

**STATEMENT OF**

**THE HONORABLE**

**WILLIAM A. NAVAS, JR.**

**ASSISTANT SECRETARY OF THE NAVY**

**(MANPOWER AND RESERVE AFFAIRS)**

**BEFORE THE**

**HOUSE ARMED SERVICES COMMITTEE**

**ON**

**SEXUAL ASSAULTS IN THE MILITARY**

**JUNE 3, 2004**

Mr. Chairman, distinguished members of this subcommittee, thank you for the opportunity to appear before you today on behalf of the outstanding men and women of our Navy and Marine Corps team. I would like to thank the members of this committee and the entire Congress for the strong support you have continuously provided to our Nation's military forces. Now more than ever, our nation relies heavily upon our service members to protect and defend our interests domestically as well as internationally. Since the attacks of September 11<sup>th</sup>, we have asked increasingly more of our military personnel, and they have risen to the challenge with honor, courage and commitment time and time again. We also expect our active, reserve and civilian personnel to hold themselves to a higher standard as they often represent the United States as ambassadors to other nations. And it is because of this higher standard and the responsibility that we levy upon our personnel that social ills such as sexual assault must be dealt with effectively within our ranks.

#### Department of the Navy Policy of Zero Tolerance

The Secretary of the Navy has made it very clear that there is zero tolerance for sexual assault in the Department of the Navy. Whenever a sexual assault occurs, we act immediately to handle the specific case—taking care of the victim, conducting a full and fair investigation, and taking prompt remedial action. An analogy can be drawn to a manufacturing defect. In order to address the “defect” of sexual assault, we must have effective quality assurance and quality controls in place to analyze why this “defect” in our process and systems occurred in the first place. Was the defect due to a lack of training or knowledge of how to deal with the situation, a lack of leadership, and/or a lack of intervention? Could this defect have been prevented?

The question before us is, can we put effective quality assurance processes in place in the military? Sure we can. However, unlike the manufacturing process, we are not dealing with machines here, but with human beings – Sailors and Marines – who are voluntarily serving their country. The military has both a cultural advantage and a cultural disadvantage in the context of dealing with sexual assault.

On the one hand, we have our unique military culture, which is different from the “civilian” culture. The military tries to instill in our service members the highest level of values, ethics and commitment. We work hard to raise the “value bar” to a level well above what you might find in the civilian world, and we are proud to say that we generally succeed in doing that. That pride spills over to our young people. This unique military culture is a big plus for us as we grow our young recruits into fine service members who are proud to serve their country and do the right thing.

On the other hand, however, we necessarily must recruit very young Sailors and Marines who are like any other young adults—they are more likely to engage in high-risk behaviors due to their youth and generational mores. By the very nature of our work, which includes hazardous duty, rotating deployments, and expeditionary forces, our Sailors and Marines live in close proximity to one another, often working, sleeping, eating and relaxing together 24-hours a day. This proximity, coupled with the youthful age of the force, sometimes leads to behavior we do not value or condone within the Department of the Navy.

Hence, the setting of clear and proper standards, and establishing a positive service culture to prevent sexual misconduct, requires leadership from the highest levels. Prevention, education, and intervention systems need to be embraced by all, as we strive to ensure that our Sailors and Marines understand the potential risks and actively engage in preventive measures. To confront the issue of sexual assault effectively we need to install a series of checks and balances. We need to create an atmosphere where assaults, if they happen at all, happen very rarely, and where victims' needs are considered paramount yet properly balanced with due process and other fundamental principles.

The old cliché that an organization is only as strong as its weakest link is apropos in the context of sexual assault. Intolerable behavior such as sexual assault, even when performed by a small minority, weakens the organization's morale, esprit de corps, and cohesiveness, and ultimately puts lives at risk especially in combat zones where service members rely on one another for security and safety. As with any aberrant behavior, however, the actions of a few can paint the entire institution as lacking in good order and discipline. Unfortunately, media accounts sometimes serve to sensationalize isolated incidents of misconduct and depict our service members in uniform as predators when, in actuality, only a very small number have perpetrated an assault. The vast majority of Sailors and Marines are law-abiding and zealously respect one another. Statistically, sexual assault is a rare aberration in the Navy and Marine Corps, but even one sexual assault is too many.

Sexual assault violates both our core values and fundamental standards of good order and discipline. The vast majority of our military personnel wholly accepts and personally lives by our core values of honor, courage and commitment; and they count on their leadership to enforce good order and discipline for the welfare of all. We owe it to our Sailors and Marines – who literally put their lives in one another's hands – not to compromise these basic values and standards.

