



**TESTIMONY OF
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**ON
“SEXUAL ASSAULT IN THE UNITED STATES MILITARY”**

**BEFORE THE
SENATE ARMED SERVICES SUBCOMMITTEE ON PERSONNEL**

MARCH 13, 2013

Introduction

Good afternoon Madame Chair Gillibrand, Ranking Member Graham, and distinguished members of the Subcommittee. Thank you for the opportunity to appear before you to discuss the Coast Guard’s efforts to prevent and respond to sexual assault in our Service.

As Judge Advocate General of the Coast Guard, I share the Commandant’s commitment to the safety and well-being of each of our service members and ensuring that all members of the Coast Guard have a collaborative, cohesive work environment that allows them to accomplish their mission keeping the Nation safe and secure. This includes eliminating incidents of sexual assault within the Coast Guard.

Sexual assault is a criminal act that is simply not tolerated in the Coast Guard. It is devastating to its victims, and it has broad repercussions throughout the Service. Not only is the Coast Guard committed to doing everything we can to prevent sexual assault, we are also committed to investigating every allegation and ensuring victims of sexual assault are protected, treated with dignity and respect, and provided appropriate ongoing support.

The Coast Guard is dedicated to ensuring that in addition to persons accused of sexual misconduct, there is accountability across the entire organization, to include bystanders, the chain of command, commanders, and senior leadership. Every Coast Guardsman is trained in the Coast Guard’s Sexual Assault Prevention and Response (SAPR) policy, and every Coast Guard Command is expected to know how to rapidly access the full range of support resources for the victims of sexual assault. Every Coast Guardsman is also expected to work tirelessly, individually and personally, to contribute to a work climate where sexual misconduct is never tolerated, and where every allegation is swiftly and appropriately addressed. Commanders are obligated to address and respond properly to every allegation of sexual misconduct in their unit. Simply put, Commanders must be part of the solution.

Policy & Programs

The Coast Guard has had policy in place for several years to address sexual assault.

As early as 2004, Coast Guard policy required commands to report all allegations of serious sexual misconduct to the Coast Guard Investigative Service (CGIS) for investigation, and in 2006, the Coast Guard Investigative Service formally established a distinct CGIS Sex Crimes Program and hired a Senior Special Agent to oversee the stand-up of the program. Indicative of the maturation of that program, the CGIS Sex Assault Investigations Tactics, Techniques, and Procedures manual is currently in final clearance with a formal release anticipated within Fiscal Year 2013.

In 2007, the Coast Guard SAPR instruction was significantly amended to include the addition of the restricted reporting option for victims, which aligned the Coast Guard's reporting options with the two options offered by the Department of Defense (DoD) (restricted and unrestricted). Restricted reporting is the process used to disclose to specific individuals on a confidential basis that he or she is the victim of a sexual assault. Unrestricted reporting is the process used to disclose a sexual assault to the chain of command and law enforcement authorities. The official policy and guidance was issued in December of that same year.

In 2008, a dedicated Sexual Assault Prevention Program Manager was hired to implement and oversee the day to day administration of the USCG SAPR program.

In March 2011, CGIS established a cadre of specially trained and credentialed CGIS special agents – known as Family and Sexual Violence Investigators (FSVIs). In addition to their standard investigatory training, these agents attend advanced courses and seminars on sexual assault, domestic violence and child abuse. CGIS has credentialed 22 FSVI special agents to date.

In April 2011, the Vice Commandant of the Coast Guard chartered a Sexual Assault Prevention and Response Task Force to examine holistically the Coast Guard's posture toward sexual assault in five discipline areas:

- Education /Training;
- Policy/Doctrine;
- Investigation/Prosecution;
- Communications; and
- Climate/Culture

Subject matter experts from each of these five disciplines met for over a year to provide input to the Vice Commandant on ways to improve our sexual assault prevention and response program. The Vice Commandant approved the 39 recommendations from the Working Groups. One of the most significant recommendations, the establishment of a Flag level Sexual Assault Prevention Council (SAP-C), has already been fully implemented. Other recommendations from the Task Force include providing enough Victim Advocates to cover our widely dispersed population, improving annual SAPR mandated training and leadership course training segments, implementing various bystander strategies, and continuing SAPR messaging year-round.

Some of these recommendations are already in the implementation stage (such as the bystander intervention initiative titled the “Sexual Assault Prevention Workshop”). The other recommendations are in the process of being prioritized and assigned for action to the three standing committees (currently being chartered) of the SAPC.

The SAP-C is a standing body of the most senior Coast Guard Admirals and subject matter specialists designed to:

- Oversee the implementation of the Task Force recommendations;
- Consider & discuss SAPR policy generally;
- Direct empirical studies and trends (root cause analyses) based on accurate and reliable data; and
- Order immediate and actionable course corrections to Coast Guard SAPR policy as needed.

The Vice Commandant held the inaugural meeting on February 27, 2013.

