Thompson, Tisha (NBCUniversal)

From: Breitenfeldt, Rick E CIV NG NGB (US) <rick.e.breitenfeldt.civ@mail.mil>
Sent: Monday, June 22, 2015 10:58 AM
To: Thompson, Tisha (NBCUniversal); Yarborough, Rick (NBCUniversal)
Subject: RE: NBC4 Gen Grass Intv Request (UNCLASSIFIED)
Attachments: FY14_Annual_Report_SecDef_Memo_Initiatives.pdf; Open Letter to TAGs on Offender Accountability- 11 Apr 13.pdf

CLASSIFICATION: UNCLASSIFIED

Tisha,

Answers to your questions below. Please attribute to me.

Rick Breitenfeldt
National Guard Spokesman

-----Original Message-----
From: Thompson, Tisha (NBCUniversal) [mailto:Tisha.Thompson@nbcuni.com]
Sent: Thursday, June 18, 2015 11:24 AM
To: Breitenfeldt, Rick E CIV NG NGB (US); Yarborough, Rick (NBCUniversal); Thompson, Tisha (NBCUniversal)
Subject: RE: NBC4 Gen Grass Intv Request

Hi Rick,

Thank you for providing the statement - but I do need someone to respond directly these questions below - even if it's not on-camera. I am hoping to have these responses no later than Monday, June 22.

On January 16th, Kurt sent me an email after I had asked for details/statistics on the types of punishments/investigations meted out in conjunction with the DSAID reports. I had pointed out the DSAID reports have a section where this information was supposed to be reported. In the January 16th email, he explained, "Unfortunately, we do not currently have that data at the NGB level. As previously mentioned, each State National Guard is its own command and we just recently put in place better tracking mechanisms to gain accurate and consistent data. We are aggressively pursuing a means and method to collect and report this information from the 54 states, territories, and District of Columbia National Guards."

We've obtained an email from March 13, 2015 from Col. Rita Whitmire asking TAGs "to obtain information on retaliation allegations associated with a Unrestricted report of sexual assault." It contained a "Memorandum for the Secretaries of the Military Departments Chief, National Guard Bureau" with the "Subject: Data Call on Retaliation for the Fiscal Year 2014 Department of Defense Annual Report on Sexual Assault in the Military."

We've also obtained an email from multiple sources dated March 24th from Lt. General Joseph Lengyel to all the TAGs asking them to "report case outcome, including actions taken to hold offenders appropriately accountable." Farther down, the email says, "Although the NG is not mandated by Congress to annually report sexual assault case dispositions, as are the Services, congressional interest in the NG has increased exponentially. Therefore, notwithstanding a mandate, it is import to document and track each of our cases through the investigative process, report case outcome, and be transparent in the actions taken to hold offenders appropriately accountable."

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Q1. This last email was sent within 24 hours of our first story hitting the air. I wanted to know what prompted this email to be sent to all the TAGs - did our story have anything to do with it?

A1: It did not. This message was in the queue for a while and was a result of ongoing discussions in which GEN Grass engaged TAGs during both regular GSLUs and GSLCs. (Guard Senior Leader Update Meetings / Conferences). Communication between CNGB or VCNGB to the TAGs on this and many other topics occurs frequently. In fact, there was a reference in the POTUS Report to the CNGB's 11 Apr 2013, "Open Letter to TAGs," to: 1) Inform them of the need to improve investigation of reports of sexual assault and track case disposition 2) Remind them of the valuable resources provided by the NGB-JA/OCI, and 3) Encourage TAGs to engage governors/mayors in discussions about prosecution of sexual assault offensives committed by NG members. I've attached that open letter to this email.

Q2. Have you had much success in collecting this information since the email went out? Can you give me any specific examples?

A2: We are making progress. Since March, NGB J1 SAPR has had several meetings with DoD SAPRO, the ARNG and ANG POCs, and NGB JA. We are currently tracking line-by-line, each of the open Unrestricted cases (Restricted are not investigated) to confirm, and where necessary, working with the states to ensure all of the data fields contain the relevant information. Depending on the missing data, a case can take anywhere from one day to several weeks. We are also working with NGB OCI to match cases they investigate with the information in DSAID. Lastly, we also work with the Army CID and Air Force AFOSI POCs. We're committed to this initiative but want to manage expectations that we will be able to provide information at this time.

