

EXECUTIVE SUMMARY

Sexual Assault is a crime that is not tolerated, condoned, or ignored in the DoD. It is one of the most serious challenges facing our military. The Department worked aggressively during FY13 to implement a multi-disciplinary approach while impressing upon every Service member their individual role in combatting and responding to the crime. In 2005, the Department established the SAPR program to promote prevention, encourage increased reporting of the crime, and improve response capabilities for victims. The DoD Sexual Assault Prevention and Response Office (SAPRO) is responsible for the policy that supports the SAPR program and oversight activities that ensure its effectiveness as provided for in Department of Defense Instruction (DoDI) 6495.02.

Federal law requires the Department to provide Congress with an annual report on sexual assaults involving members of the Armed Forces. This report satisfies the requirement, which is in section 1602 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 (Public Law [P.L.] 111-383) and calls upon the Secretary of Defense to develop and implement an evaluation plan for assessing the effectiveness of the DoD Sexual Assault Prevention and Response (SAPR) program.⁸ The report presents the Department's programmatic activities and policy enhancements and also provides an analysis of reports of sexual assault made during FY13 (October 1, 2012, through September 30, 2013). Enclosed within this report are supplementary reports from the Secretaries of the Military Departments and the Chief of the National Guard Bureau (NGB).

DoD SAPRO organizes and reports Department progress in the SAPR program using the five lines of effort from the *DoD SAPR Strategic Plan*, revised⁹ and published in April 2013. In May 2013, the Secretary of Defense formally directed the implementation of the *DoD SAPR Strategic Plan*. The *DoD SAPR Strategic Plan* presents a multidisciplinary approach with initiatives and objectives in five lines of effort to achieve unity of effort and purpose across the Department. The lines of effort are Prevention, Investigation, Accountability, Advocacy/Victim Assistance, and Assessment. A summary of accomplishments under each line of effort follows:

- **Prevention.** The objective of the Prevention line of effort is to deliver consistent and effective prevention methods and programs that reduce, with a goal to eliminate, the occurrence of sexual assault. The desired end state is a culture wherein all elements of the military community work together to preclude and negate the opportunity for sexual assault. During FY13, the Department developed and began executing a campaign plan to update prior DoD prevention work and create a new *2014-2016 DoD Sexual Assault Prevention Strategy*. Throughout the year, the Military Services and the NGB conducted SAPR stand-

⁸ The report also satisfies the following additional statutory reporting requirements: section 575 of NDAA for FY13 (P.L. 112-239); section 1631 of Ike Skelton NDAA for FY11 (P.L. 111-383); section 567 of NDAA for FY10 (P.L. 111-84); and section 596 of NDAA for FY06 (P.L. 109-163).

⁹ The *DoD-Wide SAPR Strategic Plan* was originally published in 2009.

downs to focus all Service members and civilian employees on SAPR principles and to review credentials, qualifications, and refresher training for victim-sensitive personnel positions. Common SAPR training enhancements were developed collaboratively for implementation throughout the Services. The Military Services also conducted visual inspections of workplaces to eliminate materials that might create a degrading or offensive work environment. In addition, the Services revised performance evaluations for commanders to incorporate an evaluation of their role in establishing command climates of dignity and respect. SAPR program questions were added to the DoD climate surveys so that commanders can assess and take action on factors within their units to enhance prevention and victim support (see Assessment, below). All SAPR initiatives lay a foundation for the advancement of a culture of sexual assault prevention. Given the complex nature of the problem, coordinated action is occurring across all levels of military society.

