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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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February 14, 2024

VIA ELECTRONIC MAIL

The Honorable Admiral Linda Fagan
Commandant
U.S. Coast Guard
2703 Martin Luther King Jr. Avenue SE
Washington, D.C. 20593

Dear Admiral Fagan:

The Permanent Subcommittee on Investigations (“PSI” or the “Subcommittee”) initiated an inquiry in September 2023 into the mishandling of sexual assault and sexual harassment cases at the United States Coast Guard Academy (“CGA”), as well as the United States Coast Guard’s (the “Coast Guard”) failure to notify Congress regarding the conclusion of Operation Fouled Anchor.¹ On February 1, 2024, the Subcommittee received the enclosed documents, which appear to present Coast Guard leadership with several options on whether to inform Congress and the public about Operation Fouled Anchor during the fall of 2018.² At that time, the Coast Guard did not brief Congress or the public about Operation Fouled Anchor.

These documents are troubling and raise new questions about the reasons for the Coast Guard’s fall of 2018 decision not to brief Congress about Operation Fouled Anchor. According to the enclosed documents, the Coast Guard was concerned that, should Operation Fouled Anchor be made public, it would “risk the initiation of comprehensive Congressional investigations, hearings, and media interest” and that “[t]he rates of sexual assault reporting have not appreciably changed, calling into question impact of Coast Guard actions taken over the past decade to change CGA climate/etc.”³ Additionally, handwritten notes on one document, which according to the Coast Guard were made by then-Vice Commandant Admiral Charles Ray, state,

¹ Letter from Chair Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, to Admiral Linda Fagan, Commandant of the United States Coast Guard (Sept. 12, 2023); Letter from Chair Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, to Admiral Linda Fagan, Commandant of the United States Coast Guard (Dec. 19, 2023).

² See Enclosure.

³ See Enclosure at 12-13.

“Problem is one of the past... .”⁴ Operation Fouled Anchor was only made public through press reports more than four years later, in the summer of 2023.⁵

Despite the Subcommittee informing the Coast Guard in a December 19, 2023 letter that all records requested by the Subcommittee should be produced without redactions, the Coast Guard continues to redact information, which prevents the Subcommittee from understanding the full scope of the Coast Guard’s decisions.⁶ The Subcommittee has also identified and requested missing email attachments from the few communications the Coast Guard has produced to date. One of those missing attachments appears to be an earlier draft of the Operation Fouled Anchor report that was shared among Coast Guard officials in March 2019—nearly ten months before the report was finalized.⁷

Additionally, to assist the Subcommittee in the continuation of its inquiry, please provide the following records and information no later than February 29, 2024:

- 1) All records⁸ referring or relating to the enclosed documents, including but not limited to communications attaching the enclosed documents or otherwise referring to their development or dissemination;
- 2) A list of all individuals who created, edited, approved, or otherwise had input on any of the enclosed documents;
- 3) A list of all individuals who received or were informed about any of the enclosed documents;
- 4) A list of meetings, briefings, or other events where the enclosed documents were discussed or presented, including the names of all individuals in attendance; and

⁴ See Enclosure at 10; Email from Coast Guard Congressional Affairs to Subcommittee Staff, (Feb. 14, 2024).

⁵ *Former Coast Guard Head Covered up Secret Investigation into Sexual Assaults at the Coast Guard Academy*, CNN, (Aug. 8, 2023) <https://www.cnn.com/2023/08/08/politics/coast-guard-sexual-assault-coverup-invs/index.html>.

⁶ Letter from Chair Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, to Admiral Linda Fagan, Commandant of the United States Coast Guard (Dec. 19, 2023).

⁷ The final Operation Fouled Anchor report was dated Jan. 31, 2020. Memorandum from Vice Admiral M. F. McAllister to Vice Commandant, subject: “Fouled Anchor” Investigation – Final Report (Jan. 31 2020), https://www.uscg.mil/Portals/0/documents/FOULED_ANCHOR_INVESTIGATION_FINAL_REPORT_AND_EN_CLOSURE-508Compliant.pdf.

⁸ “Records” include written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, Signal, WhatsApp, or other encrypted messages, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

The Honorable Admiral Linda Fagan

February 14, 2024

Page 3

- 5) All of the missing email attachments the Subcommittee identified for the Coast Guard on January 19, 2024.⁹

In addition, please make available for in-person interviews during the week of March 4 to March 8 all personnel who were involved in preparing, drafting, or reviewing the enclosed documents, as well as all personnel who were briefed on or otherwise made aware of the existence of the enclosed documents in or around October 2018. If any of these individuals are no longer with the Coast Guard, please inform the Subcommittee of their name(s) and date(s) of separation no later than February 29, 2024.

Thank you for your attention to this matter.

Sincerely,



Richard Blumenthal
Chairman



Ron Johnson
Ranking Member

Enclosure

⁹ Email from Subcommittee Staff to Coast Guard Congressional Affairs, Jan. 19, 2024 (on file with Subcommittee).

Fouled Anchor Investigation September 2018

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Case Status

- RADM Smith retains Consolidated Disposition Authority (CDA)
- Investigative leads still being worked (could result in new investigations)
- 3 open investigations with active duty subjects (2 with CGIS, 1 with RADM Smith)
- Completion of Remaining Investigation: 30 Sep

