**Selective Duty:** How the US Coast Guard’s Policy Neglects Victims of Intimate Partner Violence While Providing Robust Resources for Survivors of Sexual Assault.

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1. **Introduction**

Both intimate partner violence (IPV) and sexual assault (SA) are highly underreported crimes that disproportionately affect women and are referred to collectively as violence against women.[[1]](#footnote-1) Although some men are victims of IPV and, the vast majority of victims are women because of the traditionally inferior roles of women in a variety of cultures, societies, and time periods.[[2]](#footnote-2) Across the nation, 36.6% of women have experienced contact sexual violence in their lifetimes, while - at a nearly identical rate - 37.2% have experienced IPV in their lifetime.[[3]](#footnote-3) Moreover approximately 45.8% of those contact sexual violence experiences were committed by current or former intimate partners, a fact that further entangles these two forms of violence against women.[[4]](#footnote-4) To create a successful structure of prevention within a society or an organization, the society or organization must be cognizant of the actual experiences of survivors and the cultural factors that prop up and allow perpetrators to commit violence against women in the first place.

The United States Coast Guard (CG) is one of the five military branches, although it is under the Department of Homeland Security (DHS) instead of under the Department of Defense (DOD)[[5]](#footnote-5). Given this jurisdictional difference, many DOD policies and military laws still apply to the CG making it indistinguishable from the other branches in many basic military aspects[[6]](#footnote-6). This paper will focus narrowly on the policies and practices of the Coast Guard.

In 1994, Congress enacted the Violence Against Women’s Act (VAWA) [[7]](#footnote-7) which recognized some of the shared vulnerabilities and needs of victims of both SA and IPV.[[8]](#footnote-8) This The act sparked various programs and policies in the nation that address assaultive behaviors before they begin, assist survivors, and encourage a just resolution. With regards to the military, however, VAWA had minimal impact and failed to produced real change because of the unique deference that Congress gives to the branches.[[9]](#footnote-9)

What does produce real, swift change, however, is Hollywood and the media. In 1999, *60* Minutes aired “The War at Home” which exposed IPV’s pervasive presence in the military.[[10]](#footnote-10) Subsequently, Congress enacted the Defense Task Force on Domestic Violence (DTFDV) via the National Defense Authorization Fund.[[11]](#footnote-11) Additionally, the film “The Invisible War” sparked a similarly swift response among military leaders who updated existing SA programs and implemented more measures, including a service-wide strategic plan.[[12]](#footnote-12) While these knee-jerk reactions following embarrassing national exposure had – at one time – made significant changes in how the organization handles violence against women, the reality, decades later, is an imbalanced outcome in addressing the overall cultural problem that perpetuates and is complicit in violence against women.

The goal of this article is to identify the specific areas in which Coast Guard policies and general military legislation underserve survivors of IPV, to explain why the systems in place for instances of IPV and SA should at least match each other in order to be effective, and to recommend changes that will positively affect the culture for survivors, perpetrators, and bystanders.

First, I will discuss what IPV is, give relevant definitions, and lay out the most important statistical data in real world terms. Then, I will make the connection between IPV and SA to show how the two types of harm often overlap or are indistinguishable from one another. I will then discuss and analyze the governing Federal laws and relevant Coast Guard policies implemented from those laws. Specifically, this section will reveal the disparity between the vast number of resources and assistance that sexual assault survivors receive, but that IPV survivors do not have access to, further discouraging them from reporting the crimes, and perpetuating the myth that IPV is a family matter and not a crime. Finally, I will take the statistics, the current laws, and the needs of survivors to make specific, actionable, and reasonable recommendations to CG leaders and members of Congress.

1. **What is Intimate Partner Violence**
   1. **Generally**

Violence in general is a crime that society is willing to accept as wrong. Assault and battery have been fairly straightforward crimes since the common law, although the same crimes in the context of the home were treated purely as a family matter ­– one where law enforcement had no place – until at least the late 1900’s.[[13]](#footnote-13) Violence in the context of an intimate relationship, however, is a pervasive problem that society has yet to squarely define, let alone tackle as the widespread, insidious problem that it is. The intimacy in a violent relationship adds dynamics of coercion and control as well as layers of psychological fear, harm, and manipulation that can create an environment ripe for continued abuse, all the while conveying to the survivor that it is their fault and that it is deserved.[[14]](#footnote-14) The intimacy also aggravates violence in a way that is simply not present in other types of violence occurring between non-intimate partners. Meanwhile other factors such as children, shared finances, home ownership, cultural views on marriage and other factors work to keep the cycle of abuse going over varying lengths of time – sometimes lasting an entire lifetime.[[15]](#footnote-15)

There are three main typologies of violence as described by Joan B. Kelly and Michael P. Johnson, two prominent academics in the study of IPV.[[16]](#footnote-16) This typology is based on the patterns and purpose of the violence. Situational violence, the first type, is the kind of violence that may come to mind when one imagines a partner discovering the other cheating and subsequently engaging in minor forms of violence and aggression.[[17]](#footnote-17) This type of violence is characterized by minor aggressions that are out of line with typical characteristics of that person, the kind that shock even the perpetrator and will instill a sense of regret or sorrow.[[18]](#footnote-18) Situational violence has a low occurrence rate per couple, and women are more likely to engage in this type of violence than are men.[[19]](#footnote-19)

The second type is coercive controlling violence which is characterized by a pattern of insidious, escalating, and coercive violence.[[20]](#footnote-20) Coercive controlling violence covers the widest range of tactics from financial control, isolation, obsession and jealousy, sexual abuse, reproductive abuse, strangulation, stalking, threats, beatings, and murder.[[21]](#footnote-21) Because this type of violence has an escalating nature, it typically occurs over a long period of time and includes multiple instances of abuse; the median occurrence rate for this type of violence is 18 violent episodes per relationship.[[22]](#footnote-22) Perpetrators of coercive controlling violence are overwhelmingly male and the majority of these relationships end with social services or law enforcement intervention because of the nature of the injuries or because of other circumstances like a child reporting to a teacher.[[23]](#footnote-23)

The last type of IPV according to Kelly and Johnson is violent resistance – otherwise known as violence that is used in response to violence or threatened violence.[[24]](#footnote-24) This type of IPV is almost entirely physical (rather than psychological), and rests on the need for the perpetrator to protect themselves or a loved one.[[25]](#footnote-25) As expected, most violent resistance offenders are women, with the statistics being directly inverse of coercive controlling violence where most victims are women.[[26]](#footnote-26)

Moving beyond the typologies of violence, there are many tactics and methods of violence that, in combination, make up a violent relationship. These methods are many, but are grouped most commonly into six categories including rape, non-rape sexual violence, physical violence, severe physical violence, stalking, and psychological aggression.[[27]](#footnote-27) Understanding the typology of violence is a necessary foundation upon which definitions and boundaries of an effective policy or law may be built

* 1. **Definitions**

Definitions of IPV vary widely and, to the average person, are used generally and interchangeably. “Domestic violence” is an easy-to-use term that is widely understood, although it does not necessarily capture the entire issue and it may lead some individuals to infer that it is a “family issue.” A uniform definition has been proposed by the Center for Disease Control (CDC) and slight variations of this have been used in many keystone governmental reports and studies.[[28]](#footnote-28) According to the CDC’s recommended uniform definition, IPV includes “physical violence, sexual violence, stalking and psychological aggression (including coercive tactics) by a current or former intimate partner . . . .”[[29]](#footnote-29) An intimate partner is an individual with whom is shared an emotional connection, regular contact, familiarity and knowledge about each other’s lives.[[30]](#footnote-30) An intimate partner may be a spouse, domestic partner, dating partners, or ongoing sexual partners, regardless of whether the individuals cohabitate or are of different sexes.[[31]](#footnote-31)

A uniform definition and typology structure have not been adopted across the board or in any consistent manner. Because of inconsistencies in definitions and typology, many studies, reports, surveys and academic work on the subject provide little more than a piecemeal look at violence as it relates to a variety of relationships, in varying degrees, and with a litany of tactics and methods.[[32]](#footnote-32) This inconsistency leads to difficulty in assessing the severity of the problem and any characteristics that could aid in preventative or reactive measures taken by the government or organizations.

