlisted members from command and senior leadership positions when information is discovered which indicates their performance or conduct adversely affects unit morale, good order and discipline, or mission performance. This removal is executed through two administrative processes outlined in Article 1.F of the Coast Guard Military Assignments and Authorized Absences Manual, COMDTINST M1000.8A. These processes are titled Relief for Cause (RFC) and Removal from Primary Duties (RPD). Derogatory evaluations are used to document the RFC or RPD. The evaluation process also includes counseling by the chain of command.

If an investigation has not already been convened for other reasons, an investigation is normally convened to determine if an RFC or RPD is appropriate. During the investigation, relevant witness statements are collected, along with other evidence. This process provides affected members of the unit the opportunity to provide input for consideration. If information discovered before or during the investigation supports an RFC or RPD, a temporary RFC or RPD may be approved pending the decision on a permanent RFC or RPD. The authority to approve the temporary and permanent RFC or RPD is vested in designated senior officers. Those officers review the investigation, and any information submitted by the officer or enlisted member being considered for an RFC or RPD, before rendering their decision.

In FY 2016 five officers and two enlisted members were removed from their positions through these processes as a result of misconduct related to sexual harassment, sexual assault, and other inappropriate conduct.

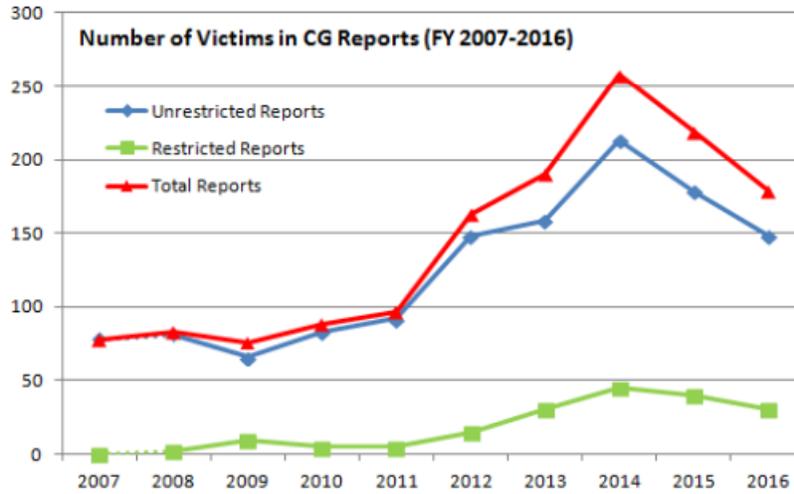
Additional actions included a review of disposition determinations, further maturation of the SAPR Crisis Intervention Team (CIT), and continued implementation of professional training for investigators, prosecutors, and SVC members handling sexual assault cases.

The Coast Guard's ongoing efforts set the foundation for improvements in training, policy, investigation and prosecution, communications, and workplace climate and culture. Efforts will continue to fully implement the SAPR Strategic Plan, and develop sustainable processes and systems.

III. Data Report

During FY 2016, the Coast Guard conducted 122 investigations¹ for Unrestricted Reports of sexual assault.² CGIS tracks and maintains sexual assault data by “cases” or “investigations” as well as by the number of victims and subjects (“accused” persons). Several of these cases/investigations involved multiple victims and/or subjects.

In FY 2016, there were 148 victims³ in Unrestricted Reports and 123 subjects.⁴ Additionally, the Coast Guard received 31 Restricted Reports.⁵ Restricted Report data was provided by the Coast Guard SAPR Program Office.



Each of the categories below (A - F) has underlined what is being counted (i.e., number of investigations, victims, or subjects). The number of Investigations will not equal the total number of victims and/or subjects due to some of the investigations having multiple victims and/or subjects.

¹ This represents the number of investigations involving "adult" victims.

² Sexual assault is covered under UCMJ current and previous versions, Articles 120 (Rape and sexual assault generally), 125 (Sodomy), and/or 80 (Attempts). While sexual assault is a specific offense under Article 120, it is also used more broadly to include rape, aggravated sexual contact, abusive sexual contact, non-consensual sodomy, attempts at these offenses, and other related offenses. An Unrestricted Report is when a victim discloses that he or she is the victim of a sexual assault without requesting confidentiality or Restricted Reporting, or discloses an incident to law enforcement or someone other than those allowed to receive a Restricted Report, or if the incident is disclosed by a third party. Under Unrestricted Reporting, the victim’s report is provided to CGIS to initiate an official investigation.