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2

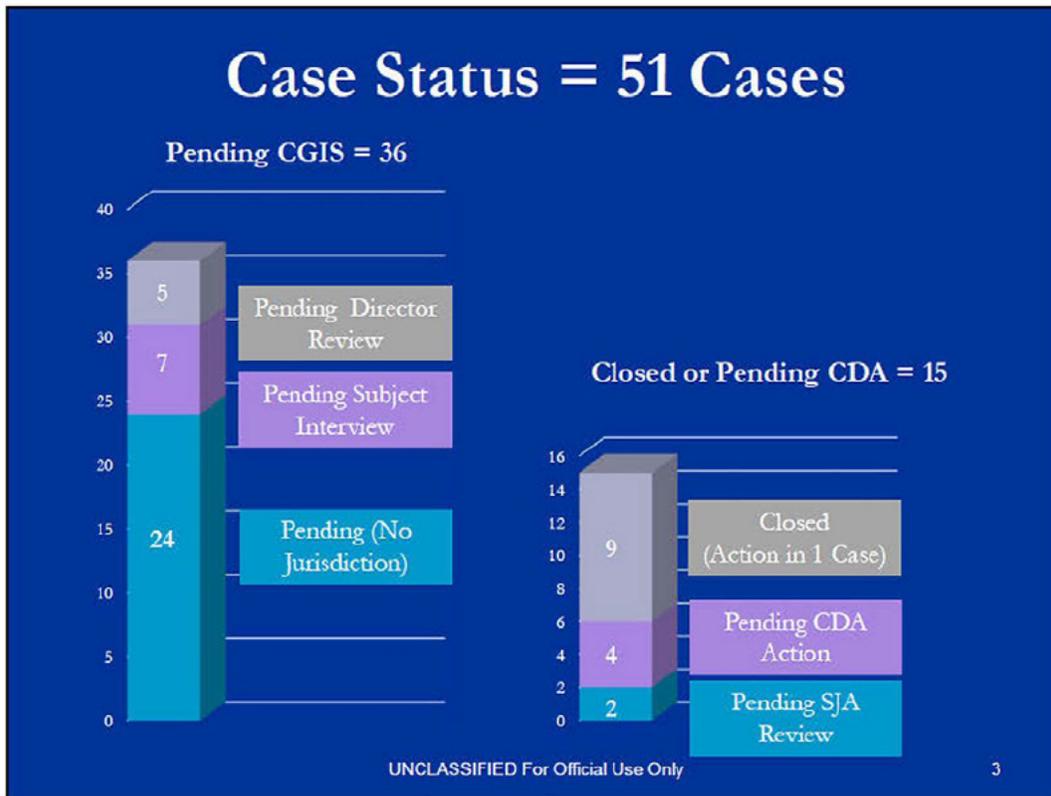
How many ROIs are in progress: 7 + 24

Outline of remaining active duty investigative efforts

██████ – S provided possible W name. Efforts to contact W continue, Social media review, S and V background updates

██████ – Pending voluntary polygraph exam, Social media review, S and V background updates

██████ recently opened, interviewing 7 witnesses



How many ROIs are in progress: 7 + 24

Outline of remaining active duty investigative efforts

█ – S provided possible W name. Efforts to contact W continue, Social media review, S and V background updates

█ – Pending voluntary polygraph exam, Social media review, S and V background updates

(b) (6), (b) (7)(C) █ recently opened, interviewing 7 witnesses

Victim Recovery Plan

- Victim Recovery Plan: Any proposed changes?
 - Victim Recovery POAM: CG-1
 - Script developed for agent/SARC: CG-11/TJAG
 - 1st contact needs to be coordinated with Comms Plan efforts
- VCG approval before engaging with first victim

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4

State of coordination with CGIS/SARCs in preparation for implementation (p.s.- dates on POAM will need to be updated)

Strong preference for in person meetings with victims

Walk through matrix to ensure understanding of what services are available to each type of victim

Plan to ensure SARCs know from CGIS which victims fall into which category (active duty, retired, discharged, dis-enrolled)

Review of status of script and talking points for agents and SARCs to engage with victims once approved to engage

Will need to coordinate with CGIS regarding timing to deconflict with ongoing investigative efforts

Must have VCG approval before engaging with the first victim

Reference Documents for this Slide: Victim Recovery POAM

Comms Plan Guidance

- Proposed Comms Plan: Any proposed changes?
 - Queries regarding individual cases: RTQ
 - Queries regarding overall investigation: RTQ
 - Congressional and DHS: Given current Congressional interest in CGA should Congressional notice be broader?
 - Brief same Congressional staff that received earlier Fouled Anchor/Mangahas Brief
 - DHS OGC and S2
- Timeframe for execution: When should External Engagement take place?
 - CGIS plans to complete investigative efforts by 30 Sep
 - Link to timing of Victim Engagement & Victim Recovery Plan

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5

Review 092 Comms recommendations

CGA: "Is this still happening?" input

Using Mangahas materials develop passive RTQ materials

DHS briefs

Brief to CG military leadership

Inclusion of relevant questions in future workforce studies

Reference Documents for this Slide: Mangahas PAG

VCG's Final Report Guidance

- Due 45 days after conclusion of investigation
 - Anticipate date of approx 15 Jan 19 for final report
- Concept
 - Can be released outside CG
 - Based on Directorate input for report to DCMS
 - No reference to other documents
 - Include general investigative summary
- Comments & Guidance: Any proposed changes?

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6

Investigative summary

total length of time

of agents

of hours

number of interviews

number of subjects identified

number of victim identified

number of ROIs developed

of cases presented to CDA for disposition

action precluded (UCMJ jurisdiction v. SOL), # insufficient evidence, # action taken



TABLE OF CONTENTS

October 31, 2018



❖ **Direct Reports Huddle**

Uniform: Tropical Blue

- No Read-Aheads

❖ **CDC Harvest Parade**

Uniform: Tropical Blue

- No Read-Aheads

❖ **Legal Issue / Communications Brief**

Uniform: Tropical Blue

- No Read-Aheads

1. **National Disability Employment Awareness Month Observance**

Uniform: Tropical Blue

- Engagement Primer
- Event Flyer
- Biography of Todd Huston

2. **Counterdrug Briefing**

Uniform: Tropical Blue

- Engagement Primer
- White Paper: Factors Contributing to Decline in USCG Interdictions
- White Paper: Data & Analysis of Western Hemisphere Transit Zone Counterdrug Operations for September 2018
- Assorted Slides / Tables

