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ON SEXUAL ASSAULT IN THE MILITARY SERVICES**

**BEFORE THE  
HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES**

**ON THE  
REPORT OF THE DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE  
MILITARY SERVICES**

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**NOT FOR PUBLICATION UNTIL RELEASED BY THE COMMITTEE ON  
OVERSIGHT AND GOVERNMENT REFORM**

Chairman Tierney, Ranking Member Flake, and distinguished members of the Committee, on behalf of the Defense Task Force on Sexual Assault in the Military Services, thank you for the opportunity to discuss the findings and recommendations of our Task Force. Our capacity here today is solely as representatives of the Task Force; we do not represent the Military Services, the Department of Defense (DoD) or the Administration. Although we were appointed by the Secretary of Defense, the views we express are the carefully considered views of our Task Force.

Based upon direction outlined in Section 576 of Public Law 108-375, the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 and amplifying guidance issued by the Secretary of Defense, the Defense Task Force on Sexual Assault in the Military Services conducted a detailed review of matters related to sexual assault in which members of the Armed Forces are either victims or commit acts of sexual assault. The composition of our ten-member Task Force enabled a thorough assessment of sexual assault programs, policies, procedures, practices, and trends: Task Force members included uniformed personnel from each of the military services, as well as civilian experts affiliated with federal and non-profit organizations that address sexual assault issues.

### **METHODOLOGY**

Over the course of 15 months following our initial meeting on August 11, 2008, the Task Force visited 60 military locations worldwide and met with over 3,500 individuals. We met with deployed military personnel in Iraq, Kuwait, Qatar and Bahrain, as well as recently redeployed personnel from Afghanistan. Our interviews included active duty as well as reserve component personnel, senior military and civilian leaders, general court-martial convening authorities, legal and investigative officials, Sexual Assault Response Coordinators, victim advocates, and primary responders such as medical providers, lawyers and chaplains. We further surveyed Sexual Assault Response Coordinators, their supervisors, and victim advocates in order to obtain their assessment of SAPR program effectiveness. In addition, we reviewed hundreds of criminal investigative files from the military services, data from across the Department of Defense (DoD), related reports,

studies, and articles. We also interviewed 61 victims of sexual assault and received written accounts from other victims.

## **SUMMARY**

On 1 December 2009, we submitted our report of findings and recommendations to the Secretary of Defense. Our review found that DOD overall has made notable progress in addressing sexual assault since the establishment of the Sexual Assault Prevention and Response (SAPR) Program in 2005. Key to this progress has been heightened awareness attributable to leadership emphasis and involvement at all levels, increased program funding, and establishment of dedicated SAPR positions. At the same time, we found many opportunities for improvement. Specifically, while DOD has made important improvements in responding to victims' needs, there must be greater focus on effectively addressing the spectrum of sexual assault prevention and response. In our recommendations, we highlight the need for substantial institutional emphasis on preventing sexual assault: doing so is not only a moral imperative, but is critical to military readiness. To this end, we recommend developing greater consistency among the military services and their reserve components, particularly given the increasing nature of joint operations and basing. We also make several recommendations geared to increase collaboration among the military services, as well as with civilian communities and organizations engaged in sexual assault prevention and response efforts. In formulating our recommendations, we addressed the need for greater strategic oversight of the SAPR Program, developing more effective prevention and training strategies, improving care and responsiveness to victims, and ensuring appropriate accountability.

## **STRATEGIC OVERSIGHT**

Our Task Force makes a number of recommendations related to the strategic oversight and direction of the SAPR program. We found that the current organizational placement of the Sexual Assault Prevention and Response Office (SAPRO) has limited its visibility and ability to effectively address integral cross-cutting issues. We therefore recommend the Deputy Secretary of Defense provide oversight for SAPRO for at least one year or until the SAPR Program is meeting established institutional goals. We realize this recommendation may be considered unconventional, but believe that higher level

oversight will ensure appropriate funding and focus on a program that is at a critical juncture.