³ This represents the number of adult victims. UCMJ defines "child" as someone under the age of 16. For that reason, "adult" victims are those 16 years of age and older. It is understood that each state has its own criteria for defining adult versus child/minor.

⁴ These numbers are subject to modification as investigations proceed, and the status of the data provided is current through September 30, 2016.

⁵ The Restricted Reporting option allows a victim to disclose that he or she is the victim of a sexual assault to specified officials (SARC, VA, healthcare provider) on a confidential basis. Under these circumstances, the victim's report and any details are provided to the SARC, VA, or healthcare provider but will not be reported to the command or to law enforcement through the official investigative process unless the victim consents to such a report or an established exception is exercised under COMDTINST 1754.10 (series). Of the 31 Restricted Reports, 9 changed from Restricted to Unrestricted and are included in the Unrestricted Report total.

A. Breakdown of Subjects and Victims in Unrestricted Reports in FY 2016

# Service Member on Service Member	74
# Service Member on Non-Service Member	30
# Non-Service Member on Service Member	12
# Unidentified Subject on Service Member	6
Total # Unrestricted Investigations	122

B. Location of Sexual Assaults in Unrestricted Reports in FY 2016

# ON military installation	33
# OFF military installation	49
# Both ON and OFF military installation	0
# Unidentified location	40
Total # Unrestricted Investigations	122

C. Breakdown of # Victims in Unrestricted Reports in FY 2016

# Service Member	116
# Service Member (from other Services)	0
# Non-Service Member	32
Total # Victims in Unrestricted Reports	148

D. Breakdown of # Subjects in Unrestricted Reports in FY 2016

# Service Member	102
# Service Member (from other Services)	3
# Non-Service Member	12
# Unidentified Subjects	6
Total # Subjects in Unrestricted Reports	123

E. Case Disposition of Subjects from Investigations Opened in FY 2016

Disposition for <u>Subjects</u> from "Closed" Investigations:	50
# Courts-Martial	3
# UCMJ Article 15 Proceedings	12
# Discharge in Lieu of Courts-Martial or other Admin. Action	4
# Other Administrative Action	5
# Command Action Inadvisable ⁶	16
# Accused falls under Civilian/Foreign/Other Authority ⁷	7
# Closed Investigations with Unidentified Offender(s)	3
Case Disposition of Remaining Subjects from Investigations:	73
# Active Case (Open; Investigation On-going)	38
# Closed-Referred for Prosecution (Investigation Closed; Case Pending Adjudication)	35
Total # Subjects from FY 2016 Investigations	123

⁶ "Command Action Inadvisable" can be determined for many reasons, including, but not limited to, insufficient evidence, non-participating victim, victim recanted, death of offender, etc.

⁷ Civilian/Foreign/Other Authority" can include, but may not be limited to, individuals who do not fall under the jurisdiction of the Coast Guard (civilians not affiliated with Coast Guard), who are prosecuted by local/state or other federal jurisdictions, or members from Services other than Coast Guard whose cases are prosecuted/adjudicated by other military Services.

F. FY 2016 Status of Case Dispositions for Subjects from Prior FY Investigations

Case Dispositions for <u>Subjects</u> from Prior FY Investigations:	61
# Courts-Martial	18
# UCMJ Article 15 Proceedings	6
# Discharge in Lieu of Courts-Martial or other Admin. Action	10
# Other Administrative Action	6
# Command Action Inadvisable ⁸	13
# Accused falls under Civilian/Foreign/Other Authority ⁹	7
# Closed Investigations with Unidentified Offender(s)	1
Case Disposition of Remaining <u>Subjects</u> from Investigations:	20
# Active Case (Open; Investigation On-going)	2
# Closed-Referred for Prosecution (Investigation Closed; Case Pending Adjudication)	18
Total # Case Dispositions from previous FY Investigations Accounted for in FY 2016	81

⁸ “Command Action Inadvisable” can be determined for many reasons, including, but not limited to, insufficient evidence, non-participating victim, victim recanted, death of offender, etc.