* 1. **Rates in the General Population**

Hollywood and social media have played a big role in raising awareness about various forms of violence against women. The civilian population has Domestic Violence Awareness Month (DVAM) in October[[33]](#footnote-33), signified by a purple ribbon and multiple national awareness campaigns, and Sexual Assault Awareness Month (SAAM) in April,[[34]](#footnote-34) signified by a teal ribbon and similar national campaigns. There have been prominent TV shows,[[35]](#footnote-35) speeches at major award shows,[[36]](#footnote-36) podcasts,[[37]](#footnote-37) and other news events[[38]](#footnote-38) that highlight the prevalence and classlessness[[39]](#footnote-39) of these sorts of violence, provoking movements that demand better resources for survivors and better law enforcement efforts to hold offenders accountable.[[40]](#footnote-40) When law makers, law enforcement and the justice system fail, society steps in.[[41]](#footnote-41)

Even though there are major social movements happening with regards to both IPV and SA, the rates of prevalence remain very high. The CDC’s National Intimate Partner and Sexual Violence Survey (NISVS) using data from 2010-2012 is a comprehensive survey used in this article because of its coverage of women’s violence in general, because it surveys men, and because it produced a separate report comparing rates in the civilian population to those in the active duty military population using the same metrics and definitions.

As to sexual assault in the general population, 36.6% of women have been victims of contact sexual violence in their lifetime; contact sexual violence ranges from unwanted sexual contact to coercion to rape.[[42]](#footnote-42) More specifically, 19.3% of women have experienced completed or attempted rape in their lifetime.[[43]](#footnote-43)

As to IPV in the general population, 37.2% of women have experienced at least one form of intimate partner violence, including any contact sexual violence, physical violence, and/or stalking, in their lifetime, while 46% of women experiencing psychological aggression by an intimate partner in their lifetime.[[44]](#footnote-44) 32.9% of these women experience only some form of physical violence while another 24.3% of women experience *severe* physical violence by an intimate partner in their lifetime.[[45]](#footnote-45) Severe physical violence includes being pulled by the hair, hit with a fist or other hard thing, kicked, slammed against something, strangled (includes suffocation by other means), beaten, burned, or having a knife or gun used on them; severe physical violence excludes slapping, pushing, and shoving.[[46]](#footnote-46) Most of those who report having experienced IPV in their lifetime report their first experience occurring under the age of 24. 47.1% of women report their first experience to have been between 18 and 24 with another 22.4% occurring between 11 and 17.[[47]](#footnote-47)

* 1. **Rates in the Military Population**

Comparing the previous rates of violence in the general population to rates in the CG population proves difficult for a variety of reasons. Primarily at work is the fact that although the CG is a military branch, not all of the DOD’s rules apply to the service. For instance, certain DOD policies may not extend to cover the CG is in the reporting of program information, and participation in military-wide studies and surveys is sometimes elective rather than compulsory or automatic.[[48]](#footnote-48) Specifically, two of the informational sources relied upon for IPV data in this paper leave out the CG entirely.[[49]](#footnote-49) Because of this discrepancy, assessing rates of IPV in the Coast Guard prove extraordinarily difficult as there are no direct reports or surveys that are on point with something similar to a uniform definition or that used by the NIVSV.[[50]](#footnote-50)

In 2014, the CG participated in a RAND Sexual Assault and Sexual Harassment workplace study (RAND Study) which revealed the occurrence rate similarities and disparities between the five branches and may correlate similarly with occurrences of IPV in the same branches.[[51]](#footnote-51) For instance, the Navy presents significantly higher rates of male sexual assault, which then impacts an overall higher rate of total experiences in that service.[[52]](#footnote-52) In general, the Coast Guard’s rates of SA experiences tend to be greater than that of the Air Force, and about the same as that of the Army and Marines.[[53]](#footnote-53) General rate comparisons to the other branches could be used to contemplate the comparative rates of IPV in the CG .

Regarding SA in the Coast Guard, according to data from a 2014 RAND survey, 2.97% of women reported experiencing any sexual assault within the year prior to the survey.[[54]](#footnote-54) Moreover, 16.45% of women reported experiencing sexual assault since joining the service and roughly 19% of women in the CG reported experiencing a sexually hostile working environment or sexual harassment within the year prior to the survey.[[55]](#footnote-55) Within the military population as a whole, according to 2010 data from the NISVS survey, 5.6% of active duty military women[[56]](#footnote-56) reported contact sexual violence within the year prior to the survey, while 36.3% reported experiencing the same within their lifetime.[[57]](#footnote-57)

IPV in the military is also a significant problem, but one that is much more difficult to capture. Some studies have suggested that rates of IPV in the military are up to five times as high as the civilian population[[58]](#footnote-58) while others show the rates to be only twice as high[[59]](#footnote-59), or about the same.[[60]](#footnote-60) These rates may vary drastically depending on the sub-group of military members sampled and on the definitions and metrics used.[[61]](#footnote-61) The most recent, national data from the CDC’s NISVS reports reveals that rates of IPV in the military are roughly equivalent to the rates within the civilian population.[[62]](#footnote-62)

Accordingly, 28.4% of active duty women reported experiencing any physical violence by a partner in their lifetime, and 3.1% experienced the same within the year prior to the survey.[[63]](#footnote-63) Further, 19.2% of active duty women reported experiencing severe physical violence by an intimate partner in their lifetime, and 2% in the year prior to the survey.[[64]](#footnote-64) Physical violence is not the only method of IPV, however, and physical violence rates do not wholly capture the prevalence of IPV. Another 11.4% of active duty women reported experiencing stalking behaviors by an intimate partner in their lifetime and 3.3% the year prior[[65]](#footnote-65) and a staggering 53.7% of women experienced psychological aggression in their lifetime with 18.1% reporting the same in the year prior.[[66]](#footnote-66)

Put together, the rates of IPV prevalence within the year prior to the survey (including physical violence and psychological aggression) outweigh the prevalence of contact sexual violence by fourfold[[67]](#footnote-67); the prevalence of physical violence and stalking behaviors alone nearly match the rates of contact sexual violence.[[68]](#footnote-68) The data from this report reveals a number of things, most importantly, that just as many – if not more – military members are experiencing IPV than are SA, and these members are being left behind.

The military’s Family Advocacy Program (FAP) is a DOD program requiring each military service to provide social workers to handle cases of IPV, child abuse, and other domestic abuse situations, as well as implement training and awareness campaigns, among other duties. [[69]](#footnote-69) Yearly, FAP releases its data through the Central Registry, which is then gathered into a DOD report (FAP Report).[[70]](#footnote-70) This FAP Report, while specific and thorough, fails to capture the entire picture because it only reveals the cases that were reported to the FAP program as unrestricted reports. Within the military, a victim may make an unrestricted report, which triggers command action, investigative action, and legal action, or a restricted report, which provides the victim the care they need, but remains otherwise confidential.[[71]](#footnote-71) Furthermore, the yearly FAP report does not include CG data, although the CG is required to - and does - have a working FAP program.[[72]](#footnote-72)

During fiscal year 2017 in the military FAP programs, 11.2 out of every 1000 incidents of spouse abuse “met criteria” which is another way of saying the report was substantiated.[[73]](#footnote-73) Of this group of victims, 53% were military members;[[74]](#footnote-74) of offenders, 57% were military members.[[75]](#footnote-75) These results show an overlap that is explained as being member-on-member violence.[[76]](#footnote-76) During the same time, FAP measured 916 more incidents of IPV – differentiated from spouse abuse – 300 incidents of sexual abuse by an intimate partner, and 9 total domestic abuse fatalities.[[77]](#footnote-77)

Although these studies refer to the military in general and some exclude the CG’s population entirely, the CG has its own survey that can be taken into consideration, the 2013 State of Behavioral Health Survey (SOBH).[[78]](#footnote-78) This report questioned current members about a lifetime prevalence of sexual violence and physical violence; the physical violence definition is not quite on point as it measures violence committed prior to joining the military by a person in an authority position – which could conceivably include parents, clergymen, or a boss – or any other person since joining the military.[[79]](#footnote-79) This definition does not cover other aspects of IPV and does not specify whether the perpetrator was a current or former intimate partner.[[80]](#footnote-80) These numbers are important, however, because they are paired with questions about a history of sexual abuse, and the rates are used to show a likelihood of future Post Traumatic Stress (PTS), rates of poly-victimization, less sleep, higher rates of anger, and a the likelihood of a shorter overall career in the CG.[[81]](#footnote-81) From this survey, 12% of members report a history of SA, while the same percentage reports a history of physical violence.[[82]](#footnote-82) Moreover, a person who has experienced one type of violence is 40% more likely to experience the other – a high rate of poly-victimization.[[83]](#footnote-83) While the SOBH survey does not provide direct rates of IPV within the service, it does show that the CG is aware of the detrimental effects that violence against women has on survivors within its workforce.