3. **November Front Office All-Hands**

Uniform: Tropical Blue

- Protocol COA

❖ **Meeting with MCPOCG/D-MCPOCG/MCPO-CGR**

Uniform: Tropical Blue

- No Read-Aheads



TABLE OF CONTENTS

October 31, 2018



❖ **CAG Session**

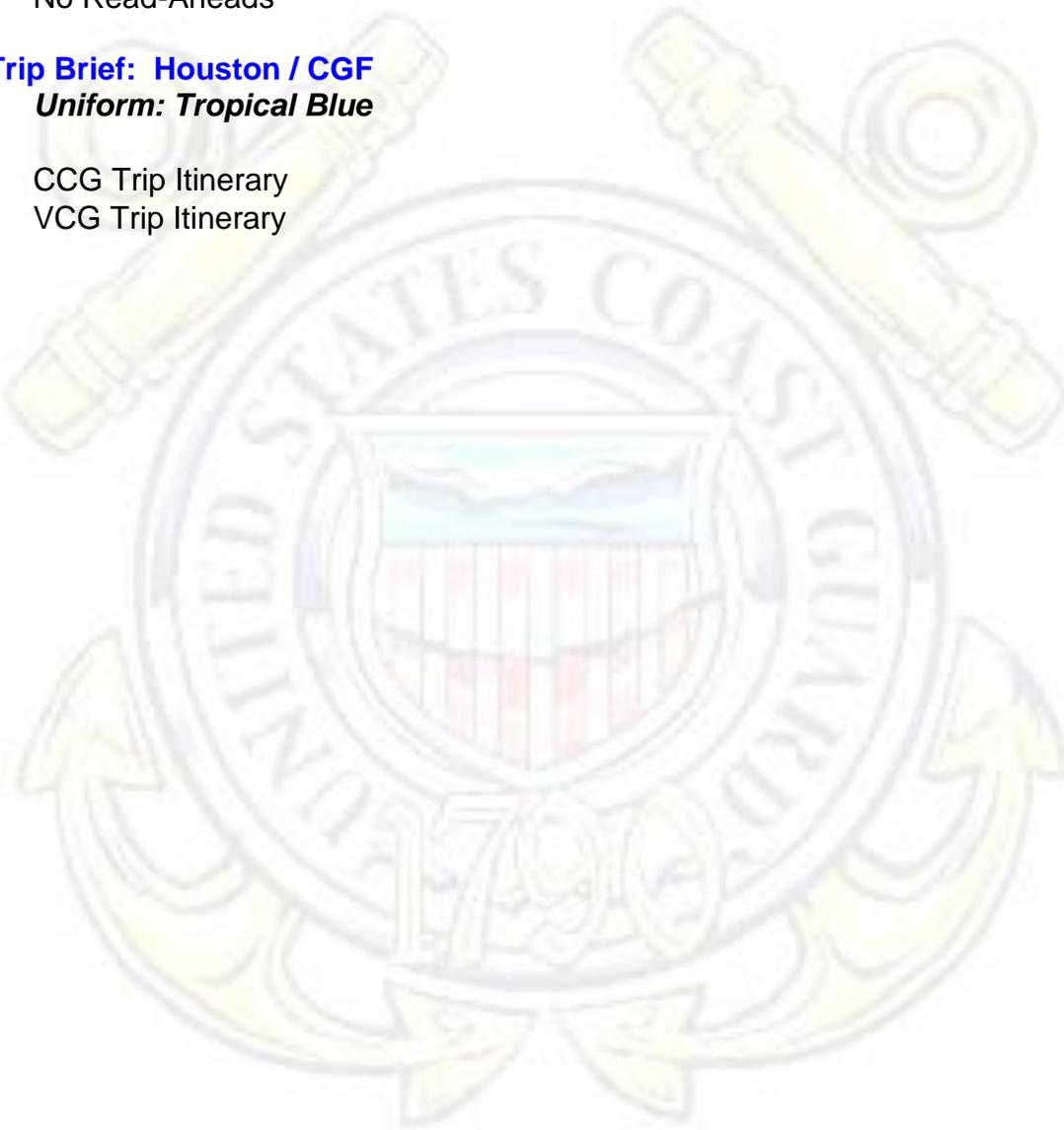
Uniform: Tropical Blue

- No Read-Aheads

4. **Trip Brief: Houston / CGF**

Uniform: Tropical Blue

- CCG Trip Itinerary
- VCG Trip Itinerary



CGA Sexual Assault Investigations – Pre-2006
Communications COA's

Background

While conducting an investigation into renewed allegations of sexual assault against Lt. Col. Edzel Mangahas, the Coast Guard Investigative Service (CGIS) found evidence of other sexual assaults committed at the Coast Guard Academy. CGIS also learned that sexual assault cases up until at least 2006 were handled administratively, not as criminal matters. CGIS investigated all allegations stemming from the original witnesses and their identification of others. They provided findings to a Consolidated Disposition Authority (CDA).

At the time these investigations were initiated, there was no statute of limitations on the offense of rape of an adult. For this reason, though years (even decades) had transpired, the expectation was that the current CGIS investigations could still be used to hold those currently subject to the UCMJ criminally accountable. That is not the case today. In February 2018, the Court of Appeals of the Armed Forces (CAAF), the United States' highest military court, held in Lt. Col. Mangahas's case, that the statute of limitations for a court-martial prosecution for that offense (prior to amendments enacted in 2006) is just five years. *United States v. Mangahas*, 77 M.J. 220 (C.A.A.F. Feb. 6, 2018).

Approximately 2/3 of the investigations stemming from this effort were for non-reported cases in which witnesses approached by CGIS currently referred the investigators to other witnesses they recalled from their time at CGA. CGIS assigned an end date of 2006 to the series of investigations based on the knowledge that CGA first tried a cadet at a general court-martial for sexual assault offenses in 2006. However, in 2006 there was another case in which a cadet was administratively discharged for sexual misconduct, and so we do not know whether the administrative resolution of sexual assault cases continued in the years following.

In 2015 when the Air Force preferred UCMJ charges against Lt. Col. Mangahas, the staff of the Coast Guard's oversight committees, CGMT and OAF&CG, were notified of the Mangahas case as part of a larger investigation. The concern was to head off any surprises if the case appeared in the news. However, this was done during discussions on other topics (not a separate meeting), and the staffers did not request, nor did the Coast Guard provide, any follow-up briefs since then.

Situation

Cases involving currently serving Coast Guard members identified as alleged perpetrators are nearing completion. The current plan is for these cases to be adjudicated by a CDA on 1 November or soon thereafter.

The investigation will continue to interview former senior officials at the Academy – including the Superintendent, Assistant Superintendent, Commandant of Cadets, and Staff Judge Advocates – to obtain additional information about the command response to reported cases. This investigation could yield insight into practices at the Academy during this period and help to shape current command climate assessments and future policies. However, it can provide no administrative or criminal recourse.