⁹ Civilian/Foreign/Other Authority” can include, but may not be limited to, individuals who do not fall under the jurisdiction of the Coast Guard (civilians not affiliated with Coast Guard), who are prosecuted by local/state or other federal jurisdictions, or members from Services other than Coast Guard whose cases are prosecuted/adjudicated by other military Services.

IV. Plan of Action

Actions Completed in FY 2016

SAPR Policy Manual COMDTINST M1754.10E:

The Coast Guard has promulgated the SAPR Policy Manual, COMDTINST M1754.10E, which was initiated in FY 2015, and issued its first SAPR Tactics, Techniques and Procedures (TTP) Manual to complement the policy manual. Some of the major changes in the revised policy include the role of the SVC, additional guidance on the SAPR CIT process, updated screening and credentialing requirements for SARCs and VAs, the use of the Defense Sexual Assault Incident Database (DSAID), expansion of the Restricted Reporting option to adult military dependents, and the creation of a modified "Line of Duty" status for reservists to receive medical care.

Date Safe Project Training:

Coast Guard SAPR Personnel attended the "Education Through Engagement" course facilitated by the Date Safe Project, which is aimed at improving presentation and facilitation skills SARCs. The course was designed to assist in deepening skill sets and connecting with unique and challenging audiences through thought provoking discussions and intensive training.

Prevention Strategy Training and Bystander Intervention Training:

The Coast Guard has adopted the Centers for Disease Control and Prevention's social ecological model for primary prevention, with the focus on proactive over reactive behavioral training. This model takes into account the individual's relationship with other individuals, the community, and the society as a whole, further analyzing the influential factors that can potentially foster assault or other harmful behaviors within the Service. SAPR personnel attended the Mentors in Violence Prevention Train-the-Trainer course, certifying them as trainers in preparation for the implementation of the Coast Guard Bystander Intervention Training over the next several years. The Coast Guard Bystander Intervention Training program is a major initiative in violence prevention introduced to the Coast Guard and will focus on providing facilitated instruction on effective bystander intervention skills.

Sexual Assault Prevention Council (SAPC):

The Flag Officer and Senior Executive Service level SAPC began a transition in July 2016 to a new WWRC. The plan in development for FY 2017 will allow for this new Council to continue directing its efforts towards enhancing the Coast Guard SAPR Program and other behavioral health services programs.

Command Cadre Course Training:

The Command Cadre Courses Design and Development Collaboration Team under the Force Readiness Command created a standardized lesson plan, job aids, target audience-specific case studies, pre- and post-work class assignments, and assessments that were integrated into 17 identified Command Cadre courses (e.g. Prospective Commanding Officer/Executive Officer Course, Chief Petty Officer's Academy, Mid-Grade Officer Career Transition Course, Senior Enlisted Leader Course). The training is tailored to the specific role of command cadre in prevention and response. To date, the updated six-hour training module has been delivered 69 times and has reached 1,947 members.

“Not In My Coast Guard” Regional SAPR Summits:

The Coast Guard conducted six one-day Summits in several Coast Guard Districts during FY 2016. These summits reached more than 1,000 officer, enlisted, and civilian personnel. The Summits consisted of videos from subject matter experts addressing topics of sexual assault prevention and response, intervention, culture of respect, and the continuum of harm. Activities also included a Command Climate Health Assessment and a Q&A Town Hall. The Final Action Report from the Summits will be compiled, and the results will be used to inform future SAPR efforts.

Special Victims Counsel (SVC):

The SVC Program has six full-time attorneys - three in Alameda, CA, and three at Coast Guard Headquarters in Washington, DC. The SVC Program also utilizes 15 special duty SVCs, including 2 civilians, located throughout the United States. The additional collateral duty SVCs greatly assist with the geographic dispersion of victims, which allows for improved, timely in-person representation (for interviews, initial meetings, etc.), as well as shorter travel distances between victims and SVCs. At present, special duty SVCs carry approximately 25 percent of the Program’s workload.