- **Investigation.** The objective of the Investigation line of effort is to achieve high competence in the investigation of sexual assault. The end state is where investigative resources yield timely and accurate results. On average, it took about 109 days (or almost four months) to conduct a sexual assault investigation in FY13. During FY13, DoD SAPRO worked with the Services to establish a Special Victim Capability. The Special Victim Capability delivers a distinct, recognizable group of professionals who collaborate to provide effective, timely, and responsive worldwide victim support, and a capability to investigate and prosecute special victim offenses. Additionally, the DoD Inspector General (IG) completed two evaluations. The first was on the Military Criminal Investigation Organizations' (MCIO) initial and annual sexual assault investigation training. The second evaluation was on the investigative sufficiency of completed sexual assault investigations. In conclusion, these enhanced capabilities equip DoD's fact finders with the knowledge and skills to conduct investigations that minimize the risk of re-traumatization and support victims' desire to stay engaged in the military justice process.
- **Accountability.** Achieving high competence in holding offenders appropriately accountable is the objective of the Accountability line of effort, while the end state is where perpetrators are held appropriately accountable. Victim participation and engagement throughout the entire military justice process is critical to holding offenders appropriately accountable. Providing legal advice and representation to sexual assault victims give victims confidence that they will be treated fairly as they navigate the criminal justice process. During FY13, the Air Force established a Special Victims' Counsel (SVC) pilot program, which provided Airmen and other eligible persons who reported they were a victim of sexual assault the opportunity to be assigned a military attorney, called a Special Victims' Counsel, at Air Force expense. Due to the overwhelmingly positive feedback from victims involved in the pilot program, the Secretary of Defense directed the Secretaries of the Military Departments to establish a special victims' advocacy program to provide legal advice and representation to victims

throughout the military justice process.¹⁰ Based on the results of a review of Article 60 of the UCMJ that he directed, the Secretary of Defense recommended to Congress that military law be changed so that a convening authority would no longer have the authority to set aside a conviction for major offenses, such as sexual assault except in limited circumstances. The Department also worked in FY13 to provide information to the Response Systems to Adult Sexual Assault Crimes Panel in support of its independent assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under the UCMJ.

- **Advocacy/Victim Assistance.** The objective of the Advocacy/Victim Assistance line of effort is to deliver consistent and effective victim support, response, and reporting options. The end state is to provide high quality services and support to instill confidence and trust, strengthen resilience, and inspire victims to report. During FY13, the Department implemented numerous advocacy and victim assistance programs, initiatives, and policy enhancements.

To expand victim rights, the Secretary of Defense directed the General Counsel to develop a method to incorporate the rights afforded to victims through the Crime Victims' Rights Act into military justice practice.¹¹ The General Counsel was also directed to develop language that will amend the Manual for Courts-Martial to provide victims of crime the opportunity to provide input to the post-trial action phase of courts-martial. The Department also implemented policy for the extended retention of Department of Defense (DD) Forms 2910 and 2911 in cases of Restricted Reports, when requested by the victim.

To enhance victim protections, the Secretary of Defense directed the Secretaries of Military Departments to develop and implement policy allowing the administrative reassignment or transfer of a Service member who is accused of committing a sexual offense based on credible report.¹² Furthermore, the Director of National Intelligence issued new security clearance guidance that is intended to de-stigmatize mental health counseling used by sexual assault victims in their recovery. The Secretary of Defense also directed the Military Departments to improve overall victim care and trust in the chain of command, to increase reporting, and to reduce the possibility of ostracizing victims. To do this, the Military Departments will implement and monitor methods in forthcoming years to improve victim treatment by their peers, co-workers, and chains of command. Victim input will be solicited in the development of these methods.

¹⁰ Special Victims' Counsel/Victims' Legal Counsel program full operating capability was established in each Service in January 2014.

¹¹ During FY14, the Department is implementing section 1701 of the FY14 NDAA, which mandates crime victims' rights be incorporated into military law. Article 6b of the Uniform Code of Military Justice (UCMJ) now sets forth basic rights of crime victims. This new provision of the UCMJ was enacted by Congress on December 26, 2013.

¹² DoDI 6495.02, Enclosure 5, 5.b.(11), "SAPR Program Procedures," Incorporating Change 1, February 12, 2014. Available at: <http://www.sapr.mil/index.php/dod-policy/directives-and-instructions>.