1. **Overlap in Circumstances Among Survivors**

Survivors of SA and IPV are similar in many ways beyond that they have both experienced violence against women. First, both crimes are vastly underreported, both often being called some of the most underreported crimes in America.[[84]](#footnote-84) Additionally, they’re both crimes that often result in psychological trauma to the survivor, sometimes resulting in missed work days, depression and anxiety, alcoholism and other destructive coping mechanisms, long-term PTSD, and even auto-immune disorders.[[85]](#footnote-85) Survivors of each often face disbelief by law enforcement and the public, they face retaliation by the accused, and they can be chastised in their careers and stigmatized for reporting.[[86]](#footnote-86)

In addition to similarities suffered by survivors, survivors often experience both types of violence, sometimes by the same offender.[[87]](#footnote-87) Among women in the general population, 20% have experienced contact sexual violence by an intimate partner in their lifetime; only slightly less than the 26.7% who have experienced the same by a non-intimate partner. When looking at occurrences within the twelve months prior to the survey. 2.8% of women had experienced contact sexual violence by an intimate partner, compared with only 2.5% who had experienced the same from a non-intimate partner.[[88]](#footnote-88) Among active duty women, the twelve-month occurrence rates are similar at 2.3% committed by intimate partners and 2.9% by non-intimate partners.[[89]](#footnote-89) Furthermore, broken down by the type of perpetrators, 45.8% of contact sexual violence reports are committed by current or former intimate partners, as well as 45.6% of rapes.[[90]](#footnote-90)

These numbers show that there is an inextricable link between IPV and sexual violence, but the ways in which survivors categorize their experiences at the time of occurrence or reporting (if they report) are not clear. Would most women report the events separately as SA for the sexual aspect and IPV for the physical, controlling, and psychological aspects? Should they be required to if there are separate systems of resources and justice? What if the SA aspect is the most damaging, hardest to prove, and most hurtful to re-live in testimony, but the resources offered to a victim of SA are better than those offered to a survivor of IPV? Would a survivor even consider SA by a spouse a criminal SA at all?

Take marital rape, for instance, which was criminalized to some degree by all of the states by 1993.[[91]](#footnote-91) In an embarrassing, 19 year lag, it was not until the 2012 revision of the Uniform Code of Military Justice (UCMJ) – only six short years ago – that the military completely criminalized marital rape.[[92]](#footnote-92) At one point, rape was an offense committed by a man “with a female not his wife”[[93]](#footnote-93) until revision in 1993. Even still, the statute provided loopholes for spousal rape to be justified through the inference of consent (subjective to the perpetrator) and by listing marriage as an affirmative defense as recently as the 2008 revision which was eliminated only in 2012.[[94]](#footnote-94) This unfortunate state of the UCMJ and the fact that old text lingers online may still serve to compound the shame, fear, and other barriers that survivors of sexual assault and abuse suffer that bar them from reporting their circumstances to the fullest extent.[[95]](#footnote-95)

The CG’s strong and rapid response to wide-spread publicity about SA has resulted in a cultural shift that views SA as the crime that it is and works to create a service that is “inhospitable” to both SA and “the behaviors that enable it”.[[96]](#footnote-96) Meanwhile, the CG’s primary official language addressing IPV is the FAP manual that focuses mainly on *family related* prevention and response measures which take place in confidential settings with social workers or the chaplain instead of promoting the same sort of zero-tolerance culture inhospitable to the crime.[[97]](#footnote-97)

1. **Laws and Programs**
   1. **Uniform Code of Military Justice**

The UCMJ has jurisdiction over all active duty members of the CG, and reservists while on orders. [[98]](#footnote-98) Under the UCMJ, incidences of IPV could be charged as criminal behavior under Art. 128 (Assault), Art. 134 (Child Endangerment), Art. 134 (Threat Communication), and Art 120a (Stalking).[[99]](#footnote-99) The UCMJ prosecutes sexual assaults under Article 120 and its sub-parts, which include other sorts of potential domestic abuse such as child sexual assault.[[100]](#footnote-100) Although the CG may only prosecute its own members because of jurisdictional issues, the Coast Guard Investigative Service (CGIS) will likely investigate a crime committed by the civilian spouse of a CG member and refer the case to civilian authorities.[[101]](#footnote-101)

* 1. **Sexual Assault Prevention and Response Program**

The CG’s Sexual Assault Prevention and Response (SAPR) Program became what it is today around 2012, when the UCMJ was revised to completely criminalize spousal rape, and when “The Invisible War” came out.[[102]](#footnote-102) Beginning in 2012, the CG gave its annual, mandatory SAPR training a boost and created a comprehensive four year strategic plan for moving forward to a service free of sexual assault. “The Coast Guard will be distinguished as the ‘Service of Choice’ within the federal government for recruiting, retaining, and sustaining a ready, diverse and highly skilled workforce”, it stated in its 2015 strategic plan for diversity and inclusion.[[103]](#footnote-103)

* + 1. **Sexual Assault Response Coordinator**

The SAPR program first includes a Sexual Assault Response Coordinator (SARC), which is a person who oversees the SAPR program at all units from a regional or lower level. This person is in a full-time position that manages cases, requires credentialing as an advocate, and oversees all subordinate units, participates in the Crisis Intervention Team for all cases under their area, oversees all Victim Advocates (VAs) in the area as well as the annual training that they are responsible for putting on, and is the resident expert on local laws in surrounding civilian jurisdictions.[[104]](#footnote-104)

* + 1. **Victim’s Advocate**

Next is a small army of VA’s, with a requirement that there be two qualified VA’s at every unit that has greater than 50 people, and one more VA per additional 200 people.[[105]](#footnote-105) For those in smaller, remote units, requirements say that a VA must be within a reasonable distance to meet any needs.[[106]](#footnote-106) These individuals are credentialed as sexual assault victim advocates by NACP through NOVA, are selected and approved by the SARC, and can take restricted or unrestricted reports from any member.[[107]](#footnote-107) They provide continuing assistance throughout the completion of a criminal trial if that is the course a survivor choses.[[108]](#footnote-108)

* + 1. **Reporting**

The SAPR program contains a few mechanisms that may help shape the culture into one that does not accept SA. For instance, the program has restricted and unrestricted reporting.[[109]](#footnote-109) A survivor may choose to make a restricted report so that they can receive medical care and an advocate among other things, but not initiate command action or the criminal justice process.[[110]](#footnote-110) This gives the survivor agency in her circumstances. The survivor may also chose to make an unrestricted report, where the criminal justice process and command action are set into motion. An unrestricted report is made any time a third party (other than a VA, SARC, Chaplain, or health worker) becomes aware, or if law enforcement is already involved.[[111]](#footnote-111) This option allows for justice to be served whenever possible and when chosen by the survivor.