All SVCs are specially trained to assist and represent sexual assault victims. All Coast Guard SVCs, including special duty SVCs, attend a Department of Defense (DoD) SVC certification course. Since the Program’s inception in 2013, Congress has regularly expanded the scope of SVC duties resulting in an increase in the average hours that an attorney spends on a case and amplifying the need for specialized training.

In FY 2016, the SVC Program received 100 requests for representation in cases involving sexual assault complaints. The majority of the requests came from persons statutorily eligible (10 U.S.C. §1044e) for an SVC. SVCs were also requested by 19 non-statutorily eligible victims (i.e., civilians without any connection to the military). In each of these 19 instances, an exception to policy was granted and an SVC was detailed to represent the victim. The majority of SVC clients are female active duty members, the highest percentage of which are Coast Guard enlisted. In FY 2016, 41 percent of clients filing as victims of sexual assault have been enlisted females and 19 percent have been enlisted males.

In FY 2016, the Coast Guard held its inaugural SVC conference bringing together full-time and special duty SVCs to discuss issues unique to the Coast Guard. Guest speakers included members of command, CGIS, trial counsel, Physical Disability Evaluation System attorneys, and medical experts.

Coast Guard Investigative Service (CGIS):

During FY 2016, CGIS participated in multiple collaborative SAPR initiatives, both internal and external to the Coast Guard, to gain perspective on the roles of those who respond to reported sexual and family violence. These collaborative efforts included, but were not limited to, attending and participating in joint service, DoD, and Coast Guard multi-directorate working groups; providing and receiving SAPR-related trainings; representing the Coast Guard during outreach, trainings, and other SAPR-type efforts involving DoD as well as other Governmental and non-Governmental agencies and organizations.

CGIS implemented the *Four in First Forty-Eight* (4-1-48) program, which was established to provide guidance for the deployment of CGIS special agents in response to an Unrestricted Report of sexual assault and better facilitate a systematic response in those cases that require

additional investigative resources, particularly in exigent circumstances. This approach, which involved the initial deployment of up to four additional special agents within the first 48 hours of receiving an Unrestricted Report of sexual assault, shortened average investigation times, including the development of the documentation of findings, which Coast Guard commands, legal offices and other stakeholders frequently request to support follow-on action.

CGIS special agents continued to participate in advanced and specialized trainings related to SAPR, including annual refresher trainings (e.g., the End Violence Against Women International conference and Annual Crimes Against Children training in Dallas, TX). CGIS special agents participate with the CGIS Embedded Agent Program, which was implemented in 2013, which allowed agents to “shadow” sex crimes and family violence investigators from Austin Police Department (PD), Boston PD, Philadelphia PD, Phoenix PD, and Los Angeles PD. Areas of particular interest in this program included benefits of collaboration between law enforcement, victim advocacy, and servicing legal offices; victim interviewing techniques; recording interview policies/procedures; training initiatives; case management; evidence policies/procedures; and benefits of liaising with other federal, state and local agencies.

CGIS agents and Coast Guard attorneys continued to attend various DoD sexual and family violence investigations trainings, including the U.S. Army Special Victims Capabilities Course (SVCC). By the end of FY 2016, 195 CGIS special agents and 66 Coast Guard attorneys have received the SVCC training. CGIS special agents have seen benefits, in particular, using the interviewing techniques taught in the SVCC training.

In March 2016, CGIS Headquarters hosted, in partnership with the Police Foundation, the first-ever CGIS symposium on “Suicide Risks and Mindsets of Sexual Assault Offenders.” This was attended by almost 100 individuals from various law enforcement agencies and mental health professionals who assist law enforcement with these complex cases, as well as by Coast Guard and DoD leadership. The training involved instruction by speakers from the FBI Behavioral Analysis Unit (FBI/BAU III – Crimes Against Children), the U.S. Marshals Service, Behavioral Analysis Unit, Coast Guard Behavioral Health Services Division at Coast Guard HQ, and CGIS special agents. Furthermore, it also included a panel discussion involving those speakers as well as a retired Lieutenant with the Nashville Metropolitan PD having specialized experience and training in sexual and family violence investigations. Topics of discussion included investigative best practices and lessons-learned, mental health and behavioral analysis, officer safety, the “ripple effect of destruction,” and policy and procedures considerations.