- assumptions for aggregating*
1. 2006 → change in adjudication → No leads past that.
 2. subjects prosecutable under UCMJ.
 3. all came in from CGA; handled incorrectly many times

10/16/2018

- aggregation

Pros

- "rip bandaid off"
- Proactive VS Reactive
- cultural guilt purged
-

Cons

1. No victim coming fwd now
2. No bright line 2006
3. Investigations w/o end.
4. Long standing policy -> RTQ
5. Re-victimizing

1) Problem is one of the past ...

1.

TJAG 2.

CGS 3. If things are bad; they get worse w/ non-disclo.
 but ... many has det NOT follow
 VOJO 4. ^{avoid} Catastrophic ÷÷ CGA ongoing already

CAL 5.

A victim recovery plan has been developed to offer each of the victims identified during the course of the investigation support and access to recovery services. The timing of the launch of that plan is predicated on a decision regarding external communication.

External Communication COA's

COA 1 – RTQ only. Make Congressional & external notifications only on an RTQ basis.

RECOMMENDED

It is the Coast Guard's long-standing policy not to affirmatively communicate the results of individual criminal or administrative investigations. External affairs policy and guidance on handling sexual assault cases and administrative actions, such as relief for cause, aim to expressly protect privacy and safeguard Coast Guard managerial discretion. In most cases, absent relief of a member from command, no information regarding the outcome of an investigation would be actively released due to privacy concerns. Even in the case of a relief from command, only the action of relief by a superior commander and the name of the relieved officer is publically released.

As has been the Coast Guard's long-standing practice, in the event Congress requests information regarding a particular criminal or administrative matter, the Coast Guard responds with information on that case, subject to information disclosure laws and policies. Notably, the Coast Guard has never grouped or bundled cases that do not have any direct linkage, simply because they are based on an ostensibly similar fact pattern.

For our particular cases, each of the subjects remaining on active duty have different promotion points and types of assignments, as well as rotation years, retirement options, etc. Attempts to bundle even just the active duty cases (if there are several with actions taken) may invite inappropriate generalization, because each case and each subject is different. The Coast Guard will be handling them individually based on the nature of the case and the individual concerned.

The Coast Guard also places victims' rights and concerns at the forefront. Any disclosure to congressional staffs risks compromising victims' privacy and potentially re-victimizing them. In these particular investigations, neither the female nor male victims came forward on their own volition. They were sought out and approached by CGIS many years after the alleged misconduct. Congressional staffs often request investigations in their entirety, and if the request is made by Committee chairs, it is our obligation to produce all materials without redaction; in practice, this means any type of affirmative Congressional communications strategy will trigger document production requests that will make it very challenging to protect the identity and rights of victims and subjects.

Subjects of these investigations would also be exposed to potential privacy rights concerns, should any affirmative information release take place. This potentially includes a large number of subjects who have been investigated for allegations that have been neither substantiated nor unsubstantiated, and as to whom the Coast Guard has not initiated any action. It also includes the current active duty cases in which information concerning the subjects would typically remain private because of their grade, and because they face only administrative action.

If RTQ only, the service's exposure to risk would most likely arise if active duty members subject to action as a result of investigation bring the matter to Congressional attention. If a congressional member

or committee/sub-committee requests, the Coast Guard would produce the specific investigation(s) (redacted or otherwise). The investigations will reveal the underlying facts that formed the basis for the Coast Guard's subsequent actions.

COA 2 – Proactive with Congress – communication of the current state of all the investigations and findings. Media posture to remain RTQ.

NOT RECOMMENDED

This COA would be the active engagement and release of information about all of the investigations as a combined effort with the title "Fouled Anchor," including comprehensive information about each of the individual investigations that comprise the whole.

The benefit of briefing oversight committee staff is that doing so alleviates the possibility of Congressional surprise, and could potentially assist with any follow-on member level engagements. However, any affirmative Congressional or external communication, especially if briefed under a singular investigatory moniker with a colorful title, vice separate investigations, will risk the initiation of comprehensive Congressional investigations, hearings, and media interest.

This COA is also not consistent with current Coast Guard practice regarding military justice and administrative investigations, and would constitute an exception to existing practice. We would be affirmatively briefing information that may lead to release of information typically protected by the Privacy Act and our own internal policy and guidance manuals. In the effort to try to be forthcoming, we then risk subjects or victims complaining of violations of their privacy interests.

Importantly, while statements gathered during the investigation indicate that the effort provided closure to some victims, a productive and righteous outcome despite the Coast Guard's inability to prosecute any of the alleged perpetrators, this limited feedback does not constitute a compelling requirement to engage externally at this time.

The briefing audience would initially be senior staff on House

PSI Redaction

If this COA is pursued, however, we should expect the briefing audience to expand dramatically.

Is it important to note that the Coast Guard already regularly reports the following non-person specific data: (1) sexual assault data for the Coast Guard and CGA; (2) results of climate surveys in the CG and CGA with respect to sexual assault; and, (3) measures implemented to address sexual assault at CGA since 2006. These three items are required to be reported by the Coast Guard and Maritime Transportation Act of 2012. More broadly, the Coast Guard also regularly reports good order and discipline data, and overall, the statistical analysis of sexual assault reporting indicates that reporting rates have not appreciably changed. The subject reports have not prompted additional inquiries by our overseers.

Other concerns with any affirmative external communications posture include:

- Potential expectation that the Coast Guard investigates (re-investigates) all allegations from 2006 – 2018 to ensure that they were handled as criminal matters and not administratively.
- There will be no recognition of past/present – we can expect intense scrutiny of all past to present CGA leadership.
- The rates of sexual assault reporting have not appreciably changed, calling into question impact of Coast Guard actions taken over the past decade to change CGA climate/etc.
- We may receive a demand for review of ALL Coast Guard cases – administrative/criminal involving sexual assault allegations beyond CGA.
- Extensive media coverage and investigative journalism focusing on our own self-proclaimed grouping of sexual assault cases under a provocative moniker and suggested malfeasance, AKA comparing the Coast Guard to other universities/institutions.
- It could bring similar attention to other Service Academies and academic institutions and possibly trigger exposure/public investigations of their past practices of sexual assault reporting.