* + 1. **Mandated Reporting and Annual, Mandatory Training**

Another mechanism is mandated reporting wherein any active duty member or civilian employee who “becomes aware” that a SA has or “may have” occurred, the individual must report the incident to their chain of command or SARC within 24 hours.[[112]](#footnote-112) This mandate applies to all members who are not those designated and authorized to receive restricted reports.[[113]](#footnote-113) Because most of the CG’s force is designated as a mandatory reporter, mandatory training is vital if they are to be expected to live up to their duty. Thus, the SAPR program mandates annual training for all members and civilian employees that covers an exhaustive and detailed list of topics and issues surrounding SA including the culture, consent, barriers to reporting, bystander intervention training, retaliatory actions, post-assault behaviors, and more.[[114]](#footnote-114)

* + 1. **Special Victim’s Counsel**

Perhaps one of the most beneficial pieces of the SAPR program is the Special Victim’s Counsel (SVC) program that provides individualized and privileged legal assistance to survivors – active duty, civilian, and civilian employee, who make a report of SA.[[115]](#footnote-115)This attorney is with the survivor until any proceedings are closed and the attorney closes the representation, or until the client releases the SVC.[[116]](#footnote-116) Not only does the SVC serve the critical role of providing legal advice through what is typically a whirlwind of criminal, civil, and workplace proceedings, but also advocates for the survivors interests at hearings, in plea deals, in sentencing, and other collateral issues such as workplace retaliation, complaints, and performance evaluation appeals.[[117]](#footnote-117)

* + 1. **Expedited Transfer**

For those survivors who face harm or hostile working environments after reposting a SA, an expedited transfer is available. This allows the survivors to be placed in a new unit, often near home or supportive persons, so that they can escape the danger of their assaulter and relocate to a location better suited to foster recovery.[[118]](#footnote-118) Expedited transfers are fast and can occur outside of normal rotations, which can be years long depending on the billet. This benefit extended to survivors can be the difference between continuing on in their career or having to leave the organization.

In addition to a quite robust program, the CG produces four year strategic plans, and reports to Congress about its progress with respect to those strategic plans.[[119]](#footnote-119) Since 2012, one of the major driving forces behind enacting real change in the CG’s culture is the oversight of a defined and goal driven direction for the SAPR program as a whole. When Congress is watching, the CG puts its best efforts forward and that pressure is felt on the ground, where the changes actually happen.

* 1. **Family Advocacy Program**

The Family Advocacy Program (FAP) is similar to the SAPR program, except that it handles reports of IPV, as well as child abuse, and oversees other IPV related policies and programs.[[120]](#footnote-120) The program is staffed by social workers situated regionally and it coordinates with CGIS, commands, and legal offices. A survivor may go to FAP to make a restricted or an unrestricted report, gaining access to physical and mental health care, as well as other resources. Perpetrators are able to self-refer and gain access to medical treatment and support services for their family.

* + 1. **Restricted and Unrestricted Reporting**

Similar to the SAPR program, FAP has both restricted and unrestricted reports.[[121]](#footnote-121) They are largely the same, except that reports cannot be restricted, when the incident involves the presence of a child, if the incident indicates an imminent threat of danger, or if the incident has already been disclosed to another individual bound by mandatory reporting[[122]](#footnote-122). At that point, the report becomes unrestricted.[[123]](#footnote-123)

* + 1. **Mandatory Reporting**

Also similar to the SAPR program, all non-victim AD members who have witnessed, or who possess credible information that an incident of IPV or child maltreatment has occurred, are mandated to make an unrestricted report within 24 hours of gaining knowledge of the incident.[[124]](#footnote-124) This applies to all incidents in which an active duty member is the alleged offender, or victim[[125]](#footnote-125).

While SA survivors have access to a critical element that serves to encourage reporting of crimes – the VA – survivors of IPV are strictly prohibited from being assigned a VA unless sexual assault is also reported.[[126]](#footnote-126) As discussed previously, there are many barriers in place preventing survivors from reporting the presence of sexual abuse within a larger pattern of IPV, which may include reasons as basic as not thinking that the assaults amounted to any actionable crime worth reporting.[[127]](#footnote-127)

As if not having access to a VA weren’t enough, SVC’s are also barred from assisting survivors of IPV unless an SA report accompanies their IPV experiences. The rationale for barring both of these crucial resources is that the IPV survivor may simply be referred to the FAP for assistance and advocacy there. While this sounds good on paper, the reality does not hold up to scrutiny.

While there are roughly two VA’s per unit with 50 people and approximately one SARC regionally supervising all of the VA’s[[128]](#footnote-128), there are only one to a few Family Advocacy Specialist (FAS) regionally[[129]](#footnote-129), resulting in a case overload not unlike some of the worst social services overload stories of the day. According to a 2017 Work-Life Roster, there were only fourteen open positions for an FAS, only seven of which were filled.[[130]](#footnote-130) Unlike the SARC who merely oversees training given by the VA’s and who oversees and manages cases that are worked by the VA’s, the FAS is tasked with actual family case management, which includes full counseling sessions with families (some of which span across an area of responsibility (AOR) spanning multiple states and hundreds of miles), and which also includes actually providing prevention activities in the AOR “*as funding permits*” or providing training “*when requested”*, as well as developing budgets and assisting survivors of SA along with the SAPR program when requested.[[131]](#footnote-131)

1. **Analysis**

The services offered to survivors vary based on whether the report did or did not include an element of SA. Drawing the line at this point – to decide who is or is not worthy of the kinds of services that foster a full and supported recovery – fails completely to take into account the actuality of what it is to be a survivor of IPV. For instance, many survivors of IPV may not report SA even if it occurred because either it is too traumatic or because they believe that spousal rape is not illegal.[[132]](#footnote-132) SA victims are afforded an advocate from the moment they make their report, and are later given an SVC to walk them through every step of the legal process.[[133]](#footnote-133) These services are critical in supporting and guiding the survivor to stand by their choice to report and to move towards a justice. While survivors of IPV are promised an FAS to advocate for them and oversee their case, that promise is shallow when viewed through the lens of the grossly overburdened FAP staff, and an instruction that fails to even provide the resources to support its own mandates.

The FAP manual states that “only approximately 42 percent of all Coast Guard units are within 30 miles of a [FAP representative].”[[134]](#footnote-134) Surely, how can an organization expect survivors – who exist at approximately the same rate as SA survivors – to find the appropriate support if they are not near enough an FAS for support, and if they are barred from using VA or SVC services? Further, since there is no IPV training given to members at all, how can the organization mandate them to report a crime so insidious, hidden, and masterfully executed as IPV if the reporting members have never had training or been taught what IPV even is? While the same mandatory reporting policy within the SAPR program is supported by mandatory, annual training for all members and employees, the FAP program has built its mandatory reporting policy on sand.[[135]](#footnote-135)

The CG recognizes, on the one hand, that IPV is “one of the leading reasons AD Coast Guard personnel are arrested by civilian authorities” yet, on the other hand, focuses its primary and secondary prevention efforts almost exclusively on improving couple communication, and providing methods to cope with marital stress, to improve parental bonding, and other *family related* measures.[[136]](#footnote-136) This is a useless and senseless contradiction that, while recognizing the criminal nature of IPV, reverts back to treating the problem as a family matter that stays in the home and out of the workplace. This language may reinforce to some members the idea that it is best to stay out of a couple’s turmoil and not say anything, an idea that directly undermines the policy’s strict mandatory reporting requirement and general organizational stance towards offender accountability, and view that there are no bystanders in the CG.[[137]](#footnote-137) The CG has put forward strong language since at least 2010 that SA is not a personal matter, but that it is a crime that is intolerable in the CG.[[138]](#footnote-138) Because the CG has jurisdiction over its members via the UCMJ, it is fitting to use this strong language to shape the culture into one that does not tolerate hush-hush commission of the crime of rape or SA. It is long past time for the CG to take the same stance with respect to IPV. Violence against intimate partners is the same violence captured in assault, threat, and stalking UCMJ articles and should be equally as intolerable as SA is within the organization, even if that violence occurs in the home.

1. **Recommendations**

There are four primary recommendations that track the success of the SAPR program over the last six years that the CG can implement with relative ease. These recommendations serve to 1) level the disparity and tension felt between survivors of violence against women by providing the same assistance no matter which type of violence the survivor suffered; 2) encourage reporting by ensuring survivors that they will be provided the same safety and advocacy before, throughout, and after the reporting or criminal trial process; and 3) follow through with the idea that violence has no place in the CG by holding offenders accountable through more informed and willing bystanders, and through reporting that is more likely to be sustained throughout the legal process.