The CGIS SAPR Crime Analyst, hired during FY 2016, continued the compilation, review, and systematic analysis of sex crimes data to identify and formulate conclusions related to crime trends and other important factors. This aided in preparing and disseminating statistics reports to facilitate Coast Guard and CGIS management and SAPR operational decision-making and planning. The analyst also continued to work with other Coast Guard directorates to provide statistical and analytical data related to trends, patterns, victim and accused demographics, timelines, case management, and other information that allowed for a systematic analysis of information associated with those reported offenses.

Additionally, CGIS leadership continues to assess policy and procedures, in part, based on the information sharing and collaboration, which also allowed for developing stronger relationships between law enforcement and other professionals working across different jurisdictions and disciplines.

Military Justice Improvements:

In FY 2016, the Coast Guard welcomed a second full-time General Court-Martial military judge and a Chief of Military Justice at the Legal Service Command (LSC) to ensure appropriate case management. The Norfolk, VA and Alameda, CA LSC offices continue to devote staff and resources to assist with major trials at all legal offices to improve the efficient practice of military justice in the Coast Guard. The Coast Guard also continued its full participation with the Joint Service Committee on Military Justice, with one participating working group member and one voting member of the committee, to create and implement improvements to the UCMJ and related rules. With continuous changes to the criminal code, the Coast Guard has developed and disseminated timely policy, guidance, training, and tools to practitioners.

Plan of Action for FY 2017

Coast Guard objectives focus on enhancing prevention efforts and fostering a culture of respect that targets the underlying or enabling behaviors of sexual assault. The Coast Guard will continue its efforts to foster a climate inhospitable to sexual assault and conducive to reporting both the incident and related unacceptable behavior. The efforts will focus on retaliation issues and male victimization prevention and response. Inherent in this process are efforts to hold accountable those who commit these crimes and those in leadership positions who undermine or ignore the prevention and response strategies outlined above. Also necessary are efforts to foster a culture of trust in which victims will report sexual assault incidents and receive appropriate recovery services. By spearheading a joint approach with Work-Life (Substance Abuse, Family Advocacy, Suicide Prevention), Chaplain, Legal, CGIS, Civil Rights, and Public Affairs, a collaborative effort will assist in advancing our objectives. Some of the items being addressed in FY 2017 include:

- Prevention strategies will expand to an interactive Bystander Intervention Training across the enterprise. SAPR Program personnel will continue to deliver train-the-trainer Bystander Intervention Training to key field personnel, who will then disseminate these lessons to the entire Coast Guard during FYs 2017 and 2018.
- Led by the SAPR Program, the updated 10-year comprehensive, cross-directorate SAPR POAM will continue to be implemented.
- Initial and refresher SARC training will continue to be provided for all employees tasked with SARC responsibilities, as well as obtaining/maintaining the NACP credential from NOVA.
- The Coast Guard will continue to implement SAPR training curricula in 17 Command Cadre courses; plans are in place to expand the training to an additional 13 accession and leadership courses.
- In January the Commandant promulgated the Service's first ever Human Capital Strategy. The SAPR Program features prominently in the Strategy's action plan.
- Coast Guard Civil Rights Service Providers will continue to provide guidance to SAPR Command Cadre training courses, ensuring all leaders understand the critical relationship between sexually harassing behaviors and sexual assault.