If COA # 2 is selected, the following are recommended external actions (draft script attached following):

- a. Public Affairs/Media – Proactive
 - i. Actions taken against alleged perpetrators and leadership still subject to UCMJ including discussion on elements preventing UCMJ action (*i.e.*, retirement, separation, statute of limitations);
 - ii. The scope of investigation (*i.e.*, number of complaints investigated); this will involve the naming of leadership since their service is matter of public record; requests for all of the investigations should be anticipated.
 - iii. Results of the review of current policies at CGA aimed to prevent similar lapses;
 - iv. Actions taken in support of victims both currently serving and retired/separated;
 - v. A statement highlighting the aggressiveness and thoroughness of the investigation and subsequent efforts address both victims and alleged perpetrators;
 - vi. Changes in policies/practices to prevent this from happening again;
- b. Congress – Proactive notification to CGMT and OAF&CG staff,
- c. DHS – Proactive notification to OGC and S2;
- d. Retired/Separated Victims – CCG letter

COA 3 – Hybrid – Inform congressional staffs only about the cases in which the Coast Guard has taken action against current members.

NOT RECOMMENDED.

This hybrid COA is not recommended, for the same reasons set forth in the discussion of COA 1 and 2 – *i.e.* doing so would not be in accord with current law and policy relating to how the CG reports criminal and administrative investigations. It could also lead to a much more extensive inquiry as discussed in COA 2, despite intention to keep the discussion bounded.

The benefit of the hybrid COA, similar to the discussion in COA 2, is that it would alleviate any Congressional surprise, and the timing of the brief would be such that the CG would at least have a disposition to report on the cases concerning current active duty members.

Other Recommendations/Discussion points:

Recommendation 1: A discussion should be held as to the necessity of retaining the umbrella moniker associated with these several investigations. Can the cases be discussed as individual cases disaggregated from the moniker going forward? The moniker does not benefit the communications posture of the investigations that are currently associated with it, though CGIS understandably used it to encapsulate their investigative efforts during this period.

Recommendation 2: Since there is no possibility of criminal or administrative action following the remaining portion of the CGIS investigation focused on accountability, the effort needs to be focused on leadership practices and policies that can help the Coast Guard today. What types of assessments and inquiries are needed now to ensure a positive and assault free climate. What questions should we be asking in our surveys and assessments?

Recommendation 3: Victim Recovery Plan – Recommend decoupling from CDA actions or external notifications. Further discussion of timing of initiation of victim recovery plans is warranted. As it is our policy to put victim concerns first and foremost, victim recovery plans should not be contingent upon, and in fact should be decoupled from, completion of CDR actions, or any contemplated congressional notifications (COA 2 or 3). Decoupling the CDA and victim recovery plan from any external notification determination allows each to proceed on a timeline most appropriate to their unique requirements. Any perceived linkage between initiation of victim recovery plans and actions or notifications is artificial, and based on a concern that either the victims or alleged perpetrators will discuss the investigation externally. The Coast Guard has already and repeatedly engaged victims and disposed of active duty cases in conjunction with these investigations without complication. There are existing policies, processes and RTQ statements to address inquiries.

Recommendation 4: Whatever COA is pursued, Executive leadership (Flag and SES) should be briefed at the SELC on the full investigation and findings to include a discussion regarding those officers currently serving at O6 level who were involved in various groups at CGA during time of alleged offenses, any CGA administrative review results, and the overall victim recovery plan.

DRAFT Briefing Script

Topline Messaging

- The United States Coast Guard is committed to driving sexual assault and the behaviors that enable it out of the Coast Guard. These enabling behaviors include hazing, harassment and retaliation against reporting victims of sexual assault or those who support them.
- Upon learning of this failure to appropriately pursue claims of sexual assault at the Academy, the Coast Guard vigorously pursued every claim reported during the course of the investigation.
- While there is no legal avenue for prosecution of the alleged perpetrators, the Coast Guard is committed to caring for every victim identified in the investigation.

Background

In September 2014, the Coast Guard Investigative Service initiated an investigation into an alleged sexual assault when a Coast Guard reservist came forward stating her belief that a 1997 report of sexual assault in which she was the reporting victim was not appropriately handled by the U.S. Coast Guard Academy. The investigation produced evidence and testimony of additional alleged sexual assaults at the Coast Guard Academy between the years of 1993 and 2006. As additional alleged assaults were either reported or discovered, they were fully investigated by the Coast Guard Investigative Service. (CGIS)

At the initiation of this series of investigations, the established precedent recognized no statute of limitations on the offense of rape of an adult (without aggravating factors). However, "*in United States v. Mangahas, 77 M.J. 220 (C.A.A.F. Feb. 6, 2018) (CAAFlog case page), a unanimous CAAF [Court of Appeals of the Armed Forces] upended precedent to hold that the offense of rape of an adult (without aggravating factors) is not constitutionally punishable by death, and so the statute of limitations for a court-martial prosecution for that offense (prior to amendments enacted in 2006) is just five years.*"¹

The decision in *US v. Mangahas* and the fact that the vast majority of the alleged perpetrators were no longer subject to the UCMJ effectively extinguished the possibility of criminal or court martial actions against them. Cases involving alleged perpetrators who were still on active duty were adjudicated administratively. Actions taken varied based on the individual's circumstances and the details of the case.