First, the CG should re-allocate funding into the FAP program to allow it to hire more FAS’s so that the rest of the recommendations may be undertaken responsibly. With only two FAS’s covering all of the CG land units and ships from Provincetown, MA all the way to Eastport, ME and Burlington, VT, it is literally impossible for annual training to take place in between all of the cases those FAS’s have to manage in between their other duties.[[139]](#footnote-139) In giving more funding to FAP, the priority should be in hiring more licensed FAS’s so that the workload between education, case management, and other duties can be split up effectively so that all of the people within the area of responsibility (AOR) may be properly served. In lieu of additional funding, the CG should require, through reasonable and implementable bounds, each unit to have set up within its own Standard Operation Procedure, a relationship with the local IPV resource center so the community may provide education and advocacy that the CG fails to provide for its own members.

Second, the CG should re-evaluate the resources provided to survivors of SA and allow those to be provided to survivors of IPV as well. VA’s are a critical resource for survivors of interpersonal violence because an individual is reporting a deeply traumatic crime against their person, crimes which often come with harmful psychological coping mechanisms,[[140]](#footnote-140) embarrassment and humiliation, and retaliation within the workplace.[[141]](#footnote-141) SA is not substantially different from IPV in this way, rather, they produce similar and often indistinguishable results, if they are not cooccurring.[[142]](#footnote-142) Currently, the VA’s are credentialed through the National Organization for Victim Assistance (NOVA). [[143]](#footnote-143) NOVA offers two avenues for credentialing, the DOD track which is a specific sexual assault advocate training for SARCs and VAs, or the National Advocate Credentialing Program (NACP) which is a generalized training for “crime victim” advocates.[[144]](#footnote-144) The Coast Guard states that because it is not a DOD component, it will credential its members under the civilian model. This credentialing distinction puts the CG VAs in a unique position to provide advocacy for victims of IPV because their credentialing training is inclusive of individuals who have experienced crime other than SA and only SA. That the CG continues to bar VAs from assisting IPV victims when they are adequately trained and credentialed to do so is nothing more than willful denial of a critical service to a large group of suffering individuals.

Similarly, SVC’s should be provided for survivors of IPV who have made an unrestricted report and are facing a criminal case. SA in the courtroom is deeply personal and terrifying, often boiling down to one person’s word against another; IPV is no different, except that it may be worse, including continued abuse by the perpetrator in the courtroom, extended testimony depending on the length of time abuse happened, emotional issues especially when kids are involved, and possibly even sexual assault that occurred in the course of the abuse. If the criminal process is a major barrier for survivors to report the crimes against them and the CG has a method of mitigating that barrier by providing independent legal advocacy, then it should not hesitate to do so for any reason, especially money.

Lastly, the CG should allow expedited transfers to survivors of IPV, given the totality of the circumstances of each case. Currently, expedited transfers are used for survivors of SA when the offender is in the same area and the survivor is in fear and/or is facing ridicule at their place of work. Given everything discussed so far, there is no reason to exclude IPV victims from this same resource meant to give more assurance to their safety, and to provide an environment to work free of retaliation for reporting a crime against them. Often, if co-located in a marriage, or if dating someone from a nearby unit, a survivor of IPV will be barred from an early transfer out of that location where their physical safety is put in even greater danger simply by reporting the crime in the first place.[[145]](#footnote-145) Moreover, the workplace retaliation is the same no matter which crime because the survivor is absent from work more often for legal meetings and appearances, mental health appointments, other doctor’s appointments, meetings with command and the FAP/SAPR program personnel, etc. Disallowing IPV survivors from accessing expedited transfers is a decision that serves only to discourage reporting and reinforce that a survivor is not deserving of the assurance of safety and support in recovery.

Third, the CG should implement mandatory, annual IPV training for all members and civilian employees just as it does for SA. Simply put, in order to have a mandatory reporting policy that is effective, and in which bystanders feel safe and comfortable making a call like when to report something so personal, the members need to be properly and thoroughly trained.[[146]](#footnote-146) This could be accomplished by adding FAS’s to the CG payroll in each region, but most importantly, by certifying more VA’s who will be able to give the training as supervised by an FAS. The DOJ has ample suggestions on what to train members about and how to do it. Some of the suggestions include focusing on E1-E4 grades, and involving local experts and organizations to create continuing awareness campaigns.[[147]](#footnote-147) In accordance with the DOJ suggestions, most offenders of interpersonal violence against women in the military are in the paygrades E1-E4.[[148]](#footnote-148)

Fourth, as a measure to hold itself accountable, the CG should write, publish, and follow a strategic plan similar to SAPR Strategic Plans. The CG just finished its first 4 year strategic plan, and is entering its second 4 year plan after having made great achievements. Of note is that SAPR has now become SAPRR, or Sexual Assault Prevention, Response, and Recovery, because the CG recognized the importance of recovery not only for the survivor, but for the unit that likely suffered harm to its community cohesion during the course of investigations and the trauma experienced by the individual. The strategic plans written for the SAPR program convey clear and precise communications throughout the ranks and reinforce the strong, zero-tolerance stance that the organization takes towards offenders of SA, and the bystander responsibilities placed on other members. To do the same for the crimes of IPV would serve no harm, would look great for the service, and would only serve to make cultural shifts within the organization.

These four recommendations are not radical, nor are they offensive to any standards of military etiquette or behavior. Rather, they are well seasoned, already known methods employed in the SAPR program that has helped to sustain a successful program. If the CG were willing to open itself up to the needs and experiences of survivors of IPV, it could encourage reporting and bystander action, support survivors, and hold offenders accountable all while shaping its organization to be the service of choice. The tools and methods needed to achieve this change are already in the CG’s toolkit.

1. **Conclusion**

Admiral Papp wrote in 2015:

Let me be clear: there are no bystanders in the Coast Guard, and leadership obligates us to take action. Our duty to respect our shipmates demands each of us have the courage to take immediate action to prevent or stop sexual assault from happening, whether at work or on liberty. If you become aware of an incident of sexual assault, or recognize the potential for one to occur, your duty as a [member] is to intervene, prevent or halt it, and then report it. Failure to help a shipmate in those circumstances demonstrates a lack of both respect and courage that is contrary to our Core Values. I expect every [member] will display the same courage in those circumstances as they would rescuing someone in peril on the sea. [[149]](#footnote-149)

Simply swapping “sexual assault” for “intimate partner violence” or “interpersonal violence” would begin to close the gap in a culture that criminalizes SA, but leaves IPV as a family matter, with survivors not deserving basic victim resources. The CG is perfectly aware of the issues within its ranks and the detrimental effects born by survivors, yet, it has failed completely to recognize, dignify, and assist survivors of IPV and has gone further, explicitly barring them from accessing the critical services needed as a crime victim. This is about more than criminal justice, it is about fostering a service of action takers, first responders, and life savers that aren’t held back because of the trauma inflicted on them by a partner or a co-worker, further enabled or perpetuated by a workplace of silent bystanders. *Semper Paratus* means “always ready” and always ready means being proactive even when being proactive means going beyond what is currently required. The CG’s current treatment of IPV victims is not aligned with its motto; failure to assist a member in their greatest time of need demonstrates a lack of both respect and courage that is contrary to its own Core Values.