- The Coast Guard will analyze the results of the 2016 Workplace Gender Relations Survey to determine the extent to which retaliation is present within the Service.
- The Coast Guard will reinforce the importance of reporting assaults and intervening in high-risk situations by a sustained focus on SAPR awareness and training, by leadership example, and by leadership engagement through positive recognition of those who report or intervene.
- Education remains a prominent programmatic objective of the SVC program. To increase awareness, the SVC program continues to participate in unit and base-wide SAPR trainings, VA/SARC trainings and other command cadre functions. SVCs will also continue to participate in and provide testimony to the Judicial Proceedings Panel (JPP) on the growth of the program, on retaliation against victims of sexual assault, retaliation against military SVC, and on the appellate process for victims of sexual assault. The JPP is an independent group of individuals charged with reviewing and assessing judicial proceedings conducted under the UCMJ involving adult sexual assault. The JPP is also required to develop recommendations for improvements to such proceedings.
- CGIS special agents will continue to participate in annual, specialized trainings related to family and sexual violence in order to maintain awareness of lessons-learned and best practices and employ those techniques and procedures while responding to complex and sensitive investigations. Further, CGIS will continue to work with the SAPR Program, SVC, and other related programs to ensure CGIS special agents are familiar with and adhering to the ever-evolving laws, policies, and procedures that affect victims of sexual violence and those accused of sexual assault and misconduct. CGIS HQ will continue to participate with, provide testimony, and answer related requests for information from the JPP. Finally, CGIS will continue to evaluate policies and procedures related to sexual and family violence investigations, make necessary changes as needed, and will continue to work with other Coast Guard directorates on updates of policies and procedures that relate to the CGIS investigative process.

V. List of Incidents and Disciplinary Results

The following list provides the synopsis and disciplinary action taken in the U.S. Coast Guard's fourteen General and Special Courts-Martial tried in FY 2016 involving a report of sexual assault of an adult victim. The Coast Guard also convened five Summary Courts-Martial with adult victims of sexual assault, but those cases are excluded from this list. All of the General and Special Courts-Martial in FY 2016 are the final dispositions of investigations initiated in previous Fiscal Years.

1	Member was charged with two specifications of sexual assault where the Member should have known the victim was asleep and one specification of sexual assault causing bodily harm. Member was also charged with one specification of assault consummated by a battery. Member was acquitted on all charges.
2	Member was charged with one specification of sexual assault where the victim was incapable of consenting due to impairment by an intoxicant. Member was found guilty of the sole charge and specification. Member was sentenced to reduction to pay grade E-1, confinement for ninety days, and a Dishonorable Discharge. The convening authority ¹⁰ approved the sentence as adjudged.
3	Member was charged under Art. 120, UCMJ, of one specification of rape, one specification of sexual assault, and three specifications of abusive sexual contact. Member was also charged with one specification of absence without leave, one specification of failure to obey a lawful order, two specifications of wrongful possession of a controlled substance (cocaine), two specifications of larceny, seven specifications of assault consummated by battery, one specification of disorderly conduct, and two specifications of destruction of property. Pursuant to a pre-trial agreement, Member was found on two specifications of abusive sexual contact not guilty, but guilty to the lesser included offense of assault consummated by battery, and guilty of the following specifications: sole specification of absence without leave; the sole specification of failure to obey a lawful order; one specification of wrongful possession of a controlled substance; three specifications of assault consummated by battery; the sole specification of disorderly conduct; and two specifications of destruction of property. All other charges were withdrawn and dismissed. Member was sentenced to reduction to pay grade E-1, four years confinement, and a Bad-Conduct Discharge. The sentence is subject to a pre-trial agreement, which limits the convening authority to approving only 366 days of confinement and suspending all confinement in excess of nine months. The convening authority's action is currently pending.
4	Member was charged with one specification of sexual assault causing bodily harm and one specification of abusive sexual contact. Member was also charged with eight specifications of assault consummated by battery, four specifications of conduct unbecoming an officer and a gentleman, one specification of drunken operation of a vehicle, and one specification of obstructing justice. Member was found guilty of one specification of conduct unbecoming an officer and a gentleman by exceptions and substitutions. Member received no punishment, which the convening authority approved.

¹⁰ A Convening Authority is a person occupying a position of command, designated in Article 22(a) and (b), UCMJ, or designated by the Secretary of Homeland Security, and authorized to convene a court-martial.