To improve and expand victim advocacy services, the Department completed the fielding of the DoD Sexual Assault Advocate Certification Program (D-SAACP), developed an advanced training course for D-SAACP-certified sexual assault response coordinators (SARC) and SAPR victim advocates (VA), and developed standardized core competencies and learning objectives for SARCs and SAPR VAs. The Department also sustained and expanded DoD Safe Helpline services, continued collaborating with civilian community victim advocates, and continued to provide training for recovery care coordinators.

- **Assessment.** The objective of the fifth line of effort is to effectively standardize, measure, analyze, and assess program progress. The end state is where the Department incorporates responsive, meaningful, and accurate systems of measurement and evaluation into every aspect of the SAPR program. Each year, the Department integrates data from sexual assault reports, scientifically conducted surveys, and other research to provide a fully transparent view of DoD SAPR program progress. During FY13, the Department implemented the requirement from section 572 of the NDAA for FY13 requirement that the commander of each military command, within 120 days of assuming command and at least annually thereafter while retaining command, conduct a climate survey for purposes of preventing and responding to sexual assaults in their unit. To enhance commander accountability and improve oversight into command climate, the Secretary of Defense mandated these climate surveys be provided to the next level up in the chain of command (within 30 days of receiving these results).

The Defense Sexual Assault Incident Database (DSAID), the centralized, case-level database for the collection and maintenance of information regarding sexual assaults involving a member of the Armed Forces, became fully operational during FY13 with the integration of all Services either entering data manually or electronically interfacing with an existing Service system. DoD SAPRO continued to enhance and refine DSAID to establish it as the system of record for future annual reports.

The Department also developed a set of metrics that more frequently measure SAPR program progress.¹³ Throughout FY13, the Joint Chiefs, the Military Services, and DoD SAPRO worked to develop an initial set of metrics and harmonize surveys and other sources of data that support the metrics. An initial set of six metrics was tracked throughout the year.

Throughout FY13, all levels of Department leadership focused on increasing victim trust and confidence in the SAPR response system. This work reflects an understanding that commanders and leaders create the climate in which victims choose to report. They facilitate the reporting of sexual assaults by gaining victims' confidence in the response system when they understand the problem of sexual assault and work to support a unit climate of dignity and respect.

¹³ For more information about the established metrics, see the "Developing New Measures of Assessment: Metrics" section of this report.

During FY13, there were 5,061 reports¹⁴ of sexual assault¹⁵ (see Figure 4, below). This figure represents an increase of 50 percent over FY12 numbers. The average annual increase in reports of sexual assault has been approximately five percent since the first full year of Restricted Reporting in 2006, as compared to a 50 percent increase in reporting between FY12 and FY13. Of the 3,768 Unrestricted Reports, 56 percent of the matters investigated by the MCIOs involved an initial allegation of a penetrating offense (rape, sexual assault, and nonconsensual sodomy).

In addition, there was a substantial increase in the number of reports made by victims for incidents they experienced prior to joining the military. In FY13, about 10 percent of the 5,061 reports of sexual assault received from Service members were for sexual assaults that occurred to them prior to entering military service. In past years' reporting, that figure has never exceeded four percent. The vast majority of alleged perpetrators in these reports are outside the jurisdiction of military law. The Department believes these reports reflect an increased level of confidence in the DoD response system and a sign that victims trust the Department to treat and support them in their recovery.