#### A Focus on Continual Improvement

The Department of the Navy has strong sexual assault prevention and victim advocate programs in place, but there is always room for improvement. We are committed to ensuring that we do all we can to prevent assaults and, in the rare cases when prevention fails, that we take care of our service members who are faced with the aftermath of such horrific crimes. It is everyone's responsibility to ensure that victims are treated with dignity and respect, that high quality care is provided to the victims, and that resolution of the legal issues is accomplished as swiftly as possible. All levels within the respective commands must internalize these goals.

In light of the recent reports of sexual assault crimes, the results of the Fowler Panel review of allegations of misconduct at the U.S. Air Force Academy, and the Secretary of Defense-directed review of the treatment and care of victims of sexual assault, the Department of the Navy has focused on finding ways to improve our existing programs. Surveys, case reviews and monthly data reports identifying trends suggest that we are heading in the right direction. Our overall DoN Sexual Assault Victim Intervention (SAVI) program is the heart and soul of our ability to properly respond to sexual assault; and while it is not perfect, it does focus on victim advocacy and intervention, two of the keystones in successfully dealing with sexual assault.

The Department of the Navy has impressive proactive programs in place to address sexual assault. The Secretary of the Navy promulgated an Instruction in 1996 that establishes basic standards and requirements for sexual assault prevention programs in the Department of the Navy. Each of our two Services then developed programs based on those general requirements, but adapted to each Service's specific needs. I would like to take a few moments to highlight the Navy's Sexual Assault Victim Intervention (SAVI) program and the Marine Corps' Victim Advocate Program.

### SAVI in the Fleet

The Navy's SAVI program is a dedicated and resourced sexual assault program unique within DoD. The goal of the SAVI program is to provide a comprehensive, standardized, gender-neutral, victim-sensitive system to first, prevent, and second, respond to sexual assault throughout the Navy. The SAVI program requires commanders to develop a responsive sexual assault victim advocate program. The program epitomizes the coordinated community response in that it provides a series of overlapping protocols between key responders that ultimately increases the effectiveness of all responders.

The program operates at both the installation and command level, which is essential for success given the Navy's operational tempo and mission. Maximizing victim privacy is paramount within the SAVI Program. Deploying/afloat commands are encouraged to have trained military advocates aboard to respond to sexual assaults that occur away from Navy installation resources. In other words, we take our SAVI services with us. Over 300 deploying commands had trained advocates aboard this year.

Anecdotally, our active-duty advocates often become the most vocal supporters of SAVI. Increasing the general awareness and command leadership support of SAVI requires ongoing efforts, due largely to leadership rotation and accession, but is critical to program success. SAVI functions most effectively in commands where strong zero tolerance messages are communicated from the top down, there is leadership by example, and there are clear expectations with regard to compliance with Navy standards of conduct and SAVI requirements.

Compliance with SAVI requirements is integrated with command responsibility at the command officer level, with program execution and compliance assured through our 67 Fleet and Family Support Centers worldwide. These centers provide training and support of command SAVI Points of Contact and assist with periodic assessment of SAVI requirements by the Navy Inspector General, component commanders, unit senior commanders and commanding officers.

There is a steady focus within the Navy on sexual assault awareness and prevention education. Leadership is engaged. Training on SAVI and general sexual assault awareness occurs at every initial accession point for both officers and enlisted and through our leadership continuum of schools. More importantly, training of these unit leaders is not a one-time affair; it is provided multiple times throughout a career. Sexual assault training is also required for all-hands annually and is taught during General Military Training.

Individual commands play a key role in the success of the SAVI program. In addition to annual mandatory training for all-hands, every command is required to publicize a means by which individuals can report situations or circumstances where they perceive they may be at risk of sexual assault. Commands are required to report any alleged sexual assault involving Navy personnel to the Naval Criminal Investigative Service (NCIS) and forward a unit Situation Report for all alleged sexual assaults involving active duty or family members, or occurring on Navy property. Command data collection coordinators are responsible for collecting required information from involved third parties, minimizing revictimization, and forwarding information in initial and monthly continuation reports until a final disposition of the incident is reported.

We are also working to improve web access to SAVI information. The website provides information and resources to those executing the SAVI program as well as victims reaching out for information. Considering the nature of this crime, we expect that the anonymity of the Internet will help encourage victims to educate themselves on our program and then, hopefully, to report the crime. In the future, it may also serve as a vehicle for anonymous surveys and other initiatives requiring survey-type data.

The Navy is also aggressively pursuing improving communications with the Fleet. The Vice Chief of Naval Operations released a recent message to Commanders, and NCIS outlining guidance in addressing sexual misconduct. Commanders are required to report sexual assault incidents within 24 hours, and ensure complete investigations of allegations and full accountability of those found in violation of standards of conduct and the UCMJ. Additionally, the Chief of Naval Personnel has instituted an internal monthly review of sexual assault data to further identify trends and address corrective action early.