5	<p>Member was charged with one specification of attempted sexual assault and one specification of abusive sexual contact causing bodily harm. Member was also charged with one specification of assault consummated by battery, one specification of unlawful entry which is to the prejudice of good order and discipline in the armed forces, four specifications of possession and use of a controlled substance (marijuana). Member was found guilty of the sole specification of assault consummated by battery, the sole specification of unlawful entry, and three specifications of possession and use of a controlled substance. The charges and sole specifications thereunder of attempted sexual assault and abusive sexual contact were withdrawn by the convening authority, as well as one specification of use of a controlled substance. Member was sentenced to confinement for one year, reduction to pay grade E-1, and a Bad-Conduct Discharge. Pursuant to a pre-trial agreement, the convening authority disapproved confinement in excess of 180 days and approved the remaining sentence as adjudged.</p>
6	<p>Member was charged with two specifications of sexual assault, one where the victim was impaired by an intoxicant and the other where the Member caused bodily harm to the victim. Member was also charged with one specification of assault consummated by battery and two specifications of making false official statements. Member was found guilty of the sole specification of assault consummated by battery, and all the remaining charges were withdrawn and dismissed. Member was sentenced to reduction to pay grade E-3, confinement for six months, and forfeiture of \$750 per month for six months. The convening authority approved the reduction and forfeiture as adjudged and approved confinement for 120 days.</p>
7	<p>Member was charged with two specifications of sexual assault causing bodily harm. Member was also charged with one specification of assault consummated by battery. Member was acquitted on all charges.</p>
8	<p>Member was charged with one specification of sexual assault causing bodily harm. Member was also charged with one specification of making a false official statement and four specifications of assault consummated by battery. Member was found guilty of the sole specification of sexual assault, the sole specification of making a false official statement, and two specifications of assault consummated by battery. Member was sentenced to reduction to pay grade E-1, forfeiture of all pay and allowances, confinement for four years, and a Dishonorable Discharge. The convening authority approved the sentence as adjudged.</p>
9	<p>Member was charged with one specification of sexual assault where the victim was incapable of appraising the nature of the sexual act, and six specifications of rape where the Member used unlawful force to commit the sexual act. Member was also charged with one specification of making a false official statement, two specifications of larceny, six specifications of assault consummated by battery, and two specifications of fraud against the United States. Member was found guilty of two specifications of larceny and two specifications of fraud against the United States. Member was sentenced to perform hard labor without confinement for two months, reduction to pay grade E-2, forfeiture of \$1,500 per month for two months, and to pay a fine of \$5,000 (if fine not paid, then thirty days of confinement). The convening authority disapproved the hard labor without confinement for two months, and approved the remaining sentence as adjudged.</p>

10	Member was charged with four specifications of rape and one specification of sexual assault when the victim was incapable of consenting due to impairment by an intoxicant. Member was also charged with one specification of willfully disobeying a superior commissioned officer, two specifications of making false official statements, six specifications of assault consummated by battery, and three specifications of obstructing justice. Member was found guilty of the sole specification of willfully disobeying a superior commissioned officer and one specification of making a false official statement. Member was sentenced to reduction to pay grade E-6 and confinement for 180 days. The convening authority's action is currently pending.
11	Member was charged with one specification of sexual assault where the victim was incapable of consenting due to impairment by an intoxicant. Member was found guilty of the sole specification of sexual assault. Member was sentenced to dismissal and confinement for one year. The convening authority's action is currently pending.
12	Member was charged with three specifications of sexual assault by causing bodily harm. Member was also charged with one specification of assault consummated by a battery and six specifications of conduct unbecoming an officer and a gentleman. Member was found guilty of six specifications of conduct unbecoming an officer and a gentleman. Member was sentenced to dismissal and confinement for 60 days. The convening authority approved the sentence as adjudged.
13	Member was charged with four specifications of abusive sexual contact. Member was also charged with one specification of unlawful entry which is to the prejudice of good order and discipline in the armed forces and one specification of assault consummated by battery. Member was found guilty of the sole specification of assault consummated by battery. The remaining charges were dismissed. Member was sentenced to confinement for six months, reduction to pay grade E-1, and a Bad-Conduct Discharge. Pursuant to a pre-trial agreement, the convening authority disapproved the Bad-Conduct Discharge and suspended all confinement in excess of ninety days. The convening authority approved the sentence as adjudged, but suspended confinement in excess of 90 days for 12 months.
14	Member was charged with one specification of abusive sexual contact. Member was also charged with one specification of housebreaking. Member was found guilty of the sole specification of abusive sexual contact. Member was sentenced to reduction to pay grade E-1, confinement for thirty days, and a Bad-Conduct Discharge. The convening authority approved the sentence as adjudged.