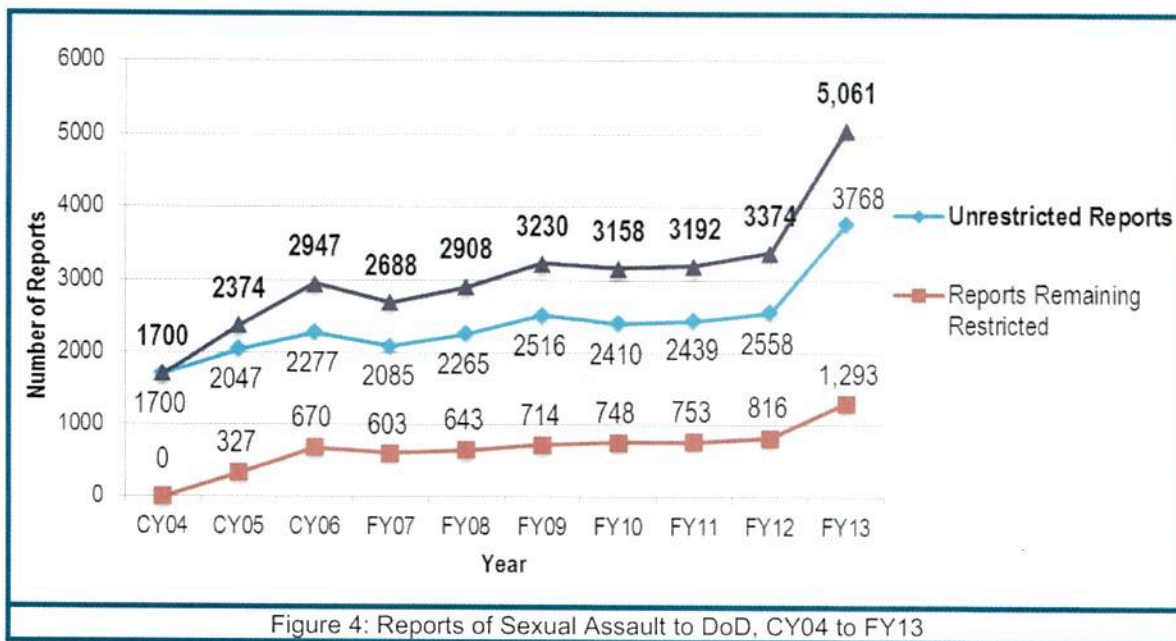


Figure 4: Reports of Sexual Assault to DoD, CY04 to FY13

¹⁴ Each report consists of an official report documented by a SARC and/or a MCIO of an adult sexual assault that falls under UCMJ articles defining rape, sexual assault, aggravated sexual contact, abusive sexual contact, nonconsensual sodomy, and attempts of these crimes.

¹⁵ Sexual assault is an underreported crime. This means the number of sexual assaults estimated to occur each year vastly outnumber reports made to DoD authorities. While sexual assault remains underreported, the Department views increased reporting of the crime as beneficial for victims. Research shows that victims that report sexual assault engage care at higher rates than victims that do not report. In addition, victim reporting is a means by which alleged offenders may be held appropriately accountable.

There is no indication that the spike in reporting reflects an increase in crime. Past-year rates of unwanted sexual contact (USC) in active duty women and men have stayed in a relatively narrow range since the Department began using its current measure in 2006.¹⁶ These data, and others described in this report, provide indications that the wide range of SAPR initiatives implemented over the past several years are having a positive impact throughout the force, as more victims are reporting and accessing SAPR support.

The Department takes appropriate action in every case where it has jurisdiction and sufficient evidence to do so. This year, the Department had sufficient evidence and jurisdiction to take some kind of disciplinary action against 73 percent of military subjects. Disciplinary action was not possible for the remaining 27 percent of military subjects due to evidentiary or jurisdictional matters.

Despite increased reporting, sexual assault remains a persistent problem. While assisting victims and holding alleged offenders appropriately accountable are important, further progress in reducing the prevalence of sexual assault can only come through prevention. During FY14, the Department will focus on preventing the crime by implementing the *2014-2016 DoD Sexual Assault Prevention Strategy*. Prevention is more than training and education of individuals. A successful prevention strategy addresses the entire continuum of harm, shapes the environment, and includes a wide range of integrated elements targeting accountability, community involvement, communication, deterrence, incentives, and harm reduction at every level of military society.

In future years, the Department will continue to improve its assistance to victims to aid their recovery and participation in the military justice system, should they so desire. In addition, the Department will continue implementing and improving a comprehensive and multi-disciplinary SAPR program that inspires reporting, provides a high quality response system, and holds offenders appropriately accountable.

¹⁶ Past-year rates of USC have ranged between 4.4% and 6.8% for active duty women and between 0.9% and 1.8% for active duty men.