Pending the results of the command accountability portion of the investigation

Evidence and testimony gathered indicates that X of these cases were handled using administrative processes instead of being referred to CGIS for criminal investigation. [Further language to be added regarding findings of the command accountability investigation]

¹ <https://www.caaflog.com/2018/07/27/the-air-force-cca-applies-mangahas-to-reverse-a-2017-conviction-for-a-2000-rape/>
10/16/2018

Results of Investigation into Alleged Assaults (requires updating)

FOULED ANCHOR CASE STATUS – 15 Oct 18		
Total sexual assault cases	(includes 51 victims)	43
Referred to USAF	U.S. v. Mangahas – Feb 2018 court decision on Statute of Limitations	1
Under investigation	Estimated completion 1 Oct 18	18
Pending closure	Including 3 remaining AD CG cases Estimated completion 1 Oct 18	6
Delivered to CDA & pending at LSC		3
Pending CDA disposition	Including 4 AD CG cases	6
CLOSED – CDA disposition complete	Action taken on one AD CG case Once case forwarded to USN – no action No action in remaining cases	9

[insert details of reported vs unreported]

[insert details of actions taken against alleged perpetrators]

Historical Context

Since 2006, when the Academy instituted new procedures that mandated reporting to CGIS of all sexual assault reports, the Academy has reported the following sexual assault numbers:

Academic Program Year	Reports
2006-07	-
2007-08	-
2008-09	-
2009-10	4
2010-11	3
2011-12	7
2012-13	5
2013-14	8
2014-15	4
2015-16	5
2016-17	9
2017-18	10*
2018-19	-

*For 2017-2018, 4 of the assaults were prior to entry at CGA, and one is of a staff member.

Comprehensive Nature of the Investigations

The investigation into the assaults themselves was complete, CGIS began to review the actions of senior officials at the Academy. That effort looked specifically at the decisions made by the Superintendent, Assistant Superintendent, Commandant of Cadets, and Staff Judge Advocates in some of the case previously investigated. In the course of that examination, CGIS interviewed XX individuals. They found XXXX

Assessment of Past Coast Guard Academy Practices

The Coast Guard Academy reviewed its records and identified policies in place at the time of the incidents reported in the investigation and compared them to current practices and policies. That review indicated the following:

- The first Superintendent Instruction dealing with sexual assault was the 1991 iteration of SUPTINST 1754.10 entitled "Handling Rape and Sexual Assault Incidents," which was then amended in 2004, 2006 and 2010.
- The 1991 version of SUPTINST 1754.10 makes no mention of CGIS. COMDTINST 5520.5D "Investigative Assistance", issued in December 1989, stated Coast Guard Investigations was the "component within the Coast Guard responsible for the investigation of . . . felony offenses." (Paragraph 5.a.(1)). COMDTINST 5520.D made no specific reference to sexual assault, rape or indecent assault.
- The 2004 version of SUPTINST 1754.10 stated only CGIS could investigate sexual assault incidents. COMDTINST 5520.E "Mandatory Reporting of Incidents to Coast Guard Investigative Service and Requests for Investigative Assistance" dated May 2002, specifically addressed sexual assault and prohibited commands from taking investigatory actions in rape and sexual assault cases. (Paragraph 8.a)
- The 2004 version of SUPTINST 1754.10 adopted the concept of confidential reporting of sexual assault. This idea was then later adopted Coast Guard wide as restricted reporting in 2007 with the promulgation of COMDTINST 1754.10C "Sexual Assault Prevention and Response".
- USCGA Sexual Assault Prevention and Response Crisis Intervention Team (SAPR CIT), SUPTINST 1754.2A was later adopted Coast Guard wide as the process for integrating sexual assault response efforts between commands, SARCs, CGIS, legal and other appropriate parties.
- Cadet Regulations, SUPTINST 5215.2, dating from 1990 onward prohibit cadets from entering another cadet's room except on official business.
- From the 1990 version of the Cadet Regulations to the present, cadets are permitted to lock the doors on their rooms in Chase Hall.
- The 1990 version of the Cadet Regulations prohibited sexual misconduct, but did not differentiate between nonconsensual sexual activity and inappropriate consensual sexual activity. The 2016 version of SUPTINST 5215.2 does clearly make that distinction and SUPTINST 1754.10 beginning in 2004 did clearly defined sexual assault.

Of relevance to the discussion of what has changed between the period where the assaults took place and the present at the Academy are law and policy changes that apply service wide. These include the following:

- Article 120, UCMJ, has been amended four times to clarify the nature of sexual assault offenses in the armed forces.
- In 2012 SECDEF ordered that initial disposition authority under R.C.M. 306 for allegations of sexual assault and collateral misconduct of sexual assault victims be withheld to at least officers in the rank of O6 who are Special Court-martial convening authorities. The Coast Guard implemented a similar policy withhold initial disposition authority to flag officers in command and O6 commands with an assigned Staff Judge Advocate.
- The services have been required, via 10 U.S.C. § 1565b, to provide SARCs, Victim Advocates and Special Victims Counsel (SVC) to sexual assault victims.
- CGIS Agents and trial counsel are required to inform sexual assault victims of the availability of SVC before interviewing them or taking statements from them
- Sexual assault victims have the right to express a preference regarding either military or civilian prosecution of their case.
- A slightly modified version of the federal Crime Victim Rights Act has been added to the UCMJ as Article 6b.
- Crime victims, including sexual assault victims, cannot be compelled to testify at Article 32 hearings.
- Sexual assault victims can make a restricted report of sexual assault that does not trigger a criminal investigation but does allow them to access support and medical services.
- Crime victims must be consulted regarding the decision whether to refer charges for trial, pre-trial agreements, and clemency. They also have the right to provide impact statements, sworn or unsworn, at sentencing in courts-martial.
- Crime victims have the right to petition the Coast Guard Court of Criminal Appeals when they believe their rights under Article 6b, UCMJ, or Military Rules of Evidence 412, 513, 514, or 615 have been violated.
- The Coast Guard issued a general order prohibiting sexual harassment applicable service-wide, including at the Coast Guard Academy.