Is the SAVI program perfect? No. Ensuring sexual assault awareness, victim sensitivity and full utilization of the SAVI Program by Navy active duty, family members and all levels of command requires an ongoing, concerted effort. We want to better understand our many systems of reporting and tracking of statistics. Increasing the frequency and expanding the sampling populations of surveys, instituting periodic data reviews with follow-up action, and improving the quality of preventive training and tie-ins with casual factors like alcohol, are additional initiatives we are undertaking. We must always stay focused on prevention, victims' needs and holding responsible parties accountable.

### Trends

Navy is committed to improving our efforts in preventing sexual assault. In doing so, we rely on inputs from subject matter experts, from commanders and commanding officers, from fleet units, shore commands and a review of data to improve our program. We have less data than we would like; we wish we had known ten or fifteen years ago the questions we want answers for now. And we know from surveys inside and outside the Navy that a significant number of sexual assaults are not reported. We continue to work on improving data collection and drawing trends from the data we do have, so that we can better understand the causes and cures for these problems.

As these surveys and case reviews indicate, we are trending in the right direction based on caseload. But we are not out of the woods, nor will this issue ever disappear, especially as we

bring in thousands of new personnel every year, many of them in our most vulnerable age group. While sexual assault is not confined to the junior ranks, in comparing Navy and civilian data, both suggest that there is a increased risk of sexual assault among young members, between acquaintances, and in association with substance abuse, particularly alcohol. Alcohol is a contributing factor in at least 50 percent of sexual assault incidents. Sexual assault prevention information has been included in all Navy Drug and Alcohol Program initiatives. Additionally, 44 percent of sexual assaults occurred in living quarters on military installations. When cases did not occur in areas under military control, 79 percent of DoN cases still occurred in living quarters. This is consistent with a national survey of college women (Fisher, Cullen and Turner 2000), which shows almost all of the completed rapes of college women occurred on campus, in living quarters. In light of our demographics and the seriousness of sexual assault, constant vigilance is required

#### Marine Corps Victim Advocate Program

The Marine Corps is also proactively addressing the issue of sexual assault. Marines who are victims of sexual assault can report the incident to their command or to the local military police. There are procedures in place to support and assist the victim, conduct full and fair investigations, and hold offenders accountable. The Marine Corps allows Provost Marshals, Victim Advocates, Commanders, and Family Advocacy Program managers to begin the process of addressing the alleged sexual misconduct and provide reports to Headquarters Marine Corps as appropriate, based on the severity of the case. The command and the Victim Advocate work together until final resolution of incident and beyond if additional counseling is required.

The Marine Corps' Victim Advocate Program provides victim advocates 24hours a day, 365 days a year to provide guidance and support to survivors of domestic violence and sexual assault. The Marine Corps has 31 federally employed or contract Victim Advocates, and 125 trained volunteers. These advocates assist victims in receiving the services they need as they face the impact of the results of sexual assault. They intervene in response to reported incidents of domestic violence or sexual assault by providing crisis intervention and referral to military and civilian resources; assisting in safety planning and referral to civilian shelters; providing assistance in applying for civilian protection orders; and accompanying the victim to medical exams and court appearances. In short, victim advocates actively assist survivors in obtaining what they need and may be eligible for within the USMC and civilian sectors.

The Marine Corps ensures that deployed commanders in combat theaters have investigative, medical, mental health, religious and legal services available. Selected individuals serving with surgical companies and acting as Victim Advocates are available to a sexual assault victim in theater, just as they are in local medical treatment facilities stateside.

The Marine Corps is in the process of finalizing a new Marine Corps Order 1752.5, "Sexual Assault Prevention and Response Programs." This order provides clear policy and guidance to Commanders, individual Marines, and supporting establishments on sexual assault prevention and awareness training; the specific needs of sexual assault victims; required reporting procedures; and mandatory, standardized sexual assault victim assistance including procedures to protect the victim's privacy. The Order also directs establishment of a Sexual Assault Prevention and Response Office (SAPRO) to provide oversight and staff cognizance of all

Marine Corps policies and programs on sexual assault prevention, training, and reporting to include a tracking database, and support to victims of sexual assault. This office will have overarching responsibilities for coordinating and directing sexual assault programs throughout the Joint community, Headquarters Marine Corps, Combatant Commands, and Marine Reserve Forces. The SAPRO will coordinate prevention and awareness training and consistency of victim support and advocacy to ensure that medical services, law enforcement, and legal and command representatives avoid revictimizing and protect the victim's safety and privacy.