Q3: Do you want Congress to congressionally mandate the collection of punishment and retaliation statics?

A3: Anything Congress does to help strengthen the system is welcomed. The Services are congressionally mandated to report on all Unrestricted reports of sexual assault, to include case outcome. It is important to note that although the National Guard is not congressionally mandated to report on our cases, as are the Services, we embarked on this initiative because we feel it is important.

Q4: We've also obtained an email from Karen Keely to ALCON that says, "Several JFHG SARCs have been contacted and ask to provide sexual assault data, for their state, to local media. Hold off if able, COL Whitmire is working with NGB-JA and PAO for guidance." As you may know, I originally asked Kurt for these statistics in December 2014. In a different email dated January 16th, he told me "Reaching out to each state National Guard would likely be the best way to go, Tisha. Each state should be able to provide accurate data internally." When I tried to do so, I was told by multiple states that they had been informed by NGB that they shouldn't release this data. Why wasn't this information released to the media? Was there a problem with the data? Can you release these statistics now?

A4: There is nothing unusual about this; NGB exists to provide guidance/recommendation and support to the 54 and very often provide the states with recommendations when a number of them are being queried for information like this. In this case, NGB-PA reached out to the appropriate NGB entities to provide feedback, and notified the states that it was their choice to respond to the request or not; however, if they elected to respond, NGB suggested using a standardized format. The recommendation to "hold off" was intended only to allow for time and background on this request for information.

Q5: Quite a few guard units told us in the survey we sent that they want additional funding so they can do better training and create full-time positions (including SARCs and military judges). Some wanted the ability to conduct their own criminal investigations. What does General Grass think about this - how realistic is it?

A5: Manpower and funding are issues for all of DoD. Funding reductions across the board has made it necessary for leaders to make tough decisions. A significant amount of resources have and will continue to be allocated to SAPR.

Currently, there are full time SARC positions within each of the 54 and have been since 2008. Additionally, a full time Victim Advocate Coordinator was instituted at each of the JFHQs in 2014. As to investigations, there is no National Guard Military Criminal Investigative Organization; local law enforcement handles any criminal investigations. Current DoD policy precludes units from conducting their own internal administrative investigations. There are administrative investigations conducted by the NGB/JA Office of Complex Investigations and are assigned by NGB/JA at the request of the TAG. The investigators come from outside the state to avoid any possible appearance of conflicts of interests.

Q6. A very small number of units have used a court martial process to investigate/try sexual assault cases. Does the general think the court martial system is a good one, would he recommend it to others?

A6: About 12 years ago, Congress directed the NGB to draft a model code of military justice for states to consider. States were provided with this model code for consideration, and a number of state governments have instituted a version of the model code. General Grass supports state leadership having the tools they believe necessary and appropriate to properly administer their National Guard.

Q7. The punishments reported in our survey are sort of all over the place. What would be his recommendation on appropriate punishment?

A7: Each case stands on its own merits and is why there are a range of actions that a commander can elect to hold an offender appropriately accountable. It is a tenet of military command that commanders have unimpeded discretion, without undue influence, to discipline those under their command. Accordingly, it would be inappropriate for General Grass to comment on specific punishments, as all cases are unique.

Q8. How is the National Guard Bureau tackling retaliation? As I'm sure you saw, Human Rights Watch found service members throughout the military are 12 times more likely to face retaliation than see their attacker punished. Recognizing this report reaches across all branches of the military, what is the General doing/want to do to bring these numbers down?

A8: In his May 1, 2015 Memorandum, the Secretary of Defense mandated the development of a Department strategy to prevent retaliation associated with reporting crimes and other misconduct. DoD SAPRO, the Services, and NGB are aggressively working an action plan to recommend to the SecDef by the September 1, 2015 suspense. I attached the SECDEF memo to this email.

Q9. What is the biggest challenge facing NGB when it comes to tackling sexual assault and retaliation? Is it money? Authority? Is there anything Congress can be doing to help?