In addition to changes in policy and regulation, CGA has also implemented initiatives aimed at sexual assault prevention and response. These include the following:

- Implementation of Academy specific sexual assault policies and instructions including
 - Reporting and Responding to Sexual Assault Involving a Cadet or Officer Candidate, SUPTINST 1754.1D
 - USCGA Sexual Assault Prevention and Response Crisis Intervention Team (SAPR CIT), SUPTINST 1754.2A
- Creation of the Cadets Against Sexual Assault (CASA) Program that consists of, currently, 201 cadets trained to offer sexual assault training, receive restricted or unrestricted reports of sexual assault, and provide victim support
- Assignment of Special Victims Counsel to the Coast Guard Academy
- Certification and training of 16 Victim Advocates in addition to the CASA Program

- Assignment of a dedicated Sexual Assault Response Coordinator (SARC) at the Coast Guard Academy
- Implementation of the following training programs
 - Initial Cadet SAPR Training
 - New Faculty Course SAPR Training
 - Athletics Divisions SAPR Training
 - Bystander Intervention Training
- SAPR Focus Groups
- Development of the Coast Guard Academy Strategic Plan of Action focusing on increased collaboration with the Office of Diversity and Inclusion to address the sexist behavior incident rate, targeted training based on survey results and other feedback

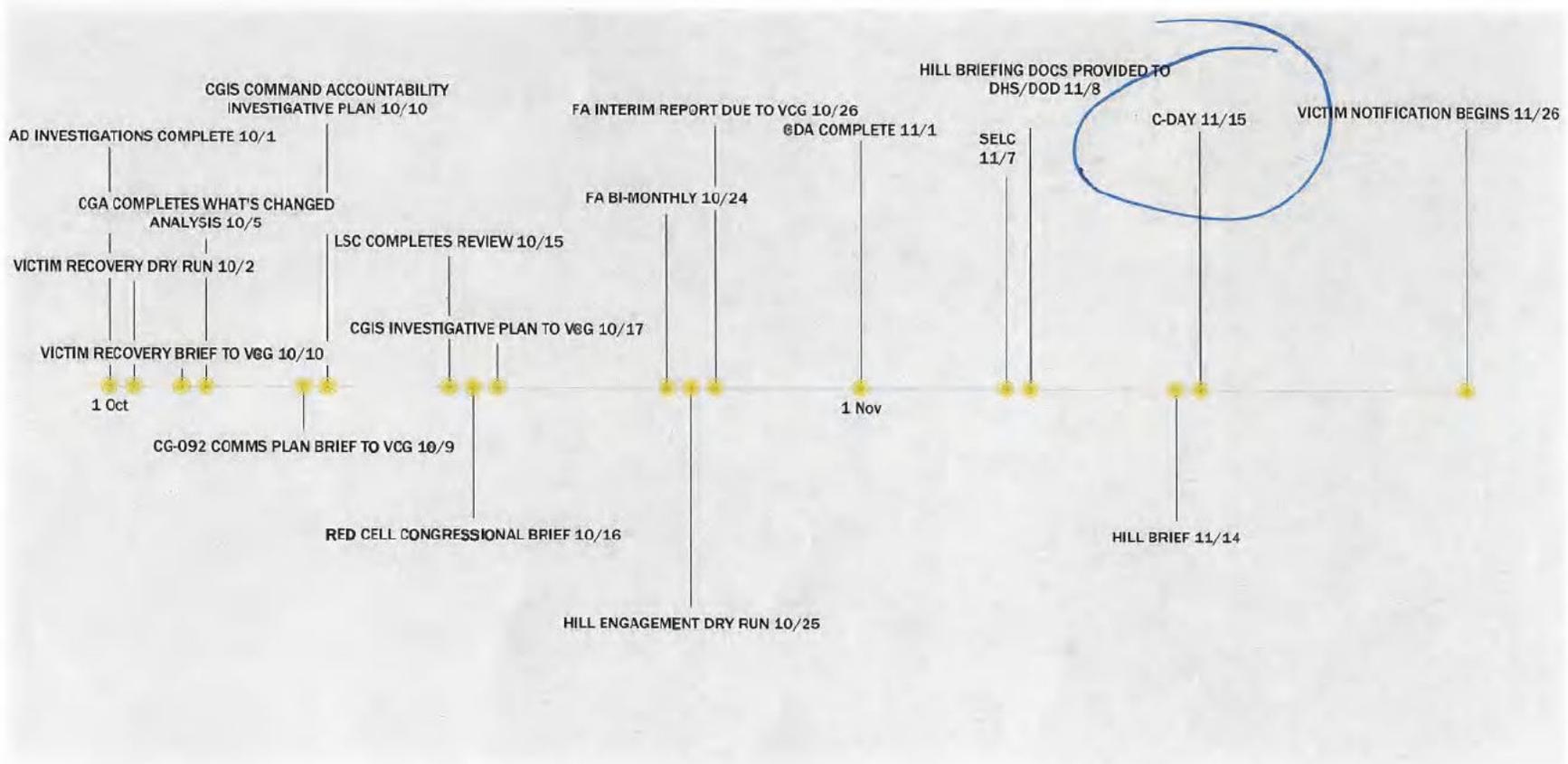
Targeted Victim Recovery Efforts

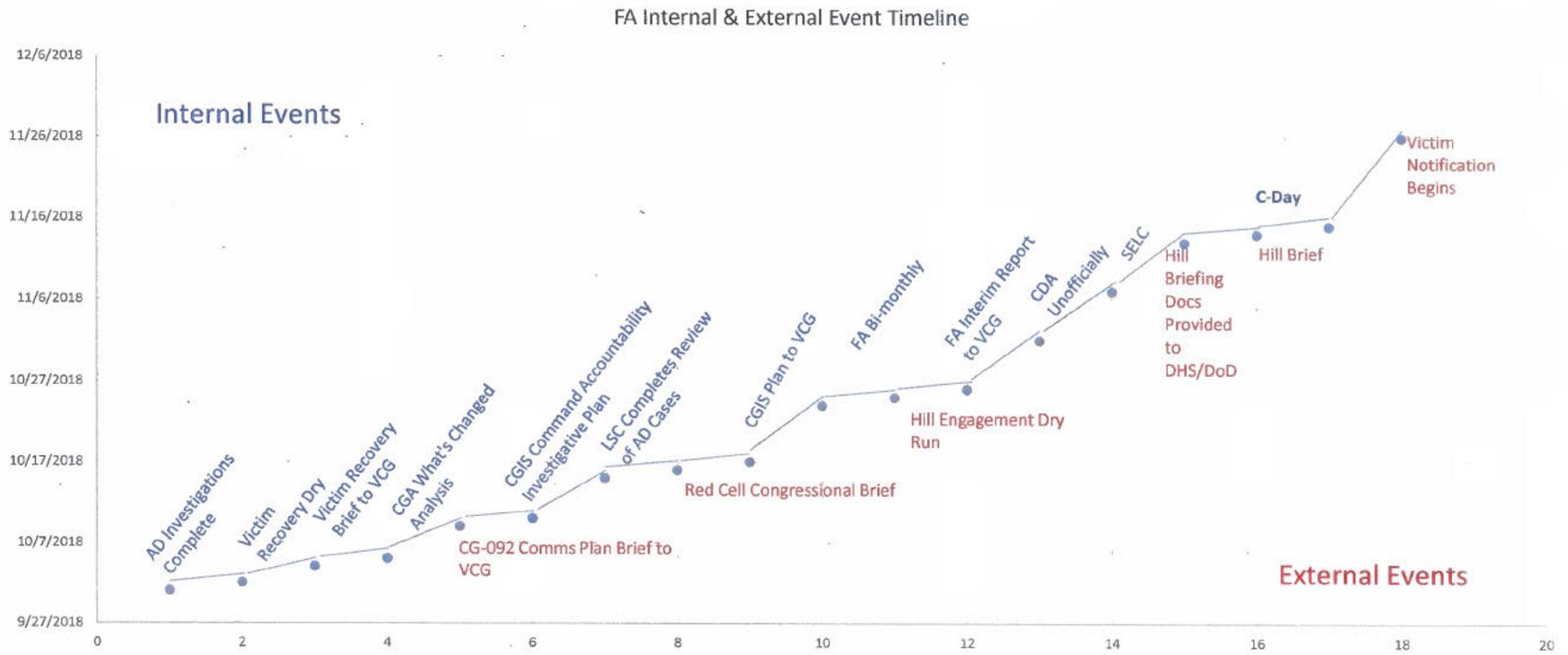
Working together, CGIS and the Sexual Assault Prevention and Response Program assembled a victim services and recovery plan for all victims of sexual assault identified by the Fouled Anchor investigation.