1. K. J. Wilson, When Violence Begins at Home 220 (2d ed. 2006). [↑](#footnote-ref-1)
2. Rosie Gonzalez & Janice Corbin, *The Cycle of Violence: Domestic Violence and Its Effects on Children*, 13 SCHOLAR 405, 407 (2010); *see generally* Joan B. Kelly & Michael P. Johnson, *Differentiation among Types of Intimate Partner Violence: Research Update and Implications for Interventions*, 46 FAM. CT. REV. 476 (2008); Jill Elaine Hasday, *Contest and Consent: A Legal History of Marital Rape,* 88 Cal. L. Rev. 1373, 1375 (2000). [↑](#footnote-ref-2)
3. Sharon G. Smith et al., *The National Intimate Partner and Sexual Violence Survey: 2010-2012 State Report.* 217, 231 (2017). [↑](#footnote-ref-3)
4. *Id.* at 219. Another 20.4% of contact sexual violence is committed by family members, which is a relationship that would fall under the umbrella term of “domestic violence” in many situations. [↑](#footnote-ref-4)
5. U.S. Department of Homeland Security, *Component Overview* 2 (2016). [↑](#footnote-ref-5)
6. *Id.* at 14; DOD 6400.01, *Family Advocacy Program* 1 (2015) http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/640001\_vol1.pdf; United States Coast Guard, *COMDTINST M1754.10E (series), Sexual Assault Prevention and Response Program* 1-6 to 1-9 (2016). https://media.defense.gov/2017/Mar/29/2001723560/-1/-1/0/CIM\_1754\_10E.PDF. [↑](#footnote-ref-6)
7. Violence Against Women’s Act of 1994, PL 103-322, 108 Stat 1796 (1994). [↑](#footnote-ref-7)
8. *Id.* at Titles V-VII. [↑](#footnote-ref-8)
9. Jennifer Heintz, *Safe at Home Base? A Look at the Military's New Approach to Dealing with Domestic Violence on Military Installations,* 48 St. Louis U. L.J. 277, 281 (2003). [↑](#footnote-ref-9)
10. K. J. Wilson, *supra, n*. 58 at 221. [↑](#footnote-ref-10)
11. Simeon Stamm, *Intimate Partner Violence in the Military: Securing Our Country, Starting with the Home*, 47 Fam. Ct. Rev. 321, 326–27 (2009). [↑](#footnote-ref-11)
12. Independent Lens, *The Invisible War Influences Military Policy Changes, Preview: Season 14,*(March 12, 2013) https://www.washingtonpost.com/entertainment/movies/invisible-war-documentary-examines-rape-in-the-military/2012/06/21/gJQAcGqhtV\_story.html?noredirect=on&utm\_term=.7d472dc6a881; *see also* United States Coast Guard, *2022 Sexual Assault Prevention, Response, and Recovery Strategic Plan* (2018) https://www.uscg.mil/Portals/0/seniorleadership/COC/2018/SAPRR%20Plan\_2018.pdf [Hereinafter 2022 Strategic Plan]. [↑](#footnote-ref-12)
13. Deborah Epstein, *Procedural Justice: Tempering the State's Response to Domestic Violence*, 43 Wm. & Mary L. Rev. 1843, 1851 (2002); *see also* Dawn Bradley Berry, *The Domestic Violence Sourcebook* 23 (3d ed. 2000) [↑](#footnote-ref-13)
14. Gonzalez & Corbin, *supra*, at 408-413. [↑](#footnote-ref-14)
15. *Id.* [↑](#footnote-ref-15)
16. Kelly & Johnson, *supra*. [↑](#footnote-ref-16)
17. *Id.* at 485-487 [↑](#footnote-ref-17)
18. *Id.* [↑](#footnote-ref-18)
19. *Id.* [↑](#footnote-ref-19)
20. *Id.* at 481-484 [↑](#footnote-ref-20)
21. *Id.* [↑](#footnote-ref-21)
22. *Id.* [↑](#footnote-ref-22)
23. *Id.* [↑](#footnote-ref-23)
24. *Id.* at 484-485 [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)
26. *Id.* [↑](#footnote-ref-26)
27. *See* Matthew J. Breiding et al, *Intimate Partner Violence Surveillance: Uniform Definitions and Recommended Data Elements,* 4-5 (2015). [Hereinafter *Uniform Definitions*]. [↑](#footnote-ref-27)
28. *Id.* [↑](#footnote-ref-28)
29. *Id.* at 11 [↑](#footnote-ref-29)
30. *Id.* [↑](#footnote-ref-30)
31. *Id.* According to the uniform definition, physical violence is “the intentional use of physical force with the potential for causing death, disability, injury, or harm” and includes anything from slapping, pushing, hitting, burning, using a weapon, or physically restraining another. Sexual violence is “a sexual act that is committed or attempted by another person without freely given consent of the victim or against someone who is unable to consent or refuse” and includes non-contact unwanted sexual experiences, unwanted sexual contact, non-forced penetration consented or acquiesced to by use of intimidation, misuse of authority, of threats, and other completed or attempted forced penetration. Stalking is “a pattern of repeated, unwanted, attention and contact that causes fear or concern for one’s own safety or the safety of someone else” and includes a range from repeated, unwanted communications to spying, breaking into the victim’s home, or making threats of harm that cause fear. Psychological aggression is the “use of verbal and non-verbal communication with the intent to . . . harm another person mentally or emotionally, and/or . . . exert control over another person” and includes gaslighting, exploitation of vulnerabilities such as immigration status, threats, humiliation, isolation and economic abuse among others. [↑](#footnote-ref-31)
32. For instance, the CG’s State of Behavioral Health Survey measured a “history of physical abuse” which is defined as including “someone in authority of having some power over you.” This definition includes the power dynamics of coercive controlling violence in an intimate relationship, but also includes workplace relationships and many others. Additionally, the umbrella of “domestic violence” found in the CG’s Family Advocacy Program includes elder abuse and child abuse that occurs in the home – a domestic setting. This also includes IPV, but the measures are skewed by including additional types of violence. [↑](#footnote-ref-32)
33. National Coalition Against Domestic Violence, *Domestic Violence Awareness Month* (Dec. 1, 2018), https://ncadv.org/take-action. [↑](#footnote-ref-33)
34. National Sexual Violence Resource Center, *Sexual Assault Awareness Month* (Dec. 1, 2018), https://www.nsvrc.org/saam. [↑](#footnote-ref-34)
35. Patricia Garcia, *Nicole Kidman on Big Little Lies, Those Therapy Scenes, and Coming Home Covered in Bruises* (March 27, 2017), https://www.vogue.com/article/nicole-kidman-interview-big-little-lies-celeste. [↑](#footnote-ref-35)
36. Sarah Kaplan, *Brooke Axtell, survivor of human trafficking and domestic abuse, storms the Grammys* (Feb. 9, 2015) https://www.washingtonpost.com/news/morning-mix/wp/2015/02/09/brooke-axtell-survivor-of-human-trafficking-and-domestic-abuse-storms-the-grammys/?utm\_term=.4407f1bad751. [↑](#footnote-ref-36)
37. We Live Here, *Nuisance, or Nonsense?* (last visited Dec 3, 2018) http://www.welivehere.show/posts/2018/4/25/nuisance-or-nonsense. [↑](#footnote-ref-37)
38. *See*, Rebecca Elliot, *Everything You Need to Know About the Ray Rice Case* (Feb. 15, 2014) http://time.com/3329351/ray-rice-timeline/; On Point, *NFL’s Domestic Violence Problem Returns with Karen Hunt, Reuben Foster News* (Dec. 4, 2018) https://www.wbur.org/onpoint/2018/12/04/nfl-domestic-violence-kareem-hunt-reuben-foster. [↑](#footnote-ref-38)
39. Me Too Movement, *History & Vision* (last visited Dec 4, 2018), https://metoomvmt.org/about/#history. [↑](#footnote-ref-39)
40. Me Too Movement, *Advocacy* (last visited, Dec. 4, 2018), https://metoomvmt.org/advocacy/. [↑](#footnote-ref-40)
41. Invisibilia, The Callout (Apr. 13, 2018), https://www.npr.org/2018/04/13/601971617/the-callout. [↑](#footnote-ref-41)
