

Joint Statement of Dr. David S.C. Chu, Under Secretary of
Defense for Personnel and Readiness, and
Ms. Ellen P. Embrey, Deputy Assistant Secretary of Defense
for Force Health Protection and Readiness
Before the House Armed Services
Subcommittee on Total Force

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Thank you, Mr. Chairman.

As you will recall, in early February this year, the Secretary of Defense directed a review of how the Department of Defense responds to incidents of sexual assault, with particular emphasis on the care given to victims. Ellen Embrey was asked to lead this effort. She and seven other task force members completed that review within the 90 days prescribed by the Secretary of Defense.

Our testimony highlights key findings and observations from the report and addresses the actions that have already been taken, as well as our ongoing initiatives to address this important issue.

Sexual assault is a crime that has potentially devastating and long-term effects on victims and their units. Therefore, we must do everything we can to prevent sexual assaults from occurring. We must make sure that the systems of reporting, responding and investigating sexual assaults are timely, effective and sensitive to victim needs. And most important, we must ensure that the

Department's leaders at all levels are committed to making necessary improvements.

In February this year, Secretary Rumsfeld was very concerned about reports of alleged sexual assaults in Kuwait and Iraq, and in response, requested a comprehensive review with a particular focus on the effectiveness of current practices, policies and guidelines, especially those in terms of caring for victims.

In the brief period of time the Task Force had to accomplish its review, the members relied on advice from experts – they spoke with victim support organizations; they met with academia; they talked to other subject matter experts. They also spoke with experts from the Department of Veterans Affairs and the Department of Justice. And they performed an extensive literature review of sexual assault research published by respected military experts as well as civilian authorities.

Armed with that information, the Task Force focused on five areas of concern: prevention efforts; reporting mechanisms and avenues; response structures and effectiveness, especially those relating to care of victims; command disposition efforts, and accountability for making the elements of response work together.

With the full support of the Military Departments and the Combatant Commands, the Task Force conducted focus group sessions at 21 locations. At each site, the Task Force held 12 focus group sessions. Participants included male and female service members at all ranks, and military and civilian service providers such as medical, mental health, legal, investigative, law enforcement, chaplains, social workers and advocates. Two sessions at each site were set aside for one-on-one discussions with victims who wished to come forward to talk to us. Through these focus group sessions, Task Force members were able to get viewpoints from more than 1,300 individuals on how well the current programs and policies were meeting our sexual assault prevention, response, reporting and disposition needs.

The department provided victims three ways to provide their input to the review. A national hotline was established that victims could use

to contact Task Force members anonymously, or, if they wanted to, to provide their name and information that would inform the Task Force. Through that mechanism, the Task Force heard from 73 victims or their family members.

At each site visited, the Task Force also offered to meet in person with any victim wishing to come forward. Several took up that opportunity. Also at those sites, through the support of the site visited, phones were made available so that people could call the Task Force when they were on site.

The Task Force identified 35 findings. These findings can be broadly characterized as follows:

First, they found that with few exceptions, the current policies and programs in place within the department primarily address sexual harassment and do not sufficiently address sexual assault. And there seemed to be some confusion among the population about what are the behavioral differences between sexual harassment and sexual assault.

They also found that people with several different kinds of expertise are important to the success of supporting sexual assault incidents – commanders, legal personnel, law enforcement, investigators, mental and medical health professionals, chaplains and social workers and victim advocates. Generally speaking, the Task Force members found that experts of this type were not functioning as a team to provide needed support to victims. And as a result, many times victims had to find out where to go, and then take the initiative to go from place to place to place to get the help they needed.

The Task Force found that commanders, were concerned, but were often not sufficiently educated, trained or sensitive to all the needs of sexual assault victims. Successfully handling a sexual assault case is a demanding challenge for any command leadership. We need to provide better tools, guidelines, and training for them to be more effective in handling this crisis and taking care of their troops.

With respect to victim support, the Task Force found that victim advocates, currently available in the Navy and the Marine Corps, do make a difference in being responsive to the victims' needs. We are looking at expanding their role in the department. And research shows that this will make a significant difference in victim care, support, and recovery.

The Task Force also found that commanders were committed in holding offenders accountable and they were often frustrated by factors that limited their ability to take action. Examples might include: victim chooses not to cooperate with investigators; insufficient evidence primarily due to late reporting; the evidence doesn't necessarily support the allegation, often due to a misunderstanding of what sexual assault is; or the victim recants. Under these circumstances, many commanders do what they can to take action on lesser but included offenses to ensure that offenders are held accountable in some way. Often the perception is that that is all they have done. And so therefore, we need to find a way, a much better way, to bring transparency to the UCMJ system and show why commanders take the actions they do in these cases, without unduly violating the rights and privacy of those involved.

Based on the 35 findings, the Task Force made nine broad recommendations. The first four recommendations were suggested for immediate action. The first recommendation was to establish a single point of accountability for all sexual assault matters DoD-wide within the Office of the Undersecretary of Defense for Personnel and Readiness.