Military and civilian officials at all levels advised that funding for the SAPR Program was often inconsistent and insufficient. We believe this issue can best be resolved by DOD including SAPR Program funding in its Program Objective Memorandum budgeting process to ensure allocation of specific and sufficient funding. Adequate resources are also essential to conduct research across the full spectrum of prevention and response. In fact, we believe research collaboration and strategic partnerships with civilian research initiatives would be particularly helpful. SAPRO should continue to leverage the expertise, information, and resources of public and private entities facing similar challenges, such as colleges and universities as well as national organizations and coalitions dedicated to eliminating sexual assault and providing victim support. Research funding is essential to identify effective prevention strategies and initiatives, as well as meaningful incidence metrics; presently, there is no such research.

Our Task Force noted that SAPRO does not provide policy or oversight for several of its significant responsibilities. For this reason, we recommend that DOD restructure SAPRO to include the expertise essential to address prevention, response, training, and accountability. Given that military personnel are increasingly serving in joint and deployed environments, the Task Force believes SAPRO must also drive consistency across the Services in policy, terminology, personnel structures, and standards for managing and assessing the SAPR Program. We found lack of standardization in significant areas such as SAPR Program structures and funding, training and deployment preparation, terminologies used in policies and training, reporting and response procedures, and interpretation of SAPR guidance. For a DoD-wide program and for an issue that affects personnel in all Services, we believe greater standardization is essential.

### **PREVENTION AND TRAINING**

Our Task Force firmly believes that prevention of sexual assault must be the primary goal of the DoD SAPR program. While DoD's focus on prevention has increased over the past year, it remains insufficient in our view. In particular, at the time our Task Force

began compiling findings and recommendations, SAPRO had not articulated a clear, overarching prevention strategy. Prevention of sexual assault requires close scrutiny of cultural beliefs, values, practices, and structures. Moreover, to be successful, awareness and involvement among those in the military community are essential. Our Task Force believes that DoD has a tremendous opportunity to collaborate with outside experts in developing a comprehensive prevention strategy, improving current prevention and response training, and engaging leadership at all levels to improve military culture with regard to both sexual harassment and assault. We recommend that SAPRO, in close collaboration with the military services and national experts in sexual assault prevention, develop a prevention strategy that is far more comprehensive in nature. This strategy should be used to guide SAPR initiatives, processes, training, and communication outreach. To maximize effectiveness and synergy, military service prevention activities and programs should align with DOD's strategic emphasis.

Commanders, as well as other military and civilian leaders, must be well-trained on SAPR. Accordingly, we recommend more tailored SAPR training for leadership and maturity levels, as well as developmental training for military as well as civilian personnel throughout their continuum of service. In addition, personnel responsible for responding to victims of sexual assault generally require more specialized training on sexual assault response than they currently receive. We recommend that this training be specifically integrated into all initial and recurring first responder training courses. We also recommend that training for Sexual Assault Response Coordinators and victim advocates become more professionalized, particularly the continuing education needed to further develop skill proficiency and awareness.

Leadership clearly has a profound influence on the prevention of sexual assault, from strategy development and execution, to continued focus and open discussion of the issue. Commanders and leaders must take an active role in addressing the issue and modeling correct behavior. Our Task Force found that, when leadership was not involved, SAPR training was generally perceived as yet another mandatory training requirement to fulfill as opposed to a problem to understand and address. As a result, we recommend that all commanders and senior enlisted leaders be actively involved in SAPR training and

awareness programs. We also recommend that installation and operational commanders vigilantly assess the adequacy of measures to ensure the safest and most secure living and working environments.

