
Wisconsin Legislative Council

MINUTES



STUDY COMMITTEE ON WISCONSIN NATIONAL GUARD SEXUAL MISCONDUCT PROCEDURES

300 Northeast, State Capitol
Madison, WI
September 14, 2022
10:00 a.m. – 2:12 p.m.

CALL TO ORDER AND ROLL CALL

Vice Chair Wimberger called the meeting to order and a quorum was determined present.

COMMITTEE MEMBERS PRESENT: Sen. Eric Wimberger, Vice Chair; Sen. Melissa Agard; Rep. Daniel Riemer; and Public Members Jacob Curtis, Adam Gerol, Gabriela Guzman, and Melissa Inlow.

COMMITTEE MEMBERS EXCUSED: Rep. Tony Kurtz, Chair; and Public Members Amy Arenz, Autumn Carroll, and Jade La Sage.

COUNCIL STAFF PRESENT: David Moore, Senior Staff Attorney, and Tom Koss, Staff Attorney.

APPEARANCES: Major General Paul E. Knapp, Adjutant General, Wisconsin National Guard, Captain Leigh M. Neville-Neil, Deputy Brigade Staff Judge Advocate, 32d IBCT, Wisconsin Army National Guard, and Penny Gietzen, Sexual Assault Response Coordinator, Wisconsin National Guard, Department of Military Affairs (DMA).

APPROVAL OF THE MINUTES OF THE AUGUST 9, 2022 MEETING

Representative Riemer moved, seconded by Senator Agard, to approve the minutes of the August 9, 2022 meeting. The motion passed by unanimous consent.

DESCRIPTION OF DISTRIBUTED MATERIAL BY LEGISLATIVE COUNCIL STAFF

Memo No. 1, Information in Response to Committee Discussion at August 9, 2022 Meeting (September 7, 2022)

David Moore, Senior Staff Attorney, and Tom Koss, Staff Attorney, provided an overview of [Memo No. 1](#) (September 7, 2022). They explained that the memo provides background information on two topics the committee discussed at its August 9, 2022 meeting: the recent codification of sexual harassment in the Uniform Code of Military Justice (UCMJ); and legislation other states have enacted to address sexual misconduct in National Guards.

PRESENTATION BY WISCONSIN DEPARTMENT OF MILITARY AFFAIRS

Major General Paul E. Knapp, Adjutant General, Wisconsin National Guard, Captain Leigh M. Neville-Neil, Deputy Brigade Staff Judge Advocate, 32d IBCT, Wisconsin Army National Guard, and Penny Gietzen, Sexual Assault Response Coordinator, Wisconsin National Guard

Major General Knapp told the committee it is his responsibility as the commander to set the culture of the organization, and that his primary goal, with respect to sexual assault and harassment, is to foster an environment where everyone in the Guard feels safe and protected. He explained that the Wisconsin National Guard has worked diligently to address and implement each of the recommendations in the Office of Complex Investigation's (OCI) assessment, and to become a leader in the prevention of, and response to, sexual assault and harassment. As an example, he told the committee that the Wisconsin National Guard has significantly expanded its comprehensive health and wellness program, which he said has become a model for other state's National Guards.

He further explained that the Wisconsin National Guard is working to refine Wisconsin's Sexual Assault Prevention and Response Program (SAPR) to be consistent, fair, reasonably swift, and create uniform accountability. He emphasized that this includes refining the program to focus on the victim and the victim's care. He told the committee that while the Wisconsin National Guard has made significant progress correcting the issues identified in the OCI assessment, the measures it has taken are part of a process of continual improvement. He thanked the committee for its work and encouraged the committee to work with the department on any changes it may consider recommending.

Ms. Gietzen told the committee about her background and interest in serving in the various roles she has held related to assisting victims of sexual assault. She then provided the committee with information related to specific aspects of the SAPR program she oversees, including training, unit training and manning, advocacy services, and case management.

Ms. Gietzen told the committee about new approaches her office has taken with respect to how it educates members of the Guard about the SAPR program. For example, she said that rather than focusing on PowerPoint presentations, her office now provides a "vignette-based" education approach, which provides an opportunity for members to talk through various situations in small groups. Additionally, they have established a "train a trainer" program in which a sexual assault response coordinator (SARC) or victim advocate trains individuals within their unit on the SAPR program.

Ms. Gietzen also explained the training SARCs and victim advocates receive and current challenges to bringing new individuals into those roles. She told the committee that SARCs and victim advocates come from a variety of different educational and work backgrounds but share an interest in serving the program. To become a SARC or victim advocate, an individual must complete extensive background checks and training. Once certified, they must also complete annual refresher training. She told the committee that due to the vetting process and a limited number of seats available for the national training program, it currently takes roughly one year for a SARC or victim advocate to become credentialed once they have been identified for the role. She said her office is continuing to work with the National Guard Bureau to address this issue.

Ms. Gietzen told the committee her office continues to work on addressing barriers to reporting, including by educating commanders. She also explained that she is responsible for managing all cases reported under the Wisconsin National Guard's SAPR program and that she meets monthly with a group that includes Guard leadership and various health and behavioral health service representatives

to discuss all cases. She explained that the focus in these meetings is victim care, not legal or investigatory issues.

Major General Knapp, Ms. Gietzen, and Captain Neville-Neil then responded to questions from committee members. Among other topics, members asked questions related to: how the department is working to prevent sexual assault and harassment; what role victim advocates have with respect to keeping victims informed of legal processes and proceedings; whether there would be any benefit to making the Guard's status of discipline reports public; what metrics could be used to analyze whether the department is succeeding in creating an environment in which sexual assault and harassment is less frequent but more consistently reported when it does occur; and whether information provided to SARCs is discoverable in proceedings under the Wisconsin Code of Military Justice (WCMJ).

COMMITTEE DISCUSSION

Following the presentations by invited speakers, committee members discussed the information provided and areas of interest it would like to explore during its next meeting.

Ms. Guzman observed that it appears some updates to the WCMJ would be beneficial. She told the committee that it is her understanding that various individuals at the department, including Colonel Douglas Moore, may be looking at this topic. Ms. Inlow suggested that the committee consider evaluating whether a mechanism could be established, outside the current reporting mechanisms, to allow a victim to report problems with how his or her sexual assault and sexual harassment allegation has been handled. Mr. Curtis suggested that the committee explore how the status of discipline briefings can be further utilized to increase transparency into the Guard's disciplinary processes. Mr. Gerol stressed the importance of ensuring that crime victims feel like they have been heard and said he thought it was important to ensure that the rights of victims are codified under the WCMJ. Senator Agard asked whether it would be possible to obtain longitudinal data regarding the results of command climate surveys.

There was consensus that the committee would like more information regarding what type of information regarding reports of, and disciplines related to, sexual assault and harassment could be made publicly available. The committee also suggested that staff from DMA attend the next meeting to provide information regarding changes that could be made to the WCMJ, including how recent federal policy directives might interact with those changes. The committee also discussed inviting a person who had experienced sexual assault or harassment in the Guard to speak to the committee.

PLANS FOR FUTURE MEETINGS

The next meeting of the study committee is scheduled for October 13, 2022.

ADJOURNMENT

The meeting adjourned at 2:12 p.m.

TK:DM:ksm