1. Do you rely on civilian law enforcement to investigate and prosecute sexual assault cases against members of your Guard unit?

Not Exclusively. Often, civilian law enforcement declines to investigate. In these cases, LANG conducts the investigation. If the local district attorney declines to prosecute, LANG will prosecute if appropriate.

2. Does your state UCMJ have any specific language regarding investigating or prosecuting sexual assault cases? If so, please provide some details or the specific statute.

Yes. La. R.S. 29:220.

3. Does your state UCMJ allow you to do the equivalent of an Article 32 hearing in the federal system? If so, under what circumstances?

Yes. An Article 32 hearing is conducted prior to the referral of a case to a General Court Martial.

4. Is there a statute of limitations for sexual assault against members of the military? If so, what is the length?

The statute of limitations is the same for military and civilian in Louisiana under the state code of military justice. If the victim is under 17, statute of limitations is 30 years from the time victim turns 18 for the following crimes: Sexual battery, felony carnal knowledge of a juvenile, indecent behavior with juveniles, molestation of a juvenile, crime or aggravated crime against nature, or incest or aggravated incest. All others is 6 years.

5. When was your UCMJ last updated?

Two years ago.

6. Are you currently pursuing any changes to your UCMJ in relation to rape or sex assault?

Our punitive article in the Louisiana Code of Military Justice is identical to the newly revised article in the Uniform Code of Military Justice.

7. In the last five years, have you held a court martial as a result of a sexual assault allegation within your Guard unit?

Yes.

8. In the last five years, have you meted out any of the following punishments resulting from a sex assault allegation made against a member of your unit?

GOMOR and/or letters or reprimand. Yes

Dishonorable Discharge. No.

Other type of discharge (please specify) Other than Honorable

Forced resignation. Yes

Forced retirement. Yes

Other (please specify)

9. What would your Guard unit like, that you do not have now, to help you combat sexual assaults?

We are very aggressive in combating sexual assault and aggressively prosecute when necessary and appropriate. The Louisiana Legislature has enacted the laws we need to enforce good order and discipline.

10. Anything else you would like to tell us about how your Guard unit investigates and prosecutes sexual assault cases?

All allegations of sexual assault must immediately be reported to the Commanding General for investigation. Lower level commanders are not allowed to conduct investigations into sexual assault.

Pete Schneider, Col, LA ANG
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