### **VICTIM RESPONSE**

A key element of the DoD Program is affording sexual assault victims a restricted reporting option, which allows access to confidential medical care and counseling. The restricted reporting option also provides victims an opportunity to consider their rights and responsibilities before deciding whether to make a formal complaint. Once a formal complaint is made, confidentiality is greatly diminished. Accordingly, despite these positive strides, restricted reporting does not provide a truly confidential resource for the victim throughout the healing and legal processes. We believe this limitation is a significant barrier to providing effective response to victims; this barrier is even more pronounced in deployed and isolated environments. In the military community, the only practical source of privileged advice is the chaplain. The reality is that many victims are reluctant to seek help from a chaplain about a sexual assault. In civilian communities, medical personnel can provide privileged advice and counsel; this is not the case for military providers. The net effect is that military sexual assault victims have little ability to discuss their circumstances with others. The victim advocate is available but must advise the victim that, should he or she decide to pursue an unrestricted report, all communications with the victim are discoverable by the alleged assailant's attorney. Based upon the fact that 35 states have granted effective privilege to communications between victims and victim advocates, we recommend Congress enact a comprehensive military justice privilege for communications between military victims of sexual assault and victim advocates.

Although effective victim advocates are essential to a victim-centered SAPR program, DOD requires no formal certification for its victim advocates. As a result, we also recommend that service members who report they were sexually assaulted be afforded the assistance of a nationally certified victim advocate. Our Task Force found that sexual assault victims are frequently dissatisfied with how they are treated during the investigative process, often because they participate in this process without fully

understanding their rights and the limitations of their rights. We recommend that victims of sexual assault be immediately aware of their rights, including the opportunity to consult with legal counsel – qualified in accordance with Article 27(b) of the Uniform Code of Military Justice – to minimize victim confusion during the investigative process.

Men as well as women are sexually assaulted. The social pressure against reporting these crimes, regardless of gender, can be extremely intense. In the most recent anonymous *Gender Relations Survey of Active Duty Members*, 6.8 % of women and 1.8 % of men indicated they experienced unwanted sexual contact in the past 12 months. Accordingly, we recommend establishment of gender-specific medical care protocols for all victims of sexual assault. It is imperative that these victims receive immediate treatment for their injuries; be screened, receive a forensic examination, and treated for sexually transmitted diseases. Integrated care must be made available for military sexual assault victims at any location, to include those who are deployed

### **ACCOUNTABILITY**

Accurate and comprehensive data is essential to achieving accountability for responders and those who are accused of criminal activities. Without meaningful data, trend analysis and efforts to effectively address issues become problematic. Our Task Force found DoD's procedures for collecting and documenting data about military sexual assault incidents to be lacking in accuracy, reliability, and validity. As one example, the most recent DoD report to Congress combined offender and victim data. We offer a series of recommendations for DOD to better comply with data requirements specified by Congress, while ensuring the data is consistent and comparable.

The military justice process plays an important role in victim care and recovery. Our Task Force found that neither victims nor other military personnel were routinely informed of the results of disciplinary actions relating to sexual assault. Focus groups specifically indicated that commanders generally did not communicate case results to members of their command, and that this lack of information often led to misperceptions, rumors, and assumptions that allegations were unfounded. As a result, we recommend

that both victims and other military personnel within the affected command be informed of the disciplinary action results related to sexual assault.

Finally, legal practitioners consistently advised the Task Force that the new Article 120 of the Uniformed Code of Military Justice, the article that addresses sexual misconduct, is cumbersome and confusing. Based upon the consistency of this feedback, we recommend a review of the effectiveness of Article 120.

### **BEST PRACTICES**

During our review of DoD sexual assault programs, policies and practices, we identified emerging best practices in addition to areas for improvement. We highlighted these best practices in our report. From the headquarters of the military services to the small-unit level, we found the key factor among these best practices to be consistently engaged leadership. We encourage the DoD SAPRO to develop an overarching strategy that can leverage these best practices, and others like them, for the highly effective results these practices are yielding to improve sexual assault awareness, prevention, training, response, and accountability in the military services.

### **CLOSING**

On behalf of our Task Force members, several of whom have worked these issues for several decades, thank you for your leadership and concern on this important matter. The proud men and women who join our Armed Forces accept many risks associated with their service to our country. None of us believe the risk of sexual assault is a condition they should accept as part of their service. Sexual assault is a scourge that requires vigilance and skill to address. We believe our Task Force has provided to you and to the Department of Defense a blueprint that will greatly attenuate the risk of sexual assault and its devastating consequences from occurring among the ranks of those who serve. Thank you again for the opportunity to testify today; we would be pleased to answer any questions you have.