Finally, the Marine Corps' unique initiative, the "Mentors in Violence Prevention" (MVP) Program, is a proactive approach to addressing violence, sexual assault and harassment against women. The program, which focuses on men assuming responsibility for preventing violence against women, was developed at Northeastern University using athletes as mentors for young college and high school students. MVP training, which is conducted for senior Marines, is an interactive two-day package designed to prepare the trainees to train their younger Marines. The program stresses men taking responsibility for preventing violence against women and not being bystanders. MVP training is available through all training avenues. The Marine Corps has successfully adapted the components of the program to the Marine Corps culture so that men who are Marines understand that being a Marine means adhering to a high standard of conduct.

#### SAVI Program at the United States Naval Academy

In response to the Fowler Report recommendations—which favorably reviewed our policies at the United States Naval Academy (USNA)—the Secretary of the Navy has established an Executive Steering Group composed of Department of the Navy Secretariat officials, the Vice Chief of Naval Operations, and senior Marine Corps officers to provide oversight of Naval Academy issues, to include sexual assault.

The USNA addresses sexual assault by providing a unique SAVI Guide Program, involving midshipmen as peer resources. These Midshipmen receive the same training as the SAVI Advocates, but they are not assigned to specific cases as advocates. They serve as first points of contacts, educators, and a constant presence in the Brigade. They refer midshipmen to other support and legal resources.

Additionally, since the fear of disciplinary action appears to be one of the biggest obstacles to reporting, USNA has developed a procedure to address conduct deficiencies of the complainant through mentorship and leadership. This is accomplished through the assignment of a senior same-gender officer (O-5 or O-6), who serves as a mentor to the midshipman, and addresses the misconduct issues, such as underage drinking, fraternization, and consensual sexual misconduct, from a leadership perspective. Education and training are also incorporated into the curriculum, and focus groups provide a unique feedback loop involving midshipmen from all four classes. This approach has proven to be an excellent means of finding out what the midshipmen are perceiving and experiencing at the deck plate level.

#### Consolidated Law Enforcement Operations Center Database

The Navy and Marine Corps' implementation of the Consolidated Law Enforcement Operations Center (CLEOC) will provide us the ability to capture and report data from law enforcement, commands, and Staff Judge Advocates. Currently, data from law enforcement and investigations

can be collected. Full implementation in the future will allow us to capture and standardize incident information to align NCIS and SAVI databases, as well as conduct meaningful crime trend analysis.

#### DNA Evidence

The DoD Task Force on Care for Victims of Sexual Assault addressed the issue of the backlog of DNA evidence for forensic evidence in military sexual assault cases. All of the Services are also looking at this issue. The backlog of DNA evidence waiting for processing can cause hardship to sexual assault victims who must wait for test results and command decisions with respect to dispositions of alleged offenses. In the Department of the Navy, NCIS is considering several options to modernize the Regional Forensic Laboratories to improve DNA testing capabilities and turn around times.

#### DoD Task Force on Care for Victims of Sexual Assault

My office has worked closely with Ms. Ellen Embrey and the DoD Task Force on Care for Victims of Sexual Assault as they have examined current programs and assessed how best to tackle this issue and address the needs of victims. As the Task Force noted, sexual assaults are a challenge to the nation, but especially to the military. I commend Ms. Embrey and the members of the Task Force for producing, in such a short period of time, an enlightening and useful report covering a wide range of difficult issues. However, I consider it important to state specific concerns related to some of the recommendations.

The Services have active Flag-level oversight of sexual assault policies and programs, as well as having oversight of a broad range of military personnel policies and programs correlated with sexual assault issues. Examples include drug and alcohol abuse prevention, sexual harassment and misconduct prevention and core values training. They also work closely with the military staffs on matters of operational readiness, which also pertains to effective sexual assault prevention and prosecution.

I welcome the Task Force's recommendation to convene a summit of DoD leaders (military and civilian) and recognized experts on sexual assault, to develop strategic courses of action on these critical, unresolved issues. Thereafter, a more informed decision can be made regarding the need for the establishment of a permanent DoD Armed Forces Sexual Assault Advisory Council.

The Department of the Navy greatly appreciates the Task Force's extraordinary efforts and their commitment to the safety and welfare of our service men and women. It is my hope that our common desire to ensure the safety and well being of all our service members will guide future collaboration on these issues.

In closing, this Committee's strong commitment to our service members continues to have a positive impact on their well-being. As we endeavor to aggressively address the issue of sexual assault, the challenges remain, but the potential for success drives us forward in our quest to provide the best environment possible for our personnel as they continue to bravely fight for the freedoms we all enjoy. These men and women deserve nothing less than our total commitment. Thank you for your continuing support.