42. Smith, et. al., *supra*, at 217-22. [↑](#footnote-ref-42)
43. *Id.* [↑](#footnote-ref-43)
44. *Id.* at 232. [↑](#footnote-ref-44)
45. *Id.* [↑](#footnote-ref-45)
46. *Id.* at 117 [↑](#footnote-ref-46)
47. Matthew J. Breiding et al, *National Intimate Partner Violence in the United States ­– 2010,*National Center for Injury Prevention and Control, Centers for Disease Control and Prevention 51-52 (2014). [Hereinafter NIPV] [↑](#footnote-ref-47)
48. Department of Defense, *Report on Child Abuse and Neglect and Domestic Abuse in the Military for Fiscal Year* 2017 (Apr. 2018), http://download.militaryonesource.mil/12038/MOS/Reports/FAP-FY17-DoD-Report.pdf; Andrew Morral, et. al., *Sexual Assault and Sexual Harassment in the U.S. Military: Volume 3. Estimates for Coast Guard Serrvice Members from the 2014 RAMD Military Workplace Study* xiii (2014), https://www.rand.org/pubs/research\_reports/RR870z4.html. [↑](#footnote-ref-48)
49. Department of Defense, *supra*; Breiding et. al., *NIPV*, *supra*. [↑](#footnote-ref-49)
50. *See* fn. 32. [↑](#footnote-ref-50)
51. Morral, et. al., *supra* at 16. [↑](#footnote-ref-51)
52. *Id.* [↑](#footnote-ref-52)
53. *Id.* [↑](#footnote-ref-53)
54. *Id.* at 11. [↑](#footnote-ref-54)
55. *Id.* at 17, 24. [↑](#footnote-ref-55)
56. Michele C. Black & Melissa T. Merrick, *Prevalence of Intimate Partner Violence, Sexual Violence, and Stalking among Active Duty Women and Wives of Active Duty Men – Comparisons with Women in the U.S. General Population* 28 (2010). This report is critical to analyzing the prevalence of violence within the military population because it compares prevalence across the general population using the same metrics and definitions. However, the Coast Guard is left out of this survey for unknown reasons. [↑](#footnote-ref-56)
57. *Id.* 36.4% is only slightly lower than the rates within the civilian population at 40.3%. [↑](#footnote-ref-57)
58. K. J. Wilson, *supra*, at 221. [↑](#footnote-ref-58)
59. Mark Thompson, *The Living Room War* 48 (May 23, 1994). [↑](#footnote-ref-59)
60. Allen G. Breed, *Does Army Breed Domestic Violence? Government to Probe Slayings at Fort Bragg*, Desert News (Salt Lake City) A7 (Sept. 3-4, 2002). [↑](#footnote-ref-60)
61. As seen in Black and Merrick’s IPV Military Report, rates vary depending on whether the individual had been deployed in the recent months. Similarly, stress levels and occurrence rates of violence are different among sub groups of those stations afloat or at land within the CG, according to its State of Behavioral Health Survey. [↑](#footnote-ref-61)
62. This comparison may not be accurate or encompass the entire problem. The benefits given by employment in the military and an honorable discharge or retirement after service are so vital to so many families that reporting IPV is discouraged because a report may lead to reprimand and a discharge which means loss of the benefits. Many victims must weigh a paycheck, health insurance and the GI Bill’s home loans and college funds against their own safety. [↑](#footnote-ref-62)
63. Black & Merrick, *supra* at 39-41. Compared to 35.7% and 5.1% of women in the general population. [↑](#footnote-ref-63)
64. *Id.*  In comparison, 26.9% and 3.4% of general population had experienced the same violence, respectively. [↑](#footnote-ref-64)
65. *Id.* at 31. [↑](#footnote-ref-65)
66. *Id.* at 37. Comparatively, the rates are nearly identical in the civilian population at 56.7% and 18.8% respectively. [↑](#footnote-ref-66)
67. *Id.* at 28, 37, 39. 21.2% of women experiencing physical or phycological abuse or aggression versus 5.6% of women experiencing contact sexual violence. [↑](#footnote-ref-67)
68. *Id.* at 28, 31. 5.4% experiencing physical violence and stalking versus 5.6% experiencing contact sexual assault. [↑](#footnote-ref-68)
69. United States Coast Guard, *COMDTINST 1752.1 Family Advocacy Program* (Aug. 14, 2014), https://media.defense.gov/2017/Mar/06/2001707764/-1/-1/0/CI\_1752\_1.PDF. [↑](#footnote-ref-69)
70. Department of Defense, *supra*, at 10,13. [↑](#footnote-ref-70)
71. United States Coast Guard, *COMDTINST1752.1,* *supra*, at encl. 2. [↑](#footnote-ref-71)
72. Department of Defense, *supra*. [↑](#footnote-ref-72)
73. *Id.* [↑](#footnote-ref-73)
74. *Id.* at 39. For a victim to receive FAP benefits, they must either be the CG member themselves, or be the dependent of the CG member. For an offender to receive FAP services, they must be a dependent of the CG member, or be a CG member themselves. [↑](#footnote-ref-74)
75. *Id. at 41.* [↑](#footnote-ref-75)
76. *Id.* [↑](#footnote-ref-76)
77. *Id.* at 49-52. Of significance from this FAP report is that 82% of spouse abuse offenders were in the E3-E6 ranks; in other words, they are relatively young enlisted members who have completed basic training and are still early on in their career and early in their family life. As mentioned above, the majority of survivors report their first experience of IPV between the ages of 18-24, an age range falling squarely within the E3-E6 ranks within the CG. Not only is it established that the majority of survivors experience violence in those ranges, but the military branches and their program leadership can see first-hand that the vast majority of perpetrators also fall within that critical age range. For the military, this is a warning that cannot be ignored as well as a golden opportunity to target prevention efforts at their youngest and most vulnerable members. [↑](#footnote-ref-77)
78. Mattiko, et. al., 2013 State of the Behavioral Health of the United States Coast Guard (2013), https://www.dcms.uscg.mil/Portals/10/CG-1/cg111/docs/HPM/SoBH\_Report\_2013.pdf?ver=2017-04-06-103135-140. [↑](#footnote-ref-78)
79. *Id.* at 165. [↑](#footnote-ref-79)
80. *Id.* [↑](#footnote-ref-80)
81. *Id.* at 165-75. [↑](#footnote-ref-81)
82. *Id.* [↑](#footnote-ref-82)
83. *Id.* *See also* Kim C. Lim et al., *Maine Department of Labor and Family Crisis Services, Impact of Domestic Violence Offenders on Occupational Safety & Health: A Pilot Study* (2004).; Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control, *Costs of Intimate Partner Violence Against Women in the United States, (2003).* Over 40% of victims of IPV report being late to work, distracted at work, and scared, pressured, or harassed while at work because of their abusive partner’s control tactics; Furthermore, about 8 million days of work are lost annually to victims because of the abuse suffered at the hands of their partner; and the direct medical needs result in more lost work days, and an excess of $4.1 billion dollars. [↑](#footnote-ref-83)
84. RAINN, *Criminal Justice Statistics* (last visited, Dec. 4, 2018), https://www.rainn.org/statistics/criminal-justice-system. [↑](#footnote-ref-84)
85. Bessel Van Der Kulk, *The Body Keeps the Score*, (2015). [↑](#footnote-ref-85)
86. Alissa Pollitz Worden and Bonnie E. Carlson, *Attitudes and Beliefs About Domestic Violence: Results of a Public Opinion Survey,* 20 Vol. of Interpersonal Violence 1219 (2005). *See also*, Michelle Fugate et al, *Barriers to Domestic Violence Help Seeking,* 11 Violence Against Women 290 (2005). [↑](#footnote-ref-86)
87. Breiding et. al., *NIPV*, *supra*. [↑](#footnote-ref-87)
88. Breiding et. al., *NIPV*, *supra*. at 13. [↑](#footnote-ref-88)