In April 2012, the Coast Guard issued a new and comprehensive SAPR policy that clearly defines roles and responsibility, mandates significant education and training, defines reporting processes and response procedures, and ensures greater victim safety. The policy also clarifies that commands must immediately notify not only the CGIS, but also work-life and victim advocacy specialists, as well as the servicing legal office, upon receipt of an unrestricted report of sexual assault. This helps ensure a comprehensive inter-disciplinary approach toward managing the victim’s safety and support is in place, and that the investigation begins immediately.

In June 2012, the Commandant of the Coast Guard, along with the Secretary of Defense, issued a Coast Guard wide order to withhold the initial disposition authority for serious sexual misconduct to a Special Court-Martial Convening Authority having achieved the grade of O-6 (Captain) with a dedicated Staff Judge Advocate assigned. The Commandant included in his withholding order not only the most serious felony-level sexual offenses under the UCMJ (rape, sexual assault and forcible sodomy) but also each of the lesser sexual offenses under Article 120a of the UCMJ such as abusive sexual contact. With the exception of several senior Coast Guard Base and Training Center Commanders, all serious sexual offenses will be reviewed by a Flag Officer (Admiral) level with a senior and experienced Staff Judge Advocate personally advising them.

Leadership and Training

We place great importance on the need to appropriately train and empower all Coast Guard personnel to recognize and respond appropriately when they observe situations that involve disrespectful behavior. All personnel must develop a strong understanding of the definition of sexual assault and act to alert potential offenders and victims to what sexual assault is and how to prevent and/or stop it.

Every Commanding Officer, Officer-in-Charge, manager, supervisor, service member, and civilian employee is responsible for creating and maintaining a culture in which we hold those who commit sexual assault accountable; provide confidential avenues for reporting; treat all victims of sexual assault with dignity, fairness and respect; and afford all victims timely access to appropriate services whether they choose to make a restricted or unrestricted report.

Within the last year, members of the Coast Guard Judge Advocate General were instrumental in the creation and roll-out of the Coast Guard's successful bystander intervention training program known as the "Sexual Assault Prevention Workshop" (which is one of the Task Force recommendations). The workshop is presented live by CGIS special agents, Judge Advocates and Coast Guard Work-Life specialists, who, in addition to providing the necessary information about the SAPR program in plenary session, then engage in gender specific break-out sessions to have a frank dialogue about sexual assault and SAPR. Since its inception in 2012, the workshop has provided training to 48 units and approximately 7,500 personnel. This training initiative received the Department of Homeland Security Office of General Counsel Award for Excellence in Training on January 11, 2013, and many Coast Guardsman have reported that this training is the most meaningful and effective training they have ever received. In addition to Sexual Assault Prevention Workshops, SAPR training sessions are being incorporated into all command & leadership courses in the Coast Guard, and we have significantly expanded the number of trained Victim Advocates across the Coast Guard, resulting in approximately 400 new Victim Advocates added in the last few years.

The Coast Guard Academy (CGA) will continue to offer training to the "Cadets Against Sexual Assault" organization to allow trained cadets to maintain confidentiality and accompany a victim to a Victim Advocate in the event another cadet discloses a sexual assault to them. The CGA also has the billet for the one dedicated SARC in the Coast Guard, and there is quite a robust training plan in place for cadets. Starting in "swab summer" all cadets receive training at various points during their four years at the CGA. Recruits at Cape May are provided computer-based training as soon as they arrive to ensure they know the reporting options and who they can go to for help in the event of sexual assault. SAPR information was also added to the pocket handbook the recruits carry on their person at all times, and the recruits receive a more extensive SAPR training module prior to their graduation from basic training.

The Coast Guard has a close working relationship with the Army and Navy Trial Counsel Assistance Programs. Through our long standing Memorandum of Understanding with the Navy, Judge Advocates can gain significantly more trial experience than the small size of the Coast Guard's trial docket would generate through assignment to Navy offices around the country. Over the last eight years, the Coast Guard has also been able to send our Judge Advocates to gain experience as prosecutors with the Marine Corps at Marine Corps Base Quantico, Camp Lejeune, and Camp Pendleton. Beginning in Fiscal Year 2013 Coast Guard Judge Advocates began attending, along with their CGIS Special Agent counterparts, the nationally recognized U.S. Army Special Victim Investigator Unit course. To date, four Coast Guard Judge Advocates have completed the course, each stating at the conclusion of the course that it was the best training they had ever received as a prosecutor. Thirteen additional trial counsel are scheduled to receive training by the conclusion of Fiscal Year 2013.

Closing

The Coast Guard places the highest priority on preventing sexual assault. Sexual assault is not tolerated in the Coast Guard – it is incompatible with honorable service in the Coast Guard, and incompatible with our Core Values of Honor, Respect and Devotion to Duty.

Our goal is to eliminate sexual assault within the Coast Guard by providing a strong culture of prevention, education and training, response capability, victim support, appropriate reporting procedures, and accountability.

Thank you again for the opportunity to testify today. I will be pleased to answer any questions you may have.