A9: Sexual Assault and retaliation are not new phenomena; both are very challenging and complicated societal and global issues. One need only to refer back to the DoD, Services, and NGB Reports to the POTUS to note the tremendous amount of progress that has been made in our effort to eradicate sexual assault. Retaliation was an area in which the Department could not demonstrate progress; however, we are aggressively working to understand the scope of the problem to determine a way forward. As a note, the 2014 RAND Military Workplace Study was only sufficient enough to support top-line comparisons between the Reserve Component and Active Duty. However, the Workplace Gender Relation Survey for Reserve Components (WGRS) is projected for release in early Aug 15. This survey (issued even-years to Active Duty and odd-years to Reserve Component) will give us a more comprehensive picture of the prevalence of sexual assault and retaliation in the National Guard. The WGRS conducted in 2008 and 2012 showed no statistically significant difference in the prevalence of sexual assault within the Reserve Components, so we look forward to the 2015 results to see whether or not the actual prevalence sexual assault within the Guard has changed from previous reports.

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Thanks,

Tisha

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-----Original Message-----
From: Breitenfeldt, Rick E CIV NG NGB (US) [mailto:rick.e.breitenfeldt.civ@mail.mil]
Sent: Friday, June 12, 2015 6:43 AM
To: Thompson, Tisha (NBCUniversal)
Subject: RE: NBC4 Gen Grass Intv Request

Hi Tisha,

Apologies for the delay ... I am filling in for Kurt while he is away for a couple weeks.

We appreciate the opportunity to do an on camera interview, but politely decline at this time. I know you have talked at length with Kurt and many of the states these last months and also interviewed MD TAG, WV TAG, and many others about this important topic.

The issue of sexual assault has National Guard Bureau senior leadership personal attention and the focus and emphasis of the Adjutants General, and senior officers and enlisted leaders in all 54 states, territories and D.C. Our men and women put their lives on the line every day to keep their communities and our nation safe, and we have a moral obligation to keep them safe from those who would attack their dignity and their honor.

Since the National Guard serves in both federal and state roles, the duty status of the member at the time the sexual assault occurred will determine the benefits for which they are eligible. Likewise, the laws and prosecution of offenders can vary greatly from state to state. Due to the jurisdictional gap between military criminal investigators and civilian law enforcement, the Chief, National Guard Bureau directed the creation of the Office of Complex Investigations (OCI) to ensure reports of sexual assault are investigated by personnel with the necessary background, training and experience.

OCI provides Adjutants General access to a nationally-managed cadre of investigators who have been specially trained to handle sexual assault allegations. Upon completion of an investigation, the file is provided to the Adjutant General so that he or she may take appropriate action. Another program established by NGB is the National Guard Special Victims Council which appoints specially trained and certified attorneys to represent and advocate on behalf of National Guard victims of sexual assault.

http://www.nationalguard.mil/Leadership/JointStaff/J1/SAPR/SpecialVictimsCounsel.aspx
<http://www.nationalguard.mil/Leadership/JointStaff/J1/SAPR/SpecialVictimsCounsel.aspx>

The National Guard's goal is to eliminate sexual assault. We are committed to a multi-disciplinary approach in achieving this objective and will continue to support and advocate for our victims, investigate sexual assaults, and hold perpetrators accountable.

Rick Breitenfeldt
National Guard Spokesman

-----Original Message-----

From: Thompson, Tisha (NBCUniversal) [mailto:Tisha.Thompson@nbcuni.com]
Sent: Monday, June 08, 2015 04:43 PM
To: Rauschenberg, Kurt M CIV NG NGB (US); Thompson, Tisha (NBCUniversal) <Tisha.Thompson@nbcuni.com>
Subject: NBC4 Gen Grass Intv Request

Kurt,

I hope you're well!

I'm coming back to you again to request an on-camera interview with General Grass. I am hoping you can convince him to go on camera for this one because I think he needs to.

As you probably know, we sent out a survey to all the NG units across the country. We had a terrific response rate, with more than 40 units sending us answers. We are going through those responses now...

I would like to share those responses with General Grass BEFORE the interview and then talk with him on camera about what NG units are doing well when it comes to sexual assaults and what he wants to see happen in the next year. I would want to talk about how NGB has urged TAGs to start reporting what happens to survivors and their accused assailants, along with any other initiatives you've taken in the last few months that I may not know about.

I know the gut reaction is to not go on camera. But this is a nationwide story - going beyond our local guard unit - and the NGB will be a major piece of the story. I think it's really important we hear from the General now...

I'm hoping to do this sometime next week. Right now I'm open the 16th, 17th and 18th. I would be more than happy to come to you. It would take about 10-15 min to set up and another 20 minutes to do the interview probably. Don't need the general there during set up.

Give me a call if you want and I can tell you more about it if you're interested.

Thanks!

Tisha

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