89. Black & Merrick, *supra*, at 28. [↑](#footnote-ref-89)
90. Sharon G. Smith, *supra,* at 219. [↑](#footnote-ref-90)
91. Samantha Allen, *Marital Rape is Semi-Legal in 8 States*, The Daily Beast (June 6, 2015). <https://www.thedailybeast.com/marital-rape-is-semi-legal-in-8-states> [↑](#footnote-ref-91)
92. 10 U.S.C.A. § 920 (West). [↑](#footnote-ref-92)
93. Manual for Courts Martial, United States pr. XXVII, paragraph 199(a) (1951); [↑](#footnote-ref-93)
94. One step forward, two steps back, p 36-37, http://www.dtic.mil/dtic/tr/fulltext/u2/a519227.pdf; UCMJ 2008, http://jpp.whs.mil/public/docs/03\_Topic-Areas/02-Article\_120/20150116/47\_2008\_MCM\_PtIV\_Sec45\_Art120.pdf [↑](#footnote-ref-94)
95. Many CG members rely on the paper copy of the UCMJ found at their units – some of which haven’t been updated in decades. In fact, the top result of a Google search for “UCMJ” returns an Air Force web page with a pre-1993 text where spousal rape is legal. <http://www.au.af.mil/au/awc/awcgate/ucmj2.htm> The fifth search from the top – after Wikipedia, Cornell Law (admittedly unfriendly to non-law people) and a site that doesn’t actually list text, is a UCMJ.US site – also, admittedly legitimate seeming, which also displays a pre-1993 edition legalizing spousal rape. <http://www.ucmj.us/sub-chapter-10-punitive-articles/920-article-120-rape-and-carnal-knowledge> [↑](#footnote-ref-95)
96. Unites States Coast Guard, *2022 Strategic Plan*, *supra*, at 8. [↑](#footnote-ref-96)
97. *Id.* [↑](#footnote-ref-97)
98. US Coast Guard, *COMDTINST 5520.5F, Coast Guard Investigative Service Roles and Responsibilities,* (30 Nov 2011), <https://media.defense.gov/2017/Mar/14/2001716375/-1/-1/0/CI_5520_5F.PDF>. [↑](#footnote-ref-98)
99. 10 U.S.C.A. §§ 801-936 (West). [↑](#footnote-ref-99)
100. 10 U.S.C.A. § 920 (West). [↑](#footnote-ref-100)
101. United States Coast Guard, *COMDTINST 5520.5F,* *supra.* [↑](#footnote-ref-101)
102. Independent Lens, *supra*. [↑](#footnote-ref-102)
103. United States Coast Guard, *Diversity and Inclusion Strategic Plan 2015-2018*, (2015). [↑](#footnote-ref-103)
104. United States Coast Guard, *COMDTINST M1754.10E,* *supra.* [↑](#footnote-ref-104)
105. *Id.* at 2-2 [↑](#footnote-ref-105)
106. *Id.* [↑](#footnote-ref-106)
107. *Id.* [↑](#footnote-ref-107)
108. *Id.* [↑](#footnote-ref-108)
109. *Id.* at 4-1 to 4-8. [↑](#footnote-ref-109)
110. *Id.* [↑](#footnote-ref-110)
111. *Id.* [↑](#footnote-ref-111)
112. *Id.* at 4-1. [↑](#footnote-ref-112)
113. *Id.* [↑](#footnote-ref-113)
114. *Id.* at 6-1 to 6-11. [↑](#footnote-ref-114)
115. United States Coast Guard, *COMDTINST 5801.5, Special Victim’s Counsel Program* (2017). <https://media.defense.gov/2017/Mar/15/2001716718/-1/-1/0/CI_5801_5.PDF>; *Id.* at 1-4 to 1-5. [↑](#footnote-ref-115)
116. United States Coast Guard, *COMDTINST 5801.5, supra.* [↑](#footnote-ref-116)
117. *Id.* at 3-4 [↑](#footnote-ref-117)
118. United States Coast Guard, *Sexual Assaults: Expedited Transfer and Special Victims Counsel Program* (July 27, 2017), <https://www.dhs.gov/sites/default/files/publications/USCG%20-%20Sexual%20Assaults%20-%20Expedited%20Transfer%20and%20Special%20Victims%20Counsel%20Program.pdf>. [↑](#footnote-ref-118)
119. United States Coast Guard, *Sexual Assault Prevention and Response Strategic Plan 2013-2017* (2013), <https://www.dcms.uscg.mil/Portals/10/CG-1/cg111/docs/SAPR/SAPR_strat_plan.pdf?ver=2017-04-10-162927-503> [hereinafter 17 Strategic Plan]; United States Coast Guard, 22 Strategic Plan, *supra.* [↑](#footnote-ref-119)
120. United States Coast Guard, *COMDTINST 1752.1, supra.* [↑](#footnote-ref-120)
121. *Id.* at encl. 2 [↑](#footnote-ref-121)
122. *Id.* [↑](#footnote-ref-122)
123. *Id.* [↑](#footnote-ref-123)
124. *Id.* [↑](#footnote-ref-124)
125. *Id*. This includes non-offending parent of the child in a maltreatment incident. [↑](#footnote-ref-125)
126. United States Coast Guard, *COMDTINST M1754.10E*, *supra*, at 1-14. [↑](#footnote-ref-126)
127. Refer to fn. 95. [↑](#footnote-ref-127)
128. United States Coast Guard, *COMDTINST M1754.10E*, *supra*, at 1-13 to 1-15. [↑](#footnote-ref-128)
129. United State Coast Guard, *Work Life Staff Roster* (last visited Sep. 16, 2016) <https://www.uscg.mil/worklife/docs/pdf/HSWL_WL_roster.pdf>. [↑](#footnote-ref-129)
130. *Id.* [↑](#footnote-ref-130)
131. United States Coast Guard, *COMDTINST* 1752.1*,* supra*, at* 8-10. [↑](#footnote-ref-131)
132. Refer to fn. 95. [↑](#footnote-ref-132)
133. United States Coast Guard, *COMDTINST 5801.5*, *Special Victims’ Counsel Program* (Feb. 09, 2017), https://media.defense.gov/2017/Mar/15/2001716718/-1/-1/0/CI\_5801\_5.PDF. [↑](#footnote-ref-133)
134. United States Coast Guard, *COMDTINST* 1752.1*,* supra*, at* 2. [↑](#footnote-ref-134)
135. *Id.* [↑](#footnote-ref-135)
136. *Id.* at 2. [↑](#footnote-ref-136)
137. United States Coast Guard, *17 Strategic Plan,* *supra*, at 3. [↑](#footnote-ref-137)
138. *Id.* [↑](#footnote-ref-138)
139. United States Coast Guard, *Work Life Staff Roaster*, s*upra*. [↑](#footnote-ref-139)
140. Mattiko, et. al., *supra* at 165-69. [↑](#footnote-ref-140)
141. Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control, *Costs of Intimate Partner Violence Against Women in the United States ,supra.* [↑](#footnote-ref-141)
142. Mattiko, et. al., *supra* at 166-67. [↑](#footnote-ref-142)
143. United States Coast Guard, Coast Guard Victim Advocate (last visited Dec. 3, 2018), https://www.dcms.uscg.mil/Portals/10/CG-1/cg111/docs/SAPR/SAPR\_Directions\_for\_VA\_Credentialing.pdf?ver=2017-04-06-144230-230 [↑](#footnote-ref-143)
144. National Organization for Victim Assistance, *Credentialing* (last visited Dec. 3, 2018), https://www.trynova.org/credentialing/nacp-civilian/. [↑](#footnote-ref-144)
145. Campbell, et. al., *Risk Factors for Femicide in Abusive Relatinoships: Results From a Multistate Case Control* Study (2003), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447915/. [↑](#footnote-ref-145)
146. As of December 2018, the most recent Domestic Violence Awareness Month material on the FAP website is an All Coast from Oct 2016 – two years prior. <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Human-Resources-CG-1/Health-Safety-and-Work-Life-CG-11/Office-of-Work-Life-CG-111/Family-Advocacy-Program/>; [https://www.dcms.uscg.mil/Portals/10/CG-1/cg111/docs/pdf/357-16\_ALCOAST[1].txt?ver=2017-04-29-084856-210](https://www.dcms.uscg.mil/Portals/10/CG-1/cg111/docs/pdf/357-16_ALCOAST%5b1%5d.txt?ver=2017-04-29-084856-210). The latest blog post was in 2015. http://allhands.coastguard.dodlive.mil/2015/10/07/national-domestic-violence-awareness-month/ . The latest Presidential Proclamation was in 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/10/01/presidential-proclamation-national-domestic-violence-awareness-month>. [↑](#footnote-ref-146)
147. Jennifer Heintz, *Safe at Home Base? A Look at the Military's New Approach to Dealing with Domestic Violence on Military Installations,* 48 St. Louis U. L.J. 277, 290–91 (2003) [↑](#footnote-ref-147)
148. Department of Defense, *Report on Child Abuse and Neglect and Domestic Abuse in the Military for Fiscal Year* 2017, *supra* at 28-30, 43-45. [↑](#footnote-ref-148)
149. United States Coast Guard, *17 Strategic Plan, supra* at 3. [↑](#footnote-ref-149)