

APPENDIX E

Laws Governing the Department of Defense Annual Report on Sexual Assault in the Military

PUBLIC LAW 108-375

Sec. 577. Department Of Defense Policy And Procedures On Prevention And Response To Sexual Assaults Involving Members Of The Armed Forces.

(f) Annual Report on Sexual Assaults.--(1) Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(B) A synopsis of, and the disciplinary action taken in, each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) for any year after 2005 shall include an assessment by the Secretary of the military department submitting the report of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(4) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on the report. The Secretary shall submit each such report not later than March 15 of the year following the year covered by the report.

(5) For the report under this subsection covering 2004, the applicable date under paragraph (1) is April 1, 2005, and the applicable date under paragraph (4) is May 1, 2005.

PUBLIC LAW 109-163

Sec. 596. Improvement To Department Of Defense Capacity To Respond To Sexual Assault Affecting Members Of The Armed Forces.

(c) Additional Matters for Annual Report on Sexual Assaults.--Section 577(f)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927; *10 U.S.C. 113* note) is amended--

- (1) by redesignating subparagraph (D) as subparagraph (G); and
- (2) by inserting after subparagraph (C) the following new subparagraphs:

"(D) A description of the implementation during the year covered by the report of the tracking system implemented pursuant to section 596(a) of the National Defense Authorization Act for Fiscal Year 2006, including information collected on cases during that year in which care to a victim of rape or sexual assault was hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

"(E) A description of the implementation during the year covered by the report of the accessibility plan implemented pursuant to section 596(b) of the National Defense Authorization Act for Fiscal Year 2006, including a description of the steps taken during that year to provide that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

"(F) A description of the required supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources needed, and in fact in place, in order to be able to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit."

PUBLIC LAW 109-364

Sec. 583. Inclusion in Annual Department of Defense Report on Sexual Assaults of Information on Results of Disciplinary Actions.

Section 577(f)(2)(B) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927) is amended to read as follows:

"(B) A synopsis of each such substantiated case and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction imposed, if any."



**SECRETARY OF THE ARMY
WASHINGTON**

INFO MEMO

12-01-2009 A08:58

FOR: SECRETARY OF DEFENSE

FROM: Pete Geren, Secretary of the Army

SUBJECT: Fiscal Year (FY) 2008 Sexual Assault Report

- The Army's Sexual Assault Report for FY08 is attached. The report is prepared in accordance with Section 577 of Public Law (PL) 108-375 and the Under Secretary of Defense for Personnel and Readiness memo dated 6 Nov 08, SUBJECT: Data Call for FY08 Sexual Assaults. The report highlights attributes of the Army Sexual Assault Prevention and Response (SAPR) Program, including:
 - The Army remains committed to creating a climate where: Soldiers live the Army Values, thereby reducing incidents of sexual assault; victims report this crime, without fear, knowing their chain of command will ensure they receive the help and care they deserve; and commanders take appropriate action against offenders.
 - A 4% increase in reported cases of sexual assault in FY08 compared to FY07 indicates the Army still has much work to do to succeed in creating a climate where Soldiers treat each other with dignity and respect. The Army recently launched a comprehensive sexual assault prevention campaign under the brand – "I. A.M. Strong" and envisioned an increase as a sign the campaign is being effective. The campaign focuses on leaders maintaining a positive command climate which encourages peer-to-peer intervention where Soldiers do not tolerate behavior that, left unchecked, may lead to sexual assault.
 - The assessment of the Army program embedded in this year's report contains input from Army Commands, Army Service Component Commands, and Direct Reporting Units. The assessment is also derived from reported data and survey analysis.
- The attached report also contains seven required enclosures in the prescribed DoD format:
 - Enclosure 1: Army sexual assault unrestricted report data.
 - Enclosure 2: Army sexual assault restricted report data.
 - Enclosure 3: Service referrals for victims of sexual assault.
 - Enclosure 4: Combat area of interest unrestricted report data.
 - Enclosure 5: Combat area of interest restricted report data.
 - Enclosure 6: Service referrals for victims of sexual assault (combat area of interest).
 - Enclosure 7: Synopses of completed substantiated cases.

COORDINATION: None

Attachments:

As stated

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