- Objectives of victim outreach are to provide information on disposition of the case(s) each victim participated in, provide information on support services available, an apology tailored to each victim on behalf of the Coast Guard, an opportunity for each victim to provide input back to the coast Guard in the form of a statement or other information they wish to convey, and a chance to get questions answered.
- The initial outreach team will offer the opportunity to meet in person at a place and date of the victim’s choosing.
- Initial outreach team to schedule in person meetings with victim who have either indicated they wish a follow or at least have not asked to not be contacted. This team will be ready to conduct the victim interaction over the phone and immediately if that is what the victim requests. This team will consist of [redacted] PSI Redaction [redacted] who has been the lead trial counsel for Fouled Anchor matters.
- A set of talking points and potential questions and answers for use in victim interaction. Still to be finalized is the way to convey the apology tailored to each victim’s circumstances and how much of the overall investigation is appropriate to disclose. Also will need to include talking points on what has changed at the Academy since the time when the victim was a cadet.
- A Recovery Assistance matrix that describes services available depending on the category of a particular victim (active duty, reserve, retired, discharged or dis-enrolled, civilian employees)
- The victim outreach team for in person meetings will consist of one of the five CGIS Agents with the most experience with the Fouled Anchor investigation, either [redacted] PSI Redaction [redacted] and possibly one other trial counsel experienced with the Fouled Anchor cases.
- Team can discuss, in general terms, the fact that each victim’s case was part of a broader investigation into how a number of allegations of sexual assault were handled at the Coast Guard Academy in the 1990s and early 2000s.
- If a victim requests a copy of the investigation of their allegations, a copy of the appropriately redacted RIO will be provided (at a later date).

Those notifications have not yet begun. It is anticipated notifications will begin in late November 2018.

FA Internal & External Event Timeline





FA Proposed Timeline

10/1/2018 AD Investigations Complete
10/2/2018 Victim Recovery Dry Run
10/4/2018 Victim Recovery Brief to VCG
10/5/2018 CGA Completes What's Changed Analysis
10/9/2018 CG-092 Comms Plan Brief to VCG
10/10/2018 CGIS Command Accountability Investigative Plan
10/15/2018 LSC Completes Review of AD Cases
10/16/2018 Red Cell Congressional Brief
10/17/2018 CGIS Investigative Plan to VCG
10/24/2018 FA Bi-monthly
10/25/2018 Hill Engagement Dry Run to VCG
10/26/2018 FA Interim Report Due to VCG
11/1/2018 CDA Unofficially Complete
11/7/2018 SELC
11/13/2018 Hill Briefing Docs Provided to DHS/DoD
11/14/2018 Hill Brief
11/15/2018 C Day Notification of Disposition Decisions
11/26/2018 Victim Notification Begins

September 2018						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					CG-1/PSC LSC/CDA TJAG, CGIS CG-092 CGA,CG-11	1
2	3 Labor Day	4	5	6	7	8
9	10	11 Draft update for VCG tasking memo for review	12 FA Bi-monthly (Review VCG memo & timeline) ✓	13 update meeting with VCG	14	15
16	17	18	19	20 Victim Recovery review (team)	21	22
23	24	25	26 FA Bi-monthly	27 TODAY	28	29 C-47
30						

October 2018						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Investigations AD suspects are complete Victim Recovery dry run	2	3	4 Victim recovery brief to VCG	5 CGA completes "what's changed analysis"	6 C-40
7	8 Columbus Day	9 CG-092 Plan Brief. Who What... Brief	10 FA Bi-monthly finish Investigate Plan CMD Accountability	11	12	13 C-33
14	15 LSC completes review of AD cases	16	17 Red Cell Hill Brief; deliver Investigate Plan to VCG	18	19	20 C-26
21	22	23	24 FA Bi- monthly	25 Hill engagement brief dry run to VCG	26	27 C-19
28	29	30	31	(25) Interim report to VCG		

November 2018						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 CDA unofficially complete	2	3 C-12
4	5	6	7 SELC CGHQ	8 SELC CGHQ	9 SELC CGHQ	10 C-5
11 Veterans Day	12	13 Briefing Docs provided to DHS/DoD	14 Hill Brief; CDA officially complete	15 "C" Day Notification of accountability	16	17
18	19	20	21	22 Thanksgiving Day	23	24
25	26 Victim Out-reach begins (through 15 Dec)	27	28	29	30	

December 2018						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25 Christmas	26	27	28	29
30	31					

Fouled Anchor Completion Timeline