The second recommendation was to put this matter on the agenda at a recently held combatant commanders' conference to discuss how the Task Force's recommendations apply to their environments and the way ahead in making needed improvements.

The third immediate recommendation suggested that we leverage department-wide communication networks to increase sexual assault awareness and get training and education material on prevention and response out to the force at all locations. This same network would

be used to disseminate new policies, guidelines and command tools as they are developed.

The fourth immediate recommendation suggests convening a summit within the next three months, involving senior military and civilian leaders within the Department of Defense, as well as outside experts on sexual assault. The goal of that summit would be to develop, at a minimum, courses of action to resolve the following five important issues that need Department-wide buy-in to effect real change:

- Define sexual assault. Resolve the confusion over terms, behaviors and legal definitions.
- Address privacy and confidentiality needs of victims.
- Increase visibility on why reported cases of sexual assault are resolved the way in which they are.
- Develop a sexual assault response capability for deployment to remote U.S., overseas and combat locations.
- Develop templates and sample agreements to help combatant commanders enhance their ability to hold non-U.S. citizen offenders accountable for their sexual assaults on U.S. service members.

The Task Force recommended four near-term actions, intended to be addressed within the next 3 to 6 months, which included developing needed DOD-wide policies, guidelines and standards for sexual assault prevention, response and accountability; establishing a federal advisory council of senior level representatives from the Departments of Veterans Affairs, Justice and Defense; ensuring fiscal and manpower resources are identified and made available to support needed improvements – especially in the current and upcoming fiscal year; and improving data collection through Services' accelerated implementation of the Defense Incident-Based Reporting System measures.

The very last recommendation, is a longer-term recommendation, and if accepted, would establish a framework for assuring that the new policies and programs that are being put into place will remain

effective and will be efficient. This would be accomplished through periodic expert internal and external reviews, the development and execution of an annual research agenda, the implementation of quality improvement practices, and the development of oversight tools designed to track performance outcomes.

To accomplish these recommendations short- and long-term, we will need to ensure institutional change – in all Services, at all ranks. For this reason, on the day he received the report, the Secretary, in turn, sent a memo to each combatant commander and requested immediate action. In the memo, he requested that each commander meet with each of his direct report commanders and address three questions:

- Are victims within your command comfortable in coming forward?
- Are appropriate support, care, and protection mechanisms in place and are they effective?
- What are you doing to identify, remove, and encourage the prosecuting of those responsible for this violence?

Following that discussion, the Secretary asked that each subsequent commander and senior enlisted advisor meet with their subordinate leaders and ask the same questions. And he cautioned them to approach this process with an open mind without the presumption that the answer to the questions would be “yes.”

In the course of the Task Force’s review, commanders and leaders involved indicated strong commitment to do the right thing and a willingness to support the changes that would make a difference in this area. Significantly, the Combatant commanders, at their recent conference, reinforced this position and strongly indicated their leadership commitment to make needed improvements. Further, their discussion indicated an understanding of the complexity of the issues involved and the need for the recommended summit to ensure that – individually and as an institution – we take consistent and appropriate actions throughout the Department.

We know that success in this important endeavor will require support from the military Services. We are fortunate that concurrent with the

Task Force activities, the Army and Air Force also conducted internal reviews of their respective Service programs, policies and implementation. Their conclusions are similar to that of the Task Force. Today, leadership in all the Military Departments are committed to work together to implement meaningful DoD-wide change. This will start with the Services' commitment to accelerate full implementation of the Defense Incident-Based Reporting System.

We are proceeding with efforts to establish a focal point of accountability for DoD-wide sexual assault matters within my office. We are also currently engaged in efforts to establish the recommended Armed Forces Advisory Council, composed of senior representatives from the Departments of Justice, Veterans Affairs, and Health and Human Services, as well as executive-level representatives from the Military Departments, the Joint Staff and the Office of the Secretary of Defense.

Efforts to plan the recommended summit have just begun, not only to address the issues identified, but also to begin partnering with other Federal institutions in offender research, and exploring application of a public health model for sexual assault prevention and response.

While we have much work ahead, we would like to note that the task force did find places of excellence within the Department, and that these efforts are highlighted in the report. We now have to build on those efforts.

Sexual assaults are a challenge to our nation, and the U.S. military is not immune to this challenge.

We hope that this report will help you realize, as we have, the extraordinary benefit of prevention. We can and should improve our systems of response should sexual assault occur, but once it occurs, a tragedy has happened and people are damaged. Many, if not most, of these victims leave the service as a result of these incidents, and that loses us highly trained, motivated individuals, and that is indeed a loss to the nation. And so, over the longer term, the Department will remain focused on how to preclude such incidents from happening in the first place.

We in the Department of Defense take this issue very seriously and accept responsibility for implementing change—now and for the long-term.

Mr. Chaiman, we thank you.